

**SAN BERNARDINO CITY UNIFIED SCHOOL DISTRICT  
PERSONNEL COMMISSION  
SPECIAL MEETING MINUTES**

**June 30, 2010**

A special meeting of the Personnel Commission was held in the Personnel Commission Office at the Board of Education Building. Present were Ms. Rhonda Early, Chairperson, Mr. Gino Barabani, Vice Chairperson, and Mr. Michael Salazar, Member.

**I. CALL TO ORDER**

Ms. Early called the meeting to order at 5:41P.M. Ms. Early led the pledge of allegiance.

**II. APPROVAL OF AGENDA**

Ms. Early: Next order of business is approval of tonight's agenda.

Mr. Barabani: Madame Chair? One, two items, I would like to make a correction on. I received a letter saying Yolanda Ortega was not going to be here move item from the agenda.

Ms. Early: You said two items?

Mr. Barabani: Yes and the motion would be to just remove that. Then we will have Item IV.G and I'd like to make a motion to remove that because I want to see some more supporting documents.

Ms. Early: We have a motion to pull item IV (A) and item IV (G) from tonight's agenda. Do we have a second? I second.

Mr. Salazar: Are we doing it individually?

Mr. Barabani: I have no problem doing it individually.

Mr. Salazar: It just makes sense to do it individually.

Ms. Early: We have a motion to pull item IV (A) from tonight's agenda. I second the motion. All in favor signify with the voting sign of aye.

Mr. Barabani: Aye.

Mr. Salazar: Aye.

Ms. Early: Any opposed? Motion carries.

Ms. Early: We have a motion to pull item IV (G) from tonight's agenda. I second the motion. Any discussion?

Mr. Salazar: Yes. Why do we want to pull this now? I mean help me understand this.

Mr. Barabani: I'd like to see some supporting documentation. Something that deals with personnel matter; I'd like to see why and how; the supporting argument.

Mr. Salazar: What would you like to see, because I put this item on the agenda so maybe I can help you? What would you like to see?

Mr. Barabani: The person's qualifications, or any other, instead of making it this individual well just say any other person applying for this position. I have another objection, but it does not have to do with this person.

Mr. Salazar: What is that?

Mr. Barabani: We have already appointed a person to do this job the district will not work to go through with it, whether they did this lawfully or not, I guess it's a question that we will look at down the road but I don't even know if that is going to happen again based on the facts.

Mr. Salazar: For the record, I would like to keep this item on the agenda. I think it makes sense for us; we have been without a director for a long, long time and in my view, it is clearly spelled out here, we are asking for somebody to work out of class until the Personnel Commission Director position is filled; I think we are pretty close to having that done, I think this allows us to at least move along, because we do not know how long that process will take, we hope it is a rapid speedy process, but as we all learn here, not too many things go rapid and speedy and in the meantime, we're still stuck with the void in the critical and key position so, I just would like to keep this item on the agenda and I would like to vote on it.

Ms. Early: We have a motion and a second to the motion to pull item IV (G) from tonight's agenda. All in favor of motion signify with a voting sign of aye.

Mr. Barabani: Aye.

Ms. Early: Aye. Any opposition?

Mr. Salazar: Negative.

Ms. Early: Motion carries.

### **III. PUBLIC COMMENTS ON AGENDA ITEMS**

Ms. Early: Next Agenda Item is Public Comments on Agenda Items.

Gladys Byrd, Acting Director for Classified Human Resources: My name is Gladys Byrd. I am here to appeal the decision regarding Personnel Commission Director. I am

publicly appealing, to the commission, Ms. Early's decision that the basis of my protest was denied. Since Ms. Early denied my protest, I am asking who will look into the matter of this appeal. I would like copies of the complete investigation that resulted in the decision to deny my protest. I contend that the recruitment process for Personnel Commission Director was conducted improperly as per Personnel Commission rule 4.08(B), (C), (K) which refers to the flyer must have an opening date, the type of recruitment must be on the flyer, and the notice of examination must have reference to the weights of the examination. In addition, my appeal stems from the facts that the recruitment was not conducted fairly and in compliance with merit system rules. On November 19, 2009, an item was placed on the agenda to create and fund the provisional assignment for Director Classified Personnel. At that time, Pat Maher was the only applicant considered. Ms. Early did not understand the rationale and the items were tabled. On November 30, 2009, the issue of opening the recruitment for a Provisional Personnel Commission Director was discussed. There was a split vote. Ms. Early opposed, stating she had concerns. On March 24, 2010, an Action Item to hire Pat Maher as Personnel Commissioner Director was on the agenda. The item was amended, and carried as an Interim Director. Pat Maher was the only candidate considered. Since, March, 24, 2010, I have on several occasions observed Mr. Maher, who to my knowledge is not a Commissioner, a District employee, or legal counsel to the Personnel Commission, going into Closed Session with the commissioners on district matters related to the Personnel Commission. Based on changes in the writing styles of the agenda, it is my belief that Mr. Maher has had input in writing agenda items for the commission and possibly my appeal. I am asking the Commission Chairperson to clarify if she has been writing the Commission agendas and did she write my appeal? Has Mr. Maher had any input regarding any items placed on commission agendas, commission processes and/or my appeal? At the commission meeting on June 23, 2010, I asked the Commission if Mr. Maher, who is a candidate being considered for the position, had any involvement with the recruitment for this position. To date, I have not received a response. I am further requesting to know if any of the commission members have had any communication with Mr. Maher regarding this recruitment, while it was in process or otherwise? Who suggested to the Personnel Commission to use CODESP as the recruiter? If the Personnel Commission does not follow their own rules when hiring one of their own, there is no merit system. I agree with Mr. Barabani, the recruitment and testing process is what the merit system is all about and that the Personnel Commission should not just hire a current district employee, but recruit for the best candidate to perform the duties. However, I would expect, especially of the Personnel Commission, to conduct a fair recruitment. If the Personnel Commission does not follow their own rules when hiring one of their own, the merit system is not being enforced by those that are appointed to oversee the process. It has been alleged several times that the district has hired based on favoritism, cronyism, and nepotism. The Personnel Commission should set the example by following the rules and regulations set forth, and recruitment for a vacant position in their own office based on merit; not favoritism, cronyism, nepotism, or any other "ism". The merit principles are designed to choose employees based on knowledge, skills and abilities, rather than their connections or other political factors. I respectfully submit this letter as an appeal to the recruitment process. I also submit this letter as a public request for copies of any and all email correspondence

between Mr. Maher directly to the Commission Chairperson, Ms. Early, that involve district business; including emails conducted from the personnel email address of Mr. Maher and Ms. Early. I am also requesting copies of emails involving any Personnel Commission member or Personnel Commission staff that include Mr. Maher as part of the email. I expect a response within 10 days as provided for under the Public Records Act. Thank you.

Ms. Early: Thank you Ms. Byrd.

Ms. Early: Yes.

Ken Holt, President CSEA: Just clarification. Are you speaking on behalf of the district or yourself?

Gladys Byrd, Acting Director for Classified Human Resources: I am speaking on behalf of myself because I am the applicant.

Ken Holt, CSEA President: My comment is the district has broken the law; it is not the recruiting process; the district has not recognized the Interim Director that the commission voted for. It's the district that stopped the commission from functioning, that stopped the merit system, has served the restraining order on commission rules; it's the district that stopped the process of the merit. And I applaud you guys for doing what you have done. It's not the commission it is the district. And her letter should be addressed to the district.

Gladys Byrd, Acting Director for Classified Human Resources: Actually my letter should be addressed to the commission because I am addressing a recruitment that I am concerned with. But we both respectfully have our own opinions.

Ken Holt, CSEA President: Again, this is towards you guys I was not speaking.

Ms. Early: Any other comments?

Richard Kaminski, District employee: I would like to offer some retrospective comments if I may, bearing on something that has been on consideration for a while I understand here this has to do with independent body governing the testing procedure. All this prep is my remark by saying that I don't have any personal stake in this because I just retired as a matter of fact. But I'm still interested in seeing that people get a fair share on this so you know, I am going to tell you something that happen to me 10 years ago. This has to do with testing; has to do with a great mistake. I took a test for the warehouse position I have been doing a job already for 11 years up to that point it was very closely related to that job that got abolished late 2001 stock clerk. I just wanted to change, I could not transfer laterally, ok I took the test same pay close related job. So I took the test they gave; this a lot of people signed up for it, they gave the test in the big community room at the WHAA building, there must have been 150 people in there. In fact, I see one here this evening. But so I got in there, I took this test, I knew the job. I

was the first one done, I got out of there I was fully confident so I get this postcard in the mail a week or two later and it says, *Dear Mr. Kaminski thank you for your application* blah, blah, *blah you only scored a 59 on the test and you did not pass.* And I thought you know what this is? So that can't be right, so somebody made a boo-boo. So I went right over to the WHAA building which is right where the Personnel Commission was at the time. I asked the clerk and said you know this just can't be right. She said ok, under the rules here you can fill out this little card and say. I said, how do you word it; I said I am certain that my test was scored incorrectly I hereby request a hand score. So I submitted this little card you signed; it was a form. Shortly after that, I heard from the Personnel Department, I guess you call it Human Resource now and it said; well Mr. Kaminski you know what? I can't tell you the exact result, but it is very different. Sure enough a day or two later, I get in the mail not only did I pass, I got number one on the list. Well of course thanks to the commission I was able to do that. I think I don't know how, I don't know why that happened but I think there was a lot of less then that if there was an independent body administering this test like a bubble blank study system, they do not know who you are; you do not know who they are. I remember another guy said he flunked, but I don't think he pursued it, he was not that interested. But I just thought I'd offer those comments; in retrospect I conclude by saying I support the idea that the commission wants to put forward. That is all, thank you very much.

Ms. Early: Thank you Mr. Kaminski. Any other comments?

Ken Holt, CSEA President: Congratulations on your retirement!

Richard Kaminski, District employee: Thank you.

Corina Borsuk, District employee: I have a comment on number IV (F) the eligibility list for Personnel Commission Director is that the same one that .... I know there are two positions Executive Director and Commission Director? I am a little bit confused on what is going on which position we are trying to hire for.

Ms. Early: It is for Commission Director only.

Tom Hernandez, CSEA Chief Job Stewart: On number three, Public Comments on Agenda Items, do we have to do something before the meeting starts if we want to talk or do we just go ahead? I would like to talk on a different subject but it is nothing on the agenda. But I don't know if that is ok?

Ms. Early: We will limit your comments on agenda items, however if you have some concerns that are not on the agenda items, if you can reduce them to writing and provide them to us, we can make arrangements to address them at a regular meeting.

Mr. Patrick Maher: My name is Patrick Maher, appointed by the commission as Provisional Personnel Commission Director. I was performing at the capacity since the end of March because the district has refused to follow its obligations to hire me for a number of reasons. A Provisional Director does not have a list to hire from; there is

nothing along; just wanted to clarify this; a Provisional Director does not have a list to hire from, eligibility list; there is nothing of law that required for any kind of recruitment and selection or anything else. The purpose of provisional is to say we have a vacancy that we need to fill right now; we do not have time to recruit to find someone that is qualified and to qualify to make that appointment. The district does that all the time. Ms. Byrd part of that process wants to have a different stand here, somehow I object that. I don't know what happened in November; I never showed up at a meeting in November, I was not aware that I was even appointed nobody, I did get a letter, but I opened it a few months later to find that I supposed to come to work. I knew nothing about what was going on and it wasn't until March that the commission appointed me as director. I was contacted and I said 'yes', a public meeting, application and resume was submitted in public meeting with the application and resume was included in the public meeting. No one from the district has spoke against me was 100 percent quote, the commissioners made a decision, so the outcome and 3 months later the process, unfair. The second issue Ms. Byrd has said against me; I want to make it clear I did not have any involvement in the examination design itself or with interview between CODESP and commissioners. I did not see any applications in the recruitment involvement I did not read it, I did not have any say on the examination content, the record, I did not have anything when submitting my application, I was not involved in the examination. I had no idea who the raters were. The day I walked in to see who were in the interview panel, I had no idea who was going to be here for interview panel, I did not have any say on examination content. There is nothing wrong with specific job itself and excursions and questions or any window does not make it a fact. Ms. Byrd has even asked for specific facts of information; she ought to stop accusing me or implying that I am involved in such items. I involve with public records, I have been at meetings, I help with things; the commissioners know what is going on with no compensation to help the commission function as best as it can with the district itself including Human Resource has done everything they can to undermine status (inaudible) and other duties, I have been appointed as Commissioner. I have been appointed to work as a Commissioner only because the board refuses to follow the law. I have been appointed as (inaudible).

Ms. Early: Any other comments?

Robert Lozano, District employee: My name is Robert Lozano. This is my first day of retirement, the reason I took the retirement was because the early enchanted. They said I can sub; I have to pay over 600 for my wife for medical insurance. I can't sub because paperwork has not been signed from Personnel Commission. It is hurting my family; I need to sub at least two to three days a week so my insurance can stay active.

Ms. Early: Thank you Mr. Lozano we will look into that. Any other comments? Seeing none.

#### **IV. ACTION ITEMS**

Ms. Early: Next, is Action Item IV (B). The appointee of the governing board and the appointee of the classified employees will discuss the process for identifying potential

candidates to fill the pending term of the joint appointee to the commission for the 2010-2013 terms of office and will take action as it deems appropriate.

Ms. Early: This is the discussion between the two of you.

Mr. Barabani: What would you like to discuss? You and I can make a decision to nominate a person, we can fight it, we can come back in I guess; we can each in 30 days come back with all so or we each 30 days.

Mr. Salazar: That answers my question, is there two, I mean does any body know what the process is? You've given a lot of scenarios that we can consider. So there is no permanent written process. My suggestion, I would like to get the CSEA and Board involved in this, and I would ask that they can get issues with CSEA a couple of people that are assigned by governing board. They get together and they come up with a couple of people for us to choose from. That is my suggestion.

Mr. Barabani: I can.

Mr. Salazar: You asked for my suggestion, I gave you my suggestion.

Ken Holt, CSEA President: Can I comment?

Mr. Salazar: Sure.

Ken Holt, CSEA President: The reason that should be a neutral body and not involve CSEA or the district that you guys would choose that neutral body to represent.

Mr. Salazar: As a committee, can get together and try to set up who you will all might come up with that would be a good fit? That way it's a good dialogue I think it's a good dialogue with CSEA, the district.

Ken Holt, CSEA President: My position, I would suggest for re appointment for best practices have been. I should not been debating.

Mr. Salazar: I guess I do not know what to debate cause I should not be debating before, it looks like Mr. Barabani is that we form a committee, ask CSEA to assign where they want to that committee, governing board to decide what they want in that committee, and the committee meet and come back and they can bring us a couple of candidates.

Mr. Barabani: So you want CSEA to bring the proper candidate and you want governing board to choose candidates?

Mr. Salazar: No, I want the CSEA and governing board to create a committee.

Mr. Barabani: No that's our duty as far as the merit system.

Mr. Salazar: Then the board shall show us the candidates. Then the merit system then we can take a look and vote.

Mr. Barabani: No, that is our right merit system between you and I to handle over to governing board. So you are asking me to handle that over to the governing board and CSEA?

M. Salazar: No, I'm not asking you to do that. You and I ultimately vote on a committee recommendation. I'm not asking them to appoint anyone.

Mr. Barabani: How many people is on the committee?

Mr. Salazar: For them there are no rules right now anyways; two or three.

Mr. Barabani: It's going to be open it up for recruitment? You guys meet for recruitment then this committee meets for those people that got recruited from you guys?

Mr. Salazar: No, I mean maybe you have some suggestions with people in mind. You guys see I think and you all try to put some names out there, talk about it, work together on the project, and turn back and say ok, look this is who we like versus two, three votes and we can look into it, who they are, and we can work on it and then we make the vote.

Mr. Barabani: Why do we have to restrict it to CSEA and the board involved?

Corina Borsuk, District employee: I have a comment, how was it done last time I am just wondering?

Mr. Salazar: I was wondering the same thing.

Corina Borsuk, District employee: There's nothing in writing but I think that is what they did.

Mr. Salazar: There have not been any written procedures. Maybe we should put together a written procedure.

Tom Hernandez, CSEA Chief Job Steward: I don't want to talk about the personnel commissioner that was here before on the stand where he was coming from. When he has recruited I didn't feel right by the way I did not vote with the union and CSEA in the union stuff.

Mr. Salazar: What are we talking about sir?

Tom Hernandez, CSEA Chief Job Steward: The other commissioner, what was his name? I can't remember his name.

Mr. Salazar: What? Who was the guy? Who are you talking about?



Tom Hernandez, CSEA Chief Job Steward: I don't remember.

Mr. Salazar: I don't know who you are talking about; some guy.

Corina Borsuk, District employee: There is actually an application in here for joint appointment in here?

Ken Holt, CSEA President: I don't think including for the public (inaudible)

Mr. Salazar: We do not have a Personnel Director to do that.

Mr. Barabani: First job is basically a job is a public's job. I think you should apply and then state and why they should be in the merit system come here and state why they should be in the system and you and I can make a choice on this.

Mr. Salazar: So we have to agree on this? Because I am not going to agree.

Ken Holt, CSEA President: Don't we come back in 30 days if you don't make a decision tonight.

Mr. Barabani: I guess we will go back and forth on this. We can make the decision right now. Nominate somebody right now. We can nominate someone in 30 days. They come to us here, they bring their resume. I don't know if I'm going to have someone in 30 days.

Mr. Salazar: So we have to make a choice right now? There is no procedure?

Mr. Salazar: You know my (inaudible); you are going to work with me in creating a process?

Mr. Patrick Maher: You got at least 30 days before you make the decision, you have a deadline. You have to have your decision made by September 30<sup>th</sup>. Got to go with regular meeting in July additional sometime in August or September can have public hearing now you are looking at deadline in 20<sup>th</sup> start procedure.

Mr. Salazar: I would like to see some procedures. My second suggestion is we create a procedure. I would like to see some procedures. I am not prepared to do it today. Gino are you prepare in (inaudible).

Corina Borsuk, District employee: The whole point of merit system is to choose only available candidates from who are the best candidates. The pool (inaudible) to the public attract all even if that can be guaranteed, even if that can be guaranteed I think (inaudible).

Mr. Salazar: I appreciate your comments.

Mr. Barabani: I don't agree with getting CSEA and the district. I believe that is our responsibility and I don't think we should go with someone else. I can stand here and make that decision if I have to I don't need to hand it over to someone else. So I guess we will go back and forth on this and follow this like we did in the beginning.

Mr. Salazar: Whatever you say Mr. Barabani.

Mr. Barabani: I already vote we make the decision right now. Can you make one?

Mr. Salazar: A decision about what?

Mr. Barabani: Nominate someone right now.

Mr. Salazar: Absolutely not!

Mr. Barabani: Nominate someone in 30 days.

Mr. Salazar: I don't know. I don't know if I am going to be standing the next 30 days in here with candidates. I don't know anybody that will (inaudible).

Mr. Barabani: I don't either I was just hoping that they come to us that we don't have to wait next 30 days for candidates, they come to us here, they bring that resume, and bring the application and telling us why they want to be part of the merit system and we can make a choice.

Mr. Salazar: You know my concern is this thing is not running organized with filing machine this recruiting process anyway. That's my biggest concern was your philosophy of going and saying o.k. lets just go ahead and choose someone, we got somebody over her right now expressing concerns about our process this evening giving legitimate reasons on here with respect to protest not addressing that I mean preferably what I would like to see is a process. A written process and then we can go by that process. You want to work with me on creating a process I am happy to do that.

Mr. Barabani: Well how long do you think we should do that?

Mr. Salazar: That would depend. Mr. Maher?

Mr. Patrick Maher: Well, evidently, you have to have the meeting and you got at least 30 days after you make the appointment, have a public hearing so everyone can come and make the decision known that we make for appointment through. You have until September 30<sup>th</sup> deadline to state certain tends as September deadline so there is all kind of legal deadline and based upon your regular meetings are held at the end of each month, you got to go with the regular meeting in July got to be with your initial nomination so its some time in August or September you can have the public hearing with respect of nominations you can make the appointment (inaudible) now you will have the deadline of

the 20<sup>th</sup> for recruitment to place on the agenda. Remember you want to establish to have a public meeting and discuss with the meeting amongst yourself what procedures you want to establish and feed on that procedures.

Mr. Salazar: And if we socially not do it someone will be brought in. Just like you said, at the end of the day (inaudible).

Mr. Patrick Maher: At the end of the day makes the nomination it goes to the Superintendent Board if one person nominates somebody and appoints them and the other person does not one (inaudible).

Mr. Barabani: We should probably with procedures.

Mr. Salazar: No, I am not going to do it right now.

Mr. Barabani: Well we can work on it right now.

Mr. Salazar: To create a procedure I don't know how it is right now.

Mr. Barabani: No, we are discussing how we are going to nominate these people. We can work on it now.

Mr. Salazar: My suggestion, my second suggestion is we write the procedure.

Mr. Barabani: I don't see any problem why we can work on it right now.

Mr. Salazar: I am not prepared to work on it right now.

Mr. Barabani: And are you prepared to give us a date when you can? Because I am not going to drag this on, that is ridiculous, September 30<sup>th</sup> and we got to meet you and I have to meet open session because we can't do it behind closed doors.

Mr. Salazar: I guess it is going to be hard work. I am prepared to do hard work.

Mr. Barabani: I am prepared to do it right now.

Mr. Salazar: I am not going to do it right now.

Ken Holt, CSEA President: You guys can't agree.

Mr. Patrick Maher: The law does not require you to follow a due process they can if you want to. They can work together to set up the uniform process, what ever you want to do.

Mr. Barabani: So everyone can fill out an application

Mr. Salazar: I am not going to sit around and write procedures right now. It is not going to happen. I am sure we can find something like that and maybe use that as a template, you know.

Mr. Barabani: I don't write procedures for the district. And what date would you like to do that?

Mr. Salazar: I don't know; let me look at my calendar. How about the Fourth of July?

Mr. Barabani: Is that a legal business day?

Audience: It's a holiday.

Mr. Barabani: I don't know how about the 16<sup>th</sup> of July?

Mr. Salazar: Don't we have a meeting on July 6<sup>th</sup>? Or the 7<sup>th</sup>?

Mr. Barabani: Or the 7<sup>th</sup>?

Nerci Garcia: The attorney can not meet here on the 7<sup>th</sup>. He can meet on July 6<sup>th</sup>.

Mr. Salazar: I need to check my calendar.

Ms. Early: I have not had a chance to review any correspondence that came into the office today so I had on my calendar the 7<sup>th</sup>, apparently the correspondence that we received today from the attorney asking the availability for the July 6<sup>th</sup>. So we will investigate that and notify you. We have a plan for both of you to think of a procedure and meet back on possibly next week to share your procedure and come up with a plan that works for both of you. Am I correct?

Mr. Salazar: We can give it a shot.

Ms. Early: So this item will be reagendaized on our next commission meeting.

Ms. Early: Next item on agenda IV(C). Move that the commission approve 2010-2011 membership for CODESP by authorizing the expenditure of \$750 from its budget. I so move.

Mr. Barabani: I second motion C.

Ms. Early: Any discussion? We have a motion and a second. All in favor signify with a voting sign of aye.

Mr. Barabani: Aye.

Mr. Salazar: Aye.

Ms. Early: Aye. Motion carries.

Ms. Early: Action Item IV (D). Move that the commission employ Kristine Kwong, Attorney at Law, Musick, Peeler & Garrett LLP as counsel to the commission pursuant to Education Code Section 45313 due to the legal counsel to the governing board

1. Failing to respond to request of May 25, 2 010 for legal opinion and legal assistance.
2. Declaring a conflict in response to a written request concerning the matter of the district's appointment of a person to serve as the Executive Director to the Personnel Commission.

Mr. Barabani: I make a motion to approve item IV (D).

Ms. Early: I second. Any discussion? All in favor signify with a voting sign of aye.

Mr. Barabani: Aye.

Mr. Salazar: Abstain.

Ms. Early: Aye. Motion carries.

Ms. Early: Action Item E. Move that the Commission request that Legal Counsel Bradley Neufeld appointed by governing board to be counsel for the commission in all matters be physically present in the commission office during its normal business hours effective July 6, 2010, to

1. Handle on behalf of the commission all requests by the district, any attorney, and any other person or agency to follow-up on numerous matters that are pending concerning the commission.
2. To ensure that the administrators are not intruding into the supervisory and appointment authority of commission staff
3. To ensure that the commission staff are complying with the Education Code and the Rules of the commission in their daily work.
4. To otherwise ensure that the legal authority and jurisdiction of the commission are fully protected at all times.
5. To be available to readily consult with all commissioners on legal questions they may have or render advice upon request as a result of actions by district administrators, attorney's or other matters related to commission business and operations.
6. To be able to use commission staff to obtain necessary historical documents that he has asked to be obtained by the Commission Chair.
7. To ensure that all documents important to the commission's lawful exercise of its authority and obligations are properly dispatched or received and filed, and that a proper legal record of all such documents is maintained. I so move.

Mr. Barabani: I will second item E.

Ms. Early: We have a motion and second. Any discussion? All in favor with the motion signify with a voting sign of aye.

Mr. Barabani: Aye.

Ms. Early: Aye. Any opposition?

Mr. Salazar: I will oppose.

Ms. Early: Two in favor and one nay. Motion carries.

Ms. Early: Next agenda item Move that the commission ratify the Chair's approval of the eligibility list for Personnel Commission Director, Job Code 0115. I so move.

Mr. Barabani: I will second.

Ms. Early: Any discussion? All in favor of with the motion signify with a voting sign of aye.

Mr. Barabani: Aye.

Ms. Early: Any opposition?

Mr. Salazar: I oppose.

Ms. Early: Motion carries.

#### **V. COMMISSIONER'S REMARKS**

Ms. Early: Next agenda item is Commissioner's Remarks. No remarks.

#### **VI: CLOSED SESSION**

Ms. Early: At this time in our agenda the commission will move into Closed Session as provided by law, the Personnel Commission will meet in Closed Session for consideration of the following: Conference with legal counsel, Kristine E. Kwong, Musick, Peeler & Grant LLP, existing litigation Pursuant to Government Code Section 54956.9a, San Bernardino City Unified School District Case No: CIVDS 916709 pursuant to Government Code Section 544957 to discuss: Public Employee appointment title: Personnel Commission Director. We do not expect any report to come out for this Closed Session. We will adjourn to Closed Session.

#### **VII. ADJOURNMENT**

Meeting was adjourned at 6:34 p.m.