

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

September 22, 2010

A meeting of the Personnel Commission was held in the Community room 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 5:38 p.m. Mr. Barabani led the Pledge of Allegiance.

II. APPROVAL OF AGENDA

Ms. Early: Approval of tonight's agenda. I move to approve tonight's agenda as submitted.

Mr. Barabani: I'll second that.

Ms. Early: We have a motion and a second to approve tonight's agenda, any discussion? All in favor signify with the voting sign of aye.

Mr. Barabani: Aye.

Ms. Early: Aye.

Mr. Salazar: Aye.

III. APPROVAL OF MINUTES

Ms. Early: Motion carries. Next agenda item Approval of Minutes dated, September 8th, August 25th, July 6th, June 30th, June 23rd, and May 26th. Let's start with the May 26th minutes.

Mr. Barabani: I don't have any problems with the May 26th.

Ms. Early: I move to approve minutes May 26th with the following corrections: page 6, 6th paragraph, 'This action was on our last Personnel Commission meeting' insert 'agenda', strike 'so, I want to give recommendation you would like to take care of it in house' strike that whole sentence it's repeated in the next line, on the next line last at the end of the line 'in addition to work that' strike 'is' and insert 'has been'; Page 7, sixth paragraph down where it says 'we have a motion and a second' strike 'of' it should be 'and a second in favor of' so strike the extra 'of'; Page 8 first line where it says 'singular' it should be 'similar', second line at the end of the line where it says 'because I know that' insert 'behind', next line strike 'where' it's starts out 'one before' strike the next word 'where', go down to the middle of that line and strike out 'and you shared', next

line strike 'that' and insert 'is', next line strike 'of his position' and insert 'by', one after that it should be 'happens to others' with an 's' and strike staffing; one last correction page 9 second line where it says 'used' it should be 'opposed' so the line should read 'I cannot see why anybody would be opposed to this system' as opposed to 'used to this system'. So, restatement of the motion I move that the May 26th be approved with corrections. Do we have a second?

Mr. Barabani: I'll give you a second.

Ms. Early: We have a motion and a second to approve May 26th minutes with corrections, any discussion? All in favor of this set motion signify with the voting sign of aye.

Mr. Barabani: Aye.

Ms. Early: Aye. Motion carries. Approval of minutes dated June 23rd. I move to approve minutes dated June 23rd with the following corrections: fifth paragraph first line 'reagandize' should be 'reagendize', second page last line strike 'it' and insert 'this' strike 'very much to' and insert 'an' so the sentence will read 'meeting once he is available, this is an attempt to' and then finish the sentence; Page 3 first line 'move forward to as a unified Commission' strike 'to' and three or four words down strike 'be'. I move to approve minutes dated June 23rd with the corrections.

Mr. Barabani: I'll second.

Ms. Early: All in favor of the motion signify with the voting sign of aye.

Mr. Barabani: Aye.

Ms. Early: Aye. Any discussion? Motion carries. Approval of minutes dated June the 30th. I move to approve the minutes with the following corrections: fourth paragraph under Mr. Barabani last line in that section insert 'be' 'letter saying Yolanda Ortega was not going to be here' strike and then it should be 'remove item IV (A) from agenda', two paragraphs down the last part of the line 'then we will have item IV (G)' insert the roman numeral IV, page V last paragraph first line last word strike 'Interim' and insert 'Provisional', page 13 number 6 last line 'has asked to' insert the word 'be'. I move to approve the minutes as corrected.

Mr. Barabani: I'll second that.

Ms. Early: We have a motion and a second, any discussion? All in favor of approving the minutes as corrected signify with the voting sign of aye.

Mr. Barabani: Aye.

Ms. Early: Aye.

Mr. Salazar: Aye.

Ms. Early: Minutes approved as corrected. Approval of minutes dated July the 6th. I have; I did not, unfortunately, receive minutes dated September the 8th in my packet, I'm not sure about the two of you, so we will have to put those on the agenda for our next meeting; and the July 6th and October 25th minutes I have not finished correcting, so tell me what your pleasure is?

Mr. Salazar: I would like to move that we reagendaize meeting minutes from July 6th, August 25th, and September 8th for review and, if that's ok?

Ms. Early: I second. We have a motion and a second to reagendaize July 6th, August 25th, and September 8th, 2010 minutes, any discussion? All in favor signify with the voting sign of aye.

Mr. Salazar: Aye.

Ms. Early: Aye.

Mr. Barabani: Aye.

IV. PUBLIC COMMENTS

Ms. Early: Motion carries. Do we have any comments from the public?

Charlie LaChance, Labor Representative for CSEA: About the minutes?

Ms. Early: Regarding any agenda items.

Charlie LaChance, Labor Representative for CSEA: I would like to speak on the minutes. Is more of a question, Charlie LaChance with CSEA. I would like to know why the minutes for September 8th aren't completed, this is September 22nd, is there a reason that the minutes aren't completed?

Ms. Early: I did not receive the minutes.

Charlie LaChance, Labor Representative for CSEA: Who would know if they're completed?

Ms. Early: Commission staff is here and available.

Charlie LaChance, Labor Representative for CSEA: Nersi do you know?

Alexis Jenks, Human Resources Specialist PC: Charlie I can answer that question for you. We had some technical difficulties with our audio equipment; so the minutes are done now and I believe they are going to be reagendaized, is that going to be ok for you?

Charlie LaChance, Labor Representative for CSEA: I just because we're way behind that's not your fault.

Alexis Jenks, Human Resources Specialist PC: No it is because I was responsible for doing the minutes; we had some audio technical difficulties.

Charlie LaChance, Labor Representative for CSEA: Have they been resolved? Do you know?

Alexis Jenks, Human Resources Specialist PC: Absolutely, absolutely, so you'll see them for the next meeting.

Charlie LaChance, Labor Representative for CSEA: Ok cool thanks I just had that question and I might have another one.

Ms. Early: Are there any other comments from the public?

Steven Holt, CSEA Vice President: A little taller. Steven Holt first Vice President CSEA Chapter 183. First I liked to start off with letting everyone know CSEA has not been receiving packets for agendized packets we haven't been getting those sent to us, we used to, I don't know who's handling that department but President Holt is requesting a packet, if he can get one sent to his office. I'm up here this evening to give our support to Ms. Rhonda Early as the joint appointee to the Personnel Commission. I believe with everything we've gone through, it's been on public record, she's shown that she is a known inherent to the Merit System, she is a friend to the principles of the Commission and what it represents, and it's done a service for the Classified, and I really think that in this stage of the game that it would be best to reappoint Mrs. Early as the joint appointee and to that effect CSEA it's local Chapter 183 gives us its endorsement to support her.

Ms. Early: Mr. Holt I'm being told that the agenda package was sent via U.S. Postal mail. Commission staff will now start emailing the packets.

Alexis Jenks, Human Resources Specialist PC: Wait, can I say something about that? Steve, your minutes; our mail goes through the pony and that's how we put yours in there and we only get one pony delivery and if they're put in there on Friday they don't go out in the mail until Monday, so there probably is a delay but you are getting because I know for fact that we are sending to you.

Steven Holt, CSEA Vice President: Chapter office? Physical packets or email?

Alexis Jenks, Human Resources Specialist PC: The Physical packets. So they're going through the pony; we only get one pony delivery a day so we don't get it twice a day. So if it's in there on a Friday and it sits over the weekend, you're not getting it Saturday, and it does not go out until Monday afternoon; and then to the warehouse and then wherever else it needs to go. So we need to make arrangements for you, if you maybe want to get

them, or we'll leave them somewhere else; whatever you know whatever. But we are sending them to you, I do know for a fact that we are sending them to you.

Steven Holt, CSEA Vice President: Ok that's all we have for the President.

Alexis Jenks, Human Resources Specialist PC: Yea, for you to relay the message, but yea that's how it's working.

Charlie LaChance, Labor Representative for CSEA: I think you wanted to request for it to be emailed.

Alexis Jenks, Human Resources Specialist PC: That's fine, that's fine.

Ms. Early: And those of you who did not receive your packet let me just announce now that the packets are being posted on the Commission website so feel free to go to the site and pull it down if you're not receiving them they're online.

Tamara Trujillo: Good evening, I'm Tamara Trujillo and I am a classified employee I work at Serrano Middle School. I just wanted to also give my endorsement Rhonda; I feel with you familiarity with what's been going on with our District and the knowledge that you've shown, just feel like you would be the best person for that position to continue with it, I just wanted to let you know that.

Ms. Early: Thank you.

Sharon Thurman, CSEA Treasurer: My name is Sharon Thurman, I am the treasurer; Sharon Thurman, I'm the treasurer for CSEA and I'm a classified employee at Golden Valley; and I just want to say that I think that it's in the best interest for the classified for Rhonda Early to be reappointed as the neutral commissioner, she seems to be knowledgeable of the Merit System she supports the Merit System and that's what we want and that's what we need, and I think that it's in our best interest to have her on as our neutral, thank you.

Ms. Early: Thank you.

Dora Martinez, Classified Employee: Good evening, my name is Dora Martinez I'm a classified as well as I'm an active Union member for the CSEA Chapter 183. I am here on behalf of Rhonda Early to remain the joint appointed Commission for the simple fact that she's aware of the conditions that we're having. Also, she's experienced with the difficult roller coasters that we're going through; and I feel that if we hire someone else in her place the roller coaster will come to a halt until that person gets familiarized with the procedures, to get familiarized with the answers, whatever goes on. So I deeply feel that Rhonda Early will continue to run the roller coaster in a smooth way and we wish to keep her there, thank you.

Charles Arroyo, 2nd Vice President: Hello my name is Charles Arroyo, 2nd Vice President CSEA. I prepared a statement I'd like to read: As a CSEA employee, classified employee, I give my support to Rhonda Early as a neutral appointee. As an employee I suffer from the Commission not being able to hire or transfer employees. My workload is impacted, to have someone else would slow the process, therefore, we endorse Rhonda Early, thank you.

Ms. Early: Thank you.

Charlie LaChance, Labor Representative for CSEA: Charlie LaChance, I am the CSEA Labor Rep and I was asked by President Ken Holt to speak on his behalf because he had a previous commitment he couldn't make it. He wanted to let the Commissioners know that the Chapter supports Rhonda Early for several reasons. The primary reason being that Rhonda has been here for several years and inherent known to the Commission rules and the Merit System, and to put anyone in that position someone that both sides agree to and both sides like there; no matter who it is that we put there rather than Rhonda would impede all the process that has already been slowed down. We all know that we have problems that; there some in court, some within the District, they're everywhere, and to bring someone up to speed to bring someone to where they need to be to be able to help the Commission to move forward would unfair to that person, unfair to the District, unfair to CSEA, which ultimately means it's unfair to the students in the school. When you contract in folks you get things happening like it happened in one of our schools where they contracted out someone, in I believe it was in grounds, that in individual molested a child. We don't need those kinds of things and the Commission's ultimate responsibility is to test and give the list to the District to hire employees that's your charge. That being said to bring someone in at this point and try to bring them up to speed with the last at least three years and to educate them about what is happening really would be a disservice to everyone, to you Michael, to you Gino, to the District, to CSEA, which ultimately means to our students. We support Rhonda for that reason, we're sure that there is someone else out there who's also qualified we're not saying there isn't, but at this point at this time with everything that is happening it's in our best interest to keep who is there there and that is you Rhonda, so CSEA supports you staying in that neutral position.

V. ACTION ITEMS

Ms. Early: Thank you. Any other comments? Item V on our agenda, action item A: The Commission will receive public comment on the nomination by the classified employees appointee to the Commission of Rhonda Early as the joint-appointee to the Personnel Commission for a 3-year term commencing on December 1, 2010. The public is invited to provide public comment to the Commissioners in consideration of the appointment of Rhonda Early as the joint-appointee. The nominee may also address the Commission on this appointment. We've heard public comments and I would come down there and address the Commission. To my fellow Commissioners my name is Rhonda Early, I am a Federal Government employee as a civil service employee I have 15-years working as an equal opportunity counselor, I have also held the office of Equal Employment Opportunity Special Emphasis Program Manager. I come before you seeking your

support in my reappointment I think that as a seated Commissioner for four years I have shown not only my dedication but, persistence that has been needed in upholding the Merit System principles. I feel that I can best serve the classified employees by holding my position because I have acquired an understanding of issues that need to be addressed within our District, and I would welcome any questions that you might have of me.

Mr. Barabani: I was basically going to ask you why you thought you feel qualified, you've pretty much answered that question for me and personally why you can do the job up here, I know you are so that's all got to say on that point there. Just for sake of record to get back on track, does anybody have any comments from the public that we have not already heard? All right. I've chosen to make a statement about Ms. Early; first off I'd like to state that no one from CSEA or District has told me or suggested that I appoint Ms. Early. I have no personal or professional relationship with her outside our mutual services Commissioners for the past two years, my tenure. We've all heard in here Commissioners may only co-appoint a known inherent to the Merit System. Those words they mean something, what they mean is someone who has given that he or she supports the concept of employment, continuous, and that when you're employed here in the service, you get promotional opportunity, and other related matters on the basis of Merit and fitness and you know that falls under the Education Code. Ms Early is clearly a known inherent to the Merit System, you've seen her work here she's worked very hard, she's attended I believe almost every meeting I can't even remembered if she missed one, since her appointment she's served as Commission Chair. This is at a very busy and stressful time during the past year. She has an excellent record as I stated in attendance, and even more extraordinary due to the fact that she drives a considerable amount of miles each day from her job at the Veterans hospital in Westwood just to be here to support the Merit System. On top of that no one has contacted me to oppose Ms. Early being appointed. However, I've talked to some of you out there, I've talked to different individuals, I received phone calls and letters in support of her appointment. Insofar, she is the only one who has expressed any interest in this appointment up to the time of July 28th the 2010 meeting when it was time for both Commissioners to make their nomination. She is the only one who is the timely nominated for whom the public comments were made at a regular meeting held at least 30-days after a nomination, she's the only one that's consistently attended Commission meetings also, and that means a lot; everyone in here stated you have to be here to know what's going on. Also, you members of the CSEA Chapter 183, following my nomination Ms. Early held a general meeting a membership to vote on whether or not the classified employees of this District should support her appointment, and that membership voted unanimously to support the appointment of Ms. Early. As an appointee of the CSEA I'd also appoint from you the CSEA chapter, I'm glad to see that you guys have decided to support her unanimously. During her previous appointment both the CSEA and the Board appointee agreed to appoint Ms. Early, since those appointments she's only gained more experience not less and she's demonstrated her qualifications so there's no reason why she should not be unanimously reappointed at this time. And one of the things that a lot of people don't think that it's important but I do, at the present is two males and one female, one white person, one African American, one Hispanic; Ms, Early will maintain the diversity of the Commission boat based on the ethnicity and the gender. Such factor usually aren't the deciding factors or even a major

factor. Nevertheless, the Personnel Commission and the District with such a large African American population the city and the whole District, actually the District composes of Highland (inaudible) more than just San Bernardino. Should have sufficient diversity both in gender and then both in gender and ethnicity; with the three members right now sitting on the Commission diversity is represented to the best level possible, I believe, on Ms. Early being on this Commission. So I'd like to conclude my remarks right now. Hopefully, I'd like to ask Mr. Salazar here will be joining in appointing Ms. Early as the joint appointee, and I'd like you to follow beyond that.

Mr. Salazar: I would like to make my comments at this time. What I want to say is that I really appreciate Ms. Early service, anybody who serves their community I have nothing but respect for because these are basically voluntary functions and it's very difficult and I understand many of the things that Mr. Barabani has pointed out. With that said I would like to re-emphasize that Mr. Jess C. Vizcaino, Jr. is the person that I would to appoint his qualifications were read into the minutes of our last meeting, September 8 minutes, so those are available for everybody to read I think we're going to be able to pull those down, well we can't pull them now until they're approved, but for the record I'd like to go ahead to re-read his qualifications for the benefit of all of you out there: Jess C. Vizcaino is currently a Senior Congressional Representative to Congressman Joe Baca the 43rd District. He is a former high school teacher (Civics and History). In 1985 Mr. Vizcaino served a three year stint in the United States Army as a paratrooper with the 82nd Airborne Division. Mr. Vizcaino is active in the community, serving as President of the Greater San Bernardino Kiwanis club and as the Lt. Governor for Kiwanis International Division 36. He also served as a volunteer for ten years with the San Bernardino County Sheriff's Search and Rescue, Inland Empire Future Leaders, mentoring program through City Parks and Recreation, and is currently a member of the Native Sons of the Golden West and Sigma Chi International. He served for almost four years with the San Bernardino County Equal Opportunity Commission as a Commissioner. He earned his associate degree in fire science from Crafton Hills College and his Bachelor's of Arts in Communication from Cal State San Bernardino. Further, he has completed all his graduate coursework for the MPA program with his degree pending. In 2008 Mr. Vizcaino was elected to the San Bernardino Community College Board of Trustees, where he continues to serve to this day. Mr. Vizcaino lives in San Bernardino and has lived in San Bernardino for the past twenty years; he is married to Jean Vizcaino, a lifelong resident of the city. They have two children who attend schools in the San Bernardino City Unified School District. This is the person that I would again I want to re-emphasize as my nomination for the joint appointment, thank you.

Mr. Barabani: Can I ask you a question, do you think Ms. Early here is not and adherent to the Merit System?

Mr. Salazar: I think she is.

Mr. Barabani: Do you think she acted contrary to the principles of the Merit System while serving here as the Chairperson?

Mr. Salazar: I never said that.

Mr. Barabani: Ok. I'm trying to get a handle on this, can you give me, can you list any reason that she is not qualified to be a Commissioner.

Mr. Salazar: I didn't say that.

Mr. Barabani: I know that you also have your appointee here, and I was hoping that we can get together today's like a big day to try to get together and hopefully make a joint appointee. Nothing against Mr. Vizcaino whatsoever but, you know the appointment was made and I've had some issues with that considered it was late to be considered by the state superintendent as you're aware he is also a member of the governing board at the Community College and I come to some understanding that there's a section in the Ed Code that might not make that person eligible for appointment on this Commission, I'm not saying that's true or not it just appears that way from the Ed Code. So that means that the person that's been nominated by you can even be legally considered under the circumstances until after September 30th the deadline for the state superintendent, cannot legally be Commissioner until he resigns from the Board over there of trustees. Does he plan to resign that post to become a Commissioner?

Mr. Salazar: I think you said that he might not be able to so I'm not sure that you're so sure whether or not that's the case Mr. Barabani.

Mr. Barabani: Well the section 88064 which I read, no member of the governing board of any community college district or county board of ed shall be eligible for appointment, reappointment, or continuance as a member of the commission.

Mr. Salazar: Let me just make a statement if we can't agree, I think that it doesn't sound like we're going to agree, let me save you a lot of time we probably should just let the county superintendent sort it out.

Charlie LaChance, Labor Representative for CSEA: Point of order may I ask some questions about the other applicant? Madame Chair is that appropriate for me

Mr. Barabani: Go ahead.

Charlie LaChance, Labor Representative for CSEA: To have public discussion about Mr. Vizcaino is that his name?

Mr. Barabani: Vizcaino.

Mr. Salazar: I don't see it on the agenda, but I don't see why

Charlie LaChance, Labor Representative for CSEA: Since you brought it up.

Mr. Salazar: I don't see why we can't, but I don't see it as an agenda item.

Charlie LaChance, Labor Representative for CSEA: Well what's the pleasure of the board? May I ask some questions?

Mr. Barabani: I don't have an issue with it, Mr. Salazar?

Mr. Salazar: I'll do my best.

Charlie LaChance, Labor Representative for CSEA: Is he here tonight?

Mr. Salazar: No.

Charlie LaChance, Labor Representative for CSEA: That's a concern; to me it's a concern if person who's looking to be appointed has not attended any Personnel Commission meetings certainly on the night that you're going to speak about him, that's a concern for me. Second thing, do you know if he knows anything about the Merit System?

Mr. Salazar: Yes, I believe he does.

Charlie LaChance, Labor Representative for CSEA: In what capacity? Do you know?

Mr. Salazar: I won't speak for him.

Charlie LaChance, Labor Representative for CSEA: Ok, see that's a difficulty for us that he's not here to answer those questions. Mr. Barabani, one of the issues that I was going to bring up is according to Ed Code if you do sit on the governing board you are not eligible to sit on the Personnel Commission that would be (inaudible) out through the Ed Code. I haven't heard you, Michael, say that you don't believe Rhonda is appropriate for the position you just have someone else, and I appreciate that because we need to honor the work that she's done, and we do Rhonda, and so I appreciate that. I am concerned about the person who's being nominated by the District who isn't here to answer those questions to let people know so that we could make an inform decision on whether or not we would want to support someone like that. I think that's one of the reasons we support Rhonda is because she has always been here even prior to and she took the initiative to know what was going on in the Commission and has only learned more and more. There's two issues that I don't believe that he can be, number one, and if you can't make that decision tonight I'm sad about that because that just puts things on hold further and yes we will let the superintendent of schools make that decision, but I just for once like to see the Commission come together and do what's in the best interest of not just the classified but the students, and I'm disappointed about that.

Mr. Salazar: Thank you for you comments Charlie, I appreciate that.

Mr. Barabani: At this time we'll move to item C, and I'll privately hand this back to you.

Ms. Early: Item C on the agenda, it is moved that the Commission suspend the administrative hearing in the matter of Abram Flory until such time as the District pays past invoices and guarantees prompt payment of all future invoices for counsel employed pursuant to Education Code Section 45313 enabling the Commission to obtain legal assistance in this matter as authorized by law. I so move.

Mr. Barabani: I'll second that.

Ms. Early: It's been moved and seconded; there has been a motion and a second in favor of Action Item V (C), any discussion?

Mr. Salazar: Hasn't this already been done?

Ms. Early: It has been done.

Mr. Salazar: Ok so why are we voting on it if it has already been done?

Ms. Early: For Commission approval.

Mr. Salazar: Ok but it's already been done, so we can't undo it, right?

Ms. Early: It's already been done

Mr. Salazar: Why are we voting on it?

Ms. Early: The hearing has already been continued, but you are able to render any type of comments relevant to this item on the agenda.

Mr. Salazar: Ok so we are not voting on whether or not to do it, it's already been done.

Ms. Early: It's already been done.

Mr. Salazar: Ok, so just comments on what's been done. Who's; I mean doesn't that have to be approved by the Commission for us to do that? I'm just asking a question.

Ms. Early: We received a letter after our last Commission meeting and the letter was addressed the beginning of this week, actually the end of last week. This item is relevant to the correspondence that we received and correspondence that went out.

Mr. Salazar: I guess my question is, who made the decision to suspend the administrative hearing?

Mr. Barabani: The District when they didn't pay for the attorneys.

Mr. Salazar: So the District made the decision to do that?

Mr. Barabani: It appears that way, they don't want to pay for our attorneys.

Mr. Salazar: I'm just asking.

Mr. Barabani: Doesn't it appear to you?

Mr. Salazar: I'm just asking, I don't know.

Mr. Barabani: The attorneys don't want to work for free.

Mr. Salazar: So the District made the decision to suspend the administrative hearing?

Mr. Barabani: It appears that way, they decided that they were not going to pay the attorneys and then we weren't represented there so we can't proceed without the attorneys.

Mr. Salazar: I just wanted to know that's all, thank you.

Mr. Barabani: Just for a little history, they haven't been paid in a long time; I think the bill is well over 30-thousand dollars. Mr. Flory has a right to a hearing, the District's attorney has been paid, I understand. Mr. Flory has his own attorney, I don't know how payment is going on that, and then the Personnel Commission the District took upon themselves to pay their attorney but they didn't pay ours, you got any idea why?

Mr. Salazar: You're asking me?

Mr. Barabani: Yea.

Mr. Salazar: I don't know.

Ms Early: Ms. Kwong?

Kristine E. Kwong, of Musick, Peeler & Garrett LLP: Good evening, Kristine Kwong. Just to provide some clarification the hearing officer agreed to a continuance per the request of the Commission's counsel because the Commission's counsel has refused to represent the Commission any further in the hearings because they haven't received payment for their services. The hearing officer, I believe, made a finding that there was sufficient good cause to continue the hearing to other dates, so the hearing actually has not been suspended it's continued to be said and completed at subsequent dates, so before you can make a decision as whether or not to permanently suspend it until you can work out these issues with your Commission counsel.

Mr. Barabani: I like the way you said that.

Kristine E. Kwong, of Musick, Peeler & Garrett LLP: Do you have any questions?

Mr. Barabani: I don't.

Kristine E. Kwong, of Musick, Peeler & Garrett LLP: No. Ms. Early?

Ms. Early: We already have a motion on the table. Motioned and second, all in favor of the motion signify with the voting sign of aye.

Mr. Barabani: Aye.

Ms. Early: Aye. Any opposition?

Mr. Salazar: I'll abstain.

Ms. Early: One abstention, motion carries. Action Item V (D), the Commission will discuss the regular meetings scheduled for the second Wednesday of the month and take action as it deems appropriate to modify the meeting date.

Steven Holt, CSEA Vice President: Steven Holt, CSEA. I'd ask the Commission if they could move that date as it is in conflict with our normally scheduled chapter meeting, 2nd Wednesday of the month.

Mr. Barabani: And the two dates you're questioning about?

Steven Holt, CSEA Vice President: It says on the second Wednesday on item D that's our chapter meeting, so if it could any other day or time it would work for us.

Mr. Barabani: We're talking about October or November?

Steven Holt, CSEA Vice President: Yes, every month for ten months.

Mr. Barabani: That's the only two dates scheduled.

Steven Holt, CSEA Vice President: That's the only two, ok.

Ms. Early: The Chair will entertain a motion on Action Item V (D).

Mr. Barabani: I will second that so that we can open it up for discussion.

Ms. Early: Action Item V (D) open for discussion, any discussion?

Mr. Barabani: I'd like to move the November date on Wednesday Thursday so the Collective Bargaining group can definitely come in here and make remarks. The October meeting is quite closed, it impacts Mr. Salazar more than it does us, so I'd like to get his comment on it.

Mr. Salazar: I can understand why we would want to change that meeting, we don't want them to miss the meeting or anything like that. I just would have to; I don't want to get in trouble by looking at a calendar up here, but with respect to the audience and fellow Commissioners, if you didn't mind I would like to look at that because if we bounce our dates around a few times; I mean I don't even know if we're allowed to do this because we have certain rules and the court has an injunction against us, we're making up another date we're only supposed to meet, according to the old rules, once a month, and I know that we've decided to meet twice a month; that's another factor that's involved, but with due respect, with all respect to the audience and my fellow Commissioners, I do have to check my calendar. I don't want anybody to be angry at me. What were you proposing Mr. Barabani?

Mr. Barabani: Just moving, it's scheduled for Wednesday, how about we go Thursday; that's makes it, I chose Thursday just because it's convenient, we're only shifting that day that way.

Mr. Salazar: Let me go back, we're in October now, right?

Mr. Barabani: Let me look at my calendar.

Mr. Salazar: That's what I wanted to do. And the first meeting is scheduled for October...

Mr. Barabani: 2nd.

Mr. Salazar: October 2nd?

Mr. Barabani: No the 13th sorry. It's the second week, it's scheduled for the 13th. Only because it's close we can move it to the 14th.

Mr. Salazar: The 13th to the 14th?

Mr. Barabani: Yes.

Mr. Salazar: That's fine with me.

Mr. Barabani: Ok.

Unknown Speaker: Thank you.

Mr. Barabani: And then the other one would be the one that we have for the 10th of November; we're going to move it to the 11th.

Unknown Speaker: That's Veteran's Day.

Ms. Early: That's a holiday.

Mr. Barabani: Thank you. The 9th

Mr. Salazar: Is that the only day we need to move? I'm sorry.

Unknown Speaker: There's two, but the 11th its Veteran's Day and the District is closed.

Mr. Barabani: No. Yea, I'm sorry I didn't see that.

Unknown Speaker: The 11th can't work.

Mr. Barabani: How about the 9th?

Ms. Early: The other opportunity is I think the union meetings start at 5, so maybe instead of starting our meeting at 5:30 we can move back 30-minutes, start our meeting at 6:00 give the union an hour to have their meeting which is right across the street and then come over to the Commission meeting?

Unknown Speaker: Our meeting is at Golden Valley.

Ms. Early: Is at Golden Valley now?

Unknown Speaker: Yea.

Ms. Early: Ok.

Mr. Barabani: You didn't pay the rent.

Mr. Salazar: How about Tuesday the 9th?

Unknown Speaker: Is that a Board Meeting? The Board meetings are the 1st and the 3rd.

Mr. Salazar: Tuesday is the 9th.

Ms. Early: I move that we; that the Personnel Commission meet on Thursday October the 14th and on Tuesday November the 9th with the starting time of 5:30 to accommodate classified employees that might be attending the CSEA meeting. Do I have a second?

Mr. Salazar: Let me make sure, I think I have this right, November 9th 5:30 and then

Ms. Early: October 14 Thursday

Mr. Salazar: October 14th, ok yea that's fine I can do that, sorry.

Ms. Early: Do we have a second.

Mr. Salazar: I'll second.

Ms. Early: Did you want to make comment?

Charlie LaChance, Labor Representative for CSEA: Maybe, I'm a little pre-mature, I just wanted to say thank you for considering the classified because that is their meetings, and I just wanted to say thank you for the board really making an effort to change that, so thank you very much.

Mr. Salazar: You're very welcome.

Ms. Early: All in favor signify with the voting sign of aye.

Mr. Barabani: Aye.

Mr. Salazar: Aye.

VI. COMMISSIONER'S REMARKS

Ms. Early: Aye. Any opposition? Motion carries. Agenda Item VI, Commission Remarks.

Mr. Salazar: I have no remarks this evening, I'm sorry I don't mean to be playing with this I'm just finalizing those calendar dates so that should be the end of that for the evening, thank you.

Mr. Barabani: I don't have any major remarks except the most important one, I'd like to; I hope I have the opportunity in the future to continue working with Ms. Early nominated, I think we have outstanding and dedicated person here goes beyond what's required, I think, for this position just try to keep it (inaudible) for me, she does it consistently and it's been a pleasure working with.

Ms. Early: Thank you, and I would like to express my appreciation for those of you who came out in support of my appointment, I sincerely appreciate your support, and I'm looking forward to serving another term. We will now adjourn into Closed Session, Conference with legal counsel, Kristine E. Kwong, Musick, Peeler, Garrett LLP, pursuant to Government Code 54957.5, a copy, I'm sorry I'm sorry wrong page; existing litigation (Section 54956.9a): San Bernardino City Unified School District; Dr. Arturo Delgado v Personnel Commission of the San Bernardino City Unified School District Case No: CIVDS 916709. Pursuant to Government Code Section 54957 to discuss: Public Employee Appointment, Personnel Commission Director (Provisional), Personnel Commission Director. We do not expect to have a report coming out of Closed Session. We thank you all for coming, meeting now adjourned to the Closed Session.

VIII. ADJOURNMENT

Meeting was adjourned at 6:36 p.m.