

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

October 18, 2010

A meeting of the Personnel Commission was held in the Personnel Commission Community 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 5:44 p.m. Ms. Early led the Pledge of Allegiance.

II. APPROVAL OF AGENDA

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

Mr. Barabani: I will second that.

Ms. Early: It's been moved and seconded to approve the agenda for this evening. Is there any discussion? All in favor signify with the voting sign of aye. Aye.

Mr. Barabani: Aye.

III. PUBLIC COMMENTS

Ms. Early: Any opposition? Any abstentions? Motion carries. Agenda Item III, Public Comments on Agenda Items.

Charlie LaChance, Labor Representative for CSEA: I'd like to speak, if this is small enough I guess I should stand up, I'd like to speak on the Action Item A, move that the Commission appoint Brian Astrachan, how do you say it?

Brian Astrachan: Astrachan.

Charlie LaChance, Labor Representative for CSEA: As a part-time Provisional Personnel Commission Director effective immediately and to be paid at the first step of the salary range for that classification not exceed 90 working days. I would ask that the commission pass that for several reasons; one, first and foremost is that the classified employees are bleeding they're out of triage and now they're in the emergency room, there's no triage anymore. We have over 250 classified positions that can be filled why we have folks who have been laid-off or reduced in hours they could work in those positions that they were able to test and into those positions in addition to what they're doing. Aside from that, the District has refused to recognize the board's decision that they made several years, I believe it was several years ago or a year ago with Patrick Maher, for whatever the reason is we're not clear. That notwithstanding for us to be able to function as a school district at all we need to have someone in in the interim period of time. I don't know a lot about Brian, I do know that he is from Banning I was looking at his resume, but I know the

labor rep from Banning and have not heard detrimental things about what the director's doing there. If the District, I know once it leaves here the board of directors for the school has to approve that, if they don't approve this individual then the question begs to be answered is this a pattern that no matter who it is that the commissioners select is the board going to deny and why. I think there's a safety issue in the Police Department they're better to speak about that than I am, the food department in our Nutritional Services center is unbelievably prepared to do the work that they need to do. I think it would be in the best interest of everyone I few had this; it's for 90-days if we don't like him we boot him out for 90-days, it's that simple. That period of time, I believe with the very efficient staff that you have here, we can make that 250 260 vacancies and people who we need to hire go down dramatically, so I would hope that the board, the commissions would vote to hire Mr. Astrachan as a Provisional Director.

Ms. Early: Thank you.

Steven Holt, CSEA Vice President: Steven Holt 1st Vice President CSEA representative of classified employees. I'd like to mirror the sentiments of Charlie LaChance our labor rep, and support Brian Astrachan

Public: Astrachan.

Steven Holt, CSEA Vice President: As a part-time Provisional Personnel Commission Director, we do want to get things flowing and it is becoming very apparent that the District on their side is going to continue to illegally contract out our jobs. We have safety issues and some of them that have been sided such as the Police Department where we do need to fill those positions and we are interconnected and that affects the rest of the classified as well. I would encourage us to make this appointment to get things moving, and if the District has a problem with this Provisional appointment which they are complaining things are not moving, I think this will well establish that the problem is not on the commission side, and so once again I would support that appointment, thank you.

Ms. Early: Any other comments?

Gary Underwood, Retired Classified Manager: Just coincidentally, Rhonda, I happen to know Brian Astrachan and Brian performed services for the School Police Department a number of years ago, some training for Campus Security Officers and did an excellent job. I also know that he was an educational (inaudible) III program with other officers who speaks very well of Brian. I would like to support Brian as a part-time provisional. I am concerned though is that there may be a delay in this appointment and I'm also concerned that in talking with Michael Salazar, Michael doesn't know Brian or wasn't aware Michael being selected until tonight is that correct?

Mr. Salazar: I knew since I seen the agenda.

Gary Underwood, Retired Classified Manager: I just think that it's really important for all commissioners to have an opportunity to know more about Brian and I'm just curious, how did you come up with his name?

Ms. Early: After our meeting last Thursday I called the Southern California Personnel Commission Association and asked for names of candidates. I contacted him Thursday night after our meeting, he emailed his resume that evening, and the agenda was sent out Friday and here we are today; he told me what nights this week he would be available and so that's why we're here.

Gary Underwood, Retired Classified Manager: Thank you, that was very helpful and moving to item B, it seems to me that the district has already rejected Pat Maher and that there's a legal issue in suing on that. I'm not sure why we want to go ahead and appoint him part-time Provisional Senior Personnel Analyst since his appointment wasn't no longer, wasn't acceptable to the district in the first place. I guess my question is why are we putting our heads against a closed door, that's an aside, the legal issue isn't aside, not suggesting that the district was right or wrong, I'm just suggesting that that's a legal issue and that I'm not sure why we would want to continue to walk into a closed door and let the illegal issue find its own solutions. With regard to the commission meeting with the governing board to identify areas of conflict and disagreement; I'd like to say I support that (inaudible) forward and also any attempt by any board member, whether it's Michael or you Rhonda or Gino to go forward to find some areas of mutual consent, I think it's a very admirable thing to do I appreciate it their good efforts, thank you very much.

Ms. Early: Any other comments? Yes.

Eric Vetere, School Police Office Association VP: Eric Vetere School Police Officer Association. First off I want to thank you guys for listening to us; there's one thing to hear people and one thing to listen to people, obviously you guys took (inaudible), and I want to thank you for that, thank you for taking time on Thursday night to make those phone calls and get this ball rolling. We want to follow the same interest as CSEA and Gary Underwood with regard to Brian, 90-days is 90-days if he fails miserably within those 90-days back to the curve he goes and at least (inaudible) some positions. We are in a bad spot right now, bad spot with safety, like I said before we're now to 44% of our man power, we fill it, to responding to serious calls (inaudible), it takes extraordinary amount of time to get officers from one end of the city to the other in responding to serious incidents that we're having around our campus, just because we're down on our man power. Whatever we can do to get that unclogged I hope you guys will move forward with that. Whatever is going on with Pat I don't know that we should be tying anything together right now for the simple fact that we already know what the district's position is on him we're aware of the pending legal lawsuits going on, we can just let that lie for a while as far as we're concerned and let that work itself out. If we start tying things together if you expect anymore of an answer of yes from the district when we start getting into a legal situation that they are dealing with I don't how you guys are expecting some of those guys to think, just keep that in mind before you vote tonight. All we're trying to do is to get the ball rolling and get bodies, thank you.

Ms. Early: Any other comments?

Liz Madera: Liz Madera classified employees. I am not aware of all that concerns with Mr. Maher, but I am noticing on the second page where the backup it says, he's an expert in the field of employee selection. Since he will be doing technical work the objections of the district should be eliminated. I'm thinking since he's in a different position it may not be the same opposition, and certainly seems like he has the credibility and I think the concern was that all these action items would be voted on together and I think that's not the case (inaudible) separately, so I just wanted to throw that out there, thank you.

Alex Raya, School Police Officer's Association President: Good evening, Alex Raya President with the San Bernardino District's Association. Once again like Eric pointed, thank you guys for taking our comments into consideration last time, the last meeting. I'd like to, hope that the commission does vote Brian in just to open the doors and be determined within 90-days. Safety is a big issue, we had an incident today where, you know, officers were sitting holding a car load of people with a gun by himself until the units can get over there, because they were distance away, big safety issue. CC covers our dispatchers in our (inaudible), we're down dispatchers we only have one dispatcher that's trying to handle the calls that are coming in for service, trying to deal with a n officer who out holding this vehicle by himself and trying to make sure this officer is (inaudible) big safety issue. We really hope that he can get this position at least for the 90-days, opens up the doors for us to hire some people and try to fix some of those safety issues. So I really thank you guys I hope you vote it in at least for the 90-days. Myself I don't know the personnel analysis person what their function is in the commission or how important they are, obviously there's already some other issues with this Patrick and the district, I don't know anything else of it but I hope at least on the first item that you vote it in and if there's an issue with this other person hopefully that you guys can see by then until those legal issues are worked by, I don't how important that position is for you guys to function as a commission and as a Personnel Commission. Once again I want to thank you guys (inaudible) some insight with these other positions.

Cindy Andrade, Classified Employee: Hi my name is Cynthia Andrade I work for Nutrition Services. I would like you to see if you can hire someone for 90-days because I do see the staff is really understaffed in Nutrition Services and I just would like you to consider it because there's a lot openings at Nutrition Services that need to be filled and we can't do it by ourselves; it's putting a strain on a lot of my co-workers they're working hard and they all the positions. When I was, am out right now on medical leave, but I was doing more than one job so it's hard so I would appreciate it if (inaudible).

IV. ACTION ITEMS

Ms. Early: Any other comments? Next agenda item Action Item IV (A) move that the commission appoint Brian Astrachan as a part-time provisional Personnel Commission Director effective immediately and to be paid at a first step of the salary range for that classification not to exceed 90 working days. I so move.

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

Ms. Early: It's been moved and seconded in favor of Action Item IV (A). Is there any discussion? I would like to invite Mr. Astrachan to have words if he will.

Brian Astrachan: Sure, would like me to face that way?

Ms. Early: Sure.

Brian Astrachan: I want to thank everyone for their support, I'm not new; I've been working for Employee Relations, I've been at Banning since 2007. I've researched extensively the minutes and the agenda items are very low versed on (inaudible). I'm a team builder so one of my first order of business would be to try to put the litigation stuff down as much as possible because of (inaudible) both on the commission's budget and the district's budget as much as possible. My motto is to try to handle things at the lowest level, I am a meet and confer person so as much possible I have an open door policy, I'd like to try and get things going. I realize that there some peace officer vacancies, dispatchers, I am taking kind of copious notes I realize food services has got some issues and we want to get those vacancies moving as much as possible as soon as possible, so that we can get back to the business of providing a safe secure and peaceful environment for the students and that the students can get back to learning because I think that some of this stuff that's been going on. Am not going to blame am not even going to get into that I just think that we need to move forward and am also an inherent of the merit system and I believe in the principles of the merit system and I believe in fair and equitable distribution among positions and recruiting the best qualified employees to serve the San Bernardino City Unified School District, that's basically; entertaining questions if anybody want to ask any.

Charlie LaChance, Labor Representative for CSEA: I just have one Brian, why are you part-time at Banning?

Brian Astrachan: They don't have any money. Basically, when I first came to Banning in 2007 was a one day a week position. We have; the enrollment is not even at 5,000 students, we basically have 200 classified employees in the district.

Charlie LaChance, Labor Representative for CSEA: And that was my next question, is how many classified employees.

Brian Astrachan: The enrollment is kind of down.

Charlie LaChance, Labor Representative for CSEA: That makes sense then.

Brian Astrachan: Anybody have any, yes.

Alexis Jenks, Human Resources Specialist PC: I have a question, I'm a specialist here in Personnel Commission. I will be honest with you we have been let down a lot over the last couple of years, we had a director who we thought we could trust and it came out that we could not trust that person, there's been a lot of issues you know with the interim

being hired and to be honest with you, as an employee here, I feel that I don't even know who I can trust, and I just hope that in addition to you trying to be the middle man between the district and the commission I just really hope that you take your staff's feelings into consideration; and just know that we've been through a rough road and you know it's not pretty, the moral is down quite tremendously here in this office and I just hope that your intention is going to be somewhat build it up it what little bit of time you can. I just that if everything runs smoothly you know that the district will hire you, if not you someone, you know to come in here and try to get things in order because the situation is not pretty at all. That's my only concern, to be honest with you I don't really care who it is, I just know that it should be a person that you know that does not have a bad past that we're not hearing bad rumors about on a constant basis, you know because that affects the employees that work here in this office and that's a big concern of mine.

Brian Astrachan: Right, well everybody is valuable as far as employing process classified service and certificated service. I can't really address what's happen in the past

Alexis Jenks, Human Resources Specialist PC: Right, right.

Brain Astrachan: I can just tell you that I deal with everybody as I need them, I hope that you would in fact treat me in the same manner and I would do my best, I can't guarantee that we're going to always agree on things, but we can agree to disagree.

Alexis Jenks, Human Resources Specialist PC: Just so that you understand you know how we feel right now today at this situation, we've been up down up down up down up down we don't know if we're going or coming and you now this is the place that we have to work and you're only going to be here for 90-days and you're going to continue on. I'm just concerned that when you leave if it's going to be worse than what it was when you got here, that's a major concern that I know that I have and am sure that everyone will agree with me.

Brian Astrachan: Absolutely, and I just echo again that everybody is valued and I'll take everybody, and obviously it's a small staff

Alexis Jenks, Human Resources Specialist PC: Right.

Brian Astrachan: We need to work together cooperatively look at the greater mission which is to get the best possible employees for the district, I'll do my best.

Gary Underwood: Brian, what's your work schedule now with Banning?

Brian Astrachan: Well basically I work two days a week, it's pretty flexible, except on once a month on Tuesday I do sit on extended cabinet for the district and then we have the Personnel Commission meetings it's usually a third Thursday but there's some flexibility on that as well.

Gary Underwood, Retired Classified Manager: As a classified a manager often times we work more than a 40-hour week, is that a problem for you Brian?

Brian Astrachan: Absolutely not, I get phone calls on my days that am not there, there's emergencies that come, sometimes CSEA has negotiations that am called into out of, there's issues that come up, I'm used to it.

Gary Underwood, Retired Classified Manager: In the past two years how much sick leave have you taken?

Brian Astrachan: Well, I did have a situation where my was taken ill and I did have to take some time for that, but over the last year I took probably; very rarely was I ever absent.

Gary Underwood, Retired Classified Manager: Is there anything in your background that would be problematic, because the pre-employment background check.

Brian Astrachan: Not that I can think of. Yes sir.

Patrick Maher: I just want to comment that discussion of a person's physical being is covered by HIPAA that violates the federal state law and that something somebody should maybe look into.

Brian Astrachan: Ok, anybody have anything else?

Mr. Salazar: I have a couple of questions, not for you, but just in general. One, where are we in terms of our permanent? I think that's; Mr. Barabani probably can answer that question.

Mr. Barabani: That's not on the agenda today.

Mr. Salazar: Ok because this is temporary and so I'm just kind of wondering where are in terms of the permanent recruitment, are we close?

Mr. Barabani: I believe so.

Ms. Early: CODESP has scheduled hearings, am sorry not hearings interviews coming up soon.

Nersidalia Garcia, Secretary III for the Personnel Commission: 26, October 26.

Mr. Salazar: Ok we're pretty close. And then were there any other possible appointees that, as a result of your due diligence there.

Ms. Early: The people that I talked to either they already filling provisional some place else or they don't want to come here.

Mr. Salazar: Sorry (inaudible).

Ms. Early: Any other questions, comments? Do you have any question Mr. Barabani?

Mr. Barabani: Yes I do.

Ms. Early: As it relates to Action Item A.

Mr. Barabani: It kind of relates to all the actions items, but I'm going to hold off I can speak about it on during any of the action items.

Ms. Early: We a motion ad a second, is there any further discussion? All in favor of the motion signify with the voting sign of aye.

Mr. Barabani: Aye.

Ms. Early: Aye. Any opposition?

Mr. Salazar: I will abstain.

Ms. Early: one abstention, motion carries. Next Action Item, item IV (B), move that the commission appoint Patrick Maher as a part-time provisional Senior Personnel Analyst effective immediately and to be paid at the first step of the salary range for that classification not to exceed 90 working days. I so move.

Mr. Barabani: I'll second that and open it for discussion.

Ms. Early: Any discussion?

Mr. Barabani: Only discussion that I have on this is that I hear people out here in the audience and I appreciate everybody's opinion, but we're talking about this individual that we're going to vote on; you say that there's ongoing law suit you know that yet you know more than I do, I think you know more than the commissioners, I don't know of any lawsuit I don't know of any ongoing issues. I hear our own staff bring up bad rumors, we don't deal with bad rumors if we can't bring facts to this about somebody then we shouldn't bring them up. When one person is done wrong everyone is lost so I'm kind of upset to hear those things, but that's about all I've got to speak.

Charlie LaChance, Labor Representative for CSEA: Is it appropriate for anyone else to speak on that?

Mr. Barabani: Sure.

Alexis Jenks, Human Resources Specialist PC: Can I comment on that, are we allowed to comment on that? To commissioner Barabani, true enough that there have been rumors about Patrick Maher and I have discussed those rumors with you. A rumor is a rumor

Mr. Barabani: And you recall I told you if it's a rumor I don't take.

Alexis Jenks, Human Resources Specialist PC: I wasn't finished.

Mr. Barabani: All right go ahead.

Alexis Jenks, Human Resources Specialist PC: I wasn't finished. A rumor is a rumor and my point in telling you, which is the person that told me their point on telling me, was just to make you aware of the situation. Is this the person that you want to pursue? Is this the person that you want to pursue? My question is I don't understand if this person could not be hired as an interim, yet you still want to pursue hiring him, I don't understand how that's going to happen I just don't get that. I don't appreciate

Mr. Barabani: Now you're going off subject, now you're going off subject.

Alexis Jenks, Human Resources Specialist PC: I just want to restate the fact that

Mr. Barabani: My subject was about bad rumors, you made a statement about bad rumors, and my statement is we don't go on bad stuff.

Alexis Jenks, Human Resources Specialist PC: I just don't appreciate the fact; if there was an issue of anything I told you, I told you something when you came into our office and spoke, I never called you out on anything in front of a public forum, never never did that.

Mr. Barabani: I didn't either, you mentioned bad rumors now when you spoke in this meeting.

Alexis Jenks, Human Resources Specialist PC: No, it wasn't about him, it wasn't about him, I didn't name any names, I didn't name any names

Mr. Barabani: You were saying 'oh we can't hire people'; did I bring up Pat's name, no.

Alexis Jenks, Human Resources Specialist PC: I didn't name any names, but I know who you're referring to and I didn't name any names and when I told him that, when I told him that it wasn't directed towards Patrick Maher.

Ms. Early: Ok.

Mr. Barabani: And I didn't directed towards him and nor you, I said we're not going by bad rumors.

Ms. Early: Any other comments on Action Item IV (B)?

Steven Holt, CSEA Vice President: Steven Holt, first Vice President, oh am sorry. Speaking on the Action Item and the comments that were made, just for the public record CSEA has no problem with any individuals, we do have a problem with the district; we don't know why the commission's had such a hard time hiring an interim director and we

don't know what's stopping it because the district does not share any or little information with us. I think the concern with most groups here is how do we move forward while we do file litigation because we do know that there is some litigation filed, but I think that there's confusion on what has been filed and what hasn't yet been filed and they'll be pending stuff it's probably going to go through the system, but how do we set that aside, as Brian stated, and move forward and get some of these people going. Right now it's a crisis and the district is illegally contracting our people. We have Police Officers who are in desperate need to increase their staff which also affects us, as I had stated earlier, because it's safety for everybody. I think everybody is looking for, how can we move forward temporarily while we do file this stuff. I do not agree with the district's actions, I will say that in public record, I think they've fought with just every director and every thing proposal the commission has brought forward. So for record, we disagree with the district, we do not have, speaking for CSEA, we do not have a problem with any individual. Our aspect of this is looking out for members who have come before us and how can we come up to solutions and temporary move some of the people forward. Thank you.

Ms. Early: Ms. LaChance?

Charlie LaChance, Labor Representative for CSEA: He said it.

Corina Borsuk, Classified Employee: My name is Corina Borsuk, I'm a classified employee. Let me start out by saying that I apologize in advance if this is already been said before I came, I had a prior commitment tonight that I had to attend to but this meeting was so important that I rushed back to get here for as much as I could. Mr. Maher let me say that I know nothing about rumors about any person or litigation, I have nothing personal against you, I applaud you for attempting to do a job that is clearly very difficult given the circumstances going on here. But I find it very difficult to understand why the commission would attempt to appoint someone who they know that the district, for whatever mysterious reason, they had decided will not approve. The goal here is move forward as quickly as possible for the benefit of classified employees, for the benefit of our students, for the safety of this district, and I think at least in the interim case is counterproductive to appoint someone that you know the district has a problem with even if that problem is unjustified. I truly believe that it means that that person will not be approved and we're back at square one. Again, nothing personal Mr. Maher I commend you for what you've been doing this is simply a matter of finding a way to come to at least a temporary term so that things can move forward while the true facts of the matter are discussed and litigated, thank you.

Ms. Early: Thank you.

Gary Underwood, Retired Classified Manager: Gary Underwood. It's my understanding and as district manager pre-employment background information is not available to district managers, or to the Personnel Commission, nor anyone else except to HR and the board directors, I mean the Board of Education. So it's problematic if somehow the commissioners think that they are eligible to receive that information that they've never

received before. If Mr. Maher has an issue with regard to his pre-employment background information, that's a private issue between him and the district not the Personnel Commission and certainly not at the risk of all our classified employees. It's problematic for me to know that it's Mr. Maher's opinion that we should have held up all of our employee hiring, at everyone else's expense while he fights this battle, that's problematic to me; if a person is of good intent they would never risk the entire system, hiring system Personnel Commission, because of their own personal agenda or issue with the district. It's problematic to go, once again, to a door that's been closed and that's certainly an issue between Mr. Maher and Board of Education not the Personnel Commission. I recommending you that you not put this forward again because it won't be approved and it will be a further source of frustration to you.

Ms. Early: Yes.

Patrick Maher: I need to clarify that. Pat Maher. There is a gross misunderstanding, (inaudible) about what the role of the commission is. Under the Education Code the Merit System is an independent legal organization, independent from the governing board, they have their own authority they have their own rules they do their own thing. One of the things that they are independent is the commission and the commission alone appoints it's staff, because the commission is appointing the staff they therefore have a fore right to know what's going on, that's different than that it was some other employee working some place else, it'll be whole different situation this is not the situation. The law is very clear the commission shall appoint and shall supervise all staff paid for out of the budget of the commission, black lettered law; and what's happening here is, again what was said earlier which I appreciate, was the fact that they said well this is a different position. Objections they may have had about me for a personnel director would have to be completely different than that of an analyst working for a personnel director, there's a big difference is the rules of the authority. I can give you a list for custodians, food service workers in less than 45-days because I've got the exams I have developed and validated that are copied all over the state, that's how good I am that's what I know, and that's one thing I can bring to this office and the dysfunction here. I can knock out exams, I've done exams for so long that I have exams ready to roll now that no one else in this district can do because they don't know and understand the processes that I've developed and worked over the year, so I have a value to bring that. But the other thing is, I haven't objected to anything that was done about appointing somebody else instead of me, I didn't raise; I didn't come up here and hollered and screamed or anything else I sat quiet patiently. But now I'm getting tired of having myself slandered, this is a merit system and when you sell anyone down in the merit system, when you turn around and say the board can do whatever it wants to, no matter what the law says, no matter what the rules say, no matter what, and we'll sell someone down the river like that if it helps us to get something that we need, then you're violating the whole principle of the merit system you might as well vote it out and get rid of it then, because you're not a knowing inherent of the merit system you don't believe in the merit system. You stand by and you support the merit system or you abandon the merit system, but you don't pick and choose when it's good and when it's not good. I haven't argued I haven't said no, I haven't opposed or anything else of this whole idea of somebody else coming in as interim. Since March up

until now, I drive here for meetings on my own time and my own expense (inaudible) a penny in compensation, I have not one cent in compensation, not one cent in reimbursement for expenses, I have devoted all kinds of hours in helping the commission and help them move forward and to make things work and that's what I've done, I've given free of my times and turn around and turn around somehow that I should be sold down the river, just because it's not convenient. The step that you took tonight; (inaudible) taking tonight, to appoint another provisional director and let that person move forward, that's the key issue. Even if they don't; even if the district does not hire me based upon this current thing, that doesn't stop what's already been accomplished, that doesn't say that they can't sign off on the paperwork, that doesn't say that they can't move forward, all of that has been accomplished under so called guide. What the district is been doing is lying to you, and manipulating, you and cheating, and violating the rules of hiring people illegally, and contracting out illegally for one reason only they don't want a true merit system and those of you that are supporting that and allowing that to continue are supporting the district in that process. Why don't they want the merit system ask yourself that, what is the district afraid of, why is the district opposed to the merit system, because they can't control the process once it's there. You got a true independent merit system, and true functioning merit system and the district looses a lot of poll and a lot of authority over their patronist that they engage in, over the other kinds of games that they play in, that's why they don't want, and that's why they don't want me. The district has a; and the commission rather has an absolute right to know the basis for not hiring me because that's what the law says. They appoint; now if they found something if I got a criminal history as the attorney once said, if got a criminal history that's a sex offender that's legitimate, but they haven't got any of that, I know. This lady here called my former supervisor and got a glory recommendation the first one she called, the rules say you call one prior employer reference if that they've been working for five or more years, that's what they did, that wasn't good enough so they kept calling and they kept calling and they kept calling, they didn't follow their own rules and then when they couldn't find anything they made something up and rumors are going around, so people say these aren't rumors, that's what rumors are; are you going to let your reputation, are you going to let you job, are you going to let your future hang by rumors around this district, are you willing to put yourself through that same standard, if you are then you allow to go forward and saying rumors stopped me from coming up if you're not willing to subject yourself to the same rumors and be treated the same based upon those rumors, then you can't stand back and have somebody else save you because of rumors they shouldn't be hired. So that's what the bottom line is, do you stand for the merit system or not, do you stand for principles the law enforcement, do you believe in the law, you're enforcing it, if you believe in it the law says the commission appoints and the commission has a right to know on the people they appoint for its own staff, that's what the law says. If you're law enforcement officers or not, if you don't believe in the law then you shouldn't be out enforcing it; I have 23 years of law enforcement I know what the law is, I understand that. So this is what is going on here tonight and I'm really disappointed to hear some of these comments about this stuff and everything else to go forward because it's against the merit system. So whatever happens I don't care, I mean I don't have any steak in this, or any horse in this race, I don't need to drive here from Long Beach round trip, with my own gas, on my own time, at my own expense to try to help this district move forward with a

true merit system, I don't need to do that I don't get anything from it, except that I believe in the merit system. I came here to try to help the classified employees and help out the commission that's my only motivation. Thank you.

Ms. Early: Any other comments? Yes.

Steven Holt, CSEA Vice President: Steven Holt. I'd like refine a little on that, there's no doubt that Mr. Maher has helped you guys, the commission, has helped us do a lot of stuff. I'd, really, also like to discourage rumors going around, our position is the different interim director if the district opposes that then there's a problem with the commission in general; knowing I don't how you can go through how many people, and I don't like this one, I don't like this one, I don't like this one, I don't like this one, they're getting selective. We are concerned, there are a lot people concerned, and they are getting a little frantic but it is becoming a huge safety issue; there a lot of people who are suffering and taking tremendous amount of work, it's creating safety issues in itself with people working who should certain amount of people on a crew in a working skeleton crew. So it is a legitimate concern and I think when they come here emotions are high and perhaps everyone should sit back, but I would discourage rumors and I know the district; I'll make this claim me personally speaking as an individual and not for CSEA, have observed a lot of illegal activity from the district a lot of things they've done wrong and they're still to this date doing and have said out of their mouths they brief the board members, they told them what they are doing is legal like contracting out violation of Senate Bill 1419, oh we're still going to do it because we're in a crisis and we serve kids or whatever sweet line they're giving to us, but is still doesn't justify that hey can violate bend rules and do illegal acts and then put it back on the commission. CSEA's standpoint is that we want to just move forward with getting some hiring done. I think the district has done stuff corruptly, for the 12 years I've been here I've seen stuff done unjustly and corruptly in one form or another, and it's not the entire district is selective departments because I'll say we have very good staff, managerial and so forth, but there are other departments that are not so good. Our only reason for being here and we're glad you came up with this temporary solution to move things forward and if the district objects to this they are going to have a major fight with CSEA because we are looking to move forward and we are not casting dispersions on anybody and we appreciate the work that everyone's volunteered and done including the commissioners yourselves to make this merit system happen and it is from my perspective that they don't want a merit system here that is the perspective I get that they want to control everything they want their thumb on it, and I agree with the comments from Pat, it's supposed to be an independent neutral system and it seems like for some reason they've been blocking the whole way; but we are pleased that we're at least attempting to do something and hopefully that now that you're giving a little they'll give a little they'll allow a temporary person to come in to get what's not questionable to go through and we can help our Police Officers, our food service workers and everybody else who is in (inaudible), thank you.

Gary Underwood, Retired Classified Manager: Can we speak more than once? It would be really easy if life was either or, it's my way or it's your way. I'm sorry but Mr. Maher does have a dog in this fight and he does have legal issues with the district. It's entirely

inappropriate to invite him into to your staff when he has serious legal issues let those legal issues be resolved, once they're resolved then consider him for employment; but to bring someone in who's so adamant about being wrongly treated by the district and so adamant about knowing the legal issues, those legal issues are often times best settled by the courts not by an advocate, not by the injured party. So you need to consider, you're team here, by inviting someone onto the team who feels they've been injured and who has legal issues with the district to invite them into the team I think it's problematic and it's problematic against your leadership that you want to bring on board.

Ms. Early: Any other comments? And please be aware that the commissioners know nothing about any pending legal issues we're not aware of them. We have a motion before us in favor of Action Item IV (B), all in favor signify with the voting sign of aye.

Mr. Barabani: Aye.

Ms. Early: Aye.

Mr. Salazar: Nay.

Ms. Early: One opposed motion carries. Next agenda item IV (C), move that the commission formally agree to a joint-meeting with the governing board to identify areas of conflict and disagreement and to mutually identify resolutions. I so move.

Mr. Barabani: I'll second.

Ms. Early: We have a motion and second in favor of Action Item IV (C), any discussion?

Gary Underwood, Retired Classified Manager: Can you explain to us how you want to do this, what you strategy is going to be?

Ms. Early: We have actually sent out formal invitations on previous occasions on joint meeting. We have showed up in person to a board meeting asking for a joint meeting; so far our invitations have not been accepted we are willing to pursue this again.

Gary Underwood, Retired Classified Manager: Are you suggesting that you go before the Board of Education, or how do you plan to do that?

Ms. Early: No, this Action Item is actually going to be tied in to Action Item IV (D), so we're just taking them one at a time.

Gary Underwood, Retired Classified Manager: Ok thank you.

Ms. Early: Any other discussion on this Action Item? All in favor of the item signify with the voting sign of aye. Aye.

Mr. Barabani: Aye.

Ms. Early: Any opposition? Any abstentions?

Mr. Salazar: I'll abstain because I don't know exactly what that means until we get to D.

Ms. Early: Ok. Action Item IV (D), move that the commission appoint Commissioner Michael Salazar to meet and confer with the Superintendent to identify specific areas of disagreement with the commission, recommend methods of resolution of those disagreements, and to report to the commission on his meeting at the November regular meeting of the commission. I so move.

Mr. Barabani: I'll second that in order to receive discussion.

Ms. Early: Any discussion? Yes.

Brian Astrachan: If I may make a suggestion, SEAC which is more in line with ACSA, Association of California School Administrators, and probably a little bit more board friendly; might be a venue, I don't know if you belong to SEAC, but the district may actually belong to it and there may be an arena where that might be something they could assist with. That's the School Employer Association of California, and Ruben Ingram is the Executive Director and I've worked closely with him on a number of issues and he's very well versed on the Personnel Commission, that's something that might add to that.

Ms. Early: What's Ruben's last name?

Brian Astrachan: Ingram.

Ms. Early: Ms. LaChance?

Charlie LaChance, Labor Representative for CSEA: I respectfully disagree with Brian bringing AKSA or the other organization in. I think that what I'm reading was since Michael is the district's selection as a commissioner that he will be able to open the door with the Superintendent and have a discussion with him that I think it's necessary. I can't think of a better person, although Michael this is all new to you I see that you abstain from a lot of things because of that lack of experience; I'd rather that you abstain than vote than not know what you're voting for so that's, I think that admirable that you abstain when you're not sure what you're voting for. But, that being said someone has to meet with the Superintendent who has his ear, I'm certain he'll have his ear as the district's selection to find out where are already together and where are the biggest issues are so that you can bring them back to the other commissioners and discuss them and say this is what the Superintendent believes to big the issues this is where the Superintendent believes that we are already together, and it's always better to start with the positive they can have and move towards the negative. To have a motion to have Michael do that it think it's a good motion, but Michael has to be on board with it, otherwise he goes to the meeting and he says nothing. I'd like to hear from you Michael what do you think about that?

Mr. Salazar: Well, I mean I look at that and 2/3 of the commission would be appointing, I don't even know if you could do that, is that like a sub appointment. That doesn't; appointing me to do something sounds like am being hired to do something by my fellow commissioners, I don't really like the terminology there. If you're saying; and then report back to them, I don't understand the structure of the entire remark. If what you're asking me is to attempt to get a meeting with the Superintendent I would be happy to attempt to get a meeting with the Superintendent, beyond that I don't know where that meeting goes; but to say, we are appointing you to do this and report back to us by the meeting in November, I can't accept an appointment like that. I don't know if you can even appoint me to do that.

Charlie LaChance, Labor Representative for CSEA: That's why; I saw the look on your face, to me it's very simplistic, you are the district's appointee you would be the logical person to go on top to the Superintendent on a equal complaint field and say, look the commissioners all of us want to know to what we can do to move forward what do you need Mr. Superintendent to move forward or is it possible. So that you can come back and say to Rhonda and Gino look I've talked to the Superintendent these are the issues we need to work on this is what he believes these are his feelings.

Mr. Salazar: I'm not an attorney, I'm not the best negotiator, but I don't like the language there, that's what I'm saying.

Charlie LaChance, Labor Representative for CSEA: Ok, but conceptually the idea that I just threw out to you, conceptually does that make sense to you?

Mr. Salazar: Again, what am saying is that we're asking that this item be acted upon in this language

Charlie LaChance, Labor Representative for CSEA: That wasn't my question, my question was

Mr. Salazar: That's my response, Charlie.

Charlie LaChance, Labor Representative for CSEA: But there that's not a response to my question, conceptually speaking

Mr. Salazar: What was your question, I'm sorry I don't understand you.

Charlie LaChance, Labor Representative for CSEA: Conceptually, you would be the logical person to speak to the Superintendent about issues he thinks can resolve the problem, you would be the logical person.

Mr. Salazar: Well I think the logical person would be the Chair.

Charlie LaChance, Labor Representative for CSEA: Ok, that's enough said, so then if you are sent you're not going to represent the commission in the way that they want you to represent the commission.

Mr. Salazar: I don't know how does the commission want me to represent them?

Charlie LaChance, Labor Representative for CSEA: I believe that they want you to talk to the Superintendent about; and maybe you guys should say what you want him to do, my reading of this says that they want you to go speak to him and see where we already have common ground and where we don't, so will there be a spring born to go forward, that's what I think.

Mr. Salazar: That's not the way I read that, that's what I'm saying.

Mr. Barabani: That's the way I see it. That what it's says here that the Superintendent; identify specific of disagreement, what is it about us that they don't like, where's the disagreement with all this stuff, why don't they want to hire people, what's it going to take to get someone put in these, recommend methods of resolution. Since you're the district's appointee we figured that you could talk about it; I mean, gosh I don't think I could go, and Rhonda I don't want to say anything bad but after that kind letter you sent about us, I don't think that we're the right people to go.

Charlie LaChance, Labor Representative for CSEA: But see that was my point there would be a defensive posture if Rhonda or Gino went in, it won't be a defensive posture if you go in.

Mr. Salazar: I think Rhonda has gone in.

Charlie LaChance, Labor Representative for CSEA: About that, she probably has, but again I think that you would be the logical person, but if you don't feel that and you can't go in with a positive attitude, what good does it do to send you in?

Mr. Salazar: All I'm saying is this language here I'm concerned with, you're not concerned with it because you're not on this side here, I'm concerned with it because it pertains to me, Charlie.

Charlie LaChance, Labor Representative for CSEA: I am concerned with it that's why I'm bringing the subject up. I'm very concerned with it because I see that it's not something that you want to do. So if you don't want to do it, I don't think you should do it.

Mr. Salazar: Again, what I would do I would be happy to do is attempt to set a meeting with the Superintendent, beyond that I don't know what happens in that meeting. I understand what they're asking here, but again this language seems to put me on the hook to bring back a report.

Charlie LaChance, Labor Representative for CSEA: Ok, if you have a meeting with the Superintendent and he says I got nothing for you, you come back and say I got nothing for you

Mr. Salazar: I will agree to attempt to set up a meeting with the Superintendent, I can't make him take that meeting, but I would agree to attempt to set a meeting with the superintendent.

Charlie LaChance, Labor Representative for CSEA: But at that meeting would you also attempt to ask him what the issues are, are you versed enough and experienced enough to do that at this point?

Mr. Salazar: I don't know, I guess we're going to find out.

Charlie LaChance, Labor Representative for CSEA: Because I know that we have discussed in the past that you didn't know anything about the merit system and you were learning, maybe you're not the right person, I don't know.

Mr. Salazar: I don't know, I guess you know about me than

Charlie LaChance, Labor Representative for CSEA: No I don't I'm just going by what you told me Michael, that's why we're having the dialogue. I don't want to send you where you don't want to go.

Mr. Salazar: Thank you.

Ms. Early: Yes.

Gary Underwood, Retired Classified Manager: It seems to me that the key to resolve a lot of these problems is bridging the communications (inaudible). You know, when I talk to the Superintendent, when I talk to you, when I talk to others, there's like this communication (inaudible) and it's the classic triangle where you know it's one person says and it gets back and it's a direct communication (inaudible). One of the areas is that as a commissioner whether it's Rhonda, Michael or Gino, you should have a clear distinct knowledge of what issues you're having between the commission and the district, what you agree or not. After all this time that should be clear text; the commission has a difficulty with this particular issue, the commission has a particular difficulty with this issue, that should be relayed it ought to be relayed to the Superintendent by any of the commissioners in a respectful way in which it can be resolved. Just because Michael is the district's appointee or Gino is the CSEA, or you're the neutral, either commissioner all the commissioners should be able to talk to the issues intelligently and clearly, where are the difficulties. So my question to you is where are the difficulties in your opinion? You want to go ask Dr. Delgado, my question is where are the issues with you specifically? I know there are.

Charlie LaChance, Labor Representative for CSEA: The whole thing with D for me was, I think it's an excellent idea, I think that it should be the district's appointee that goes in and talks to the Superintendent, but if the district's appointee doesn't want to do that he's not going to represent the best interest of the commission. So I don't know if it's; according to what Michael said he doesn't know what the meeting would be about, if he doesn't know what it would be about and what it looks like why send him in.

Ms. Early: Any other comments on this item?

Alejandro Raya, School Police Officer: Maybe an ignorant question, who do you report to? At the district, who do you have communication with?

Mr. Salazar: I don't report to anybody at the district.

Alejandro Raya, School Police Officer: Do you have communication with anyone in the district?

Mr. Salazar: I talk to a variety of people, I haven't talked to anybody in a while, I talk to all kinds of people that work for the district.

Alejandro Raya, School Police Officer: The dialogue with upper management at the district?

Mr. Salazar: No I mean I don't have; if you're asking if I have meetings regularly with anybody over there, the answer is no.

Alejandro Raya, School Police Officer: Should you?

Mr. Salazar: Pardon?

Alejandro Raya, School Police Officer: Should you?

Mr. Salazar: I don't know.

Cindy Andrade, Classified Employee: Then why are you here?

Mr. Salazar: I was appointed by the district, by the board.

Cindy Andrade, Classified Employee: But then what are you doing?

Mr. Salazar: I'm the board's appointee.

Cindy Andrade, Classified Employee: But you don't talk to anybody?

Mr. Salazar: No.

Cindy Andrade, Classified Employee: You're a disappointment.

Mr. Salazar: Thank you.

Ms. Early: Any other comments? In the back.

Alejandro Raya, School Police Officer: Upon reading this language, maybe I'm misinterpreting it, as you're being told to do something but since you're the district's appointee, you should have a line of communication with the district at some level, the management. To me it seems like a pretty simple thing, if you make a meeting with the Superintendent you're not going in there other than to ask how can we fix whatever problems are going on, because it affects everybody, it's affecting every classified employee. If there's not that line of communication with myself and my supervisor I'm never going to fix anything; obviously they're not your supervisor, but they're still the people in the district's side they can give you some direction what their problems are with the commission. So after 90-days then we can get them a permanent person there, so the door doesn't close and now we're back to not hiring again. I think maybe just you're reading into the language as you're being forced to do something, but it should be more of a request since you are the district's appointed commissioner to go in there and just make (inaudible) and see if you can maybe generate some ideas to come back and try to fix some of the problems for the future, so after the 90-days we're not stuck not hiring again for not hiring a director or anybody in this position and then we're back to square one; no one is going to get hired again; and it's not that, I just hope that you're not looking at it as being told to do something what we're trying to get at it's more of a request, and I think that's maybe what the other commissioners are asking, a request for you to make that appointment and see if you can get some dialogue to come back with some information on how to fix this issue. It just seems like it's kind of I'm being told to do it so I don't understand, I'm not trying to get into it but I think you over read it.

Mr. Salazar: I'm just reading what it says.

Alejandro Raya, School Police Officer: Hopefully, you (inaudible) to the point that you think that you're being told to do something it's more of a request, but I think it's beneficial in your position and for the commission so we don't have to (inaudible), and I hope that's what's you're understanding, that's my point that's the way I would take if I was sitting in your seat, but am not sitting in your seat; but if I was sitting on that side of the table that's my mind that's what I would do. If I can go over there and open the dialogue and come back with the information to try to fix it and have it resolved. Thank you.

Mr. Barabani: When I first read this, you look at it, hey anyone, like you said could go do this, right? But, you look at the comfort level I think the district will be comfortable with their appointee that's it, that's the only way I see it. Other than that, he can tell me; Mike you want to tell me whether you want to go or not?

Charlie LaChance, Labor Representative for CSEA: And I think that, I recommend that you vote no after hearing Mike concerns and his plead, he doesn't know how to carry the message, he doesn't know what message you want him to carry, he doesn't know what to do, he's confused, why would you send him in I would just ask that you not do it. Send someone else in that's more versed even if they're not; I know the district doesn't want to see you, Gino, I know the district doesn't want to see you

Mr. Barabani: I don't know that, you might be right.

Charlie LaChance, Labor Representative for CSEA: Rhonda, I think the district will welcome you Michael, that was the choice it was the comfort level and it was, to me who just read it for the first time, an obvious choice. But after hearing to what your concerns are and that you're comfortable with it and that you wouldn't know what to speak about, why send him in? It's like sending a mouse into the lion.

Gary Underwood, Retired Classified Manager: One of the things, Rhonda, and that is probably one of the more well versed person on the commission is you. I know that you've been in to see Dr. Delgado before and I think, pride aside, it's really worth a second third try to see if you can build communication bridges and likewise. It just seems to me problematic that district's appointment doesn't have regular and frequent conversations with the senior leadership. I'm a little surprised and it's not an enditment on you Michael as much as it is the district not asking to confer with you to find out what the key issues are. I think it's all partial (inaudible) communications, as I've said it before and I said there's mutual culpability here and the district's is culpable in not communicating with you, it's very sad for me to hear that.

Brian Astrachan: If I may for a moment just clear up something, just like the Superintendent is secretary to the board, the Personnel Director is secretary to the commission. If there were a full-time director those things would be director by the commission to the director; I meet with the Superintendent on a regular basis, I have board members that call me up and that I have dialogue with. I've been in a very difficult similar situation to what's going on here and what has formed a lot of the bridges is communication; my chair and I went in before school started and sat down with the Superintendent and we have dialogue. The Assistant Superintendent Human Resources and I have dialogue, the direction from the Chair is that no one calls a personnel commissioner directly they go through the secretary first and if they're not happy with the response then by all means they communicate that next level. I know it seems sitting out here it seems like it's never going to get better, I can tell you that it takes a real incremental time for it to get better, but the key is communication and I have to, sitting here, I have to tell you even though I'm only the interim director, I don't like the attack on the district's rep because I think as this gentleman said here we have to stop that. And if you guys want to get going, I can tell you right now I don't need the job I could walk out here guys and trust me I've got other stuff, if you guys want me to help you build bridges and get this thing going, we have to look at everybody together me included, so if anyone of you want to go meet with the Superintendent I will be happy to go with you and I'll wear a bullet proof vest I'll from this guy over here and we'll go in there and

we'll take a yellow pad maybe a couple of them and see what their concerns are and then we can go back and forth. Otherwise we're not getting anywhere we're going back and forth so you guys tell me is the commission, if that's what you want?

Charlie LaChance, Labor Representative for CSEA: Well Brian right now you're not the interim director.

Brian Astrachan: Yes I am, and I have to just say this and I'm not taking anyone's side, but if you read the Ed Code it is absolutely correct once it is effectuated, which they did this evening, I am the director under the law.

Charlie LaChance, Labor Representative for CSEA: But they did that with Pat and they won't pay him.

Brian Astrachan: I'm not going to discuss somebody else.

Charlie LaChance, Labor Representative for CSEA: But I'm just saying what happens if they don't pay him?

Brian Astrachan: That's a side issue, but once these people two of these three said I was the provisional appointment emergency that is the law. I don't people thinking that I'm going to be very overly legalistic that is the law, and if the board chooses not to follow that there are avenues that can be gone through; once they've effectuated that is the law under the Ed Code, that's correct.

Charlie LaChance, Labor Representative for CSEA: And just to clear up a couple of things, understand why people are laughing they're not laughing at you. Understand that this board has hit that gavel before and the person sitting, are you still here? Was not and still has not its been months been paid. Second thing, it was not an attack, for me was not an attack on Michael, it was a clear question I didn't want to send him in where he's not comfortable going, and understand we haven't had a director so the only choices we have are these three individuals right here. We're still, we're a little bit confused, I'm going to be honest with you, if you are now our acting director then now I want you to go in tomorrow and see Dr. Delgado. I believe he'll tell you get out of here you're not a director, I hope he doesn't, but that's what I think. So that being said, that would be wonderful if we had a director and that's how it should be, at all the merit districts that I've been a labor rep the director is the one that was conduit of communication, the commissioners communicated with them but we don't have that. So it was an attempt, so I applaud you on your attempt to get Michael to go in and talk to the Superintendent but I felt that he was not comfortable with that, and that he wouldn't do what we wanted him to do and that's not a slam, that's; if I'm not comfortable in going in there I'm not, if am not passionate about it I'm not going to advocate the way I should, that's not a slam it is what it is. Right Michael? If you don't know what you're going to do, you don't know what you're going to do.

Eric Vetere, School Police Office Association VP: I have a question now, because as Brian said its all, once the majority of votes on it and it's set in stone

Charlie LaChance, Labor Representative for CSEA: It's not, it wasn't before.

Eric Vetere, School Police Office Association VP: But if it is, don't we already have somebody, now do we have two?

Patrick Maher: No. When that appointment was made mine ended.

Eric Vetere, School Police Office Association VP: So we can do this again next year?

Patrick Maher: For that action tonight, when he was appointed my provisional appointment ended.

Eric Vetere, School Police Office Association VP: Got it thanks.

Ms. Early: I want to hear from commissioner Salazar, I think I understand you to say that you had a problem with the verbiage that was utilized on the agenda specifically with the word appoint; and let me just clarify, when we say, we're going to move that we appoint Commissioner Salazar we're actually asking you to act on our behalf. I have met and we've seen no change. I've met again and we've seen no change. So we have talked about coming to an informal resolution so when we say appoint, it's not that we're dumping on you we're just asking that you go in and act for the three of us to start a dialogue in an effort to bring some informal resolution, open the dialogue so that we can effectively address commission/governing board and address issues without bringing legal representation and litigation in to resolve issues that we can informally resolve ourselves. I'm sorry that you're offended by the verbiage but please realize

Mr. Salazar: No, I'm not offended by it, I just that's just the thing, am not offended by it.

Ms. Early: So are you

Charlie LaChance, Labor Representative for CSEA: If we change the word *appoint* to *request* would that be better?

Ms. Early: Well I think that we all get the picture. I just want to hear from Mr. Salazar, are you unwilling to support Action Item D?

Mr. Salazar: Yeah, as written I will not support Action Item D.

Ms. Early: Are you unwilling to meet with our Superintendent to start a dialogue to remedy situations that we find ourselves in?

Mr. Salazar: I would meet with him if you would meet with me.

Ms. Early: Ok, and I'm sure he will, he's approachable, he'll meet with you am sure. Tell us how we can make Action Item D happen?

Mr. Salazar: I think Action Item D probably, I think you said it Charlie, I think Action Item D I would feel more comfortable with Action Item D if I knew what I was going to go and ask. In other words we would have to put our own agenda or questions together as well. I mean if you want specific answers to questions, because am going to go in there like have a meeting with you and I could ask just in a general way, what don't you like about the commission, what do you like about the commission, but I mean if we have specific things that we want answers to, I think it's better for us as a body to go in to a meeting and specifically what we want to ask. Maybe he, again maybe I'm pre-supposing, but maybe he's (inaudible), what does he want to meet with me for. It's better for us to be able to get the meeting, in my humble opinion if we have; ok these are the things that we want to know.

Charlie LaChance, Labor Representative for CSEA: When you guys go (inaudible) those details, do you think?

Mr. Salazar: Then that should be worked out.

Charlie LaChance, Labor Representative for CSEA: Unless we do have an interim director. I don't know because we had one in the past when he was elected by you guys.

Mr. Salazar: I would move to maybe table this item, refine the question, and then we might be able to do that at the next meeting, I mean the meeting is what eight days away? I guess it's time to re-write that.

Charlie LaChance, Labor Representative for CSEA: One more comment, I appreciate; that's why I felt the that you felt, if it passes tonight it doesn't mean that you go in tomorrow it means that you sit with the commissioners and say I've set up the meeting what do you guys want me bring up there's details that need to be worked out with you guys. That's not something that we need to know right now, but that would be something that the commissioners would send you in an agenda or questions or whatever I think.

Mr. Salazar: I don't know.

Ms. Early: I would think that if we ask the Superintendent to identify specific areas of disagreement with the commissioners and ask for input how he thinks we can resolve those; I think that's a broad and general enough question that we could get something to work with. I mean that opens up the discussion and then we go from there.

Mr. Salazar: Let me ask, what questions did you ask when you were there?

Ms. Early: The same thing.

Mr. Salazar: Did he answer that?

Ms. Early: Yes. We took notes, he made a list of my concerns, I did the same, he said he was going to research the questions and get back with me.

Mr. Salazar: And so we still don't have; so you want me to take the same questions. Maybe, I guess what I'm trying to say maybe we could build off of what you've started, I don't know is that something that we should be

Ms. Early: I would hope so.

Mr. Salazar: Maybe thinking about because that would go back to your notes and letter and we can go and staff can dig that up for us, but we can go back in there and build off of that document. I don't know I'm just throwing that out there.

Charlie LaChance, Labor Representative for CSEA: Is the next Personnel Commission on the 27th?

Nersidalia Garcia, Secretary III to Personnel Commission: Yes, October 27th.

Ms. Early: Ok, we have a motion before us in favor of Action Item IV (D), all in favor signify with the voting sign of aye. Any opposition?

Mr. Barabani: You know, again, this is getting very difficult, I don't mind voting yes on this, but now I don't know if the person's going to go.

Ms. Early: Commissioner Salazar how do you vote on this position? What's your position?

Mr. Salazar: I vote nay.

V. COMMISSIONER'S REMARKS

Ms. Early: Nay, ok. Nay. Motion is defeated. Commissioner's Remarks. Mr. Salazar, remarks?

Mr. Salazar: Nope, no remarks.

Ms. Early: Mr. Barabani, any remarks?

Mr. Barabani: I'm going to hold them off until next week.

Ms. Early: Ok. I have some remarks and it's regarding an email that I received today actually and it's pertinent to this meeting that's the only reason that I'm bring them up, and I'm glad Commissioner Salazar is here today otherwise I would have not brought it up. And it's a concern of mine and what I received is this verbiage: *On Friday, October 15, 2010, I receive d a call from Commission staff informing me, for the first time that a special call meeting had been scheduled for Monday, October 18, 2010. As of 11:00 a.m. on Friday, I still had not seen an agenda for this meeting. This memo is to convey serious*

concerns regarding the scheduling of this meeting, the lack of communication with me as a personnel commissioner regarding this meeting and my inability to submit items for discussion and check my availability and/or reschedule prior commitments in order to attend this meeting. I was present at the Personnel Commission meeting on Thursday, October 14th. At that meeting there was no discussion by the personnel commission of a proposed meeting for the following Monday. Absent my knowledge of participation regarding scheduling this special meeting I did not have the opportunity to submit items for the agenda nor was I called to ask for any agenda items I may have. Finally, in deliberately preventing me from any discussion and decision to have a special meeting, I was unable to provide input as to my availability on Monday, October 18th and ultimately cannot attend. Please be advised that it is my expectation and right as a Personnel Commissioner to be included in decisions such as this and it is my right and duty to submit items for the agenda which are relevant to the issues to be discussed or acted upon. As the Personnel Commission Chair you have the duty to ensure that this occurs. In closing, as I was leaving the Personnel Commission meeting last night I observed you, and this is written to me, talking Mr. Barabani engaging in a parking lot meeting. This observation coupled with the sudden and surprising special meeting that is scheduled for Monday raises concerns regarding the Brown Act. As you know, a meeting subject to the requirement of the Brown Act includes any congregation of a majority of the members of the Personnel Commission to discuss or deliberate upon any item that is within the subject matter or jurisdiction of the commission. I am requesting that the Special Meeting scheduled for Monday the 18th be cancelled and that the agenda items be included for discussion and/or decision at the next regularly scheduled meeting. A copy of this was sent to Commissioner Barabani and this was sent out last Friday by Commissioner Salazar, unfortunately, I did not read it until today. And just for the record, this was a special called meeting, it was called to address concerns that were brought up at the Thursday night commission meeting. As soon as I left I had no time to talk to Commissioner Barabani in the parking lot. I left, I said goodnight to Steve who was standing by the door, I think I'm sorry I grew a blank, but it was several union representatives that I said goodnight to, I walked straight to my car, I went home and I started making phone calls. The commission agenda for this evening was sent to commission staff early Friday morning, so I did not have a parking lot meeting with Commissioner Barabani, and I'm very very surprised to see this verbiage. I don't know who else received a copy of this, but the special called meeting was due to what I termed a crisis on the faces of the people who came to the mike and it was to expeditiously address the concerns that were stated at that meeting. It was not to offend anybody, it was not to make anybody feel as if they were out of the loop, that night I sent an email to commission staff asking them to call my fellow commissioners first thing Friday morning inform them of the special call meeting tonight and to see if they could be available. One of our commission staff members communicated to me that Mr. Salazar had an item that he wanted to place on the agenda, this was around 11 o'clock when we talked, but she said the item had not been identified. My instructions were to get in touch with him have him identify the item, it has to be by 1:00 1: 30 at the latest so that we can prepare the agenda in time for posting. It is my understanding that the item for tonight's agenda was never identified, and therefore, you got the agenda that we got not any kind of conspiracy to exclude you but this was special call meeting. I just wanted to address this publicly

because I don't know who else received this correspondence, but I didn't meet with Mr. Barabani, I said good-bye to the union reps, walked to my car and that was my conclusion for the Personnel Commission meeting on Thursday. Does anybody have any questions that they have from me?

Mr. Barabani: I'd like to state some clarification, since I'm being accused of meeting you in the parking lot. What happened, I was standing; would be the self exit to the main board building, I was standing right there where you come out of the building, you walked out, you said have a good evening, and I asked you Rhonda 'do you know Chuck Shepherd?', and you commented about 'wow, your hair looks a little shorter' and we all laughed about how that was very tactic way of saying that; and then Steve Holt was right there, and you said goodnight and you walked out. I proceeded to stay there and speak to Steve and Chuck Shepherd and who was the other lady that was there, I forget her name she's not here today,

Charlie LaChance, Labor Representative for CSEA: Sharon Thurman?

Mr. Barabani: Yeah Sharon Thurman, thank you, she was there. I then received a phone call, I waited a few minutes I walked out to my car, by the way while you walked out Mr. Salazar was still in the board room he was talking to Carl Greenwood, so there's no way he saw you leave. Then I walked out and sat in my car and I had to make a phone call, at that time 5-minutes into my conversation I noticed you left and got in your car, Mr. Salazar, and then I believe Pat came out, I got out of the car and talked to him for a moment and then I got out again and said something else to him and then got back in my car and completed my conversation. In no time did I meet, but hearing this email, when you talk about lines of communication getting broken, I'm getting falsely accused of breaking the Brown Act of having a clan distant meeting in the parking lot by you in this email. You're saying that we had this grand scheme to violate the Brown Act, well since your total lack of understanding and knowledge of the Brown Act from the past examples I don't doubt that at all.

Ms. Early: So, I'm just bringing this up just to clarify and address and to let everyone know that I have had no secret meetings with Commissioner Barabani. This meeting was simply called to address issues that were raised at our Thursday's meeting and I'm hoping this would clarify any concerns that you may have of me.

Mr. Barabani: Well let's make this real simple and straight forward, Mr. Salazar, the fact is it's inaccurate it's erroneous in you stating that Ms. Early and I had conversation in the parking lot, your statement was: *In closing, as I was leaving the Personnel Commission meeting last night I observed you, and this is written to me, talking Mr. Barabani engaging in a parking lot meeting.* This statement is immoral, unethical and incorrect and inappropriate on many levels because it isn't true. What's even more outrageous in this letter you state that Ms. Early and I had a conversation about a meeting, date, and time for this special meeting. You went so far and state that there was a violation; this is where it gets even more unbelievable, then this illegal meeting, you're concerned you weren't invited to it in this letter. How are you going to get it both ways, oh it's an illegal meeting,

but why didn't you invite me? It doesn't make any sense to me, this would be laughable, but I have serious concerns about the way you did this. So maybe you can explain what you saw.

Charlie LaChance, Labor Representative for CSEA: You know what as a member here, I think that this is a discussion that you all should have had privately.

Mr. Barabani: No, he accused me in a public letter.

Mr. Salazar: No, I don't think that's a public letter.

Mr. Barabani: It is now.

Mr. Salazar: That was to you and Rhonda, you made it public.

Mr. Barabani: I didn't make it public.

Mr. Salazar: That was to you and Rhonda. Anyway Rhonda, Madame Chair I have no comment to that.

Mr. Barabani: Did you see us or didn't you see us?

Mr. Salazar: I have no more comments to that, I'm not going to respond to that.

Ms. Early: Just for the record I was not in a parking lot meeting.

Mr. Barabani: Me either.

Ms. Early: And I think we accomplished something good here tonight, we're glad that you all came, I see and hand in the back.

Cindy Andrade, Classified Employee: Did you write this letter sir?

Mr. Salazar: Yeah I wrote this letter.

Cindy Andrade, Classified Employee: And you agree with everything you wrote?

Mr. Salazar: I wrote this letter.

Cindy Andrade, Classified Employee: By yourself no one assisted you?

Mr. Salazar: My letter.

Cindy Andrade, Classified Employee: I'm sorry, it's just interesting that you have opinions now and you not had any opinions in other things we've discussed tonight.

Ms. Early: I guess my question is, did you see me in the parking lot having a meeting with Commissioner Barabani?

Mr. Salazar: I wrote this letter because that's; well he questions my eye sight.

Ms. Early: No, I question it, I said this was either

Mr. Barabani: Oh no that's not what I'm questioning.

Mr. Salazar: But Mr. Barabani questions my eye sight

Mr. Barabani: No.

Mr. Salazar: And he saw some UFO's, and there's a whole bunch of other stuff. I mean we can get really really funny if you want to, but you know I would leave that out.

Mr. Barabani: Well Steve you saw Rhonda leave, you saw me stay there.

Steven Holt, CSEA Vice President: For public record I will say that I did say goodnight to Rhonda and I did I talked to you and said how you doing, we had a brief conversation and then you left and I did not observe a conversation between the two.

Mr. Barabani: By the way that was 8-minutes between the time I received a phone call from you and I walked outside and made another phone call.

Steven Holt, CSEA Vice President: And then you made another phone call.

Ms Early: Meeting adjourned.

VI. ADJOURNMENT

Meeting was adjourned at 7:12 p.m.