

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

October 14, 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 5:37 p.m. Ms. Early led the Pledge of Allegiance.

II. APPROVAL OF AGENDA

Ms. Early: The Chair will entertain a motion to approve tonight's agenda.

Mr. Barabani: I make a motion to approve.

Mr. Salazar: I'll second.

Ms. Early: We have a motion and a second for approval of tonight's agenda, all in favor signify with the voting sign of aye.

Mr. Salazar: Aye.

Mr. Barabani: Aye.

III. APPROVAL OF MINUTES

Ms. Early: Aye. Next agenda item, Approval of Minutes. We'll take them as they're listed on the agenda, meeting of September the 22nd. I move to approve the minutes from September 22nd, 2010.

Mr. Barabani: I'll second.

Ms. Early: Any discussion;

Ms. Early: All in favor:

Mr. Salazar: Aye.

Mr. Barabani: Aye

Ms. Early: Aye. Motion carries. Approval of Minutes dated September the 8th.

Mr. Salazar: I make a motion to approve minutes from September the 8th.

Ms. Early: I'll second the motion, any discussion?

Mr. Barabani: No.

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

Mr. Salazar: Aye.

Mr. Barabani: Aye.

Ms. Early: Aye. Approval of Minutes from August 25, 2010. I move to approve.

Mr. Barabani: I'll second that.

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

Mr. Salazar: Aye.

Mr. Barabani: Aye.

Ms. Early: Aye. Motion carries. Approval of Minutes from July the 6th, 2010, I move to approve.

Mr. Barabani: Madame Chair I have a correction (inaudible). On page 2, after Mr. Salazar, 'Ok and where did this come from?' and then Mr. Barabani, 'It's past practice; what most Commissioners do' it should be 'most Commissioners'; should be like a semicolon there and then instead 'do it' change it to 'it is kind of' 'it is a do and it is kind of goes along with the Ed Code' that's all.

Mr. Salazar: Where are you; I'm sorry?

Mr. Barabani: It will be one, two, three, four, five; one two three four fifth line from the bottom.

Mr. Salazar: What do you recommend?

Mr. Barabani: 'It's past practice; what most Commissioners do;' and then it should be 'and it is kind of' there should be the word 'is'.

Mr. Salazar: Ok, 'It's past practice'.

Mr. Barabani: I'm sorry and that means 'going' not 'goes' 'going'.

Mr. Salazar: So that I can correct mine. Please state that (inaudible).

Mr. Barabani: 'it's past practice;' semicolon just the way it is, 'what most Commissioners do;' semicolon that's missing, 'and it is' put and 'is' in there 'kind of' I had that crossed out 'kind of goes along' it's just the word 'is'.

Mr. Salazar: Ok.

Mr. Barabani: With those corrections I will second.

Ms. Early: We have a motion before us to approve July 6th minutes with corrections, all in favor signify with the voting sign of aye.

Mr. Barabani: Aye.

Ms. Early: Aye.

Mr. Salazar: Aye.

IV. PUBLIC COMMENTS

Ms. Early: Motion carries. Do we have Public Comments?

Carl Greenwood: Good evening Commissioners my name is Carl Greenwood with the CSEA. My first concern is that for eight months now we haven't been able to hire any employees, we spoke with Mrs. Alex Jenkins or Jenks and she has stated that she would act as acting Director, my first question is why hasn't that happened? The CSEA and the district as of today, meeting with them, we have no problem with Jenks acting as Interim Director. Mr. Maher is not the district's choice, that's not our problem that's nobody's problem. If you have a problem with that, get your legal team's together fight for it, fight for what you believe in, but right now, this is harming the employees here. One reason why this is harming the employees here is if we can't hire, the one's that are here have to work so much harder, and we're losing people to other districts because they can't promote, they can't do anything. It's time for this to come to a stop; I understand and believe in the Personnel Commission 200%, I know you guys have a lot on your plate, but it's starting to affect the hard working people here in this district. I'm asking you to do whatever it takes, however it takes, to hire an Interim Director and get this thing moving again. Thank you very much.

Mr. Salazar: Sorry I didn't quite catch your name.

Carl Greenwood: Carl Greenwood.

Steven Holt, CSEA Vice President: Good evening Commissioners my name is Steven Holt, First Vice President representative of the classified union, local chapter 183. Just to echo on some sentiment they're coming from our members right now; first I'd like to say on record that CSEA fully supports the merit system and the functioning Personnel Commission and we've been very supportive. A lot of news has come to our members lately and the district has voted at the last board meeting that they are going to proceed

illegally contracting out our jobs in violation to Senate Bill 1419; and they're saying the reason they're doing this is because of the stand still with the Commission. We do stand behind the Commission on a lot of issues, but there is a growing concern that we have mounting stack of papers and we cannot have people who are retired, were promised that they were going to be able to work cannot move forward, we have people who have and said that they have problems with their homes, their bills, their cars, their family, nobody can get promoted we can't transfer; it's growing to the point where it is becoming a, more than a burden it's becoming a crisis for our members and their families. We don't know what can be done; I know we're going through the legal system and that is a very slow wheel as it turns along and we're hoping we can come up with those solutions until we decide who the next Director is going to be and I know there's issues with that that's going forward; but in the meantime we would like a process whether that is, a suggestion was made, having one of the employees work out of class to sign the things that can be signed. We understand that there needs to be some documents that may be reviewed by the Commission and should be done thoroughly and not everything should be pushed through automatically and if you have to look at stuff, but right now nothing is going through; and we know there's a lot of people in different departments and I do see School Police here as well, they've been here and coming to the meetings are having issues with this as well. It is now becoming a matter of safety a matter of concern and we would like to get some documents signed and we don't know how to do that, we've been trying to go back and forth the district seems very rigid on their approach and I know the Commission has it's stance and we're kind of caught in the middle. So a lot of classified members are here tonight to see if the Commission can come up with someway somehow, whether it's appoint someone temporarily where we decide what the legal issues are and why we can't, why the Commission is not allowed to hire their choice for Director or Interim Director or; until some of this litigation goes forward, is there something we can do to get some of these documents signed, something we can do, because it's becoming a burden and we're receiving several complaints from our members, our constituents, and now with the illegal contracting out of our jobs it is becoming something that is overwhelming to us. I don't know what can be done, I'm not here; I don't have solutions, right now we're looking at it I don't if the Commission will come up with something; we've looked at several angles how can we get documents move forward, we don't have a Director, well the district doesn't recognize the Director and we're going to go back and forth, we're still going to have the classified people stuck in the middle and I don't know what to do about that, but I really encourage if there is another route we can go to temporarily get some of these positions to move forward, not all of them at least just some of them and prevent this illegally contracting out of our jobs, which CSEA is taking the stance and will fight, but its not going to help our members in the process they're still going to be affected by this. All I can say in record is that is a growing concern and we would like to see something move and I understand that litigation and everything is going to take a very long time and I don't know that all these people can last that long. It's becoming a severe crisis and you're going to start seeing a lot of people shoved in meetings and we're trying to explain stuff to people, but everybody is flustered and they don't know what's going on on either side of the coin, all they know is they're being affected, and that's when you're going to start hearing all these vocal concerns that are being brought to you. Thank you for your attention.

Gary Underwood, Retired School Police and Safety Director: Good evening my name Gary Underwood I'm the former Chief of the School Police Department. I don't know if you read the paper yesterday, Rhonda, if you read the article about combining dispatch services between Chaffey College and Cal State San Bernardino. The thing that struck me about the article it was interesting is that the Chief up there, Jimmy Brown, said he has seven dispatchers and he has two part-time dispatchers for a 24-hour operation. Cal State San Bernardino probably makes, in the course of one year, probably something less than 400 hundred arrests. Your School Police Department makes an excess of 4,000 arrests a year, 4,000, we have four full-time dispatchers we can't hire anymore because of the delays, the problems with the Personnel Commission. That's a public safety issue and clearly you're responsible for this in great part. In addition, we have a number of good employees at our school district, Gino, who have been laid-off, they don't have benefits like you do nor does their family and they won't have benefits in the near future unless you get moving on these issues and compromising and going to a second party or going to an Interim is all kinds of solutions. But I'm clearly disappointed at the lack of progress on the Personnel Commission, there are solutions there's a way to solve these issues and the Interim and still retain you legal issues with the district, but you failed to do that. I find it unconscionable, I find it unconscionable for a number of reasons, but the human reason is the most compelling to me the fact that there are families out there who's wives or husbands who are unemployed because of you, whose children don't have the benefit of dental or health that the district offers, you do, but they don't. Thank you.

Eric Vetere, Vice President School Police Officer's Association: Good evening my name is Eric Vetere, I'm the Vice President for the School Police Officer's Association. We currently have a 44% reduction in man power within our department; that's 44%, that's almost half ladies and gentlemen, that affects our response to emergency calls, that affects officer's safety. My three year old young man that's sitting in the back of the room would like for me to come home every night, I would like to come home every night. If we don't have the man power on the street to do that, that risks my safety, that risks the safety of the students and the staff in this school district to not be able to hire people. It's been a shell game with moving people out of class and we're out of people. We're out of dispatchers we've got people working overtime in dispatch; officers untrained working overtime in dispatch. We're done, we need your help, we're asking you guys to un-dig your heels from the sand and start moving forward because we're past having an argument between you guys and the district, it's becoming a safety issue. I'd rather stand here before somebody loses their life and beg and plead with you to make something happen than have to explain to somebody's life why it didn't happen, thank you.

Mr. Salazar: Spell your name for me.

Eric Vetere, School Police Officer's Association Vice President: Eric, e-r-i-c, Vetere, V as in Victor-E-T-E-R-E.

Mr. Salazar: Thank you for your comments sir.

Alex Raya, School Police Officer's Association President: Good evening, I'm Alex Raya, I'm the President of the San Bernardino School Police Officer's Association. I'm here to plea to the Commission and the district work out the function of the Commission. My officers and unit members are having safety issues over worked officers are being strained trying to run call to call. It becomes a safety issues, we're not able to respond to incidents, officers aren't being able to get the assistance from other officers when an emergency situation happens. Our dispatch centers are running low we can't hire any dispatchers. It's becoming a really big safety issue for my unit members, the officers of the San Bernardino School Police Department and also for the staff members, students of the San Bernardino School District. I really hope that the Commission and the district can work out the problems they're having so we can get some hiring going on. Officers wise we're operating with almost a quarter of our department gone at this time, and unable to fill those positions and we run from the morning, from a.m. to p.m. shift, and officers are really getting strained on the work that's coming; we don't have enough personnel to respond to these calls, some calls are sitting unanswered for a few hours before an officer can get to them; it's really ridiculous for the School District and the safety of the School District. I really hope that the Personnel Commission can do something with the district to get this ball rolling to work out the problems that they're having and so we can get some hiring going on and fill those positions. I don't want to see those positions being lost especially in these budget times if we're not getting them filled, it's really important. Thank you for your time.

Carl Greenwood: Hello, Carl Greenwood once again CSEA. I want to echo back, when we do have a problem, I'm a night employee, when we do have a problem, School Police is so far stretched that you may have an officer in the extreme west end of town, I on the extreme east end of town; so during that 10 or 15 minutes depending on what's going on we have to kind of handle it or we have to go and talk to the person because we don't have an adequate amount of officers there, so that puts us in danger because somebody just walked into the building. So I have to go as a lead person and say 'can I help you?', what if he's got a gun, what if he's got a knife, what if he's upset, he's still 15-minute out roll in code if he has to roll code, and then once he gets there he's other unit is coming from the south end, so we have to watch he's back until his other unit gets there. That's ridiculous to have custodial help watching a police officer because he doesn't have adequate backing or engaging someone who we don't know because the police officer is 15-minute out and we're talking to the dispatcher and she's saying he's on his way, he's on his way stand-by, do what you can; that's ridiculous. That's what I have to say, do whatever we have to do guys, thank you.

V. ACTION ITEMS

Ms. Early: Any other public comments? Moving on to Action Items V (A), the Commission will receive public comment on the nomination by the classified employees' appointee to the Commission of Jess C. Vizcaino, Jr. 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 on the consideration of the

appointment of Jess. C. Vizcaino, Jr. as the joint-appointee. The nominee may also address the Commission on his appointment.

Alexis Jenks, Human Resources Specialist PC: I have a comment, am I allowed to speak during this time? My concern is indirectly related to this Action Item, it is in reference to the agenda supported material that was submitted by Commissioner Barabani. I feel I have to address this because I'm a little embarrassed that this is written the way it is. There's a particular section in this agenda backup that refers or made a reference, to an email summary that I sent to our Commission staff that I sent directly to the Commissioners. I did not send it as a public document, I'm a little embarrassed that I was not asked first that this be placed in the agenda; I feel that the purpose of the summary was used out of context for this particular situation and I just need to clear the air. On August 25th, I did write a summary and I did send an email to our Commissioners and our Commission staff, it was in regards to a meeting that was held on August 25th, where there was a little discrepancy about an amended agenda and a Commissioner submitting an agenda item. After that event I wrote the summary to kind of clear the air and my intent was to not be used as ammunition against another Commissioner; and I feel that Commissioner Barabani's letter or his rebuttal to Commissioner Salazar's letter, I feel that I or Commission staff should not have been involved in that directly especially without asking for our approval to see if we were comfortable with that. I feel that my words were taken out of context and I feel as if you were going to use something that I thought was an internal document that you use all of it, rather than just portions of it, to try to prove a point. There's a particular part in Commissioner Barabani's letter, and I'm going to read it verbatim, 'most distasteful is his casting of aspersions against Commission staff by implying, if not explicitly stating, that they were unwilling to work in a cooperative effort with him as a Commissioner', and this is Commissioner Barabani in reference to Commissioner Salazar, 'it is offensive for any administrator to treat classified staff in this manner. For a Personnel Commissioner to treat his own staff in that manner is abhorrent and is clearly not indicative of someone who adheres to the principle of merit'. I feel that that statement is a little ironic considering the situation and I just have to tell you that I do not agree with this and I am really embarrassed behind this. I've been with the Commission for going on two years now and myself along with other Commission staff we've done a pretty good job trying to stay under the radar; this issue does not affect us directly, but it does affect us indirectly. And I was not going to elaborate on the comments that were made tonight, but I feel, as an employee, I am begging you we need to have something done; I have had conversations with all of the Commissioners and we are still back to square one. I don't necessarily have to work out of class, to be honest with you I agree that there does need to be an Interim in place, there does need to be a permanent person hired. I honestly; if this is going to be this dysfunctional I don't want the responsibility, but as a classified employee I am begging you, I am begging you that we need to have something done; it is kind of embarrassing to know when you walk into the Board of Education building, everyone knows that we're not doing anything everyone knows that we have no work to do. Some of us have pursued this as a career move, some of us have made, you know we went to school for this, and I take this very seriously and I just wish that something could be done. I don't want to be used in any agenda backups, I don't want to be used as a pawn, as ammunition

to bring down another Commissioner; I don't want to play that role. I'm an employee, I'm waiting for somebody to be our supervisor and I will do what I'm told to do, but I just have to let you know how I feel, and to let you know that I don't agree with statements that are made in this, and I just honestly wish that someone would have come to ask me if this document could have been used. The purpose was not to make another Commissioner look bad, the intent was to have it clarified a certain procedure that there seems to be a discrepancy on. I was not there to represent myself at August 25th meeting, I wrote this summary August 26th, I didn't receive a response about I heard nothing about it until today. That's all I have to say.

Sharon Thurman: Thank you Commissioners, my name is Sharon Thurman. I'm kind of confused here it says that 'the classified employees appointee to the Commission was Jess C. Vizcaino'; I was at the last meeting and somehow, we did not appoint Jess C. Vizcaino we appointed Rhonda Early, and I don't understand where the problem is on that, I'm kind of confused on it.

Mr. Salazar: At present there is no appointment, they're both nominations, if the verbiage on here says appointment, it's incorrect. There are two nominees at present one was Ms. Early the other is Mr. Vizcaino.

Sharon Thurman: But it says 'the nomination by the classified employees', we did not nominate Jess C. Vizcaino we nominated Rhonda Early.

Mr. Salazar: I didn't prepare the agenda, that's a great question however.

Sharon Thurman: Ok then, thank you.

Ms. Early: Thank you. Is Mr. Vizcaino here this evening? He's not here?

Mr. Salazar: I don't see him.

Mr. Barabani: Was he; I have a question; did you send out an invitation to him?

Mr. Salazar: I didn't.

Mr. Barabani: He was your appointee, or your nomination, or whatever word you want to use. This is part of the process who we, that you wanted to follow, don't you think there should have been an invitation and invited him?

Mr. Salazar: He's still my appointee, Mr. Barabani, I simply do not control Mr. Vizcaino's calendar.

Mr. Barabani: Oh I see.

Ms. Early: Well unfortunately the nominee is not present. Part of this process is that he would appear, be available to answer any questions that would be posed by the public. Would you like to respond, Commissioner Salazar?

Patrick Maher: On the agenda there's an error it should be corrected to read that; 'it's a nomination by the governing board appointee to the Commission', so you should amend the agenda accordingly.

Mr. Barabani: Should I make a motion for that correction?

Ms. Early: Go ahead.

Mr. Barabani: I make a motion to make that correction.

Mr. Salazar: I'll second.

Ms. Early: We have noted the agenda correction and thank you Ms. Thurman, thank you Mr. Maher. At this point in our agenda the public is invited to provide public comment on the governing board appointee's nomination. Is that what your comments were? Please.

Carl Greenwood: Carl Greenwood again, CSEA. My concern is, if I'm not mistaken, it's been three different meetings where Mr. Vizcaino has been asked to be here; every single month, 'I have no control of his calendar' this that blah blah blah. Our person who we're backing has always been here, always ready to speak, always ready to answer questions; in my opinion, this person doesn't seem to much enthused with wanting to do much of anything, hasn't been here for three meetings. Thank you.

Ms. Early: Any other comments?

Mr. Barabani: Are we still in the discussion phase of this?

Ms. Early: Yes, we're still on Action Item A.

Mr. Barabani: I came to this meeting today wanting to discuss some of these items particularly this letter that was sent. Now I understand the staff's upset over the letter. The nomination was made by me and Mr. Salazar. We just thought Mr. Salazar was the one that originally wanted to follow these rules and these procedures; it was his rules his way, he wanted to follow the Ed Code Section he made such a statement. I wanted to originally open this up to the public where everybody had an opportunity we bring in people, compete, run an ad, we're unable to come to terms on that, and then all of a sudden, we sent out, I believe, two three agendas with the procedure based on the Ed Code Section that Mr. Salazar demanded we follow and then the nomination was supposed to come out July 28th, and I'd like to ask now, after three times and everybody knew that was coming, how come you didn't nominate someone on July 28th, Mr. Salazar?

Mr. Salazar: Is this; am I on trial here?

Mr. Barabani: No, but you wrote this letter saying that somehow this is not your fault.

Mr. Salazar: I think the record speaks for itself, Mr. Barabani.

Mr. Barabani: Well the record states that you weren't prepared on July 28th.

Mr. Salazar: The record is the record.

Mr. Barabani: That was your fault. Why were you not prepared on the 28th?

Mr. Salazar: I think the record speaks for itself.

Mr. Barabani: So the record specifically states you weren't prepared?

Mr. Salazar: It's on record.

Mr. Barabani: Ok. And then August 25th rolls around and you didn't seem to be prepared on August 25th, and where am I'm getting at this is this whole letter blames everybody but yourself for not having an appointee, but the record specifically shows you weren't prepared on the 28th, you weren't prepared on the 25th, we finally got to the point where we're prepared today and you have your nomination in and he's not here, he's not here, but you still sent this letter blaming everyone but yourself. So how come you weren't prepared on the 25th? Was this a game?

Mr. Salazar: You know I find that you spend a lot of time looking into the faults of the people on your team. We as the Commission sit here and serve as a team. The purpose and the function of this Commission is to get people to work; we've heard these public comments earlier, our first order of priority here as a Commission should be to work together as a team for the purposes of getting the people to work. You know you can sit up here all evening and badger me for making mistakes and for not being prepared and you know we still 400 or 500 that want work out there. You know we're starting to hear this from our union representatives, everybody that came up had the same issue going on and you want to focus on this issue here. The bottom line is this, I have made it clear publicly who I wish to nominate as my appointee that issue is clear, you have made it clear who you want as your appointee, that's clear. I think we can probably, with the permission of the Chair, skip to B on this which talks about the appointment of the joint-appointee to the Commission; which says that you and I don't appear that we're going to agree on this, hopefully, Mr. Barabani, we will agree to get some of these folks back to work, that's my statement and my comment.

Mr. Barabani: Well I like that statement, but it's clear to me that you didn't follow the rules and try to nominate your person, and I did.

Mr. Salazar: Well let me.

Mr. Barabani: You're sitting grand standing and talking about getting people to work and when we tried to get the retirees back here to work, we made a motion, we came up with a procedure we thought would go and maybe the board would have looked at it more kindly had you voted with us instead of grand standing talking about 'how I want to do this and help' and then what was your vote, it was on record as you like to state, it was a no you decided not to vote, but you didn't have the guts to vote on what it took to get these people back to work, if I recall Ms. Early did vote yes and I voted yes let's put these people back to work, you're vote was not there.

Mr. Salazar: That's a very emotional statement.

Mr. Barabani: You bet it is, because these people need to go to work.

Mr. Salazar: Can I speak? May I speak?

Ms. Early: Mr. Salazar.

Mr. Salazar. That's me?

Ms. Early: Yes.

Mr. Salazar: Thank you. If you recall, and you know I'd like to stay on topic but since you've chosen to go ahead and divert from the topic, there was a time where we had on the agenda an item, and that agenda item was to get in fact Ms. Alexis Jenks to go ahead and temporarily hold that position; her function would be to sign and get this bottleneck moving, that was an item that was agendized; and if you'll recall Mr. Barabani, I think it was very clear I was the one that was hoping that we would go forward with that and you voted to strike that from the agenda. So before you start pointing fingers at this process not moving, be careful sir.

Mr. Barabani: Oh I'm very careful, I'm glad you brought up that procedure, you brought up a procedure and you put it out there and you know it was a violation. The reason we couldn't go forward with it because it violated the rules; in other procedures you violated the Brown Act, but you continue to think that you don't have to follow the rules, but you demand we follow the rules.

Mr. Salazar: Again, my; I'd just like to just publicly state this, once again for the record; I nominate Jess Vizcaino Jr. as the next Commissioner up here, thank you.

Mr. Barabani: That's good why didn't you leave it at that why attack Ms. Early in the letter, that's what I'd like to know. When I asked you if there's anything wrong with Ms. Early and why you thought there was anything wrong maybe you can convince why we shouldn't go that route you said nothing in public, you waited until you got behind closed doors with, I believe, the district lawyers which no one approved to write this stuff, it

appears to be my opinion. So you're talking about things being out in the open let's put them out here in the open, how come this wasn't done in the open when you had the opportunity to?

Mr. Salazar: Are you done?

Mr. Barabani: Yeah.

Mr. Salazar: So am I, thank you.

Ms. Early: The agenda item that we're on is we are inviting public comments for the joint-appointee nominee. Would you like to have comments sir regarding that agenda item?

Carl Greenwood: Yes, Carl Greenwood again CSEA. I believe that Mrs. Early, Mr. Barabani, can't say your last name I'm sorry; they have been trying to get your client to come out here. We have been waiting patiently to talk to your person. The facts are the facts; haven't been here don't look like they want to be here, let's move and be done with it like everything else we're bickering again over who said what who's on first let's move on let's get the people back to work. This unfortunately they're correct, they've done their job, they've done their homework, obviously it looks like you didn't; so let's just squash it and get back to work. Thank you.

Ms. Early: Any other comments? Seeing none. We'll move on to Action Item V (B). Mr. Salazar, any comments?

Mr. Salazar: No comments further than I've already made Madame Chair.

VI. COMMISSIONER'S REMARKS

Ms. Early: Item VI, Commissioner's Remarks.

Mr. Salazar: May I?

Ms. Early: Yes, Mr. Salazar.

Mr. Salazar: You know, I just want to re-emphasize for the record, you know we've heard some really important stuff and this is, I think, the essence of what we are trying to do as a Commission and that is get people to work. The root of that is to get them to work in a fair manner. We've heard this before about the issue with public safety; I don't know because am not out there, but you know I've asked this question before, are we in a crisis I don't think we need to be at crisis for that matter I don't think we need to get to a breaking point in order to get this done. I would hope that we can come to some sort of agreement to get somebody in there to do this on a temporary basis, if it's not Mr. Maher then someone else to do this. We've heard this from, is it Mr. Greenwood?

Carl Greenwood: Yes sir.

Mr. Salazar: I heard this from Mr. Greenwood today and even if it's not that person somebody get the process going. I know that there were no other mentions and so I don't want to make any assumptions that other people were thinking in the same line, but the common thing was get this bottleneck moving. Again, for the record, say to my fellow Commissioners that I hope we can; I would really like to see that done, I would love to see us work together to get that done; instead of pointing fingers at one another and saying bad things. I think collaboratively we have a good good group that can work together at least for this principle and fundamental item. That's the extent of my comments, thank you very much for listening.

Ms. Early: Commissioner Barabani?

Mr. Barabani: Yeah, I heard those same comments too and it just; have the former Police Chief come up here and tell me about all the problems and believe me, it's very frustrating to hear this. One of the first questions I'd like to ask everybody out there, I'd like you to take your case to the governing board if you have to do it again do it again, because we've sent letters, we've asked to speak, when I hear some of you talk yet you're implying or act like we haven't, we have, we have not got any answers back. We've asked the governing board to speak with them, we have not got any answers back. We went to the district, personally, we invited all the Commissioners, we stood there, as I recall, Ms. Early and I were the only two that went. We hear a lot of talk about we're going to get along I mean it sounds like trying to sell me a bad car (inaudible). The bottom line is you need to show up can't just do the talk you need to do the walk and walk to the Commission, the board and ask them, once again it fell on deaf ears. If one party is the only one talking we don't get any action here, so, we're trying.

Gary Underwood, Retired School Police and Safety Director: You know you can appoint an Interim, it's hardly trying by just balking and breaking shells, I just don't buy into that at all.

Mr. Barabani: I personally can't appoint one, but you spoke to me and I guess the other Commissioners, and saying that you were going to try something to see if they; I mean I don't know what to say about that, I don't have the authority to appoint anyone.

Gary Underwood, Retired School Police and Safety Director: You and the Commissioners have the authority to appoint an Interim Personnel Commission Director to stop this road block.

Mr. Barabani: Based on rules.

Gary Underwood, Retired School Police and Safety Director: Don't advocate your responsibility.

Ms. Early: Right now we're on the Agenda Item of Commissioner's Remarks. Continue Mr. Barabani.

Mr. Barabani: We must follow the rules when it comes to that, we can't violate the rules to appoint someone. I understand it's frustrating, but as a police officer you must understand that the rules have to be followed and the laws even though sometimes they're very frustrating.

Ms. Early: Are you...?

Mr. Barabani: That's the end of my comment, but we welcome Mr. Carl to speak out.

Carl Greenwood: Speaking on the rules, we spoke with the district today, they're in favor of having an Interim person come in and take over, we're in favor of that same thing. What's going on with the, how could I put this, who your governing board may want to take over want to take over and want to hire, that becomes a legal issue between you and the district, but if both sides are saying let's get this thing together and both sides don't have a problem with a certain person, if you say there is a legal problem, sit down make an appointment with us this police, Mel Albiso, yourselves and let's hash it out; I'll give a vacation day I'll get whatever it takes and I'll stay as long as it takes. There's got to be a way, I don't know the way, but there's got to be a way, there's got to be somebody here who's qualified. You see what I'm saying? What we're trying to say what the Police Chief is trying to say is enough is enough let us find a way to get past this, let's find a way to move on because people are going to be injured, hurt or possibly killed because we're tying each other's hands. Whatever you need from me you get my number and I'll be there. Let's quit saying he said, she said, who's on first, who's on second, let's get all the parties together and face each other like men and women and deal with the issue, thank you.

Ms. Early: Thank you, I agree with you, enough is enough.

Carl Greenwood: Enough is enough, Amen, thank you.

Ms. Early: Enough is enough and if you have a Commission that sits before you and appoints someone to sit as a Provisional Director and if your union representatives come before us and tell us that Mr. Albiso has publicly stated that the provisional director appointed that was appointed will never get hired simply because he doesn't like him, that raises questions for me; you need to be able to give me an answer other than I don't like him so he cannot work for this district.

Carl Greenwood: And you know? What we believe the same way you do, but that is not our fight, our fight is to get these people back to work, if there's a legal problem and you need the support of the CSEA of anybody else, we asked the same question today and didn't get anywhere. We told him that's not good enough, but right now we're trying to get people back to work, we're trying to save jobs we're trying to save our good employees from leaving this district, you're right, enough is enough on all sides; everybody needs to get together, everybody needs to come to the table, and everybody needs to get out there and say what you have to say and hash it out. Not saying that any

of us are right or wrong, let's get to the table and come to an agreement and move forward, you guys are under a lot of pressure, you're trying to hire the right person, you're trying to do the right thing so are we. I think the problem is, this one over here is jaber jawing, this one over here is jaber jawing, let's get together and jaber jaw together and work this thing out and quit this infighting and the stuff that we're doing, that's all I am saying. You're right on a lot of things and we want to know the answer why too, but until we get that answer, until we get someone in permanently, let's do what we need to do as a collective group, all the unions and everybody to get some people back to work.

Ms. Early: We thank you for your comments.

Carl Greenwood: Thank you.

Ms. Early: The agenda item that we're on is Commissioner's Remarks and we'd like to stick to our agenda. My fellow Commissioners have had a chance to provide their remarks and I will provide mine. We have been working tediously to address non-employment within this district. As a district parent, I am very concerned when somebody comes before me and tells me that our classified employees are unsatisfied. I realize the role that you have. You create an atmosphere on our school sites. If you're not satisfied and if you're over worked, I know that the atmosphere is not going to be created where children can academically blossom. Some of you are here for the first time, but if you have been coming, and if you have been reading the minutes, you know that we have been diligently trying to creatively satisfy the re-employment issue. and address under staffing within this district. Once Mr. Underwood came before us and told us there was a safety issue, we got busy right away trying to set up meetings. Two of your Commissioners went before the school board to ask them to address this. We're not hearing these issues for the first time. Some of you came and presented as if you were presenting information to us for the first time, but this is not a new issue for us. My operative word that I heard from the Public Comments this evening was "illegally" filling positions. When I came to this Commission I came here with my integrity intact, and when I leave here, I will leave here with my integrity intact. Therefore, I am not going to illegally fill any position, and I will raise the question to those who are seated in position who think they can illegally fill a position. When someone says I'm going to deny you a position simply because I don't like you, I have to address that, and I can't move forward until that is addressed because we have a merit system in place here. I had a chance to read the most recent correspondence this week that went out by my fellow Commissioner. I want to find out exactly what is the definition of a merit system, since it appears in this correspondence that I'm not a supporter of a merit system. How do you define, Commissioner Salazar, a supporter of the principles of a merit system? What's that definition? Since evidently I'm walking and talking it. What is the definition and what does a supporter of a principled merit system look like? What is a merit system?

Mr. Salazar: It's the system that we operate under, this is the system that we operate under, in its basic element. What we're trying to do is get people fairly hired and you know there are a lot of other sub components to that, but you know it's a system where we move forward and we find ways creatively and collectively as a Commission to move

forward. It's a system where we don't have several hundred people who are willing and able to work still sitting on the sidelines because we cannot figure out how to get those people employed. That's what our system looks like to me.

Ms. Early: I don't know how many of you have had the opportunity to read Mr. Salazar's most recent correspondence, but let me conclude by saying I have not been a part of any conspiracy to thwart any activity that was recommended or suggested by Mr. Salazar. I was a supporter of the merit system prior to being seated as a Commissioner. I support merit systems in my community, in my work place, and in my home. So, if someone says they want me to overlook principles of the merit system to simply get things going, I need to ask you, are you standing for the merit system or do you want to throw it away when it's inconvenient. I support the merit system even when it makes me unpopular. I stand on the principles of merit even when everybody in the room might reject them out of convenience. If we say we are bound and we're obligated to uphold the Brown Act, then don't sit here and write this, and say that it was a conspiracy because an item didn't get on the agenda because it wasn't posted. You didn't get it to the personnel commission staff in time for posting, and since it didn't get there you are a victim of conspiracy? Come on now, we've bent over backwards, I have as a neutral Commissioner to have us move forward in a unified effort. Unfortunately, we have, run into some obstacles doing that. However, I am committed to making things work for this district, I am committed to the merit system, I think that there is a compromise between strategy and making it work, I think we can compromise on tactics in making it work, but as far as the principle of the system, there is no compromise, there is no compromise on the principles of merit. So again, if you're telling you're going to deny a person a position, be able to give me something that I can work with, tell me that this person cannot sit in that position temporarily because of something that came up in the background check, tell me that this person cannot sit in this position because of inappropriate behavior at another entity in which that person has been associated with. Don't tell me that this person cannot sit in that position because you don't like him. Do you want a merit system or do you not want a merit system. Do you want things to proceed and overlook the merit system and be willing to illegally fill positions, or do you want to do it properly? Tell me what you want. Now I realize that some of the decisions that we have made in support of the merit system has made us unpopular, but somebody told me that the three seated Commissioners were here to uphold the principles of merit and that is what I have tried to do as your Commission Chair. I have appreciated the privilege of serving as your Chair, and this concludes my remarks for this evening. Meeting adjourned.

VII. ADJOURNMENT

Meeting was adjourned at 6:38 p.m.