

SAN BERNARDINO CITY UNIFIED SCHOOL DISTRICT  
PERSONNEL COMMISSION  
MEETING MINUTES

**May 31, 2011**

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

**I. CALL TO ORDER**

Mr. Barabani called the meeting to order at 5:41 p.m. Mr. Barabani led the pledge of allegiance.

**II. APPROVAL OF AGENDA**

Mr. Barabani: Move on to Item II, Approval of the Agenda.

Mr. Salazar: I move that we approve the agenda.

Mr. Barabani: Alright and

Ms. Early: I second.

Mr. Barabani: I'll second that and I'd like to make one correction on Item E, on the second line *counsel to the governing board* should read *whenever counsel to the governing board notifies the commission*, that's all. I have a motion and a second, vote?

Mr. Salazar: Aye.

Mr. Barabani: Aye.

Ms. Early: Aye.

**III. PUBLIC COMMENTS**

Mr. Barabani: Thank you. Public Comments section III, note: because this is a special meeting, public comments may be made only on items on the agenda; comments from the public on the budget will be heard only during the public hearing portion of the meeting, that's coming up next; public comment during the commission's discussion of an agenda item will not be permitted. Anything but the budget anyone like to make a public comment? Ok then, we waited long enough, too long.

Steven Holt, CSEA Vice President: Steven Holt first Vice President Classified Union. Just would like to make a public comment and thank the commission for their hard work and dedication to the classified employees in these difficult times.

Mr. Barabani: Thank you.

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

Mr. Barabani: Any other comments during the Public Comments? Alright we'll move on to item IV action item, the commission will hold a public hearing on the proposed 2011-2010 proposed budget for the personnel commission, public comments on the proposed budget will be heard at this time.

Ken Holt, CSEA President: Walk up there?

Mr. Barabani: There's a recorder over here, the closer you are the better.

Ken Holt, CSEA Chapter President: Looking at your budget; Ken Holt CSEA Chapter President. Looking at your budget and the issues we have with the district provided a facility for you guys I might suggest that you guys add in to your budget cost to get an outside facility that's not controlled by the district so they are not in control of the commission, that's all.

Mr. Barabani: Any other comments during the public comments section for the proposed budget? Thank you. Action Item IV B, the commission will consider approving the proposed budget or consider making revisions to the proposed budget. A proposed motion is: It is moved that the commission approve the budget for 2011-2012 as proposed. That is motioned do I have a second?

Ms. Early: I second.

Mr. Barabani: I have a second. Any comments? Call for a vote.

Ms. Early: I have a comment.

Mr. Barabani: Alright.

Ms. Early: We received the recommendation that adding a cost for an outside facility so that our physical office is not in direct control of the district. I think that warrants consideration because as of right now we have an individual who has access to materials that should not have access because he officially has no position within the district. I think that warrants consideration.

Mr. Barabani: Alright. Well that is true it looks like we don't have any confidentiality on any matter including legal matters as long as we have this person that's claiming to be the Personnel Commission Director; person is going at the schools and introducing himself as such and introduced himself on the internet as an Interim Personnel Commission Director and none of those things have actually been adopted by the board and commission. Do we have an idea what you think something like that we're willing to budget or cost on that? I'm willing to take public comments on what it cost.

Ken Holt, CSEA Chapter President: Ken Holt CSEA Chapter President. Our facility we rent is a little bit smaller than this and we pay about \$1100 a month, so you're probably looking about \$1600 a month to get something this size.

Mr. Barabani: Then we're looking at about eighteen-hundred a year approximately.

Mr. Salazar: Eighteen-thousand.

Mr. Barabani: Eighteen-thousand sorry. We're going to call on Nersi and I don't know if she has the answer to this; do you know where something like that will go on the budget what category or something like that such an unusual; I looked up all those other ones.

Nersidalia Garcia, Personnel Commission Secretary III: It will be under the 5000 operating costs it will be under rental, leases, and repairs under the 5600 and you just have to include it in there.

Mr. Barabani: Under the 5600 and it be 5600 you said?

Nersidalia Garcia, Personnel Commission Secretary III: It'll be code 5600.

Mr. Barabani: Maintain the same (inaudible) and then just; facilities.

Ms. Early: You said 5600?

Mr. Barabani: I went with worst case \$1600 times 12.

Ms. Early: It's one hundred and ninety two thousand if you use the 16, if you use 1600 a month.

Mr. Barabani: Yeah 19,200, approximately. We go under the 5600 category and look at the rental, leases, and repairs (inaudible). I am going to call on Nersi one more time, Nersi we have this form that the district looks at do you have a copy of this?

Nersidalia Garcia, Personnel Commission Secretary III: Yes.

Mr. Barabani: Could we change this in time tonight and have this placed in there?

Nersidalia Garcia, Personnel Commission Secretary III: Yes, I believe so yeah.

Mr. Barabani: So it could be signed off if it's passed. Ok to do this right I have an original motion that the commission approves the budget for 2011-2012 as proposed, I believe I have a second on that, I will call for a vote on that first.

Ms Early: Nay.

Mr. Barabani: Nay.

Mr. Salazar: Nay.

Mr. Barabani: Alright I will now amend, the first

Ms. Early: Make a new motion.

Mr. Barabani: Make a new motion that the commission approve the budget as it's proposed here plus we include an item for rental of facility at \$19,200 max for this year and placed that in the 5600 category. Do I have a second on that?

Ken Holt, CSEA Chapter President: I just have a question.

Ms. Early: I second.

Mr. Barabani: Alright public hearing go ahead.

Ken Holt, CSEA Chapter President: If I'm reading this right at the end of the year you're predicting hundred-thousand surplus?

Mr. Salazar: I don't; I have a problem, I'm not quite understanding the numbers here either with all do respect to my fellow commissioners, I've been looking at these and I don't have a calculator with me but I'm not quite understanding the math here.

Mr. Barabani: There's a 62, yes.

Ken Holt, CSEA Chapter President: So it be a hundred-thousand surplus? So, the nineteen thousand would just reduce that surplus.

Mr. Salazar: I'm looking at the first subtotal I look at the very first line, the change is minus 62,330 and I see where that comes from 62,330 adopted versus proposed and then after that the math kind of falls apart. Oh I know what it is maybe it's this Personnel Commission Director of 120,085 is not carried over.

Mr. Barabani: That's correct.

Mr. Salazar: Ok well it should be carried over.

Mr. Barabani: We don't know; there is no carry over.

Mr. Salazar: Well you're making the changes on every other.

Mr. Barabani: The Personnel Commission Director right now we have a sub in there supposedly.

Mr. Salazar: No, no, no, but what we're doing; let me just see if I follow this ok for the benefit of everybody here, we have these adopted number there's a column there.

Mr. Barabani: Correct.

Mr. Salazar: Those adopted numbers are last, they're minus the proposed numbers or if the proposed numbers are higher then, you know that's where the mathematical equation comes in, does everybody following me there? Ok.

Mr. Barabani: Explain.

Mr. Salazar: Ok so but when we get to Personnel Commission Director there's no math done and that's how we come up with the change.

Ken Holt, CSEA Chapter President: So it should be 120,085 with the negative on the change, negative 120,085 since there's not using that money.

Mr. Salazar: That number should carry over there somehow to propose.

Ken Holt, CSEA Chapter President: So it should be (inaudible) the actual at the bottom to two-hundred thousand whatever?

Mr. Salazar: Honestly, I don't know because I don't have a calculator with me, but I would like to go back and recheck the math on this before we do any voting, with all do respect to my fellow commissioners and the public.

Mr. Barabani: We have the, when you go to the Personnel Commission Director you look at what's adopted, it was adopted zero.

Mr. Salazar: Yes.

Mr. Barabani: Adopted again zero because

Mr. Salazar: No, but there you have the proposed column and that's where the math comes in.

Mr. Barabani: That's right.

Mr. Salazar: We don't use the actuality, the actual column we're not using that at all in our mathematical calculations, is that correct? Because we don't use it on the very first line.

Mr. Barabani: And you're asking me now where do we use it at, this is what

Mr. Salazar: I'm saying how come there's nothing in the change column.

Mr. Barabani: We do need right here, it is on our spread sheet

Mr. Salazar: But it's not there, you can see that on the third line

Mr. Barabani: I need a calculator to verify that

Mr. Salazar: Exactly, I think we need to go back and maybe sit back for a minute and do some math.

Mr. Barabani: I don't think the spread sheet is wrong

Mr. Salazar: But it's not right.

Mr. Barabani: Ok.

Mr. Salazar: For example, 62,330 minus 0 is minus 62,330, I get that. 0 minus or plus 120,000 is

Ken Holt, CSEA Chapter President: A negative 120,000.

Mr. Salazar: Well it that's a negative 120,000 it would have to be a positive 120,000 because the 62,330 is a negative. See what I'm saying?

Ken Holt, CSEA Chapter President: Yeah.

Mr. Salazar: It has to be a positive 120,000.

Mr. Barabani: Which it is.

Mr. Salazar: We need to put that number in our budget.

Mr. Barabani: The 120,000.

Mr. Salazar: We need to carry that over to the change column.

Mr. Barabani: Ok.

Mr. Salazar: And then we need to double check our math on all of these and then come down, it shouldn't take too long. Just want to make sure that we're accurate. This follows some; it's some math calculations.

Mr. Barabani: No, no, no I understand what you're saying but the thing is the reason this is proposed, right, right? We don't know yet whether we're going to spend that money.

Mr. Salazar: It doesn't matter.

Mr. Barabani: Ok.

Mr. Salazar: You used....

Mr. Barabani: I'm not the expert.

Mr. Salazar: Yeah.

Mr. Barabani: I'm going to be the first to tell; my thinking is we don't know unless; until we get a Personnel Commission Director.

Mr. Salazar: Ok well let me ask you this question, how did we come up with on the sub total 78,131 dollars, in the change column without that 120,000 dollars carried over it's impossible.

Mr. Barabani: Ok I did that wrong. Ok so now you want me to add this whole total up here.

Mr. Salazar: What I'm suggesting you do is go to the adopted and the proposed let's make sure that we get that correct in the change column

Mr. Barabani: Ok got that in.

Mr. Salazar: Then add your change; that will be the logical way to do it.

Mr. Barabani: Wait a minute, wait a minute, ok let's put that in, alright.

Mr. Salazar: And that would be the only error but we just need to double check.

Mr. Barabani: No I understand. Ok Mr. Salazar where would you want to go now?

Mr. Salazar: Ok.

Mr. Barabani: Add them all up.

Mr. Salazar: I think so I think we need to do that.

Mr. Barabani: Let me start with the adopted column?

Mr. Salazar: That's fine.

Mr. Barabani: Excuse me for a second. I thought I had my (inaudible)

Ken Holt, CSEA Chapter President: Question for you

Mr. Barabani: Sure

Ken Holt, CSEA Chapter President: the adopted column is that what you guys are actually going to adopt for this salary for that position?

Mr. Barabani: No that's what was; when I come down here I got to make sure all the totals are correct down here at the bottom.

Ken Holt, CSEA Chapter President: No, but under the adopted column itself under the position of Personnel Commission Director the one we're questioning

Mr. Barabani: Right.

Ken Holt, CSEA Chapter President: Are you adopting zero dollars?

Mr. Barabani: No that what was; that's 2011 the first column.

Ken Holt, CSEA Chapter President: Oh ok so you got; I see why you did that.

Mr. Barabani: Yeah. Right, we didn't have a director

Ken Holt, CSEA Chapter President: (inaudible) proposing to put that money in there just in case you need it.

Mr. Barabani: That's correct.

Ken Holt, CSEA Chapter President: Oh ok.

Mr. Barabani: That's correct; see that's what; that's the 2011-2012 column.

Ken Holt, CSEA Chapter President: So actually our total at the very end would be 120,001, should be.

Mr. Salazar: You see what I'm saying Mr. Holt, that's all I'm saying that that's clearly there something missing there. Is this on a spreadsheet some place?

Mr. Barabani: Yes, but I didn't bring

Mr. Salazar: Ok because that would have been an easy way to fix it you can just boom do that.

Mr. Barabani: Yeah that would have been; (inaudible) reach in my pocket for it.

Nersidalia Garcia, Personnel Commission Secretary III: Can I change it to Word?

Mr. Barabani: Huh?

Nersidalia Garcia, Personnel Commission Secretary III: Can I change it to Word, the PDF to Word?



Mr. Barabani: You could, but it won't make a spreadsheet out of it, unless you can do that.

Mr. Salazar: PDF to Word to Excel, maybe, I don't know I mean I'm not a computer; it needs to be in Excel.

Mr. Barabani: Can you put; if you would put these in three columns and in Excel it would be just fine, depends how fast you're at it. Alright I got for column 2011-2012 on the proposed, I got 619,278 and 619,278 is what is down here in this column.

Mr. Salazar: I'm sorry on the adopted you have

Mr. Barabani: No no I went down this column first the proposed

Mr. Salazar: On proposed

Mr. Barabani: Then the calculator says 619,278

Mr. Salazar: Perfect.

Mr. Barabani: And this is what that says 619,278. It came out with 204,041, I'm on the actuals.

Ken Holt, CSEA Chapter President: I think found there that 120 it all adds up with that 120 should have been carried over to the change as the possible 120 and then added the change over it needs corrected.

Mr. Barabani: Well you're the expert. Now I got the other column. The reason is that; the other things that I know that change were going to happen.

Ken Holt, CSEA Chapter President: Well no see your adopted for 2010-11 and you have your actuals which is your proposals zero should change to negative because there's a zero change to that and when you get down to the Personnel Commission Director in 2010-11 you adopt a zero your actual zero, but this year you are proposing 120,085?

Mr. Salazar: I agree with the change.

Ken Holt, CSEA Chapter President: So the change would be \$120,085 and then it get carried over.

Mr. Barabani: No I understand that and I understand even though we don't know that's really going to happen.

Mr. Salazar: It's just you just change column, you are proposing; there was something that was proposed and there was something that you are now proposing and that's what

we need to know what the change is the difference between last year's budget and this year's budget.

Mr. Barabani: Ok.

Mr. Salazar: That's the way this spreadsheet is set up; I mean there are many different ways that you can do that but this particular spreadsheet it supposed to be set up in that fashion so you have to be consistent you can't say 'what if', this never happens, but if it never happens it shouldn't be the budget.

Ken Holt, CSEA Chapter President: The bottom should be 220 thousand whatever.

Mr. Barabani: I have no problem with that, my problem is that; alright, I'm going to go with the count series.

Mr. Salazar: I'm not an accountant for the record.

Mr. Barabani: Neither am I, neither am I but I know these things were going to happen this one here I don't know.

Mr. Salazar: This is easy to fix we just need to fix it..

Mr. Barabani: Ok

Mr. Salazar: I just looked at a couple of things, there's a couple of other numbers that are incorrect here as well, let's tackle one thing at a time.

Mr. Barabani: We're talking 220,630 on the change.

Mr. Salazar: So we're proposing a budget that's 220 thousand dollars higher than last year's budget; in some of the roughest, toughest fiscal times that we've seen in the state of California.

Mr. Barabani: That is correct.

Mr. Salazar: Ok just trying to make sure that I understand that for the record. When everybody else is cutting we're increasing our budget from 518 to whatever you said 220 thousand we're almost increasing 40-50%, 40% let's say, I have to do the math.

Mr. Barabani: Well as you pointed out the biggest change we have is the Personnel Commission Director we're not even sure that change is going to happen.

Mr. Salazar: If we're budgeting for it we're expecting it to happen.

Mr. Barabani: Yes I am expecting that because may mandate us or Mr. Flory's hearing is almost over so I don't know what the court or the hearing officer is going to say.

Mr. Salazar: I even look at that with respect to, and that's fine, I look at the proposed numbers compared to the actual numbers also which is those are real numbers that we've worked with, I'm assuming for 2010-2011 and those actual numbers are less than last year's adopted numbers so we're saying we want to take our actual numbers from 405-11 just some number that is if it's 619 we had another 120 to that number I guess oh no that number is ok, we want to increase this to 50+ percent; I'm just saying I think we have a tough time, I have a tough time approving a budget that's 50% higher than what it was the prior year.

Mr. Barabani: Well we didn't have a director the prior year.

Mr. Salazar: Well we had some actual numbers where we were paying somebody as a Personnel Commission Director 53,297 I mean that's on here.

Mr. Barabani: Yes.

Mr. Salazar: So there was somebody that we were paying or have been paying that has come out of our budget, right? Who's that now?

Mr. Barabani: I don't know we don't have a personnel commissioner and that's money that's been taken and paid to an individual who's not a Personnel Commission Director. I called Mohammad Islam on that to try to get explanation on that

Mr. Salazar: On who this \$53,297 been paid to, we don't know who that's been paid to?

Mr. Barabani: Well, they're telling me it's being paid to an individual and you asked me a while back....

Mr. Salazar: Ok it's being paid to somebody in a position that is quote on quote the Personnel Commission Director.

Mr. Barabani: But not one of our positions, not one of our positions.

Mr. Salazar: Ok but we're not going to pay that next year because it's not in our proposed.

Mr. Barabani: I plan on not paying but the district might take it I mean they took it this year to pay that individual without our permission

Mr. Salazar: Ok I don't want to get into those types of issues.

Mr. Barabani: What questions do you want to ask?

Mr. Salazar: I'm asking about numbers I'm not asking about people.

Mr. Barabani: Yeah they are going to pay it even though we told them not to.

Mr. Salazar: Ok so we're not going to budget for that because; and it's ok that we don't because in a way budgeting under Personnel Commission Director which we don't have right now.

Mr. Barabani: That's correct.

Mr. Salazar: But we're planning on getting one otherwise we wouldn't budget.

Mr. Barabani: Well maybe and like I told you the court might mandate it or the hearing officer might mandate it or something else.

Mr. Salazar: So we're planning for contingencies?

Mr. Barabani: That's right and that why on the change column I wasn't sure about it I'm glad you corrected it.

Mr. Salazar: Yeah.

Mr. Barabani: Then we also had an increase of health and welfare caused an increased by \$29,411 over the amount of the previous year and that's district's numbers not mine.

Mr. Salazar: Yeah, and that number also takes into account because that has to be based off of that \$120,000 number it should be also used for the calculation of that number which would make that number go up as well?

Mr. Barabani: I would assume yes, that's what I see here.

Mr. Salazar: Right I mean because that's a payroll type of thing that's where that number would figure in there. My issue is for the record that if we're taking a budget from last year's adopted, this last year; the current year's adopted the current year's actuals and saying that we want to increase that budget 50%, I can't agree with that.

Mr. Barabani: Well the problem is that last year's budget the money was taken out the Personnel Commission budget 50% of the money was taken and I called the payroll department and I said 'what happened to that 50%?' and they told me 'oh we used it' that was executive that was for the position of executive that Jeff Josserand was in, but he wasn't in that position so I asked where the money went and they told me the explanation given to me was 'well that's the way we do things and what happens is if you need that money we'll return it to the budget' and I told them 'well if I don't propose and put it in the budget then when I need it I'm pretty sure they wouldn't give it to me' and the phone went silent and I didn't get anymore answers on that. What I did find was, when I asked I was given this and this was the Personnel Commission duties and budgets and Yolanda M. Ortega, Assistant Superintendent, this was back in 2009 and actually I used that as a base line and will coming in under that a three year; well under the 5% that I'm asking for reduction.

Mr. Salazar: Ok so for the record I have problems with this budget, there are clearly a number of errors in the calculations in this spreadsheet that we need to remedy, number 1 and number 2 my major concern beyond these errors that we've already been able to uncover a few of them here, is that we have that what we're asking to do is increase this budget about 50% and you know I just can't do that.

Mr. Barabani: Well Mr. Salazar the problem is that I did the best I could on this and when I ask you

Mr. Salazar: This is not a personal attack Mr. Barabani.

Mr. Barabani: This is not personal and when I asked for assistance on this budget since I didn't want to carry the load I'm carrying a tremendous load right now, you seem to know a lot about this stuff and I asked if you can help and you said there was no way; and so now I'm here nit picking and which is fine because we want to get it right I don't have an issue with that but I sure would have loved some help along the way. I mean I called the district no help from them, I asked you for help I didn't receive any help there and now you're worried about our excess of expenditures, but as I stated they're still under the proposed budget of 2009.

Mr. Salazar: I'm just stating what I need to state for the record so I'm done with my comments and remarks as it pertains to this budget.

Ms. Early: I have just a couple of things additional items where the math needs to be checked it's other classified overtime we have adopted \$3,838 we have proposed \$13,500 that change should be more than that it should be more like \$9,000.

Mr. Barabani: Yeah I got a note on that.

Mr. Salazar: Right there you go, that's another example.

Ms. Early: Just a couple of things where we need to just check the math on. In addition to that line I marked other FedEx

Mr. Barabani: Hold on.

Ms. Early: Hold on? Ok.

Mr. Barabani: Yeah hold on for that let me go back to this so we can get that.

Ms. Early: Other FedEx/Delivery we have \$200 adopted we have a change of \$300, but for proposed we have that blank. Are we proposing a \$500 increase for this year?

Mr. Barabani: Ok we had adopted \$200 and it's actually \$306 the actual, and expenditures from the other; and then the change is \$300 so, yes \$500.

Ms. Early: We're proposing \$500 dollars?

Mr. Barabani: Yeah I should have put that there.

Ms. Early: And then under advertising we have adopted \$35,000, we have proposed \$25,000, so for the change should that be a negative \$10,000? We have that column blank.

Mr. Barabani: This, the advertising is not the newspaper stuff we're doing, this is the stuff that's being done under like Edjoin for the recruiting of jobs and things like that and that's another number I couldn't get a hard number on; the district I don't know.

Ms. Early: I'm just saying we're proposing \$25,000 this year without the 35, when we look at the change column it's been left blank, it should be a negative \$10,000 in that change column, that's my question, and similar for the line item under that one.

Mr. Barabani: Yes what happen was?

Mr. Salazar: Legal fees?

Mr. Barabani: The legal fees; we had, yes; now see the \$84,000 that was actually taken from our budget to pay they weren't supposed to take that money; not being an expert in accounting, what happen is the district took \$84,000 from our money they should have never took that because under the law that was supposed to be paid by them, they placed it in our budget and then took it back out we never adopted that originally you remember and then put it back and then took it to pay legal fees. What happens here is I'm trying to proposed a budget but people are putting money and taking out from the district's perspective and that's one of the cases they put in these legal fees that were never ours to be paid and now I'm proposing that they should be zero because the law says that they're supposed to pay them and they weren't supposed to ever be taken out of our budget, now.

Ms. Early: So in the change column should it be a negative \$10,515 in that change column if you're saying we don't need to have proposed legal fee; those are just...

Mr. Barabani: That's a question originally, we adopted the \$10,515 and then now they added the \$84,000 we proposed zero and one of the things..

Mr. Salazar: So the change column is minus 10,515? Or plus?

Mr. Barabani: No, because the 84 should've never been put in there.

Mr. Salazar: We're not even talking about the 84, we're talking about the adopted versus proposed. Adopted \$10,515, forget about actual proposed zero equals minus \$10,515, ok? That's how it works.

Mr. Barabani: No.

Mr. Salazar: But that's how it works. I don't know why you're going to change this whole thing.

Mr. Barabani: I know that's how it works, but here is the problem here because the district chose to take that 10-5 and pay, I believe, 94 and I couldn't get right answers on that.

Mr. Salazar: What are we proposing our legal fees to be this year, zero? That's a question I have for you Mr. Barabani, what are we proposing our legal fees to be this year, zero? You're saying zero.

Mr. Barabani: I am saying yes, by the law by the law.

Mr. Salazar: I'm just trying to help, if we're proposing that our legal fees are zero, ok, every other mathematical calculation on this spreadsheet says, column adopted 2010/2011 adopted column minus 2011/2012 proposed equals the change, we just need to be consistent so if it's zero it's zero, we just need to know that so that finish this spreadsheet.

Mr. Barabani: Yeah I know.

Mr. Salazar: So either we think we're going to have legal fees or we're not.

Mr. Barabani: Well see the legal are

Mr. Salazar: Yes or no?

Mr. Barabani: The responsibility of the district.

Mr. Salazar: Ok so you don't think we're going to have any legal fees?

Mr. Barabani: No I'm not saying that,

Mr. Salazar: Well that's what this budget says.

Mr. Barabani: What I'm saying that the legal fees of the commission are solely the responsibility of the district, there not supposed to be any legal fees.

Mr. Salazar: I understand, I don't want to get into a philosophical debate.

Mr. Barabani: But the district, hold on; the district put these fees in there without our approval, yes?

Ken Holt, CSEA Chapter President: For the purpose of the budget, and I understand what you're saying for the purpose of this budget if you're following the law you're proposing that you should have zero legal fees according to the law.

Mr. Barabani: That's correct.

Ken Holt, CSEA Chapter President: So your carry over would be a negative \$10,515 and if they take money out then they are breaking the law on the adopted.

Mr. Salazar: That's a whole another issue; then we go tackle that issue when it comes up that's not a budget issue.

Mr. Barabani: They should have never put the money in there in the first place see that was the..

Ken Holt, CSEA Chapter President: So did they add \$10,515 to your budget?

Mr. Barabani: They did last year, yes and they also added; and then somewhere during the mid year they added the 84.

Ken Holt, CSEA Chapter President: So should this line item be stricken out completely?

Mr. Salazar: No, it can't because there was an adoption \$10,515 of last year.

Ken Holt, CSEA Chapter President: Well that's my question, did you guys?

Mr. Barabani: We didn't propose the budget.

Ken Holt, CSEA Chapter President: Not you guys but did the commission adopt in their budget last year \$10,515?

Mr. Salazar: I think so, I think we have a copy of that do we not?

Mr. Barabani: No, the district, remember.

Ken Holt, CSEA Chapter President: You guys have a

Mr. Salazar: We should have a copy from last years budget it's right here isn't it?

Mr. Barabani: Remember we didn't have a Personnel Commission Director we didn't adopt a budget.

Mr. Salazar: It's right here.

Mr. Barabani: Remember? We didn't do that the school district sent in like that .

Mr. Salazar: Ok but it's the budget.

Mr. Barabani: But they sent it in without our approval.



Mr. Salazar: Alright, let me know what you want to do then because now you can't have both.

Ken Holt, CSEA Chapter President: But if you change what they sent to county not approved and this year you're saying that's it's zero?

Mr. Salazar: But that budget was approved.

Ken Holt, CSEA Chapter President: Then the change, I get it, the change should be \$10,515, so the change.

Mr. Salazar: That's right.

Ken Holt, CSEA Chapter President: So if they touch that this year because you guys are now the commission approved this budget then they're violating the law.

Mr. Barabani: Yeah like they did last year too.

Ken Holt, CSEA Chapter President: Yeah and then we would have to tackle that at a separate time.

Mr. Salazar: It's a separate time.

Mr. Barabani: Ok put it in then, that's why we have these public hearings.

Mr. Salazar: And that's a negative \$10,515?

Mr. Barabani: And so

Mr. Salazar: So now I need to do the math in this column.

Mr. Barabani: No what we need to do is now the \$84,479 was the actual money that was misappropriated.

Ken Holt, CSEA Chapter President: Yeah, but that wont affect your new budget.

Mr. Salazar: It doesn't affect this budget.

Mr. Barabani: Ok.

Mr. Salazar: Because you have adopted..

Ken Holt, CSEA Chapter President: Because (inaudible) used that money when they should have used it, you're proposing zero for this year, so this year's total that you're asking for wouldn't even include that \$84,000.

Mr. Salazar: If you don't think there's going to be any legal fees I wouldn't.

Mr. Barabani: No we are going to have legal fees but the issue is

Mr. Salazar: Then we need to make sure that we account for them in the proposal, if we're going to have legal fees whether its; if we're going to have legal fees we need to account for them guys, I'm not a budget expert but if you anticipate having some sort of a?

Ken Holt, CSEA Chapter President: According, Ken Holt again, according to Ed Code the district supposed to pay your legal fees.

Mr. Barabani: That's under 45313, that's right.

Mr. Salazar: So then propose what?

Ken Holt, CSEA Chapter President: So that shouldn't come out of your budget, so your proposal zero is correct, and if they do take it out of our budget then that's, like you said, it's a separate issue that you have to deal with if and when they do

Mr. Salazar: If this commission does not expect or anticipate to have any legal fees then we should propose zero.

Mr. Barabani: Base on a law that's correct.

Ken Holt, CSEA Chapter President: Yes, according to the Education Code that is correct.

Ms. Early: I recommend that we leave the legal fees as the column for 2010/2011, \$10,515 was budgeted for last year, I recommend that we insert that to proposal and therefore the change column will show zero.

Mr. Barabani: Alright let me.

Mr. Salazar: We can do that too.

Ken Holt, CSEA Chapter President: Can I make a suggestion

Mr. Barabani: Hold on, hold on.

Ken Holt, CSEA Chapter President: I'm sorry. Since the district is illegally taking money.

Mr. Barabani: Yeah.

Ken Holt, CSEA Chapter President: and there are..

Mr. Barabani: Well now they misappropriate, they put the money in there.

Ken Holt, CSEA Chapter President: But they are responsible for your budget, and you changed your proposed to \$84,479 what they took.

Mr. Barabani: No.

Ken Holt, CSEA Chapter President: If they took it from (inaudible) were they are saying that you need that money to have legal fees of that cost and we know legal fees are going up.

Unknown Speaker: it's not supposed to.

Ken Holt, CSEA Chapter President: If you guys, if they don't take it from your budget then at the end of the year you have 84

Mr. Barabani: The responsibility the legal fees are on the district.

Ken Holt, CSEA Chapter President: I understand that.

Mr. Barabani: Right, and if we adopt the 84 we're saying that we're happy with they gave us the 84 and we took it.

Mr. Salazar: I don't know that we're saying we're happy with it. I think we're saying that we understand that this is something that we had to pay last year so you know we're budgeting in because it's something that we had to pay last year according to you all.

Mr. Barabani: But that, I don't; that's not a hard fact number.

Mr. Salazar: I don't think we're saying that we're happy.

Mr. Barabani: That's not a hard fact number I don't know if that's all the fees that were paid last year

Mr. Salazar: It's better than zero.

Mr. Barabani: But that was a chunk of money that they put in there, that was never approved, it was a chunk of money I don't even know where it came from; and when I called, he was invited, Mr. Mohammad Islam was hired he's the district chief financial officer and, invited him here to talk about this and he wont come he didn't come.

Ken Holt, CSEA Chapter President: My thought process is and I know you didn't approve it but they're saying you needed \$84,479 for to cover your legal fees because that's what they took.

Unknown Speaker: You don't know.

Mr. Barabani: We don't know, I don't know if it's more or less.

Ken Holt, CSEA Chapter President: But that's the number you got that they said that they took from you.

Mr. Salazar: It's their number.

Ken Holt, CSEA Chapter President: It's their number, so in theory you want to use their number or higher or, I suggest, their number for your proposed because that's what they are saying that you needed and they took, so you're covered, if you don't use it then it just goes back to general fund.

Mr. Barabani: But then we have the problem.

Mr. Salazar: You don't (inaudible) over budget.

Mr. Barabani: But then we have the problem that it inflates our budget.

Mr. Salazar: We already have that problem.

Mr. Barabani: Not really.

Mr. Salazar: Really we do have that problem.

Ken Holt, CSEA Chapter President: But if we do the same thing we're going to have the same issue again.

Mr. Barabani: No because since 2009 our budget is been..

Mr. Salazar: No, not really we have that problem because we're proposing a budget that's about \$2000.00 higher than last year, so really we do have that problem.

Mr. Barabani: That's because we're proposing money to get back that was taken.

Mr. Salazar: It doesn't matter.

Mr. Barabani: Well.

Mr. Salazar: We're still proposing a budget that is 50% higher than last year period.

Mr. Barabani: And once again it would have been helpful if you could have helped me with this.

Mr. Salazar: That's what I'm doing now.

Ken Holt, CSEA Chapter President: I think with the changes actually if you added that \$84,000 that's going to drop your numbers plus the facilities that you talked about.

Mr. Barabani: Yes

Ken Holt, CSEA Chapter President: That's going to squeeze to more of a level budget, that's just a suggestion; if they take it, they are doing an illegal act you can pursue it. If they don't take it then at the end of the year you have money sitting that's a rollover or whatever they do with it.

Mr. Salazar: Come in under the budget.

Ken Holt, CSEA Chapter President: I don't know how it works, I don't know how it does under the budget, I don't know what happens here my (inaudible) budget, does it go back to the district?

Mr. Barabani: Hopefully.

Ken Holt, CSEA Chapter President: Oh ok.

Mr. Barabani: I'm not taking; I'm not going anywhere with it

Ken Holt, CSEA Chapter President: (inaudible) legal fees and you send \$84,479.00 back to the district.

Mr. Salazar: If we come in at (inaudible) maybe that money goes back to the children of the district.

Ken Holt, CSEA Chapter President: I don't know if it goes to the children, but I definitely...

Mr. Salazar: Ultimately it does, I hope, I would hope that's where it would go ultimately. Anyway we're still having mathematical issues here.

Mr. Barabani: Ok. I'm trying to make it; if we take that money, the legal fees, which is the district's responsibility we're assuming that responsibility.

Ken Holt, CSEA Chapter President: I don't know if you're assuming that responsibility, I think what you're assuming is that the district did it last year, so you're assuming they're going to do it to you again this year. They violated the law last year you're assuming they're going to violate the law this year. I think you need to take the legal issue up separately from the budget issue. I think if the money is sitting there and illegally take it, you have a legal issue and that needs to be dealt with. Essentially, what should happen is if you stuck \$84,000 in that budget it shouldn't be touched and at the end of the year you're giving them back \$84,000 that's my thought process.

Mr. Barabani: But I'd hate to budget \$84,000 and for it to sit there all year, right? Than someone that truly needs it in their department cant' have it because we budge it to our department, knowing that that responsibility was with the district to start with.

Ken Holt, CSEA Chapter President: But the prediction here, your prediction on the budget is based on what they've done to you guys, or they've taken from you. Is not that you want \$84,000 is that from their last year's budget they took \$84,000. The only numbers to go off of is what they took last year, that's my assumption.

Mr. Barabani: They put it in and then took it out, they should have never put it in the first place, we didn't put it in, they put it in

Ken Holt, CSEA Chapter President: They put an extra \$84,000?

Mr. Barabani: Yes.

Ken Holt, CSEA Chapter President: So that never came out of your original money, that was an extra \$84,000 they put in and then took out?

Mr. Barabani: That's the way it looks like. I don't; when I call nobody seems to be able to say where it came from, what happened is the \$84,000 was expended for legal fees and the district just put it in because; maybe it was their way to budget something so they know that the commission.

Ken Holt, CSEA Chapter President: So essentially they didn't take it out of the special budget.

Mr. Barabani: That's correct.

Ken Holt, CSEA Chapter President: They put the money in for legal fees to show that that portion of the legal money was accounted for Personnel Commission issues and then took the money back out.

Mr. Barabani: That's the way I see but I don't know to be 100%.

Ken Holt, CSEA Chapter President: So for you're budgeting purposes to show that; so I understand now so you're proposing zero but this year they might put in some money again, whatever if it's \$200,000, and then take the \$200,000 not to pay the legal fees, so on their budgeting purposes they can show where those legal fees went?

Mr. Barabani: I guess, but they are not supposed to put it in our budget to start with, right? It's their responsibility to pay under the law under the budget, so we got a quandary here not made by the commission, but made by the accounting office in the district.

Ken Holt, CSEA Chapter President: I understand what you're saying so you know their accounting is a little bit different because their interlacing with yours; I understand where

you're coming from now with the zero. With the zero you're proposing zero this year so they shouldn't be able to put money in this line item in your account or your budget this year because you guys are approving it and they shouldn't be able to take it back out and it stops them from getting into your budget.

Mr. Barabani: That is correct, except we did add the \$10,515 for you know minor legal fees and I believe they're responsible for all those too, but I have no issue with making the proposed \$10,515 again.

Ken Holt, CSEA Chapter President: Ok

Mr. Barabani: So we understand.

Ken Holt, CSEA Chapter President: I understand where you're coming from on that.

Mr. Barabani: I originally; my proposal was that's why we're having this open here, my proposal was they are responsible let's make it zero.

Ken Holt, CSEA Chapter President: I didn't realize that \$84,479 was money they stuck in and took back out; I thought it was money out of your budget that they took.

Mr. Barabani: And I'm going to be honest with you I'm not sure of that either, Nersi?

Nersidalia Garcia, Personnel Commission Secretary III: May I suggest?

Mr. Barabani: Yes.

Nersidalia Garcia, Personnel Commission Secretary III: I would say not to remove the \$10,000 because if we need it we can use it for other stuff. For example if we don't; if you take it away they are not going to give it back to us and we can't use it, so say if we need supplies or say we need computers then we can't take that and put it to that account. We are not allowed to touch the budget for anything that's salaries or benefits, but we're allowed to touch the budget for the 4000 subject code and the 5000 subject code. . If they give us this \$10,000 you should keep it, do you see what I'm saying?

Mr. Barabani: Yes, now I do.

Nersidalia Garcia, Personnel Commission Secretary III: Because even if we don't use it for legal fees or like that, if we still have it we can use for computers for other items, you know what I'm saying? If we don't use it, it goes back to the county this entire amount that we don't use. It doesn't go to the district it doesn't go back to us, it goes back to the county and the county decides the following fiscal year what fees each department should have.

Mr. Barabani: I don't have an issue with that and the only reason I try to look at things more in yes or no, black and white, if we're not going to; if the district's responsible why

should we put it in, and I see where you're coming from; but if we put things for legal fees I'd like to see news for that and the money goes back to the district, the county.

Nersidalia Garcia, Personnel Commission Secretary III: The only place that we're losing money from the draft that he, that Mr. Mohammad Islam proposed is from the advertising; they gave us last year we had \$35,000 this year we're having \$21,409 so they took away a few dollars there, that's the only place where I see that we're losing money.

Mr. Barabani: Alright we had Ms. Early proposed the same as you and I wrote down \$10,515 lets see if we can get all.

Tammy Trujillo, CSEA: I have a question.

Mr. Barabani: Yes.

Tammy Trujillo, CSEA: Can I ask a question?

Mr. Barabani: Sure, that's why it's a public hearing.

Tammy Trujillo, CSEA: If this \$10,515 as Nersi said, can be moved to another place then why not put a zero all the way across then after that, that way it's not in at all move it now and not later? That way you're not showing and you're not showing that you're proposing or adopting any monies for that.

Mr. Barabani: Then we would have to figure out where we're going to put it, right?

Mr. Salazar: Yeah then we'd had to figure out.

Tammy Trujillo, CSEA: She gave suggestions.

Mr. Salazar: Yeah well.

Mr. Barabani: I don't like that.

Mr. Salazar: Let me tell you why I don't think you'd want to do that, it sounds like a good idea on the surface, but then; we have the drafted budget here which comes from, I guess this came from Mohammad, is that correct?

Nersidalia Garcia, Personnel Commission Secretary III: Yes.

Mr. Salazar: Ok so this drafted budget has under legal fees the adopted 410,515 and then it has the drafted proposed for 2011/2012 of \$10,515. I just don't think you want to mess with that. It's already there it's like the district is saying, "hey we're giving you the money", if we already know that you can do that then you do that.

Nersidalia Garcia, Personnel Commission Secretary III: And keep it.



Mr. Salazar: So it sounds like a good idea on the surface but I don't think you'd want to mess around with that one.

Nersidalia Garcia, Personnel Commission Secretary III: Because if we don't use it for legal fees..

Mr. Salazar: Then use it for something else.

*Nersidalia Garcia, Personnel Commission Secretary III:* Then we could use it for advertising say, we post jobs everywhere then we need to put it in the newspaper then we have; then we remove that amount we can put it to different accounts do you know what I'm saying?

Mr. Barabani: Yes I do.

Nersidalia Garcia, Personnel Commission Secretary III: If in case we need a laptop to do presentations then we get it from that amount we cannot touch nothing of the benefits or the salaries we're not allowed to touch that at all just the 4000's and the 5000's and if the machine breaks or if it messes up and we have to buy a new one it comes from here.

Mr. Barabani: Ok

Ken Holt, CSEA Chapter President: I got a question on object 5300 dues and memberships.

Mr. Barabani: Yes.

Ken Holt, CSEA Chapter President: you adopted \$2,000 in 1011, you used \$9,908, but you're proposing \$3,335 why such a change compared to what?

Mr. Barabani: We're way under budget on the organization and the fees there the amount dues and, were underestimated as a true cost; the membership we belong to CODESP, and CSPCA and are nearly twice as much as those authorized by the district.

Ken Holt, CSEA Chapter President: What I'm saying if you spent \$9,908 would you want that or more for your proposed budget if you spent that last year?

Mr. Salazar: You know and I don't know if this is the right answer, I don't know that you necessarily want to do \$10,000 on that you see, I know that we had a big cost in there for the recruitment that we did this year and you know for our Personnel Commission Director, right? That was a large number that was in there I think we would expect to be a one time now I don't know if we have to run and fly that recruitment again that's a whole another issue that we have to tackle on a different date, but I do know that that was a one time expense, right?

Mr. Barabani: That's correct, actually it was two expenses twice.

Mr. Salazar: Well yeah one event technically.

Ken Holt, CSEA Chapter President: Well the same thing happened for me like you said you don't know if you're going to have to tackle that, but if the money is not budgeted for that you can't tackle that, so if the money is not there to budget for that if you have to tackle it you have no money in there to spend. You understand what I'm saying?

Mr. Barabani: Yes see what it was adopted was \$2,000 and the fees now come to the \$3,335 dollars that's what it cost to join those organizations, so the difference is the \$1,335 dollars.

Ken Holt, CSEA Chapter President: But I know what you adopted was \$2,000 what you spent \$7,908 more than what you adopted.

Mr. Barabani: And I'm hopeful that we don't have that expenditure again. I'm not; you're; I do; you wanted me to look down the road that's a Cadillac plan, saying well we have that money to spend because we might need it this is what the fees cost to pay for those organizations, if we take the \$3,000.

Ken Holt, CSEA Chapter President: What was the \$9,908?

Mr. Barabani: Remember had the recruiting?

Ken Holt, CSEA Chapter President: That was \$7,000.00 for just that.

Mr. Barabani: Oh yes, yes, yes, I mean we did run it twice.

Ken Holt, CSEA Chapter President: If we have to do that again this year because the issues with the commission, how would you be able to pay that.

Mr. Barabani: The only time we did that was only for the commission for the Personnel Commission Director.

Ken Holt, CSEA Chapter President: Oh ok.

Mr. Barabani: So now we're sitting in the situation with one person.

Ken Holt, CSEA Chapter President: I get that, well I guess my question is what happens if the Abe Flory case wins, and he has to come back plus you're still arguing that you hired one now we have two.

Mr. Barabani: No we only have one because

Ken Holt, CSEA Chapter President: So does the one bump the other one out?

Mr. Barabani: That's correct.

Ken Holt, CSEA Chapter President: Oh ok. So you're complete with whatever dues and memberships.

Mr. Barabani: I'm going to be straight, I'm straight forward this stuff is tough, right? And right now I'm make a prediction on whether we're having a Personnel Commission now you want me to make a prediction when I'm going to do recruiting again at that level.

Ken Holt, CSEA Chapter President: No, I didn't know what the extra \$7,000.

Mr. Barabani: I don't think yeah see that's what it was, that's what it was...

Ken Holt, CSEA Chapter President: What cost \$7,000 dollar to recruit?

Mr. Salazar: Part of budgeting, budgeting is very complex as you all know and you can tell from this kind of discussion here, but part of budgeting is trying to read into and project the future as best you can in an educated fashion and manner, and you know one of the things, I guess, what we're saying on that is we don't anticipate that expense one more time.

Ken Holt, CSEA Chapter President: I didn't realize it's not broken down where it shows.

Mr. Salazar: You're right it doesn't it doesn't, that's why I thought I would add a little color to that.

Mr. Barabani: And also worse case scenario, the two people the one person that might come back the one person is (inaudible) for summaries if something happens we paid for this we have a list a legitimate list that can be expanded for another year or so, I don't see that happening.

Ken Holt, CSEA Chapter President: No I get it I get it.

Mr. Barabani: Get what I'm saying?

Ken Holt, CSEA Chapter President: I didn't realize how complex

Mr. Barabani: I don't see us expanding this money for the recruiting the testing again this year, whether it happens the following year, maybe. Without starting to use personalities and people's names.

Ken Holt, CSEA Chapter President: I didn't realize that was that cost the influx was the cost, quite a bit.

Mr. Barabani: Yes it was \$3,000.

Ken Holt, CSEA Chapter President: I'll do it for \$59.99, just kidding. That was the only one that kind of threw me off.

Mr. Barabani: So the difference is \$1,335 will cover our fees for this year, unless you're planning to run for commission.

Ken Holt, CSEA Chapter President: Definitely, Director

Mr. Barabani: Director, I'm just kidding.

Mr. Salazar: So do we have all the changes?

Mr. Barabani: Yes. I don't think we're going to be recruiting at that level.

Mr. Salazar: So do we need to go back in

Mr. Barabani: Ok we propose on the change \$120,085 dollars we glazed it and we changed column, ok?

Mr. Salazar: Ok.

Mr. Barabani: Then we propose..

Mr. Salazar: Mr. Chair I would suggest, and I don't know that Nersi can do this and put this up on Excel, but that we change those if she can change those numbers real quick and bring out a revised spreadsheet to indicate the changes that you talked about so we can look at it one more time. I think we're basically in agreement, Ms. Early you made some adjustments there we've all talked about adjustments and I think we need to look at it fresh sheet if that's ok, would there be any objections to that?

Ms. Early: You noted the adjustments?

Nersidalia Garcia, Personnel Commission Secretary III: Let me borrow.

Mr. Salazar: I have them, he has them.

Mr. Barabani: Alright, can you do that?

Nersidalia Garcia, Personnel Commission Secretary III: I'm going to try.

Mr. Barabani: Can we postpone it and move on to the next item so we can speed this up?

Mr. Salazar: Yeah why don't we do that?

Ken Holt, CSEA Chapter President: Yeah I have one more question, and explanation on 5200 the category other, can you tell me what that is? I know it's zero, zero, zero across but?

Mr. Barabani: We never use that I mean; other is like if we spend money it has never been used so I don't know.

Ken Holt, CSEA Chapter President: I just want to know why it's there.

Mr. Barabani: I was told that if a category exists you don't want to remove it.

Ken Holt, CSEA Chapter President: Oh, ok I just didn't know what it meant.

Mr. Salazar: I wouldn't remove it, other, you never know it may be something that pops up that's new.

Ken Holt, CSEA Chapter President: and other?

Mr. Salazar: and it's not there.

Ken Holt, CSEA Chapter President: it's other.

Mr. Salazar: It's like a miscellaneous, right? Usually that's other or miscellaneous.

Mr. Barabani: I you know.

Mr. Salazar: Oh there is a miscellaneous on there, that's beyond a miscellaneous.

Mr. Barabani: When I called the accounting office over there and I wish I could remember the person's name I talked to, it took me a while, but they explained it to me and I understood the difference between proposed and that's why I found out about the idea that you have to actually come up with the idea of what you think you're going to be spending.

Mr. Salazar: It's a projection.

Mr. Barabani: I got the name written in the next meeting, they were very, very nice, the person that was in the office.

Ken Holt, CSEA Chapter President: I understand that but if you go down under 5500 under utilities and housekeeping.

Mr. Salazar: Where's housekeeping? Oh Yeah.

Ken Holt, CSEA Chapter President: Adopted zero you spent \$365.00, now you have zero again proposed, what was the \$365.00 for and do you guys need that if that was something that was..

Mr. Barabani: I don't have that with me.

Ken Holt, CSEA Chapter President: I know that's a small amount of money but?

Mr. Salazar: But that's a good question, I don't know what that meant.

Ken Holt, CSEA Chapter President: If you guys spent \$365.00 it makes sense that you would put at least that and I don't know

Mr. Barabani: I think it was a one time thing. I can't remember ill ask Nersi what it was, pardon?

Ken Holt, CSEA Chapter President: I just wondered if it was the facility use charge for cleaning

Mr. Barabani: I think it was me and Mike went somewhere.

Mr. Salazar: No we didn't go nowhere.

Mr. Barabani: Yes?

Unknown Speaker: If you are going to be looking for another facility would there be a need for that utilities and housekeeping services?

Mr. Salazar: Well you bring up a good point because if we are looking for another facility there's a couple of things that happen, one is not budgeting, I have a concern there.

Unknown Speaker: For utilities?

Mr. Salazar: And two well that would go under rent or leases or something like that, I know there's a column in here someplace.

Unknown Speaker: And that might be what the other is.

Mr. Salazar: No but the other could be for up keep and maintenance of that, so I don't know it could be something like that, we need to put that in here.

Mr. Barabani: Usually in places they provide, usually in a place where there's restrooms and things they provide cleaning for that. What?

Ken Holt, CSEA Chapter President: We clean it.

Mr. Barabani: You clean your own bathroom?

Ken Holt, CSEA Chapter President: You want to use it you clean it.

Ms. Early: So on this sheet on the proposed budget we need to insert object 5600?

Mr. Barabani: Yes.

Ms. Early: And then add the \$192.00 for office lease or rental space that needs to be added to this form, correct?

Mr. Barabani: That would be right here at 5600, yes.

Ken Holt, CSEA Chapter President: That's if your motion passes, right?

Mr. Barabani: That's right.

Ms. Early: You said its right here, did you add it? Because I don't see it.

Mr. Barabani: No Nersi is going to add that in the spreadsheet it'll take a minute now. Actually it's right here.

Ms. Early: I see on that page I just don't see it on the budget.

Mr. Barabani: Because we didn't have it, you see it's blank.

Ms. Early: My question is we need to add that object here along with the price, correct?

Mr. Barabani: Right.

Ms. Early: So an additional change to this sheet.

Mr. Barabani: That's correct, to this sheet note; and then right; it has the 5600 column we just need to place \$19,200.00 in there if we decide to vote on that.

Ms. Early: Ok.

Unknown Speaker: Mr. Barabani?

Mr. Barabani: Yes.

Unknown Speaker: Under that utilities and housekeeping you need for phones.

Ken Holt, CSEA Chapter President: Electric

Unknown Speaker: Electric all of that would need to be thrown in there too.

Ken Holt, CSEA Chapter President: Internet

Unknown Speaker: To go for?

Mr. Salazar: WiFi. Now how much do we pay for this place here now?

Mr. Barabani: Zero.

Mr. Salazar: My favorite number.

Ms. Early: We pay zero and everyone has keys whether they are part of commission staff or not.

Mr. Salazar: Everyone?

Ms. Early: Yeah.

Mr. Salazar: I don't have a key.

Ms. Early: We don't, commissioners don't, but other people do.

Mr. Barabani: Yes and I had that conversation

Mr. Salazar: I'm just saying.

Mr. Barabani: No I had that conversation one of the problems with the conversation, I asked that is they told me that the person in here is a district employee and I asked do all district employees have access to our confidential files? And I was not given an answer.

Ken Holt, CSEA Chapter President: Also, it controls your internet and everything else, where they wouldn't have control outside this facility, right?

Mr. Barabani: Right. But you also have you also have a direct link to their databases that you might not have if they don't give you what they call VPN a Very Private Network from where you're at to where you're going to go.

Ken Holt, CSEA Chapter President: Well that's fairly easy for them to set up.

Mr. Barabani: That is correct. If they allow.

Ken Holt, CSEA Chapter President: Well that would be a function that you would need.

Mr. Barabani: Not necessarily, in all honesty on a function like that it would be a Very Private Network is whether they are going to allow it or not depending on their security issue.



Ken Holt, CSEA Chapter President: Don't they do that form all the sites?

Mr. Barabani: I don't have any idea what they do now.

Mr. Salazar: So I think that we need a greater analysis of this whole business of moving out of here to someplace else because that seems like we're not taking into account a number of things if you want to put that on the budget.

Mr. Barabani: That was a motion, yes.

Unknown Speaker: You know other offices like at the mall they said that they have what they need to function.

Ken Holt, CSEA Chapter President: Well there you have to have some sort of network.

Mr. Salazar: That's a district facility thought, right?

Ken Holt, CSEA Chapter President: Yeah they are renting the space at the mall.

Mr. Salazar: Yeah, but I mean that's district controlled. What I'm hearing is we want to go from any district control. Ok I'm just trying to make sure that that's which means if we're going away from district control then

Ken Holt, CSEA Chapter President: But access to.

Mr. Salazar: I understand that part I understand that, the information tech.

Ken Holt, CSEA Chapter President: But there's certain access that you need to access from HR.

Mr. Salazar: Information technology, yes.

Ken Holt, CSEA Chapter President: Employee whatever you guys need.

Nersidalia Garcia, Personnel Commission Secretary III: I can't do it.

Mr. Salazar: Can't do it?

Nersidalia Garcia, Personnel Commission Secretary III: [No]

Mr. Barabani: You can't put this into a spreadsheet real quick?

Nersidalia Garcia, Personnel Commission Secretary III: [No]

Mr. Barabani: Why not?

Mr. Salazar: Can you just send her (inaudible) numbers.

Mr. Barabani: I can do that, I wish I had my..

Nersidalia Garcia, Personnel Commission Secretary III: because you have it on your program, right?

Mr. Barabani: I dint' bring it that's the trouble I did not have the thumb drive but I lost my keys.

Mr. Salazar: Can you just send her these numbers in a spreadsheet?

Nersidalia Garcia, Personnel Commission Secretary III: It doesn't come all the way through.

Mr. Salazar: No just like brand new excel spreadsheet, the reason I ask is because you can type fast

Nersidalia Garcia, Personnel Commission Secretary III: Ok

Mr. Salazar: Just the numbers those new numbers.

Mr. Barabani: Just make four columns with those new numbers.

Mr. Salazar: And then you can do the formulas and do the calculations and that should work out fine.

Mr. Barabani: Well we still have it on the table we'll hold off on that on the rental thing.

Mr. Salazar: Ms. Early is out anyway.

Mr. Barabani: So I don't want to; but we discuss; moving is going to be a tremendous expense.

Mr. Salazar: Oh yeah.

Unknown Speaker: I got a truck.

Mr. Barabani: Huh?

Unknown Speaker: I got a truck.

Mr. Barabani: No, no, no not that kind of moving this is district furniture we wont be taking this either.

Mr. Salazar: This is district furniture?

Mr. Barabani: Yeah we can't take this.

Mr. Salazar: Is that a district refrigerator? I think we should just really stay here, I really do.

Ken Holt, CSEA Chapter President: I think it'll be worth it if you guys have control in my opinion, if you have control on who's here and who's not and who has previewed information

Mr. Salazar: I think that's a better issue is continued to work on that.

Mr. Barabani: Well we cant because we're in litigation now the person is opening up mail the person is looking through the files in our confidential files, mail that's being sent to me was opened I mean I don't know about your mail I tried to correct that. I don't think the person has a right to be looking at confidential stuff that's coming from attorneys.

Ken Holt, CSEA Chapter President: The question I have can the commission file a restraining order to prevent that individual from being in the commission office?

Mr. Barabani: That might be an option, I don't know.

Ken Holt, CSEA Chapter President: I'm just wondering (inaudible), no?

Mr. Barabani: Don't know.

Kristine E. Kwong, of Musick, Peeler & Garrett LLP: The answer is no

Mr. Barabani: No? Ok thank you.

Kristine E. Kwong, of Musick, Peeler & Garrett LLP: You need a threat of violence so I guess you can provoke him.

Mr. Barabani: Oh that's not going to happen.

Kristine E. Kwong, of Musick, Peeler & Garrett LLP: Then we can do it, just being creative

Ken Holt, CSEA Chapter President: Then we can do it. (inaudible) only for threat of violence?

Kristine E. Kwong, of Musick, Peeler & Garrett LLP: Threat of violence credible threat of violence.

Ken Holt, CSEA Chapter President: Well (inaudible) what the district did to us restrain the Personnel Commission Rules?

Kristine E. Kwong, of Musick, Peeler & Garrett LLP: Well that's different that's not a restraining; that's a different kind of restraint, you have to file a petition for that.

Ken Holt, CSEA Chapter President: So that we know we'll actually the commission (inaudible) to get that guy out of here?

Kristine E. Kwong, of Musick, Peeler & Garrett LLP: Not right now, but there's other things (inaudible). HIPPA? Oh that place of medical records, it shouldn't be in the personnel file, it should be a separate medical record file that is apart from the personnel file.

Ms. Early: Are we still?

Mr. Barabani: Well she's making; let's move on to the next

Ms. Early: Commissioner Barabani I have noted the following changes, on line 3 where, under change we're inserting \$120,085 cents.

Mr. Barabani: Ok.

Ms. Early: On.

Mr. Salazar: No \$120,085.

Mr. Barabani: \$85.00

Ms. Early: I'm sorry \$85.00, thank you, under other classified overtime we are changing the change column where it says 3,838 cent, I'm sorry I'm sorry, 3,838 dollars to 9,662 dollars.

Mr. Barabani: Ok

Ms. Early: Object 4300 materials and supplies we're inserting \$4,000.00 in the proposed column.

Mr. Barabani: That's correct.

Mr. Salazar: Ok sorry I didn't see that, we're inserting \$4,000.00 there.

Mr. Barabani: 4,000 there for a \$2,000.00 change, ok.

Ms. Early: Object 5500, what is that, second FedEx delivery and services we are..

Mr. Barabani: \$500.00

Ms. Early: we are inserting \$500.00 to the proposed column.

Mr. Barabani: Yes

Mr. Salazar: Yes

Ms. Early: We are inserting object 5600 office space, rental adopted zero, actualities zero, proposed \$192,000.

Mr. Salazar: No.

Mr. Barabani: \$19,200.

Ms. Early: Ok, \$19,200.00 change \$19,200.00

Mr. Barabani: Ok.

Ms. Early: Legal fees, that's object 5800 second line we are inserting proposed \$10,515.00 change; that's going to be inserted in the proposed column, change is zero.

Mr. Barabani: Correct.

Ms. Early: Those are the changes that I've noted as a result of our conversation, do we need to, my recommendation is that the changes be made and provided to us for review, do we need to vote on this tonight?

Mr. Barabani: Yes we do.

Mr. Salazar: Yes we do.

Ms. Early: Ok so I'm recommending the following changes be made, I move that the changes that were read above be approved by this body.

Mr. Salazar: Ok so I still have a question, and you may have covered this Ms. Early, I was writing something here. Did you mention the advertising line?

Ms. Early: No I didn't.

Mr. Salazar: Do we need to make mention of the advertisement line?

Ms. Early: Insert negative \$10,000 for the change column.

Mr. Salazar: Ok just wanted to make sure, that was the only other thing I think that I saw; and then all these numbers are going to filter down at the bottom and they are going to change, we don't know what they're going to change to yet until we get the spreadsheet.

Mr. Barabani: That's correct.

Mr. Salazar: So we are going to vote on a budget that we're not so sure about the numbers until we see them.

Ms. Early: We can do the math, we know the figures.

Mr. Salazar: Ok let's do the math we should do the math.

Mr. Barabani: Well she's doing the; she is typing all stuff in the spreadsheet.

Mr. Salazar: So I think we need to put this on the back burner until we have the math done; you're running the meeting.

Mr. Barabani: Until Nersi does the new spreadsheet and let's go to the next item.

Mr. Salazar: We'll come back to this.

Mr. Barabani: Ok.

Mr. Salazar: Sounds good.

Mr. Barabani: Thanks for everybody's help on that budget that's why we have public hearings. Item B, Action Item B, it is moved that the commission employ Kristine Kwong, Musick, Peeler and Garrett LLP to provide necessary legal service to the commission in the matter of California School Employees Association and its San Bernardino City Charter number 183, petitioner vs. San Bernardino City Unified School District; Governing Board of the San Bernardino City Unified School District; Superintendent Art Delgado; Personnel Commission of the San Bernardino City Unified School; and does one to two, exclusively, case number CIVDS 1106215. Do I have a second?

Ms. Early: I second.

Mr. Barabani: Second? Call for a vote.

Ms. Early: Aye.

Mr. Barabani: Aye.

Mr. Salazar: And I'll abstain from voting.

Mr. Barabani: Ok. Item D, section IV action item, it is moved that the commission employ Kristine Kwong, Musick, Peeler and Garrett LLP to provide necessary legal service to the commission whenever the counsel to the governing board declares a conflict or fails to respond to a written request for legal assistance within 15 working days unless the commission takes action to employ other counsel provided that each REAF is limited to the conflict declared or assistance requested.

Ms. Early: I second.

Mr. Barabani: I have a second, open for discussion. Call for the vote.

Ms. Early: Aye.

Mr. Barabani: Aye.

Mr. Salazar: Abstain.

Mr. Barabani: Item E, it is moved that the commission request an on going declaration of conflict from counsel to the governing board whenever counsel to the governing notifies the commission of any legal objections to any matter on the agenda of a pending meeting or submits legal objections to any matter that the commission took at a meeting of the commission. Do I have a second on that?

Ms. Early: I second.

Mr. Barabani: Open for discussion. Call for the vote.

Ms. Early: Aye.

Mr. Barabani: Aye.

Mr. Salazar: Nay.

Mr. Barabani: This time we will return back to item B, public hearing commission, we're actually still at Public Comments and B. Let me check with Nersi right now to see where we're at.

Nersidalia Garcia, Personnel Commission Secretary III: So you want me to put it on this thing?

Mr. Barabani: Hold on give me a second.

Nersidalia Garcia, Personnel Commission Secretary III: This is just it's too much; you're going to have to send it just sends it tomorrow, I don't know what to tell you guys, it's too much.

Mr. Barabani: Let's vote on what's the correct numbers we're going to go through this, once I have the file format I can have it back to you today. I'll go get this; we're making changes here is just simple procedures.

Nersidalia Garcia, Personnel Commission Secretary III: It's just I don't have the program you do.

Mr. Barabani: I do appreciate the extra help though. Sometimes overtime is not worth it huh? Alright?

Ms. Early: I get and you can check my math but for the proposed column total I get \$634,293.

Mr. Barabani: Ok.

Ms. Early: Under the change column I get.

Mr. Barabani: Wait a minute, wait minute hold on sorry I don't want to bug you. Under the, I got to write this sorry again for the record.

Ms. Early: And for total for the change column I get \$244,665.00 I'm sorry 655.

Mr. Barabani: What was that proposed column? I just want to make sure I write that correctly.

Ms. Early: \$634,293.

Mr. Barabani: Alright. And I did add up the column 405811 came out correctly, and the adopted 518 it's only two changes.

Ms. Early: I move to approve the proposed 2011/2012 Personnel Commission budget with the recommended changes.

Mr. Barabani: Ok.

Mr. Salazar: Discussion time or do we?

Mr. Barabani: Yeah I was waiting for you to double verify it.

Mr. Salazar: Yeah no I don't think that those numbers are correct. My math is different, and if you can just give me one more minute.

Mr. Barabani: Sure.



Mr. Salazar: I'm going to tell you what I see here; right now I'm concerned with the change column, I apologize that I didn't have time to; I have on the change column my total on the bottom \$134,761.

Mr. Barabani: One hundred and what?

Mr. Salazar: \$34,761.

Mr. Barabani: Seven-sixty-one, that's the changes?

Mr. Salazar: That's what I have the bottom line total on the change column.

Mr. Barabani: It's only a \$34,000.00 change then from \$100,000?

Mr. Salazar: \$134,761.00 is what I have.

Mr. Barabani: Ok.

Mr. Salazar: That's what I come with.

Ms. Early: Ok.

Ken Holt, CSEA Chapter President: Did you add

Mr. Barabani: Did you add the \$120,085?

Ken Holt, CSEA Chapter President: So \$120,000 plus the \$100,546?

Mr. Barabani: Did you add the?

Mr. Salazar: Do you like my math? Better huh?

Ken Holt, CSEA Chapter President: So it's 220

Mr. Salazar: So what I'm trying to say guys, you know I am not suggesting that my math is perfect, but there's a difference between 220 and 134, we need to get this right.

Ms. Early: What I get is I took the total and \$100,000, if you add \$120,000 to that that alone is \$20,000.

Mr. Salazar: Ok I think your math is incorrect Ms. Early, here's is what I would suggest that we do, with all do respect.

Mr. Barabani: Hold on, let's do that column.

Ms. Early: \$120,000 plus \$100,000.00.

Mr. Salazar: No.

Mr. Barabani: Wait a minute we have 100.

Mr. Salazar: No that's not the way you do it.

Mr. Barabani: Ok hundred-; we have \$100,546 correct? At the bottom.

Mr. Salazar: Ok guys I'm going to save you a bunch of time.

Mr. Barabani: Ok.

Mr. Salazar: If you'll allow me.

Mr. Barabani: Sure.

Mr. Salazar: Ok first of all again you are assuming that all these numbers in the spreadsheet are correct and they are not. Ok so you have to go back and you have to get to the core of these numbers, ok, which means that you have to go and do the math over at the core, you can't just add \$120,000 to \$100,546. Let me give you an example, let's look at the first group of numbers there's a sub total there of \$78,131.00.

Mr. Barabani: That's correct.

Mr. Salazar: Believe it or not that number is correct.

Mr. Barabani: Why is that?

Mr. Salazar: You are going to say how could that number be correct? The reason that number is correct is because you have a minus \$62,330, do we all agree on that?

Ms. Early: [Yes]

Mr. Barabani: Right.

Mr. Salazar: Ok then you has to put a plus \$120,085 and I mean and anybody can start calculating anytime you want to.

Mr. Barabani: Ok.

Mr. Salazar: Then you add 600;

Mr. Barabani: Right.

Mr. Salazar: You add \$2,399.

Mr. Barabani: Right.

Mr. Salazar: Then you add that new number that \$9,962.

Mr. Barabani: That's correct.

Mr. Salazar: And you add \$7,715.00, and if you do that math you will come up with \$78,131. See the spreadsheet was incorrect from the beginning and that's what I have been trying to point out.

Mr. Barabani: Ok.

Mr. Salazar: There numbers there were formulas that were in here that were not; and I don't know because I can't see behind that spreadsheet, but clearly there were formulas in here that were not right.

Mr. Barabani: The column was just a straight add up.

Mr. Salazar: Well that shouldn't have been a straight add up because you have subtotal columns.

Mr. Barabani: Pardon?

Ken Holt, CSEA Chapter President: Wait.

Mr. Salazar: Yes sir?

Ken Holt, CSEA Chapter President: My understanding the change column is proposed minus adopted, so you wouldn't even account for the actualities when you move to the right side.

Mr. Salazar: That's correct.

Ken Holt, CSEA Chapter President: As long as those equal.

Mr. Salazar: We have to make sure that those are correct.

Ken Holt, CSEA Chapter President: And then?

Mr. Salazar: See because I went straight to the change column, my change column could still be incorrect because you know our adopted it looks like we have changed no numbers there with the exception; well let me take that back, we have no changes there and then our actualities number we don't have any changes there.

Mr. Barabani: Wait a minute, I'm writing that.

Mr. Salazar: Ok you see what I'm saying Mr. Barabani?

Mr. Barabani: Yeah.

Ms. Early: We've submit two-hours here Mr. Barabani going over figures we were given this information in advance

Mr. Barabani: [Yes]

Ms. Early: I have noted my changes on my sheet that I was given in advance and I would hope that the two of you did also. I have incorporated the changes that we said we were that we discussed today and I came up with the figures that I stated something here to these might be ballpark figures, but when I eyeball across it looks like the proposed, the adopted, and the change figures look like they are about right they might be off few dollars but they look about right. I was hoping that Ms. Garcia could actually punch them in on a spreadsheet to verify the number but the totals that I gave you is what I punched in on the calculator. Those were a result of the calculators, when I punched them on the calculator. So we have the ballpark figure to work with if we just wanted to see what the changes would look like if we incorporated the changes that were discussed here this evening, so my recommendation is that the totals be put on a spreadsheet and verified I have given you the rough ballpark figures that I calculated this evening so that we can move on with whether or not we want to approve the proposed budget this evening. My recommendation is that Nersi provide the actual figures which should not be off by too much to you for your approval if we can approve the ballpark range unless someone has some other figure that shows that what I have stated is totally out the ballpark.

Mr. Salazar: Yes sir.

Ken Holt, CSEA Chapter President: I'm close to what you said I don't see any huge discrepancy anywhere with the changes that were proposed.

Mr. Barabani: So the motion

Ms. Early: The motion was seconded and we are in discussion now we are calling for the vote.

Mr. Barabani: Let me verify one time; \$634,293 proposed and the change would be \$244,655, we are calling, we are voting on the proposed to be submitted to come in within that. Alright let's have a vote.

Ms. Early: Aye.

Mr. Barabani: Aye.

Mr. Salazar: Nay.

Ken Holt, CSEA Chapter President: Quick question.

Mr. Barabani: Yes.

Ken Holt, CSEA Chapter President: What was the proposed from Yolanda, was it \$700,000?

#### **V. CLOSED SESSION**

Mr. Barabani: Yeah that was it back in 2009. Alright the agenda has been; we'll now go into closed session Item V. Give a 5 minute break. We adjourned at 7:25 p.m.

The commission adjourned into closed session at 7:25 p.m. for:

Conference with legal counsel, Kristine E. Kwong, Musick, Peeler & Garrett LLP

EXISTING LITIGATION (Section 54956.9a): San Bernardino City Unified

School District; Dr. Arturo Delgado v Personnel Commission of the San

Bernardino City Unified School District Case No: CIVDS 916709.

**The commission reconvened into open session at 8:25 p.m. and announced the following action taken in closed session:** No actions were announced.

#### **VI. ADJOURNMENT**

The commission adjourned the meeting at 8:25 p.m.