

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

January 26, 2011

A meeting of the Personnel Commission was held in the Community Room at the Board of Education Building. Present were Ms. Rhonda Early, Vice Chairperson; Michael Salazar, Member. Absent was Mr. Barabani, Chairperson.

I. CALL TO ORDER

Ms. Early called the meeting to order at 5:37 p.m. Ms. Early led the pledge of allegiance.

Ms. Early: Commission roll call: Gino Barabani, absent; Commissioner Rhonda Early, present; Commissioner Michael Salazar?

Mr. Salazar: Present.

II. APPROVAL OF AGENDA

Ms. Early: Next agenda item is approval of tonight's agenda. Do we have a motion to approve?

Mr. Salazar: I move to approve the agenda.

Ms. Early: I second.

III. APPROVAL OF MINUTES

Ms. Early: Next agenda item Approval of Minutes, the first one listed is December 16th. Have you had a chance to review those minutes?

Ms. Early: I would like to move that commission staff proofread the minutes and resubmit them for approval and that's both sets December 16th and December 20th. I did review the minutes, but there is some parts of the minutes where I don't understand what was being said, I could not make out the just of the paragraph there was a number of typographical errors and because of the content, for me, in some parts of those minutes I could not make out. I move to have both, December 16th and December 22nd, minutes proof read by commission staff and resubmit it for approval.

Mr. Salazar: I'll second.

IV. PUBLIC COMMENTS

Ms. Early: It is being moved and seconded, it's only two of us sitting up here, motion carries. Agenda item number IV, Public Comments.

Liz Madera, Classified Employee: Hello my name is Liz Madera, classified employee Secretary I. First of all, I'd like to know if there is any representative here tonight from

HR Classified? Appears not, I would hope they would have cared enough to be here. Second, I want to say thank you to Personnel Commissioners for supporting the classified staff in your office, they are truly in the middle of the district's crazy machinations and should not feel the brunt. And three, I just want to share my experience with some of the recruitments in the past. Sometime between 2000 and 2006 I was taking the Administrative Assistant classified management test and I failed the subjected portions on two as judged by district managers, which I thought it was patently unfair. Both had written portions which I passed with flying colors; one had an oral interview and the other a performance test and those were the portions I failed, in which kept me on failed eligibility list. I stated this at the 8-25-04 Personnel Commission meeting as HR Classified was working to extend the Administrative Assistant eligibility list that I wasn't on. HR withdrew the request to extend the list and it expired 22 days later. What transpired in those 22 days is quite interesting. I typed up the time line of events shortly after they happened and I would like to share that with you. Thank you.

Ms. Early: Thank you, Ms. Madera.

William Diedrich, of Atkinson, Andelson, Loya, Ruud, & Romo: Good evening commission, my name is William Dietrich, I am an attorney with Atkinson, Andelson, Loya, Ruud & Romo. I am here on behalf of the district regarding; I'm actually going to speak on every agenda item today. Regarding agenda item number 1, which is removing the "high school graduation or equivalent" criteria for the position Cafeteria Worker. The district has some concerns with that proposed item, particularly that in reviewing the job description for Cafeteria Worker it appears that there are certain job functions that are in fact important, where education is important for those functions. In reviewing that job description I was looking particularly at the duties of collecting money, entering data and the sales records, keeping equipment, making change, counting money, preparing cash reports, preparing records to replenish supplies, and return damage on outdated items. With regards in knowledge, skills, abilities and other characteristics; a particular interest are basic arithmetic, the ability to count money, make change, and make accurate arithmetic calculations, and maintain simple records. In reviewing the back up material to item number A, it appears that there is some concern on behalf of the Commission with regards to the with the Griggs V. Duke Power case, in reviewing that case it appears that it doesn't apply. In the Griggs case the position was for custodian at the time, this was a case in 1971, African American employees had high graduation rate at approximately one third that of Caucasian employees and there was a private history of excluding African American candidates; and this actually as you probably know landmark supreme court case where the supreme court said, an act that is neutral on its face could have a disparate impact; meaning, you know, you are not saying you're being discriminatory the impact would be discriminatory, in that case it appears there was. In the case of Cafeteria Worker, I was reviewing some of the back up materials, I didn't see any findings or any evidence whatsoever of any disparate impact. Based on the fact that it does appear to be certain characteristics of the job description that would necessitate the level of education and the fact that there is nothing in the back up materials regarding any disparate impact. We would ask that the commission either vote against item A or vote to table it until there could be more information. Regarding Action Item B, this action item where the

Commission will retain sole authority to approve eligibility list pursuant to rule 5.01B. It appears that this item is in violation of the rules, in particular rule 2.01D. That authority's solely into the Personnel Commissioner Director's job, in that he or she is to make recommendations and then the Personnel Commission would then ratify; that is supported by rule 5.01 which also states that their acting upon a recommendation of the Personnel Commission Director. It appears that Item B would exceed the authority granted to the commission in its own rules. Item C, there's a couple of items here that are somewhat concerning. This item is defined that a protest was rejected for not being properly submitted after being untimely. We are reviewing rule 4.18, which I believe is the rule cited in its entirety and it appears if you review 4.18D the initial level of protest is with the Classified Personnel Director. There is nothing in your back up material so I do not know one way or the other if the classified personnel director has ruled on this or not. But, it appears that if the initial level was with the Personnel Commission Director it might be premature to be rejecting that protest. Additionally, it appears to be of concern in the protest which is included as part of the back materials, it appears to be noted that this position was designated as senior management, there is a concern because education code 45100.5 that's at the discretion to designate a position to senior management in the hands of the district, and it's unclear, well it's not unclear because the district has not declared this position as senior management. Regarding item D, approval of the eligibility list for Personnel Commissioner all of the same concerns that were raised on item C are also raised for item D; and the only other thing that we noticed in your back up materials it doesn't appear to be a copy of the eligibility list; there is one from the June eligibility list, but it doesn't appear to be one from December, it appears you do, from time to time, include the eligibility lists in your back up materials and it will be the hope of the district that you could include the list maybe your next meeting, and then approve at that time. With regard to item E, which is the termination of Mr. Astrachan, we reviewed the Personnel Commission rules I do not believe the Personnel Commission has the authority to terminate. Additionally, rule 5.20, which I believe is the rule under Mr. Astrachan was brought in, it appears that he is allowed to serve while there is no eligibility list is the position of the district that while this protest is pending and there is potential legality involved in the senior management classification that there is not a valid eligibility list pending. With regard to Action Item F, these are the action items directed particularly towards Yolanda Ortega, she's mentioned by name in the item. Aside from the fact that is directed to her and not maybe the district in general, there is some authority with regards to the protest that appears to be vested in the district in the classified personnel director. So we would ask that the Commission hold this item, take a look and see particularly reviewing rule 4.18 and determine whether or not some of these functions are in fact vested at least in part in the classified personnel office. Just to clarify what I'm referring to is where it says that the protest was first filed with the classified personnel director. With regard to Action Item G, and that's the action item where it appears to be investing certain duties in one of the personnel commissioners. It appears that some of these duties are duties of Personnel Commission Director and we would ask that the commission review whether or not those duties could be vested in a member who would be subsequently be voting on this types of actions. Additionally, it's our understanding that Mr. Barabani is not a district employee which could create some issues with workers compensation liability, and other forms of liabilities if we have a

non-employee supervising employees. The last item, we noted in page 32 of your materials there is a letter to Yolanda Ortega from Mr. Barabani, and it appears to have been cc's to the entire commission and I am actually going to read.

Charlie LaChance, Labor Representative for CSEA: What page is that?

William Diedrich, of Atkinson, Andelson, Loya, Ruud, & Romo: I'm sorry, page 32.

Charlie LaChance, Labor Representative for CSEA: Thank you.

William Diedrich, of Atkinson, Andelson, Loya, Ruud, & Romo: The letter reads, actually I'm not going to put this in the record you can read it yourself, but it's the 6th paragraph down regarding Mr. Astrachan expertise in level of training; and we were reviewing your back up materials it does not appear to be anything determining what level of training Mr. Barabani has, that does to say that he doesn't have it we just haven't seen it, in this back up material. We would again ask that the commission either vote against this item or table it until later time until they can do a little more investigation. The last item is item H involving an unused desk, the district rejects the proposal on three grounds, Education Code Section 45252, is actually one of the shortest Education Code Provisions I have ever read, I'm going to read it in its entirety, *the governing board shall provide the commission with suitable office accommodations*, it does not grant the commission authority to sublet any of those office accommodations or allow others to use them. Perhaps more concerning though, is that if the commission were to allow one of the labor unions to have office space it could potentially be creating an unfair practice charge; there are some cases involving giving one labor organization an office over others. Within the district there's actually four separate exclusive representatives or unions, and this appears to be only vesting one of those unions with office space. Finally, there is a concern here with neutrality of the commission has taken great efforts to remain neutral this appears to be an act, that is less than neutral. I thank you for listening to me, I know I spoken a long time and covering every item. Thank you very much for your time.

Ms. Early: Thank you.

Ken Holt, CSEA President: Hello Ken Holt, CSEA Chapter President San Bernardino. I just want to speak on item H, we weren't trying to sublease office space it was simply to use it as needed, seeing how much interference our classified staff that we represent that work in your office has, from district management, commissioners outside of commission vote, the idea instead of me running down there three to four times when I'm called I have the opportunity to utilize the empty desk when I'm on an occasional basis, not as move in we have office a block away from here. It was just simply to utilize the empty desk when I go over there so I can do my work as I am sitting there. That was it, wasn't a lease or sublease or anything like that.

Ms. Early: Thank you.

Charlie LaChance, Labor Representative for CSEA: Good evening commissioners I'm Charlie LaChance I'm the CSEA labor rep, thank you for being here this evening. I am going to speak some of the items that the districts appointed attorney spoke on. I'm not an attorney, I did not bring all my information with me, but I'm just going to give you some views from where our CSEA sits on. Action Item A, certainly the legal council is right that the statues in a case can be subjective and whether it's needed here or not I don't think that we can resolve here today. My questions to the commissioners would be, or actually my comment would be that's the purpose of the test. The reason that the requirement for a diploma would be removed is so that there would be a career ladder that our employees could enjoy if they're trainees, the trainees do not require a diploma, the kitchen service workers do, that's not the right title, the Cafeteria Workers do. Then those trainees can never make that leap to become a Cafeteria Worker. So it's to the benefit of those employees that are hired at the lowest level to have a career ladder to come up and to be able to be more sufficient and have employment and maybe even benefits, because our trainees only work for 1-1½ hours, our Cafeteria Workers work between 4 and 6 hours, and at some point and time can receive medical benefits. I think that's the point of a commission is the recruitment, the testing and not most Cafeteria Workers don't handle money, count change, do those things, if you go into kitchen; I think Mike you had that pleasure of doing that during our ACE program with one of our Cafeteria Workers. It's usually the SKO that handles that money and does that work, not all Cafeteria Workers do. But that being said, during the time that the test is given it will show if that person whether they have a high school diploma or not, is capable of handling, counting coins, counting change, and that kind of thing. To be honest with you I don't see where it is going to hurt the district, in fact, I would hope that the district can see that says this is a great way to have a career ladder for these individuals that are hired at 1-1½ hours and it opens the door to a greater amount of individuals who right out the gate are denied the right to test because they don't have a diploma, or they may test and do excellent, that just because they don't have that diploma does not mean they don't have the life skills to count change or to serve food. I do understand why that motion has been made and I would hope that you would pass that. In terms of item B, I think you said it was rule 5.101, I'm not quite sure, am assuming that you're talking about the old rules, or was it the ed code I am not quite sure, but if it's the old rules that were held to standard by the temporary restraining order, I don't have those with me. The commission by Ed Code does have the authority to direct and to supervise work, and if there's no director, which the district has refused to hire the director that you, commissioners, have selected then there is a provision for the commission to take up the duty of approving eligibility list. And then C, I'll have to leave that alone I am not versed enough well on that one, sorry. Let me go on to D, I think we're talking again about the eligibility list for the Commissioners, there still appears to be some question whether there is one, or there isn't one, I read the minutes that there was one, and that it has been approved. I think that there does need to be some more discussion maybe in closed session about that and what happened with that. And then the Provisional Director terminating any and all appointment of Brian Astrachan; I guess my question would be it was the commission that appointed Brian, is that correct commissioners?

Ms. Early: Correct.

Charlie LaChance, Labor Representative for CSEA: If the commission doesn't have the authority to let go this Provisional Director, did they have the authority to appoint him? My answer would be yes, and that they can because he's a provisional employee at any time, with out cause, ask him to leave, and Brian has done a great job, I haven't heard anyone say that Brian hasn't; he's done everything that the commission has asked him to do and that we would hope him to do. But if it's the commissioners' pleasure that he leave then we can't break the law, we be in CSEA say don't do that. In fact we have in court in litigation and we'll be in further litigation asking the district to stop interfering with the commission, and stop breaking laws by violating laws and interfering with the commission. We could not in good conscious ask the commissioners to do the same thing, I would say you do have the right to do that, if you recall and I don't know the month, I don't know the year any more, I think it was last year that Karen Hoch was put in the same position, I believe as Bryan and that was done by the district, and one of the Commissioners, I think it was you Rhonda but I'm not sure Commissioner Early, went in and asked Karen to leave because she was not properly appointed by the commissioners, and Karen left; she said thank you and you know I'll leave and she packed up her things and she left because she knew it was the right thing to do, not only was it the right thing to do but it's just right. I think Brian needs to respect the Commission who've appointed him that they decide to un-appoint him, so I am not quite sure what the issue with that is since he was appointed by the Commission if they had the authority to appoint him they should have the authority to have him leave. It is very clear in Ed Code that the Commission does have the right to direct and supervise the staff of the commission and the commission work, so to ask that the Superintendent have no authority to overrule the commission I think is reasonable. I've worked in other districts where there were commissions and the district doesn't do that, they don't overstep there boundaries. The same for G (1), the same thing Ed Code states that the commission does have the right to supervise and direct the work of the staff so I think since we don't have a director, and we always have to go back to we don't have a director because why? Not because the commission didn't select one, but the district has refused to put him on the payroll. If we go back full circle we have to come back there again, because you Commissioners I applaud you you've amongst all the controversy you continue to move forward to do what is right, not only the right thing, but what's right. As far as H, I think that was just a courtesy that the commissioners were giving CSEA, and yes there are four other unions but those unions do not have cause to be there because they are not; like CTA does not go through the commission to be hired or not hired the administrators some of them do the classified, but the reason CSEA would be there is because all of those people who were put on the eligibility list who are recruited, who are tested are our members or potentially hopefully our members and it was not to; CSEA, I have my office in Rancho and CSEA has their office right over on Arrowhead, it's not that we have lack of office. I think it was basically, as I saw it, a step of kindness on the part of the commission or to give us, so when we are there visiting that we have a desk that we can sit at. In fact I've done that several times and Nersi and the other staff have said sure go ahead and use the desk to make a phone call. There's never been any difficulty with that at all. Before I leave I just want to say about the staff and I think that Liz Madera said it very well, the staff has been through more than any employees in this district have been through they can continue to

be torn and pulled and prauded and confused and in their eyes sometimes threatened and they don't know who they're to listen to or who they're not to listen to, if I listen to the commissioners I'll get in trouble, or if I listen to the district I get in trouble. They've done a phenomenal job, they haven't missed a beat, they haven't rebelled or revolted or run fleeing at all. I commend you Nersi and the staff, I want to say that you are doing a phenomenal job and we CSEA appreciate your (inaudible) and your loyalty not just to the district but to the commission of doing what's right. Thank you.

Ms. Early: Thank you.

Patrick Maher: My name is Patrick Maher, I got appointed by the commission. I offered the job and I've accepted the job as the Personnel Commission Director and Mr. Dietrich is up here trying to take away my vested rights as a person went through a process, followed the processed, involved in the process and did everything that I could and I was successful and I was appointed by the commission so I have standing and a reason to insist that the process be followed unless there is good cause not to do so. First of all the problem with this list, if everyone looks at page 18 that's a list, the names are blacked out because the public is not allowed to see the names and the scores, but that's a list. When the commission certifies the list they do not certify the names. In fact, in many district the commission never sees the names and reason for that is because if the commission is looking at somebody and says I do not like so and so I am not going to certify the list, that is not a valid reason to certify the list. Certifying the list or approving the list means one thing, you're saying that the process that was followed, the result and promulgation of the list was done in accord with to the rules and the statues of the merit system that all it is. You don't need to see the names and on most districts the commissioners do not see the names, because the names and the approval of the list are two completely unrelated things. I don't know why everyone keeps saying I don't see a list, I don't see a list, there is the list. It has all the information it says eligibility list the thing missing to it is the names and the scores which the public is not allowed to see, so I don't understand why it's so difficult for people to constantly ask for the list, the list, the list, when it's there. The other issue I find it amazing that an attorney will stand up here argue that you should disregard a U.S. Supreme Court decision that talks about the disparate impact until you have a disparate impact that you go ahead and give a test, screen people out, wait for some of them to be adversely affected based on unprotected status and then and only then would you respond to it. Personnel practice says you avoid adverse impact to begin with. You don't go ahead and create those situations that create a non job related test and hope you don't have adverse impact, and hope that you won't be sued, and hope that you won't have to defend that standard. The idea that the high school diploma is required to count change; my daughter can count change in the third grade, and most kids, I think, can count change at that age we are not talking about multimillion dollar we are talking about change for five or ten dollars or one dollar and a bunch of coins, you don't need a high school diploma to count change that's a ridiculous assertion to claim that you need a high school diploma to do that and the other duties. I have forty years of professional personnel experience I've testified as an expert of state and federal court, I've done numerous job analysis, numerous validation studies, I've attending numerous seminars, I've presented at numerous conferences. I can tell you right now any competent

professional person will tell you to do the job to do the kind of duties and job that Mr. Dietrich pointed out to you does not require a high school diploma and as Ms. LaChance said, you don't need; the purpose of the test is to test whether or not you can do that. If the test is done properly and is validated properly and the test of the nature of the job, the test will tell you, can they count change? Can they do the basic duties of what a Cafeteria Worker takes, it has to do and the same thing. This district also has a high school diploma for a Custodian and as Mr. Dietrich pointed out the Griggs case dealt with are Custodian, and they said you don't need to have that, they may have had a private job then but a Custodian of school district and a Custodian of a private plant the basic job duties don't change all that much, they still mop floors, they still buff floors, they still clean toilets, they still mop up, they still empty trash cans, doesn't matter so this idea that you should have a high school diploma I find it amazing and appalling that an attorney will stand up here and tell you that should stay in place. Thank you.

Ms. Early: Are there any comments from the public? Seeing none.

V. ACTION ITEMS

Ms. Early: Next agenda item, Action Item number V (A) suggest that the commission remove the requirement for the "high school graduation or the equivalent" as a minimum requirement for the position of Cafeteria Worker (Job Code 0427) it is not reasonably related to the job as required by Ed Code section 45276, and invite anyone disqualified for not meeting this requirement be tested as soon as practical and to combine scores of these persons with the final rank order of the applicants who were allowed to test because they met such a requirement. Do we have a motion? Item dies for lack of motion.

Action Item V (B), it is moved that the commission retain sole authority to approve eligibility list pursuant to Rule 5.01B until further notice that the commission will not recognize as valid any list approved by any person other than commission. Do we have a motion to approve? Item dies for lack of motion.

Action Item V (C), it is moved that the commission find that it has not received a valid protest for the recruitment and selection process for Personnel Commission Director and that to the extent that Ms. Byrd's submission of documents at the December 16, 2010 meeting might be considered a protest, it is rejected as a protest for not being a properly submitted protest under the Rules and for being untimely. Do we have a motion in favor? Item dies for lack of motion.

Action Item V (D), it is moved that the commission approve the eligibility list for Personnel Commission Director (0115) as of December 16, 2010 because: 1. December 13, 2010 is the date that Bryan Astrachan stated that he approved the list and is the date that he submitted for distribution an agenda that he had done so without making any correction or notice to the commission that he had not. 2. Bryan Astrachan informed Personnel Commissioner Barabani that he had approved the list. 3. Bryan Astrachan never formally informed the commission that he had not approved the list and would not do so for any reason. 4. The commission acted in good faith belief that Mr. Astrachan had approved the list on December 13 and had it known otherwise would have approved the

list itself rather than ratify that action. Do we have a motion to approve? Item dies for lack of motion.

Action Item V (E), it is moved that the commission: 1. Terminate any and all appointment of Bryan Astrachan as a staff appointed by and supervised by the commission effective December 29, 2010 based on its inherent authority granted in Rule 5.01B to use its discretion to terminate such appointments. 2. Notify Bryan Astrachan and the governing board that Mr. Astrachan has no authority to give direction to any staff appointed by and paid for out of the commission budget, to access any non-public commission documents including but not limited to any test material or any eligibility lists, and that he has no authorization to have keys to the commission office or to access the commission office outside of the regular work hours, and then only as a member of the public. 3. Notify the governing board that the continued employment of Bryan Astrachan as a “substitute manager” is in violation of the Rules and Education Code because he is not on any eligibility list for any position in the district. 4. Prohibit the expenditure of any funds from the commission budget for any payment to Mr. Astrachan for services rendered or expenses incurred after December 29. Do we have a motion? Item dies for lack of a motion.

Action Item V (F), it is moved that the commission find that Assistant Superintendent Yolanda Ortega: 1. Has no authority to overrule the commission’s approval of an eligibility list. Is in error by claiming that an eligibility list cannot be approved when there is a protest, even a legitimate one pending review and action by the commission. 3. Is in error by claiming that no appointment can be made or hiring can be concluded from the eligibility list for Personnel Commission Director until all protests have been acted upon. 4. Has no independent authority to appoint or authorize Bryan Astrachan to conduct any business under the subject matter jurisdiction of the commission or to have unfettered and unmonitored access to the commission files and records, especially outside of normal business hours. 5. Has no authority to over-rule actions by the commission or to ignore them when they involve the subject matter jurisdiction of the commission. Do we have a motion? Item dies for lack of motion.

Action Item V (G) It is moved that: 1. Commission Chair Barabani be appointed to provide day to day supervision of all commission staff to include authorizing all work activities, approving time off and any overtime, and as the sole source to resolve any questions or conflicts that may arise between staff and other persons. 2. Formally notify all staff appointed by the commission and paid for out of the commission budget that they are to comply with requests and directions from the Commissioner Barabani that involve the subject matter jurisdiction of the commission or the and in doing so are immunized from any disciplinary action if they ignore such directives from any other commissioner or the district administrators. 3. Formally notify all staff appointed by the commission and paid for out of the commission budget that no district administrator, and or particular Bryan Astrachan and Yolanda Ortega, has any legal authority to give them any directions for any matter under the subject matter jurisdiction of the commission and that no disciplinary action will be taken against them should they disregard any directions that any other person gives them. 4. Formally notify all staff that they must notify all

commissioners by email immediately upon receiving any directions, orders, or other efforts to supervise them including any commissioner, other than the Commission Chair. 5. Formally notify staff that only the commissioners will prepare any performance evaluations of their job performance and that any efforts by anyone else not authorized by the commission to do so will not be recognized by the commission and will not serve as the basis for disciplinary action. Do we have a motion? Item dies for lack of a motion.

Action Item V (H) it is moved that the President of CSEA Chapter 183 be authorized to use the unused desk in the commission office lobby during normal office hours as he deems necessary to carry out CSEA representation that affects the merit system and the commission. Do we have a motion? Item dies for lack of a motion.

VI. COMMISSIONER REMARKS

Ms. Early: Next agenda item Commissioner Remarks. Commissioner Salazar would you like to have remarks?

Mr. Salazar: Just brief remarks, first of all, I would like to thank everybody for coming out I know everyone is incredibly busy and to take this time away from your families to come out here and continue the business of these important issues and matters I'm real grateful for that because your input is real important to us. The only thing I wanted to say really about the eligibility list because we've been hearing about that and we actually see a picture of it in here. My only concern is I yet, as a commissioner, seen a signed eligibility list so that's the only concern that I have, and I would like to at some point have that document produced and which it sort of leads me on to the next bit and piece that is the whole Bryan Astrachan issue that's looming out there. I think everybody has said, and Charlie said it this evening, and I know that Commissioner Barabani has said last week in fact he wrote a letter to the effect that Bryan has done a good job. My thing is that if he's gone through here through this and done a good job for us I would be concerned that we, if we didn't have an eligibility list that was signed that we tried to terminate this guy at this point, we are moving along with the testing and things are going along and they are not going along real fast or anything but it's better than it was when it was completely stopped. Any ways, those are my remarks, thank you.

VII. CLOSED SESSION

Ms. Early: Thank you Commissioner Salazar. I want to thank each of you for coming here tonight, the commission will now move into closed session. The commission will adjourn into closed session at 5:25 p.m. for purposes of conference with legal counsel, Kristine E. Kwong, Musick, Peeler & Garrett: existing litigation (Section 54956.9a): San Bernardino City Unified School District; Dr. Arturo Delgado v. Personnel Commission of the San Bernardino City Unified School District Case No: CIVDS 916709. Pursuant to Government Code Section 54957 to discuss: Public Employee Appointment title: Personnel Commission Director. We will now adjourn into closed session.

VIII. ADJOURNMENT

Meeting was adjourned at 6:26 p.m.