

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

August 10, 2011

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

I. CALL TO ORDER

Mr. Barabani called the meeting to order at 5:42 P.M. Mr. Barabani led the pledge of allegiance.

II. APPROVAL OF AGENDA

Mr. Barabani: Move on to the Approval of Agenda. Any corrections or modifications at this time?

Ms. Early: I have none.

Mr. Barabani: Do I have a second?

Ms. Early: I second.

Mr. Barabani: Call for the vote.

Ms. Early: Aye.

Mr. Barabani: Aye.

III. PUBLIC COMMENTS

Mr. Barabani: At this time we'll move to the Public Comments section. Let me read the notes, *comments from the public on any agenda item may only be made at this time. Public comment during the commission's discussion of an agenda item will not be permitted. Public comments on anything other than an agenda item may not be made during this special meeting. Public comment is invited and encouraged by the commission on all matters before the commission or under the subject matter jurisdiction of the commission. However, decorum is needed for the commission to conduct business in an organized and timely fashion. No member of the public may speak during the meeting until recognized by the chair or called upon by the chair. To be recognized, please raise your hand or approach the podium and wait until recognized. Thank you for your cooperation.* I'd like to add that we don't have a podium in this room, there's a recorder there and a recorder there if you can speak in those direction and please give your name, your name, your first and last name and then the subject or what part of the item you want to speak on if you do come up. Public comments are open.

Richard Knapp, Parent of SBCUSD student: Hello, my name is Richard Knapp, I appreciate the opportunity to come up and speak today. I do have a few questions that I was looking to get some clarity on today. I've been volunteering at my son's school for quite a few months now, since March, I would go two times a week and right now, they're off-track. I work with severely impaired, I volunteer for the severely impaired children at Harmon. Not too long ago did I ask them if I could be a little bit more of assistance with their program over there and by that I was asking to see if there were any part-time positions available. They gave me a list that after I had gone through the list...

Mr. Barabani: Excuse me Mr. Knapp?

Richard Knapp, Parent of SBCUSD student: Yes?

Mr. Barabani: I hate to do this at this time, but this is a Special Meeting and we have to speak about only items that are on the agenda.

Richard Knapp, Parent of SBCUSD student: Ok.

Mr. Barabani: And, does this pertain to one of the items?

Richard Knapp, Parent of SBCUSD student: It just may.

Mr. Barabani: Which item?

Richard Knapp, Parent of SBCUSD student: Well, what I'm asking about here is really about the Personnel Commission Director. Is that item on this agenda for today?

Mr. Barabani: Yes, its on under the Closed Session. Go ahead.

Richard Knapp, Parent of SBCUSD student: Ok. Well, see, ok...

Mr. Barabani: Sorry.

Richard Knapp, Parent of SBCUSD student: No, its fine, its just that I'm having some trouble understanding what exactly is the will of the commission. I'm having some trouble understanding what the commission is actually here for. Like I was getting to, the positions I was handed, there were 396 or 369 different positions that are vacant now in the district. For clarification, can I know why? You're not sure why?

Mr. Barabani: No, no, it's your comment period, I don't want to interrupt, go ahead.

Richard Knapp, Parent of SBCUSD student: So I'm asking the question is there a reason why these...

Mr. Barabani: We're not answering questions at this time.

Richard Knapp, Parent of SBCUSD student: Oh, you're not answering questions ok so, comments. This is what I am going to get to then, alright because I feel that the commission isn't really working with me as a parent to answer my questions here, I feel that there's a couple things with this commission, I'm pretty disappointed in. Last time I was at the meeting that was a normal meeting and not a Special Meeting, being held over here at the hall, I showed up and took time out of my day to express my concerns and you sir, you were absent that day and there was no apparent reason for it. I'm not looking for a reason today, but I'm looking for a little bit of respect from the commission to parents, to our community and for you to really start focusing on what matter's here and it's the children. My understanding is that this position of the Personnel Commission Director is being held vacant because you're looking to get a friend of yours to fill the position. Your friend though, my understanding, did not pass background for whatever reason, its his personal information however, he did not pass background so, I believe that you should move on and open the position freely and try to get someone else into it rather than playing political games with our children's futures. It's very disappointing to me that there are some people here that we have elected into these positions that are not doing the jobs we need done for our children.

Mr. Barabani: I normally wouldn't interrupt you, but you've made two accusations that...

Richard Knapp, Parent of SBCUSD student: Have I?

Mr. Barabani: Yes, you said a friend, I did not know...

Richard Knapp, Parent of SBCUSD student: Do you not know him outside of this?

Mr. Barabani: Of course I know him. Wait a minute, let me finish, let me speak...

Richard Knapp, Parent of SBCUSD student: No, I like your answers, go ahead...

Mr. Barabani: Or we can go back to where you can just talk; I didn't know the individual before he applied for this position, ok?

Richard Knapp, Parent of SBCUSD student: But now you do outside, outside...

Mr. Barabani: Of course, we hired him.

Richard Knapp, Parent of SBCUSD student: No, well, my understanding is he couldn't be hired.

Mr. Barabani: Well, how do you know this? Why do you know that and the commission doesn't know that? That's one of the problems we have with the governing board. Did you get that information from some individual on this commission, privileged employee information, who gave you that?

Richard Knapp, Parent of SBCUSD student: You know...

Mr. Barabani: Kind of quiet; we didn't provide it, as far as I know; the commission doesn't, the commission doesn't...

Richard Knapp, Parent of SBCUSD student: This is, this is what's going to happen; I'm going to tell you...

Mr. Barabani: ...the commission doesn't; hold it...

Richard Knapp, Parent of SBCUSD student: No, you hold it because I am here on my time; you guys are the ones messing up ok.

Mr. Barabani: I don't know how you; you said he didn't pass the background, how do you know that?

Richard Knapp, Parent of SBCUSD student: I know that because I have people who I know that know.

Mr. Barabani: And they've given you confidential employee information is what you're telling me?

Richard Knapp, Parent of SBCUSD student: It's not really all that confidential. You can go to...

Mr. Barabani: It's so confidential, they won't tell us...

Richard Knapp, Parent of SBCUSD student: You can go...

Mr. Barabani: The governing board will not tell us...

Richard Knapp, Parent of SBCUSD student: But you can go...

Mr. Barabani: The governing board will not tell us, but you know...

Richard Knapp, Parent of SBCUSD student: You can go to the Superior Court and you can lookup the individual's name...

Mr. Barabani: And, and...

Richard Knapp, Parent of SBCUSD student: And there's records...

Mr. Barabani: And it pertains to this job?

Richard Knapp, Parent of SBCUSD student: Do you need me; well, I believe that if you have any type of record that you're not going to get qualified...

Mr. Barabani: You go ahead and speak and I'm not going to say anything; you have no evidence here and you're making accusations...

Richard Knapp, Parent of SBCUSD student: Alright, this is what's going to happen then, ok; you have no respect do you? You have absolutely none. That's ok, you don't have to comment, I can see it in your demeanor and this is another thing...

Mr. Barabani: Wow, you're attacking me now?

Richard Knapp, Parent of SBCUSD student: No, hey, I'm attacking both of you because I know your both in on this, you guys are holding up the process here. Cut the crap with the accusations, you're holding up the process. If you are honest and truthful...

Mr. Barabani: You haven't been, you ain't telling me where you're getting your information.

Richard Knapp, Parent of SBCUSD student: I don't need to tell you, I'm being honest and truthful...

Mr. Barabani: No...

Richard Knapp, Parent of SBCUSD student: I don't need to speak of that...

Mr. Barabani: No, you've already accused me of hiring my friend and that's not true...

Richard Knapp, Parent of SBCUSD student: I didn't accuse you of hiring him...

Mr. Barabani: If you're saying that he didn't pass the background...

Richard Knapp, Parent of SBCUSD student: He didn't pass background...

Mr. Barabani: You're not being truthful; if you're going on public record making a statement...

Richard Knapp, Parent of SBCUSD student: Yes, yes I am...

Mr. Barabani: ...and none of which I know to be true...

Richard Knapp, Parent of SBCUSD student: Because you ignore it, you ignore it because you know that it will put you in a bad position as well. Look...

Mr. Barabani: I'm not going to continue; I can't continue to allow you to attack somebody, any employee...

Richard Knapp, Parent of SBCUSD student: I'm not going to continue, I'm not going to continue, not today, but you will see me back and I will get people together; I've been

here before, I've been here before and I've been dumped on for my time and it's not proper, it's not professional. You guys don't belong here holding a 5:30 meeting and showing up 10 minutes late, that's ridiculous, you are professionals. Nobody holds you accountable and that's the problem.

Mr. Barabani: Are you done? Are you done?

Richard Knapp, Parent of SBCUSD student: I don't know, was there a question?

Patrick Maher: I'm not asking you to comment, I'm raising my hand to be recognized by the Chair; you're not the Chair, I asked to be recognized by the Chair.

Mr. Barabani: I'll assume he's done then. Go ahead Pat, Pat it's all yours.

Patrick Maher: My name is Patrick Maher and I've just been slandered and defamed by this person who I've never met before and never recall seeing before in my life. I don't know what case he's talking about in Superior Court, but I'm not aware of any case I'm involved with in Superior Court. I did get divorced many, many years ago, maybe that's what he's talking about, I don't know, but there was nothing in that that I'm aware of, I'm not aware of any other case against me in Superior Court so, I don't know what he's talking about. Secondly, if in fact, and I don't know this for a fact, if in fact I was rejected for background reasons, then personal confidential information about my, from my file has been released in violation of my privacy rights under the Constitution of the United States and the Constitution of California and this person has just admitted to being involved in a violation of my privacy rights by coming up here and alleging information that he knows that is supposed to be confidential so, I don't know where he comes from, I don't know where his background is and what he's talking about, but I do know one thing, is that I went through a process, a process conducted completely outside of the Personnel Commission and in complete accord with the law. I came out high on that list, in the top three candidates, I was interviewed by the commission along with everybody else and I was appointed by the commission. By law, I am legally entitled to that position, by law, that is my right under the law, you may not like the law, but it is my right, under the law to be given that job unless they can find a legal reason for rejecting me. And so far, they have not given me a legal reason to reject me.

Mr. Barabani: You might want to talk to him because he seems to know.

Patrick Maher: So that's the issue that I am talking about here so for you to come up here and slander and liable me and defame me, make false accusations about any secret information that you have in a court file, secret confidential privileged information, confidential information that was given to you and use that to somehow attack me because you want a job, I think is totally unfair and I don't think its appropriate. I think you were way out of line and I resent that and I don't think this commission should allow for that to happen again.

Steven Holt, 1st Vice President, CSEA: Steven Holt, 1st Vice President, classified union, I'd like to bring up some things that have been stated here. First of all, that's a classified issue if somebody's working doing classified work illegally and taking our bargaining work, there's no such thing as volunteering when you're doing classified jobs. The reason we establish a commission is so we have a fair hiring process and for the record, we've had illegal hiring practices that's been going on in the district, we have tested the system and the 2000 plus employees that I represent have gone through that system and have been bypassed, that's the reason why we fight for the merit system and I don't have anything against you sir, but you have to realize there's two sides to every story and there is differences going on, but if you read Education Code, it's that little book right there, there's a copy of it, and it says the commission hires their staff and what's to say for the district when we keep going down a list until they select who they want to put in and where is the fair independent hiring process in that? We're people that's working here and I've been one of the guys, I work as a custodian and I've been undermanned, we've been cut, I've been doing work servicing our children and I work as a union representative as well, I'm frustrated about what's going on with the commission and the district, but the district has been unfair to the community, to the classified workers, the certificated workers, there's been funny business going on with the district as long as I can count and they're always pointing the blame at the commission and it's two sides. Where is the representative from the; do we have a representative from the district here? Anybody officially? If it's so important, why isn't the district here? Why isn't there somebody over here at this table giving a comment or a speech on their side of it? Why is it every time we're seeing the commission go up and volunteer and say, 'hey, I'll go volunteer and talk to you guys, I'll go'; one of the representatives, 'I'll go to a board meeting'? I don't see anybody here in an official capacity here from the district if this is so important. We're currently engaged in a lawsuit involving the commission and the district and I'll tell you right now, we want to resolve this as much as anybody and we're one of the poorest counties and communities around San Bernardino and it's one of the biggest employers in the district and for the people I represent, my constituents, it is, not only a disservice to the kids, but for the people working here too when the community we won't provide jobs, there's a lot of aspects where this thing is a plus at all sides if you can get it moving, but there are two sides to every story and right now what I'm doing is and what I've just talked with the district today about is all these people where they're bringing in legal groups like Manpower and all these people doing our work, didn't never took a test, don't even know if they're qualified or eligible, don't know their background and yet they're here working with our children; going through illegal processes and steps and the reason why we established a commission and here I'm hearing things about the director, director, director without proof and accusations, I think its very fair if somebody had something to say about Patrick Maher and his background that they would come on and state the sources. I have no problem saying where I get my sources of information, if somebody tells me something, if I have a conversation with the Superintendent, a laboring union, Joe Baca, whoever I'm talking to, I'll put their name out there for the press, I'll put it out there on Facebook, I'll put it out wherever, tattoo it on my arm, I don't care, I'm an open book, I don't like this secret kind of stuff comes in here because it looks to me like people are intentionally coming down to slander the commission and we all have the interest of serving the children making this thing go forward, I think its

relevant that we have that information that somebody is putting out false information and you don't know that and I'll tell you right now, from my perspective and from the classified, this district and this Board of Education has been anything but honest and I'm not saying that about everyone in the district because there are a lot of managers and there's people on cabinet levels who do care, but I'm sorry, there's some people on there who are way off topic and I'd really hate to see you keep coming in here and keep seeing us tearing down the commission instead of working together and seeing how we can fix the commission, how we can get the commission to work instead of saying that it sucks; who doesn't want to have a fair hiring process? You know the commission is supposed to hire and retain the best qualified workers, they're supposed to test to make sure you get the best qualified people to go in there and do the job; you want people who pass background checks to service your kids and that's what the commission is there for; they hire the person they want and there is nothing that I know of, and I've made that request myself as a representative of the 2000 plus classified employees, why the district is stalling the commission. What is the problem with this individual here? Nobody can come up with a reason, all I hear are accusations, accusations and they mean nothing without proof. He is absolutely right, he has a right as everyone else does to apply for a job and if it's anybody that has been holding this up, it's these fat cats over here who are getting their raises and taking our money and hurting the kids. We're over here servicing them when the schools are atrocious, we have people illegally doing jobs, the commission's not; you talk about vacancies well, those vacancies are affecting us, we collect dues dollars from our people, our organization's going down; I'm an employee of the district, I'm trying to service; I've had three custodians where I work as a custodian, abolished; people out and no coverage, I'm doing the work of three or four people sometimes; my desire is to get the commission going, but where's the blame? The blame is not necessarily here and if it is, come with proof. I don't see a district representative and I would like to see someone here dispute some of this stuff that is going on, I would like to see their input on it; well, the commission isn't working because Chairperson did this and Commissioner this did that. Where is it? Where is the representative? Who is here from the district to say anything? I've been at how many commission meetings and I haven't see a representative of the district yet, I don't see anybody, all I hear is a mouthpiece somewhere complaining about the commission and no one is saying anything about, anything to recant the information. They've gone forward, I've personally seen attempts of the commission trying to communicate, trying to establish stuff with the district and the district tells them the same thing they tell us, 'we're not going to go there, we're not going to do anything, we're the ultimate authority, nobody tells us'. They don't recognize the unions, they don't recognize the public and the voters that put them in and elect them; these guys, by the way, are appointed; that's our guy, we appointed, the district appoints another guy and they select a neutral, they're not elected, those guys are elected and yet no one's here answering any questions, those are the ones that are accountable and keep bypassing us. So I'm sorry, and for the record, I am frustrated and I am sorry that the commission is getting tore down all the time and I understand there's two sides to every story and there may be differences, but I would think that it would be at least respectful in district's part to have somebody here to answer that and to have a representative and I apologize.

Mr. Barabani: Well, I'm going to move on, but I have to make a comment here real quickly. You got up, Mr. Knapp, if you're going to come back next meeting like you claim and you're going to bring up false accusations claiming you have confidential information, as Chair, I am definitely going to put a stop to that because false accusations and confidential information that you claim you have, which you shouldn't have, don't belong here. I am sorry that I allowed it to go on, but more shame on you to come here and make false accusations against an individual, including me. You claim, for no apparent reason, I wasn't here. You don't know me, you don't know what happened, you have no idea why I wasn't here, but you stood right there and claimed, 'Oh, for no apparent reason', that's a lie because you don't know. Then you claimed I hired my friend, another lie.

Richard Knapp, Parent of SBCUSD student: I never said you hired your friend...

Mr. Barabani: And ...

Richard Knapp, Parent of SBCUSD student: I did not say you hired your friend...

Mr. Barabani: Yeah, I wrote it down right here, 'no apparent reason for appraisal and friend' and then you claimed he didn't pass the background...

Richard Knapp, Parent of SBCUSD student: I didn't say you hired him...

Mr. Barabani: So do you work over there and manage; do you work in management over there?

Richard Knapp, Parent of SBCUSD student: I didn't say you hired him.

Mr. Barabani: You said he was my friend at the time before.

Richard Knapp, Parent of SBCUSD student: Do you know him on a personal basis?

Mr. Barabani: Of course I do now because we hired him, but I didn't know before we hired him...

Richard Knapp, Parent of SBCUSD student: You're the one telling me that you hired him; don't tell me that I said you hired him when you're telling me...

Mr. Barabani: The commission hired him. You said he was my friend and that I hired my friend; I did not hire my friend...

Richard Knapp, Parent of SBCUSD student: You just admitted it.

Mr. Barabani: I know what you said and then you said he didn't pass the background, confidential information. Shame on you, I don't know who put you up to this, but it's disgraceful, disgraceful. Let's move on. Anyone else have a comment?

Grandmother of SBCUSD student: I have a comment.

Mr. Barabani: Sure.

Grandmother of SBCUSD student: Hi, I am not here in an official capacity, but I'm a grandmother and a parent of a student at Richardson and I do have to say that I feel like the Personnel Commission really is doing the students a great disservice in not having; and I recognize what you guys are saying that you're in a catch 22, but at the same time, something has to come out of this. This is ridiculous the amount of time that students are going unserved. My grandchild is suffering because of this, he's not getting the services that he needs and there are other; he's a high achiever, but what about the kids that have special needs, special services? I just can not see how this is constructive at all, it's not going anywhere, somebody has to make a move and get on with it.

Mr. Barabani: Well, we're getting off agenda again and I allowed it...

Grandmother of SBCUSD student: I just want to make it perfectly clear that I am...

Mr. Barabani: ...and when I allowed it to get off agenda, which, you know, he claimed he was going to talk about the Personnel Commission, you know because it was on the agenda, I didn't realize it was going to be a personal attack and vendetta and calling names...

Grandmother of SBCUSD student: I haven't; I don't have anything personal...

Mr. Barabani: I know you don't, but I'm not going to allow; I can't allow; I'm not going to allow it to go on. Next week; next meeting will be an open forum; please come back and I do suggest that the governing board also has; you know, you should speak with them too.

Grandmother of SBCUSD student: Well, I am letting you guys know because I see that you have control and you do have the power. You have power to help extend an olive branch to get things moving, but the way things are going right now, there is no movement, there's no positive; there's nothing coming out of this. Just like I said, as a grandparent, I hear about kids who aren't being serviced and we're talking about kids who need medical attention and there's Instructional Aides with special need services; the Cafeteria Workers that he's speaking about, I mean, that is just; to me, I just wish there was something we could do to move this along on both sides because I don't think this is going; this is not constructive for anybody.

Mr. Barabani: Once again it is not in my nature, I like people to speak, (inaudible), we're off agenda here, but I really would welcome you to come back at our open session where you can make full comments because I do want to hear and hopefully Mr. Salazar will be here, the other Commissioner here, and I really do. I would like to stay on this agenda, it's nothing personal.

Grandmother of SBCUSD student: I understand and I just want you to know this is; because I am not aware of any of this stuff...

Mr. Barabani: I know, its not; the issue is not on the agenda right now and I'm trying not to violate because we are way; we are skirting the law here on this so, let's move on then on that; I don't want to refrain Ms. Early from; you can go ahead, do you have anything to say after that?

Ms. Early: I just want to add that this is a special call meeting which is why he is requesting that your comments be limited to the items on the agenda. Ms. Garcia can you provide us with the date of our regularly scheduled meeting? During the regularly scheduled meetings you're welcome to make any comments and go off agenda during the Public Comments section. I think I remember Mr. Knapp attending a prior meeting that was cancelled at the request of Commissioner Salazar and on that note, did we receive; I know we had set a prior precedent where we tried to move forward with all seated Commissioners present; did we receive any kind of prior notice stating that Mr. Salazar could not make this meeting?

Nersidalia Garcia, Secretary III: He just made a phone call that is was too of a short notice; that's why we have regular meetings, yeah and he had other prior arrangements. The next meeting is August 24th at the Community Room.

Ms. Early: So, the next regularly scheduled meeting is August 24th at 5:30 and it will be in the Community Room in the building across the hallway, I'm sorry, across the parking lot so, that's when you're allowed to make public comments that are not agenda items and since we're on that meeting, I will not be present at that meeting, I will be on travel status. It is my hope that my fellow Commissioners will move forward with any agenda that our Commission Chair presents.

Mr. Barabani: Ok, thank you for announcing that. Any more public comments on the agenda items?

IV. ACTION ITEMS

Mr. Barabani: Alright, we'll move to section IV, Action Items. Item (A), *the commission will consider referring the issue of the appointment of Mel Albiso as an Associate Superintendent (Associate Superintendent/Chief Administrative Office) to an Administrative Law Judge. A propose motion is: (1) It is moved that the commission suspend the decision on whether or not Mel Albiso was appointed in accord with the Rules of the commission and the provisions of Article 6, commencing with section 45240 of the Education Code as they pertain to the examination procedures, provided that no later than August 31, 2011: (a) The governing board approves the standard contract of the office of Administrative Hearings for the commission to employ Administrative Law Judges as hearing officers pursuant to Government Code section 27727 and Education Code section 45312 and (b) the counsel for the governing board issues a written declaration of conflict of interest in accord with the provisions of Education Code section 45313 authorizing the commission to employ its own counsel representing the*

commission in presenting facts, legal arguments, and to ensure that the decision of the Administrative law judge does not exceed that authorized by the commission, (c) the governing board approved the REAF for Kristine Kwong to be employed as counsel for the commission in regards to all matters pertaining to the appointment of Mel Albiso before the Administrative Law Judge and to provide legal opinions and necessary assistance on this matter until it is concluded by the commission. Do I have a second?

Ms. Early: I second.

Mr. Barabani: It's opened up for discussion.

Ms. Early: I have none.

Mr. Barabani: We'll call for the vote.

Ms. Early: Aye.

Mr. Barabani: Aye. Action Item still (A) number (2), *It is moved that the above time limit of August 31, 2011 must be strictly complied with by the governing board and that no extensions will be granted for any reason. Do I have a second?*

Ms. Early: I second.

Mr. Barabani: Any discussion?

Ms. Early: None.

Mr. Barabani: Call for the vote.

Ms. Early: Aye.

Mr. Barabani: Aye. Action Item IV, action (B), *The commission will consider notifying counsel to the governing board that dates that it sets for compliance by counsel for the governing board must be strictly adhered to and that communications involving interpretation of law or submission of facts must comply with Rules of Professional Conduct. (1) It is moved that the commission notify counsel to the governing board that counsel for the governing board must strictly adhere to all time limits established by the commission or the submission will be deemed a failure to respond and not considered by the commission. Do I have a second?*

Ms. Early: I second.

Mr. Barabani: Open for discussion.

Ms. Early: None.

Mr. Barabani: Call for the vote.

Ms. Early: Aye.

Mr. Barabani: Aye. (B) number (2) *It is moved that the commission will consider extending timelines when a request for an extension is submitted before the submission date and time provided that counsel provides a sufficiently comprehensive explanation of the need for an extension that includes the name of each person indicating that the time line cannot be met and the reason that the time line cannot be met.*

Ms. Early: I second.

Mr. Barabani: We got a second. Any discussion?

Ms. Early: None.

Mr. Barabani: Call for the vote.

Ms. Early: Aye.

Mr. Barabani: Aye. Part (B) number (3) *It is moved that the commission notify counsel to the governing board that whenever counsel provides statements of fact or legal arguments to the commission that the commission expects strict compliance with Professional Rule of Conduct 5-200, sections (C), (D) and (E).* Call for a second.

Ms. Early: I second.

Mr. Barabani: Any discussion?

Ms. Early: None.

Mr. Barabani: Call for the vote.

Ms. Early: Aye.

Mr. Barabani: Aye. Action Item (C), *The commission will review minutes and consider taking action to adopt minutes. Proposed motions are:* we will start with the January 26, 2011; let me get those in front of me. I looked up; we had some concerns about this because I wasn't in attendance at the meeting, it's usually courtesy and not law that we have to, that I can't approve it, but since Mr. Salazar is not here, I would like to re-agendize the 26th again so, since I wasn't here and it's his words that are in here, and I'd like for him to be here to approve them.

Ms. Early: Absolutely.

Mr. Barabani: I'll make a motion to that effect to re-agendize January 26, 2011.

Ms. Early: I second.

Mr. Barabani: Alright, any discussion? Call for the vote.

Ms. Early: A discussion, yes. I just am concerned that this is the second meeting where we have our third seated Commissioner absent and previously we have made multiple attempts to reschedule meetings so that all three of us could be present. I received, as part of the background information in last week's package, I actually noticed and also the email that we would be having this meeting this evening so, I would like for us; I know two meetings in a row we waited until 6:00 to call the meeting to order so that all three Commissioners could be present, I would like for us in the future, I shouldn't say in the future, its been a past issue we established practice that if we couldn't be here, we would notify Ms. Garcia so that a time could be arranged where all seated Commissioners could be present. I'm very much interested in Mr. Salazar's input however; this is the third meeting where three of us haven't been present. So with that regard, I agree with you in that regard that we should re-agendize this set of minutes and I would hope that for our next meeting if one of us, I've given you my notice that I would not be here, but when I'm late I have Ms. Garcia's phone number, she can verify that I called her up and say, 'I am stuck on the freeway, but I'm five minutes away' and I would hope that my fellow Commissioners would extend the same courtesy because time is a precious commodity.

Mr. Barabani: Yes, thank you and I agree with you, the only thing I'd like to add is that it's very rare, but there are some situations when you're not allowed to use a cell phone in some places and you can't be contacted, alright. Let's move to the February 10, 2011 meeting. I make a motion to approve the minutes for the February 10th 2011, do I have a second?

Ms. Early: I have corrections.

Mr. Barabani: Alright. Nersi, are you ready for the corrections?

Ms. Early: I guess some of these are for consistency, I thought that in our previous meeting we decided that motions and...

Mr. Barabani: We were going to highlight; excuse me, it wasn't enough time.

Ms. Early: Ok.

Mr. Barabani: And she had already done the work on these.

Ms. Early: Ok so motions were not highlighted, but if we're going to do that, if we're going to bold the font for the motions in some meeting minutes we need to bold the motions in all the minutes just for consistency. Page 2, can we not emphasize *catering* or take the highlight off *catering*? Page 7, strike *be abstaining* and replace that with 'abstain', so, it should read *did you want to 'abstain'*? Page 8, third line up from the

second to the bottom paragraph, at the beginning, strike *of* and replace it with 'at'. Last line on that same paragraph change *bound* to 'boundaries' so, it should read *I am really concerned about that frankly we are over stepping our 'boundaries'*. And then the last line on that page, it stops mid sentence, it reads, *I heard it in the* and then the sentence is not completed so, we need to complete the verbiage on that sentence. And then on page 9, the dialogue is missing from every one other than Commissioner Barabani so, we need to go back to page 9 and insert the verbiage from everyone else. On page 10, the sentence above *Adjournment*, strike *there was no* so, the sentence should read, *The commission reconvened into open session at 7:21 and announced the following action taken in closed session;* and that completes my corrections however, without the; we have a lot that's missing from the minutes on page 9 so, even though I said approve with corrections, I hate to approve them without seeing the corrections so, I would like to recommend that this set also be re-agendized with the insertions made.

Mr. Barabani: Ok, so your motion is to re-agendize February 10th, 2011 meeting notes and have them go through and replace all of the stuff that's missing and make those corrections?

Ms. Early: And there might be more corrections when you see the inserts.

Mr. Barabani: Alright, call for a second on that.

Ms. Early: I second.

Mr. Barabani: Any more discussion?

Ms. Early: None.

Mr. Barabani: Call for the vote, yes.

Ms. Early: Aye.

Mr. Barabani: Aye. We'll move to February 23rd.

Ms. Early: I move to approve with corrections.

Mr. Barabani: Alright.

Ms. Early: Page 1, second line up from the last paragraph, strike *to address* so, it should read, *you prefer that we address the public hearing section later*. Page 3, fourth paragraph up from the bottom, where it says *William Dietrich, driving* three times in that paragraph should be replaced with 'deriving'. Page 6, six paragraphs up where it says *Mr. Barabani*, seven lines up from the bottom paragraph it says, *has that*, the words have been just interchanged, it should say 'that has' so, the sentence should read, 'Make an appointment to classification that has not been approved', it currently reads *has that been approved* so, just transpose the words or change the order. Page 14, seven lines down

from the bottom paragraph, *in December she pulled some issues*, strike *pull some* and replace it with 'stated'. Page 14...

Mr. Barabani: Oh, I see that.

Ms. Early: ...and then just some other grammatical errors on that page; on page 15, two lines up from where it says, *Closed Session*, you should be 'you've', 'you've' *got to read that* or 'you have' *got to read that*. That concludes my corrections.

Mr. Barabani: Alright. Motion was to approve the minutes with corrections. I'll second that. Any more discussion? Call for the vote.

Ms. Early: Aye.

Mr. Barabani: Aye. We'll move to March 2nd.

Ms. Early: I move to approve with corrections.

Mr. Barabani: Proceed.

Ms. Early: Page 1, you have me listed as Chairperson so, please transpose Rhonda Early with Mr. Barabani and show me as being the Vice Chairperson and Commissioner Barabani as being the Chair. That concludes my corrections.

Mr. Barabani: Alright; minutes for March 2nd. Ok, the motion was to approve the minutes with corrections. I'll second that. Call for the vote.

Ms. Early: Aye.

Mr. Barabani: Aye. March 23rd is the next set; on March 23rd, motion to approve the minutes of March 23rd, 2011.

Ms. Early: I second.

Mr. Barabani: Any discussion?

Ms. Early: None.

Mr. Barabani: None? Call for the vote.

Ms. Early: Aye.

Mr. Barabani: Aye. Let's move to the 30th.

Ms. Early: I move to approve with corrections. Page 2, third line up from the bottom, first word should be 'March'.

Mr. Barabani: Ok, I will second that. Call for the vote. Any more discussion? Call for the vote.

Ms. Early: Aye.

Mr. Barabani: Aye.

V. CLOSED SESSION

Mr. Barabani: Ok, we will now move to section V which is the Closed Session items; it is now 6:31 p.m. I'd like to thank everyone for coming. We all have (inaudible).

Unknown Speaker: You have to read all of the sections.

Mr. Barabani: Oh, I'm sorry, you're right. *Conference with legal counsel, Kristine E. Kwon, Musick, Peeler & Garrett LLP*; this is about *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* also *Existing litigation (Section 54956.9a): California School Employees Association And Its San Bernardino City Chapter No. 183, v. San Bernardino City Unified School District; Governing Board Of The San Bernardino City Unified School District; Superintendent Arturo Delgado; Personnel Commission Of The San Bernardino City Unified School; And Does 1 To 10, Inclusive, Case No: CIVDS 1106215 Pursuant to Government Code Section 54957 to discuss: PUBLIC EMPLOYEE APPOINTMENT Title: Personnel Commission Director*; that's it and we're going to move into closed session.

The commission adjourned into closed session at 6:31 p.m.

The commission reconvened into open session at 7:22 p.m. and announced the following action taken in Closed Session:

Mr. Barabani: We're reporting out, we made a motion for a limited waiver of client/attorney privilege for the purpose of a second writ for litigation CIVDS 1106215; the vote was two yes votes.

Patrick Maher: Both voted yes, you have to name the person that was voting.

Mr. Barabani: Well, there were only two of us in there.

Patrick Maher: I know, but if you don't know who it is you need to put that on there.

Mr. Barabani: Gino Barabani and Rhonda Early if you don't know.

Patrick: And who made the motion a second, did you get that?

Mr. Barabani: I made the motion, Yolanda seconded it.

Patrick Maher: Rhonda seconded it.

Mr. Barabani: Excuse me.

VI. ADJOURNMENT

The commission adjourned the meeting at: 8:14 p.m.