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**I. General Functions:**

**A. Call To Order**

**B. Roll Call**

**C. Pledge Of Allegiance**

**D. Motion To Approve Agenda**

**E. Public Comments**

**SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT**  
**PERSONNEL COMMISSION**  
District Office Testing Room  
1651 Sixteenth Street, Santa Monica CA 90404

**AGENDA**

**PERSONNEL COMMISSION RETREAT**

SEIU & District staff representatives invited to participate

**April 17, 2012 @ 2:00 p.m. - 4:45 p.m.**

**District Office Testing Room**

Electronically Recorded

**PERSONNEL COMMISSIONERS:** Mrs. Barbara Inatsugu, Mr. Michael Sidley, and Mr. Shane McLoud

**I. General Functions:**

**A. Call to Order:**

**B. Roll Call:**

**C. Pledge of Allegiance:**

**D. Motion to Approve Agenda:**

Motion by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

Vote: \_\_\_\_\_

**E. Public Comments:** Public Comments is the time when members of the audience may address the Personnel Commission on items scheduled and also not scheduled on the meeting's agenda. All speakers are limited to three (3) minutes. When there is a large number of speakers, the Personnel Commission may reduce the allotted time to two (2) minutes per speaker. The Brown Act (Government Code) states that Personnel Commission members may not engage in discussion of issues raised during "Public Comments" except to ask clarifying questions, make a brief announcement, make a brief report on his or her own activities, or to refer the matter to staff.

1. Request to Speak on Agenda Items
2. Request to Speak on Non-agenda Items

**II. Mission of Personnel Commissioners: (Mr. Cole: 1 hour and 45 minutes)**

The merit system is a method of personnel management which is designed to promote the efficiency and economy of the workforce and the good of the public by providing for the selection and retention of employees, promotional opportunities, in-service training, and other related matters, on the basis of merit, fitness and the principle of "like pay for like work."

**A. Roles and Responsibilities**

- Board and Personnel Commission
- Director and Superintendent

**B. The Role of the Director**

**Presented by George Cole, Executive Director of California Schools Personnel Commission Association**

**III. The Brown Act: Open Meetings for Local Legislative Bodies: (Dr. Young: 25 minutes)**

**A. Overview**

**IV. Personnel Commission's Guiding Principles and Transparency: (Dr. Young: 5 minutes)**

**A. Guiding Principles:** Ensures the District's merit system is performed as well as possible, that it supports the mission of the School District, and it is done in a manner that is highly transparent and user friendly for all employees and the public.

Advocates that the Employee Performance Evaluations are consistently done on an annual basis, that they are designed to measure the effectiveness of each employee's performance, that they are valued by both management and employees as a tool to improve the effectiveness of the District, and that the results are used to support the professional development of all employees.

**B. Transparency:** characterized by visibility or ability to access information especially concerning business practices. It may include open meetings, financial disclosure statements, the freedom of information legislation, budgetary reviews, audits, etc.

The Personnel Commission's intention is to create a safe environment to be able to ask unpopular questions. The Personnel Commission is committed to accomplish its work in a transparent manner.

**V. Overview of the District Strategic Plan 2012: (Dr. Young: 5 minutes)**

**A. Strengthen Talent at Every Level**

**VI. Strategic Mission Planning and Goals Setting for the Personnel Commission: (Dr. Young: 20 minutes)**

**A. Review of the 2011-12 Personnel Commission Strategic Goals**

**Communication:**

- Provide two way communication structure with all constituent groups.
- Coordinate with Human resource department on a comprehensive procedure manual conducting trainings with each constituent group.

- Regularly visit and communicate with sites and departments.

**Governance Management:**

- Meet core budgetary responsibilities and demands.
- Provide meaningful opportunities for commissioners training and development.

**Merit Rules:**

- Collaborate with District and SEIU to implement a 3-year maintenance plan for auditing classification specifications by job families.
- Continue timely review and updating of *Personnel Commission Rules*.

**Classified Staffing Management:**

- Be pro-active in classified recruitment and testing.
- Communicate and publicize a recruiting system which provides hiring management a list of qualified applicants in a timely manner.
- Provide the Commissioners and department with internal and external comparable merit data to enhance recruitment techniques to identify areas of best practices and improvement

**Employee Satisfaction:**

- Continue a professional skills development plan for each staff member in the classified commission personnel office and complete annual employee evaluations in a timely manner

**VII. Robert's Rules - Parliamentary Procedure Cheat Sheet: (Dr. Young: 5 minutes)**

**VIII. Adjournment:**

There being no further business to come before the Personnel Commission, it is recommended that the meeting be adjourned.

Motion by: \_\_\_\_\_  
 Seconded by: \_\_\_\_\_  
 Vote: \_\_\_\_\_

**TIME ADJOURNED:** \_\_\_\_\_

Submitted by:

\_\_\_\_\_  
 Wilbert Young, Ph.D.  
 Secretary to the Personnel Commission  
 Director, Classified Personnel

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## **II. Mission of Personnel Commissioners:**

### **Mission of Personnel Commissioners: (Mr. Cole: 1 hour and 45 minutes)**

The merit system is a method of personnel management which is designed to promote the efficiency and economy of the workforce and the good of the public by providing for the selection and retention of employees, promotional opportunities, in-service training, and other related matters, on the basis of merit, fitness and the principle of “like pay for like work.”

#### **A. Roles and Responsibilities**

- Board and Personnel Commission
- Director and Superintendent

#### **B. The Role of the Director**

**Presented by George Cole, Executive Director of California Schools Personnel Commission Association**

# ROLES and RESPONSIBILITIES

BOARD AND PERSONNEL COMMISSION  
DIRECTOR AND SUPERINTENDENT

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CSPCA Merit System Academy





# Board Responsibility

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- The Board is an administrative agency, created by statute and vested with the powers expressly conferred by the Legislature

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# The Board is vested to

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- Prescribe the duties to be performed by all persons in the classified service except those assigned to the commission (§ 45109),
- Prescribe and order paid the compensation of classified employees (§§ 45267, 45268),
- Employ, pay, and otherwise control the services of such employees (§ 45241), and
- Suspend or dismiss such employees (§ 45304).

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# How Does It All Fit ???

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- The Board runs the school district and employs the staff.
- Commission is an independent body that is charged with administering the human resources function for classified employees
- So .....

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# Essentials

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- Board determines:
  - what work is to be done
  - how many people are needed to do it
  - the organizational structure for those people who are doing the work
  - the hours per day and days per year of employees
  - Establishing benefits
  - Who is finally hired to do the work

**CSPCA**



# Essentials (cont'd)

---

- The Commission:
  - Determines what the minimum requirements are for the employees who will be doing the work
  - Establishes classifications and allocates to salary schedules
  - Recruits for and tests employees
  - Certifies enough candidates to fill all the jobs created by the board

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# Some Important Questions

---

- Can the Commission hire employees?
- Can the Board classify positions?
- Who makes the rules?
- Who is responsible for discipline?
- Who decides how many employees are needed?
- Who sets compensation levels?
- Who maintains personnel files?
- Who does what?

**CSPCA**



# Commission Functions and Board Functions

---

- Ed Code divisions
- Different organizational structures
- “2-hat” vs. separated offices
- Director’s role
- Collective Bargaining
- Allegiance/loyalty of the Director

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# Major Commission Roles

---

## ○ CLASSIFICATION

- Establish and maintain classification plan
- Conduct Job Audits
- Classify positions
- Assign titles
- Establish minimum qualifications

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# Major Commission Roles (cont'd)

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- CLASSIFICATION (cont'd.)
- Define/establish occupational hierarchies (families)
- Establish and maintain internal alignment
- Allocate classes to salary ranges

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# Major Commission Roles (cont'd)

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- Approval of assignments
  - Transfers?
  - Promotions?
  - Leaves of Absence?
  - Resignations?
  - Dismissals?

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## Major Commission Roles (cont'd)

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- Establish and maintain rules and procedures
- Hear disciplinary appeals
- Promote and support the mission of the District
- Provide counsel for District administrators
- Staff development

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# Major Board Roles

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- Determine the organizational structure of district
- Determine the work that needs to be done
- Determine which jobs will be assigned specific duties
- Determine who will supervise other employees

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## Major Board Roles (cont'd.)

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- Determine the number of employees needed
- Conduct negotiations with Association
- Provide for employee benefits
- Orient new employees
- Evaluate employees
- Maintain files

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# The Organization

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- The Board and Commission are parts of the whole
- The Superintendent and the Director of Classified HR work together
- PCRR's support the District's mission and maintain precepts of Merit System

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PERSONNEL  
COMMISSION

BOARD OF  
EDUCATION

DIRECTOR,  
CLASSIFIED HUMAN RES.

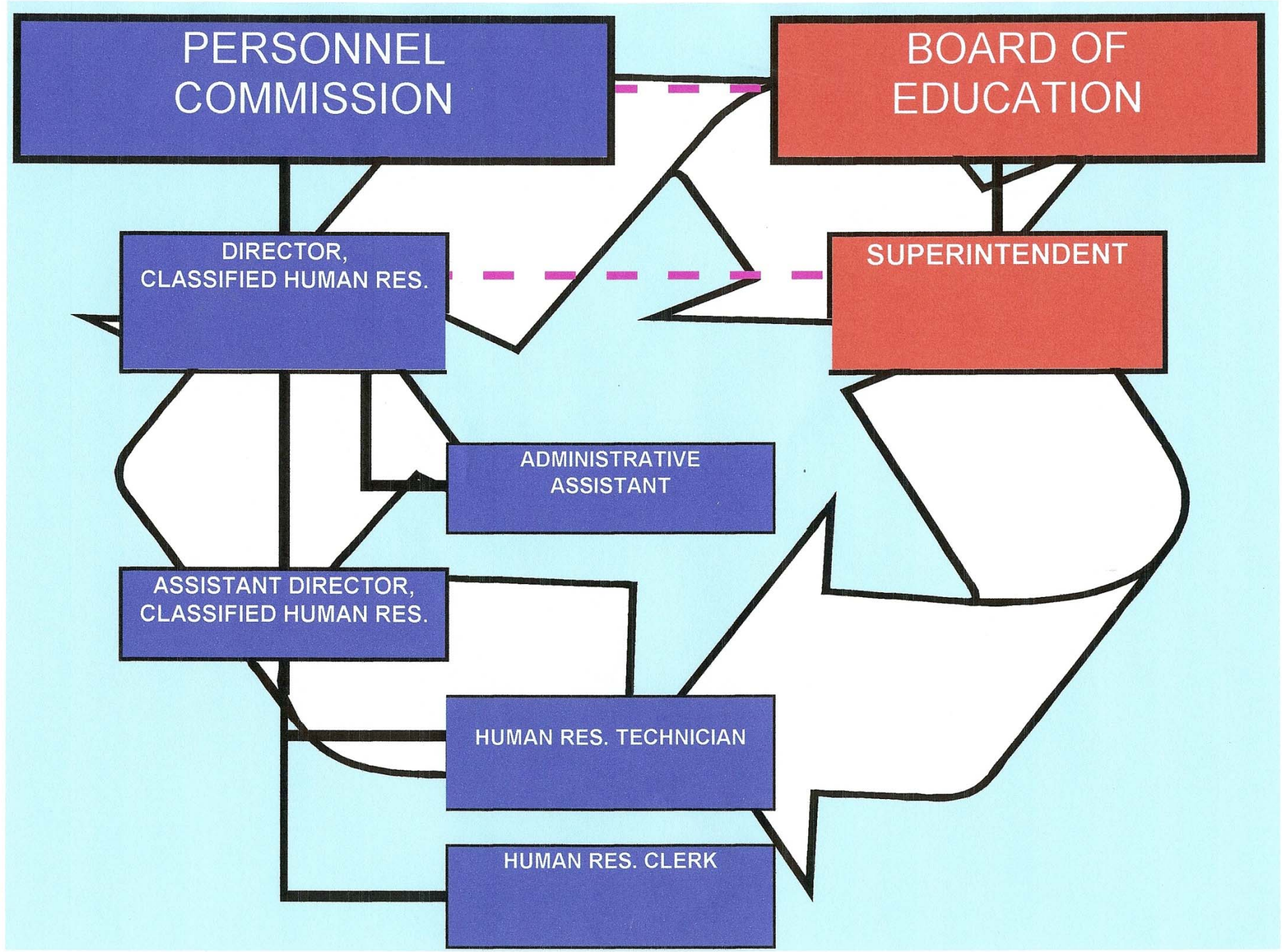
SUPERINTENDENT

ADMINISTRATIVE  
ASSISTANT

ASSISTANT DIRECTOR,  
CLASSIFIED HUMAN RES.

HUMAN RES. TECHNICIAN

HUMAN RES. CLERK



# The Commission and Collective Bargaining

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- Yet another set of relationships
- What is the Commission's role in bargaining
- The employee's representative
- Protection of merit principles
- The Contract and Rules
- Application of the Rules

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# The Balancing Act

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- Director and Cabinet
- Director and Board
- Director and Superintendent
- Director and Assistant Supt, . HR
- Director and Negotiations
- Director and Labor
- Director and Management
- Director and Discipline

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# The Commission's Director

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- Hired by the Commission
- Evaluation
- Discipline/Dismissal
- Manages Commission staff
- Secretary to Commission
- Interprets rules/hears appeals
- Contract interpretation/application

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## The Commission's Director (contd.)

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- Advises management staff
- District policy and Direction
- Facilitator/mediator
- District committees
- Spokesperson for Commission
- Role in Disciplinary process

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## In Summary

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- Both the Commission and the Board/District Administration have specific roles and responsibilities
- It is important that both work collaboratively, respecting each other's role and responsibilities.

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# The Role of the Director

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# How Important is the Director?

- The role of the Director can affect the employees, union leadership, board, commission, and the administration.
- The perception of the Merit System in an organization is largely dependent on the Director.

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# Personnel Director Overview

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- Appointed, supervised, and evaluated by the Commission (§ 45264)
- Secretary to the Commission (§ 45266)
- Manages/supervises Commission staff
- Responsible for carrying out procedures and rules of the Commission
- Certifies classified payroll (§ 45310)

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## Guidance from the Ed Code?

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**E. C. 45266.** (a) The personnel director shall be responsible to the commission for carrying out all procedures in the administration of the classified personnel in conformity with this article and the rules of the commission, and **shall be free of prejudice or bias in order to ensure the impartiality of the commission.** He or she shall also act as secretary of the commission and shall prepare, or cause to be prepared, an annual report which shall be sent by the commission to the governing board. (b) A personnel director shall not advise or make recommendations to the commission regarding any disciplinary action appealed to the commission under Section 45305, if the personnel director is the party who brought the action against the employee.

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# Merit vs. Non-Merit

---

- The role of the Director can be a significant benefit to having a Merit System.
- Having an unbiased Director responsible for running a classified personnel system on a day-to-day basis is a fundamental difference between Merit and Non-Merit Systems.
- Non-Merit Directors are a representative of the District, COE or Community College

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# Discussion of Director's Role

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- What is your Director's role in these areas:
- Core Merit System Areas: Recruitment, Testing, Selection, Job Analysis, Classification, Compensation, Eligibility Lists
- Layoff
- Collective Bargaining
- Discipline
- Contract Administration
- Administrative Coordination (Operations, Workers Comp, Subs, Volunteers, etc.)

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# The Times We Live in...

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- These are very difficult financial times for California COE's, community college districts, and K-12 school districts
- The employees and the COE's/ districts need a fully functioning Director
- The Personnel Commission is paying for a professional; it does not make sense to limit the duties of the Director any more than necessary
- We recognize that many Directors wear multiple hats.

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# State-wide Merit System issues...

- *“A large percentage of the conflicts that occur in Merit Systems throughout the State revolve around the role of the Director.”*

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# HR ANALYST DUTIES (based on core Commission responsibilities)

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- Test development and analysis
- Classification and Reclassification
- Job Analysis

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# TYPICAL DISTRICT FUNCTIONS PERFORMED BY PC STAFF

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- Layoff
- Maintaining seniority lists.
- Maintaining 39 month reemployment lists
- Maintenance of Classified Personnel Files
- In processing of new employees

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# PC OFFICE STAFFING as of 03/31/10

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- Based on statewide surveys for PC staffing.
- 200 – 300 Classified staff – Dir. AND 1 FTE (HR Technician)
- 300 – 600 – Dir. and two FTE (1 Tech. and 1 Asst.)
- 600 - 800 – Dir. and 2.5 FTE ( 1 Analyst , 1 Tech 1 Asst.)

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## PC STAFFING CONT.

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- 1000 + Dir. and four FTE (1 Admin Support, 1 Analyst, 1 Tech, 1 Asst.)
- The average staffing includes the District functions listed above, since most Personnel Commissions perform the listed District functions.

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# PC BUDGET

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- The Ed Code specifically established an independent budget for the Personnel Commission (Ed Code 45253)
- Lynwood Personnel Commission v. Lynwood Board of Education.
- The Ed Code holds the PC accountable in the way it spends its funds.

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# PC BUDGET (CONT)

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- Training for Commissioners and staff. (Ed Code 45255)

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# RESOLUTION

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- PC Director and Superintendent meet on a regular basis.
- Involve Director as part of cabinet and other District functions.
- Personnel Commission and Board meet on a scheduled basis.
- The Board, PC, Superintendent, Director and union needs to be part of one team

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# Questions?

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# Hood vs. Compton Comm. College

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- Who is the employer?
- Who is the supervisor?
- Who evaluates?
- Who disciplines?

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# Overview

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- Merit vs. Non Merit Directors
- Core Merit System role
- Two headed Directors
- Where is the line on administrative duties?
- Funding allocation for the Director's position

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# Evolving Role of the Director

## *Classified Personnel Director-Old School*



Merit  
Duties  
100%

## *Classified Personnel Director-New World*



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# Defining the Line!

---

- Two headed Directors have varied responsibilities
- The next few slides show you how one district defined the maximum role of the Director
- The role of the Director in your organization is a local decision
- We will discuss the maximum use of the Director up to the point of potential conflict of interest
- While it is important to define the line for the role of the Director...don't fix it if it works in your district, COE, or community college

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# Collective Bargaining

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- The Director may play an active role in classified negotiations including: researching district and employee proposals, facilitating and suggesting solutions, analyzing and reporting the implications of negotiable issues, drafting contract language for consideration by the parties.
- The Director's function is one of a resource to both the DISTRICT and the Exclusive Representative (hereafter, "REPRESENTATIVE") of the bargaining unit. The Director shall not serve as the DISTRICT'S spokesperson and shall be free to point out areas to both parties where negotiations may be in conflict with Merit System laws.
- The Director may caucus with the DISTRICT or the REPRESENTATIVE if requested, and if appropriate. The Director may facilitate, problem solve, analyze, or suggest alternatives. However, the Director will not pressure either party to reach agreement through the use of a mediation role.
- The Director will advise both the DISTRICT or the REPRESENTATIVE if proposal conflicts with the Merit System

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# Discipline

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- The Director can advise both the DISTRICT and the REPRESENTATIVE/ employee on disciplinary procedures, determine facts but not consequences, and help develop individualized employee training programs to address performance needs.
- The Director is the COMMISSION'S representative in the disciplinary process; no duties shall be performed that conflict with this primary role. The Director must be free to be an impartial procedural advisor and resource to the DISTRICT, the REPRESENTATIVE, and employees. Impartial must not be confused with uninvolved; a Director may be very involved and still be impartial.
- The Director's participation at different levels of the disciplinary process should promote fairness, consistency, and due process compliance. The Director will not be the DISTRICT'S spokesperson; the decision as to the specific disciplinary action necessary in due process/progressive discipline will be determined by the supervisor and/or Associate Superintendent--***not the Director.***
- In some cases it is not appropriate for Director to make a recommendation to the Personnel Commission on a disciplinary action.

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# Contract Administration

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- The Director will help with administering the contract language as agreed to by the parties. In the event of a grievance, the Director can research factual background information for the parties, act as a facilitator, coordinate procedural issues, and propose solutions/resolutions of alleged violations of the contract.
- The Director will not be the DISTRICT'S representative authorized to determine the DISTRICT'S official response to a grievance. The DISTRICT'S response to a grievance is the responsibility of the DISTRICT administrator designated at the appropriate level.

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# Administrative Coordination

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Other miscellaneous duties:

- Classified staffing levels
- Layoff processing
- New classification duty statements
- Job duty assignment clarification
- Objective troubleshooter
- Questions...

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# Funding

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- Funding the Director 100% from the Personnel Commission budget recognizes and is consistent with the impartial role required in the Education Code

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# Conclusion: Defining the Line Can Help Your Merit System!

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- Understanding the maximum recommended role of the Director will help you recognize and prevent conflicts which may affect your Merit System
- The Director must demonstrate the highest ethical standards
- Discussions with the District and Representative regarding the role of the Director are necessary to prevent misunderstandings
- Feedback and comments

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### **III. The Brown Act: Open Meetings for Local Legislative Bodies:**

#### **A. Overview**

THE  

---

BROWN  

---

ACT

OPEN MEETINGS FOR  
LOCAL LEGISLATIVE BODIES

2003

CALIFORNIA ATTORNEY  
GENERAL'S OFFICE

**THE**  

---

**BROWN**  

---

**ACT**

**OPEN MEETINGS FOR  
LOCAL LEGISLATIVE BODIES**

Office of the Attorney General  
Bill Lockyer  
Attorney General

Prepared by the Division of Civil Law

Chief Assistant Attorney General Andrea Lynn Hoch  
Deputy Attorney General Ted Prim, Editor



State of California  
**Office of the Attorney General**

Bill Lockyer  
Attorney General

Throughout California's history, local legislative bodies have played a vital role in bringing participatory democracy to the citizens of the state. Local legislative bodies - such as boards, councils and commissions - are created in recognition of the fact that several minds are better than one, and that through debate and discussion, the best ideas will emerge. The law which guarantees the public's right to attend and participate in meetings of local legislative bodies is the Ralph M. Brown Act.

While local legislative bodies generally are required to hold meetings in open forum, the Brown Act recognizes the need, under limited circumstances, for these bodies to meet in private in order to carry out their responsibilities in the best interests of the public. For example, the law contains a personnel exception based on notions of personal privacy, and a pending litigation exception based upon the precept that government agencies should not be disadvantaged in planning litigation strategy. Although the principle of open meetings initially seems simple, application of the law to real life situations can prove to be quite complex.

The purpose of this pamphlet is to provide a brief description of the Brown Act, along with a discussion of court decisions and opinions of this office that add to our understanding by applying it in specific factual contexts. We hope this pamphlet will assist both public officials and those who monitor the performance of local legislative bodies to minimize and resolve disputes over interpretations of the Brown Act. In recent years, both the California Supreme Court and the courts of appeal have recognized the benefit of pamphlets issued by our office. This recognition by the courts, along with many favorable comments from members of the public, strengthens our resolve to continue producing reliable informational materials on the Brown Act and other California laws. Publication of these materials constitutes a tradition of service that we value greatly.

Ideas and suggestions for future editions of this pamphlet are welcomed and should be addressed to the editor.

Sincerely,

BILL LOCKYER  
Attorney General



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## INTRODUCTION

This pamphlet concerns the provisions of the Ralph M. Brown Act, which govern open meetings for local government bodies. The Brown Act is contained in section 54950 et seq. of the Government Code. Accordingly, all statutory references in this pamphlet are to the Government Code unless otherwise noted. The pamphlet contains a table of contents, which may also serve as a topical outline for the reader. The pamphlet also includes a brief summary of the main provisions of the Brown Act, along with references to the appropriate Government Code sections and chapters of the text. The text includes a discussion of the law along with tips on how the law should be applied in particular situations. Numerous references are made to legal authorities throughout the text. A copy of the Brown Act in its entirety is set forth in the appendix to the pamphlet. Lastly, the pamphlet contains a table of authorities so that the reader can determine all of the places in the text where references are made to a particular authority.

In preparing this pamphlet, we relied on a variety of legal resources. Appellate court cases were consulted and are cited throughout the pamphlet. While most of the more significant cases are discussed, this pamphlet is not intended to be a compendium of all court cases in this area. In addition, we drew upon published opinions and unpublished letter opinions issued by this office. Attorney General opinions, unlike appellate court decisions, are advisory only and do not constitute the law of the state. However, with respect to the Brown Act, the courts have frequently adopted the analysis of Attorney General opinions, and have commented favorably on the service afforded by those opinions and this pamphlet. (*Bell v. Vista Unified School Dist.* (2000) 82 Cal.App.4th 672; *Freedom Newspapers v. Orange County Employees Retirement System* (1993) 6 Cal. 4th 821, 829.)

Published opinions are cited by volume and page number (e.g., 32 Ops.Cal.Atty.Gen. 240 (1958)). Unpublished letter opinions are cited as indexed letters by year and page number (e.g., Cal.Atty.Gen., Indexed Letter, No. IL 76-201 (October 20, 1976).) Published opinions are available through law libraries and some attorneys' offices. As a general rule, indexed letters are available only in the Office of the Attorney General. Copies may be obtained by a request to the Public Inquiry Unit of the Office of the Attorney General.

If you have specific questions or problems, the statutes, cases and opinions should be consulted. You also may wish to refer the matter to the attorney for the agency in question, a private attorney or the district attorney.

The pamphlet is current through January 2003 with respect to statutes, case law, and Attorney General opinions.

## SUMMARY OF KEY BROWN ACT PROVISIONS

### COVERAGE

#### PREAMBLE:

Public commissions, boards, councils and other legislative bodies of local government agencies exist to aid in the conduct of the people's business. The people do not yield their sovereignty to the bodies that serve them. The people insist on remaining informed to retain control over the legislative bodies they have created. 54950 Ch. I

#### GOVERNING BODIES:

Includes city councils, boards of supervisors, and district boards. Also covered are other legislative bodies of local government agencies created by state or federal law. 54952(a) Ch. I & II

#### SUBSIDIARY BODIES:

Includes boards or commissions of a local government agency as well as standing committees of a legislative body. A standing committee has continuing subject matter jurisdiction or a meeting schedule set by its parent body. Less-than-a-quorum advisory committees, other than standing committees, are exempt. 54952(b) Ch. II

#### PRIVATE OR NONPROFIT CORPORATIONS OR ENTITIES:

Covered only if:

- a. A legislative body delegates some of its functions to a private corporation or entity; or 54952(c)(1)(A) Ch. II
- b. If a legislative body provides some funding to a private corporation or entity and appoints one of its members to serve as a voting member of entity's board of directors. 54952(c)(1)(B)

**MEETING DEFINED**

**INCLUDES:**

Any gathering of a quorum of a legislative body to discuss or transact business under the body's jurisdiction; serial meetings are prohibited. 54952.2 Ch. III

**EXEMPTS:**

- (1) Individual contacts between board members and others which do not constitute serial meetings; 54952.2(c)(1) Ch. III
- (2) Attendance at conferences and other gatherings which are open to public so long as members of legislative bodies do not discuss among themselves business of a specific nature under the body's jurisdiction; 54952.2(c)(2), (3) and (4)
- (3) Attendance at social or ceremonial events where no business of the body is discussed. 54952.2(c)(5)

**LOCATIONS OF MEETINGS:**

A body must conduct its meetings within the boundaries of its jurisdiction unless it qualifies for a specific exemption. 54954 Ch. IV

**TELECONFERENCE MEETINGS:**

Teleconference meetings may be held under carefully defined conditions. The meeting notice must specifically identify all teleconference locations, and each such location must be fully accessible to members of the public. 54953 Ch. III

**PUBLIC RIGHTS**

**PUBLIC TESTIMONY:**

Public may comment on agenda items before or during consideration by legislative body. Time must be set aside for public to comment on any other matters under the body's jurisdiction. 54954.3 Ch. IV & V

NON-DISCRIMINATORY FACILITIES:

Meetings may not be conducted in a facility that excludes persons on the basis of their race, religion, color, national origin, ancestry, or sex, or that is inaccessible to disabled persons, or where members of the public may not be present without making a payment or purchase. 54953.2; 54961 Ch. V

COPY OF RECORDING:

Public may obtain a copy, at cost, of an existing tape recording made by the legislative body of its public sessions, and to listen to or view the body's original tape on a tape recorder or viewing device provided by the agency. 54953.5 Ch. V

PUBLIC VOTE:

All votes, except for those cast in permissible closed session, must be cast in public. No secret ballots, whether preliminary or final, are permitted. 54953(c) Ch. VI

CLOSED MEETING ACTIONS/DOCUMENTS:

At an open session following a closed session, the body must report on final action taken in closed session under specified circumstances. Where final action is taken with respect to contracts, settlement agreements and other specified records, the public may receive copies of such records upon request. 54957.1 Ch. IV, V & VI

TAPING OR BROADCASTING:

Meetings may be broadcast, audio-recorded or video-recorded so long as the activity does not constitute a disruption of the proceeding. 54953.5; 54953.6 Ch. V

CONDITIONS TO ATTENDANCE:

Public may not be asked to register or identify themselves or to pay fees in order to attend public meetings. 54953.3; 54961 Ch. V

PUBLIC RECORDS:

Materials provided to a majority of a body which are not exempt from disclosure under the Public Records Act must be provided, upon request, to members of the public without delay. 54957.5 Ch. V



**REQUIRED NOTICES AND AGENDAS**

**REGULAR MEETINGS:**

Agenda containing brief general description (approximately twenty words in length) of each matter to be considered or discussed must be posted at least 72 hours prior to meeting. 54954.2 Ch. IV —

**SPECIAL MEETINGS:**

Twenty-four hour notice must be provided to members of legislative body and media outlets including brief general description of matters to be considered or discussed. 54956 Ch. IV —

**EMERGENCY MEETINGS:**

One hour notice in case of work stoppage or crippling activity, except in the case of a dire emergency. 54956.5 Ch. IV

**CLOSED SESSION AGENDAS:**

All items to be considered in closed session must be described in the notice or agenda for the meeting. A model format for closed-session agendas appears in section 54954.5. Prior to each closed session, the body must orally announce the subject matter of the closed session. If final action is taken in closed session, the body generally must report the action at the conclusion of the closed session. 54954.2; 54954.5; 54957.1 and 54957.7 Ch. IV

**AGENDA EXCEPTION:**

Special procedures permit a body to proceed without an agenda in the case of emergency circumstances, or where a need for immediate action came to the attention of the body after posting of the agenda. 54954.2(b) Ch. IV

## CLOSED-SESSION MEETINGS

### PERSONNEL EXEMPTION:

The body may conduct a closed session to consider 54957 Ch. VI  
appointment, employment, evaluation of performance,  
discipline or dismissal of an employee. With respect to  
complaints or charges against an employee brought by another  
person or another employee, the employee must be notified, at  
least 24 hours in advance, of his or her right to have the hearing  
conducted in public.

### PUBLIC SECURITY:

A body may meet with law enforcement or security personnel 54957 Ch. VI  
concerning the security of public buildings and services.

### PENDING LITIGATION:

A body may meet in closed session to receive advice from its 54956.9 Ch. VI  
legal counsel concerning existing litigation, initiating litigation,  
or situations involving a significant exposure to litigation. The  
circumstances which constitute significant exposure to  
litigation are expressly defined in section 54956.9(b)(3).

### LABOR NEGOTIATIONS:

A body may meet in closed session with its negotiator to 54957.6 Ch. VI  
consider labor negotiations with represented and unrepresented  
employees. Issues related to budgets and available funds may  
be considered in closed session, although final decisions  
concerning salaries of unrepresented employees must be made  
in public.

### REAL PROPERTY NEGOTIATIONS:

A body may meet in closed session with its negotiator to 54956.8 Ch. VI  
consider price and terms of payment in connection with the  
purchase, sale, exchange or lease of real property.

**REMEDIES AND SANCTIONS**

**CIVIL REMEDIES:**

Individuals or the district attorney may file civil lawsuits for injunctive, mandatory or declaratory relief, or to void action taken in violation of the Act. 54960; 54960.1 Ch. VII

Attorneys' fees are available to prevailing plaintiffs. 54960.5

**CRIMINAL SANCTIONS:**

The district attorney may seek misdemeanor penalties against a member of a body who attends a meeting where action is taken in violation of the Act, and where the member intended to deprive the public of information which the member knew or has reason to know the public was entitled to receive. 54959 Ch. VII

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## **IV. Personnel Commission's Guiding Principles and Transparency:**

- A. Guiding Principles:** Ensures the District's merit system is performed as well as possible, that it supports the mission of the School District, and it is done in a manner that is highly transparent and user friendly for all employees and the public.

Advocates that the Employee Performance Evaluations are consistently done on an annual basis, that they are designed to measure the effectiveness of each employee's performance, that they are valued by both management and employees as a tool to improve the effectiveness of the District, and that the results are used to support the professional development of all employees.

- B. Transparency:** characterized by visibility or ability to access information especially concerning business practices. It may include open meetings, financial disclosure statements, the freedom of information legislation, budgetary reviews, audits, etc.

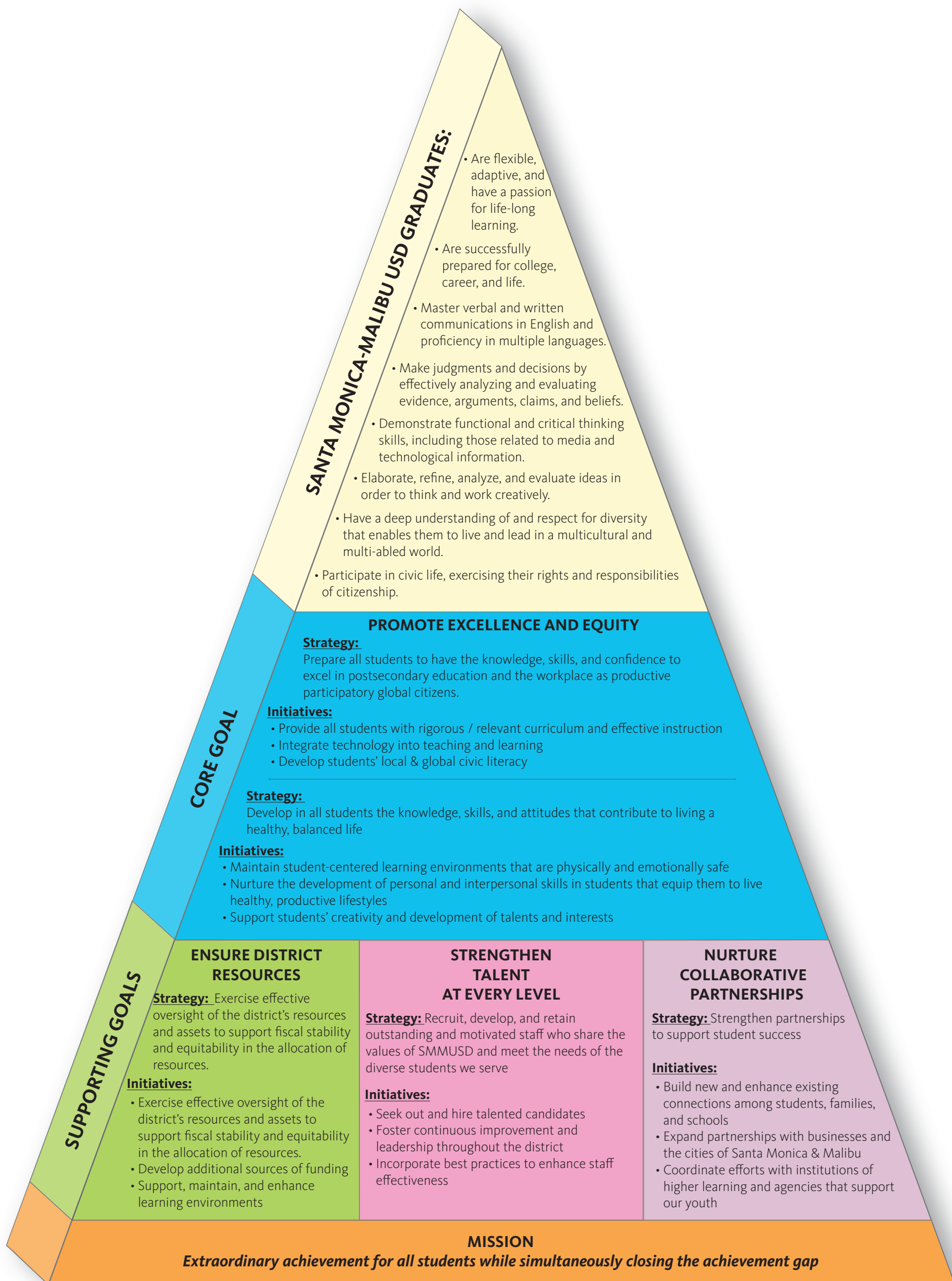
The Personnel Commission's intention is to create a safe environment to be able to ask unpopular questions. The Personnel Commission is committed to accomplish its work in a transparent manner.

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**V. Overview of the District Strategic Plan 2012:**

**A. Strengthen Talent at Every Level**



# STRATEGIC PLAN 2011-2016

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## **VI. Strategic Mission Planning and Goals Setting for the Personnel Commission:**

### **A. Review of the 2011-12 Personnel Commission Strategic Goals**

#### **Communication:**

- Provide two way communication structure with all constituent groups.
- Coordinate with Human resource department on a comprehensive procedure manual conducting trainings with each constituent group.
- Regularly visit and communicate with sites and departments.

#### **Governance Management:**

- Meet core budgetary responsibilities and demands.
- Provide meaningful opportunities for commissioners training and development.

#### **Merit Rules:**

- Collaborate with District and SEIU to implement a 3-year maintenance plan for auditing classification specifications by job families.
- Continue timely review and updating of *Personnel Commission Rules*.

#### **Classified Staffing Management:**

- Be pro-active in classified recruitment and testing.
- Communicate and publicize a recruiting system which provides hiring management a list of qualified applicants in a timely manner.
- Provide the Commissioners and department with internal and external comparable merit data to enhance recruitment techniques to identify areas of best practices and improvement

#### **Employee Satisfaction:**

- Continue a professional skills development plan for each staff member in the classified commission personnel office and complete annual employee evaluations in a timely manner

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**VII. Robert's Rules - Parliamentary Procedure Cheat Sheet:**



## Parliamentary Procedure Cheat Sheet

Parliamentary Procedure is used to make meetings flow smoothly and allow members' opinions to be heard. This sheet is designed to help members of the SMMUSD Board of Education and District Advisory Committees during their meetings.

CLASSIFIED PERSONNEL  
201 OCT -9 A 8:59

All members of the Board of Education and District Advisory Committee members are expected to arrive to a meeting on time, prepared, and polite. In order to keep the meeting moving forward and business to be conducted efficiently, members of these groups understand that they are to keep their remarks focused on the business at hand and not to get personal or make attacking comments to other members.

### Quorum

A quorum is the minimum number of voting members that must be present for business to be conducted legally. For the Board of Education and the District Advisory Committees, a quorum is a majority of the voting members. If a quorum is not present, the board or committee may wait until a majority of members are present or may reschedule the meeting for a later date (as per the Brown Act, at least 72 hours notice must be given prior to the newly rescheduled meeting).

### How to Make a Motion

#### **1. Make Your Motion**

- Wait for the President or Chair to call on you. Then state, "I move that...". State your motion clearly and concisely. Stay on the subject and avoid personal attacks.

#### **2. Wait for Someone to Second It**

- Either another member will say, "I second the motion," or the President or Chair will call for a second.
- If there is no second, the motion will not be considered.
- Note: By seconding a motion, a member does not have to agree with the motion, but only believes the motion is worth considering.

#### **3. The President or Chair States Your Motion**

- The presiding officer must say, "It has been moved and seconded that...". Once this happens, the motion is pending ("on the floor").

#### **4. The Motion is Debated (does not apply to all motions)**

- The President or Chair asks if there is any discussion. The person who made the motion has the right to speak first.
- Direct all comments to the President or Chair.
- Note: Motions may be made at any time to limit or end debate.

#### **5. A Vote is Taken**

- The President or Chair states, "Are you ready to vote on the motion?" The President or Chair may restate the motion for clarity.
- The President or Chair Announces the Results
- S/he states which side has the votes and whether the pending motion passed or failed.

### Order of Voting

There may be several motions pending on a single item. The last motion made is called "immediately pending" and is the first processed. When there are multiple motions on the floor for a single item, follow these steps:

- The last motion stated by the chair is the first pending (immediately pending) and the first voted on.
- The main motion is the last voted on.
- Example:

The *main motion* is for the Board of Education to approve the schedule of board meetings for the next school year. A board member moves to *amend the motion*: "I move that the board only hold one meeting in the month of July rather than two." Another member must second the motion. The President asks if there is any discussion. Once discussion is complete, a vote is taken on the amendment because it was the last motion made and is therefore the *immediately pending motion* and must be voted on first before the main motion can be voted on.

## **Common Methods of Voting**

### **1) Voice**

- The President or Chair asks those in favor to say "aye" and those opposed to say "no" (applies only to majority votes).
- A member may move that the vote be counted.

### **2) Show of Hands**

- Members raise their hands for a vote that requires 2/3 approval or for clarification of a voice vote.

### **3) Roll Call**

- If a record of each person's vote is required, each member answers "yes," "no," or "abstain" when his/her name is called by the President or Chair.

### **4) Secret Ballot**

- Members of the Board of Education and the District Advisory Committees are not permitted to vote by secret ballot as per the Brown Act.

### **5) General Consent**

- This is a good way to move things along when a motion isn't likely to be opposed. The President or Chair says, "If there is no objection, the motion is moved." Members show consent by their silence; however, if someone says, "I object," the matter must be put to a vote.

## **Reconsidering a Vote**

- Under certain circumstances, a question may be brought back to be debated again and revoted. This gives members a chance to change their minds if, say, the original vote seemed hasty or new information is brought forward.
- The motion to reconsider must come from the winning side.
- It must be moved the *same day* as the original vote.
- Generally, it only applies to main motions.

## **Minutes**

Minutes are a written record of meetings kept by the organization's secretary. Accurate, concise minutes are important as a reference for the organization. Minutes should not record all that is said at a meeting.

They may include:

- The time, place, and type of meeting
- The presence of officers and a quorum
- Information on main motions made, passed, or defeated
- Results of counted votes

## **Reference:**

"Using Parliamentary Procedure: A Guide to Conducting Orderly Meetings" by the Channing Bete Company, Inc.

## COMMON MOTIONS

TO DO THIS:	YOU SAY THIS:	COMMENTS:	IS IT DEBATABLE?	VOTE?
Close the meeting	"I move to adjourn."	Need a second.	No	Majority
Call an intermission	"I move to recess for..."	Need a second. Amendable.	No (unless there is no item being discussed, and then it becomes the main motion and is therefore debatable)	Majority
Approve the agenda	"I move to approve the agenda [with the update(s) and amendment(s)]."	Need a second.	No	Majority
Move an item from Consent to Major (any board member may do this)	"I move that Item No. * be pulled from Consent and moved to Major."	May interrupt speaker.	No	No vote
Temporarily suspend consideration of an issue (until later in the meeting)	"I move to table the motion."	Need a second.	No	Majority
End debate and amendments (call for a vote on the main motion)	"I move the previous question."	Need a second.	No	2/3
Control length of debate	"I move that debate be limited to..."	Need a second. Amendable.	No	2/3
Postpone consideration until a certain time	"I move to postpone the matter until..."	Need a second. Amendable.	Yes	Majority
Have a committee or other smaller group give closer study to something	"I move to refer the matter to _____ (Sub)Committee."	Need a second. Amendable.	Yes	Majority
Amend a motion	"I move to amend by..."	Need a second. Amendable if it is the primary (first) amendment made to the main motion.	Yes (unless the motion made is not debatable according to this chart)	Majority
Introduce a new question: • New business (main motion)	"I move that..."	Need a second. Amendable.	Yes	Majority
• Take up a previously tabled item (from earlier in meeting)	"I move to take from the table..."	Need a second.	No	Majority
• Reconsider a previous vote (if original vote was taken too hastily or new information was introduced)	"I move to reconsider the vote on..."	Need a second.	Yes (unless the motion made is not debatable according to this chart)	Majority
Protest breach of rules or conduct	"Point of order."	May interrupt speaker.	No	No vote
Vote on a ruling of the President or Chair	"I appeal the President's/Chair's decision."	May interrupt speaker. Need a second.	Yes (unless the motion made is not debatable according to this chart)	Majority
Verify a voice vote by having members raise hands	"Division!"	May interrupt speaker.	No	No vote
Request information	"I move to request the following information..."	May interrupt speaker.	No	No vote

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**VIII. Adjournment:**