

**MARIN COUNTY OFFICE OF EDUCATION
PERSONNEL COMMISSION**

The regular meeting of the Personnel Commission will be held on
Monday, November 14, 2022 beginning at **3:30 p.m.**
in the Board Room and via teleconference / videoconference.

To join by phone: dial (408) 638-0968, Meeting ID: 831 042 6185, Passcode: 11142022
(if asked for a participant ID- press #)

To join by videoconference: click <https://us02web.zoom.us/j/8310426185>
Meeting ID: 831 042 6185, Passcode: 11142022

AGENDA

1. Call to Order Ms. Foster
 2. Roll Call Ms. Edmunds
 3. Approval and Adoption of Agenda..... Ms. Foster
 4. Introduction of Guests and Identification of Persons Wishing to address the
Commission on items not on the agenda..... Ms. Foster
- This is an opportunity for the public to make comments related to Personnel
Commission business concerning matters not on the agenda. The time allotted for a
comment shall be five (5) minutes. No action can be taken by the Personnel
Commission unless the matter is placed on a subsequent agenda.
5. Approval of October 24, 2022 Minutes Ms. Foster
 6. Discussion of the 2022-2023 Personnel Commission Calendar Ms. Foster
 7. Approval of the revised 2022-2023 Personnel Commission Calendar Ms. Foster
 8. Classification Study Update Ms. Edmunds
 9. Personnel Director’s Report Ms. Edmunds
 10. Reports and Items Introduced by Commissioners Ms. Foster
 11. Adjournment Ms. Foster

Notices:

Members of the public shall have the opportunity to address the Personnel Commission on items on the agenda before or during the Commission’s consideration of the item. The time allotted for comment shall be five (5) minutes.

Additional materials available in the Personnel Office between 8:00am and 4:00pm and at www.marinschools.org under Personnel Commission.

The Marin County Office of Education adheres to the Americans with Disabilities Act. Should you require special accommodations, or more information about accessibility, please contact Tracee Edmunds at 415-499-5854. All efforts will be made for reasonable accommodations.

**MINUTES
MARIN COUNTY OFFICE OF EDUCATION
Personnel Commission
Monday, October 24, 2022**

The regular meeting of the Marin County Office of Education Personnel Commission was held in person and accessible via video conference on Monday, October 24, 2022.

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| 1. Ms. Foster convened the meeting at 3:31 p.m. | <u>Call to Order</u> |
| 2. Present for the meeting were Commissioners Catherine McKown, Paulette Foster, and Dr. Arline Zerkel. The staff was represented by Tracee Edmunds and Josie Chavez. Guests: Mary Jane Burke – Superintendent, John Carroll - incoming Superintendent, John Lenz - Deputy Superintendent, Nancy Duns – CSEA Treasurer, and Debbie Aviron - CSEA Secretary. | <u>Roll Call/Guests</u> |
| 3. Motion, seconded, and carried, Zerkel/McKown; the matter passed 3-0 to approve and adopt the agenda as recommended (dates on agenda item 6 updated to 12/1/22-12/1/25).
Ayes: Foster, McKown, Zerkel; Noes: None; Absent: None. | <u>Agenda Approved</u> |
| 4. Ms. Foster invited the public to comment on items not on the agenda. | <u>Public Comment</u> |
| 5. Ms. Burke provided an update on current events in the education community. | <u>Superintendent Update</u> |
| 6. Ms. Burke administered the Oath of Office to Catherine McKown for reappointment to the Personnel Commission. | <u>Oath of Office</u> |
| 7. Motion, seconded, and carried, Zerkel/McKown; the matter passed 3-0 to approve the minutes for the meeting held September 19 th , 2022 as amended. Ayes: Foster, McKown, Zerkel; Noes: None; Absent: None. | <u>Minutes Approved</u> |
| 8. The Commission reviewed the drafted 2021-22 Personnel Commission Annual Report. | <u>2021-2022 Annual Report</u> |
| 9. Motion, seconded and carried, McKown/Zerkel, the matter passed 3-0 to approve the revised Personnel Commission Annual Report for 2021-22. Ayes: Foster, McKown, Zerkel; Noes: None; Absent: None. | <u>Annual Report Approval</u> |
| 10. Ms. Edmunds presented and reported the Credentials Analyst classification study. | <u>Classification Study Update</u> |
| 11. Motion, seconded, and carried, McKown/Zerkel; the matter passed 3-0 to approve the Credentials Analyst position titles. Ayes: Foster, McKown, Zerkel; Noes: None; Absent: None. | <u>Classification Study/Job Title Review</u> |
| 12. Ms. Edmunds reported on the following: <ul style="list-style-type: none">• The CSPCA-NC conference will be held on January 22-24, 2023.• The soft opening of WCR for conference events this fall is moving forward with a full rescind of the Ranch Administrative Assistant and offering of extra hire work to laid off employees.• Update on recruiting efforts• Placement of reemployed staff member on the salary schedule per merit rules 7.100.1.C and 6.200.3.D• Updates on local handling of the Covid-19 pandemic. Review of Marin County positive case numbers and the extension of he Covid-19 supplemental paid sick leave to December 31st, 2022.• Review status report for the period of September 16th – October 21st, 2022. Current leaves, resignations, and vacancies were reviewed. | <u>Personnel Director's Report</u> |
| 13. Ms. Foster invited Commissioners to report on items not on the agenda. | <u>Reports/Items</u> |
| 14. Motion, seconded, and carried, Zerkel/McKown; the matter passed 3-0 to adjourn the meeting. Ayes: Foster, McKown, Zerkel; Noes: None; Absent: None. Ms. Foster adjourned the meeting at 5:17 p.m. | <u>Adjournment</u> |

Tracee Edmunds
Secretary

2022-2023
Meeting Schedule

MARIN COUNTY OFFICE OF EDUCATION
PERSONNEL COMMISSION
DRAFT REVISION

Meeting Dates School Year 2022-23
4th Monday of the month at 3:30p.m. (except as noted with *)

DATE	LOCATION
July 2022	NO MEETING
August 22, 2022	Board Room
September 19, 2022*	Board Room
October 24, 2022	Board Room
November 14, 2022*	Board Room
December 12, 2022*	Board Room
January 30, 2023*	Board Room
February 27, 2023	Board Room
March 20, 2023	Board Room
April 24, 2023	Board Room
May 22, 2023	Board Room
June 26, 2023	Board Room

Alerts & Articles

Changes to the Ralph M. Brown Act

11.09.2022

The Ralph M. Brown Act (commencing with Government Code § 54950) (“Brown Act”) governs public meetings and other functions conducted by legislative bodies of public agencies. The Brown Act seeks to ensure that the actions of all public agencies will be taken openly and their deliberations are conducted openly. (Gov. Code § 54950.)

During the 2021-2022 Legislative Session, multiple changes to the Brown Act were enacted as a response to the realities of conducting public meetings during the COVID-19 pandemic. The legislation discussed below becomes effective on January 1, 2023.

Senate Bill 1100 (Cortese) – Disruption.

Currently, the Brown Act authorizes a legislative body to adopt reasonable regulations, such as limiting the total amount of time allocated for public comment on issues and individual times for each speaker. (Gov. Code § 54954.3.) Similarly, if groups have willfully interrupted the orderly conduct of a meeting and order cannot be restored by the removal of the disruptive individuals, existing law authorizes members of the legislative body conducting the meeting to order the meeting room cleared, with certain limitations, and to continue in session without the public. (Gov. Code § 54957.9.) Most legislative body bylaws governing meeting conduct contain provisions consistent with these rules.

Senate Bill 1100 adds Section 57957.95 to the Government Code, specifically authorizing the removal of individual(s) for disrupting public meetings. SB 1100 requires that prior to removal, the presiding member of a legislative body or designee shall warn a disruptive individual that their behavior is disrupting the meeting and failure to “promptly cease” their disruptive behavior will subject them to removal.

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Changes to the Ralph M. Brown Act

“Disruptive behavior” is defined as engaging in behavior that “actually disrupts, disturbs, impedes, or renders infeasible the orderly conduct of the meeting,” which includes, but is not limited to, “a failure to comply with reasonable and lawful regulations adopted by a legislative body ... or any other law,” or “engaging in behavior that constitutes use of force or a true threat of force.” A “true threat of force” means sufficient evidence of intent or seriousness so that a reasonable observer would perceive the behavior to be an actual threat to use force by the person making the threat.

Notably, the legislation is silent as to how legislative bodies are to remove the disruptive individual. As is currently the case, local agencies will likely need to partner with local law enforcement to seek enforcement of this provision.

Assembly Bill 2647 (Levine) – Public Records Provided to All, or a Majority of All, of the Members of a Legislative Body Within 72 Hours Before a Public Meeting.

The Brown Act currently requires that agendas and certain other writings that are distributed to all, or a majority of all, of a legislative body be made available to the public upon request without delay. If any relevant writings are distributed to all, or a majority of all, of the members of a legislative body in connection with an agenda item less than 72 hours before a meeting, the writings must “be made available for public inspection ... at the time the writing is distributed to all, or a majority of all, of the members of the body” (the “72-Hour Documents”). (Gov. Code § 54957.5.) Existing law further requires all public records be made available for public inspection at a public office or location that the agency designates. The local agency is required to list the address of the office or location on the agendas for all meetings of the legislative body of that agency.

AB 2647 revises existing law and provides local agencies with another avenue for compliance with disclosure of the 72-Hour Documents. First, regarding writings other than 72-Hour Documents, local agencies will only be required to make agendas (as opposed to agendas and “other writings”) available upon request without delay. Requests for “other writings” will be governed pursuant to the California Public Records Act.

Second, AB 2647 adds an alternative means of compliance when providing 72-Hour Documents to the public. The local agency will not be required to make the 72-Hour Documents available for in-person



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RELATED PRACTICE AREAS

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Changes to the Ralph M. Brown Act

inspection at the time it is distributed to all, or a majority of all, of the legislative body if the local agency satisfies all of the following:

- An initial staff report or similar document containing an executive summary and the staff recommendation, if any, relating to that agenda item is made available for public inspection at the office or location designated by the local agency at least 72 hours before the meeting.
- The local agency immediately posts any 72-Hour Document (“public records” that were distributed less than 72 hours prior to a meeting that relate to an open session agenda item) on the local agency’s website in a position and manner that makes it clear that the writing relates to an agenda item for an upcoming meeting.
- The local agency lists the web address of the local agency’s internet website on the agendas for all meetings of the legislative body of that agency.
- The local agency makes physical copies of the 72-Hour Document available for public inspection, beginning the next regular business hours for the local agency, at the office or location designated by the local agency.

Despite the foregoing, a local agency may only use the alternative compliance method for 72-Hour Documents if its next regular business hours commence at least 24 hours before a meeting. For example:

A regular governing board meeting is set for Wednesday at 5:00 pm and the local agency’s business hours end at 4:30 pm. The local agency may only use the alternative compliance method for 72-Hour Documents received and printed before 4:30 pm on Tuesday. If a 72-Hour Document is received after 4:30 pm on Tuesday, the “next regular business hours” would commence less than 24 hours before the Wednesday meeting.

As a practical matter, this alternative method allows an agency to issue 72-Hour Documents to the legislative body after hours and wait until the next business day to make them available for inspection in person, provided the four above conditions are met.

Assembly Bill 2449 (Rubio) – Teleconferencing.

AB 2449 amends existing requirements set forth in Government Code § 54953 to facilitate virtual meetings in the absence of a state emergency by removing some of the barriers that proved to be burdensome and unrealistic during the COVID-19 pandemic. Traditional teleconferencing rules require remote locations to be held open to the public. This legislation authorizes less than a majority of members of a legislative body to participate remotely through teleconferencing a limited number of times per year, subject to certain requirements, if the members have “just cause” or “emergency circumstances,” without holding the remote location(s) open. This provision sunsets on January 1, 2026. Our firm published a detailed Alert regarding the requirements of AB 2449 at the following link: <https://www.aalrr.com/newsroom-alerts-3943>.

Changes to the Ralph M. Brown Act

Special thanks to Christy Kim, our Irvine law clerk, for her extensive work on this alert.

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LEGAL UPDATE

November 8, 2022

To: Superintendents, Member School Districts (K-12)
From: Jennifer Henry, Senior Associate General Counsel *J.H.*
Subject: Updated Brown Act Virtual Meeting Requirements (AB 2449)
Memo No. 28-2022

Assembly Bill (“AB”) 2449, signed into law on September 13, 2022, amends Government Code section 54953 to provide authority and specific requirements for public agencies to allow individual board members to appear at meetings via videoconference for “just cause” and under “emergency circumstances” while remaining in compliance with the Brown Act (Gov. Code §§ 54950 *et seq.*). AB 2449 goes into effect on January 1, 2023, and sunsets on December 31, 2025. AB 2449’s primary difference from the pre-pandemic Brown Act rules on teleconferencing¹ is that the teleconference location does not have to be identified on the agenda or accessible to the public.

On the following pages, we have provided a chart comparing pre-pandemic (“traditional”) teleconferencing requirements (which remain in effect and allow Board members to appear virtually for any reason, provided their location meets specific requirements) with AB 361 (which, while operative for the next two months, allows entire meetings to be held virtually under a statement of emergency), and the new AB 2449 rules for individual board members. Effective January 1, 2023, the Brown Act permits teleconferencing under any of the three options – traditional Brown Act teleconferencing, AB 361 state of emergency rules, and AB 2449 individual board member rules.

¹ We use “teleconferencing” herein to mean conference via telephone or video, as defined in the Traditional Brown Act statute.



A: Rules Regarding a Quorum

Traditional Brown Act Teleconferencing Requirements	AB 361	AB 2449
During teleconference meetings, at least a quorum of the members of the local public agency body must participate from locations within the boundaries of the territory over which the local public agency body exercises jurisdiction.	Quorum not required to be located within the boundaries of the territory.	A quorum must participate in person from a singular physical location identified in the agenda, that is open to the public, and within the boundaries of the LEA.

B: Qualifying Circumstances Permitting Teleconferencing

Traditional Brown Act Teleconferencing Requirements	AB 361	AB 2449
<ul style="list-style-type: none"> • The teleconference location must be noted on the agenda. • The agenda must be posted at the remote location. • Each teleconference location must be accessible to the public so the public may attend the remote location. • Any vote must be done by roll call. • A majority of the Board must be located within the territory of the district. 	<ul style="list-style-type: none"> • Only applies during a proclaimed state of emergency, where state or local officials have imposed or recommended measure to promote social distancing. • The board must hold a meeting during the proclaimed state of emergency to decide by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees. • Board must make findings every 30 days that the qualifying circumstances continue. 	<p>Individual board members may participate in board meetings remotely, if they notify the Board at their earliest opportunity, and have one of the following:</p> <ul style="list-style-type: none"> - <u>Just Cause:</u> Individual board members can participate remotely when caregiving of a family member, a contagious illness, a physical or mental disability, or LEA-related travel prevents them from appearing in person; OR - May not be used more than two meetings per calendar year per Board member. <p><u>Emergency Circumstances:</u> Individual board members can participate remotely when there is a physical or family</p>



		<p>medical emergency that prevents them from appearing in person.</p> <ul style="list-style-type: none"> - The board member must describe the emergency in approximately 20 words without disclosing any personal medical information. - Board must take action to approve the member's request. - A board member may not claim emergency circumstances more than three consecutive months OR 20 percent of the regular meetings within a calendar year
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C: Agenda Requirements for Teleconferencing

Traditional Brown Act Teleconferencing Requirements	AB 361	AB 2449
<p>Each teleconference location from which a member will be participating must be specifically identified in the meeting notice and agenda, including full address and room number.</p> <p>An agenda must be posted for the required period of time (24 or 72 hours) at each teleconference location from which a member will be participating.</p>	<p>Public agency must only give notice and post agenda in accordance with the Brown Act provisions for in-person meetings.</p> <p>The agenda shall identify and include an opportunity for all persons to attend via a call-in option or an internet-based service option.</p>	<p>The agenda must provide notice of how the public can access the meeting and provide comments. The agenda shall identify and include an opportunity for all persons to attend via a call in option, an internet-based option, <u>and</u> an in-person option. The board may not require a member of the public to submit comments prior to the meeting.</p> <p>There is no requirement to disclose the teleconferencing location.</p>



D: Teleconference Location

Traditional Brown Act Teleconferencing Requirements	AB 361	AB 2449
<p>Each teleconference location must be physically accessible to the public.</p> <p>Members of the public must be able to physically address the body from each teleconference location.</p>	<p>Public agencies do not have to let members of the public attend at each teleconference location, but must allow the public to access the meeting via a call-in or an internet-based service option.</p> <p>The public agency is not required to provide a physical location for the public to attend or provide comments.</p>	<p>Teleconferencing members must participate with both audio and visual, i.e. only via videoconference.</p> <p>Videoconferencing members must disclose whether any individuals 18 years or older are present in the same room and the nature of the relationship.</p>

E: Public Comment

Traditional Brown Act Teleconferencing Requirements	AB 361	AB 2449
<p>Public Comment must be allowed at the in-person meeting and from every teleconference location.</p>	<p>The legislative body shall allow members of the public to access the meeting and the agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3. In each instance in which notice of the time of the teleconferenced meeting is otherwise given or the agenda for the meeting is otherwise posted, <i>the legislative body shall also give notice of the means by which members of the public may access the meeting and offer public comment.</i> Gov. Code § 54953(e)(1)(B).</p> <p>The legislative body <i>shall not require public comments to be</i></p>	<p>The legislative body must provide to the public a two-way audio-visual platform or a two-way telephonic service with live webcasting.</p> <p>The legislative body must provide a way for the public to remotely hear, visually observe, and remotely address the legislative body in real time.</p>



submitted in advance of the meeting and must provide an opportunity for the public to address the legislative body and offer comment in real time. Gov. Code § 54953(e)(1)(E).

An individual desiring to provide public comment through the use of an internet website, or other online platform, not under the control of the local legislative body, that requires registration to log in to a teleconference ***may be required to register as required by the third-party internet website or online platform to participate.*** Gov. Code § 54953(e)(1)(F).

[Note: *The Brown Act does not allow a public agency to require a meeting attendee to provide their name and address as a condition of attendance and public agencies may need to consider whether pseudonyms will be allowed*].

A legislative body that provides ***a timed public comment period for each agenda item shall not close the public comment period for the agenda item, or the opportunity to register until that timed public comment period has elapsed.***

A legislative body that ***does not provide a timed public comment period, but takes public comment separately on each agenda item, shall allow a reasonable amount of time***



	<p><i>per agenda item to allow public members the opportunity to provide public comment</i>, including time for members of the public to register, or otherwise be recognized for the purpose of providing public comment.</p> <p>A legislative body that provides <i>a timed general public comment period</i> that does not correspond to a specific agenda item <i>shall not close the public comment period or the opportunity to register until the timed general public comment period has elapsed.</i></p>	
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F: Effective Dates

Brown Act Teleconferencing Requirements	AB 361	AB 2449
Government Code section 54953 was initially added in 1953, and amended in 1988 to allow for teleconferencing, with various amendments throughout the years. There is no intended sunset date.	AB 361 went into effect on October 1, 2021 and will sunset on December 31, 2023.	AB 2449 goes into effect on January 1, 2023 and sunsets on December 31, 2025.

Please contact our office with questions regarding this Legal Update or any other legal matter.

The information in this Legal Update is provided as a summary of law and is not intended as legal advice. Application of the law may vary depending on the particular facts and circumstances at issue. We, therefore, recommend that you consult legal counsel to advise you on how the law applies to your specific situation.

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STATUS OF OPEN CLASSIFIED POSITIONS October 21st – November 10th, 2022

POSITION	POSITION/ HOURS	POSTING DATE	CLOSING DATE	PAPERSCREENING	1ST INTERVIEW	FINAL INTERVIEW
Administrative Secretary	1.0	8/12/22	CLOSED			HIRED: BIANCA ROCHA
Senior Administrative Secretary	2.0	7/26/22	Open Until Filled	8/4/22 Ongoing	11/3/22 Ongoing	HIRED: KYLE ADAMIEC
Executive Secretary	1.0	10/12/22	Open Until Filled	Ongoing	Ongoing	TBD
Accountant	1.0	9/1/22	Open Until Filled	Ongoing	11/3/22	TBD
Accounting Assistant	3.0	7/20/22	Open Until Filled	Ongoing	Ongoing	HIRED: MEYLING LEZAMA
Paraeducator	3.0	8/11/22	Open Until Filled	Ongoing	Ongoing	TBD HIRED: NATHAN TRIGUERO
Paraeducator – Alt Ed	1.0	9/23/22	Open Until Filled	Ongoing	Ongoing	TBD
Licensed Vocational Nurse	2-3	8/29/22	Open Until Filled	Ongoing	Ongoing	TBD
Senior Director of Personnel	1.0	10/14/22	11/4/22	11/5/22	TBD	TBD
Director of Maintenance & Operations	0.5	10/20/22	11/15/22	11/16-11/18/22	TBD	TBD

LEAVES, TERMINATIONS, RESIGNATIONS/RETIREMENTS

LEAVES	RESCINDS (ACCEPTED)	TERMINATIONS	RESIGNATIONS/RETIREMENTS
TK 10/12/22 – 11/7/22 EG 10/28/22 – 11/15/22 SM 10/24/22 – 10/25/22		THANIEL LEIGH GATES – 11/3/2022	

New Hires

As of 11/10/2022

Classified New Hires & Changes

Bianca Rocha, Administrative Secretary

- Previously worked in the Health Care industry
- Bilingual in English and Spanish
- Has 4+ years of admin experience

Kyle Adamiec, Senior Administrative Secretary

- B.A. in history from Sonoma State
- Comes from the accounting/business field
- Lived in NYC previously

Nathan Triguero, Paraeducator

- Marin native - Graduated from Terra Linda Highschool
- Previously worked with kids in summer camps
- Knowledge of building PC computers as a hobby

Meyling Lezama, Accounting Assistant

- B.A. in Business Administration in Accounting
- Bilingual in English and Spanish
- Attended Chabot College and Cal State University