

**POWAY UNIFIED SCHOOL DISTRICT
PERSONNEL COMMISSION
SPECIAL MEETING AGENDA**

January 11, 2022

4:30 p.m.

Remote via Zoom

Join Zoom Meeting

<https://powayusd.zoom.us/j/93085601310?pwd=aE56RlFnWWhmZEsyUXlkU0ZlSHhmZz09>

Meeting ID: 930 8560 1310

Passcode: 265042

1. CALL TO ORDER

a. Call to Order

b. Roll Call/Establishment of a Quorum

David Little, Chair	<input type="checkbox"/>	present	<input type="checkbox"/>	absent
Margaret Wyatt, Vice Chair	<input type="checkbox"/>	present	<input type="checkbox"/>	absent
Vacant	<input type="checkbox"/>	present	<input type="checkbox"/>	absent

c. Welcome to the Public

d. Approval of Agenda for January 11, 2022

2. PUBLIC COMMENTS

If you wish to address the Personnel Commission concerning a non-agenda item, you are requested to submit a public speaker request form via this link:

<https://forms.gle/aLwEyCVHUBQuu7gy9>

prior to the start of the meeting which begins at 4:30 p.m. on Tuesday, January 11, 2022.

Anyone who has submitted a speaker request form concerning a non-agenda item will be called upon to address the Commission during Agenda Item 2.

3. ACTION ITEMS

a. Approve **Resolution 2022-01-PC** Authorizing Remote Teleconference Meetings.

4. ADJOURNMENT

ACTION: APPROVE RESOLUTION 2022-01-PC AUTHORIZING TELECONFERENCE MEETINGS

RECOMMENDATION:

It is recommended that the Personnel Commission take action to hold the January 12, 2022, Personnel Commission meeting and any other teleconferenced meetings scheduled in the next 30 calendar days, virtually pursuant to AB 361.

BACKGROUND AND CURRENT CONSIDERATIONS:

In March 2020, Governor Gavin Newsom declared a statewide emergency arising from the coronavirus (COVID-19) and issued Executive Order N-29-20 suspending certain provisions of the Brown Act pertaining to teleconferenced meetings. Executive Order N-29-20's authorization for holding virtual meetings expired on September 30, 2021.

On September 16, 2021, Governor Newsom signed AB 361 (Rivas) as urgency legislation, effective immediately, which provides that legislative bodies may continue to meet remotely during a declared State of Emergency subject to certain conditions and amends the Brown Act (Government Code section 54953) to add the following provisions:

(e)(1) A local agency may use teleconferencing without complying with the requirements of paragraph (3) of subdivision (b) if the legislative body complies with the requirements of paragraph (2) of this subdivision in any of the following circumstances:

(B) The legislative body holds a meeting during a proclaimed state of emergency for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees; and,

(3) If a state of emergency remains active, or state or local officials have imposed or recommended measures to promote social distancing, in order to continue to teleconference without compliance with paragraph (3) of subdivision (b), the legislative body shall, not later than 30 days after teleconferencing for the first time pursuant to subparagraph (A), (B), or (C) of paragraph (1), and every 30 days thereafter, make the following findings by majority vote:

(A) The legislative body has reconsidered the circumstances of the state of emergency.

(B) Any of the following circumstances exist:

(i) The state of emergency continues to directly impact the ability of the members to meet safely in person.

The Personnel Commission must take action to hold teleconferenced meetings.

Action to be taken:

Motion by: _____

Vote: _____

RESOLUTION NO. 2022-01-PC

**AUTHORIZING REMOTE TELECONFERENCE MEETINGS
FOR THE PERIOD JANUARY 12, 2022, THROUGH FEBRUARY 10, 2022**

WHEREAS, the Personnel Commission of the Poway Unified School District ("Commission") is a legislative body subject to the open meeting requirements of the Ralph M. Brown Act;

WHEREAS, pursuant to Assembly Bill 361, the Brown Act allows for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the teleconferencing requirements of Government Code section 54953(b)(3), during a proclaimed state of emergency and subject to the existence of certain conditions;

WHEREAS, on March 4, 2020, Governor Newsom proclaimed, pursuant to his authority under the California Emergency Services Act, California Government Codes section 8625, that a state of emergency exists with regard to COVID-19;

WHEREAS, at a special meeting on October 11, 2021, the Commission took action to authorize virtual meetings pursuant to Assembly Bill 361;

WHEREAS, due to continuing risks associated with the continuing presence of COVID-19 and new risks presented by the highly contagious Omicron variant, including that a significant portion of the public is not fully vaccinated against COVID-19, holding an in-person Commission meeting at this time would present imminent risks to the health and safety of attendees.

NOW, THEREFORE, the Personnel Commission of the Poway Unified School District does hereby resolve as follows:

1. The recitals above are true and correct.
2. There is a proclaimed state of emergency related to COVID-19 which continues to directly impact the ability of the Commission to meet safely in person.
3. Opening a physical location for a Commission meeting would present an imminent risk to the health and safety of attendees due to the continuing presence of COVID-19 and the highly contagious Omicron variant.
4. The Director of Classified Personnel is hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution for Commission meetings, including but not limited to facilitating open and public Commission meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act.

5. This Resolution shall take effect on January 12, 2022, and shall be effective until the earlier of February 10, 2022, or such time the Commission adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the Commission may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.

PASSED AND ADOPTED by the Personnel Commission of the Poway Unified School District, this 11th day of January, 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

**MEETING OF THE PERSONNEL COMMISSION
POWAY UNIFIED SCHOOL DISTRICT**

Welcome! The following information is provided to assist persons who attend the meeting of the Personnel Commission and wish to participate in the meeting.

Addressing the Commission:

There are two ways to address the Commission during the meeting. These are 1) speaking to the Commission regarding an item already on the agenda, and/or 2) speaking to the Commission about a new topic not on the agenda. Speakers will be asked to keep their comments brief, and allotted approximately 3 minutes per speaker, per topic.

- 1. Items on the Agenda – Speakers may comment on any item on the meeting agenda in order to share information for consideration by the Commission immediately before the Commission begins deliberation on the item. A speaker slip must be completed and provided to the Director prior to the agenda item using the request form via this link: <https://forms.gle/aLwEyCVHUBQuu7gy9>*
- 2. Items not on the Agenda – The Public Comments portion of the Agenda provides the opportunity for individuals to address topics that are not listed on the agenda. The Brown Act restricts the Commissioners from engaging in a discussion of non-agenda items or issues raised during public comment except to acknowledge receipt of the information, refer it to staff for further study, or refer the item to a future meeting. The Commission may not take any action on issues or topics presented during Public Comments. A speaker slip must be completed and provided to the Director prior to the start of the meeting using the request form via this link: <https://forms.gle/aLwEyCVHUBQuu7gy9>*

Placing Items on a Future Agenda

Any member of the public may request that a matter within the jurisdiction of the Commission be placed on the agenda of a regular meeting. The request must be in writing and must describe the item to be discussed with sufficient detail including the history of the issue and how it is related to the Personnel Commission. Also, to be included is any information or material that the requestor wishes to be reviewed by the Commission regarding the issue. It must be submitted to the Personnel Commission Director at least five (5) working days before the scheduled meeting date. Items submitted less than five (5) working days before the scheduled meeting date may be postponed to a later meeting date to allow sufficient time for consideration and research of the issue.

The Commission Chair and the Director shall decide whether a request is within the subject matter jurisdiction of the Commission. Items not within the subject matter jurisdiction of the Commission may not be placed on the agenda. In addition, the Commission Chair and/or Director will determine if the item is merely a request for information or whether the issue is covered by an existing policy or administrative procedure before placing the item on the agenda.

The Commission Chair and/or Director shall decide whether an agenda item is appropriate for discussion in open or closed session, and whether the item should be an action item, information item, or agenzied under Public Comment.

Agenda and Agenda Materials

A copy of all documents related to any item on this agenda that have been submitted to the Commission may be obtained from the Commission office upon request. Requests may be made via email communication to the Director no sooner than 72 hours prior to the meeting. A copy of a previous month's agenda and attachments may be requested by email communication to the Director at any time.

Assistance/Accommodations

In compliance with the Americans with Disabilities Act, if you need special assistance, disability-related modifications or accommodations, including auxiliary aids or services, in order to participate in the public meetings of the District's Personnel Commission, please contact the Personnel Commission Office at (858) 521-2794. Notification 72 hours prior to the meeting will enable the District to make reasonable arrangements to ensure accommodation and accessibility to this meeting. Upon request, the District shall also make available this agenda and all other public records associated with this meeting in appropriate alternative formats for persons with a disability.

Closed Session

The Personnel Commission may hold closed sessions only for purposes identified by law. The Commission may hold a closed session at any time during a regular or special meeting and during emergency meetings in accordance with Law.