

MADERA UNIFIED SCHOOL DISTRICT
Personnel Commission
1902 Howard Road, Madera, CA 93637

DUE TO COVID-19 YOU MUST WEAR A FACE MASK DURING THE MEETING AND PRACTICE SOCIAL DISTANCING MEASURES. A TEMPATURE CHECK WILL BE CONDUCTED UPON ENTERING THE DISTRICT OFFICE BUILDING.

AGENDA
Regular Meeting
MUSD Board Room
Thursday, November 18, 2021

4:30 PM Public Meeting

OUR MISSION
Highest Student Achievement
A Safe and Orderly Learning Environment
Financially Sound and Effective Organization

1. Pledge of Allegiance, Opening and Acknowledgement of Visitors and Media

2. Adoption of Agenda

Action to add or delete items from any portion of the agenda or to discuss any consent agenda items must be taken prior to adoption of the agenda.

3. Communications

Public Hearing for visitors who wish to speak on a subject not on the Commission agenda. Fifteen minutes of this portion of the meeting are reserved for members of the public to address the Commission on items not listed on the agenda and within the jurisdiction of the Commission. Speakers are limited to three (3) minutes. The Commission is prohibited by law from taking action on matters discussed that are not on the Agenda, and no adverse conclusions should be drawn if the Commission does not respond to public comment at this time. If you wish to address the Commission, you may do so in two ways:

4. Consent Agenda

Items listed under the Consent Agenda are considered routine and are acted on by the Commission in one motion. There is no discussion of these items prior to the Commission's vote unless a member of the Commission, staff or public requests specific items be considered and discussed separately and/or removed from the Consent Agenda prior to the adoption of the Agenda. It is understood that the Administration recommends approval on all consent items. Each item on the Consent Agenda approved by the Commission shall be deemed to have been considered in full and adopted as recommended.

A. Approval of minutes:

1. Approve the minutes from Thursday, October 21, 2021, Regular Meeting

B. Consideration and approval of the following Eligibility Lists for Open/Competitive and Promotional:

1. Child Nutrition Manager (Promotional)
2. Human Resource Specialist-Lead (Open/Competitive and Promotional)
3. Grounds Person I, (Open/Competitive and Promotional)
4. Migrant Student and Family Support Specialist (Open/Competitive)
5. Parent Resource Center Assistant (Open/Competitive)

5. New Business

- A. Consideration to hold the Personnel Commission’s Board public meeting via teleconferencing in December 2021 to safeguard the health of attendees amid the emergency of the COVID-19 Pandemic
- B. Discuss and approve the extension of the following Open/Competitive and Promotional Eligibility Lists for: Human Resource Technician II and Office Technician
- C. Discuss and approve the revised job class description for Educational Information Systems Manager
- D. Discuss and approve the revised classified job class description for Test Administrator (Supplemental Help)

6. Information and Reports

- A. Classification and Compensation Study Update
- B. Director’s Report
- C. Commissioner’s Report

7. Next Regular Personnel Commission Meeting

Thursday, December 9, 2021 at 4:30 pm
Madera Unified School District Office –Virtually through Zoom
1902 Howard Road
Madera, California 93637

8. Suggested Future Agenda Items

9. Adjournment

Board Room Accessibility: The Madera Unified School District encourages those with disabilities to participate fully in the public meeting process. If you need a disability related modification or accommodation to participate in the public meeting, please contact the Personnel Commission Office at 559-675-4500 extension 294 at least 48 hours before the scheduled Personnel Commission meeting so that we may make every reasonable effort to accommodate you. (Government code 54954.2)



**MADERA UNIFIED SCHOOL DISTRICT
PERSONNEL COMMISSION**

**REGULAR MEETING
AGENDA ITEM COVER PAGE**

Meeting Date: November 18, 2021

Agenda Item:
Consideration and approval of the Minutes from the Regular Meeting of October 21, 2021

Agenda Placement:
Consent

Background:
Approval of Minutes from the Regular Meeting of October 21, 2021.

Recommendation:
It is recommended that the Personnel Commission approve the Minutes from the Regular Meeting of October 21, 2021.

**Minutes Record of MUSD Personnel Commission Meeting
Regular Meeting held on Thursday, October 21, 2021 at 4:30 PM**

The Personnel Commission of the Madera Unified School District convened at a Regular Board Meeting via Zoom, a cloud-based video communication, on Thursday, October 21, 2021 at 4:30 p.m.

Roll Call

Fran Wheat, Personnel Commission Chair

Philip Janzen, Personnel Commissioner Vice-Chair

David Hernandez, Personnel Commissioner

Isabel Barreras, Director Classified Human Resources

Mary Siegl, Human Resources Specialist - Personnel Commission

Lucy Osuna present on behalf of Mr. Aiello, Assistant Superintendent, Human Resources

Cheri Giddens, CSEA President

Other visitors were in attendance.

1. Call to Order of Public Meeting Pledge of Allegiance, Opening and Acknowledgement of Visitors and Media

- Chair Wheat called the meeting to order at 4:30 pm.
- Commissioner Wheat led the flag salute.

2. Adoption of Agenda

- It was moved by Commissioner Janzen and seconded by Commissioner Wheat to approve the adoption of the agenda. MOTION NO. 09-2021/22.

Ayes: Commissioners: Janzen and Wheat

Noes: None

Absent: None

Abstained: None

3. Communications

- Susan Hansen, LMT at Berenda Elementary School, expressed her concerns over the status of the current classification study and the review of the Library Media Technician positions. She has not received a request for her feedback regarding her LMT position.
- CSEA President, Cheri Giddens, stated that the LMT positions were moved to Phase 3 of the study as the LMTs have taken on new duties this school year. Currently the Classification Study is on Phase 2. The LMTs will have an opportunity to have their new duties reviewed by the Classification Study and provide feedback when they enter Phase 3.
- Director Barreras stated that she will follow up with email to Ms. Hansen on an update on the status of the LMT's job description.

4. Consent Agenda

- It was moved by Commissioner Janzen and seconded by Commissioner Wheat to approve the Consent Agenda. MOTION NO. 10-2021/22.
Ayes: Commissioners: Janzen and Wheat
Noes: None
Absent: None
Abstained: None

5. New Business

A. Public hearing for the appointment of the Commissioner's Joint (Neutral) Appointee: term to begin October 21, 2021 through November 30, 2023

- Commissioner Wheat opened the Public Hearing.
- Cheri Giddens, CSEA President, indicated that CSEA is 100% in support of the appointment of David Hernandez.
- Lucy Osuna, Executive Administrative Assistant, read a statement of support of the appointment of David Hernandez from Assistant Superintendent Joseph Aiello.

B. Consideration to appoint David Hernandez for the remainder of a 3-year term as the Commissioner's Joint (Neutral) Appointee; term to begin October 21, 2021 through November 30, 2023

- It was moved by Commissioner Janzen and seconded by Commissioner Wheat to approve the appointment of David Hernandez to the Commissioner's Joint (Neutral) Appointee; term to begin October 21, 2021 through November 30, 2023. MOTION NO. 11-2021/22
Ayes: Commissioners: Janzen and Wheat
Noes: None
Absent: None
Abstained: None

Director Barreras administered the Oath of Office to David Hernandez. Mr. Hernandez thanked the Personnel Commissioners and the public for their support and the new opportunity. He looks forward to working with Commissioners Janzen and Wheat.

C. Discuss and approve the extension of the following Open/Competitive and Promotional Eligibility Lists for: Office Assistant

- Director Barreras stated the need to extend the list to allow the filling of 30 new Office Assistant positions recently approved by the Board of Trustees.
- It was moved by Commissioner Janzen and seconded by Commissioner Hernandez to approve the extension of the Open/Competitive and Promotional Eligibility Lists for Office Assistants. MOTION NO. 12-2021/22
Ayes: Commissioners: Janzen, Hernandez and Wheat
Noes: None
Absent: None
Abstained: None

D. Discuss and approve the Initial Salary Placement for Behavioral Health Clinician I

- Director Barreras presented the Initial Salary Step Placement request at step 4 for a new Behavioral Health Clinician I. The new employee has over 16 years of experience and the recruitment to find qualified candidates for this position has been difficult.
- It was moved by Commissioner Janzen and seconded by Commissioner Hernandez to approve the initial salary step placement of a Behavior Health Clinician I at Range 58, Step 4 of the regular classified salary schedule. MOTION NO. 13-2021/22
Ayes: Commissioners: Janzen, Hernandez and Wheat
Noes: None
Absent: None
Abstained: None

E. Presentation and Approval of the 2020- 2021 Personnel Commission Annual Report

- Director Barreras presented the 2020-2021 Personnel Commission Annual Report.
- Commissioner Wheat congratulated Director Barreras and staff for a well- done report and a successful year.
- Cheri Giddens, CSEA President, commented that the workload for the Personnel Commission office has been tremendous this past year. She thanked Director Barreras for working together with CSEA to solve a lot of staffing issues that were due to COVID.
- It was moved by Commissioner Janzen and seconded by Commissioner Hernandez to approve the 2020-2021 Personnel Commission Annual Report. MOTION NO. 14-2021/22
Ayes: Commissioners: Janzen, Hernandez and Wheat
Noes: None
Absent: None
Abstained: None

6. Information and Reports

A. Director's Report

- Director Barreras updated the Commissioners that Staff continues to recruit for lots of new positions.
- In order to speed up the process, we are currently placing candidates for the Cafeteria/Playground aides, Paraprofessionals and Classroom Aide Preschool positions. The current process is taking too long because all sites hire from the same lists. This process is temporary for 21-22 school year and the District and union are in agreement.
- The Personnel Commission office is partnering up with the Madera County Workforce Investment Corporation. They will be hosting a job fair for classified position on November 9, 2021 from 8:30 am to 12:00 pm at their location.
- Director Barreras attended the CFT Classified Conference and presented a workshop in Las Vegas on behalf of CSPCA. The workshop title was Understanding the Merit System and More. It was well attended.
- Director Barreras also attended the Northern School Personnel Commission Association Annual conference in Lafayette, CA. Director Barreras was voted in as president of the Association and will be serving a one-year term.

- Director Barreras announced that the CSPCA 2022 conference will be held in Monterey from March 6- 9, 2022. Commissioners that would like to attend should email Mary Siegl.

B. Commissioner's Report

- Commissioner Janzen stated that he is pleased how the PC office, the District and the Union were able to work together during this difficult year.

7. Next Regular Personnel Commission Meeting

- Thursday, November 18, 2021 at 4:30 pm
Madera Unified School District Office –Virtually through Zoom
1902 Howard Road
Madera, California 93637

8. Suggested Future Agenda Items

- Commissioner Janzen requested a brief update on the Classification Study.

9. Adjournment

- Commissioner Wheat adjourned the meeting at 5:11 pm.


Isabel Barreras, Director of Classified HR

Date: October 25, 2021



MADERA UNIFIED SCHOOL DISTRICT PERSONNEL COMMISSION

REGULAR MEETING AGENDA ITEM COVER PAGE

Meeting Date: November 18, 2021

Agenda Item:

Consideration and Approval of the following Eligibility Lists for Open/Competitive and Promotional

Agenda Placement:

Consent

Background:

Eligibility Lists has been placed on the agenda as a Consent Item. If for some reason any Commissioner would like to remove a list, it can be done.

1. Child Nutrition Manager (Promotional)
2. Human Resource Specialist-Lead (Open/Competitive and Promotional)
3. Grounds Person I, (Open/Competitive and Promotional)
4. Migrant Student and Family Support Specialist (Open/Competitive)
5. Parent Resource Center Assistant (Open/Competitive)

Recommendation:

It is recommended that the Personnel Commission approve the Eligibility Lists as presented.



MADERA UNIFIED SCHOOL DISTRICT PERSONNEL COMMISSION

REGULAR MEETING AGENDA ITEM COVER PAGE

Meeting Date: November 18, 2021

Agenda Item:

Consideration to hold the Personnel Commission's Board public meeting via teleconferencing in December 2021 to safeguard the health of attendees amid the emergency of the COVID-19 Pandemic

Agenda Placement:

Action

Background:

On March 4, 2020, Governor Gavin Newsom proclaimed a State of Emergency in California due to the COVID-19 pandemic. This declaration remains active.

On March 17, 2020, the governor issued Executive Order N-29-20, which authorized the holding of public meetings via teleconferencing during the pandemic and suspended requirements of the Bagley-Keen Act and the Brown Act that members of a legislative body and the public be present in person.

Since April 16, 2020, public meetings of the Personnel Commission Board have been held via online video conferencing due to pandemic health concerns.

On June 11, 2021, the governor issued Executive Order N-08-21, which set an ending of September 30, 2021, to the public meeting rules in Executive Order N-29-20.

On September 16, 2021, the governor signed Assembly Bill (AB) 361 (2021-2022), which enables teleconferencing for public meetings during a proclaimed state of emergency under certain conditions. AB 361 will sunset on January 1, 2024.

The state and county departments of Public Health publicly report local COVID-19 data. As of Nov. 2, the county reported that the seven-day average daily positivity rate for the county was 7.9% percent - not quite double the state's reported rate (4.5%, according to John Hopkin's University). Likewise, the local seven-day average daily case rate per 100,000 people was 26.3 while the state's self-reported rate was 12.2. There were 34 new cases in Madera County on Nov. 1, and the three-day average of hospitalizations was 18. Most county COVID-19 cases were between the ages of 5 and 64 years.

Given the situation stated above, it seems our district's circumstances would satisfy the requirements of the state to hold public meetings via teleconferencing in December. The Personnel Commission will need to review this decision and make findings every 30 days regarding the need to meet via teleconferencing.

Recommendation:

The Personnel Commission may consider holding their Personnel Commission's Board public meeting via teleconferencing in December 2021 to safeguard the health of attendees amid the emergency of the COVID-19 Pandemic.

Assembly Bill No. 361

CHAPTER 165

An act to add and repeal Section 89305.6 of the Education Code, and to amend, repeal, and add Section 54953 of, and to add and repeal Section 11133 of, the Government Code, relating to open meetings, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 16, 2021. Filed with
Secretary of State September 16, 2021.]

LEGISLATIVE COUNSEL'S DIGEST

AB 361, Robert Rivas. Open meetings: state and local agencies: teleconferences.

(1) Existing law, the Ralph M. Brown Act requires, with specified exceptions, that all meetings of a legislative body of a local agency, as those terms are defined, be open and public and that all persons be permitted to attend and participate. The act contains specified provisions regarding the timelines for posting an agenda and providing for the ability of the public to directly address the legislative body on any item of interest to the public. The act generally requires all regular and special meetings of the legislative body be held within the boundaries of the territory over which the local agency exercises jurisdiction, subject to certain exceptions. The act allows for meetings to occur via teleconferencing subject to certain requirements, particularly that the legislative body notice each teleconference location of each member that will be participating in the public meeting, that each teleconference location be accessible to the public, that members of the public be allowed to address the legislative body at each teleconference location, that the legislative body post an agenda at each teleconference location, and that at least a quorum of the legislative body participate from locations within the boundaries of the local agency's jurisdiction. The act provides an exemption to the jurisdictional requirement for health authorities, as defined. The act authorizes the district attorney or any interested person, subject to certain provisions, to commence an action by mandamus or injunction for the purpose of obtaining a judicial determination that specified actions taken by a legislative body are null and void.

Existing law, the California Emergency Services Act, authorizes the Governor, or the Director of Emergency Services when the governor is inaccessible, to proclaim a state of emergency under specified circumstances.

Executive Order No. N-29-20 suspends the Ralph M. Brown Act's requirements for teleconferencing during the COVID-19 pandemic provided that notice and accessibility requirements are met, the public members are allowed to observe and address the legislative body at the meeting, and that a legislative body of a local agency has a procedure for receiving and swiftly

resolving requests for reasonable accommodation for individuals with disabilities, as specified.

This bill, until January 1, 2024, would authorize a local agency to use teleconferencing without complying with the teleconferencing requirements imposed by the Ralph M. Brown Act when a legislative body of a local agency holds a meeting during a declared state of emergency, as that term is defined, when state or local health officials have imposed or recommended measures to promote social distancing, during a proclaimed state of emergency held for the purpose of determining, by majority vote, whether meeting in person would present imminent risks to the health or safety of attendees, and during a proclaimed state of emergency when the legislative body has determined that meeting in person would present imminent risks to the health or safety of attendees, as provided.

This bill would require legislative bodies that hold teleconferenced meetings under these abbreviated teleconferencing procedures to give notice of the meeting and post agendas, as described, to allow members of the public to access the meeting and address the legislative body, to give notice of the means by which members of the public may access the meeting and offer public comment, including an opportunity for all persons to attend via a call-in option or an internet-based service option, and to conduct the meeting in a manner that protects the statutory and constitutional rights of the parties and the public appearing before the legislative body. The bill would require the legislative body to take no further action on agenda items when there is a disruption which prevents the public agency from broadcasting the meeting, or in the event of a disruption within the local agency's control which prevents members of the public from offering public comments, until public access is restored. The bill would specify that actions taken during the disruption are subject to challenge proceedings, as specified.

This bill would prohibit the legislative body from requiring public comments to be submitted in advance of the meeting and would specify that the legislative body must provide an opportunity for the public to address the legislative body and offer comment in real time. The bill would prohibit the legislative body from closing the public comment period and the opportunity to register to provide public comment, until the public comment period has elapsed or until a reasonable amount of time has elapsed, as specified. When there is a continuing state of emergency, or when state or local officials have imposed or recommended measures to promote social distancing, the bill would require a legislative body to make specified findings not later than 30 days after the first teleconferenced meeting pursuant to these provisions, and to make those findings every 30 days thereafter, in order to continue to meet under these abbreviated teleconferencing procedures.

Existing law prohibits a legislative body from requiring, as a condition to attend a meeting, a person to register the person's name, or to provide other information, or to fulfill any condition precedent to the person's attendance.

This bill would exclude from that prohibition, a registration requirement imposed by a third-party internet website or other online platform not under the control of the legislative body.

(2) Existing law, the Bagley-Keene Open Meeting Act, requires, with specified exceptions, that all meetings of a state body be open and public and all persons be permitted to attend any meeting of a state body. The act requires at least one member of the state body to be physically present at the location specified in the notice of the meeting.

The Governor's Executive Order No. N-29-20 suspends the requirements of the Bagley-Keene Open Meeting Act for teleconferencing during the COVID-19 pandemic, provided that notice and accessibility requirements are met, the public members are allowed to observe and address the state body at the meeting, and that a state body has a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, as specified.

This bill, until January 31, 2022, would authorize, subject to specified notice and accessibility requirements, a state body to hold public meetings through teleconferencing and to make public meetings accessible telephonically, or otherwise electronically, to all members of the public seeking to observe and to address the state body. With respect to a state body holding a public meeting pursuant to these provisions, the bill would suspend certain requirements of existing law, including the requirements that each teleconference location be accessible to the public and that members of the public be able to address the state body at each teleconference location. Under the bill, a state body that holds a meeting through teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically would satisfy any requirement that the state body allow members of the public to attend the meeting and offer public comment. The bill would require that each state body that holds a meeting through teleconferencing provide notice of the meeting, and post the agenda, as provided. The bill would urge state bodies utilizing these teleconferencing procedures in the bill to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to existing law, as provided.

(3) Existing law establishes the various campuses of the California State University under the administration of the Trustees of the California State University, and authorizes the establishment of student body organizations in connection with the operations of California State University campuses.

The Gloria Romero Open Meetings Act of 2000 generally requires a legislative body, as defined, of a student body organization to conduct its business in a meeting that is open and public. The act authorizes the legislative body to use teleconferencing, as defined, for the benefit of the public and the legislative body in connection with any meeting or proceeding authorized by law.

This bill, until January 31, 2022, would authorize, subject to specified notice and accessibility requirements, a legislative body, as defined for purposes of the act, to hold public meetings through teleconferencing and

to make public meetings accessible telephonically, or otherwise electronically, to all members of the public seeking to observe and to address the legislative body. With respect to a legislative body holding a public meeting pursuant to these provisions, the bill would suspend certain requirements of existing law, including the requirements that each teleconference location be accessible to the public and that members of the public be able to address the legislative body at each teleconference location. Under the bill, a legislative body that holds a meeting through teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically would satisfy any requirement that the legislative body allow members of the public to attend the meeting and offer public comment. The bill would require that each legislative body that holds a meeting through teleconferencing provide notice of the meeting, and post the agenda, as provided. The bill would urge legislative bodies utilizing these teleconferencing procedures in the bill to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to existing law, as provided.

(4) This bill would declare the Legislature's intent, consistent with the Governor's Executive Order No. N-29-20, to improve and enhance public access to state and local agency meetings during the COVID-19 pandemic and future emergencies by allowing broader access through teleconferencing options.

(5) This bill would incorporate additional changes to Section 54953 of the Government Code proposed by AB 339 to be operative only if this bill and AB 339 are enacted and this bill is enacted last.

(6) The California Constitution requires local agencies, for the purpose of ensuring public access to the meetings of public bodies and the writings of public officials and agencies, to comply with a statutory enactment that amends or enacts laws relating to public records or open meetings and contains findings demonstrating that the enactment furthers the constitutional requirements relating to this purpose.

This bill would make legislative findings to that effect.

(7) Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

(8) This bill would declare that it is to take effect immediately as an urgency statute.

The people of the State of California do enact as follows:

SECTION 1. Section 89305.6 is added to the Education Code, to read:
89305.6. (a) Notwithstanding any other provision of this article, and subject to the notice and accessibility requirements in subdivisions (d) and (e), a legislative body may hold public meetings through teleconferencing

and make public meetings accessible telephonically, or otherwise electronically, to all members of the public seeking to observe and to address the legislative body.

(b) (1) For a legislative body holding a public meeting through teleconferencing pursuant to this section, all requirements in this article requiring the physical presence of members, the clerk or other personnel of the legislative body, or the public, as a condition of participation in or quorum for a public meeting, are hereby suspended.

(2) For a legislative body holding a public meeting through teleconferencing pursuant to this section, all of the following requirements in this article are suspended:

(A) Each teleconference location from which a member will be participating in a public meeting or proceeding be identified in the notice and agenda of the public meeting or proceeding.

(B) Each teleconference location be accessible to the public.

(C) Members of the public may address the legislative body at each teleconference conference location.

(D) Post agendas at all teleconference locations.

(E) At least one member of the legislative body be physically present at the location specified in the notice of the meeting.

(c) A legislative body that holds a meeting through teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically, consistent with the notice and accessibility requirements in subdivisions (d) and (e), shall have satisfied any requirement that the legislative body allow members of the public to attend the meeting and offer public comment. A legislative body need not make available any physical location from which members of the public may observe the meeting and offer public comment.

(d) If a legislative body holds a meeting through teleconferencing pursuant to this section and allows members of the public to observe and address the meeting telephonically or otherwise electronically, the legislative body shall also do both of the following:

(1) Implement a procedure for receiving and swiftly resolving requests for reasonable modification or accommodation from individuals with disabilities, consistent with the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.), and resolving any doubt whatsoever in favor of accessibility.

(2) Advertise that procedure each time notice is given of the means by which members of the public may observe the meeting and offer public comment, pursuant to paragraph (2) of subdivision (e).

(e) Except to the extent this section provides otherwise, each legislative body that holds a meeting through teleconferencing pursuant to this section shall do both of the following:

(1) Give advance notice of the time of, and post the agenda for, each public meeting according to the timeframes otherwise prescribed by this article, and using the means otherwise prescribed by this article, as applicable.

(2) In each instance in which notice of the time of the meeting is otherwise given or the agenda for the meeting is otherwise posted, also give notice of the means by which members of the public may observe the meeting and offer public comment. As to any instance in which there is a change in the means of public observation and comment, or any instance prior to the effective date of this section in which the time of the meeting has been noticed or the agenda for the meeting has been posted without also including notice of the means of public observation and comment, a legislative body may satisfy this requirement by advertising the means of public observation and comment using the most rapid means of communication available at the time. Advertising the means of public observation and comment using the most rapid means of communication available at the time shall include, but need not be limited to, posting such means on the legislative body's internet website.

(f) All legislative bodies utilizing the teleconferencing procedures in this section are urged to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to the otherwise applicable provisions of this article, in order to maximize transparency and provide the public access to legislative body meetings.

(g) This section shall remain in effect only until January 31, 2022, and as of that date is repealed.

SEC. 2. Section 11133 is added to the Government Code, to read:

11133. (a) Notwithstanding any other provision of this article, and subject to the notice and accessibility requirements in subdivisions (d) and (e), a state body may hold public meetings through teleconferencing and make public meetings accessible telephonically, or otherwise electronically, to all members of the public seeking to observe and to address the state body.

(b) (1) For a state body holding a public meeting through teleconferencing pursuant to this section, all requirements in this article requiring the physical presence of members, the clerk or other personnel of the state body, or the public, as a condition of participation in or quorum for a public meeting, are hereby suspended.

(2) For a state body holding a public meeting through teleconferencing pursuant to this section, all of the following requirements in this article are suspended:

(A) Each teleconference location from which a member will be participating in a public meeting or proceeding be identified in the notice and agenda of the public meeting or proceeding.

(B) Each teleconference location be accessible to the public.

(C) Members of the public may address the state body at each teleconference conference location.

(D) Post agendas at all teleconference locations.

(E) At least one member of the state body be physically present at the location specified in the notice of the meeting.

(c) A state body that holds a meeting through teleconferencing and allows members of the public to observe and address the meeting telephonically

or otherwise electronically, consistent with the notice and accessibility requirements in subdivisions (d) and (e), shall have satisfied any requirement that the state body allow members of the public to attend the meeting and offer public comment. A state body need not make available any physical location from which members of the public may observe the meeting and offer public comment.

(d) If a state body holds a meeting through teleconferencing pursuant to this section and allows members of the public to observe and address the meeting telephonically or otherwise electronically, the state body shall also do both of the following:

(1) Implement a procedure for receiving and swiftly resolving requests for reasonable modification or accommodation from individuals with disabilities, consistent with the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.), and resolving any doubt whatsoever in favor of accessibility.

(2) Advertise that procedure each time notice is given of the means by which members of the public may observe the meeting and offer public comment, pursuant to paragraph (2) of subdivision (e).

(e) Except to the extent this section provides otherwise, each state body that holds a meeting through teleconferencing pursuant to this section shall do both of the following:

(1) Give advance notice of the time of, and post the agenda for, each public meeting according to the timeframes otherwise prescribed by this article, and using the means otherwise prescribed by this article, as applicable.

(2) In each instance in which notice of the time of the meeting is otherwise given or the agenda for the meeting is otherwise posted, also give notice of the means by which members of the public may observe the meeting and offer public comment. As to any instance in which there is a change in the means of public observation and comment, or any instance prior to the effective date of this section in which the time of the meeting has been noticed or the agenda for the meeting has been posted without also including notice of the means of public observation and comment, a state body may satisfy this requirement by advertising the means of public observation and comment using the most rapid means of communication available at the time. Advertising the means of public observation and comment using the most rapid means of communication available at the time shall include, but need not be limited to, posting such means on the state body's internet website.

(f) All state bodies utilizing the teleconferencing procedures in this section are urged to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to the otherwise applicable provisions of this article, in order to maximize transparency and provide the public access to state body meetings.

(g) This section shall remain in effect only until January 31, 2022, and as of that date is repealed.

SEC. 3. Section 54953 of the Government Code is amended to read:

54953. (a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, except as otherwise provided in this chapter.

(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all otherwise applicable requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. All votes taken during a teleconferenced meeting shall be by rollcall.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivisions (d) and (e). The agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3 at each teleconference location.

(4) For the purposes of this section, “teleconference” means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both. Nothing in this section shall prohibit a local agency from providing the public with additional teleconference locations.

(c) (1) No legislative body shall take action by secret ballot, whether preliminary or final.

(2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(3) Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined in subdivision (d) of Section 3511.1, during the open meeting in which the final action is to be taken. This paragraph shall not affect the public’s right under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1) to inspect or copy records created or received in the process of developing the recommendation.

(d) (1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), if a health authority conducts a teleconference meeting, members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number, and associated access codes, if any, that allows any person to call in to participate in the meeting and the number and access codes are identified in the notice and agenda of the meeting.

(2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section.

(3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code, any joint powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code, and any advisory committee to a county-sponsored health plan licensed pursuant to Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

(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:

(A) The legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing.

(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.

(C) The legislative body holds a meeting during a proclaimed state of emergency and has determined, by majority vote, pursuant to subparagraph (B), that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

(2) A legislative body that holds a meeting pursuant to this subdivision shall do all of the following:

(A) The legislative body shall give notice of the meeting and post agendas as otherwise required by this chapter.

(B) 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, the legislative body shall also give notice of the means by which members of the public may access the meeting and offer public comment. The agenda shall identify and include an opportunity for all persons to attend via a call-in option or an internet-based service option. This subparagraph shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

(C) The legislative body shall conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties and the public appearing before the legislative body of a local agency.

(D) In the event of a disruption which prevents the public agency from broadcasting the meeting to members of the public using the call-in option or internet-based service option, or in the event of a disruption within the local agency's control which prevents members of the public from offering public comments using the call-in option or internet-based service option, the body shall take no further action on items appearing on the meeting agenda until public access to the meeting via the call-in option or internet-based service option is restored. Actions taken on agenda items during a disruption which prevents the public agency from broadcasting the meeting may be challenged pursuant to Section 54960.1.

(E) The legislative body shall not require public comments to be 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. This subparagraph shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

(F) Notwithstanding Section 54953.3, 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.

(G) (i) 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, pursuant to subparagraph (F), to provide public comment until that timed public comment period has elapsed.

(ii) 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 per agenda item to allow public members the opportunity to provide public comment, including time for members of the public to register pursuant to subparagraph (F), or otherwise be recognized for the purpose of providing public comment.

(iii) A legislative body that provides a timed general public comment period that does not correspond to a specific agenda item shall not close the public comment period or the opportunity to register, pursuant to subparagraph (F), until the timed general public comment period has elapsed.

(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.

(ii) State or local officials continue to impose or recommend measures to promote social distancing.

(4) For the purposes of this subdivision, “state of emergency” means a state of emergency proclaimed pursuant to Section 8625 of the California Emergency Services Act (Article 1 (commencing with Section 8550) of Chapter 7 of Division 1 of Title 2).

(f) This section shall remain in effect only until January 1, 2024, and as of that date is repealed.

SEC. 3.1. Section 54953 of the Government Code is amended to read:

54953. (a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency in person, except as otherwise provided in this chapter. Local agencies shall conduct meetings subject to this chapter consistent with applicable state and federal civil rights laws, including, but not limited to, any applicable language access and other nondiscrimination obligations.

(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all otherwise applicable requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. All votes taken during a teleconferenced meeting shall be by rollcall.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body

shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivisions (d) and (e). The agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3 at each teleconference location.

(4) For the purposes of this section, “teleconference” means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both. Nothing in this section shall prohibit a local agency from providing the public with additional teleconference locations.

(c) (1) No legislative body shall take action by secret ballot, whether preliminary or final.

(2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(3) Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined in subdivision (d) of Section 3511.1, during the open meeting in which the final action is to be taken. This paragraph shall not affect the public’s right under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1) to inspect or copy records created or received in the process of developing the recommendation.

(d) (1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), if a health authority conducts a teleconference meeting, members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number, and associated access codes, if any, that allows any person to call in to participate in the meeting and the number and access codes are identified in the notice and agenda of the meeting.

(2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section.

(3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code, any joint powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code, and any advisory committee to a county-sponsored health plan licensed pursuant to Chapter

2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

(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:

(A) The legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing.

(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.

(C) The legislative body holds a meeting during a proclaimed state of emergency and has determined, by majority vote, pursuant to subparagraph (B), that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

(2) A legislative body that holds a meeting pursuant to this subdivision shall do all of the following:

(A) The legislative body shall give notice of the meeting and post agendas as otherwise required by this chapter.

(B) 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, the legislative body shall also give notice of the means by which members of the public may access the meeting and offer public comment. The agenda shall identify and include an opportunity for all persons to attend via a call-in option or an internet-based service option. This subparagraph shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

(C) The legislative body shall conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties and the public appearing before the legislative body of a local agency.

(D) In the event of a disruption which prevents the public agency from broadcasting the meeting to members of the public using the call-in option or internet-based service option, or in the event of a disruption within the local agency's control which prevents members of the public from offering public comments using the call-in option or internet-based service option, the body shall take no further action on items appearing on the meeting agenda until public access to the meeting via the call-in option or internet-based service option is restored. Actions taken on agenda items during a disruption which prevents the public agency from broadcasting the meeting may be challenged pursuant to Section 54960.1.

(E) The legislative body shall not require public comments to be 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. This subparagraph shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

(F) Notwithstanding Section 54953.3, 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.

(G) (i) 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, pursuant to subparagraph (F), to provide public comment until that timed public comment period has elapsed.

(ii) 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 per agenda item to allow public members the opportunity to provide public comment, including time for members of the public to register pursuant to subparagraph (F), or otherwise be recognized for the purpose of providing public comment.

(iii) A legislative body that provides a timed general public comment period that does not correspond to a specific agenda item shall not close the public comment period or the opportunity to register, pursuant to subparagraph (F), until the timed general public comment period has elapsed.

(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.

(ii) State or local officials continue to impose or recommend measures to promote social distancing.

(4) For the purposes of this subdivision, “state of emergency” means a state of emergency proclaimed pursuant to Section 8625 of the California Emergency Services Act (Article 1 (commencing with Section 8550) of Chapter 7 of Division 1 of Title 2).

(f) This section shall remain in effect only until January 1, 2024, and as of that date is repealed.

SEC. 4. Section 54953 is added to the Government Code, to read:

54953. (a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting

of the legislative body of a local agency, except as otherwise provided in this chapter.

(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. All votes taken during a teleconferenced meeting shall be by rollcall.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivision (d). The agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3 at each teleconference location.

(4) For the purposes of this section, “teleconference” means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both. Nothing in this section shall prohibit a local agency from providing the public with additional teleconference locations

(c) (1) No legislative body shall take action by secret ballot, whether preliminary or final.

(2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(3) Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined in subdivision (d) of Section 3511.1, during the open meeting in which the final action is to be taken. This paragraph shall not affect the public’s right under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1) to inspect or copy records created or received in the process of developing the recommendation.

(d) (1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), if a health authority conducts a teleconference meeting,

members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number, and associated access codes, if any, that allows any person to call in to participate in the meeting and the number and access codes are identified in the notice and agenda of the meeting.

(2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section.

(3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code, any joint powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code, and any advisory committee to a county-sponsored health plan licensed pursuant to Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

(e) This section shall become operative January 1, 2024.

SEC. 4.1. Section 54953 is added to the Government Code, to read:

54953. (a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, in person except as otherwise provided in this chapter. Local agencies shall conduct meetings subject to this chapter consistent with applicable state and federal civil rights laws, including, but not limited to, any applicable language access and other nondiscrimination obligations.

(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. All votes taken during a teleconferenced meeting shall be by rollcall.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the

legislative body of a local agency. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivision (d). The agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3 at each teleconference location.

(4) For the purposes of this section, “teleconference” means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both. Nothing in this section shall prohibit a local agency from providing the public with additional teleconference locations.

(c) (1) No legislative body shall take action by secret ballot, whether preliminary or final.

(2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(3) Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined in subdivision (d) of Section 3511.1, during the open meeting in which the final action is to be taken. This paragraph shall not affect the public’s right under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1) to inspect or copy records created or received in the process of developing the recommendation.

(d) (1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), if a health authority conducts a teleconference meeting, members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number, and associated access codes, if any, that allows any person to call in to participate in the meeting and the number and access codes are identified in the notice and agenda of the meeting.

(2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section.

(3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code, any joint

powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code, and any advisory committee to a county-sponsored health plan licensed pursuant to Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

(e) This section shall become operative January 1, 2024.

SEC. 5. Sections 3.1 and 4.1 of this bill incorporate amendments to Section 54953 of the Government Code proposed by both this bill and Assembly Bill 339. Those sections of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2022, but this bill becomes operative first, (2) each bill amends Section 54953 of the Government Code, and (3) this bill is enacted after Assembly Bill 339, in which case Section 54953 of the Government Code, as amended by Sections 3 and 4 of this bill, shall remain operative only until the operative date of Assembly Bill 339, at which time Sections 3.1 and 4.1 of this bill shall become operative.

SEC. 6. It is the intent of the Legislature in enacting this act to improve and enhance public access to state and local agency meetings during the COVID-19 pandemic and future applicable emergencies, by allowing broader access through teleconferencing options consistent with the Governor's Executive Order No. N-29-20 dated March 17, 2020, permitting expanded use of teleconferencing during the COVID-19 pandemic.

SEC. 7. The Legislature finds and declares that Sections 3 and 4 of this act, which amend, repeal, and add Section 54953 of the Government Code, further, within the meaning of paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the purposes of that constitutional section as it relates to the right of public access to the meetings of local public bodies or the writings of local public officials and local agencies. Pursuant to paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the Legislature makes the following findings:

This act is necessary to ensure minimum standards for public participation and notice requirements allowing for greater public participation in teleconference meetings during applicable emergencies.

SEC. 8. (a) The Legislature finds and declares that during the COVID-19 public health emergency, certain requirements of the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code) were suspended by Executive Order N-29-20. Audio and video teleconference were widely used to conduct public meetings in lieu of physical location meetings, and public meetings conducted by teleconference during the COVID-19 public health emergency have been productive, have increased public participation by all members of the public regardless of their location in the state and ability to travel to physical meeting locations, have protected the health and safety of civil servants and the public, and have reduced travel costs incurred by members of state bodies and reduced work hours spent traveling to and from meetings.

(b) The Legislature finds and declares that Section 1 of this act, which adds and repeals Section 89305.6 of the Education Code, Section 2 of this act, which adds and repeals Section 11133 of the Government Code, and Sections 3 and 4 of this act, which amend, repeal, and add Section 54953 of the Government Code, all increase and potentially limit the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:

(1) By removing the requirement that public meetings be conducted at a primary physical location with a quorum of members present, this act protects the health and safety of civil servants and the public and does not preference the experience of members of the public who might be able to attend a meeting in a physical location over members of the public who cannot travel or attend that meeting in a physical location.

(2) By removing the requirement for agendas to be placed at the location of each public official participating in a public meeting remotely, including from the member's private home or hotel room, this act protects the personal, private information of public officials and their families while preserving the public's right to access information concerning the conduct of the people's business.

SEC. 9. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to ensure that state and local agencies can continue holding public meetings while providing essential services like water, power, and fire protection to their constituents during public health, wildfire, or other states of emergencies, it is necessary that this act take effect immediately.



**MADERA UNIFIED SCHOOL DISTRICT
PERSONNEL COMMISSION
REGULAR MEETING
AGENDA ITEM COVER PAGE**

Meeting Date: November 18, 2021

Agenda Item:

Discuss and approve the extension of the following Open/Competitive and Promotional Eligibility Lists for: Human Resource Technician II and Office Technician

Agenda Placement:

Action

Background:

The Eligibility List for:

- Human Resource Technician II, Expired 10/7/2021
- Office Technician, Expired 10/13/2021

We have viable candidates remaining on both promotional and open/competitive lists. Therefore, in order to fill these positions on a timely manner; the PC Office would like to extend these eligibility lists until December 31, 2021. The PC Office will run a new recruitment following the expiration date.

Personnel Commission Rule 6.1.5 Duration of Eligibility Lists; An eligibility list shall be in effect for a period of six months or one year, unless otherwise determined by the Director of Classified Personnel, and may be extended for up to an additional year by the Commission.

Recommendation:

It is recommended that the Personnel Commission approve the extension the Human Resource Technician II and Office Technician (Open/Competitive and Promotional) eligibility lists until December 31, 2021.



MADERA UNIFIED SCHOOL DISTRICT PERSONNEL COMMISSION

REGULAR MEETING AGENDA ITEM COVER PAGE

Meeting Date: November 18, 2021

Agenda Item:

Discuss and approve the revised job class description for Educational Information Systems Manager

Agenda Placement:

Action

Background:

District Administration has presented the Personnel Commission with revised changes for the job class description of Educational Information Systems Manager. This job class description was approved back in January 2021 as part of the reorganization of the Department of Information Technology and Support Services. This position supports the department with the design of highly effective systems of operational efficiencies and supervises assigned technical staff involved with the design, acquisition, deployment and/or maintenance of educational information systems intended to strengthen student achievement.

We have conducted two recruitments back in March 2021 and June-July 2021. We have found out that this has been a difficult recruitment and we are attracting programmers and software developers vs. managers who oversee software programs. Therefore, we are proposing revisions that are highlighted in red throughout the job description with strike out language in the knowledge section, education, and experience sections. We hope that by making these changes it will help attract the qualified candidates that are needed for this recruitment.

This recommended proposed action has been compiled as provided under the authority of California Education Code section 45276 and the Personnel Commission Rules 3.2.1. through 3.2.5.5.

Recommendation:

It is recommended that the Personnel Commission approve the revised job description for Educational Information Systems Manager as presented.

Attachments:

Job Class Description: Educational Information Systems Manager



CLASSIFIED
Job Class Description
 Equal Employment Opportunity

MADERA UNIFIED SCHOOL DISTRICT
 PERSONNEL COMMISSION
 APPROVED MOTION NO.
 DOCUMENT NO.
 DATED

REVISED EDUCATIONAL INFORMATION SYSTEMS MANAGER

<p>DEPARTMENT/SITE: Information Technology and Support Services</p> <p>REPORTS TO: Director of Information Technology and Support Services</p>	<p>SALARY SCHEDULE: Classified Supervisory</p> <p>SALARY RANGE:</p> <p>WORK YEAR: 12 Months (261 Days)</p> <p>FLSA: Exempt</p>
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PURPOSE STATEMENT:

Under the general direction of the Director of Information Technology and Support Services, the Educational Information Systems Manager designs highly effective systems of operational efficiencies and supervises assigned technical staff involved with the design, acquisition, deployment and/or maintenance of educational information systems intended to strengthen student achievement. The incumbents in this classification provide the school community with current education technology systems and tools which, directly support student learning.

DISTINGUISHING CHARACTERISTICS

This is a class that provides management/supervisory oversight and direction in the identification, planning, design and implementation of effective technologies to be available to teachers and administrators to enhance student learning and achievement. This class directs, trains, reviews, and assigns the work of a technical classified staff and works frequently with certificated teachers and administrators to identify and create innovative applications of technology to meet District and site needs and student achievement goals.

ESSENTIAL FUNCTIONS, DUTIES AND TASKS:

The following alphabetical list of functions, duties and tasks is typical for this classification. Incumbents may not perform all of the listed duties and/or may be required to perform other closely related or department-specific functions, duties and tasks from those set forth below to address business needs and changing business practices.

- Attends meetings and serves on committees and collaboration teams that plan, review and implement educational technology initiatives.
- Collaborates with the staffs of the Curriculum Instruction Department and individual school sites as well as Information Technology and Support Services Department to research, design, disseminate and implement new technology applications aimed at enhancing student learning and achievement.
- Coordinates, supervises and administers the evaluation, selection, acquisition, requisitioning and implementation of District educational technology systems, units and components.
- Directs the operational and technical functionality of the District-wide instructional technology program.
- Evaluates the nature of user requests to ensure underlying true needs are identified and resolved.
- Gathers, analyzes, and evaluates information from multiple sources, reconciling conflicts; breaks high-level information into implementable detail, and summarizes low-level information into a general understanding from which implementation decisions can be made.
- Serves as a resource to the Information Technology and Support Services Department and District administrative team in formulating and planning the development and implementation of technology to support educational needs including computing hardware and software.
- Supervises and evaluates the performance of assigned personnel on a regular and timely basis, providing

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clear, constructive feedback to improve staff effectiveness in providing services; recommend performance improvement plans as needed, including disciplinary and other personnel related actions; ensure that assigned staff receive regular and up-to-date training in their assigned areas to keep up with changes in educational technology systems.

- Performs other related duties as assigned for ensuring the efficient and effective functioning of the work unit and the District.

KNOWLEDGE, SKILLS AND ABILITIES

(At time of application)

Knowledge of:

- Project planning, organization, and direction
- Computer hardware, **application support, and cloud based Software as a Service (SaaS) systems related to education, student learning, student achievement, and educational accountability** software systems; ~~mainframes, software applications and language utilized by the District, particularly SQL (Structured Query Language), JavaScript, Python, R, or similar scripting languages, as well as systems relating to education and student learning/achievement and to educational accountability~~
- Oral and written communications skills
- Interpersonal skills using tact, patience and courtesy
- Operation of a computer to enter data, maintain records, and generate reports (proficiency required in Excel)
- Principles and practices of supervision and management
- Performance-based learning systems
- Laws, codes, regulations, policies, procedures and best practices applicable to technology systems that support student learning and achievement

Skills and Abilities to:

- Plan, organize and administer analytical and efficiency systems for the District
- Communicate the operational aspects of systems and analytics to audiences with varying levels of expertise
- Maintain current knowledge of trends in educational technology as well as grow professionally and seek out new opportunities to learn and maintain a high level of expertise
- Provide technical guidance and recommendations concerning existing computer programs and systems and possible upgrades
- Establish and maintain collaborative, productive and effective working relationships with all levels of management, professional staff, elected officials, outside agencies and stakeholders, and the general public
- Coordinate activities, resolve issues or concerns, and exchange information to enhance and expand practices and procedures proven to raise student achievement
- Maintain a high level of objectivity and provide quality information to facilitate decision-making at all levels of the organization
- Prepare and make high quality and engaging presentations
- Clean and improve the quality of existing data and manipulate large, complex data sets into clear and easily understandable reports and systems for end users
- Demonstrate organizational loyalty and high ethical standards
- Maintain confidentiality of student data
- Maintain focus and appropriately allocate resources toward identified goals
- Think critically and creatively to assess situations and provide novel solutions

- Analyze situations accurately and adopt effective courses of action
- Negotiate skillfully in difficult situations and bring about viable solutions in a spirit of compromise and collaboration
- Communicate effectively and efficiently and understand and appropriately follow oral and written directions
- Work independently and effectively with minimum direction despite many interruptions and under time constraints
- Prepare comprehensive narrative and statistical reports
- Plan and organize work to meet schedules and deadlines
- Communicate with a wide variety of individuals using patience and courtesy in a manner that reflects positively on the District
- Actively participate in meeting District goals, objectives, and outcomes
- Apply integrity and trust in all situations

RESPONSIBILITY

Responsibilities include working independently under broad organizational guidelines to achieve unit objectives; managing a department; and directing the use of budgeted funds within a work unit. Utilization of significant resources from other work units is routinely required to perform the job's functions. There is a continual opportunity to impact the organization's services.

JOB QUALIFICATIONS / REQUIREMENTS:

(At time of application and in addition to the Knowledge, Skills and Abilities listed above.)

EDUCATION REQUIRED:

Bachelor's degree from an accredited college or university; significant coursework in mathematics, measurement, data analytics, research methods, statistical analysis or computer programming is highly desired. A Master's degree is preferred.

EXPERIENCE REQUIRED:

At least three (03) years of experience in an educational or training environment involving extensive use of educational technology systems that make use of data and analytics to inform and improve instruction. **Experience should include the collection, manipulation and analysis of data.** ~~The experience must have included the collection, manipulation, and analysis of data and using advanced knowledge of Excel and/or Google Sheets and SQL as well as a working knowledge of programming languages such as JavaScript, Python, R, or similar scripting languages.~~ At least one of the years must have been in a lead, supervisory or management capacity.

LICENSE(S) REQUIRED:

- Valid, current California Driver's License to drive to meetings, training sessions, and conferences away from the office such as at school sites.

CERTIFICATIONS AND TESTING REQUIRED:

- Pass the District's applicable proficiency exam for the job class with a satisfactory score.
- After offer of employment, obtain:
 - Criminal Justice and FBI Fingerprint Clearance
 - Negative TB test result plus periodic post-employment retest as required (currently every four years)

WORK ENVIRONMENT / PHYSICAL DEMANDS:

(Must be performed with or without reasonable accommodations)

- Work is primarily indoors in an office environment under minimal temperature variations and occasionally requires sitting for extended periods
- Lift, carry, push, pull and move equipment weighing up to 25 pounds
- Dexterity of hands and fingers to operate a computer keyboard and other office equipment and maintain paper files and documents
- Use hands and fingers to grasp, hold and manipulate objects
- Kneeling, bending at the waist, sitting, squatting, crawling, stretching and reaching overhead, above the shoulders and horizontally to retrieve and store equipment, files and supplies
- Hearing and speaking to exchange information in person or on the telephone
- Visual acuity to see/read documents and computer screen
- Frequent operation of a personal vehicle, and occasionally a District vehicle, to travel within and outside the district for meetings, training sessions and assisting staff at school sites.
- Exposure to intermittent noise and interruptions typical of a school environment
- Potential for contact with blood-borne pathogens and communicable diseases



**MADERA UNIFIED SCHOOL DISTRICT
PERSONNEL COMMISSION**

**REGULAR MEETING
AGENDA ITEM COVER PAGE**

Meeting Date: November 18, 2021

Agenda Item:

Discuss and approve the revised classified job class description for Test Administrator (Supplemental Help)

Agenda Placement:

Action

Background:

Administration has presented the Personnel Commission with revisions for a classified non-contracted supplemental-help job description of Test Administrator (Supplemental Help). This position reports to the Coordinator of Assessment, Accountability, and School Improvement.

The District recently increased the teacher substitute daily rate from \$115 to \$220 per day to address the shortage of substitutes during the COVID-19 Pandemic. Therefore, in order to attract highly qualified candidates to assist with the District's required assessments we need to increase the hourly rate of pay from \$20 to \$32 per hour. This position is non-contracted (seasonal) during the school year.

The proposed revisions are highlighted in red throughout the job description and with strike out language in the experience section. This job class description is now in the new adopted template that is being used during the classification and compensation study. We hope that by making these revisions it will help attract the qualified candidates that are needed for this recruitment.

This recommended proposed action has been compiled as provided under the authority of California Education Code section 45276 and the Personnel Commission Rules 3.2.1. through 3.2.5.5 and 3.2.9. Review of positions which state that it is the responsibility of the Personnel Commission to classify duties of new or reorganized positions approved by the Board of Trustees.

Recommendation:

It is recommended that the Personnel Commission approve the new classified job description for Supplemental Help with the recommended hourly rate:

Class Description	New or Revised	Supplemental-Help Hourly Rate
Test Administrator (Supplemental Help)	New	\$32.00 per hour

Attachment: Test Administrator (Supplemental Help)



CLASSIFIED
Job Class Description
 Equal Employment Opportunity

MADERA UNIFIED SCHOOL DISTRICT
 PERSONNEL COMMISSION
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 DATED:

REVISED TEST ADMINISTRATOR (SUPPLEMENTAL HELP)	
DEPARTMENT/SITE: Assessment Department REPORTS TO: Coordinator of Assessment, Accountability, and School Improvement	SALARY SCHEDULE: Supplemental Help SALARY RANGE: \$20 hr. \$32.00 Per Hour WORK YEAR: Non-Contracted FLSA: Non-Exempt

PURPOSE STATEMENT:

The job of Test Administrator supports the educational process by administering the State Required English Language Development Test to limited English proficient students in grades K-12 in the skills of listening, reading, speaking, and writing in English, or by administering the District required language assessments to students to determine language proficiency in Spanish and English. A limited English proficient student is a student who does not speak English or whose native language is not English and who is not currently able to perform ordinary classroom work in English (as per Education Code 306 (a)).

ESSENTIAL FUNCTIONS, DUTIES AND TASKS:

The following alphabetical list of functions, duties and tasks is typical for this classification. Incumbents may not perform all of the listed duties and/or may be required to perform other closely related or department-specific functions, duties and tasks from those set forth below to address business needs and changing business practices.

- Proficient speaker of the targeted language and proficient speaker of English (i.e. have complete command of pronunciation, intonation and fluency, and the ability to correctly pronounce the full range of American English phonemes and or the ability to correctly pronounce the full range of Spanish phonemes if required).
- Follows proper administration procedures of all components of the assessment which may include (listening, speaking, reading, and writing) of the testing.
- Maintains the security of the test materials.
- Administers individual and group testing as directed.
- Performs other related duties as assigned.
- Participate in Test Administrator training(s).
- Must travel from various school sites within the District.
- Performs other duties as assigned which are related, or logical in assignment to the position.

KNOWLEDGE, SKILLS AND ABILITIES

(At time of application)

Knowledge of:

Test Administrator
 Updated: PC Office
 Previous update: 01/27/2020

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- English pronunciations, intonations, and fluency
- Correct oral and written usage of targeted language and English
- Current office practices, procedures and equipment
- Accurate record-keeping techniques
- Interpersonal skills, using tact, patience, and courtesy
- Telephone techniques and etiquette
- Site operations, procedures , specific rules and precedents of the District and office
- Appropriate cultural backgrounds

Skills and Abilities to:

- Have complete command of Spanish and English pronunciation, intonation, and fluency
- Correctly pronounces the full range of Spanish and American English phonemes
- Accurately maintain records and prepare reports
- Being attentive to detail
- Operate a computer to enter data, maintain records, and generate reports
- Maintain cooperative and effective relationships with diverse range of people
- Work independently with little direction
- Understand and work within the scope of authority
- Plan, prioritize, and organize work to meet schedules and timelines
- Communicate, understand, and follow both oral and written directions effectively
- Learn new or updated computer systems/software programs to apply to current work
- Communicate using patience and courtesy in a manner that reflects positively on the organization
- Apply integrity and trust in all situations
- Actively participate in meeting District goals and outcomes
- Learn district organization, operations, policies, objectives, and goals.

RESPONSIBILITY:

Responsibilities include; working under limited supervision following standardized practices and/or methods; providing information and /or advising others; and operating within a defined budget. Utilization of some resource from other work units is often required to perform the job's functions. There is a continual opportunity to affect the organization's services.

JOB QUALIFICATIONS / REQUIREMENTS:

(At time of application and in addition to the Knowledge, Skills and Abilities listed above.)

EDUCATION REQUIRED:

Two years of successful experience working with students in the areas of examination and testing, tutoring teaching, training or counseling.

EXPERIENCE REQUIRED:

~~High school diploma or equivalent.~~ **Bachelor's Degree from an accredited college or university.**

If opening is for Dual Language Program - Test Administrator (Supplemental Help) applicant must be Bilingual & Biliterate.

LICENSE(S) REQUIRED:

- Valid, current California Driver's License or ability to provide transportation to meetings, events and trainings associated with essential functions, duties and tasks.

CERTIFICATIONS AND TESTING REQUIRED:

- Pass the examination screening process
- Once hired must complete state certification process
- After offer of employment, obtain:
 - Criminal Justice and FBI Fingerprint Clearance
 - Negative TB test result plus periodic post-employment retest as required (currently every four years)
 - Pre-employment physical exam through District’s provider at District’s expense

WORK ENVIRONMENT / PHYSICAL DEMANDS:

(Must be performed with or without reasonable accommodations)

- Work is primarily indoors and requires sitting for extended periods
- Sitting or standing for extended periods of time
- Lift objects such as boxes containing documents weighing up to 35 pounds
- Bending at the waist, kneeling or crouching to file materials or access equipment, carrying, pushing and/or pulling
- Dexterity of hands and fingers to operate a computer keyboard and maintain paper files and documents
- Hearing and speaking to exchange information
- Visual acuity to see/read documents and computer screen

DRAFT



MADERA UNIFIED SCHOOL DISTRICT PERSONNEL COMMISSION

REGULAR MEETING AGENDA ITEM COVER PAGE

Meeting Date: November 18, 2021

Agenda Item:
Classification and Compensation Study Update

Agenda Placement:
Information and Reports

Background:

This item is being presented as an informational item for the purpose of providing an update to the Commission. Personnel Commission staff will provide a status update and allow for discussion on the status of the Classification and Compensation study.