

Classified Senate Regular Meeting Agenda

Tuesday, July 11, 2017, 2:30 pm
College Center Building 10, City View Conference Room (Room 401)

Meetings of the CSM Classified Senate are open to the entire campus community, are open to the general public, and are accessible to those with disabilities. Start times are approximate. The public may address the Senate on non-Agenda items during the Announcements & Hearing of the Public items on the Agenda. Members of the public may participate in discussions only when recognized by the Chair.

- I. Call to Order**
- II. Roll Call**
- III. Approval of the Agenda**
- IV. Approval of the Minutes of Prior Meeting(s)**
- V. Announcements & Hearing of the Public (15 minutes per topic, 3 minutes per speaker)**
At this time, members of the public may address the Senate on non-Agenda items.
- VI. Reports**
 - a. Officers**

i. President	Fauzi Hamadeh
ii. Vice President	David McLain
iii. Treasurer	Arianna Avendano
iv. Secretary	Melina Boyd
v. Events Committee Chair	Kathy McEachron
 - b. Senators**
 - i. Nick Dellaporta
 - ii. Alicia Frangos
 - iii. Cindy James
 - iv. Margaret McGugan
 - v. Mike Mitchell
 - vi. Mary Vogt
- VII. Unfinished Action, Discussion, and Information Items**
- VIII. New Business, Discussion, and Information Items**
 - a. Overview of the Ralph M. Brown Act**
The Senate shall review and discuss the requirements of the Ralph M. Brown Act (California Government Code Section 54950, et seq.); no action to take place.
 - b. Overview of Parliamentary Procedure/Robert's Rules of Order**
The Senate shall review and discuss parliamentary procedure and Robert's Rules of Order as they apply to Classified Senate meetings; no action to take place.
 - c. Classified Senate Bylaws**
The Senate shall discuss and consider plans to develop Bylaws for the organization, including the possible establishment of a task force to draft the Bylaws; possible action to take place.

d. Delineation of Roles between Classified Senate and CSEA

The Senate shall discuss, review, and consider the delineation of roles between the Classified Senate and CSEA, including possible adoption of a Memorandum of Understanding between the two groups; possible action to take place.

e. Proposed District Code of Ethics

The Senate shall discuss and review the proposed SMCCCD code of ethics for classified employees; possible action to take place.

IX. Agenda Items for Future Classified Senate Meetings

At this time, members of the Senate may suggest agenda items for consideration for future meetings.

X. Final Announcements & Hearing of the Public (15 minutes per topic, 3 minutes per speaker)

At this time, members of the Senate and members of the public may voice any concluding comments.

XI. Adjournment

CLOSED MEETINGS

Closed meetings are the exception and permitted only if they meet defined purposes and follow special requirements (§§ 54953(a), 54954.5, 54962).

EVEN AT CLOSED MEETINGS...

Special public notice and agenda requirements apply (§§ 54954, 54954.2, 54954.5, 54957.7).

All actions taken and all votes in closed session must be publicly reported orally or in writing (§ 54957.1(b)), and copies of any contracts or settlements approved must be made available promptly (§ 54957.1(b),(c)).

CLOSED MEETINGS MAY BE HELD FOR:

Personnel

Only to discuss the appointment, employment, performance evaluation, discipline, complaints about or dismissal of a specific employee or potential employee (§ 54957). The employee may request a public meeting on any charges or complaints.

But closed sessions are **NOT ALLOWED** for discussing:

- general employment
- independent contractors not functioning as employees
- salaries
- the performance of any elected official, or member of the board
- the local agency's available funds
- funding priorities or budget

Pending Litigation

Only if open discussion "would prejudice the position of the agency in the litigation." The litigation must be named on the posted agenda or announced in open session unless doing so would jeopardize the board's ability to service process on an unserved party or conclude existing settlement negotiations to its advantage. (§4956.9)

To qualify, the agency must:

- be a party to pending litigation (§ 54956.9(a))
- or expect, based on certain specified facts, to be sued (§§ 54956.9(b)(1),(b)(2))
- or expect to file suit itself (§ 54956.9(c))

Labor Negotiations

Only to instruct the agency's identified negotiator on compensation issues (§ 54957.6). (Note: school districts are covered by the Rodda Act, Govt. Code §§ 3540-3549.3.)

Property Negotiations

Only to discuss, with an agency's identified bargaining agent, price or payment terms. The parcel, negotiators and the prospective seller or purchaser must be identified on the agenda. (§ 54956.8) Final price and payment terms must be disclosed when the actual lease or contract is discussed for approval. (§ 54957.1(a))

Others

License applications for people with criminal records (§54956.7); threats to public services or facilities; (§54957) insurance pooling (§54956.95).

WHAT TO DO IF:

A MEETING IS CLOSED THAT SHOULD BE OPEN

- Refuse to leave, and use this Guide to check the law, to protest, and to enforce all notice requirements.
- Leave only if ordered by law enforcement.
- Call your editor or lawyer at once.

AN ILLEGAL CLOSED MEETING HAS BEEN HELD

- Ask participants what happened, and get reports of actions taken and copies of contracts approved.
- Call FAP, SPJ or CFAC (phone numbers are on the cover of this Pocket Guide).
- Write a story or letter to the editor about it.
- Contact the District Attorney under § 4959, or take legal action under § 54960(a) against violations or a "gag rule" imposed on a body's members.
- A court may: (1) force the agency to make and preserve tapes of closed sessions (§ 54960(b)); (2) declare actions taken null and void (§ 54960.1(d)); (3) award costs and attorneys fees (§ 54960.5).

A POCKET GUIDE TO OPEN MEETING LAWS IN CALIFORNIA: THE BROWN ACT

A SERVICE OF:
**THE FIRST AMENDMENT PROJECT
SOCIETY OF PROFESSIONAL
JOURNALISTS (Nor. Cal.)**

HOW TO USE THIS GUIDE

This pocket guide is intended to be a quick reference and provide general information to journalists and citizens. It addresses some common public meetings problems, but does not substitute for research or consultation with a lawyer on detailed questions. This guide current as of December 3, 2003.

FOR MORE INFORMATION OR HELP:

FIRST AMENDMENT PROJECT.....510/208-7744
www.thefirstamendment.org

Society of Professional Journalists,
NORTHERN CALIFORNIA CHAPTER.....415/338-7434
www.spj.org/norcal

California First Amendment Coalition.....916/974-8888
www.cfac.org

*Funding provided by the Sigma Delta Chi Foundation
of the Society of Professional Journalists*

Brown Act

Govt. Code §§ 54950-54960.5

THE BASICS

Meetings of public bodies must be “open and public,” actions may not be secret, and action taken in violation of open meetings laws may be voided. (§§ 54953(a), 54953(c), 54960.1(d))

WHO'S COVERED

- **Local agencies**, including counties, cities, school and special districts. (§ 54951)
- **“Legislative bodies”** of each agency, the agency’s governing body, plus “covered boards,” that is, any board, commission, committee, task force or other advisory body created by the agency, whether permanent or temporary. (§ 54952(b))
- Any **standing committee** of a covered board, regardless of number of members. (§ 54952(b))
- **Governing bodies of non-profit corporations formed by a public agency** or which includes a member of a covered board and receives public money from that board. (§ 54952(c))

WHO'S NOT COVERED

- **Ad hoc advisory committees** consisting of less than a quorum of the covered board (§54952(b))
- Most other **non-profit corporations**
- All **other government agencies**. State governmental agencies are covered by the Bagley-Keene Open Meeting Act. (Govt. Code §§ 11120-11132)

WHAT'S COVERED

A “meeting” is any gathering of a majority of the members of a covered board to hear, discuss, or deliberate on matters within the agency’s or board’s jurisdiction. (§ 54952.2(a))

Note: No vote or action is required for the gathering to be a meeting, nor must the members meet face to face. (§ 54952.2)

WHAT MUST HAPPEN

Under the Brown Act an agency must:

- **post notice and an agenda** for any regular meeting, (§§ 54954(a), 54954.2(a)); mail notice at least three days before regular meetings to those who request it, (§ 54954.1); post notice of continued meetings, (§54955.1); deliver notice of special meetings at least one day in advance to those who request it, (§ 54956); and deliver notice of emergency meetings at least one hour in advance to those who request it. (§§54956, 54956.5)
- **notify the media** of special or emergency meetings if requested, (§§ 54956, 54956.5); allow media to remain in meetings cleared due to public disturbance. (§54957.9)
- **hold meetings in the jurisdiction** of the agency except in limited circumstances, (§§ 54954(b)-(e)), and in places accessible to all, with no fee. (§ 54961(a))
- **not require a “sign in”** for anyone. (§54953.3)
- **allow non-disruptive recording** and broadcast of meetings, (§54953.5(a)), and let the public inspect any recording made by the agency of its open meetings. (§54953.5(b))
The agency may destroy recordings it made after 30 days. (§54954.3(b))
- **allow the public to address** the covered board at regular or committee meetings on any item in the agency’s jurisdiction not addressed by the agency at an open earlier meeting. (§54954.3(a))
- **conduct only public votes**, with no secret ballots. (§54953(c))
- **treat documents as public** “without delay,” if distributed to all or a majority of members of a board before or at the meeting, unless they are also exempt under the Public Records Act. (§54957.5)

Local Rules

Many local jurisdictions, including San Francisco, Contra Costa County, and Oakland, have adopted local “Sunshine” ordinances that grant greater access and openness. Check for local rules. Other jurisdictions often have rules that *violate* the Brown Act. Challenge such rules or contact the agencies listed on this brochure.

WHAT IF . . .

- a council member is on a board of a non-profit corporation—is the board covered?
- YES, if the council both appointed him or her to the board, and funds the corporation. (§54952(b),(c)(1))
- an agency delegates authority to another entity—is the entity covered?
- YES, if it was created by the agency’s elected body. (§§ 54952(b),(c)(1))
- a council committee meeting has less than a quorum—is it required to meet openly?
- YES, if it is a standing committee and has either a set meeting schedule or a continuing subject matter jurisdiction. (§ 54952(b))
- members use individual contacts to collectively decide an issue—is that a violation?
- YES, information communicated to a quorum through a series of contacts, individual phone calls (“daisy chain”), or a third person (“spoke and wheel”) to evade the public is a “meeting” (§ 54952.2(b); 63 Ops.Atty.Gen. 820 (1980); Stockton Newspapers v. Stockton Redevelopment Agency, 171 Cal.App.3d 95 (1985); Common Cause v. Stirling, 147 Cal.App.3d 518 (1983).
- agency members attend a conference called by someone else—is this covered?
- NO, so long as they do not discuss specific business matters within their jurisdiction (§ 54952.2(c))
- a meeting is held by video/teleconference.
- YES, if the public’s rights are protected. (§54953(b))
- Every video/teleconference location must be accessible to the public, and at least a quorum of the members must participate from locations within the body’s jurisdiction. (§ 54953(b))

Parliamentary Procedures At A Glance

To Do This: (1)	You Say This:	May You Interrupt Speaker?	Must You Be Seconded?	Is the Motion Debatable?	Is the Motion Amendable?	What Vote Is Required?
Adjourn the meeting (before all business is complete)	"I move that we 'adjourn.'"	May not interrupt speaker	Must be seconded	Not debatable	Not amendable	Majority vote
Recess the meeting	"I move that we recess 'until...'"	May not interrupt speaker	Must be seconded	Not debatable	Amendable	Majority vote
Complain about noise, room temperature, etc.	"Point of privilege."	May interrupt speaker	No second needed	Not debatable (2)	Not amendable	None (3)
Suspend further consideration of something	"I move we table it."	May not interrupt speaker	Must be seconded	Not debatable	Not amendable	Majority vote
End debate	"I move the previous 'question.'"	May not interrupt speaker	Must be seconded	Not debatable	Not amendable	Two-thirds vote
Postpone of something	"I move we postpone 'this matter until...'"	May not interrupt speaker	Must be seconded	Debatable	Amendable	Majority vote
Have something studied further	"I move we refer this 'matter to a committee.'"	May not interrupt speaker	Must be seconded	Debatable	Amendable	Majority vote
Amend a motion	"I move that this motion 'be amended by...'"	May not interrupt speaker	Must be seconded	Debatable	Amendable	Majority vote
Introduce business (a primary motion)	"I move that..."	May not interrupt speaker	Must be seconded	Debatable	Amendable	Majority vote

Notes

1. These motions or points are listed in established order of precedence. When any one of them is pending, you may not introduce another that's listed below it. But you may introduce another that's listed above it.
2. In this case, any resulting motion is debatable.
3. Chair decides.

Parliamentary Procedures At A Glance (continued)

To Do This: (4)	You Say This:	May You Interrupt Speaker?	Must You Be Seconded?	Is the Motion Debatable?	Is the Motion Amendable?	What Vote Is Required?
Object to procedure or to a personal affront	"Point of order."	May interrupt the speaker	No second needed	Not debatable	Not amendable	None (3)
Request information	"Point of information."	If urgent, may interrupt speaker	No second needed	Not debatable	Not amendable	None
Ask for a vote by actual count to verify a voice count	"I call for a division of the house."	May not interrupt speaker (5)	No second needed	Not debatable	Not amendable	None unless someone objects (6)
Object to considering some undiplomatic or improper matter	"I object to consideration of this question."	May interrupt speaker	No second needed	Not debatable	Not amendable	Two-thirds vote required
Take up a matter previously tabled	"I move we take from the table..."	May not interrupt speaker	Must be seconded	Not debatable	Not amendable	Majority required
Reconsider something already disposed of	"I move we now (or later) reconsider our action relative to..."	May interrupt speaker	Must be seconded	Debatable if original motion is debatable	Not amendable	Majority required
Consider something out of its scheduled order	"I move we suspend the rules and consider..."	May not interrupt speaker	Must be seconded	Not debatable	Not amendable	Two-thirds vote required
Vote on a ruling by the chair	"I appeal the chair's decision."	May interrupt speaker	Must be seconded	Debatable	Not amendable	Majority in the negative required to reverse chair's decision

Notes

4. The motions, points and proposals have no established order of precedence. Any of them may be introduced at any time except when the meeting is considering one of the top three matters listed in the chart (motion to adjourn, motion to recess, point of privilege).
5. But division must be called for before another motion is started.
6. Then majority vote is required.

Classified Senate Bylaws

There is no printed material related to this item.

A COMPARISON OF ROLES
A De Anza College Classified Senate Guideline

	CLASSIFIED SENATE	BARGAINING UNITS (ACE, CSEA, Teamsters)
Membership	All contract classified staff are eligible to run for election to the Senate.	All classified staff at FHDA are either fee payers (may not vote) or dues-paying, voting members.
Participation	Open to all classified staff; participation encouraged	Open to all classified staff; only dues-paying members may represent on committees.
Voting	All college contract classified staff	Dues-paying members only
Role	A professional organization promoting the interests of all classified staff	Are exclusive bargaining agents for classified employees in the District
Purpose	De Anza's Classified Senate is organized to do the following:	The bargaining units negotiate and represent all classified staff in contractual issues as follows:
	Participate in the college/district governance structure	Participate in the college/district governance structure
	Provide a body representing the needs, concerns, and viewpoints of the classified staff	Bargaining units represent the needs and concerns of the classified staff in contractual issues
	Provide a means of communication between classified staff and the college community	Provide a means of communication between classified staff and the college community regarding contractual issues
	Select classified representatives to serve on governance and college committees	Select/elect from its membership representatives to serve on governance and college committees
	Provide an opportunity for enhancing the democratic process of governance at the college	Enhances the existing governance process within the district.
	Provide an opportunity to develop individual leadership among the classified staff, as well as increase the professional standards of its members	Provide an opportunity to develop individual leadership among the classified staff, as well as increase upward mobility
	Promote the interests of the classified staff in the development and formulation of policy and practice related but not limited to the following: Selection, evaluation, and retention of administrators; In-service education; Facilities and services; Student/classified and faculty/classified relations; Finance and budget	Represent the interest of the classified staff in the development and formulation of policy and practice related but not limited to the selection, evaluation and retention of administrators and the finance and budget processes
Promote and support activities that develop or increase the skills, productivity, professionalism and morale within the classified staff Recognize the professionalism and value of the classified staff.	Wages, including salary schedule and placement; service recognition awards; professional growth awards; promotions; seniority, layoff and re-employment rights; initial classification and reclassification; Hours of employment, including pre-retirement reductions in contract; Health and welfare benefits including holidays and vacations; Reorganizations, transfer and reassignment policies, including sick; maternity; bereavement; military; industrial accident, personal necessity, unpaid, and staff development leaves; Safe working conditions; district-initiated disability leaves; evaluation procedures.	

San Mateo County Community College District

Classified Staff Code of Ethics

All Classified Staff of the San Mateo County Community College District shall adhere to the highest ethical standards in pursuing the College and District's mission of managing resources efficiently and effectively, while supporting quality educational programs and student services.

- Classified staff shall have ethical standards that include but are not limited to commitment to our students, and accountability to the public.
- Transparency and open lines of communication will be maintained to enable Classified Staff to pursue their objectives consistent with the interests of the students, faculty, administrators, and the local community.
- Classified staff shall foster a work/study environment that values respect, fairness, and integrity and is positive, encouraging, and success-oriented for all members of the San Mateo County Community College District.
- Collaboration, encouraged participation, freedom of expression and consideration for the opinion of others is welcomed of all members from the San Mateo County Community College District.
- Demonstrate and respect the diversity of the San Mateo County Community College District.