



**PERSONNEL COMMITTEE MEETING AGENDA**

**Special Meeting: March 9, 2022**

**Time: 7:15 a.m.**

Due to the COVID-19 public health emergency, the Housing Commission’s Personnel Committee meetings are teleconferenced to protect the public’s health and prevent the disease and its variants from spreading in our communities. Members of the public can attend the meetings through Zoom or call in by telephone.

**Join on Zoom by clicking this link:**

**Join by phone:**

<https://us02web.zoom.us/j/88460095724>

Dial: 1-888-788-0099

Meeting ID: 884 6009 5724

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<b>AGENDA</b>	<b>PAGE</b>
<b>1. CALL TO ORDER / ROLL CALL</b>	
<b>2. RESOLUTION NO. 02-22 APPROVING THE IMPLEMENTATION OF TELECONFERENCING REQUIREMENTS UNDER GOVERNMENT CODE SECTION 54953(e) (AB361)</b>	<b>ACTION 2</b>
<b>3. PUBLIC COMMENT - On matters not on the agenda</b> Members of the public can share their comment(s) in the Zoom meeting during the “Public Comment” portion of the agenda and/or email their comments to <a href="mailto:melissat@haca.net">melissat@haca.net</a> . If the comments are on an item on the meeting agenda, the public may comment on that agenda item when the Personnel Committee Chair calls for public comments on the item. There is a time limit of 3 minutes for each public speaker. The Chairperson has the discretion to further limit this time if warranted by the number of public speakers who wish to address the Personnel Committee.	
<b>4. MINUTES OF THE FEBRUARY 24, 2022 PERSONNEL COMMITTEE MEETING</b>	<b>ACTION 7</b>
<b>5. CLOSED SESSION</b> <b>PUBLIC EMPLOYEE APPEAL (LEASING SERVICES LEADWORKER)</b> <i>Pursuant to Government Code Section 54957: One (1) case</i>	
<b>6. RECONVENE IN OPEN SESION</b>	
<b>7. NEW BUSINESS</b>	
<b>7-1. Draft Executive Director Performance Evaluation Process</b>	<b>INFORMATION 10</b>
<b>8. ADJOURNMENT</b>	

**TELECONFERENCING REQUIREMENTS**

**RESOLUTION NO. 02-22**

**APPROVING THE IMPLEMENTATION OF TELECONFERENCING  
REQUIREMENTS UNDER GOVERNMENT CODE 54953(e) (AB361)**

**HOUSING AUTHORITY OF THE COUNTY OF ALAMEDA**

**AGENDA STATEMENT**

Meeting: March 9, 2022

Subject: Consideration to Approve Resolution to Implement  
Teleconferencing Requirements Pursuant to Government Code  
section 54953 (e) (AB 361)

Exhibits Attached: Resolution No. 02-22

Recommendation: Adopt Resolution

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**BACKGROUND**

On March 17, 2020, to address the need for public meetings during the present public health emergency caused by the COVID-19 virus, Governor Newsom issued Executive Order No. N-29-20, suspending the existing requirements and criteria under the Brown Act, enabling public agencies to conduct their public agenda meetings by teleconference.

On June 11, 2021, Governor Newsom issued Executive Order No. N-8-21, continuing the suspension of the Brown Act's teleconferencing requirements through September 30, 2021. Both these Executive Orders allowed public agencies to meet virtually without providing members of the public the right to access the locations from which members of the public agency's elected officials participated in meetings, thereby eliminating the access requirements under the standard Brown Act teleconference requirements.

On September 16, 2021, Governor Newsom signed into law, Assembly Bill ("AB") 361, amending Government Code section 54953 to provide authority and specific requirements for public agencies to continue to hold virtual meetings after September 30, 2021, during a proclaimed state of emergency and remain in compliance with the Brown Act (Gov. Code §§ 54950, *et seq.*).

**DISCUSSION**

The new law enacted by AB 361 requires a notice requirement which provides members of the public instructions on how to access the public agency's virtual meetings enabling members of the public to communicate directly with the agency's elected body during

the allotted public comment time. In contrast, the prior Executive Orders issued by Governor Newsom limited public comments to only comments submitted in advance of the meeting.

AB 361 also adds a procedural requirement requiring public agencies to adopt a resolution in advance of conducting any further virtual public meetings. Government Code section 54953(e) permits legislative bodies and public agencies to make decisions whether to hold virtual meetings at the time of the meeting.

Staff is recommending that your committee approve this resolution implementing the teleconferencing requirements pursuant to Government Code section 54953(e) as amended by AB 361. Upon approval of the resolution your committee may proceed with the rest of the regular agenda.

**HOUSING AUTHORITY OF THE COUNTY OF ALAMEDA**

**PERSONNEL COMMITTEE RESOLUTION NO.: 02-22**

**APPROVING THE IMPLEMENTATION OF TELECONFERENCING REQUIREMENTS  
UNDER GOVERNMENT CODE SECTION 54953 (e) (AB 361)**

**WHEREAS**, on March 17, 2020, Governor Newsom issued Executive Order N-29-20 that suspended the teleconference rules set forth in the California Open Meeting law, Government Code section 54950, et seq. (the “Brown Act”), which provided certain requirements were met and followed; and

**WHEREAS**, on June 11, 2021, Governor Newsom issued Executive Order N-08-21 that clarified the suspension of the teleconferencing rules set forth in the Brown Act, and further provided that those provisions would remain suspended through September 30, 2021; and

**WHEREAS**, a further required condition of Government Code section 54953(e) is that state or local officials have imposed or recommended measures to promote social distancing, and;

**WHEREAS**, due to the seriousness of the current pandemic situation, the Housing Authority of the County of Alameda requires all employees to wear facial coverings indoors when not in a private office and remain socially distanced; and

**WHEREAS**, Government Code section 54953(e) requires that the public agency make additional findings every thirty (30) days to continue virtual meetings.

**NOW, THEREFORE, BE IT RESOLVED:**

1. All the above recitals are true and correct and are incorporated into this Resolution by this reference.
2. The Personnel Committee finds that state and local officials have imposed or recommended measures to promote social distancing.
3. The Personnel Committee therefore determines that it and its legislative body shall conduct their meetings virtually by teleconferencing in accordance with Government Code section 54953(e)

**PERSONNEL COMMITTEE AGENDA ITEM NO. 2.**

HOUSING AUTHORITY OF THE COUNTY OF ALAMEDA PERSONNEL COMMITTEE

RESOLUTION NO.: 02-22: APPROVING THE IMPLEMENTATION OF TELECONFERENCING REQUIREMENTS UNDER GOVERNMENT CODE

SECTION 54953 (e) (AB 361)

March 9, 2022

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4. This Resolution expires thirty (30) days after the date of its adoption only to the extent required by law. Otherwise, this Resolution shall remain in effect until repealed by the Personnel Committee or pursuant to action by the Personnel Committee.

**PASSED, APPROVED AND ADOPTED** by the Personnel Committee of the Housing Commission of the Housing Authority of the County of Alameda on this 9th day of March 2022 by the following vote:

**AYES:**

**NOES:**

**ABSTAIN:**

**EXCUSED:**

**ABSENT:**

**ATTEST:**

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Kurt Wiest  
Executive Director/Housing Commission Secretary

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Michael Hannon  
Personnel Committee Chairperson

**Adopted: March 9, 2022**

**PERSONNEL COMMITTEE**

**MEETING MINUTES**

**February 24, 2022**



**SUMMARY ACTION MINUTES**

**PERSONNEL COMMITTEE**

**Special Meeting: February 24, 2022**

**Meeting Time: 10:30 a.m.**

*Based on guidance provided by Centers for Disease Control Prevention, Alameda County Public Health officials and Governor Newsom’s Executive Orders, in-person meetings are suspended until further notice. This meeting was conducted via the Zoom video conference platform and by phone.*

**1. CALL TO ORDER / ROLL CALL**

**CALL TO ORDER:**

Chairperson Hannon called the meeting to order at 10:31 a.m.

**ROLL CALL:**

**Present:**

Chairperson Michael Hannon

Commissioner Mark Gerry

Commissioner Pete Ballew

Commissioner Yang Shao

Commissioner Angela Finley

**2. RESOLUTION NO. 01-22 APPROVING THE IMPLEMENTATION OF  
TELECONFERENCING REQUIREMENTS UNDER GOVERNMENT CODE SECTION  
54953(e) (AB361)**

Melissa Taesali, Executive Assistant, presented the staff report. Report received with no questions or comments from the Personnel Committee.

**Recommendation:** Adopt Resolution No. 01-22 approving the implementation of teleconferencing requirements under Government Code Section 54953(e) (AB361).

**Motion/Second:** Shao/Ballew

Upon a roll call vote being taken the votes were:

Ayes: Cmrs. Ballew, Finley, Gerry, Hannon, and Shao.

Motion passed. **APPROVED AS RECOMMENDED.**

**3. PUBLIC COMMENT**

*On matters not on the agenda.*

None.



**4. CLOSED SESSION**

*Public Employee Appeal (Leasing Services Leadworker)  
Pursuant to Government Code Section 54957*

The Personnel Committee entered into a closed session at 10:36 a.m. and reconvened in open session at 11:06 a.m. Audrey Beaman, Alameda County County Counsel, reported that no reportable actions were taken in the closed session.

**5-1. ACTION: APPEAL OF PERSONNEL ACTIONS**

**PERSONNEL RULE:  
15.1**

HACA employee Linda Morgan-Lyles filed an appeal with the Personnel Committee concerning the decision issued by Kurt Wiest, Executive Director, in response to Ms. Morgan-Lyles request for a reclassification of her Leasing Services Leadworker job classification. The Personnel Committee opened the hearing on the appeal and heard arguments from Ms. Morgan-Lyles legal counsel representing HACA management.

Commission Discussion: Cmr. Shao asked why the response to Morgan-Lyles’s request for a job reclassification took an extended amount of time. Mr. Wiest indicated that the delay was due to the impact of the COVID-19 public health crisis at that point in time.

**5-2. ACTION: PERSONNEL COMMITTEE ACTION ON APPEAL**

**PERSONNEL RULE:  
15.5**

After hearing the presentations from all parties, Chairperson Hannon reported that the Personnel would continue the matter for closed session deliberations and issue their decision at the next Personnel Committee meeting scheduled for March 9, 2022.

**6. ADJOURNMENT**

There being no further business to discuss the Personnel Committee meeting was adjourned at 11:36 a.m.

Respectfully submitted,

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Melissa Taesali  
Executive Assistant/Housing Commission Clerk

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Kurt Wiest  
Executive Director/Housing Commission Secretary

**Approved:**

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Michael Hannon  
Personnel Committee Chairperson

# **NEW BUSINESS**

**March 9, 2022**

**HOUSING AUTHORITY OF THE COUNTY OF ALAMEDA**

**PERSONNEL COMMITTEE AGENDA STATEMENT**

Meeting: March 9, 2022

Subject: HACA Executive Director Performance Evaluation Process

Exhibits Attached: Draft

Recommendation: Information only

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The Executive Director serves at the will and at the direction of the Alameda County Board of Supervisors and the Housing Commission. His contract for employment, which is now the general standard for such positions at public housing authorities and could be assumed to continue beyond his tenure with HACA, specifies that *“HACA, through its Housing Commission, its Personnel Committee or a designated ad hoc committee, shall use best efforts to undertake a performance evaluation on approximately an annual basis during the life of this Agreement. The Housing Commission may elect to make adjustments to compensation as a result of such evaluation.”*

Attached for your committee’s consideration, review, and input is a draft of a process for the Executive Director’s performance evaluation. This proposed procedure is intended to standardize the process for the Executive Director’s performance evaluations and calendar these assessments to correspond with HACA’s fiscal year (July 1 – June 30) to ensure that performance is consistently and regularly evaluated, feedback is given, and any adjustments to compensation as a result of these performance evaluations are given consideration.

This proposed performance evaluation process is tied to the development of the HACA fiscal year budget and a recommendation to develop and adopt annual agency-wide goals. The latter has not been done previous to nor during my short tenure but is a best practice for organizations and one that I think would keep the Housing Commission, the Executive Director, HACA staff, and those we serve in alignment with goals and objectives.

Your committee’s feedback is welcomed and staff would like to bring this process to the full Housing Commission at its April meeting with a goal to have a formal performance evaluation process in place by June when the agency budget is presented to the Housing Commission for approval. The Executive Director’s performance evaluation would commence in July and conclude in September this year and each year thereafter.

**HACA Executive Director Performance Evaluation Procedures (Draft)**

1. Members of the HACA Personal Committee (PC), led by the PC chair, have primary responsibility for the annual performance review of the Executive Director and report their findings to the Housing Commission no later than 3 months following the end of the HACA fiscal year.
2. The Executive Director delivers agency goals for the upcoming fiscal year to the Housing Commission as part of the annual budget review and approval process. These agency goals relate to HACA objectives during the upcoming fiscal year and are tied to resources allocated in the approved budget. The goals are reviewed and approved by the Housing Commission along with the annual budget in the June Housing Commission meeting.
3. In May the PC Chair reviews and makes any updates to the Executive Director's Performance Review forms.
4. In June the PC chair gives Self-Evaluation instructions to the Executive Director to complete.
5. The Executive Director delivers the completed Self-Evaluation to the PC chair prior to the July Housing Commission meeting.
6. The PC chair distributes a Feedback Form and a copy of the completed Self-Evaluation to all Housing Commissioners at the July Housing Commission meeting. Commissioners complete the Feedback Form independently of each other and email it to the PC Chair for compilation. The feedback shall be for the period of the recently passed performance year (July 1 to June 30).
7. The PC chair will share the compiled results with the Housing Commission and discuss language to use in writing the performance review. The PC chair and Housing Commission chair will complete a draft of the Performance Evaluation with help from the PC.
8. The Housing Commission shall discuss the draft Performance Evaluation in a closed session at the August Housing Commission meeting.
9. The Committee Chair will finalize the Performance Evaluation reflecting the consensus reached at the closed session in August and email it to the Executive Director.
10. Prior to the September Housing Commission meeting, the PC chair and Housing Commission chair will provide a final copy of the Performance Evaluation and discuss it with the Executive Director.
11. At the September Housing Commission meeting, the Executive Director and the Housing Commission will conclude the annual evaluation process. A brief confirmation that the evaluation has been concluded is all that is needed to be announced and documented in the minutes, unless it is necessary to have further discussion related to agency goals for the next year.
12. The Executive Director's compensation will be adjusted, if warranted by a determination of the Housing Commission, with an effective date of the beginning of the fiscal year following the review period.