



**PERSONNEL COMMITTEE MEETING AGENDA**  
**Special Meeting: April 13, 2022**  
**Time: 7:30 a.m.**

Due to the COVID-19 public health emergency and in accordance with guidance from local and public health officers, the Personnel Committee has made several changes to its meetings to protect the public’s health and prevent the disease and its variants from spreading in our communities. At this time, the Personnel Committee meetings are teleconferenced, and the public may observe and/or participate through the Zoom video conferencing platform and/or by phone:

**JOIN BY ZOOM:**

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

Meeting ID: 884 6009 5724

**JOIN BY PHONE:**

Dial: 1-888-788-0099

Meeting ID: 884 6009 5724

<b>MEETING AGENDA</b>			<b>PAGE</b>
<b>1. CALL TO ORDER / ROLL CALL</b>			
<b>2. RESOLUTION NO. 03-22 APPROVING THE IMPLEMENTATION OF TELECONFERENCING REQUIREMENTS UNDER GOVERNMENT CODE SECTION 54953(e) (AB361)</b>	<b>ACTION</b>		2
<b>3. PUBLIC COMMENT - On matters not on the agenda</b>			
The public may share their comments during the “Public Comment” period on the meeting agenda and these comments may be shared during the meeting in Zoom and/or by phone. The public may also submit written comment(s) to: <a href="mailto:melissat@haca.net">melissat@haca.net</a> . If the comment is on an item on the meeting agenda, please wait for the Chair to call for public comment on that agenda item. If submitting a written comment on an item on the meeting agenda, please include in the email your full name and the agenda item number. There is a time limit of 3 minutes for each public speaker. The Chair has the discretion to further limit this time if warranted by the number of public speakers.			
<b>4. MINUTES OF THE MARCH 9, 2022 PERSONNEL COMMITTEE MEETING</b>	<b>ACTION</b>		7
<b>5. NEW BUSINESS</b>			<b>PAGE</b>
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<b>6. ADJOURNMENT</b>			

**TELECONFERENCING REQUIREMENTS**

**RESOLUTION NO. 03-22**

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

**HOUSING AUTHORITY OF THE COUNTY OF ALAMEDA**

**AGENDA STATEMENT**

Meeting: April 13, 2022

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

Exhibits Attached: Resolution No. 03-22

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 took part 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 sent 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 continue with the rest of the regular agenda.

**HOUSING AUTHORITY OF THE COUNTY OF ALAMEDA**

**PERSONNEL COMMITTEE RESOLUTION NO.: 03-22**

**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)

HOUSING AUTHORITY OF THE COUNTY OF ALAMEDA PERSONNEL COMMITTEE  
RESOLUTION NO.: 03-22: APPROVING THE IMPLEMENTATION OF TELECONFERENCING REQUIREMENTS UNDER GOVERNMENT CODE  
SECTION 54953 (e) (AB 361)  
April 13, 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 13th day of April 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:** April 13, 2022

**PERSONNEL COMMITTEE**  
**MEETING MINUTES**  
**March 9, 2022**



**SUMMARY ACTION MINUTES**

**PERSONNEL COMMITTEE**

**Special Meeting: March 9, 2022**

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

*Due to the COVID-19 public health emergency and in accordance with guidance from local and public health officers, 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 7:18 a.m.

**ROLL CALL:**

**Present:**

Commissioner Pete Ballew

Chairperson Michael Hannon

Commissioner Angela Finley

Commissioner Yang Shao

Commissioner Mark Gerry

**2. RESOLUTION NO. 02-22 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. 02-22 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. MINUTES OF THE FEBRUARY 24, 2022 PERSONNEL COMMITTEE MEETING**

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Recommendation: Approve the minutes of the February 24, 2022 Personnel Committee meeting as presented.

Motion/Second: Ballew/Shao.

Ayes: C Mrs. Ballew, Finley, Gerry, Hannon, and Shao.

Motion passed. **APPROVED AS RECOMMENDED.**

**5. CLOSED SESSION**

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*Public Employee Appeal (Leasing Services Leadworker)*

*Pursuant to Government Code Section 54957*

The Personnel Committee entered into a closed session at 7:21 a.m.

Audrey Beaman, Alameda County Counsel, reported out the Closed Session and on the post hearing Closed Session which occurred on February 24, 2022. Ms. Beaman reported that the Personnel Committee denied the appeal brought forth by HACA employee, Linda Morgan-Lyles, seeking reclassification of the Leasing Services Leadworker classification.

**6. RECONVENE IN OPEN SESSION**

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The Personnel Committee reconvened in open session at 7:33 a.m.

Audrey Beaman, Alameda County Counsel, reported out the Closed Session and on the post hearing Closed Session which occurred on February 24, 2022. Ms. Beaman reported that the Personnel Committee denied the appeal brought forth by HACA employee, Linda Morgan-Lyles, seeking reclassification of the Leasing Services Leadworker classification.

**7-1. INFORMATION: DRAFT EXECUTIVE DIRECTOR PERFORMANCE EVALUATION PROCESS**

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**PERSONNEL RULE:  
N/A**

Kurt Wiest, Executive Director, presented the staff report. Mr. Wiest reported that staff is proposing to develop a process for the Executive Director's evaluation. He explained that this proposed process is intended to standardize the process for the Executive Director's evaluation and to calendar the evaluation to align with HACA' July 1 - June 30 fiscal year. Mr. Wiest also indicated that the proposed process would be tied to the development of HACA's fiscal year budget and the annual agency-wide goals.

Commission Discussion: Chairperson Hannon and Mr. Wiest discussed the term of Mr. Wiest's current employment contract and the possibility to extend his contract if Mr. Wiest and/or the Commission so desires. Chairperson Hannon commented that Mr. Wiest is doing an excellent job. Cmr. Shao thanked Mr. Wiest for developing a process and commented that it is important to conduct these evaluations timely and consistently. Cmr. Ballew recommended that the evaluation is targeted for a specific date each year. Cmr. Ballew commented that there may instance when a commissioner may be serving as both the Housing Commission and Personnel Committee chair and recommended that staff add language to allow the Housing Commission chair to designate other members of the board to participate in the process. Chairperson Hannon suggested that if there a change in either the Personnel Committee Chair or the Housing Commission Chair that these commissioners who should also be included in the process for the purposes of a seamless transition and continuity. Chairperson Hannon and Mr. Wiest discussed the timing for goal setting. Mr. Wiest indicated that a draft budget will be presented to the Budget/Audit/Negotiations (BAN) Committee sometime in May and that he'd like to have the draft of the proposed goal ready by that time.

**8. ADJOURNMENT**

There being no further business to discuss the Personnel Committee meeting was adjourned at 7:48 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**

**April 13, 2022**

**HOUSING AUTHORITY OF THE COUNTY OF ALAMEDA**

**PERSONNEL COMMITTEE AGENDA STATEMENT**

Meeting: April 13, 2022

Subject: Executive Director Report

Exhibits Attached: None

Recommendation: Information only

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**DISCUSSION**

A question was posed at the Committee's March 9 meeting regarding internal or administrative levels of appeal for matters appealed to the Personnel Committee. Staff sought legal counsel on this question and counsel advised that the personnel rules do not provide for further internal or administrative levels of appeal. Therefore, the Personnel Committee's decision on appeals is final. Any other remedy available to the employee would be through an action filed with the court.

**HOUSING AUTHORITY OF THE COUNTY OF ALAMEDA**

**PERSONNEL COMMITTEE AGENDA STATEMENT**

Meeting: April 13, 2022

Subject: Authorization to cancel eligibility list for the Human Resources Manager classification

Exhibits Attached:       - Human Resources Manager Eligibility List  
                                  - HACA Personnel Rule Article 8, Section 8.4 (E)(1)

Recommendation: Cancel the existing eligibility list for the Human Resources Manager classification

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**DISCUSSION**

Article 8 of HACA Personnel Rules outlines policies for employment lists and certification following the recruitment process. Specifically, Section 8.4 (E)(1) states that the duration of eligibility lists is one year, unless the list is canceled or extended by the Personnel Committee.

As the Personnel Committee is aware, HACA previously conducted a recruitment for the Human Resources Manager, and an eligibility list (attached) was approved by the Executive Director on January 11, 2022. There are currently two remaining candidates on the eligibility list, ranked #3 and #4. The candidate ranked #1 indicated they were no longer available prior to the second interview, and the candidate ranked #2 was hired but later released from probation.

At this time, HACA is requesting that the Personnel Committee cancel the existing eligibility list to complete a new recruitment to fill this critical management position. The cancellation of the eligibility list will allow the opportunity to expand the pool of potential candidates to fill the Human Resources Manager position.




HOUSING AUTHORITY OF THE COUNTY OF ALAMEDA

<b>RESULTS OF EXAM:</b>	<b>ELIGIBILITY LIST</b>
<b>CLASSIFICATION:</b>	<b>Human Resources Manager</b>
<b>Date Approved:</b>	<b>January 11, 2022</b>

<b>CANDIDATE</b>	<b>RANK</b>	<b>SCORE</b>	<b>CERTIFIED (HR only)</b>	<b>NOTES (HR only)</b>
[REDACTED]	1	90.0		
[REDACTED]	2	85.3		
[REDACTED]	3	75.3		Internal
[REDACTED]	4	73.0		

Approved By:

<b>EXECUTIVE DIRECTOR</b>
 _____ Kurt Wiast
Date: January 11, 2022

*List Expires: January 11, 2023*

**Article 8**  
**EMPLOYMENT LISTS AND CERTIFICATION**

**Section 8.1**            **ESTABLISHING ELIGIBILITY LISTS**

A. The Personnel Committee of the Housing Commission shall approve the results of all competitive examinations with the exception of the Executive Director. Once the results are approved, the Personnel Committee shall promulgate the resulting eligibility list.

**B. Order of Names on Eligibility Lists**

The names of successful candidates shall be placed on the open or promotional eligibility list in the order of their total score and ranking resulting from the examination.

**C. Resolving Ties**

If two or more candidates attain the same total score in an examination, the tie shall be resolved according to the following factors:

- Housing Authority employee competing for promotion
- Greatest seniority in Housing Authority service
- Highest rating in the most heavily weighted portion of the examination
- Highest rating in the subject matter portion of the examination
- Chronological order of filing applications

In breaking a tie, the above factors shall be applied in the order listed. If a factor is not relevant to a particular tie, then the next factor shall be considered until the tie is broken.

**Section 8.2**            **TYPES OF ELIGIBILITY LISTS**

**A. Open and Promotional Eligibility Lists**

For each open or promotional examination, the Personnel Committee shall promulgate an eligibility list for the classification for which the examination took place. Open and promotional eligibility lists are the result of competitive examinations.

**B. Preferred Lists**

1. Preferred lists shall consist of the names of former Housing Authority employees who were involuntarily separated from the classification by a reduction in force or layoff. The names of those individuals shall be ranked in order of total Housing Authority service. Employees who held tenure in the class shall have priority over employees who did not complete the probationary period for that classification. Preferred lists shall be maintained by classification.

2. Acceptance of an appointment from a preferred list to the classification from which the employee was laid off or from which the employee accepted demotion will result in the employee's name being removed from all other preferred lists.
3. Acceptance of an appointment from a preferred list to a classification other than the one from which the person was laid off or from which the employee accepted demotion will result in the employee's name being removed from all other preferred lists for classifications of equal or lower salary level except the preferred list for the classification from which the person was laid off or demoted.
4. When more than one preferred list exists due to multiple layoffs, the lists shall be combined for each classification with employees on the lists being ranked in order of total Housing Authority service. Total Housing Authority service shall be determined as of the effective date of layoff or demotion.
5. Employees who are laid off may request that the Personnel Officer have their name placed on preferred lists for other classifications in which they previously held tenure.

**C. Alternative Lists**

If a vacancy exists for a classification for which there is no eligibility list, the Executive Director or their designee may allow certification from an eligibility list for a related class for which the minimum qualifications are similar to or higher than those required for the classification in which the vacancy exists. An appointment from an alternative list for a higher class shall not remove the name of the appointee from such list.

**D. Priority of Lists**

Eligibility lists shall be used to fill vacancies in the following order of priority:

- Preferred lists
- Promotional lists
- Open eligible lists

**E. Duration of Lists**

1. The life of open and promotional eligibility lists shall be for one year from the date of promulgation unless a list is canceled or extended by the Personnel Committee.
2. The life of preferred lists shall be for three years, unless such time is extended by the Personnel Committee. Refusal to accept reemployment when offered shall be cause for removal from a preferred list.

**F. Extension of Eligibility for Service Induction**

1. Individuals who are on an eligibility list at the time they are inducted into the Armed Forces of the United States may have their eligibility status extended, provided that they request the extension in writing. The request for extension shall be made not later than ninety (90) days after termination of military service.



2. Appropriate evidence of an honorable discharge from military service will be required.
3. A candidate whose eligibility has been extended shall retain their relative position according to their overall score and ranking on the eligibility list.

**G. Removal of Names From an Eligibility List**

Names on an eligibility list may be removed or withheld from certification for any of the following reasons:

- Acceptance of a regular appointment;
- Acceptance of a regular appointment from a list for another classification at the same or higher salary;
- Failure to respond to written communication as required;
- Refusal of two offers of regular appointment;
- Failure to report to work on the date agreed upon at the time of appointment;
- Upon written request from that the candidate's name be withdrawn.

**Section 8.3            CERTIFICATION**

**A. Availability For Certification**

Availability of a candidate for certification for appointment shall be provided by the candidate by completing the Availability of Applicants on Eligibility List for Certification Form and returning the form to the Human Resources department.

- B. When a candidate indicates on the Certification Form that they are not available for employment, their names shall be withheld from certification on the eligibility list.
- C. Whenever a position is to be filled from a preferred list, the name of the candidate who ranks first on the list shall be certified and the hiring manager shall re-employ that candidate.

**D. Number of Names to be Certified**

1. The Personnel Officer shall certify as many names as requested by the hiring manager but not less than the first three (3) candidates on the eligibility list who have indicated that they are available for appointment pursuant to Section 8.3.A. above regarding availability for certification.
2. When a promotional list has less than three names on it, the Personnel Officer may certify 2 additional names from the open eligibility list for the same classification if one exists.
3. When the promotional list has three or more names on it, additional certification from the open eligibility list shall only take place by direction from the Executive Director or their designee.

4. When there are fewer than three (3) names available for certification, the Executive Director or their designee may elect to appoint from the names available or they may disregard those names and request an authorization for a provisional appointment.
5. Once the names of all available candidates have been certified on an eligibility list, the hiring manager may use the rule of the list and appoint any certified candidate from the eligibility list.

**E. Notice of Certification**

1. A notice of certification shall be sent by U.S. mail to the most recent address known for each candidate certified.
2. The candidate shall clearly indicate in the space provided on the Availability of Applicants on Eligibility List for Certification Form whether or not they are available for a second interview, available for employment or no longer interested in employment. The form shall be signed by the candidate and returned to the Personnel Officer within five (5) days from the date on the form.
3. Whenever a candidate changes their address, it shall be their responsibility to notify the Human Resources Office of their new address.
4. When a candidate fails to respond to the Availability of Applicants on Eligibility List for Certification Form or to any other communication requiring an answer, their name shall be withheld from certification.
5. A failure to respond to the Availability of Applicants on Eligibility List for Certification Form for any reason shall be considered to be a refusal of appointment to the position to which the candidate was to be certified.

**F. Two Refusals of Appointment**

When a candidate refuses two offers of appointment from an eligibility list, their name shall be moved to the last place on the list.

**G. Candidate's Request to be Withheld From Certification**

1. A candidate may provide written notification to the Housing Authority that they desire to have their name be withheld from certification. Upon receipt of such request, the name of the candidate will remain inactive on the eligibility list from which it is being withheld.
2. The names of candidates that have been withheld from certification voluntarily may be restored to active status on the eligibility list from which they were withheld. The candidate's name shall be restored to active status upon receipt by the Human

Resources Office of a written request from the candidate to have their certification status restored.

3. When the request is to restore a name to a list on which there are fewer than three available eligibles, restoration to active status shall be on order of the Personnel Committee only.

#### **H. Separated Housing Authority Employees**

1. Names of candidates who have left the employment of the Housing Authority shall be withheld from certification from any promotional eligibility list.
2. If that candidate has been given preferential points for internal Housing Authority service on any open eligibility list, those points shall be subtracted from the overall score and their name moved to the position in accordance with their rank before such preferential points were added.

#### **I. Cancellation of Certification**

If the Executive Director or their designee decides not to fill a vacant position after the certification of candidates has occurred, the certification or names may be cancelled.

#### **J. Objection to Certified Candidate**

The Personnel Officer may object to a candidate's certification if there is information establishing that there are grounds for disqualification. If grounds are established, the Executive Director or their designee may order the withdrawal from certification the name of the candidate found not to be qualified and certify an additional name. Determination as to whether the name of the candidate is removed from certification shall be at the discretion of the Executive Director.

#### **K. Completion of Certification Form**

The Executive Director shall sign the certification forms completed by candidates on an eligibility list and return the forms to the Human Resources Office. The hiring manager is then able to proceed with further examination steps such as a second interview and/or assessment testing.