

Laguna Beach Unified School District

Board of Education Minutes of Regular Meeting July 16, 2019

Call to Order

The Regular Meeting of the Board of Education was called to order at 5:00 p.m., at the Central Offices for Laguna Beach Unified, 550 Blumont, Laguna Beach, California.

Roll Call to Establish Quorum

Quorum was established.

Members Present: Jan Vickers
 Carol Normandin
 Peggy Wolff
 Dee Perry
 Jim Kelly

Public Comment on Closed Session Items

None.

Adjourn to Closed Session

Member Kelly moved to adjourn to Closed Session. Member Normandin seconded. Motion carried 5-0. Members Vickers, Normandin, Wolff, Perry, and Kelly voted yes to adjourn to Closed Session at 5:00 p.m. President Vickers announced item 4.A. would be pulled from the agenda. Item 4.B. was discussed in Closed Session.

A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION – SIGNIFICANT EXPOSURE TO LITIGATION PURSUANT TO PARAGRAPH (2) OR (3) OF SUBDIVISION (D) OF GOVERNMENT CODE 54956.9

One Potential Case (PULLED FROM DISCUSSION)

B. PUBLIC EMPLOYMENT

Government Code §54957

Title: Deputy Superintendent

Member Normandin moved to adjourn from Closed Session. Member Wolff seconded.

Motion carried 5-0. Members Vickers, Normandin, Wolff, Perry, and Kelly voted yes to adjourn to from Closed Session at 5:32 p.m.

Present at Board Meeting

Members Present: Jan Vickers
Carol Normandin
Peggy Wolff
Dee Perry
Jim Kelly

Employee Group
Representatives: Sara Hopper, President, LaBUFA

Staff: Jason Vilorio, Ed.D., Superintendent
Jeff Dixon, Assistant Superintendent, Business Services
Leisa Winston, Assistant Superintendent, Human Resources/Public
Communications
Victoria Webber, Executive Assistant
Anakaren Ureno, Communications Specialist
Michael Keller, Director, Social Emotional Support
Chad Mabery, Director, Assessment & Accountability
Irene White, Director, Special Education
Ryan Zajda, Director, Facilities
Chris Duddy, Principal, El Morro Elementary
Mike Conlon, Principal, Top of the World Elementary
Jenny Salberg, Principal, Thurston Middle School

Pledge of Allegiance

President Vickers invited Member Normandin to lead the Board, staff, and members of the audience in reciting The Pledge of Allegiance to the Flag of the United States of America.

Report of Closed Session Action

President Vickers stated there is no action to report out of closed session.

As I announced prior to the closed session, Item 4A of the agenda was pulled. I made this decision earlier this afternoon, for the following reasons.

The District recently received a letter from a lawyer representing Board Member Perry, threatening litigation that would seek monetary damages for Ms. Perry, and asking to meet and confer about the claims. Item 4A on the closed session agenda was intended to allow the Board to discuss, with legal counsel, the claims made by Ms. Perry's lawyer and her meet and confer request.

Legal opinions from the California Attorney General and the Fair Political Practices Commission confirm that when a member of a board or counsel is also a claimant or plaintiff in litigation seeking damages against the entity that employs them, that member has a conflict of interest and cannot participate in decisions related to the claim or litigation. Also, an entity cannot maintain attorney-client privilege if it confers with legal counsel and the individual threatening to sue the entity is a part of the conversation.

Over the past few days I have asked Member Perry several times whether she intends to recuse herself from discussion and deliberation on Item 4A, and she has refused to confirm that she will recuse herself, and has indicated that she does not intend to do so. Rather than expend legal fees for the attendance of District counsel, this afternoon I informed him that he does not need to attend. I also asked him, based on the authority of the Board President under Board Bylaw 9124, to confer with Member Perry's counsel to see if an agreement can be reached regarding Member Perry's involvement in confidential discussions related to litigation she has threatened against the District.

Adoption of Agenda

Public Comment: None

Member Normandin moved to adopt the agenda. Member Wolff seconded.

Discussion: None

Motion carried 5-0. Members Vickers, Normandin, Wolff, Perry, and Kelly voted yes to adopt the agenda.

Recognitions

None.

Public Comment (Non- Agenda Items)

Pauline Stauder addressed the Board regarding the Orange County Public Health Care Agency Alcohol and Drug Education Prevention Team (ADEPT).

The following people addressed the Board regarding potential legal action involving Dee Perry and the District. Comments included support for Dee Perry, as well as lack of support for other Board members and administration, and the cost of the law suit

Michele Monda	India Hynes
Karen Nelson	Turae Fazio
Debby Bowes	Jennifer Zeiter
Christopher Kling	David Flores
Sheri Morgan	Anonymous speaker
Jennifer Kinnier	Ann Morreale

Reports

LaBUFA Representative – Sara Hopper, LaBUFA President

- Mrs. Hopper commented on the resignation of Dr. Odipo.
- Commented that the proposed restructuring may help with continuity of initiatives.

CSEA Representative – Unable to attend

Board Members

Board members reported as follows:

Member Kelly

- No report

Member Perry

- No report

Member Wolff

- No report

Member Normandin

- Commented that the Board has not held a sub-committee meeting
- Member Perry never nominated herself to be president, nor did any other Board member
- The case filed against Mark Bresee was upheld/ dismissed due to lack of merit
- All personnel discussions are held in Closed Session
- The Board could not discuss the potential lawsuit regarding Member Perry because she did not recuse herself; she has a conflict so she needs to recuse herself
- Even if Member Perry does not receive confidential information in the two narrow areas stated previously, she still has a vote and has her voice

President Vickers

- No report

Superintendent Vilorio

- No report

Cabinet

Leisa Winston, Assistant Superintendent, Human Resources and Public Communications

- No report

Jeff Dixon, Assistant Superintendent, Business Services

- Provided an update on summer facilities work taking place

CONSENT CALENDAR

President Vickers pulled items 12.a.i, 12.a.ii, 12.a.iii. to be voted on separately.

Public Comment: Jennifer Zeiter addressed the Board regarding the Board's process in reviewing and approving Board items.

Member Normandin moved approval of items b – k. Member Wolff seconded.

Public Comment: Jennifer Zeiter commented her rights have been violated for not being allowed to speak to each item on the consent calendar individually. Ms. Zeiter asked to hear the staff report for item b, personnel report.

Discussion:

- a. ~~Approval of Minutes~~
 - i. ~~July 1, 2019 Special Meeting Minutes~~
 - ii. ~~June 27, 2019 Special Meeting Minutes~~
 - iii. ~~June 25, 2019 Regular Meeting Minutes~~
- b. Approval/Ratification of Personnel Report
- c. Approval Conference/Workshops – Superintendent and Board
- d. Approval of Student Field Trips
- e. Approval of Agreements for Contracted Services – Special Education
- f. Approval of Agreements for Contracted Services – Technology Services
- g. Approval of Gifts – Checks Totaling \$213,650.14
- h. Approval/Ratification of Certificated Payroll 12A in the Amount of \$2,330,360.73
Approval/Ratification of Classified Payroll 12B in the Amount of \$797,008.83
Approval/Ratification of Classified Payroll 12C in the Amount of \$77,497.27
- i. Approval/Ratification of Warrants #398165 through #398369 in the amount of \$1,464,672.25 Dates: 06/17/2019 through 07/03/2019
- j. Approval of Renewal of Contract with File Keepers, LLC, to Perform Document Scanning, Conversion, and Shredding Services Per the Unit Cost Fee Schedule in an Amount Not-to-Exceed \$30,000 for Fiscal Year 2019-2020
- k. Approval of Agreement with Concordia University, Irvine, for Student Teaching for the Term of August 1, 2019 through December 31, 2022.

Pulled and voted on separately.

Motion carried 4-1. Members Vickers, Normandin, Wolff, and Kelly voted yes. Member Perry voted no.

President Vickers provided the opportunity for Member Perry to pull any individual items that she wanted to. She stated she did not want to pull any items.

Member Normandin moved to approve item 12. a.i, July 1, 2019, Special Board Meeting.
Member Wolff seconded.

Public Comment: None

Board Comments: Member Perry requested the minutes be amended to remove the word vacation from her absence. The Board concurred it would be revised and noted as absent only.

Motion carried 4-1. Members Vickers, Normandin, Wolff, and Kelly voted yes. Member Perry abstained.

Member Normandin moved to approve item 12. a.ii, June 27, 2019, Special Board Meeting Minutes. Member Wolff seconded.

Public Comment: None

Board Comments: Member Perry requested the minutes be amended to remove the word vacation from her absence. The Board concurred it would be revised and noted as absent only.

Motion carried 4-1. Members Vickers, Normandin, Wolff, and Kelly voted yes. Member Perry abstained.

Member Normandin moved to approve item 12. a.iii, June 25, 2019, Regular Board Meeting Minutes. Member Wolff seconded.

Public Comment: Jennifer Zeiter stated the Board is spending too little time in reviewing and approving items.

Board Comments: Member Perry requested the minutes be amended to remove the word vacation from her absence. The Board concurred it would be revised and noted as absent only.

Motion carried 4-1. Members Vickers, Normandin, Wolff, and Kelly voted yes. Member Perry abstained.

The Board recessed for a 10 minute break.

INFORMATION ITEMS

Fourth Quarter Report of Uniform Complaints for the Williams Case Settlement

Public Comment: None

Mrs. Winston stated there were no complaints filed for the fourth quarter.

Discussion Regarding Retaining Services of AGI Aspen Group International LLC, to Direct and Facilitate a Complete Coherent Government Project with the Board of Education

Public Comment: None

Member Kelly supports moving forward with a contract for The Aspen Group to help the Board with governance.

Member Normandin agrees.

Member Wolff likes the idea; however she raised concerns regarding costs and timing. She would like to attend the October training that is being offered offsite.

President Vickers raised concerns regarding the costs, timing, and commitment. President Vickers would prefer to wait until any pending litigation is resolved. The October training is a good option.

Member Perry stated she spoke with the trainer during break regarding advice on speaking with a lawyer.

Discussion was held regarding options.

The Board reached consensus to have staff review potential dates.

ACTION ITEMS

Approval of Declaration of Need for Fully Qualified Educators for the 2018-2019 School Year

Mrs. Winston stated the Board approved this item on May 28, 2019 in consent/action. Staff has since learned that the requirements for approval have changed and the declaration of need must be approved as a stand-alone action item.

Public Comment: None

Board Member Questions: None

Member Kelly moved approval. Member Normandin seconded.

Motion carried 5-0. Members Vickers, Normandin, Wolff, Perry, and Kelly voted yes.

Approval of Declaration of Need for Fully Qualified Educators for the 2019-2020 School Year

Mrs. Winston stated the Board approved this item on May 28, 2019 in consent/action. Staff has since learned that the requirements for approval have changed and the declaration of need must be approved as a stand-alone action item.

Public Comment: None

Board Member Questions: None

Member Kelly moved approval. Member Normandin seconded.

Board Discussion: Board members confirmed that this will be the new standard moving forward.

Motion carried 5-0. Members Vickers, Normandin, Wolff, Perry, and Kelly voted yes.

Approval of the Fourth Amendment of the Joint Powers Agreement with College and Career Advantage

Mr. Dixon introduced the item.

Public Comment: None

Board Member Questions: None

Member Wolff moved approval. Member Normandin seconded.

Board Discussion: President Vickers stated page 4 through 7 of the agreement outlines the changes.

Motion carried 5-0. Members Vickers, Normandin, Wolff, Perry, and Kelly voted yes.

Approval Personnel Reimbursement Agreement between the Orange County Superintendent of Schools and the Laguna Beach Unified School District

Dr. Vioria introduced the item.

Public Comment: None

Board Member Questions: Board Members inquired about indirect costs.

Member Kelly moved approval. Member Normandin seconded.

Board Discussion was held regarding auditory testing.

Motion carried 5-0. Members Vickers, Normandin, Wolff, Perry, and Kelly voted yes.

Approval of Resolution Number 19-04: Cooperative Grant Between the Laguna Beach Unified School District and the Department of Rehabilitation to Provide Vocational Rehabilitation Services Through a Transition Partnership Project (TPP)

Dr. Vioria introduced the item. This is a regular partnership and the grant will go through June 3, 2022.

Public Comment: None

Board Member Questions: Board Members inquired about indirect costs.

Member Kelly moved approval. Member Normandin seconded.

Board Discussion was held regarding the work done over the summer. The grant amount is spread over three years.

Motion carried 5-0. Members Vickers, Normandin, Wolff, Perry, and Kelly voted yes.

Approval of Job Description and Position of Deputy Superintendent, Human Resources and Instructional Services

Dr. Vioria stated he believed approval of this position is in the best interest of the district and the community.

Public Comment: None

Board Member Questions: Board Members asked for detailed comments on how curriculum and instruction would be handled and what the differences in the proposed directors' position would be.

Member Kelly moved approval. Member Normandin seconded.

Board Discussion was held regarding their appreciation for staff reviewing the positions and the districts needs and maximizing the talent within the district.

Motion carried 5-0. Members Vickers, Normandin, Wolff, Perry, and Kelly voted yes.

Approval of Amended Employment Contract for the Deputy Superintendent, Human Resources and Instructional Services

Dr. Vilorio stated the amended contract reflects the new title.

Public Comment: None

Board Member Questions: Board Members clarified there is no fiscal impact.

Member Normandin moved approval. Member Wolff seconded.

Motion carried 5-0. Members Vickers, Normandin, Wolff, Perry, and Kelly voted yes.

Approval of Job Description and Position of Director, Human Resources

Mrs. Winston Stated this position would be responsible for the day-to-day management of human resources.

Public Comment: None

Member Normandin moved approval. Member Wolff seconded.

Board members clarified this reflects a cost savings.

Motion carried 5-0. Members Vickers, Normandin, Wolff, Perry, and Kelly voted yes.

Approval of Job Description Revisions and Reclassification of Executive Assistant Position from Confidential to Classified Management

Mrs. Winston introduced the item. The job description has been revised to include more management Board operation functions. The position is currently non-exempt and eligible for overtime, which would no longer be the case if reclassified. The qualifications have also been adjusted to require a bachelors' degree.

Board members suggested removing the word clerical from degree options and asked who initiated the request for reclassification. Dr. Vilorio stated he did.

Board Member Requests for Items for Future Meetings and Board Member Requests for Information

Public Comment: None

Member Kelly asked for:

- Update on filming meetings.
- Is there a way to turn off filming when the 3 minute speaking time is up and people continue to talk?
- Report on pension obligations
- Ask City Manager about part-time officers rotating around each school site

Member Perry asked for an update on One-On-Campus.

Member Wolff asked for:

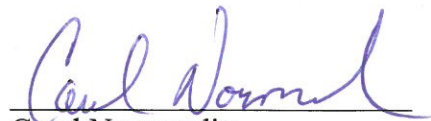
- Update on filming meetings
- Ask SRO to attend meetings What are remedies are available when there is not orderliness at meetings

Adjournment

Member Normandin moved to adjourn. Member Wolff seconded.

The next regular Board meeting is scheduled for August 13, 2019.

Motion carried 5-0. Members Vickers, Normandin, Wolff, and Kelly voted yes to adjourn the meeting. The meeting adjourned at 7:51 p.m.



Carol Normandin
Clerk of the Board
August 13, 2019