

LBUSD RESOLUTION 19-01

CREATING BOARD SUBCOMMITTEE ON CONFIDENTIAL MATTERS

June 11, 2019

WHEREAS, in recent months the District has received numerous requests under the California Public Records Act (CPRA); and

WHEREAS, some of these requests have necessitated searches of the District's email archives, in an effort to meet the legal obligations to conduct reasonably diligent searches for records responsive to requests and to disclose records not subject to an exemption from public disclosure; and

WHEREAS, one of these searches revealed that Board Member Dee Perry forwarded an attorney-client privileged email, which conveyed legal advice and also included a reiteration of confidential information disclosed in closed session, to an individual who is not authorized to receive privileged and confidential information; and

WHEREAS, the email described above was forwarded from Member Perry's District email account to her personal email account, prior to it being forwarded from her District email account to the individual not authorized to receive it, and the CPRA searches revealed numerous other instances of Member Perry forwarding emails from her District email account to a personal email account, thus raising concerns about other potential confidentiality breaches; and

WHEREAS, the Board, with input and advice from counsel, wishes to implement a means of protecting information that is confidential under the law when it has a good faith belief that confidentiality, and therefore the interests of the District, may be compromised by consideration by the full Board.

NOW, THEREFORE, the Governing Board of the Laguna Beach Unified School District hereby finds, determines, declares and resolves as follows:

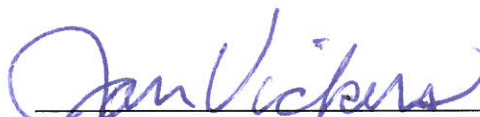
1. The Board hereby creates the Board Subcommittee on Confidential Matters ("Subcommittee").
2. The Subcommittee shall exist for a period of one (1) year from the date of this Resolution, unless extended or terminated by a majority vote of the Board.
3. The Subcommittee consists of all members of the Board except Member Dee Perry.
4. The Subcommittee, because it consists of a majority of members of the Board and because it is created by formal action adopting this Resolution, is subject to and shall comply with the Brown Act.

5. The Board delegates to the Subcommittee all authority of the Board with respect to matters which may be placed on an agenda pursuant to Government Code § 54956.9 or 54957 where, in the sole discretion and opinion of the of the Board, confidentiality concerns necessitate a delegation of the matter to the Subcommittee. This delegation of authority includes but is not limited to the authority to take actions related to litigation, pending or anticipated, and personnel actions that are authorized to be taken in closed session.

6. The adoption of this Resolution does not require that any particular matter be delegated to the Subcommittee, but rather authorizes such delegation when the Board has a good faith belief that confidentiality, and therefore the interests of the District, may be compromised by consideration by the full Board.

PASSED AND ADOPTED on June 11, 2019, by the following vote:

AYES:	4	Vickers, Normandin, Wolff, Kelly
NOES:	1	Perry
ABSENT:	0	
ABSTAINED:	0	



Jan Vickers
Board President
June 11, 2019