

MINUTES
 SPECIAL MEETING OF THE BOARD OF TRUSTEES
 THURSDAY, MARCH 23, 2023, 9:00 A.M.
Oakdale Joint Unified School District
Technology & Staff Development Center
 331 Hinkley Avenue, Oakdale, CA

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| CALL TO ORDER | 1.1 | The meeting was called to order at 9:05 A.M. by Board President Tina Shatswell. |
| TRUSTEES PRESENT | 1.2 | Bill Duvall, Diane Gilbert, Clayton Schemper, Tina Shatswell, and student Board Member Jessica Birchall. |
| TRUSTEES ABSENT | 1.3 | None |
| PLEDGE | | Student Board Member Jessica Birchall led the pledge of allegiance. |
| PUBLIC COMMENTS ON AGENDA ITEMS | 2.0 | Board President Shatswell explained that originally this meeting was going to be scheduled strictly to discuss our process of hiring a new Superintendent. Since the election was a tie, that is why the resolution to determine the method to break the tie is on this agenda. The tie won't be broken today. This is just the process of what we need to do in order to move forward. |
| KATIE ROGERS | | <p>Katie Rogers extended congratulations to Board Members Schemper and Duvall and thanked them for serving the community. She addressed the Board regarding clarification of why Item 4.1 was part of Closed Session.</p> <p>Board President Shatswell asked if she was aware of the Superintendent's announcement of his resignation. Ms. Rogers confirmed she is aware. Ms. Shatswell explained that all that is, is that the Board is going through the process of hiring a new Superintendent. She stated this is the Board's only hire, that is why it is stated that way. There are several options that the Board has to discuss, and that will be reported out. The discussion of the resignation is an employee situation; that is a Closed Session item. Everything will be reported out of the process they choose. She stated it was a surprise to the Board, so they are having a discussion regarding that employee; he is still an employee.</p> <p>Ms. Rogers stated she is confused about how discussion of a future process is a closed session item. Will you immediately appoint someone? Will you go out? She doesn't think that legally qualified for a closed session.</p> <p>Board President Shatswell stated the Board can talk in closed session about a resignation; they we will discuss the future process of how we will replace that employee. Ms. Rogers disagreed. It was noted the agenda was reviewed by legal counsel and determined appropriate.</p> |
| APPROVE RESOLUTION #22-23-14, METHOD TO RESOLVE TRUSTEE AREA 2 ELECTION TIE | 3.0 | Board President Shatswell stated that it was a surprise to everyone that it was a tie. The reason we asked for an election was to let the community choose and be the fairest way. This is now what we are faced with. Ms. Shatswell read the resolution. |

Student Board Member Birchall asked what the options were before we had to have an election. It was explained that we could have appointed someone who had applied, but the Board decided to go through an election process.

Board President Shatswell noted that the Board took a lot of flak, people were furious because we spent money on an election because we thought it was the most fair process. She also noted this is 1.5-year term; it is a very shortened time. It could take a lot of time and money to go back to a runoff election, and she doesn't feel it is fiscally responsible. None of those are great resolutions that it's come down to that. They are both great community members, they have shown their interest, and it makes her sad that we are at this point.

Board President Shatswell stated that if we do the card draw, to make this fair, we'd take a sealed deck of cards to the Board meeting, the deck would be opened and jokers removed, each candidate may shuffle the deck of cards themselves, and they would each pick a card. She feels that is the fairest way to do it.

Board Member Gilbert would have preferred to let SCOE handle it, to have it be totally outside of Oakdale, but apparently this process needs to be done in one of our meetings, in open session, where it can be observed. She doesn't want anyone up here touching anything. We properly made the decision to hold an election so it was the fairest possible process. That hasn't changed. We want to be fair and transparent. We only have these options.

Board Member Gilbert was interested in knowing whether the candidates have a preference in how the tie is broken. In communicating the special board agenda and resolution to both candidates, both thanked Ms. Galvan-Benbow for the information but did not state a preferred method for breaking the tie. Ms. Taylor is currently out of town, and Mr. Kjeldgaard was at work, but Mr. Kjeldgaard's wife was in the audience and she was asked if her husband had a preference.

Lisa Kjeldgaard asked if it is possible for both of them to share the seat for the temporary year period, and give both an opportunity to give input at meetings. She noted the public has spoken and wants both of them.

Board Member Gilbert noted both did a good job of running their campaigns, both proved that they were quality candidates, and both would be exceptional additions to the Board.

Superintendent Kline stated we can ask for a break and check with legal counsel, or move forward with a plan for April 3 to select contingent upon whether the Board can have a shared seat. Board Member Gilbert suggested that Dr. Kline should have come prepared.

Board Member Duvall likes the idea of sharing, but we could go to a 3-3 tie. It was noted that some districts have 7-member boards; we have always been a 5-member Board.

Board President Shatswell said we can choose options on here in the event that we find out we can have a 6-person board for the remainder of that seat term.

Board Member Schemper played devil's advocate, noting that if district 2 gets 2 people, and in a future election, the next time District 1 goes to election, they could get 2 people. Legal counsel did not give us an option to allow 2 board members fill this seat.

Board Member Duvall suggested checking with legal counsel. Board Members Schemper suggested taking a break to make a phone call. Board Member Gilbert suggested taking a break to attorney if he is available. Dr. Kline indicated our legal counsel would be available this morning if needed. Board President Shatswell called a 10-minute recess.

Board President Shatswell called the meeting back to order at 9:28 a.m. She reported they spoke to our attorney and it is not allowed to have 2 people represent one area. By Ed Code, we are not allowed to have 2 representatives from one district. In the event that was an option, our attorney would have brought this option forward. Board President Shatswell stated that, in her opinion, none of this is really fair, but we have to do this.

Board Member Schemper's noted a suggestion that we could possibly have option to change bylaws to allow this, but that would take more time and is a lengthy process. He likes the idea of a coin toss. We could have a neutral person from the community come and flip the coin, such as the Fire Chief or Police Chief. He compared options between 52 cards vs one coin.

Lisa Kjeldgaard stated that she and Eric had discussed this, and if it were to happen, his preference would be a card draw. It was noted that they were so amicable, they feel the district will make the best choice.

It was **M/S/C (Gilbert/Schemper)** that we call for the tie to be broken by lot, specifically a card draw. Passed unanimously.

KATIE ROGERS

Katie Rogers addressed the Board regarding Item 4.0. She stated the last time we had a Superintendent hire, the existing Board went into closed session without any details given to stakeholders. When they returned, they said Kline would be appointed Superintendent. They came back from closed session and immediately voted to appoint someone into the permanent position for a 3-year term. People outside were not afforded an opportunity to apply. They did not take any applicants inside or outside the district. This process was not transparent. People's comment was not allowed in; she attempted to call in but was on hold when the Board came in and announced they chose to appoint. People were not afforded an opportunity for input. Stakeholders should be able to have input. She urged the Board to make different choices and be transparent in your process, and any action on this matter should wait until a full Board has been seated to represent our community.

CLOSED SESSION

4.0

Board President Shatswell adjourned the meeting into Closed Session at 9:40 a.m.

PUBLIC EMPLOYEE EMPLOYMENT: SUPERINTENDENT	4.1	The Board discussed Public Employee Employment: Superintendent
ACTION FROM CLOSED SESSION	5.0	Open Session reconvened at 10:47 a.m. Board President Shatswell reported that in closed session the Board accepted the resignation of Superintendent Dave Kline. She reported they also discussed hiring of a new superintendent, and agreed it needs to be a five-member Board process, so we will be waiting until April 3 to move forward.
ADJOURNMENT	6.0	The meeting adjourned at 10:48 a.m.