

Ocean View School District
17200 Pinehurst Lane, Huntington Beach, CA 92647

 APPROVED

Board of Trustees' Meeting - Minutes

April 23, 2019

5:00 PM - CLOSED SESSION; 6:00 PM - OPEN SESSION

Trustees:

John Briscoe, President
Gina Clayton-Tarvin, Vice President
Jack Souders, Clerk
Patricia Singer, Member
Norm Westwell, Member

Administration:

Carol Hansen, Ed.D., Superintendent
Michael Conroy, Ed.D., Deputy Superintendent, Administrative Services
Felix Avila, Assistant Superintendent, Human Resources
Julianne Hoefler, Ph.D., Assistant Superintendent, Educational Services

A. Call to Order

The Regular meeting of the Board of Trustees was called to order by President John Briscoe at 5:00 p.m.

B. Roll Call

Members present: John Briscoe, Gina Clayton-Tarvin, Patricia Singer, Jack Souders, Norm Westwell

C. Agenda Adoption - Regular Board of Trustees' Meeting of April 23, 2019

MOTION by Gina Clayton-Tarvin and seconded by Jack Souders to approve.

President Briscoe requested that Agenda Item O.12 - Resolution No. 20:1819 - Emergency Resolution to Approve Entering into a Contract for Services Related to the Spring View Middle School Mechanical System, be moved to the beginning of New Business.

Trustee Westwell requested that Agenda Item M.4 - Purchase Orders for all Funds for March 29, 2019, through April 11, 2019, be pulled from the Consent Calendar.

Substitute motion by Gina Clayton-Tarvin, seconded by Patricia Singer, and carried by the following vote to approve the Agenda, moving Agenda Item O.12 to the beginning of New Business, with Agenda Item M.4 to be considered immediately prior to New Business:

Yes John Briscoe
Yes Gina Clayton-Tarvin
Yes Patricia Singer
Yes Jack Souders
Yes Norm Westwell

D. Closed Session

President Briscoe read aloud the items listed under Closed Session. The Board of Trustees moved to Closed Session at 5:05 p.m.

D.1. Government Code Section 54956.9: Conference with Legal Counsel - Anticipated litigation; significant exposure to litigation pursuant to paragraph 2 of subdivision (d) of Government Code Section 54956.9: One Case - Proposition 39 Request from Sycamore Creek Community Charter School

D.2. Government Code Section 54957.6: Conference with Labor Negotiators - Agency designated representative: Felix Avila, Assistant Superintendent, Human Resources; Employee Organizations: CSEA and OVTA

D.3. Government Code Section 54957: Public Employee Performance Evaluation: Superintendent

E. Return to Open Session/Report of Closed Session Action

The Board of Trustees returned to Open Session at 6:02 p.m. There were no Closed Session actions to report.

F. Pledge of Allegiance

The Pledge of Allegiance was led by President Briscoe.

G. Introductions: None.

H. Minutes

H.1. Regular Board of Trustees' Meeting, April 9, 2019

Passed with a motion by Patricia Singer and a second by Jack Souders.

Yes John Briscoe

Yes Gina Clayton-Tarvin

Yes Patricia Singer

Yes Jack Souders

Yes Norm Westwell

I. Time Certain

I.1. 6:05 p.m. OVSD Connections: Presentation by Westmont School - "The Lion King Kids!"

Under the direction of teachers Marsha Sipkovich, Cindy Sugimura, and Kim Robles, Westmont students performed "He Lives In You," from their musical, *The Lion King Kids!*

I.2. 6:10 p.m. OVSD Connections: Presentation by Oak View School - The 14th Colony

Oak View fifth graders presented detailed information about their "14th Colony" project, under the guidance of teachers Temple Salas-Yoshii, Pat Schraff, Kim Davis, and Sahba Carroll.

J. Public Comments

The following people spoke in support of the Emergency Resolution related to the HVAC system at Spring View Middle School:

Pamela Schrubb, staff member;
Leslie Sheridan, parent;
Libbie Rector, parent;
Jason Blade, staff member.

K. Communications

K.1. *Written Communications to the Board: None.

K.2. Board/Committee Reports: None.

K.3. Trustees' Communications

Trustee Singer welcomed everyone back from Spring Break; thanked classified staff for preparing sites for returning staff and students; is looking forward to attending upcoming school events and middle school promotions.

Trustee Westwell stated that his speech is being diminished by this Board and his rights are being infringed upon; read portions of Robert's Rules of Order and Board Bylaw 9005 regarding governance operations at a Board meeting.

Trustee Souders noted he is planning to visit school sites before state testing begins; thanked everyone for attending tonight's meeting.

Trustee Clayton-Tarvin mentioned she is looking forward to visiting Village View for the dolphin unveiling memorial event; thanked the students and staff members from Westmont and Oak View for their presentations tonight; commented on her recent trip to Sacramento to speak to legislators regarding charter school reform; is looking forward to attending upcoming Open Houses at school sites, including Hope View, where her child attends school; supported President Briscoe in his application of Robert's Rules of Order during Board meetings.

President Briscoe noted he plans to attend Village View's memorial event for late custodian Everett Whitney; reminded everyone that the trustees are volunteers at the dais, and he is here to support the best education for our students; referenced the District's new brochures and suggested everyone hand them out to their friends and family; commended Dr. Hansen for her instructional leadership, as evidenced by the excellent student presentations tonight.

K.4. Superintendent's Communication

Dr. Hansen welcomed everyone back from Spring Recess; noted many schools are preparing for state testing in May; visited various school sites during her coaching days, where she saw students engaged in learning; visited the Transportation Department as they celebrated National Bus Driver Day; thanked all of the families who completed the District's recent informational survey, noting there was a higher response than last year; commented on upcoming events, including future performances of *The Lion King Kids*, Oak View's May Festival, and the Parent Information Night regarding Social Media Awareness.

K.5. PTA/PTO/PTSA/PTSO Presidents' Roundtable: No report.

K.6. Employee Associations' Communications (CSEA, OVTA)

Margaret Friedmann, OVTA President, talked about the adverse effects of extremely hot or cold classroom environments on student learning, and urged the Board to approve the Agenda item related to the HVAC system at Spring View Middle School; pleased to see so many construction change orders on tonight's agenda that fiscally benefit the District.

L. Reports

L.1. Construction Update

Dr. Conroy narrated a PowerPoint presentation that provided an update regarding the District's fencing projects, including the timeline and photographs of work in progress. He responded to questions from the Board of Trustees.

L.2. Local Control and Accountability Plan (LCAP) Update

Dr. Hoefler narrated a PowerPoint presentation regarding the District's Local Control and Accountability Plan (LCAP). The report focused on stakeholder engagement, District progress, draft goals and actions for 2019-2020, and next steps.

Dr. Hansen and Dr. Hoefler responded to questions from the Board members.

Trustee Westwell raised a Point of Order, as he read a portion of Robert's Rules of Order, and requested a ruling from the chair on why he is not being recognized to speak, and asked that this be reflected in the Minutes.

Trustee Souders, acting as Parliamentarian, summarized his interpretation of the relevant sections of Robert's Rules of Order, noting that in small governmental bodies, the option is given to raise the hand or stand up to be recognized. There is no description of the hand raising within Robert's Rules of Order. Therefore, per Board Bylaw 9121, it is his interpretation that discretion is given to the President to be responsible for the orderly conduct of a meeting, including how he will recognize speakers.

President Briscoe advised he would continue to run the meeting in an orderly fashion.

Trustee Westwell raised a Point of Order, requesting a ruling from the chair on his original Point of Order.

President Briscoe advised he will continue to run an orderly meeting, recognizing speakers who raise their hand in the fashion he has indicated, as he demonstrated by raising his hand high above his head.

M. Consent Calendar

M.1. Administrative Services: Agreement for Special Services - Fiscal and Management Information Services Between Ocean View School District of Orange County and School Services of California, Inc. (Renewal)

Passed with a motion by Gina Clayton-Tarvin and a second by Jack Souders.

Yes John Briscoe
Yes Gina Clayton-Tarvin
Yes Patricia Singer
Yes Jack Souders
Yes Norm Westwell

M.2. Administrative Services: Gifts to the District

Passed with a motion by Gina Clayton-Tarvin and a second by Jack Souders.

Yes John Briscoe
Yes Gina Clayton-Tarvin
Yes Patricia Singer
Yes Jack Souders
Yes Norm Westwell

M.3. Administrative Services: Payroll Check Registers from March 11, 2019, through April 10, 2019

Passed with a motion by Gina Clayton-Tarvin and a second by Jack Souders.

Yes John Briscoe
Yes Gina Clayton-Tarvin
Yes Patricia Singer
Yes Jack Souders
Yes Norm Westwell

M.4. Administrative Services: Purchase Orders for all Funds for March 29, 2019, through April 11, 2019

(Previously pulled from Consent Calendar)

MOTION by Norm Westwell and seconded by Patricia Singer to approve.

Trustee Westwell questioned purchase orders for Janus Corporation and Redwing Shoe Store. Jim Choate, Director of Facilities, responded to his inquiries.

MOTION by Gina Clayton-Tarvin, seconded by Patricia Singer, and carried by the following vote to call for the question:

Yes John Briscoe

Yes Gina Clayton-Tarvin

Yes Patricia Singer

Yes Jack Souders

Yes Norm Westwell

Vote on original motion to approve:

Yes John Briscoe

Yes Gina Clayton-Tarvin

Yes Patricia Singer

Yes Jack Souders

No Norm Westwell

M.5. Administrative Services: School District Check Registers from March 16, 2019, through April 8, 2019

Passed with a motion by Gina Clayton-Tarvin and a second by Jack Souders.

Yes John Briscoe

Yes Gina Clayton-Tarvin

Yes Patricia Singer

Yes Jack Souders

Yes Norm Westwell

M.6. Educational Services: Listing of Conferences, Meetings, Workshops, and Consultants

Passed with a motion by Gina Clayton-Tarvin and a second by Jack Souders.

Yes John Briscoe

Yes Gina Clayton-Tarvin

Yes Patricia Singer

Yes Jack Souders

Yes Norm Westwell

M.7. Human Resources: Certificated Employee Personnel Activity List - March 20, 2019, through April 9, 2019

Passed with a motion by Gina Clayton-Tarvin and a second by Jack Souders.

Yes John Briscoe

Yes Gina Clayton-Tarvin

Yes Patricia Singer

Yes Jack Souders

Yes Norm Westwell

M.8. Human Resources: Classified Employee Personnel Activity List - March 20, 2019, through April 9, 2019

Passed with a motion by Gina Clayton-Tarvin and a second by Jack Souders.

Yes John Briscoe
Yes Gina Clayton-Tarvin
Yes Patricia Singer
Yes Jack Souders
Yes Norm Westwell

N. Old Business: None.

O. New Business

O.1. Superintendent's Office: Letter of Support - Assembly Bill (AB) 1505 Related to Charter Schools (Action)

Passed with a motion by Gina Clayton-Tarvin and a second by Patricia Singer.

Yes John Briscoe
Yes Gina Clayton-Tarvin
Yes Patricia Singer
Yes Jack Souders
No Norm Westwell

O.2. Administrative Services: Contract Change Order No. 2 for ACH Mechanical Contractors, Inc. for the Westmont Elementary School Modernization - Project #17-301 (Action)

Passed with a motion by Norm Westwell and a second by Patricia Singer.

Yes John Briscoe
Yes Gina Clayton-Tarvin
Yes Patricia Singer
Yes Jack Souders
Yes Norm Westwell

O.3. Administrative Services: Contract Change Order No. 2 for David M. Bertino Manufacturing, Inc. for the Westmont Elementary School Modernization - Project #17-301 (Action)

Passed with a motion by Patricia Singer and a second by Jack Souders.

Yes John Briscoe
Yes Gina Clayton-Tarvin
Yes Patricia Singer
Yes Jack Souders
Yes Norm Westwell

O.4. Administrative Services: Contract Change Orders No. 2 and No. 3 for Fata Construction & Development for the Westmont Elementary School Modernization - Project #17-301 (Action)

Passed with a motion by Gina Clayton-Tarvin and a second by Patricia Singer.

Yes John Briscoe
Yes Gina Clayton-Tarvin
Yes Patricia Singer
Yes Jack Souders
No Norm Westwell

O.5. Administrative Services: Contract Change Order No. 2 for Gilbert & Stearns, Inc. for the Westmont Elementary School Modernization - Project #17-301 (Action)

Passed with a motion by Norm Westwell and a second by Patricia Singer.

Yes John Briscoe
Yes Gina Clayton-Tarvin
Yes Patricia Singer
Yes Jack Souders
Yes Norm Westwell

O.6. Administrative Services: Contract Change Order No. 1 for Glore and Associates, Inc. for the Westmont Elementary School Modernization - Project #17-301 (Action)

Passed with a motion by Jack Souders and a second by Gina Clayton-Tarvin.

Yes John Briscoe
Yes Gina Clayton-Tarvin
Yes Patricia Singer
Yes Jack Souders
No Norm Westwell

O.7. Administrative Services: Contract Change Order No. 2 for JRH Construction Company, Inc. for the Westmont Elementary School Modernization - Project #17-301 (Action)

Passed with a motion by Jack Souders and a second by Patricia Singer.

Yes John Briscoe
Yes Gina Clayton-Tarvin
Yes Patricia Singer
Yes Jack Souders
No Norm Westwell

O.8. Administrative Services: Contract Change Order No. 2 for Pierre Landscape, Inc. for the Westmont Elementary School Modernization - Project #17-301 (Action)

Passed with a motion by Norm Westwell and a second by Patricia Singer.

Yes John Briscoe
Yes Gina Clayton-Tarvin
Yes Patricia Singer
Yes Jack Souders
Yes Norm Westwell

O.9. Administrative Services: Contract Change Order No. 2 for Pro-Craft Construction, Inc. for the Westmont Elementary School Modernization - Project #17-301 (Action)

Passed with a motion by Norm Westwell and a second by Patricia Singer.

Yes John Briscoe
Yes Gina Clayton-Tarvin
Yes Patricia Singer
Yes Jack Souders
Yes Norm Westwell

O.10. Administrative Services: Contract Change Order No. 1 for Queen City Glass Co. for the Westmont Elementary School Modernization - Project #17-301 (Action)

Passed with a motion by Jack Souders and a second by Patricia Singer.

Yes John Briscoe
Yes Gina Clayton-Tarvin
Yes Patricia Singer
Yes Jack Souders
No Norm Westwell

O.11. Administrative Services: Contract Change Order No. 3 for Spec Construction Co., Inc. for the Westmont Elementary School Modernization - Project #17-301 (Action)

Passed with a motion by Patricia Singer and a second by Jack Souders.

Yes John Briscoe
Yes Gina Clayton-Tarvin
Yes Patricia Singer
Yes Jack Souders
No Norm Westwell

O.12. Administrative Services: Resolution No. 20:1819 - Emergency Resolution to Approve Entering into a Contract for Services Related to the Spring View Middle School Mechanical System (Action)

(Previously moved to the beginning of New Business)

MOTION by John Briscoe and seconded by Jack Souders to approve.

Motion by Gina Clayton-Tarvin, seconded by Jack Souders, and carried by the following vote to limit debate time to five minutes per person for this agenda item:

Yes John Briscoe
Yes Gina Clayton-Tarvin
Yes Patricia Singer
Yes Jack Souders
No Norm Westwell

Dr. Conroy gave a brief presentation regarding this Agenda item, detailing the reasons behind the need for the Emergency Resolution related to the Spring View HVAC system. He outlined the chronology of events, the Public Contract Code, and Board Policy that all relate to this matter.

Dr. Hansen and Dr. Conroy responded to questions from the Board of Trustees.

Motion by Norm Westwell to approve this item, with added language directing the Superintendent to come up with a plan to mitigate aging air conditioning and heating units Districtwide to avoid another emergency resolution, and that a District employee will certify that site units are in working condition for the next school year. Trustee Westwell later withdrew this motion.

Dr. Hansen advised that Trustee Westwell's request for a report on the District's HVAC units, including condition and plans for repair to avoid having another emergency resolution, could be provided by staff.

The Board of Trustees discussed this matter further prior to the vote.

Vote on motion to approve:

Yes John Briscoe
Yes Gina Clayton-Tarvin
Yes Patricia Singer
Yes Jack Souders
No Norm Westwell

Motion fails due to lack of unanimous approval.

O.13. Educational Services: Agreement for Residential Non-Public School Placement of Special Education Student as Determined by Individualized Education Program (IEP) (Action)

Passed with a motion by Norm Westwell and a second by Patricia Singer.

Yes John Briscoe
Yes Gina Clayton-Tarvin
Yes Patricia Singer
Yes Jack Souders
Yes Norm Westwell

P. Any Other Public Comments to the Board of Trustees: None.

Q. Future Agenda Items (As requested by Board Members)

Trustee Clayton-Tarvin:

-Consider censure motion for Trustee Westwell in response to his actions tonight.

Trustee Singer:

-Presentation regarding the District's Special Education Program, i.e., programs and options offered at various sites.

R. Board of Trustees' Roundtable

Trustee Westwell apologized to everyone at Spring View, noting the Board was not interested in hearing from him or working with him toward a unanimous positive vote regarding the HVAC system Agenda item.

Trustee Singer stated that one person chose not to support the Emergency Resolution which would have benefited the students and staff at Spring View, and apologized to the Spring View community.

Trustee Souders concurred with Trustee Singer's statements; advised that we will find another way to solve this problem, as the outcome tonight is unacceptable for the parents and students at Spring View.

Trustee Clayton-Tarvin mentioned that actions taken tonight by the Trustee at the end of the dais is just another reason he will be voted out of office in November of 2020, as she will make sure the voters are informed of his behavior and actions; suggested the Spring View HVAC Emergency Resolution be brought back to a future Board meeting where, hopefully, the matter will be unanimously approved.

President Briscoe stated his displeasure with what has occurred this evening, noting he sets the decorum for the meeting and will conduct civil meetings to keep things in order; will be attending the Village View memorial event for Everett Whitney, who was a kind and wonderful staff member.

S. Closed Session (if needed): None.

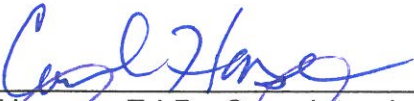
T. Return to Open Session/Report of Closed Session Action: n/a

U. Adjournment

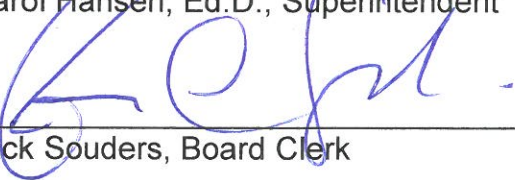
Time: 8:51 p.m.

Passed with a motion by Gina Clayton-Tarvin and a second by Patricia Singer.

- Yes John Briscoe
- Yes Gina Clayton-Tarvin
- Yes Patricia Singer
- Yes Jack Souders
- Yes Norm Westwell



Carol Hansen, Ed.D., Superintendent



Jack Souders, Board Clerk

May 7, 2019

Date