



Board of Trustees' Meeting - Minutes
March 05, 2019
5:15 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 Hoefer, Ph.D., Assistant Superintendent, Educational Services

A. Call to Order

The Regular meeting of the Board of Trustees was called to order at 5:15 p.m. by President John Briscoe.

B. Roll Call

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

Trustee Jack Souders arrived at 5:24 p.m.

C. Agenda Adoption - Regular Board of Trustees' Meeting of March 5, 2019

Motion by Patricia Singer to move Agenda Item I (Time Certain) before Agenda Item F (Pledge of Allegiance).

Prior to making this motion, President Briscoe asked Trustee Singer to raise her hand to be recognized.

Trustee Clayton-Tarvin raised a Point of Order regarding the need for Trustees to be recognized when making an operational motion and second.

Trustee Singer noted that the Board had discussed this matter previously.

Trustee Westwell raised a Point of Order, asking when the President would be ruling on the Point of Order previously raised.

President Briscoe ruled that when a new motion is made, the motion maker shall raise his hand fully to be recognized. Routine operational motions may be made by speaking into the microphone.

Trustee Westwell raised a Point of Order, requesting a parliamentary ruling on this matter. President Briscoe advised that the Parliamentarian was not present but would be asked for a ruling when he arrives.

Trustee Clayton-Tarvin noted, as the most recent past parliamentarian, that President Briscoe's ruling is completely in line with Robert's Rules of Order.

A substitute motion was made by Trustee Clayton-Tarvin and seconded by Trustee Singer to approve the agenda, with the change of moving Agenda Item I (Time Certain) after Agenda Item F (Pledge of Allegiance).

Trustee Westwell asked that Agenda Item O.1 be pulled from the agenda, as it is not in the best interest of the District. President Briscoe advised that an item cannot be pulled from a published agenda.

The vote on the substitute motion was as follows:

Yes John Briscoe

Yes Gina Clayton-Tarvin

Yes Patricia Singer

Absent Jack Souders

No Norm Westwell.

D. Closed Session:

The Board of Trustees moved to Closed Session at 5:23 p.m.

Dr. Hansen advised the Closed Session items must be read into the record prior to moving to Closed Session.

Trustee Westwell raised a Point of Order, noting that the Board has already moved to Closed Session. President Briscoe ruled that the Board was back in Open Session, and read the items listed for consideration under Closed Session.

Trustee Souders arrived at 5:24 p.m.

The Board of Trustees moved to Closed Session at 5:25 p.m.

D.1. Government Code Section 54956.9(d)(1): Conference with Legal Counsel - Existing litigation: Appeal of Denial of Sycamore Creek Community Charter School Petition

D.2. 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.3. Government Code Section 54957: Public Employee Discipline/Dismissal/Release

D.4. Government Code Section 54957.6: Conference with Labor Negotiators - Agency designated representative: Felix Avila, Assistant Superintendent, Human Resources; Employee Organizations: CSEA and OVTA

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

The Board of Trustees returned to Open Session at 6:02 p.m. The following action was taken in Closed Session:

The Board took action to release and non-reelect 26 temporary certificated employees pursuant to Education Code Section 44954, effective at the end of the 2018-2019 school year, and directed the Superintendent or designee to send out appropriate legal notices. The vote was unanimous.

F. Pledge of Allegiance: Following the Pledge of Allegiance, the District Honor Band will perform the "Star Spangled Banner," under the direction of music teacher Steve Clar. Please remain standing.

President Briscoe led the Pledge of Allegiance, after which the District Honor Band performed the "Star Spangled Banner."

G. Introductions: None.

H. Minutes

H.1. Regular Board of Trustees' Meeting, February 19, 2019

Passed with a motion by Gina Clayton-Tarvin and a second by John Briscoe.

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

I. Time Certain

I.1. 6:05 p.m. District Honor Band: Under the direction of Music Teachers Dennis Nicolosi and Kevin Field, the District Honor Band will perform "Ride of the Valkyries," and "Windemere."

Mr. Nicolosi recognized fellow music teachers Steve Clar, Kevin Field, and Gael Zambrano. The Honor Band performed the two selections, as directed by their music teachers.

At this time, Mr. Nicolosi was presented with a Certificate of Recognition for being honored by Parenting OC as one of the Top 25 Teachers of Orange County and 2019 School Heroes nominee.

I.2. 6:10 p.m. Presentation - U.S. Census Bureau: Bao Nguyen, Partnership Specialist from the Los Angeles Regional Census Center, will make a brief presentation regarding the 2020 Census.

Mr. Nguyen narrated an informative PowerPoint presentation regarding the 2020 Census, including the reasons for the census; how census results affect legislative boundaries and funding; and Complete Count Committees, which promote the 2020 Census to their constituents.

Mr. Nguyen responded to questions from the Board members.

J. Public Comments:

The following people spoke in support of the Resolution to Censure Trustee Norm Westwell:

Libby Frolichman, community member;
Demian Garcia-Monroy, parent and community leader;
Kathy Martens, community member;
Pamela Schrubb, staff member;
Shayna Lathus, community member;
Armando Romo Reyes, parent;
Stephanie Green, community member;
Laura Lavin, parent;
Martin Lopez, community member;
Victoria Vu, parent and community member;
Keri Kropke, Trustee of Brea-Olinda School District and community member.

K. Communications

K.1. *Written Communications to the Board

Dr. Hansen advised the following correspondence had been received:

1. Email from Eugene Fields, received March 5, 2019, regarding the censure of Trustee Westwell;
2. Email from Dennis Bress, received March 5, 2019, regarding the censure of Trustee Westwell.

Copies of these written communications have been provided to the Board of Trustees and are available for public review.

K.2. Board/Committee Reports: None.

K.3. Trustees' Communications

Trustee Westwell requested that in the future, he not be called on first for Trustees' Communications; stated that false allegations have been presented against him as described in the censure resolution; commented on Trustee Clayton-Tarvin's past actions involving limiting the speech of others and her attempt to do the same with him through this censure resolution; referenced Board Bylaw 9005.3 regarding recognizing and respecting differences of perspective and style of the Board members; called for an independent third party investigation of these allegations and a grand jury investigation of the Board.

Trustee Singer attended the LCAP Leadership Team meeting facilitated by Dr. Hoefler, where stakeholders worked to ensure that student needs are being met through programs and resources; along with other Trustees, Cabinet, and community members, volunteered at the Oak View Family Resource Center to help build a playground for local children; looking forward to beginning her Masters in Governance program this weekend.

Trustee Souders thanked everyone for attending tonight's meeting; attended the LCAP Leadership Team meeting and was pleased with the many ideas that were shared; attended the outstanding student performance of *Thoroughly Modern Millie Jr.* at Marine View Middle School.

Trustee Clayton-Tarvin noted she will be attending the Orange County Board of Education's next meeting where they will decide on the Sycamore Charter School appeal; spoke at the HB Huddles' Women's History Month Rally; along with Trustee Singer, will be attending Lobbying Day in Sacramento on March 12 on behalf of children and schools; plans to attend the California Federation of Teachers Union Convention as a union representative from her workplace, and will be leading a break-out session at the event; attended the playground build event at Oak View Park; advised she has filed an official complaint with President Briscoe and Dr. Hansen against Trustee Westwell for his inappropriate sexual harassment and disparaging behaviors, and there will be a third party investigating the matter.

President Briscoe commended Dr. Conroy for his continued work in identifying vendors who offer trade term discounts to our District; attended the high quality student performance of *Thoroughly Modern Millie Jr.* at Marine View; along with Trustee Singer, visited the construction site at Oak View, where the new gym is proceeding on time and on budget; attended an Orange County School Boards' dinner meeting, where the program focused on the topic of anti-bullying.

K.4. Superintendent's Communication

Dr. Hansen announced that Mesa View Middle School has been named a 2019 California Distinguished School, and will be honored at an upcoming statewide awards ceremony; commented on her visits to many school sites these past two weeks; attended Marine View's student performance of *Thoroughly Modern Millie Jr.*, and acknowledged the hard work done behind the scenes that is an integral part of a successful production; attended the second annual OVSD and CSEA Pal² Retreat, which included classified employees and certificated/classified managers; noted the Retreat presenters included Facilities

Director Jim Choate and staff, who shared recent work done within the department's culture, using the tenets of the book, *Gung Ho*; noted that she and Assistant Superintendent Avila, OVTA President Margaret Friedmann, and CSEA President Jason Bozarth, have been asked to participate on a guest panel at the upcoming California Labor Management Initiative Convening to discuss the success of PAL in the District; invited everyone to upcoming school site events, including the District Music Festival at Marine View and Engineering/Rocket Night at Lake View.

K.5. PTA/PTO/PTSA/PTSO Presidents' Roundtable

Leslie Sheridan, Roundtable President, reported on the recent Roundtable meeting, where discussion focused on the Sycamore Charter School appeal at the upcoming Orange County Board of Education's (OCBE) meeting; fencing and modernization updates; fundraising opportunities with Rich's Ice Cream; and a presentation regarding Drama Kids International.

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

Jason Bozarth, CSEA President, thanked District administration for their work in organizing the PAL² Retreat, including the speakers from other organizations, as well as our own District; will be attending the OCBE meeting regarding the Sycamore Charter School appeal; mentioned his attendance at an upcoming Bargaining Academy; plans to form a classified PAL² Council to capitalize on the collaborative work being done; will be reviewing CSEA membership records.

Margaret Friedmann, OVTA President, noted she was honored to speak at the California Labor Management Initiative regarding the way that PAL works in our District; thanked the Board for their service to the District and its students; noted that OVTA supports the censure of Trustee Westwell, as members have witnessed his behavior, and we should be treating each other with respect and kindness.

L. Reports: None.

M. Consent Calendar

M.1. Administrative Services: Gifts to the District

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

M.2. Administrative Services: Consultant Engagement Letter with Vavrinek, Trine, Day & Co., LLP for Non-Audit Services

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

M.3. Administrative Services: Independent Contractor Agreement Between Ocean View School District of Orange County and Dynamic Building Services for Department of the State Architect (DSA) Inspection Services (Renewal)

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

M.4. Administrative Services: Internet Access Agreement Between Ocean View School District of Orange County and Orange County Superintendent of Schools (Renewal)

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

M.5. Administrative Services: Network Support Services Agreement Between Ocean View School District of Orange County and Orange County Superintendent of Schools (Renewal)

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

M.6. Administrative Services: Purchase Orders for all Funds for February 8, 2019, through February 27, 2019

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

M.7. Administrative Services: School District Check Registers from February 6, 2019, through February 15, 2019

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

M.8. Educational Services: Agreement for Non-Public School/Services for Special Education Student as Determined by Individualized Education Program (IEP)

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

M.9. Educational Services: Listing of Conferences, Meetings, Workshops, and Consultants

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

M.10. Human Resources: Certificated Employee Personnel Activity List - February 6, 2019, through February 19, 2019

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

M.11. Human Resources: Classified Employee Personnel Activity List - February 6, 2019, through February 19, 2019

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

N. Old Business: None.

O. New Business

O.1. Board of Trustees: Resolution No. 15:1819 - Resolution of the Governing Board of the Ocean View School District of Orange County Regarding Censure of Trustee Norm Westwell (Action)

Trustee Westwell asked to know who initiated this Agenda item, and President Briscoe advised that he had initiated the item.

A motion was made by Trustee Westwell to object to consideration of this item. There was no second to this motion.

Trustee Westwell raised a Point of Order, noting this motion does not require a second.

Trustee Souders, acting as parliamentarian, read from Robert's Rules of Order regarding this type of motion, noting that no second is required, nor is it debatable, and a two-thirds vote against consideration is required to sustain the objection.

President Briscoe stated that no second is required, nor is the motion debatable, and called for the vote.

Vote on Trustee Westwell's motion to object to consideration of this item:

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

A motion was made by Trustee Westwell to lay this item on the table. The motion died for lack of a second.

Jason Bozarth, staff member, commented on the shift he has noticed in Trustee Westwell over the past two years, as he seems to now serve an ideology instead of our community and children; talked about the changing times where people are demanding effective representation from their elected officials, and that outrageous behavior and lack of decorum will not be tolerated.

James Ball, community member, expressed his displeasure with the union takeover of the Board; has listened, edited, and sorted the audio of the Board meetings and will be sharing his findings on the internet of how this Board gangs up on Norm Westwell; also will show how this District is not well run; stated his opposition to the censure of Trustee Westwell, as these are trumped up charges against him.

Emily Anderson, parent, spoke regarding the actions and behavior of Trustee Westwell that are not in the best interest of the children; questioned his motives for being on the Board.

Victor Valladares, community member, commented on Trustee Westwell's nickname of "firecracker," and noted by observing him at meetings that he is reactionary with no decorum, and is not setting a good example for our children; encouraged the Board to approve the censure of Trustee Westwell.

A motion was made by John Briscoe and seconded by Patricia Singer to adopt.

Trustee Singer explained she supports the censure because of the behavior and lack of decorum she has witnessed, including such actions before children at Board meetings; noted her support of the censure is not about having differing opinions, but there is an expectation to behave respectfully toward others.

Trustee Westwell raised a Point of Order, asking that he be recognized to speak.

President Briscoe reiterated the ways he would recognize Board members by raising their hand fully or by standing up; he did not recognize Trustee Westwell in the manner in which his hand was raised.

Trustee Westwell asked the Board if his Point of Order was well taken, and attempted to take a vote of the Board.

Trustee Westwell made a motion to have Trustee Briscoe vacate his seat as president, and asked for a parliamentary ruling.

Trustee Souders referenced Robert's Rules of Order regarding ruling on whether a Point of Order is well taken or not well taken, and the reasons for the ruling.

President Briscoe advised the Point of Order was not well taken, and he will continue to only recognize trustees who fully raise their hands or stand up.

Trustee Clayton-Tarvin discussed the obstructing and disruptive behavior of the Trustee at the end of the dais.

Trustee Westwell raised a Point of Order, and attempted to take a Board vote on his previous Point of Order.

Trustee Westwell called for a grand jury investigation of the Board.

Trustee Clayton-Tarvin read portions of the censure resolution that stated specific behaviors and actions of Trustee Westwell, including behavior in Closed Session that was witnessed by all in attendance; implored her colleague at the end of the dais to stop his dishonorable, shameful, and unprofessional behavior, and to stop denying that certain actions occurred when there were witnesses to said actions. She requested that President Briscoe ask those in attendance at the Closed Session meeting if they saw Trustee Westwell sexually harass Trustee Clayton-Tarvin in Closed Session by making unwanted sexual gestures toward her, and by making kissing sounds and puckering his lips towards her.

Trustee Westwell raised a Point of Order, but was not recognized by President Briscoe as he did not fully raise his hand or stand up.

President Briscoe queried the following people who were in attendance at the Closed Session meeting whether they witnessed Trustee Westwell's behavior as described by Trustee Clayton-Tarvin. The following people replied in the affirmative: Trustee Singer, Trustee Souders, Dr. Hansen, Dr. Conroy, President Briscoe, and Assistant Superintendent Avila.

Trustee Souders noted he does not take the censure lightly, but feels it is appropriate in this case.

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
No Norm Westwell

Vote on the motion to approve:

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

O.2. **Administrative Services: 2018-2019 Second Interim Report (Action)

Dr. Conroy narrated an informative PowerPoint presentation regarding the Second Interim Report. He reviewed the budget components, including the budget calendar; multi-year projections and ADA; budget assumptions; General Fund revenue and expenses, encroachment, ending fund balance, and cash flow.

Based on best information known today, staff is recommending that the Board approve the Second Interim Budget and certify that the District will be able to meet its financial obligations for the current fiscal year and subsequent two fiscal years - a Positive Certification.

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

Trustee Westwell raised a Point of Order regarding the President's ruling on how he will recognize trustees. President Briscoe ruled this matter out of order at this time.

Motion by Gina Clayton-Tarvin, seconded by John Briscoe, and carried by the following vote to approve:

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

O.3. Administrative Services: Acceptance of Apparent Bid Results and Delegation of Authority to Award Contracts for the Fencing Project - Phase 1 (Action)

Prior to the vote, President Briscoe did not recognize Trustee Westwell in the manner in which his hand was raised.

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.4. Administrative Services: Revision to Initial Proposal to Purchase and Construct Modular Building for Central Kitchen Project (Action)

Prior to the vote, President Briscoe did not recognize Trustee Westwell in the manner in which his hand was raised.

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.5. Administrative Services: Resolution No. 13:1819 - Application for Funding Under the Full-Day Kindergarten Facilities Grant Program (FDKFGP) (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.6. Educational Services: 2018-2019 Consolidated Application for Funding Categorical Aid Programs, Winter Data Collection (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.7. Educational Services: 2018-2019 Low Performing Students Block Grant (LPSBG) Application for Funding Identified Students (Action)

Prior to the vote, President Briscoe did not recognize Trustee Westwell in the manner in which his hand was raised.

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

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

O.8. Human Resources: Proposed Openers for Contract Negotiations Between Ocean View School District of Orange County and Ocean View Teachers' Association for the 2018-2019 School Year (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.9. Superintendent's Office: Proposed Additions/Revisions to Board Policy Series 2000: Administration - Board Policy and Exhibit 2100 - Administrative Staff Organization (First Reading) (Information)

Received for information.

President Briscoe did not recognize Trustee Westwell in the manner in which his hand was raised.

P. Any Other Public Communications to the Board of Trustees

Emily Anderson, parent, appreciated meetings she has had with staff and others regarding her child; will be attending the Orange County Board of Education meeting related to the Sycamore Charter School appeal; commented on the behavior of Trustee Westwell, and the need for everyone to get along.

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

Trustee Westwell noted that his many requested Board items have not been placed on the agenda. President Briscoe explained the three methods of placing items on the Agenda, and encouraged Trustee Westwell to submit a written agenda item for consideration.

Trustee Clayton-Tarvin raised a Point of Order, stating this was the time for Agenda requests, not this discussion.

President Briscoe concurred, and ended further discussion on this matter.

Trustee Westwell requested the following Agenda items:

- discussion about accountability and strategies to address the almost 50% of our students who do not meet state standards;
- serious violations of Board Bylaws and Robert's Rules of Order

R. Board of Trustees' Roundtable

Trustee Singer thanked everyone for staying through the meeting.

Trustee Souders expressed his appreciation to the audience for their attendance.

Trustee Westwell remarked on his disappointment with the Board, stating that his rights are being trampled upon; commented on his continual frustration with the Board's lack of following the Board Bylaws and Robert's Rules of Order; stated that he is being bullied, along with teachers and parents; called for a full investigation of his censure and a grand jury investigation of the Board.

Trustee Clayton-Tarvin spoke regarding the confirmation of Trustee Westwell's behavior by those in attendance at the recent Closed Session meeting, yet he continues to deny the matter; thanked President Briscoe for bringing the censure resolution forward, and requested another censure resolution if this behavior continues.

S. * Closed Session (if needed): None.

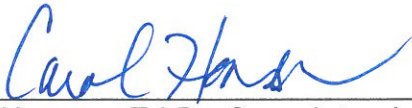
T. Return to Open Session/Report of Closed Session Action: n/a

U. Adjournment

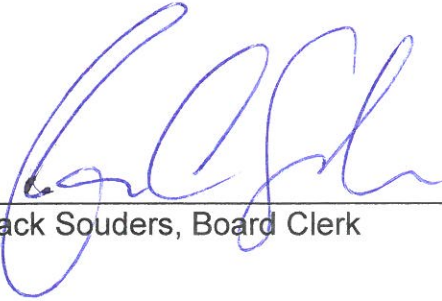
Time: 9:15 p.m.

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
Yes Norm Westwell



Carol Hansen, Ed.D., Superintendent



Jack Souders, Board Clerk

March 19, 2019

Date