

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

 APPROVED

Board of Trustees' Meeting - Minutes

October 20, 2020

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

Zoom Webinar Link: <https://www.ovsd.org/boardmeeting>

Trustees:

Gina Clayton-Tarvin, President
Patricia Singer, Vice President
Jack Souders, Clerk
John Briscoe, 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 Clayton-Tarvin at 5:00 p.m.

B. Roll Call

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

Patricia Singer arrived at 5:17 p.m.

C. Agenda Adoption - Regular Board of Trustees' Meeting of October 20, 2020

MOTION by Norm Westwell and seconded by Jack Souders to approve.

Trustee Westwell raised a Point of Order, stating that since he made the motion, he should be called on first for discussion per Robert's Rules of Order, and this was not done by President Clayton-Tarvin.

President Clayton-Tarvin advised that in accordance with Executive Orders from Governor Newsom, and being able to modify portions of the Brown Act under these unique pandemic circumstances, she will continue her practice of calling on Trustees in alphabetical order for ease of the listening audience.

Trustee Westwell requested a Parliamentary Inquiry and appealed the decision of the Chair, regarding the Board Presidents' ruling on this matter.

President Clayton-Tarvin requested Clerk Souders review the information and make a parliamentary ruling, but restated her position to call on trustees in alphabetical order.

Trustee Westwell raised a Point of Order, stating the importance of hearing the Parliamentary ruling at this time before continuing with the meeting. President Clayton-Tarvin reiterated that the inquiry is being researched by the Parliamentarian, who will report out his findings when he is ready. Meanwhile, she will not hold up the meeting at this time.

Vote on previous motion to approve:

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

D. Closed Session

Board Clerk Souders read aloud the items listed under Closed Session. As there was no one present wishing to speak on these matters, the Board moved to Closed Session at 5:08 p.m.

D.1. Government Code Section 54956.9(d)(2): Conference with Legal Counsel - Anticipated Litigation: three (3) potential cases

D.2. 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 6:00 p.m. There were no Closed Session actions to report.

F. Pledge of Allegiance

The Pledge of Allegiance was led by President Clayton-Tarvin.

G. Introductions

For the audience's information, President Clayton-Tarvin advised that the following Board Members and District staff are participating in person and/or facilitating this meeting via Zoom Webinar:

Gina Clayton-Tarvin, President
 Patricia Singer, Vice President
 Jack Souders, Clerk
 John Briscoe, Member
 Norm Westwell, Member
 Dr. Carol Hansen, Superintendent
 Dr. Michael Conroy, Deputy Superintendent

Felix Avila, Assistant Superintendent, Human Resources
Dr. Julianne Hoefler, Assistant Superintendent, Educational Services
Trish Montgomery, Public Information Manager
Cindi Lee, Executive Assistant
Phi Tran, Network Systems Specialist

H. Minutes

H.1. Regular Board of Trustees' Meeting, October 6, 2020

MOTION by John Briscoe and seconded by Patricia Singer to approve.

Trustee Westwell stated that the minutes as presented do not accurately reflect what occurred at the last meeting, and read his own comments into the record.

Vote on motion to approve:

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. Golden View Elementary School - Green Ribbon School Award

Mrs. Elaine Burney, Golden View Principal; Mrs. Lori Florgan, Virtual Academy Principal (and former Golden View Principal); and Mrs. Jill Dowd, Golden View teacher, shared information about the programs in place at Golden View which helped them achieve this award. These programs include reducing environmental impact and costs through energy and water conservation, grounds cultivation, and waste reduction through composting; improving health and wellness of schools, students, and staff through nutrition; and providing effective environmental and sustainability education through Interdisciplinary Learning.

After the Golden View School presentation, Clerk Souders, acting as Parliamentarian, reported on his research involving Trustee Westwell's Point of Order and Parliamentary Inquiry. Referencing Governor Newsom's Executive Orders and information provided by legal counsel, he noted there is nothing in this material that specifically addresses the order of participation during the debate phase of a motion.

President Clayton-Tarvin quoted portions of Executive Order N29-20 wherein Governor Newsom urges local bodies to use sound discretion and to make reasonable efforts to adhere to the Brown Act in order to maximize transparency and provide the public access to their meetings. President Clayton-Tarvin noted that her decision to call on Trustees in alphabetical order for debate is precisely in line with the Executive Order, and advised Trustee Westwell's Point of Order is not well taken.

J. Public Comments

John Salazar, parent, cited studies to support his view that the wearing of masks does not work to prevent respiratory-related illnesses, and that the effects of the virus on children are minimal.

Marsha Sipkovich, teacher, commented on the expected behavior of an elected official and implored Trustee Westwell to meet these expectations of his constituency and work with his fellow Board members and Superintendent to keep the best interests of the students at the forefront of his decisions.

Joan Ashley, teacher, expressed her support of the censure resolution on tonight's agenda, based on Trustee Westwell's unprofessional behavior exhibited at Board meetings.

Bryan Leipper, teacher, referenced Board Policy 0150 regarding civil conduct and mutual respect, and urged the Board to move forward in a professional manner.

Emily Anderson, parent, discussed Trustee Westwell's continuous disruptive behavior, disregard for District business, and disparaging treatment of colleagues, staff, parents, and students.

Comments from the following people were read into the public record:

Supportive of Censure of Trustee Westwell:

Thomas Ugland
Cathey Ryder
Shayna Lathus
Stephen Einstein
Dennis Bress
Lisa Bertolini
Debbi Parrott
Lisa Ayres-Smith
Joe Shaw
Libby Frolichman
Mary Champion
Marie Schools
Audrey Prosser
Sean Small
Valencia Harkless
Jason Bozarth
Natalie Moser
Kathleen Nutting
John Grace

Concerns with pandemic-related safety protocols at school sites:

K.C.
Christie Warren

Request to return to in-person school full-time:

Alicia Sanna
Morgan Westmoreland

K. Communications

K.1. *Written Communications to the Board

Dr. Hansen advised that the following correspondence had been received:

1. Email from Michelle Noonan, dated October 12, 2020
2. Email from Krista Westwell, dated October 16, 2020
3. Email from Kathy Carrick, dated October 18, 2020
4. Email from Jim Knapp, dated October 19, 2020
5. Email from Audrey Prosser, dated October 20, 2020
6. Email from Jerold Friedman, dated October 20, 2020

A copy of the above correspondence has been provided to the Board members, and the public may email clee@ovsd.org if they wish to receive a copy as well.

K.2. Board/Committee Reports: None.

K.3. Trustees' Communications

Trustee Briscoe recognized Golden View School for achieving the Green Ribbon Award and acknowledged comments shared about his efforts in helping to revitalize Golden View's farm; thanked Dr. Hansen and staff for working to create a robust environmental curriculum involving the farm at the site.

Trustee Singer expressed excitement and pride in Golden View and its farm, noting the program has created innovative opportunities to meet the needs of students in the 21st century; thanked all who worked together to make the program such a success.

Trustee Souders commended Golden View for achieving the Green Ribbon Award and spoke in support of expanding the interdisciplinary learning approach throughout all District schools.

Trustee Westwell stated that many of the remarks made during Public Comments were untrue; he shared incidences where President Clayton-Tarvin violated Board Policy and Robert's Rules of Order; discussed the lack of transparency and cover-up in the Board's recent approval of inaccurate minutes.

President Clayton-Tarvin disagreed with Trustee Westwell's comments as untrue statements; spoke about the many public comments speaking in favor of the censure and against Trustee Westwell's unacceptable behavior; mentioned the Board elected her to serve as President, and as such, she oversees the meeting and will continue to lead in alignment with Board Policy, Robert's Rules of Order, and Executive Orders of the Governor of California.

K.4. Superintendent's Communication

Dr. Hansen applauded students and staff for adhering to our safety protocols on the campuses; acknowledged the diligent work of teachers as they learn new methods and technology programs to engage our students; thanked the parents who are assisting with the education of their students at home during this time; and commented on the upcoming parent conferences that will be held via Zoom. She reminded everyone of the District's commitment to reevaluate the current learning schedules at the conclusion of six weeks, which will be considered at a Special Board meeting on November 5, 2020. Staff will provide important updates and suggestions for moving forward as the Board of Trustees evaluates and considers next steps in the delivery of instruction for our students.

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

Kim Fatum, Roundtable President, gave an overview of the topics discussed at the October 12, 2020, Roundtable meeting held via Zoom, including the new COVID-19 Dashboard on the District website; notification protocols followed regarding schools affected by COVID-19; contacting Virtual Academy families through their home schools; and upcoming holiday events and fundraisers.

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

Jason Bozarth, CSEA President, urged CSEA membership to vote in favor of Proposition 15; noted that registrations for the virtual Educator Conference and the M & O Academy are currently open and available nationwide.

Marisa Joslyn, OVTA President, congratulated Golden View School on receiving the Green Ribbon Award; commented on the disparaging remarks made by Trustee Westwell about OVTA and her colleagues, as she expressed support of the censure resolution; mentioned that OVTA works in collaboration with Administration and the Board for the benefit of all students and educators.

L. Reports

L.1. Construction Update

Dr. Conroy provided a progress update on the Marine View Modernization Project, including interior/exterior demolition, interior framing, and interior sinks/drinking fountains. The Board, by consensus, provided direction to staff to move forward with the installation of sinks and drinking fountains in all classrooms in the main building at Marine View. This will establish a District standard for middle schools moving forward.

M. Consent Calendar

M.1. Administrative Services: Payroll Check Registers from September 11, 2020, through October 10, 2020

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

M.2. Administrative Services: Purchase Orders for all Funds for September 25, 2020, through October 8, 2020

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

M.3. Administrative Services: School District Check Registers from September 12, 2020, through October 2, 2020

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

M.4. Educational Services: Listing of Conferences, Meetings, Workshops, and Consultants

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

M.5. Human Resources: Certificated Employee Personnel Activity List - September 16, 2020, through October 6, 2020

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

M.6. Human Resources: Classified Employee Personnel Activity List - September 16, 2020, through October 6, 2020

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

N. Old Business: None.

O. New Business

O.1. Board of Trustees: Resolution No. 10:2021 - Resolution of the Governing Board of the Ocean View School District of Orange County Regarding Censure of Trustee Norm Westwell (Action)

Emily Anderson, parent, spoke regarding incidents that occurred following the November 19, 2019, Board meeting, highlighting the improper actions of Trustee Westwell that evening.

Kaitlyn Anderson, student, shared her recollection of the night of November 19, 2019, and the subsequent investigation of events that occurred.

Motion by Norm Westwell to extend his time indefinitely to allow him to defend himself on this matter. Motion died for lack of a second.

In response to Trustee Westwell's question, President Clayton-Tarvin advised that the recommendation for censure initiated with the Office of the Clerk.

Motion by John Briscoe and seconded by Patricia Singer to approve.

Board members discussed the disparaging comments made by Trustee Westwell involving Mrs. Anderson and her children, and his intimidating treatment of a fellow colleague; noted the importance of being respectful and keeping a proper tone, as outlined in Board Bylaw 9005 regarding governing in a dignified professional manner; and stressed the importance of bringing back civility to governance.

Trustee Westwell advised he has given his written response to Clerk Souders to be placed in the public record. He then read from the document, defending his actions, and cited President Clayton-Tarvin's multiple violations of Board Bylaws and Robert's Rules of Order.

President Clayton-Tarvin ruled Trustee Westwell out of order, and advised him to relate his comments to the censure resolution.

Trustee Singer raised a Point of Order, asking that Trustee Westwell wear his mask correctly. President Clayton-Tarvin concurred, and requested that Trustee Westwell wear an appropriate mask.

Trustee Souders raised a Point of Order, stating that Trustee Westwell's comments are not relevant to the motion at hand. President Clayton-Tarvin concurred, and called Trustee Westwell to order.

President Clayton-Tarvin commented on the behavior of Trustee Westwell toward Mrs. Anderson, Mrs. Anderson's children, and herself following the Board meeting on November 19, 2019, which was investigated by legal counsel. She stated that Trustee Westwell is unfit for public office, and she will not tolerate his harassment.

Trustee Westwell raised a Point of Order, noting President Clayton-Tarvin's time had expired. She advised that her time had not run out. Trustee Westwell appealed the ruling of the chair; motion died for lack of a second.

Trustee Westwell continued speaking about what occurred on the evening in question and subsequent investigation; stated that what he said to Mrs. Anderson after the November 19, 2019, Board meeting was inappropriate and he would apologize to her if given the opportunity to do so; will continue to represent the public who have sent him here; appealed to the public to read his version of the incidents in question on his website at www.modernpublic.com/gct.pdf.

President Clayton-Tarvin disagreed with Trustee Westwell's remarks about the incidents, noting the impartial investigator's findings were against him; implored Trustee Westwell to cease his misogynistic behavior; shared information about the hate website started by Trustee Westwell years ago; noted it is time to move on and make an effort to work professionally with each other.

Vote on motion to approve:

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

O.2. Educational Services: Agreement Between Orange County Department of Education and Ocean View School District of Orange County for Inside the Outdoors Virtual Programs for the Fiscal Year 2020-2021 (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
Yes Norm Westwell

O.3. Educational Services: Agreement for Non-Public School/Non-Public Agency Placement of Special Education Students as Determined by Individualized Education Programs (IEPs) (Action)

Passed with a motion by John Briscoe and a second by Norm Westwell.

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

O.4. Educational Services: Amendment No. 1 to Independent Contractor Agreement between Ocean View School District of Orange County and Globalingo Education Consulting, LLC (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.5. Educational Services: Income Agreement between Orange County Superintendent of Schools and Ocean View School District of Orange County for Classroom Environmental Design Training and Technical Assistance Professional Development for State Preschool Program Sites (Action)

Passed with a motion by John Briscoe and a second by Patricia Singer.

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

O.6. Educational Services: Public Hearing on Resolution No. 08:2021 - A Resolution of the Ocean View School District of Orange County Board of Trustees Determining Steps to Ensure Availability of Textbooks and Instructional Materials for 2020-2021

President Clayton-Tarvin opened the Public Hearing at 8:49 p.m. There being no one present wishing to address the Board on this matter, the Public Hearing was closed at 8:50 p.m.

O.7. Educational Services: Resolution No. 08:2021 - A Resolution of the Ocean View School District of Orange County Board of Trustees Determining Steps to Ensure Availability of Textbooks and Instructional Materials for 2020-2021 (Action)

Passed with a motion by John Briscoe and a second by Patricia Singer.

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

O.8. Educational Services: Resolution No. 09:2021 Proclaiming the Week of October 23-31, 2020, as Red Ribbon Week (Action)

Passed with a motion by Norm Westwell and a second by Jack Souders.

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

O.9. Human Resources: Income Agreement, Agreement Number 50448 between Ocean View School District of Orange County and Orange County Superintendent of Schools for Clear Administrative Services Credential Program (Action)

Passed with a motion by John Briscoe and a second by Patricia Singer.

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

O.10. Human Resources: Williams Settlement Legislation Annual Report 2019-2020 (Information)

Received for information.

P. Any Other Public Comments to the Board of Trustees

John Salazar, parent, referenced studies and statistics regarding cases and deaths associated with COVID-19 by age group in California; expressed his opposition to requiring students to wear masks based on the information he presented.

Emily Anderson, parent, spoke in rebuttal to earlier statements made by Trustee Westwell.

Q. Future Agenda Items (As requested by Board Members): None.

R. Board of Trustees' Roundtable

Trustee Briscoe expressed his opposition to Proposition 15; pleased to share that a wood shop classroom is in the modernization plans for Marine View Middle School; commented on previous remarks made by Trustee Westwell regarding his representation on the Board.

Trustee Singer acknowledged Trustee Westwell's remarks about not being on his best behavior and his willingness to apologize to the parent involved in the incident on November 19, 2019; expressed her hope that we can all move forward with civil and polite discussion as we conduct the business of the District.

Trustee Souders congratulated Golden View School for not only winning the Green Ribbon Award, but also offering students an education on such matters as composting, water conservation, and nutrition.

Trustee Westwell shared instances of President Clayton-Tarvin violating Robert's Rules of Order regarding allowing him to speak, as well as violating Board Bylaw 9322 involving ways to place an item on the agenda.

President Clayton-Tarvin advised that per Board Bylaw, the President, in conjunction with the Superintendent, decides what items to place on the Board agenda.

President Clayton-Tarvin commented on her visit to Westmont with Dr. Hansen; explained the two face coverings she wears in public; noted that Trustee Westwell is not properly wearing a mask, and asked him to do so.

Trustee Westwell stated that he is wearing a proper mask. President Clayton-Tarvin commented on Trustee Westwell's bandana scarf and advised he must properly wear his face covering over his nose and mouth at future Board meetings.

S. Closed Session (if needed): None.

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

U. Adjournment

Time: 9:20 p.m.

Passed with a motion by John Briscoe 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

11/17/2020

Date