

CHULA VISTA ELEMENTARY SCHOOL DISTRICT

84 EAST "J" STREET • CHULA VISTA, CALIFORNIA 91910 • (619) 425-9600
EACH CHILD IS AN INDIVIDUAL OF GREAT WORTH

MINUTES BOARD OF EDUCATION

NOTICE OF SPECIAL MEETING BOARD WORKSHOP

Written notice is hereby given, in accordance with Education Code Section 35144 and Government Code Section 54956, that a special meeting of the Board of Education of the Chula Vista Elementary School District will be held as follows:

JANUARY 20, 2024
9 A.M.

Meeting Location
Chula Vista Elite Athlete Training Center
Visitor Center Conference Room
2800 Olympic Parkway, Chula Vista, CA 91915

Streamed Online

ORDER OF BUSINESS

1. OPENING PROCEDURES

Opening Procedures

A. Call to Order

President Ugarte called the meeting to order at 9:02 A.M.

B. Roll Call

Members Present:

Ms. Lucy Ugarte, President
Mr. Cesar T. Fernandez, Vice President
Mr. Francisco Tamayo, Clerk
Ms. Kate Bishop, Member
Ms. Delia Dominguez Cervantes, Member

Members Absent:

None.

Others Present:

Dr. Eduardo Reyes, Superintendent
Ms. Sharon Casey, Asst. Supt. Student Services
Ms. Jessica Morales, Area Asst. Supt., Innovation and Instruction
Mr. Jason Romero, Asst. Supt. Human Resources
Ms. Lisa Riggs, Area Asst. Supt., Innovation and Instruction

Ms. Rochelle Carroll, Executive Director of Curriculum and Instruction Services and Support
Ms. Giovanna Castro, Director of Communications
Ms. Araceli Guzman, Supt. and Board of Education Administrative Manager

2. APPROVE AGENDA (Action)

Approve Agenda

Motion: TAMAYO, Second: FERNANDEZ, Vote: UNANIMOUS

3. ORAL COMMUNICATIONS

Oral Communications

Oral Communications on Posted Items The Oral Communications portion of this special meeting provides the public with an opportunity to address the Board on items included in this special meeting agenda only. Persons wishing to be heard may attend in person and should complete a "Request to Be Heard" card and submit it to the Recording Secretary before the start of the meeting or call 619-679-9001 prior to the start of the meeting. Telephone line opens one hour prior to the start of the meeting. Speakers are requested to limit their remarks to three minutes and speak in a respectful and professional manner. The Board shall limit the total time for public input on each topic to 20 minutes. With Board consent, the President may increase or decrease the time allowed for public comments depending on the number of persons wishing to be heard. No Board action can be taken.

There was one speaker:

- Parent Noemi Abrego feels there is corruption within the Board and that parents' voices are not heard.

4. ADJOURN TO CLOSED SESSION

Closed Session

President Ugarte reconvened to open session at 9:06 A.M. in accordance with the following:

Government Code Section 54957: Public Employee Discipline/Dismissal/Release

5. RECONVENE TO OPEN SESSION

Reconvene to Open Session

Clerk Tamayo announced that in closed session, the Board:

Government Code Section 54957: Public Employee Discipline/Dismissal/Release

Approved to appeal the decision of OAH Case No. 2010923981.

Motion: FERNANDEZ, Second: TAMAYO

Vote: Ayes: BISHOP, DOMINGUEZ CERVANTES, FERNANDEZ, TAMAYO

Absent: NONE, Noes: NONE, Abstain: UGARTE

A. Call to Order

President Ugarte reconvened to open session at 9:42 A.M. with all Board Members present.

B. Roll Call:

Members Present:

Ms. Lucy Ugarte, President
Mr. Cesar T. Fernandez, Vice President
Mr. Francisco Tamayo, Clerk
Ms. Kate Bishop, Member
Ms. Delia Dominguez Cervantes, Member

Members Absent:

None.

Others Present:

Dr. Eduardo Reyes, Superintendent
Ms. Sharon Casey, Asst. Supt. Student Services
Ms. Jessica Morales, Area Asst. Supt., Innovation and Instruction
Mr. Jason Romero, Asst. Supt. Human Resources
Ms. Lisa Riggs, Area Asst. Supt., Innovation and Instruction
Ms. Rochelle Carroll, Executive Director of Curriculum and Instruction Services and Support
Ms. Giovanna Castro, Director of Communications
Ms. Araceli Guzman, Supt. and Board of Education Administrative Manager

C. Pledge of Allegiance

President Ugarte asked Clerk Tamayo to lead the Pledge of Allegiance.

Approve Agenda

6. APPROVE AGENDA (Action)

Motion: BISHOP, Second: FERNANDEZ, Vote: UNANIMOUS

President Ugarte called for a recess at 10:36 A.M. and reconvened the meeting at 10:46 A.M.

Board Workshop

7. BOARD WORKSHOP

A. Identifying and Preventing Conflicts of Interest Workshop

Dr. Reyes shared that this workshop was scheduled for the Board to have the ability to listen to our attorney for any potential conflicts that could arise from Board functions. It was a pleasure and honor to introduce District Counsel Dean T. Adams from Adams Silva & McNally, LLP.

Mr. Adams thanked Dr. Reyes and the Board for the opportunity to present said the point is to help the leadership team and Board be the best they can be. The introduction included his background experience. He added that this workshop was also scheduled due to the requirement from the taxpayers' association. He distributed a handout of the presentation: Identifying and Preventing Conflicts of Interest. He shared that in terms of Conflicts of Interest, the law is very complex, and is one of the most difficult subjects to work with.

The presentation included information on Sources of law, including Section 1090, Political Reform Act, Fair Political Practices, District Board Bylaws, Common Law, Incompatible Activities. It ended with Practical Pointers.

Mr. Adams elaborated on the Background and Purpose; How Do Conflicts Arise; Sources of Law 1090; Section 1090 Contracts, Purpose, Financial Interests, Exceptions, Remote Interests, Noninterests, Effects of Conflict, Rule of Necessity, and Enforcement.

Sources of Law: 1090

The basic rule for Section 1090 reads "...Board Members.... shall not be financially interested in any contract made by them in their official capacity, or by any body or board of which they are members", and "An individual shall not aid or abet a Member of the Legislature or a state, county, district, judicial district, or city officer or employee in violating (Section 1090(a))." Basically, not only can there not be conflict but we cannot be encouraging employees or others that may result in conflict of interest. Mr. Adams gave an example of a case he once had where a Board Member, while serving his/her term, received assistance from the HR department to become a substitute upon ending the term as a Board Member. This is a conflict of interest. Board Member Bishop requested clarification on this topic.

Noninterests include ownership less than 3% and total income does not exceed 5% of total income. Spouse's employment existed at least one year prior to election. Gov't. Code section 1091.5. An example given included a promotion of a daughter employed in District, even if not dependent, and should be recorded in minutes. Trustee Dominguez Cervantes shared that since before she began her term, she stated her two daughters are District employees. She requested that this disclosure be recorded in the meeting minutes.

The next section discussed was Sources of Law: Public Reform Act (PRA). Information was shared about Regulations, Fair Political Practices Commission (FPPC), Basic Rule, Four Part Test, Financial Interests, Indirect Interests, Two-Part Analysis,

Gift, Avoiding Gifts, Exclusions, Process, Legally Required Participation, Criminal Prosecution, and Civil Actions.

Financial interests include business interests, real property, income, business management or employment, gifts, or personal finances. It is important to watch for "indirect" interests (spouse, dependent child, or agent, including their ownership of 10% or more of a business). *Notes: anything above \$2000.*

PRA – Reasonably Foreseeable includes a two-part analysis: 1) is financial interest "explicitly involved" then foreseeable; 2) if not, is financial effect a realistic possibility (not hypothetical or theoretical.) Trustee Bishop requested clarification on member benefits.

PRA gifts refer to anything of value; if it is \$590 or more/calendar year; within past 12 months before decision and includes gifts to family members. Trustees Bishop and Tamayo requested clarification.

President Ugarte requested a break at 10:36 A.M. and meeting reconvened at 10:46 A.M.

The presentation continued with Sources of Law: CVESD Conflict Code including Board Bylaw 9270 (BB 9270) which was established for the purpose of disclosure of income and assets and process for disqualification, designate positions that are required to submit Form 700s disclosure requirements. Mr. Adams references BB9270 and the Exhibit. Trustees Bishop and Tamayo requested clarification on this section.

Discussion included Complying with 1090, Complying with PRA, Personnel Decisions, Collective Bargaining Agreements, Honoraria, and Violations.

The final topic was Sources of Law: Common Law. It included Purpose of Common Law, Board Member Disqualification, Court Decisions and Remedies.

Common Law disqualifies Board member if biased in favor or against party; has a personal interest in decision; received information outside public hearing that caused closed mind to any information share at hearing. 1) familiarity with facts does not bar participation; 2) apply law regardless of prehearing opinions; and 3) watch for inattentiveness (i.e. using cell phone and not actively listening). Trustees Bishop and Dominguez Cervantes requested clarification.

The Common Law information included Court Decisions and Remedies.

The presentation ended with Sources of Law: Incompatible Activities, Enforcement, Practical Pointers, and gave examples.

Incompatible Activity states Board member shall not: "Engage in any employment, activity, or enterprise for compensation which is inconsistent, incompatible, in conflict with, or inimical to his or her duties as a local agency officer or employee or with the duties, functions, or responsibilities of his or her appointing power of the agency"; and receive compensation for acts from another entity for acts required as a Board Member; accept obligations that render service as a Board Member less efficient; receive private gain from District time, facilities, equipment, supplies, prestige, influence of Board position; allow an outside officer/employee to control or inspect service (Govt Code section 1126, Ed. Code section 35233). Trustee Dominguez Cervantes requested clarification on Gov't. Code Section 1126.

Mr. Adams gave examples of Incompatible Activities. Trustees Bishop, Dominguez Cervantes, and Tamayo requested clarification.

Mr. Adams concluded his presentation with Practical Pointers. He emphasized that the law can be very complex, suggested to seek guidance if a conflict exists, and avoid communications with staff and/or other ways to influence a decision.

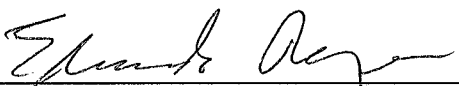
Adjournment

8. ADJOURNMENT

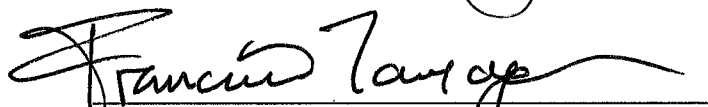
A. Adjournment

President Ugarte adjourned the meeting at 11:15 A.M.

Motion: FERNANDEZ, Second: TAMAYO, Vote: UNANIMOUS



Eduardo Reyes, Ed.D. Secretary



Francisco Tamayo, Clerk