

Corning Union High School Special School Board Meeting

DATE January 24, 2023

TYPE OF MEETING:
Special

TIME: 5: 30 P.M.

MEMBERS ABSENT:
Jim Bingham

PLACE: Corning Union High School
Library

VISITORS:

MEMBERS PRESENT:

Todd Henderson
Cody Lamb, Larry Glover
Tony Turri

SCHOOL DISTRICT REPRESENTATIVES:

Jared Caylor, District Superintendent
Jason Armstrong, CUHS Principal
Jessica Marquez, Administrative Assistant to Superintendent

THE CORNING UNION HIGH SCHOOL -

- 1. CALL TO ORDER:** The meeting was called to order at 5:31 p.m. by Board President, Larry Glover.
- 2. PLEDGE OF ALLEGIANCE:** Board President, Larry Glover asked the Board and audience to stand for the flag salute.
- 3. ROLL CALL:** Board President, Larry Glover asked for a roll call.

Attendance is as follows:

- Tony Turri
- Cody Lamb
- Larry Glover
- Todd Henderson

Absent: Jim Bingham

**4. PUBLIC
COMMENT
STUDY SESSION
ITEM:**

There was none.

5. STUDY SESSION:

Roman Munoz of Lozano Smith shared that he has been working with the district for 17/18 years. He has been a lawyer for 22 years now.

Major topics to be discussed

Types of meetings
Public comment
Closed session
Violations/Remedies

Intent- people are informed.

You'll see notice when board meets and conducts a meeting before taking action. This is to ensure that the public has the opportunity to give public comment if desired.

Reminder- It is the Board's Meeting (in public) not the public's meeting. People can't yell, demand questions and expect answers.

Applicability

Brown Act is applicable to the Board and it applies to all elected officials, even before they are sworn in. It used to be that they waited until be sworn in but legislature had 2 new board members who started pairing up and discussing things and this was not fair. Legislature had things changed after this occurrence.

Meeting

Congregation-majority of the members and this includes teleconferences. Action doesn't need to be taken or planned for a meeting to occur. Example: The majority of members (3/5 members) decide to go to dinner for fantasy football, well that is not a violation but if you want to discuss a new building or construction (anything that has to do with the district) it is a violation.

Notice- must be posted

Agenda - must be available to the public

The public has the right to comment. The exception is an educational conference. If the board attends a conference or workshop you are able to all be present, however not able to talk about district plans. The board can attend social or ceremonial events such as graduation or school events. There are some exceptions but people's perception is a reality and the board wants to avoid that. It applies to the entire board, not just one person.

Serial Meetings

This is a series of communications going on. An example, Todd calls Larry and then Larry goes to store and runs into Cody. He then says, he talked to Todd and the conversation continues. That is a Brown Act violation.

A talked to B to C (Linear or chain meeting) It wasn't necessarily A's fault but it is still a violation. The board member could have shared that

he/she is the only one that has been spoken to about it so doesn't discuss further.

Another type is HUB & Spoke Meeting- This is when one person talks to people and says talk to this person to lots of people. Before you know it, many people are aware. If there is a controversial item and everyone votes yes, the public gets suspicious of the vote since there were no prior meetings to discuss. This gives the public the sense that there have been some secret discussions that haven't allowed the public to hear or comment and this is a violation. Then, there could be the public records request. This is requesting any district business that was discussed on phones, through emails etc. These could be subject to violation.

There will be time when the board member needs to speak with the Superintendent and that is okay but he can't say, board member A called and had the same question you did. A board member can speak to constituents and can share why or why not they support an idea but an example was shared that cannot be done:

Example: Board member A has a cousin who says he wants something done and will name it after the family if all votes go through, well then that is shared with all the members- that cannot be done.

Common Scenarios= (do not hit reply all)

- Email messages in which majority is copied
- Conversations to poll the board
- Phone calls (1 exception is if it is related to collective bargaining)
- Chats or blogs

Do not use the exception unless you have to.

Labor unions have lobbyist and want to get a deal done but it is best practice if this is used to share the information at the next board meeting. Have a read out pursuant to Gov code 3549.7

Social Media

Technology moves fast than legislation

The board can use social media for conversations, answering questions, providing information or solicit information from the public

Serial meetings- doing things behind the scenes

A few years ago, some members went on social media, chatted and everyone could see, is that a violation- It is not a secret but legislature said it was a violation because not everyone had notice.

Public Officials and Social Media Pages

Board members on their phones – this is tricky. Anytime you make a record, it is part of public record and is subject to the public as it related to district business. This includes voicemail, text audio recordings etc.

Some ask, if you are not working on district property and using private accounts. There was a law suite in San Jose and the public requested copies – the court ruled if they conducted district business, public has the right to know. Even if it is a private device.

Public Record Act- this usually happens in July
The board would have to submit all text messages, email correspondence etc. There is an avadavat that says you went through your device and found nothing but that is legal and you could be committing perjury and do jail time if found guilty.

Public Records is short but there are exceptions- All information produced might not be made public.

Permitted	Prohibited
Answer questions	Social media to discuss business
Provide information	Responding to any communication from another member
Solicit information	Emojis

Twitter is another one to be careful of. If someone of public retweets something that a board member tweeted- it is not a violation but be cautious of what you retweet.

- NOTICE**
72 hours for regular meeting
24 hours for special meeting
1-hour notice for emergency meeting
0 notice for dyer emergency

Must be sure if it is emergency or dyer to make a call to the local media. All others the media is typically notified at the time of posting.

- AGENDA**
Description of business- must be accurate
Motions are reflective of what is on your agenda
If an item is not on the agenda you will have to bring it to your next meeting and place it on your next agenda. You cannot change an agenda after it has been posted. The backup can be changed but not the agenda.

Superintendent, Jared Caylor asked Roman to clarify how much flexibility to adjusting once meeting has started.

Example: Wanting to move public session earlier, move the items around but advise not to do that unless needed. People plan to be there at certain times according to the agenda and it is frowned upon if done all the time.

A board member cannot take action on items not on the agenda. The emergency exception is used for something that requires immediate action. An example of a book order that needed approval was shared. That would need to go on the next agenda and cannot jut be slipped into

the current agenda. The board could choose to hold a special meeting the same day if they wanted to (before or after the regular meeting).

Board Member, Tony Turri asked if there was a violation to remove and item and table it, there is not.

Pre-Covid 19 Meetings by Teleconference

- Location accessible to public
- Agenda identifies locations
- Agenda posted at all locations
- Public comment is available at all locations
- Majority of members must be within the district boundaries

Recent Legislation

AB361- a board can conduct remotely during a state of emergency but a resolution must be passed every 30 days and this is effective 10/1/21-2/28/23

Relaxed Brown Act

AB2449 1/123-1/1/26

This is the option for telecommunication meetings but the board member must have a personal emergency or “just cause” – this is a 2-meeting minimum per year.

1. Isolate (sick child or family member)
2. Medical emergency (3 consecutive months 20% of regular meetings)
3. Can participate via video conference and you do not have to say where are located.

The disclosure is that you have to state if anyone 18 or older is present. The Board votes on this and if it is permitted to conduct the meeting, the camera must be on and if you allow a board member, anyone else can be in the video conference to and public comment is real time.

Public Comment

- Briefly respond to statement or questions or may ask for clarification
- Request staff to report back at a subsequent meeting
- Direct staff to place the matter on a future agenda

Back and forth could be a violation of the Brown Act.

A Special Board meeting limits the items on the agenda

The public doesn't have to sign in or fill out a public comment card but it is a good idea to have them available for the public.

1. You know who is speaking
2. You can follow up with their person

3. You can find out where the person lives (jurisdiction)

Senate Bill 1100 Authorized the board president to remove disruptive individuals from board meetings but this requires an initial warning.

Suggestions

Have an understanding of what the board president plans to do

If someone is talking, the board president can say time is up and I am going to call a recess and call the PID to come and you can even request that they leave.

Someone who is being disruptive, often is looking for attention. Call for a recess and proceed in 10 minutes, but caution it is a recess not a closed session so no district business should be discussed during that time.

Superintendent, Jared Caylor shared that the Governance Workshop is coming up so this will be an ideal time for the board to discuss these matters and situations.

Lawful Closed Session

“Safe harbor” agenda language

If it doesn’t fit one of them, it not a closed session topic

Pushing the envelope on Brown Act is a low benefit/high cost proposition

- Deliberations in closed session
- Vote in open session
- Reminder to keep student or employee’s identity private

There was discussion as to why a parent would be part of closed session and the response from Roam is that if there was a Uniform Complaint from a parent they have the right to meet with the Board or appeal with the county. This doesn’t happen very often.

Personnel Matters

The board must understand that there is a 24-hour Brown Act notice – An employee received a notice because this gives the employee the right to have them considered in open session. This is not a non-re elect employee who is being release or an employee getting back into the classroom. This is typically only when there is disciplinary action involved. For classified staff this is limited to discipline not layoffs.

Closed Session Confidentiality

What happens in closed session stays in closed session. It is confidential.

It is covered by the official information privilege in the Evidence Code Board Approval required to allow any disclosure of what was said on topics discussed in closed session.

In closed Session- don’t go in there to talk bout 1 thing and then go on a rabbit trail and talk about everything else. Stick to the agenda and remember to policer yourselves.

Takeaways from this workshop

- Consider the intent of the Brown Act
- Definitions of the meeting
- Notice to the public
- Prepare for the board meeting
- Remain engaged
- If there are questions, please ask the Superintendent. He will know or can phone Roma and get the answer.

Board Member., Tony Turri asked if an action item was taking place on the agenda and the board stumbled across information, do they have to provide that information to all the public- Roman's answer is YES.

Anything shared with the board on an action item needs to be made available to the public as well, only closed session confidential items don't need to be made public.

Superintendent Jared Caylor shared that when he and his assistant Jessica are working on the board packets, often there are times where the board received information only and the rest of the information is public record. She posts the entire agenda with back up on the district website.

6. ADJOURNMENT:

A motion was made by Cody Lamb and seconded by Todd Henderson to adjourn the meeting at 7:33 p.m.

Approved

Larry Glover, President

Jim Bingham, Clerk