

**SAUSALITO MARIN CITY SCHOOL DISTRICT
SPECIAL BOARD MEETING MINUTES
December 18, 2018**

ATTENDANCE

Board Members Present: Joshua Barrow, Ida Green, Bonnie Hough, Debra Turner, Caroline Van Alst

Interim Superintendent: Terena Mares

The meeting was called to order at 8:07 a.m.

PLEDGE OF ALLEGIANCE

Trustee Van Alst led the pledge of allegiance.

REORGANIZATION OF AGENDA

M/s/c Hough/Van Alst to approve the agenda

Ayes: Barrow, Green, Hough, Turner, Van Alst

Noes: None

Absent: None

CORRESPONDENCE

Letter from the Office of California Attorney General in the Matter of the Investigation of Sausalito Marin City School District

Willow Creek Academy Letter re: 12.11.18 California Attorney General Letter

Jamie Whittington, a community member, said that while Willow Creek Academy serves the majority of children in the District, it is the systematic elimination of education services at Bayside MLK Jr. Academy which caused an exodus out of that school. The letter from the Attorney General has the force of law behind it and discriminatory practices in the District must end.

Melanie Meharchand said it is important for Willow Creek Academy to be at the table in discussions with the Attorney General. 80% of students in the District chose not to stay at BMLK, she told the Board.

Marilyn Mackel said that currently 100% of white students attend WCA – that is a clear violation of the law. BMLK is segregated because of the lack of oversight of the Board.

Approval of Addendum to the Interim Superintendent Services Contract

Ms. Mares said to provide clarity, the addendum removes the exclusion related to the pending investigation of the Attorney General. It is important for the superintendent to participate in the discussion with the Attorney General. The exclusions in the original contract were specifically for LCAP and AB1200 – for this reason the Marin County Office of Education has engaged independent consultants to work on those matters.

Trustee Van Alst said that the process going forward is that after the December 21 meeting with the Attorney General, his office will propose a settlement or stipulated judgment.

Jeff Knowles of the WCA Board said that the Brown Act requires that the proposed addendum be part of the packet. Therefore, the notice should be corrected. On the substance, he said that because the Marin County Office of Education has oversight authority over this Board and is connected directly with the investigation by the Fiscal Crisis & Management Assistance Team, Ms. Mares is occupying two conflicting positions.

Joan Cox said she has concerns about the noticing of the meeting. If the notice was inadequate, any action would be rescinded. She said that on its face, it would appear that Ms. Mares has divided loyalties.

Loren Soukop of School & College Legal Services said that in her legal opinion, the agenda notice did not need more detail. She continued: This matter was brought before the Board to ensure transparency. As discussions with the Attorney General progress, counsel will continue to evaluate the situation and if there is any recommendation that directly involves the Marin County Office of Education, we will review Ms. Mares's involvement.

Lisa Mori of Fagen, Freidman & Fulfrost said that the agenda notice is technically in compliance but concerns remain. However, there are remedies under the Brown Act and the Board has the ability to cure and correct.

Superintendent Mares said that she has been involved in the district for past three years and is a resident of Sausalito. She continued: I take my integrity very seriously. Mary Jane Burke is my employer but that is only a job and does not override my integrity. If there is any conflict, I will recuse myself. It is difficult to anticipate what will be disclosed on December 21. .

M/s/c Turner/Hough to Approve Addendum to the Interim Superintendent Services Contract

Ayes: Green, Hough, Turner

Noes: None

Abstain: Barrow, Van Alst

Response to the California Attorney General's Request to Meet with the District on December 21, 2018

Trustee Green announced that she will not ask for a motion or a vote on this item. Under advice from counsel if the board voted to name two members of the board to attend the meeting with the AG, it could constitute a board created committee and therefore be subject to the Brown Act. Green shared she will not be able to attend the meeting and is naming Debra Turner and Bonnie Hough to represent the district.

Allie Behr, a parent at WCA, requested that in the spirit of collaboration, leadership from WCA be included in the meeting.

Peter Van Meter said that the perception is that the Board is not balanced therefore it would be good to have a member of WCA in the room, even if it is in an informal capacity.

Jeff Knowles said WCA should have a seat at the table in the meeting with the AG. The other consideration is continuity. There are two Board members, Barrow and Van Alst, who have served as Board presidents and been involved with the AG discussions. It would be helpful to have one of them participate.

Trustee Van Alst said the primary concern is continuity. She continued: We are reversing course on that and if there is a possibility of appointing trustee Barrow, we should do so.

Trustee Green said that this is only a preliminary meeting and that she is asking Bonnie Hough to attend as someone with a legal background who has stated that she wants to be consensus builder and as Vice President she is asking Trustee Turner to participate.

Trustee Van Alst said that she would like her dissent from trustee Green's recommendation to be recorded.

Assignment of Legal Counsel in the Matter of the Investigation of Sausalito Marin City School District

Superintendent Mares recommended that the Board choose School & College Legal Services as lead counsel for the AG discussions. She said that per usual practice, Lisa Mori of Fagen Friedman & Fulfroost will continue to share her knowledge of past legal matters with School & College Legal Services (SCLS).

Trustee Van Alst said that it would be good to have Lisa Mori continue to participate in the discussions with the AG. She said that she has concerns about the employment of Bob Henry, as he has been employed by the Marin County Office of Education.

Trustee Barrow said that it was his understanding that while new counsel would deal with issues newly brought to the Board, Lisa Mori of Fagen, Friedman and Fulfroost would continue to be lead counsel in the still outstanding matters such as the Attorney General's investigation.

Trustee Van Alst agreed and said that when School & College Legal Services (SCLS) was retained, the Board understood the scope of the contract to be limited to union negotiations and other small matters. She said that she feels that there has been a "bait and switch" in assigning SCLS to the tasks that were being overseen by Lisa Mori.

Loren Soukup of SCLS said that there is not an issue with information being provided to our office by Fagen Friedman & Fulfroost to adequately represent the Board. There will be some overlap between that office and ours in the beginning. If we are chosen as the District's firm, we will make sure that we are up to speed, she told the Board. Soukup shared that her firm would be willing to provide a letter clarifying Mr. Henry's "Of Counsel" position with SCLS is without conflict.

Lisa Mori said that she is not privy to any facts or opinions from the AG and does not feel that there is a special reason for her presence at the meeting. If there is a transition, I pledge to make it as smooth as possible, she told the Board.

M/s/c Hough/Turner to Assign School & College Legal Services as Legal Counsel in the Matter of the Investigation of Sausalito Marin City School District and have Fagen Friedman & Fulfroost Represented at the Meeting with the Attorney General

Ayes: Green, Hough, Turner

Noes: None

Abstain: Barrow, Van Alst

Absent: None

ADJOURNMENT

M/s/c Barrow/Van Alst to Adjourn at 10:21 a.m.

Ayes: Barrow, Green, Hough, Turner, Van Alst

Noes: None

Absent: None

Dee Green *2/14/19*

Signature/Date

Presidal

Title