

**SAUSALITO MARIN CITY SCHOOL DISTRICT  
BOARD MEETING MINUTES  
February 14, 2019**

**ATTENDANCE**

Board Members Present: Ida Green, Bonnie Hough, Debra Turner, Caroline Van Alst  
Absent: Joshua Barrow (present at open session until 6:25 p.m.)

Interim Superintendent: Terena Mares

The meeting was called to order at 5:00 p.m.

**CLOSED SESSION**

The Board and Superintendent convened closed session at 5:01 p.m.

**RECONVENE TO OPEN SESSION**

Open session reconvened at 6:12 p.m.

**REPORT OUT OF CLOSED SESSION**

Trustee Green announced that no action was taken in closed session.

Trustee Green said that pursuant to Government Code sections 11180 and 54956.9 and Evidence Code section 1152, the ongoing discussions with the California Attorney General's Office are confidential under the law. The District cannot disclose details of discussions with the Attorney General's office. The District understands that there is a letter from the Attorney General's Office dated December 11, 2018 that has been publicly disclosed, describing the conclusion of a related confidential investigation. A timeline for the resolution of this process has yet to be determined. The District will provide more information to the public when permissible.

**PLEDGE OF ALLEGIANCE**

Trustee Green led the pledge of allegiance.

**REORGANIZATION OF AGENDA**

Trustees agreed to move up items 13.02 and 15.01 in the agenda to allow for more efficient proceedings.

**M/s/c Van Alst/Turner to Approve the Agenda as Re-Organized**

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

**Noes: None**

**Abstain: None**

**BOARD COMMUNICATIONS**

Trustee Barrow said: After six years of volunteer service on this Board and reelection by a healthy margin of votes, I am being accused General's office of having a potential conflict of interest disproportionate to the general public, because of the proximity of my home to Bayside MLK. I am being told that I cannot participate in the dialogue with the AG and subsequent Board votes on any related matters. The implications of the AG's rationale would seem to be that I am unable to participate in any major decisions involving BMLK. I am effectively shut out as a Board member. This claim that my property value would be materially impacted more than a majority of homes in Marin City, and therefore I would somehow be conflicted in favor of BMLK, is ironic and would seem to fly directly against the Fiscal Crisis and Management Assistance Team's claim that because I have children at WCA, I may be conflicted towards WCA. That claim was echoed by the Marin County Office of Education and in the Uniform Complaint. I would like to address a key difference between those claims. FCMAT, MCOE and BMLK advocates are not law enforcement agencies. In every previous case, District counsel had clearly refuted the allegations and I was comfortable executing my duties as an elected Board

member. While I find the allegations of conflict in favor of WCA and now BMLK to be wrong and even contradictory, clearly the AG is a law enforcement agency.

I was raised to respect and comply with the orders of law enforcement, even if you think they are wrong. You work through a legal process to remedy the situation. In this case, that process is appealing to the AG for reconsideration and ultimately to the Fair Political Practices Commission for an opinion. That is what I am doing, with the full support of the Board, the Superintendent and our legal counsel. I am not happy with how slow the process is and the ramifications of sitting on the sidelines during this critical period for the District, but I feel this is the right course of action. Some have encouraged me to ignore these allegations and continue to participate. I don't think that would be wise for the District or me personally. Some feel this is a political hit against me and unfounded in the law. Time will tell.

Finally, in the past six years, I have made supporters of both Bayside MLK Jr. Academy and Willow Creek Academy very angry. I have built trust with both communities and at the same time pushed back. Some have described me as a stabilizing force in difficult circumstances. I apologize to those who voted for me and support me and hope to return with a positive opinion from the Fair Political Practices Commission regarding my ability to participate as board member. Until then, I will continue to abstain from all material matters impacting BMLK. I will not be present for future board meetings until this is resolved.

Trustee Green said that trustees, along with some in the audience, are disheartened by this process. We put our hearts into this work because we care, not because we want to usurp our power, she said.

Trustee Turner said there are things that do not foster collaboration; one is demonizing individuals, the other is speaking half truths. These are close relatives of bullying. She implored the community to work together.

Trustee Hough said she attended the Martin Luther King Jr. Day celebration in Marin City. She also attended WCA board meetings and LCAP meetings for both schools, and held two informal talks with the president of the WCA Board. We are invested in the process, she told the audience.

## **ACKNOWLEDGMENTS**

Superintendent Mares thanked volunteer Claudia Kennedy for her generous donation of \$1000 for classroom libraries. She also thanked the organization Stand Up for Kids for their donation of Varidesk stand-up desks to Bayside MLK Jr. Academy.

Former principal and music teacher Jonnette Newton was recognized for her outstanding contributions to the education and wellbeing of students at BMLK. Several members of the public honored her dedication and love for her students. On behalf of Marin County Supervisor Kathrin Sears, Leslie Alden presented Ms. Newton with a proclamation. Natalie Nong, a former student of Ms. Newton, performed a song in her honor.

## **Vision for 2019-2020 School Year at Bayside MLK Jr. Academy**

Principal Finnane introduced second grade teacher Jennifer Kelly and some of her students who gave a performance in honor of Black History Month.

Mr. Finnane thanked Bettie Hodges for her unfailing persistence and Melissa Cadet for saying that we should identify and stick with a program for our students. He said we must remember to celebrate the strengths of our children, including resilience, determination and imagination as well as address their needs, which include conflict resolution, academic skills development and self-esteem.

The vision for the next academic year is the creation of a community school with an emphasis on culturally relevant content, Arts education, professional development and social- emotional support for our students.

He then enumerated the steps involved in the plan to revamp the academic and social emotional work of the school, including literacy and math workshops, and a laser focus on achievement.

A group of Bayside MLK Jr. Academy teachers said that over the years, important programs such as early intervention and counseling were dismantled. The deficit in the middle grades today did not happen overnight: By the time the current middle schoolers were in kindergarten, the counseling program had been gutted; there was no intervention, no math teacher and a two day a week science teacher. Between 2008 and now, the student population fell by 50. The students have suffered some serious harm. What has happened at BMLK was due to actions that supported students at WCA, they told the Board.

Oshalla Marcus spoke in support of the Vision for 2019-2020, particularly the community school model, arts education and social-emotional support through a culturally relevant curriculum. Marin City is one of the few places where our children of color can have a sense of safety, she said.

#### **Willow Creek Academy 2018-2019 Interim Budget Report & District Response**

Ms. Mares said that as part of District oversight of the charter school, the Board performs an analysis of WCA finances. The 2018-2019 WCA budget was out of alignment with the District budget. In its reply, the District requested that WCA submit a contingent budget showing how it will respond to a different financial reality in 2019-20.

Trustee Van Alst asked for clarification on a paragraph in the letter which stated that the District would reassess the impact of potential budgetary and programmatic changes to the charter, which, if realized, could constitute a real change to WCA's charter petition. Ms. Mares said that when WCA submits its contingent budget, if it looks like there are significant changes to its programs, these might necessitate a resubmission of its charter petition. This would not be a revocation of WCA's charter, she said. Further, these procedural points were raised for WCA's information and not as threats.

Peter Van Meter said the needs of students at both schools must be balanced and there ought to be a financial solution without having to go to war.

Jennifer Conway said she appreciated the time that trustee Hough spent at WCA to get to know the school and students. She said that the proposed additional charges to WCA would mean devastating reductions in a school that has no overhead.

Joe Burns, Mayor of Sausalito, said we ought to make sure our tax dollars are providing the best education for our children. The district has an economy of scale issue and should develop a plan that provides for choice, diversity and inclusion. Unite all the kids in one program, he told the Board.

Jeff Knowles said the Board adopted a budget that provides per- student funding at less than \$10K for WCA students and over \$40K for BMLK without substantive discussion. He continued: A year after the initial proposal, there is still no dialogue. This December the Board again approved a budget that is inconsistent with the law.

David Kostiner said the administration of our County Office of Education is paid very well – between \$395K and \$280K a year. If we cut those salaries by 25%, our funding issues will be solved.

Philip Kerr said that during the last election, trustees Ida Green and Bonnie Hough made campaign promises not to make any cuts in the classroom. He said full funding of our students' needs entails better management of the money the District has at its disposal. He asked the Board not to allow politics to get in the way of doing the right thing for all students.

At 8:45 p.m., trustee Green announced that the Board would take a short break. The Board reconvened the meeting at 8:50 p.m.

Reverend Mowry of the Sausalito Presbyterian Church said the best lesson for our children is for them to see us all work well together. He said that he empathizes with the indignation of Willow Creek parents, but also remembers that seven years ago, the parents at Bayside were before the Board asking not to be moved from the Sausalito campus and not to cut the number of staff – to no avail. Together, you can solve this problem, he told the Board.

Trustee Van Alst said that the AG investigation process should not stop the Board from its tasks of reviewing the budget and working on possible restructuring. The work should continue, she said.

Oshalla Marcus said that children and parents in Marin City often feel that their community is being used to get grants, to do academic research, and for people to feel that they are living in a diverse community. She asked for everyone to truly come together so that we do not just say that our children go to a diverse school, but actually create a real community.

Trustees agreed to move all correspondence except for items 10.05 and 10.07, as well as all committee reports and item 13.04 to the March meeting.

**M/s/c Van Alst/Turner to further re-organize the agenda**

**Ayes: Green, Hough, Turner**

**Noes: Van Alst**

**Absent: Barrow**

**Ratification of the Waiver of Actual or Perceived Conflict of Interest by School & College Legal Services (SCLS) Law Firm Regarding the AG matter**

Attorney Loren Soukup said it is the position of her firm that there is no conflict of interest in having SCLS represent the District in the Attorney General matter, despite the fact that Mr. Bob Henry is of counsel to SCLS and also represents the County Office of Education. We have put up a “wall” in our office to make sure that Mr. Henry is excluded from every item of business concerning the AG matter, she said. However, out of an abundance of caution, we have included a potential conflict waiver in tonight’s agenda for your consideration, she told the Board.

Trustee Van Alst said that SCLS was hired with the specific prohibition of working on the AG matter. She said that she has deep concerns about hiring counsel with a perceived or real conflict in this highly sensitive situation of dealing with the AG matter and the need to ensure independent representation of the District.

Ms. Mares said that Bob Henry does not work for SCLS in his representation of the Marin County Office of Education.

Ms. Soukup said that it is not uncommon in education law for counsel to represent both a county office of education and the districts within that county. She emphasized that Bob Henry has no access to any information regarding SCLS representation of the District in the AG matter.

**M/s/c Turner/Hough to Approve of the Proposed Ratification of the Waiver of Actual or Perceived Conflict of Interest by SCLS Law Firm Regarding the AG matter**

**Ayes: Green, Hough, Turner**

**Noes: Van Alst**

**Absent: Barrow**

## **ORAL COMMUNICATIONS**

A group of BMLK middle school students said that as Black and Brown students, they feel safe at BMLK – something that is not true in other schools. Speaking for the group Jo’lique Byrd said that the Bayside campus was taken away from them – nevertheless the students showed resilience and rose up again. Now, we ask for the opportunity to have an equal education, she told the Board.

Jamie Whittington said she was dismayed that WCA parents have called for demonstrations in the streets to demand that the Board defy established civil rights law. She continued: This controversy is not about the merits of WCA, but about an attempt to remedy non compliance with civil rights laws. It is also about Marin City families that felt they had no choice but to go to WCA because they found their local school no longer viable after years of discriminatory actions by former school boards. This controversy is about whether the current Board can find remedies to years of non compliance with civil rights law without a public court fight.

David Suto said we could solve our funding problems this year with a \$350 parcel tax. Many of the students at both schools are not being taught equitably. We should work to raise the Local Control Funding Formula per student allocation by 50%.

Neil Hamari said: Thank God for the Attorney General. We have fought so hard over the past 10 years to get justice done for our school budget while services were stripped away. I am so proud to be part of a group that sticks with the public school system.

Jeff Knowles said many of us believe the best solution is to integrate and merge the schools. The current funding formula is not disproportionately in favor of WCA, rather it is the other way round.

Laura Gonzalez said that her family emigrated from Mexico and wants her children to attend a diverse school. Touring schools, she felt welcome at WCA but not at BMLK.

Jackie Dedrick said 10 years ago, she told the Board that they were taking the kids away from the Bayside campus and dumping them here at Bayside MLK.

Johanna VanderMolen said she would like to ask for help to ensure school safety at WCA. There are issues with unsafe cafeteria tables at WCA where we recently had a second accident, she said.

## **REPORTS**

### **Superintendent**

Ms. Mares said that Felicia Gaston of Performing Stars of Marin continues to do an extraordinary job in supporting the students. Tonight she provided snacks with donations from parents as well as Cibo, a local restaurant. She also thanked Jennifer Conway who provided pizza for all the children.

Ms. Mares encouraged everyone to attend the Beyond Courageous Conversation seminar at MCOE. She informed the Board that the District had to decline the Fresh Food grant from the State because the necessary retrofit of the kitchen would cost \$100K. She notified the Board that the District is in the midst of responding to a voluminous public record request from WCA.

### **Site Leadership**

Principal Finnane said that the school held a great Black History Month Celebration last week. He thanked pastor Leggett, Julius Holtzclaw and several volunteers for the food provided at the celebration. We are about to begin our Opinion Writing celebration, when all grades from TK to Eighth will be sharing their writing with each other. He said that he would have an overview of the “scope and sequence” in history and social science curricula for each grade to share with the Board at the August meeting.

### **Willow Creek Academy**

Head of School Tara Seekins said that the MLK celebration on January 21<sup>st</sup> at the Marin City recreation center was enlivened by music teacher Phil Logan leading an ensemble of student vocalists.

She thanked the Sausalito Rotary Club and specially Dr. Thornton for visiting the campus and handing out dictionaries to the third graders. LCAP planning for the 2019-2020 school year is underway with parent surveys and feedback solicitation. Ms. Seekins acknowledged trustee Hough for attending the LCAP information meetings as well the WCA board meeting to learn more about the school's programs.

Kurt Weinsheimer thanked the WCA and BMLK teams for keeping the focus on education in the midst of the present chaos. He said that the District has the duty to fund the public charter school and WCA has a duty to offer a high quality education. If this budget goes through, WCA will have a deficit of \$700K and the district will have a surplus of \$700K, he said.

### **Facility Report**

Director of Facilities Wolf Gutscher said that both campuses have been inspected to comply with the requirements of the School Accountability Report Card. BMLK received a good rating; WCA received a fair rating. Going forward, the main focus is stopping the wet and dry rot at WCA. This is a capital expense that would usually entail going out for a bond. He said that he cannot see a fractured community voting for a general obligation bond at this time. In addition to the major structural problems at WCA, the portable at both sites have about 3-5 years of useful life left. He said that he has asked the firm of Greystone West to perform a facilities needs analysis and give a detailed report.

### **Willow Creek Academy 2017-2018 Audit Report**

This item was brought to the Board as an information item.

### **Preliminary Offer, WCA Prop. 39 Facilities Request**

Superintendent Mares said that this the District's response to WCA's annual request for facilities which asks the charter school to pay a pro-rata share of maintenance costs and for the payment of utilities. They have until March 1 to respond.

### **Roll Call Van Alst/Hough to Approve the Following Consent Agenda items:**

Payment of Warrants – Batches 21-24

Minutes of the December 13 and 18, 2018, January 8, 10, 18, 22, 24, 28 and February 5, 2019 Board Meetings

Quarterly Report on Williams Uniform Complaints

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

**Noes: None**

**Absent: Barrow**

### **Contract with Kidder Mathews Appraisers**

**M/s/c Van Alst /Hough to Approve the Contract with Kidder Mathews Appraisers**

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

**Noes: None**

**Absent: Barrow**

### **Contract with Marin Fence Company – Fence Installation at Willow Creek Academy**

**M/s/c Van Alst /Turner to Approve the Contract with Marin Fence Company – Fence Installation at Willow Creek Academy**

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

**Noes: None**

**Absent: Barrow**

**Contract with PCD Inc. – Installation of Intercom to Modular Buildings at Bayside MLK Jr. Academy**  
**M/s/c Van Alst /Turner to Approve the Contract with PCD Inc. – Installation of Intercom in Modular Buildings at Bayside MLK Jr. Academy**  
**Ayes: Green, Hough, Turner, Van Alst**  
**Noes: None**  
**Absent: Barrow**

**Resignation – Vanamali Tay, Effective 6/30/2019**  
**M/s/c Van Alst /Hough to Approve the Resignation – Vanamali Tay, Effective 6/30/2019**  
**Ayes: Green, Hough, Turner, Van Alst**  
**Noes: None**  
**Absent: Barrow**

**Retirement – Vida Moattar, Effective 6/30/2019**  
**M/s/c Van Alst /Hough to Approve the Retirement – Vida Moattar, Effective 6/30/2019**  
**Ayes: Green, Hough, Turner, Van Alst**  
**Noes: None**  
**Absent: Barrow**

**Resolution 762: Notice of Layoff: Certificated Employees – Reduction in Force Due to Lack of Funds and/or Lack of Work**

Ms. Mares said that this is a procedural step only as the District is in talks with WCA for the charter school to continue using District special education staff in the event of a move to a different Special Education Local Plan Area (SELPA).

**Roll Call Van Alst /Turner to Approve Resolution 762: Notice of Layoff: Certificated Employees – Reduction in Force Due to Lack of Funds and/or Lack of Work**

**Ayes: Green, Hough, Turner, Van Alst**  
**Noes: None**  
**Absent: Barrow**

**Community School Manager Job Description**


**M/s/c Turner/Van Alst to Approve the Community School Manager Job Description**

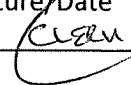
**Ayes: Green, Hough, Turner, Van Alst**  
**Noes: None**  
**Absent: Barrow**

**ADJOURNMENT**

**M/s/c Van Alst/Turner to Adjourn at 11:08 p.m.**

**Ayes: Green, Hough, Turner, Van Alst**  
**Noes: None**  
**Absent: Barrow**

  
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Signature/Date *Bonnie Hough 4/4/19*

  
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Title