

PALO VERDE COMMUNITY COLLEGE DISTRICT
STUDY SESSION/SPECIAL MEETING
BOARD OF TRUSTEES
Tuesday, February 24, 2015
4:30 p.m.
One College Drive, Blythe, CA – CL 101
(ITV held at Palo Verde College Needles Center – 725 W. Broadway, Needles, CA)

Meeting 15-03

MINUTES

I. OPENING OF MEETING

1. Call to Order
The Study Session/Special Meeting of the Board of Trustees was called to order by Ned Hyduke, Vice President of the Board, at 4:32 p.m.
2. Flag Salute
The Salute to the American Flag was led by Trustee Ted Arneson.
3. Roll Call

Trustees Present: Ned Hyduke, Vice President of the Board
 Ermila Rodriguez, Clerk of the Board
 Ted Arneson, Trustee
 Jerry Lewis, Trustee
 Suzanne Woods, Trustee

Administrators Present: Donald G. Wallace, Superintendent/President

Absent: Russi Egan, Chief Business Officer
 Cecy Garcia, Chief Human Resources Officer
 Ed Gonzales, Trustee
 Sean Hancock, V.P. of Instruction and Student
 Services
 Alex Munoz, Student Trustee
 George Thomas, President of the Board

Recorder: Carrie Mullion, Administrative Assistant to
 Superintendent/President and Board of Trustees

Visitors: Mark Thompson, AALRR

4. Approval of the Agenda for this meeting.
It was moved by Ms. Rodriguez, seconded by Mr. Arneson, and unanimously carried, that the Agenda be approved.

Dr. Wallace provided the Trustees with the draft Follow-Up Report and the Integrated Planning Manuel due to ACCJC on March 15, 2015. The Governing Board will approve these final documents at the Board meeting scheduled for March 10, 2015.

(These minutes are a concise summary of reports, discussion and actions taken at this meeting. For detailed comments and discussion, a tape is available to the public for 30 days after the date of this meeting.)

II. HEARING OF CITIZENS (AGENDA ITEMS)

Members of the public have this opportunity to directly address the Board on agenda items, subject to a five (5) minute time limitation per individual. Pursuant to the Brown Act Government Code Section 54954.2(a): "No action or discussion shall be undertaken on any item not appearing on the posted agenda, except that members of a legislative body or its staff may briefly respond to statements made or questions posed by persons exercising their public testimony rights under Section 54954.3."

None.

III. ANNOUNCEMENT OF RECUSAL FROM AGENDA ITEMS

The Superintendent/President respectfully asks if any of the Governing Board members need to recuse themselves from any item where there might be a potential conflict of interest.

None.

IV. STUDY SESSION

1. Brown Act and Board Meeting Conduct (*handouts to be provided at the meeting*)
Presenter: Mark Thompson, Esq., AALRR

Mr. Mark Thompson, Attorney with AALRR, provided handouts and a powerpoint presentation titled "Topics in Boardmanship, Board Meetings and Communications". Topics discussed included:

- Brown Act - California Open Meeting Law:
 - a) Any gathering of a quorum of a legislative body to discuss or transact district business.
 - b) Must avoid serial meetings.
 - c) Includes standing subcommittees of the Board– if a subcommittee of the board consists of only board members, but fewer than a quorum, it is not necessarily subject to the Brown Act. But when you incorporate outside people that are not members of the board into the standing subcommittee, then it becomes subject to the Brown Act.
- Exceptions:
 - a) Conferences/meetings open to the public.
 - b) Purely social or ceremonial events; e.g. graduations.
 - c) No discussion of district business.
- Location:
 - a) Open to the public and ADA accessible.
 - b) Within the boundaries of the district; e.g. recruiting and employee and traveling outside boundaries. Individual board members may participate remotely while following these specific rules, 1) a quorum must be within the district boundaries, 2) must be open to the public, 3) must post an agenda 72 hours in advance, 4) allow for public comment, and 5) ADA accessible.
- Examples of serial meetings. One way communication is crucial with each board member and also with the public; no feedback is very important.

IV. STUDY SESSION (continued)

- Board Meeting Conduct Requirements:
 - a) Call to order, approve agenda.
 - b) May add to agenda in certain cases; e.g. emergency meeting is something that requires immediate attention and requires 2/3 majority vote in order to call a meeting.
 - c) Report after closed session.
 - d)

- Board Meeting Public Comment:
 - a) Must allow on closed session items before closed session.
 - b) Must allow on open session items at or before the time the item is considered.
 - c) Subject to reasonable regulations established by the district.
 - d) Example of Baca v. Moreno Valley in which an allegation against an employee was talked about in the public comment section of the Board meeting. Advice is to sit quietly and do not respond if being spoken against at a public meeting, and also to encourage the use of due process.

- Agendas:
 - a) Must be posted in advance of meeting.
 - b) 72 hours for regular meetings.
 - c) 24 hours for special meetings.
 - d) 1 hour for emergency – work stoppage/crippling disaster.
 - e) Agenda materials provided to Board become public records unless otherwise protected. Materials must be made available to the public upon request.
 - f) Agenda items must reasonably apprise the public of the business to be transacted.
 - g) Short description, generally no more than 20 words.

The Governing Board recessed at 5:28 p.m.

The Governing Board reconvened at 5:33 p.m.

- Closed session safe harbor agenda language; Government Code 45954.5:
 - a) Conference with Real Property Negotiators.
 - b) Conference with Legal Counsel – Existing Litigation.
 - c) Conference with Legal Counsel – Anticipated Litigation.
 - d) Liability Claims.
 - e) Threat to Public Services or Facilities.
 - f) Public Employee Appointment / Public Employment.
 - g) Public Employee Performance Evaluation
 - h) Public Employee Discipline/Dismissal Release (24 hour notice requirement).
 - i) Conference with Labor Negotiators.
 - j) EERA Provision; Government Code 3549.1.

IV. STUDY SESSION (continued)

- New/Specific Rules:
 - a) Must report/record individual vote of each member.
 - b) Must vote on employment contracts in open session in a regular meeting.
 - c) No discussion of salaries/benefits in closed session (except conference with labor negotiator).
 - d) Agenda must be posted on website, if you have one.
 - e) Curing and correcting Brown Act violations.

- Board Communications between Superintendent/President and Other Board Members:
 - a) One on one and one way communication with Superintendent/President is acceptable.
 - b) Written communications are public records unless content of the communication is designated as confidential.
 - c) No board member discussions with more than a quorum.
 - d) Board members must avoid serial meetings, or the appearance of such.
 - e) Board members together for purely social reasons are acceptable, but avoid a quorum if possible.

- Board Communications with the Public:
 - a) The public will reach out to you, and you may reach back.
 - b) The public is your constituents and stakeholders.
 - c) Any interventions should be referred to staff.
 - d) The Board makes policy, the Superintendent/President implements policy.
 - e) The Board has adopted policies that call for administrative matters to be referred to staff and policy should be followed.
 - f) Social media and responsible sharing of information.
 - g) Emails, unless otherwise protected, dealing with District business are public regardless of the email address being a district or private email.
 - h) Cell phones, texting could also be subject to public.

- Board Communications with Labor Associations:
 - a) These are the Board's constituents and stakeholders too, however in labor negotiations they are the Board's adversaries.
 - b) The Board can receive input but cannot share negotiations strategy.
 - c) Remember there is a designated bargaining team.
 - d) Dividing and conquering the Board is exactly what Labor Associations want.

- General Board Communications:
 - a) Cannot disclose information received in closed session without consent of the majority; Government Code 54963.
 - b) Subject to civil and criminal penalties. Criminal penalties would be violation of the Brown Act, and civil penalties would be lawsuit against Board member who disclosed the confidential information.

V. HEARING OF CITIZENS (NON-AGENDA ITEMS)

Members of the public have this opportunity to directly address the Board on items of interest to the public, subject to a five (5) minute time limitation per individual.

None.

VI. CLOSED SESSION *(No Closed Session action taken)*

The Board of Trustees adjourned to Closed Session at 6:20 p.m. to discuss the following:

1. Conference with Labor Negotiator; pursuant to Gov't Code 54957.6
Agency Representative: Mark Thompson, Esq.
Unrepresented Employee: Superintendent/President

VII. ADJOURN

The meeting adjourned at 6:20 p.m.

**Minutes approved at the April 14, 2015
Regular Board Meeting.**

Donald G. Wallace, Secretary of the Board