

MINUTES
Special Meeting
July 26, 2018

ORANGE COUNTY BOARD OF EDUCATION
MINUTES

CALL TO ORDER

The Special Meeting of the Orange County Board of Education was called to order by President Williams at 6:04 p.m., July 26, 2018 in the Board Room, 200 Kalmus Drive, Costa Mesa, California.

INVOCATION

Mari Barke, Trustee Area 2

PLEDGE OF ALLEGIANCE

Renee Hendrick, Associate Superintendent, Administrative Services

ROLL CALL

Present:

Lisa Sparks, Ph.D.
Mari Barke
Ken Williams, D.O.
John W. Bedell, Ph.D.

Absent:

Rebecca "Beckie" Gomez (*Trustee Gomez was scheduled to be out of town prior to the scheduling of the Special meeting.*)

INTRODUCTION

None

AGENDA

Motion by Barke, seconded by Sparks, and carried by a vote of 4-0 (Gomez absent), to approve the agenda of the July 26, 2018 Board meeting.

MINUTES

Minutes of the July 11, 2018 Regular meeting will be recommended for approval at the next Regular meeting on August 7, 2018.

PUBLIC COMMENTS

▪ Craig Alexander, Closed Session item

CLOSED SESSION

1. CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION
Potential Initiation of litigation pursuant to (d) (4) of Government Code Section 54956.9 (One case)

The Board went into closed session from 6:11 p.m. to 9:02 p.m.

Board Attorney Jonathan Epstein reported the following:

- 1) Motion by Williams, seconded by Barke, and carried by a vote of 3-0-1 (Williams, Barke, Sparks voted Yes; Bedell Abstained; Gomez absent) to request the following documents from the Superintendent relating to the recent purported appointment of the General Counsel. All records and documents of any kind whether stored electronically or in hard copy, including any emails, text messages, Instant Messages, faxes, correspondence, communications, internal notes and calendar entries pertaining in any way to the recruitment, hiring or employment of Jeffrey Riel, including, but not limited to, any contract of employment, offer letters, agreements, employment applications, resumes, conflicts waivers, communications with his former employer and employment references. Category Two: All records and documents of any kind whether stored electronically or in hard copy, including any emails, text messages, Instant Messages, faxes, correspondence, communications, internal notes and calendar entries pertaining in any way to the recruitment process and/or consideration of any other candidates for the General Counsel position, including but not limited to, the Statewide search for the General Counsel position, screening of 18 applicants for the position including review of responses to supplemental question, the first round of interviews undertaken by 2 District Superintendents and administrative staff for candidates who were successful in the first screening. And, such further review as was undertaken of the top two candidates who were referred to the Superintendent and Executive Committee. All of the above as specified in the memorandum from the office of the Superintendent dated, June 15, 2018.
- 2) Motion by Williams, seconded by Sparks, and carried by a vote of 3-1-0 (Williams, Barke, Sparks voted Yes; Bedell voted No; Gomez absent) to proceed with litigation in an appropriate forum adverse to the Superintendent and any other appropriate parties, sufficient to address the recent purported appointment of a General Counsel and the current and existing dispute between the Board (Gomez absent) and Superintendent regarding their respective authority to appoint the General Counsel. The majority of the Board authorizes it's outside Counsel, Epstein Becker Green, to take appropriate action to effectuate this resolution and to make an appropriate demand on the Superintendent to remedy the purported

actions regarding the appointment of a General Counsel that formed the basis of the dispute in lieu of litigation.

BOARD RECOMMENDATIONS

2. Motion by Barke, seconded by Sparks, and carried by a vote of 3-0-1 (Williams, Sparks, Barke voted Yes; Bedell Abstained; Gomez absent) to change the August 2018 date from August 15th, 2:00 p.m. to August 7th at 1:00 p.m.

Motion by Bedell, seconded by Barke, and carried by a vote of 4-0 (Gomez absent) to change the October 2018 date from October 10th to October 3rd

Motion by Sparks, seconded by Bedell, and carried by a vote of 4-0 (Gomez absent) to change the start time for the November 7, 2018 meeting to 9:00 a.m.

3. Discussed special legal counsel cost estimates and cap to contract, including expenses ranging from \$12,000 to \$500,000.
4. Discussed planning and cost estimates related to the September 26, 2018 Special Board meeting- CHYA Forum.

ADJOURNMENT

On a motion duly made, and seconded, the Special Board meeting of July 26, 2018, adjourned at 9:54 p.m.



Nina Boyd
Assistant Secretary, Board of Education



Ken L. Williams, D.O.
President, Board of Education

Next Regular Board Meeting, Tuesday, August 7, 2018, 1:00 p.m. - The meeting will be held in the Board Room at 200 Kalmus Drive, Costa Mesa, CA.

Individuals with disabilities in need of copies of the agenda and/or the agenda packet or in need of auxiliary aides and services may request assistance by contacting Darou Sisavath, Board Clerk at (714) 966-4012.