

11-26-19 SPECIAL BOARD MEETING TRANSCRIPTION

Barke: Welcome, everybody. Same rules as always. If you're kind, you get to stay. If you're not, you get to leave. I think we're ready to begin. Roll call? Roll call first?

Williams: Pledge of Allegiance.

Barke: Okay. Ken, would you -

Williams: Absolutely.

Barke: - like to do the Pledge?

Williams: Please join me in a vow and words dedicating ourselves to the principles and freedoms, which this flag stands for.

Board and Audience: I pledge allegiance to the flag of the United States of America, and to the republic for which it stands, one nation under God, indivisible with liberty and justice for all.

Sisavath: Trustee Sparks?

Sparks: Here.

Sisavath: Trustee Williams?

Williams: Present.

Sisavath: Trustee Barke?

Barke: Present.

Sisavath: Trustee Gomez?

Gomez: Present.

Sisavath: Trustee Bedell?

Bedell: Here.

Barke: Okay. Call for a motion to adopt the agenda?

Williams: I'll so move.

Sparks: Second.

Barke: Any discussion? No? Do I hear any discussion? No? Vote? All in favor?

Board: Aye.

Barke: Jack?

Bedell: Oh, sure.

Barke: Okay. Are there any introductions, Nina?

Boyd: No, there are no introductions.

Barke: Okay. Do we have any speakers?

Boyd: We do.

Barke: Okay.

Boyd: Dr. Scott?

Scott: Good evening, Superintendent Mijares, board of trustees, and cabinet. My name is Dr. Michael Scott. I'm with the Irvine International Academy which would be a Mandarin immersion school. I have been traveling to China for the past eight years. I have spoken at Beijing Normal University a top teaching university, and Beijing Number Two with Dr. Lou. It's considered the top school of China. She's actually in charge of 31 other schools in Beijing. Also, at SiChuan

University in Chengdu and 70 other schools doing professional development. Myself, I've spent 27 years in public education teaching grades one through eight. I've also been an adjunct professor at California Baptist University, National University, and Biola University.

Last year, Ontario-Montclair School District hired me as a consultant to begin their Mandarin program in Ontario. They hired two teachers that I recommended. The research is clear that exposing children to a second language at an early age stimulates the development of critical thinking and problem solving skills. When they are competent in more than one language, they will consistently outscore single-language students on verbal and nonverbal intelligence. Mandarin uses a different side of the brain than English. It's a tonal language instead of phonetics. It's an interesting brain combination. The results are these bilingual children can switch easily between symbol systems and mathematics literacy.

They have higher performance on divergent thinking skills, mental linguistic awareness, including phonemic awareness, and awareness of language as a tool to communicate. They also attain higher scores on standardized tests. I have a handout that I passed out. There are two types of Mandarin programs-one is 90% in the beginning, 10% English. This creates a learning environment. The children think in Mandarin, because it's the main language used for teaching all curriculum. Another approach that school districts like is a 50%-50% approach, because they can use half their teachers for half the classes. They seem to think it's okay and maybe with Spanish or with a romance language.

I was a teacher myself in a bilingual Spanish program. Anyway, are we finished or is that blinking? Now I'm finished, okay. There's also on the information a comparison between enrichment, which is an afterschool program compared to the simplicity of an immersion program. Thank you.

Boyd: Jordan Brandman?

Brandman: Good evening, Dr. Mijares, it's always good to see you, members of the board, and staff. Thank you for all being here on this evening. Jordan Brandman, resident of Anaheim, I'm a city council member, former trustee, and president of the Anaheim Union High School District, and candidate for Orange County Board of Education District Four to succeed the great Dr. Jack Bedell. I come before you tonight to speak with regard to Richmond Unified School District, now West Contra Costa Unified, West Fresno Elementary School District, and Compton. I mention those three school districts, because I worked for Governor Gray Davis and Governor Arnold Schwarzenegger when the state had to assign the state administrator to those districts.

Is this really what you all as the board majority want to be remembered for? Those three school districts that were deemed fiscally insolvent and were taken over by the state- they had real problems across the board. Are we going to have to rename the great Orange County Department of Education, it's not only one of the greatest LEAs in the state but also the country, because of

the flagrant ideological balkanization that you have brought to our great board of education? Is this what you really want to be remembered for? By attacking Dr. Mijares who's given his entire life to public education, by attacking Jeffrey Riel who was my counsel at Anaheim Union, by saying he's not a good conservative attorney beyond reproach. Someone is smoking something that I desperately want, but I will never have because I don't.

Think about it. Also, while you are doing this with the state and attacking your staff, think about the children you say you care about. Those homeschool children, the special needs children touched by God who you say you care so much about. I care about them too, as the trustee from Hope School. WWJ D, WWJ D. In God We Trust. Stop this assault on our public schools board majority and get back to work. Thank you.

Boyd: Martha Fluor?

Fluor: Good evening. My name is Martha Fluor. I'm a trustee at the Newport-Mesa Unified School District, 29, actually 28 years completing. Dr. Mijares, President Barke, and esteemed members of this board. In the 28 years that I have served, I've not always agreed with you, and there are some times that I'm pretty mad at you; but, we have agreed on most times. Never, never in the entire time that I have been coming to these board meetings have I witnessed a board member and this board actively disregard the superintendent and the highly qualified staff. The total disrespect that you have shown the staff when they have recommended certain recommendations in terms of charter schools or whatever. You have overwritten them for your personal philosophical beliefs is unconscionable.

The fact that you called my own superintendent a liar from the dais is reprehensible. We spend our taxpayer's money. Over and over again we see you witnessing over political issues. I've been on some of those junkets with Dr. Bedell as well as Dr. Williams to Washington D.C. Those were political junkets also. We met with staff. There were many times when personal information was going about meeting with people that were for the benefit not for the school board but for their own private personal issues. What is most concerning is that you are creating a hostile work environment, not only amongst yourselves, but also amongst the districts that you represent and help to represent. You are displaying a lack of governance and oversight and the total disregard for the taxpayer hard-earned money. Thank you.

Boyd: That's all of the public comments.

Barke: All right, we'll move to closed session now.

Boyd: We can't hear you.

Barke: We're going to move to closed session one.

Boyd: Thank you.

Bedell: Do we have an estimated time for the public?

Boyd: You're going to do all three of them before you come out? -

Barke: Yes.

Boyd: - and report out? Okay.

Bedell: No more than 30 minutes?

Barke: No more than 30 minutes.

Rolen: We're trying for less.

Boyd: Okay, thank you.

Barke: We're back in session.

[PRESIDENT BARKE STRIKES THE GAVEL ONCE TO SIGNAL THE CONCLUSION OF THE CLOSED SESSIONS AND RETURN TO SESSION OF THE SPECIAL BOARD MEETING]

Boyd: Kristen's going to report out on our closed session.

Kristen: On closed session items one and two, council provided an update to the board and the board provided no direction.

Barke: Okay.

Rolen: Good evening, Mr. Superintendent, members of the board. In closed session number three, the board voted 5-0 to provide specific direction to board counsel to perform specific risk management inquiries.

Barke: Thank you. Okay. Greg, Mr. Rolen, could you come back up to give the legal counsel update please?

Rolen: Is this item number one?

Barke: Yes.

Rolen: Members of the board, members of the public, the proceeding will be voting on budget committee members. I wanted to give the board and staff and the public some context for the dispute. I'm going to read a chronology of what brings us to here today. On August 19, 2019, the board sent the California Department of Education (CDE) a letter explaining the history of the budget dispute. And, how the board had passed a budget on June 29, how the board had reposted and readopted the budget on August 1, and how the board had submitted the budget to the Department of Education on August 15 using the state approved format. On August 30, CDE responded they were going to be rejecting the budget, not disapproving it, but rejecting it for lack of a superintendent signature.

On September 4, the board responded saying that we had lawfully nominated a board clerk who had signed the budget in the space provided on the California Department of Education form. That the statutory scheme does not contemplate the superintendent exercising veto power over the budget by refusing to sign it. Similarly, that the superintendent violated his statutory duty requiring him to sign a duly adopted budget. Finally, we chronicled multiple efforts to reach resolution with the superintendent. It's important to note that every outreach where we say the board contacted the California Department of Education on August 19 to the present, we invited an opportunity to speak with them.

Every single time we made an outreach, we would like to talk to you to discuss this matter, we have not heard anything from the Department of Education in response to those offers. On September 17, CDE responded that they wanted us to resolve the dispute locally. On September 19, the board responded detailing again multiple efforts to resolve the dispute and that the parties were approximately 0.03354% of the entire budget, or around \$86,000 apart on the dispute. On the same day, the board forwarded its final, most recent offer of compromise to the superintendent. On October 2, CDE responded that if we did not resolve the impasse by October 8, they would treat the impasse as the functional equivalent of a disapproved budget under Education Code section 1622 and initiate the budget committee process.

On October 7, the board held an emergency meeting in response to this correspondence. On October 14, the board again contacted CDE and again requested an opportunity to discuss the matter with them. CDE's responses have been chronicled in this presentation, I'm sorry. Again, on October 14 we requested an extension of the October 4 timeline. Again, requested an opportunity to speak and responded that the budget committee process was premature, because the state superintendent had neither examined nor disapproved the budget, had not determined that the county office was unable to meet financial commitments. The state superintendent had not made any recommendations to the budget, had not made any recommended revisions, and several other administrative conditions precedent that had not been met.

On October 24 I should say, CDE responded that it was proceeding with all the arrangements for committee appointments and hopes to submit them shortly. Yet, acknowledged the matter may need some judicial resolution. On November 4, CDE informed the superintendent and President Barke that they are proceeding with the budget review process. They gave the board and superintendent five days to agree upon a committee member. On November 12, we received that correspondence. It was received and distributed promptly by Assistant Superintendent Boyd, , but there was no email to me as board counsel.

On November 14, the board again informed CDE that three board members were unavailable, that the correspondence was not received until November 12. We were initiating clarifying litigation against CDE as their October 24, 2019, correspondence suggested and that we would be engaging in the budget committee process under protest and again requested an extension. Also on November 14, the superintendent sent the board and the CDE the correspondence stating that if this special board meeting was not convened by November 19, he would transmit his list of preferred candidates to CDE. On November 20, 2019, CDE responded they were willing to grant us an extension if we would provide a date for an emergency board meeting by November 22.

On November 21, we informed CDE that we were going to be holding an emergency board meeting this evening, which brings us here. On behalf of the board, we must say, we're initiating this budget committee process under protest without waiver of any legal rights or positions. The

board has initiated litigation asking the courts to direct the state superintendent to approve the budget for many reasons including, but not limited to, the board adopted and lawfully submitted a budget, which allows the county office to meet its financial obligations. The state superintendent may only disapprove or approve the budget based on statutorily prescribed purposes which do not exist here.

The charge of the board is as follows, and we are going to be addressing this in item number four. Under 1622 D1, "If the state superintendent disapproves the budget, he or she shall call for the formation of a budget review committee." They called for it on November 1, but they did not disapprove the budget. 1623 A says, "The budget review committee shall be composed of three members and shall be selected by the county superintendent of schools and the county board of education solely from the list of no fewer than five candidates provided by the state superintendent." The state superintendent provided the five candidates on November 7. It's unclear on the timeline, which we have to respond to this correspondence, because the last communication we received from them asked us to set a special board meeting.

We've received no correspondence from them since then. 1623 B says, "If the county superintendent and county board fail to select a budget review committee within the required time period, whatever that may be, state will select and convene the budget review committee no later than 10 days after receipt by the county superintendent and the county board of the candidate list." I know that was a mouthful. Are there any questions?

Williams: Question. That's item number one, and you gave us a lot of information. We're going to go to number four after we do two and three. Are you going to come up and -

Rolen: I am.

Williams: - help us go through the process?

Rolen; I'm going to provide the board parliamentary options in how to go through this process since there's no specific direction in statute of regulation about how to proceed with this process from a parliamentary perspective.

Williams: Okay.

Barke: We'll move along to item number two.

Williams: I make a motion to approve the board statement that was given to the entire board last evening for that statement to be put on our board website.

Bedell: Madam President? Since we just got that last night, would Mr. Williams object to having this be a first reading of this item? Our next meeting is December 11. Is anything urgent going to happen between now and December 11? I have not touched it. I don't have it in my machine. That may be my machines fault. I'm wondering what would happen? What would be the downside?

Williams: With all due respect to my good trustee, it is urgent that this goes up because of the nature and the extraordinary circumstances that we are under. It was given to everybody 24 hours in advance. It is expected that everybody should have read it and your vote reflect whether you accept it or not.

Gomez: May I comment please?

Barke: Yes.

Gomez: This was sent to us via email late yesterday. I had another meeting last night. I did not look at this until 11 o'clock last night. I printed it. I did not have time to review it. I reviewed it in three minutes as I was sitting here. Look at how many different items that I have that I feel are not correct. I would agree with Trustee Bedell that we need to look at this a little bit more carefully. I have some real concerns about some of the language in here that I don't think is an accurate reflection of what occurred. If I'm looking and getting that many corrections in a three-minute reading, I have concerns that I need to look at it a lot further before I would agree to post this anywhere.

I don't even think this is good information that we would want the public to have. I can't even agree on this. I have some real concerns. I don't know why there's an urgency to get this done. This goes back to getting an agenda late the day before. This is insanity. I don't sit by my email and wait for things for me to do. I've got plenty to do. This is just another instance where we're not allowing ourselves to do a good job. You need to give us time in order to absorb some of this information. That's part of our duties. If we're not given adequate time to do our work, I have a problem. We are not serving the public if we don't have the time to look at our agendas and have a thoughtful conversation.

Williams: Question. What part of the page here -

Gomez: Just look at it.

Williams: - misleading false.

Gomez: I'm not going to sit here and detail everything.

Williams: No, you made a very specific statement. You said there's at least three items. I'd like to know which item are you even referring to?

Gomez: Once again -

Williams: Can you name three items?

Gomez: - we need to talk about all the other dates that this board had an opportunity to look at the budget. We started picking up the budget discussion on June 26. When we talk about the board approved, what were the dates of those approvals? I want to see the vote reflected. I keep asking for the vote to be reflected so that the public understands who voted for something and who did not. There's the board submitted pursuant to Education Code-what's the citation on that? Greg Rolen mentioned the board adopted a budget on June 29. I think he misspoke. It should have been June 26 if that's what we're referring to. There's a lot of things in here that I think just need to be clarified a little bit more and be more specific. If we're going to tell the public what's going on, then let's be thoughtful about what we're doing.

Williams: For the record, everything in this statement, in this document, is factually accurate and there's nothing misleading. You may not like the choice of the words, but I understand we can agree to disagree. Factually, everything in this document is correct and there's nothing in error about it. I call for a -

Gomez: Well, there's some omissions. If you're okay with omissions then vote for it.

Williams: I call for the vote.

Barke: All those in favor?

Sparks, Williams, and Barke: Aye.

Gomez: Are you going to ask for opposition?

Barke: Yeah. All those not in favor?

Gomez: Aye.

Bedell: I'm abstaining since I did not have the three.

Barke: It's 3-1-1. We'll go to item three: approval of public posting a website petition for writ mandate and complaint for declaratory and injunctive relief - Orange County Board of Education versus OC Superintendent of Schools, Al Mijares, and State Superintendent of Public Instruction, Tony Thurmond, case number 30-2019-01112665-CU-WM-CJC.

Williams: I'll so make the motion to approve item number three, the posting of the petition for the mandate.

Barke: Second?

Sparks: Second.

Gomez: Where is that? Do we have that in our packet?

Williams: You were given it a week ago.

Gomez: How were we given that? Was that via email again?

Williams: Yes.

Gomez: Okay, this is where I'm having so much difficulty. I've sat on lots of boards and city council. I get an agenda that's piecemeal. I don't even know what is attached to what. I'm not getting it all at one time. This is extremely frustrating. It does not allow me to do my job. It doesn't allow me to represent my constituents when we are getting things piecemeal.

Bedell: Madam President? Is it your understanding that if we put this up, the superintendent has the right to post a response?

Barke: I don't know. Counsel?

Bedell: Whose website are we talking about?

Williams: The board's.

Bedell: Not the county?

Williams: Well we only have one, but it's the board section where we have public announcements. This was meant for transparency and -

Gomez: The board webpage on the county website?

Williams: That's right. We don't have an extra or a specific board website. We're a part of the OCDE website, but on our website when you go there, the tabs that you would go to has all this information that is kind of, for the purpose of transparency, sun shining. We did this for all the public forums and all the other statements that we made. It's a vehicle for transparency and sun shining so that everyone knows what we're talking about.

Bedell: There's nothing preventing the superintendent -

Williams: Oh heavens, no.

Bedell: - from putting his response on another spot on the website?

Williams: Absolutely.

Bedell: Thank you.

Williams: We never have told, well, I guess we may have, but the superintendent is a duly elected person and he can do whatever he needs to do. What this is again, because everyone did receive a copy of this, this is the petition. If you didn't read it, I can't help that. This is just again,

for the purpose of transparency so the public knows what's -

Gomez: What was the date that was sent to us?

Kristin: November 20.

Boyd: Do you want to restate that because the mic -

Kristin: It was sent on November 20.

Boyd: You might want to say by whom.

Kristin: By me.

Boyd: Thank you.

Kristin: Sure.

Barke: Is there more discussion?

Gomez: I can't have a discussion when I don't have information.

Williams: I make a motion that we move for a vote.

Barke: Okay.

Bedell: Just a point of parliamentary. This is a public document available to the public and the courts.

Barke: Yes, it is a public document.

Bedell: This is just giving the public another venue for accessing that document?

Williams: Correct.

Bedell: Is that correct?

Rolen: That's what I'm standing up to say, yes. Anybody can access it by going to the Orange County Superior Court website.

Bedell: Sure.

Williams: It's a little bit more difficult to navigate.

Rolen: There's members of the public who tried to do that. So, we're trying to help them along.

Williams: We have to vote.

Barke: Okay. We'll go ahead and vote. All those in favor?

Sparks, Williams, Barke and Bedell: Aye.

Barke: Beckie?

Gomez: All those opposed?

Barke: Oppose?

Gomez: Oppose.

Barke: All right, the motion passes 4-1.

Boyd: For the record, for posting purposes, we do not have the document. You'll send it?

Kristin: I will send it.

Boyd: Okay, thank you.

Barke: Okay. Moving along to item four.

Rolen: As I was saying previously, the board can engage in any parliamentary procedures that it so chooses. The state superintendent provided five names. Those names are Theodore Alejandre, Paul Jessup, Christine Lizardi Frazier, Susan Rainey, and John Von Flue. We can vote on them individually. I'm sure the board members have some thoughts about them. We can nominate them each individually and have a discussion and vote that way. Or, if the board wishes they can nominate a slate. It's the pleasure and will of the board.

Williams: I have a question. Again, this is unique and extraordinary, and we've never done this. Probably has never been done in the state. Just so I understand, there's five people that

Thurmond gave us to choose on the list, right?

Rolen: Correct.

Williams: Is that just for us, or is that also for the superintendent?

Rolen: Yes.

Williams: Do he have a different list?

Rolen: He has the same list, and he can make any decision he sees fit. If the two entities don't agree, then the state superintendent would choose the budget committee.

Williams: We're going to choose how many then tonight?

Rolen: This exercise is for the board to choose its budget committee members. We're going to go through -

Barke: Three of the five.

Rolen: - this exercise publicly of the five provided by the state superintendent.

Williams: We have to choose three?

Rolen: Correct.

Williams: Okay.

Bedell: Madam President?

Barke: Yes?

Bedell: May I make a radical suggestion?

Barke: Absolutely.

Bedell: Why don't we encourage the executive committee to engage in a dialogue with the superintendent to see if we can have mutual agreement and not necessarily go to the mat over picking these three people? I know three of them.

Williams: Who do you know?

Bedell: Rainey from Brea.

Williams: Okay, hold on. Rainey?

Bedell: Yes, and the first one from San Bernardino or Riverside?

Barke: Is that Jessup?

Bedell: No, the other one.

Boyd: Alejandro.

Bedell: Alejandro.

Barke: Oh, sorry.

Bedell: And Jessup.

Williams: Okay, Jessup. I think we have to in the executive committee talking about time, we have to choose three. Is that what we discussed?

Rolen: That's what we discussed, Mr. Vice President, but that is not a radical suggestion.

Bedell: What I'm suggesting?

Rolen: What you're suggesting is an option.

Bedell: I think it's an option.

Rolen: If the board so chooses that option -

Bedell: Right.

Rolen: - the executive committee can engage in that process. The only reservation I have about that is that I'm board counsel. I'm providing only direction to the board. If that's the direction of the board, we will engage or the executive committee or whatever the motion may be, we'll engage in that process.

Bedell: I just -

Rolen: My concern is that the state has been pushing -

Bedell: Sure.

Rolen: - a timeline.

Bedell: Right, but it just might be, Greg, that everybody agrees on the three. Why don't we try that? What a novel idea.

Rolen: I think you're right. I don't think that's a radical off the wall suggestion.

Barke: Why don't we talk about it right now? You said you know them. Why don't you share your knowledge of them and -

Bedell: I think the ones I mentioned -

Williams: Who are they, again?

Bedell: It's Alejandre.

Rolen: It's Rainey, Alejandre, and Jessup.

Bedell: Right. I'm more familiar with the first two. Rainey has had extensive experience at the local level through the Brea School District. The other two have extensive county experience and have been involved at varying degrees in CCBE. I've seen them conduct themselves in a professional manner.

Barke: These are three that you would -

Bedell: That I would be comfortable with. Before I would make a recommendation, I would like to know what my colleagues think.

Barke: Right now, that's what I'd like to know. Beckie, do you know any of them? Are you familiar with any of them?

Gomez: No. I'm actually trying to bring it up. I can't bring it up or download them right now. Again, it's not in our packet. It's in my email. I'm trying to retrieve my email.

Rolen: For your assistance, it's a November 7 letter from the department of education with an attachment including all the names of the people and the resumes. I didn't send that to you.

Gomez: I see it in my email. I just can't download the information.

Barke: Dr. Williams, are you familiar with any of them? Do you have any -

Williams: I don't know any of them.

Barke: Dr. Sparks?

Sparks: No.

Barke: Dr. Mijares -

Mijares: Yes?

Barke: - do you have input on them?

Mijares: I do.

Barke: Okay. I'd love to hear it if everybody else is.

Gomez: Sure.

Mijares: All of them have abundant experience in developing budgets, both from the school site to the district, to the county. I don't think there's a bad choice, frankly. One thing we could consider doing is that we both remove a name; then, you've got your three.

Barke: There you go.

Rolen: Or, we could engage in the discussion process that the trustee suggested. I don't know if you're amenable to that. You may not want to respond to that -

Barke: I can't make a personnel committee in public. I mean, that's another thing I don't want. That's why I went global about how people present. The one from Brea has local experience before academy experience, and that I think is a strength.

Williams: That's Rainey?

Mijares: You say Brea. Does she live in Brea? She represented Riverside.

Bedell: She was from Brea.

Mijares: She lived in Brea?

Bedell: I believe so.

Mijares: Okay.

Bedell: I think if you look at her background -

Mijares: She was a former assistant -

Bedell: I think Rainey had Brea experience maybe as a principal or something.

Mijares: No, I don't think so. She formally served as the Riverside Unified School District Superintendent of Schools.

Bedell: Right.

Mijares: She's now on the Riverside County Board of Education.

Bedell: I think that's the one, I don't have my papers in front of me, that was in Brea before.

Rolen: I can check that.

Mijares: Ted Alejandre is the County Superintendent for San Bernardino -

Bedell: Right.

Mijares: - and Christine Frazier was the County Superintendent for Kern County Office of Ed. She retired about two years ago.

Bedell: Right. I'm wondering if I'm mixing up cities. The other two are CBO's. They've done county level chief business officials like what Renee or Dean would do.

Williams: Who are they?

Mijares: Dean West. There's two of them on the list.

Rolen: Brea.

Bedell: Thank you. I thought I was having another golden moment.

Mijares: What did she do there?

Rolen: It says Brea, principal Brea-Olinda High School.

Mijares: She was a principal. I was thinking more superintendent.

Barke: We've got one more. Who's the fifth?

Rolen: That would be Mr. Von Flue.

Mijares: Von Flue.

Williams: Von Flue?

Mijares: Yes. He was CBO in Kern. Did we do them all? Who was the other CBO? Riverside?

Bedell: I would not like to have two from the same county office or the state.

Williams: Question, Al? Is Christine Frazier active or retired?

Mijares: She's retired.

Williams: She's retired, and Von Flue?

Mijares: He serves for the Kern office.

Williams: He's active?

Rolen: Kern CBO?

Mijares: Yes, he is a CBO.

Williams: What's the acronym for CBO?

Barke: Chief Business Officer.

Williams: Chief Business Officer? Okay.

Mijares: Chief Business Officer or Official, yes.

Williams: And Ted Alejandre, he is in what?

Mijares: San Bernardino.

Williams: Okay, and he's active? He's working?

Mijares: Yes, he is the current -

Bedell: Current sup.

Mijares: - current superintendent.

Williams: Okay. And Jessup?

Mijares: He's the CBO for Riverside County Office of Ed.

Williams: Okay.

Barke: Jack, I understand what you're saying is you don't want to have a public personnel discussion. Would Dr. Williams and Dr. Mijares be wanting to have a conference call, the three of us to further this? You would like all five?

Bedell: I would like us to have that kind of agreement.

Mijares: The difficulty is, of course, my understanding was that the state wanted to have those names -

Williams: Tonight.

Mijares: tonight, after this meeting, as in tomorrow.

Rolen: I didn't have that understanding.

Mijares: You didn't?

Rolen: They didn't send anything to me after they -

Mijares: They didn't send anything in writing. I just thought that they'd said that they were giving you the extension until this meeting.

Rolen: They just asked for a date for the meeting and it could be inferred from that.

Bedell: Parliamentary wise, Greg, is it, can we -

Rolen: The motion would be -

Bedell: - to empower the executive committee to consult with the superintendent -

Rolen: To see if they could -

Bedell: - a final recommendation on the three?

Rolen: Correct. If that's your motion -

Bedell: That would be my motion.

Rolen: - you would make that motion. Then, we can discuss the logistics about the meeting. Make it an exigency, regardless, tomorrow.

Barke: I can do tomorrow.

Rolen: Thanksgiving's good for me. I got in-laws in town.

Williams: You make the motion, Jack, right?

Bedell: Yes.

Williams: I'm going to second it, because we need to discuss this.

Bedell: Sure.

Williams: What the motion is saying, too, is that we're going to get together, and hopefully we can do it, when we end tonight and pick these names. If we don't tomorrow, is that -

Rolen: What's the will of the superintendent? Would you like to have a conference call or face-to-face? I understand that you want the board to vote tonight.

Mijares: Right. Can I make a comment, Madam President? That is because we were given that strict timeline from the state. I took it seriously. On the fifth day, I submitted three names to the state. I am willing to talk with you to see if you like the names or do not like them. I could share them with you right now. I submitted Ted Alejandre, Christine Frazier, and John Von Flue.

Bedell: We agree on one.

Mijares: Pardon? We agree on number two.

Mijares: I don't know.

Williams: You submitted Alejandro, Christine Frazier, and Von Flue.

Mijares: I submitted those names.

Sparks: I don't think we should have two from the same county, though.

Bedell: I don't either.

Mijares: Who would you choose?

Sparks: I lean toward people having a broader understanding.

Barke: Just reading and not knowing a lot about any of them, the two I sort of favored was Jessup and Rainey. I didn't hear tonight, but that's just me looking at it.

Mijares: Would you consider it if I remove Von Flue and included Rainey?

Barke: Let's see.

Williams: I would be against Alejandro, because of close proximity and the fact that he's an active superintendent. He probably may not have the ability to be objective in the analysis. I would be in favor of Rainey and Jessup. I don't know Christine Frazier or Von Flue, but they're from the same county. I'd rather go with someone who's retired, who's not active and may have a bias.

Barke: All right, so if we can each pull one, if we pull Alejandro, would you be okay with that? Then, you could pull somebody. How are we feeling about that?

Bedell: What counties are Rainey and Jessup from again?

Williams: Riverside.

Bedell: Both in the same county?

Rolen: Yes.

Williams: Are they active there?

Mijares: Jessup retired about a year ago.

Williams: He's retired? Okay.

Barke: He's a retired CBO.

Mijares: Right.

Williams: And Rainey, is she active?

Boyd: She's a current board member.

Williams: She's active.

Bedell: That's the one with the Brea experience.

Barke: Right. I liked that. I liked the variety in that one.

Williams: May I suggest, then, that we do an up or down vote on each one of these? How would

-

Barke: Does that work?

Williams: - my colleagues feel? Again, we're doing this under protest. We're just doing this, because we're going through the motion. We were asked to do it by the state superintendent. We have legal action, a restraining order for him to do what he's supposed to do. Why don't we just vote up or down?

Barke: That's one option.

Rolen: We have, I'm sorry Madam President.

Barke: Go ahead.

Rolen: We have a motion on the table. This is the discussion on the motion?

Williams: Right, this is the discussion on the motion.

Rolen: Thank you.

Barke: The other thought I liked, I think it was Dr. Mijares that said that we each pull one. What about if we pulled Alejandro, because you're not comfortable with Alejandro. Then Dr. Mijares, who would you want to pull? Is there somebody that you really don't want? Would people be comfortable? That's just another option in the discussion. I'm not saying that's the way we have to go, but it's one option.

Mijares: Frankly, you are keeping people who are currently seated. You're keeping Sue Rainey who's currently a board member. If I pull Ted, then, I don't have a county sup. who's presently seated. If you're going to have a board member that's presently seated, I would like to have a county superintendent, so I would not want to pull Ted Alejandro.

Bedell: I want to agree that that also offers some diversity to the group that otherwise we don't have.

Mijares: Yes, it does.

Williams: Diversity? What does that mean?

Bedell: Diversity, what does that mean?

Williams: How are you defining that?

Bedell: I think, representative of the people in the county.

Williams: Okay.

Rolen: I would appreciate the superintendent's notion on this suggestion, but it does not appear that we're going to reach agreement. The superintendent has already provided names to the state superintendent. I would respectfully suggest the board pick the candidates that they pick, unless you think there's room for agreement.

Mijares: I think we should let them pick.

Barke: Okay.

Williams: We have a motion on it. We have to either vote on the motion or -

Barke: Can we hear the motion one more time?

Rolen: The motion was that the executive committee meet with the superintendent and try to seek agreement on the budget committee members. It appears that that motion is now unworkable. You can vote for it, and see if you can force them to do it. But, we've had an honest discussion here.

Barke: Okay. So, the other option is to vote them up and down as a board?

Rolen: As a board and then submit your -

Bedell: I'll withdraw my motion if the president likes that.

Barke: Okay, that's fine. Alright. Is everybody agreeable to voting them up and down as a board?

Williams: I think that would be the best thing to do.

Rolen: The parliamentary procedure would be for there to be a motion, a second, and discussion on each of the people unless you can agree to a slate. You can make a motion and a second on three people. Or, you can make a motion and receive a second on each of the people, vote on them individually, and see where it lies.

Barke: Does anybody have a slate that they would like to suggest?

Williams: I'll make the motion to suggest Rainey, Jessup, and Von Flue.

Barke: Okay. Rainey, Jessup, and Von Flue. Does anybody want to second that?

Bedell: Is there a current county board member on that?

Rolen: There is.

Bedell: That's Rainey, right?

Rolen: Correct.

Williams: Rainey.

Bedell: Rainey is our only peer in that group right now?

Mijares: Correct.

Sparks: I can second that motion, please.

Bedell: Your only peer is Alejandro?

Mijares: Alejandro, yes.

Barke: Okay.

Sparks: I'll second the motion.

Barke: Okay. We have a second on the motion. Any discussion on that motion?

Bedell: Can you repeat the motion, please?

Barke: The motion is to suggest a slate of Rainey, Jessup, and Von Flue. Do I hear discussion? Do you want to vote on it?

Williams: No discussion, so we vote.

Barke: Okay. All those in favor of the slate of Rainey, Jessup and Von Flue?

Sparks, Williams, and Barke: Aye.

Bedell: Opposed.

Gomez: Opposed.

Barke: Okay, it passes 3-2.

Rolen: It looks like Mr. Von Flue has a job.

Barke: He was on both?

Rolen: He was on both.

Barke: Gotcha. Okay, so we have one in common. All right. Then, Dr. Mijares has submitted. We'll submit. Then, it'll be as it -

Rolen: It will run its course, as they say.

Williams: Greg, you're going to do this?

Rolen: If directed by the board, I will submit the names. I've been in, sort of, communication with them.

Williams: You've been in deep communication with them. If we can direct you as a board to do that? That would be wonderful.

Rolen: Understood.

Barke: Okay.

Rolen: Nothing on Thanksgiving?

Barke: Do we have any more public comment?

Boyd: We do not.

Barke: Then I think we are adjourned?

Williams: Motion to adjourn.

Barke: Okay.

[PRESIDENT BARKE STRIKES THE GAVEL ONCE TO SIGNAL THE CONCLUSION OF THE SPECIAL BOARD MEETING]

Barke: We're adjourning in -

Bedell: Honor of -

Barke: Dr. Boyd's honor or remembrance.

Bedell: Trustee Boyd.

Barke: Trustee Boyd.

Bedell: Happy Thanksgiving, everybody.