

Highlands Community Charter and Technical Schools

Special Board Meeting Agenda

1333 Grand Avenue, Sacramento, CA 95838

Thursday, September 25, 2014

Open Session: 5:00PM

Board Policy Regarding Board Minutes:

The minutes of open session meetings of the Board record all motions, show the names of Board members making and seconding motions and state the vote upon the motion. The open session minutes also record all resolutions, the recommendations of the administration and the substance of the Board's discussion or the substance of statements pertinent to Board's business made by members of the staff or public. The minutes follow a generally accepted pattern in form.

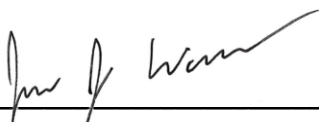
The original copy of the open session minutes are signed by the Secretary of the Board and approved by the Board. Original minutes are bound in chronological order, volumed by fiscal year and paged consecutively. The following documents are bound with the official minutes and referred to in the text of the minutes to which they apply:

- Original copies of all resolutions unless required by other agencies, in which case photocopies of the originals may be substituted
- Original copy of all budget transfers
- Copies of any document determined by the Board of Trustees to be attached to the official minutes
- Other documents which, in the opinion of the Secretary, are necessary to fully substantiate or record Board of Trustee action.

In addition to the official minutes, an additional copy of all minutes and attached documents are maintained in the office of the Secretary of the Board. This set of minutes is bound, indexed by those categories detailed above and by subject. The bound minutes and accompanying documents are open to public scrutiny within the boundaries of the law.

Pledge of Accuracy

As the Secretary of Highlands Community Charter School, the following minutes are to the best of my knowledge accurate and sufficiently complete to represent what occurred at the board meeting.



Signature

October 16, 2014

Date of Approval

Rationale for Special Board Meeting

During the initial stages of the school, several contracts for consulting were accidentally considered and voted on in closed session. Most of these involved people who would later become employees, but due to not having all the human resource policies and procedures in place, it made more sense to initially pay for the services of these eventual employees as consultants (contractors). But this may have inadvertently been against the Brown Act, since at the time they were not employees and consulting contracts cannot be considered in closed session, and thus to remedy any potential problems, any consulting contract that was considered in closed session is being brought back to the board in open session, in a special board meeting, so any potential issues would be resolved as quick as possible.

I. PRELIMINARY

A. Call to Order

President

The meeting was called to order at 5:02 pm

B. Roll Call

President

Director	Present	Absent
Mr. Mike Brunelle, President	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mr. Ward Allen, Vice President	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mr. Jacob J. Walker, Secretary	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ms. Linda Fowler, LEA Representative*	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mr. Murdock Smith, Director	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mr. Doyle Radford, Director	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Ms. Josie Washington, Director	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Quorum:	5 of 7	

Note: Linda Fowler submitted a letter of resignation as being a board member chosen by HCCTS, on September 18, 2014, but in the resignation letter, state that she would “continue as the appointed LEA liaison”. By California Education Code § 47604(b), “The governing board of a school district that grants a charter for the establishment of a charter school formed and organized pursuant to this section shall be entitled to a single representative on the board of directors of the nonprofit public benefit corporation.” At the board meeting, Linda Fowler maintained that this gave her voting rights, and the board obliged.

II. NON-SCHEDULED ITEMS REQUIRING IMMEDIATE ACTION

No non-scheduled items were considered.

III. OPEN SESSION

A. Call to Order of Open Session **President**

B. Flag Salute **Vice-President**

C. Public Comment

Jacob Walker and Ward Allen spoke during the public comment about how if AB 913 passes, then they would be bound by parts of Government Code 1090, and as such while AB 913 would allow them to remain employees, it would not allow them to have consulting contracts. They suggested having the fees that they would be paid by the consulting, be paid instead as part of their wages. Jacob suggested this could be in the form of a bonus, if the board so chose.

Linda Fowler suggested that doing any form of bonus could be a gift of public funds, although there was some disagreement about that. Mike Brunelle said that the original contracts should not be an issue, as in earlier board meetings, it was discussed that whether a charter school had to follow Government Code 1090 at the time, was unsettled law, and that AB 913, if signed into law, would not be in effect until the future, and the consulting contracts have been in the past. During the discussion, about AB 913, Linda Fowler brought up that by the Political Reform Act, board members would need to fill out Form 700.

IV. CONSENT AGENDA ITEMS

There were no consent agenda items.

V. ITEMS SCHEDULED FOR INFORMATION & DISCUSSION

There were no items scheduled for information and discussion.

VI. ITEMS SCHEDULED FOR ACTION

A. Non-Board Member Consulting Contracts

Mike Brunelle

The following vote was taken to approve the consulting contracts approved in closed session previously, including contracts for Jose Rodriguez, Kirk Williams, Derrick Aguiar, Linda Quillen, Lee Farrand, and Veslav Orvin.

Director	Order	Aye	Noe	Abstain	Absent
Mr. Mike Brunelle		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Ward Allen	Motion	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Jacob J. Walker	Second	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ms. Linda Fowler		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Murdock Smith		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Doyle Radford		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Ms. Josie Washington		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Total		5	0	0	2

B. Board Member Consulting Contracts

Mike Brunelle

By the Political Reform Act, Government Code § 87105, both Ward Allen and Jacob Walker, having a direct financial stake did the following: Publicly identified the financial interest that gave rise to the conflict of interest or potential conflict of interest. Recused themselves from discussing and voting on the matter, or otherwise acting in violation of Section 87100. Left the room until after the discussion, vote, and any other disposition of the matter was concluded.

1. Title: Consultant- Career Technical Education

The following was the vote for the consulting contract for Ward Allen, which had previously been approved by the board:

Director	Order	Aye	Noe	Abstain	Absent
Mr. Mike Brunelle	Second	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Ward Allen		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Mr. Jacob J. Walker		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ms. Linda Fowler		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Murdock Smith	Motion	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Doyle Radford		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Ms. Josie Washington		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Total		4	0	0	3

2. Title: Consultant- Academics

The following was the vote for the consulting contract for Jacob Walker, which had previously been approved by the board:

Director	Order	Aye	Noe	Abstain	Absent
Mr. Mike Brunelle		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Ward Allen	Motion	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Jacob J. Walker		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Ms. Linda Fowler		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Murdock Smith	Second	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Doyle Radford		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Ms. Josie Washington		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Total		4	0	0	3

C. LAED Consulting Contract

Mike Brunelle

During the discussion of the contract, Jacob Walker suggested that the section which read “The monthly compensation shall be paid regardless of the number of consulting hours provided by Consultant in a particular month” could be construed as a gift of public funds. Linda Fowler suggested that for such a consulting contract as this, there would be some times that there would be more or less work depending upon the time of year, and as such it was appropriate to have such a clause in the contract.

The following was the vote for the LAED Consulting Contract that had been previously considered in closed session:

Director	Order	Aye	Noe	Abstain	Absent
Mr. Mike Brunelle		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Ward Allen	Second	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Jacob J. Walker		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ms. Linda Fowler		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mr. Murdock Smith	Motion	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Doyle Radford		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Ms. Josie Washington		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Total		3	0	2	2

VII. ITEMS TO BE ADDED FOR NEXT MEETING

No items were added to the following board meeting agenda.

VIII. ADJOURNMENT

The meeting adjourned at 5:16 pm