

WCCUSD Governance Subcommittee

Alvarado Adult Education Campus

June 13, 2016

Minutes

Approved July 11, 2016

I. Opening Procedures

A. Roll Call and Introductions

The meeting was called to order at 6:34 PM by Chairperson Valerie Cuevas.

Committee Members Present: Valerie Cuevas, Todd Groves

Staff Attendees: Bruce Harter Superintendent; Attorney Harold Freiman, Debbie Haynie, Executive Secretary

B. Approval of Agenda

The agenda was approved by consensus of the committee members.

C. Approval of Minutes

The Minutes of May 2, 2016 were approved by consensus of the committee members.

II. Discussion Items

A. Board Policy on Campaign Contribution Limits for School Board Elections

Public Comment:

Tom Panas provided a handout discussing campaign contributions from construction companies as district vendors.

Linda Ruiz-Lozito spoke about support for a policy as the November election for two board seats approaches.

Sandi Brown spoke about addressing concerns that this effort could silence the voice of organized labor supporting candidates.

Lozano Smith Attorney Harold Freiman presented detailed information indicating school governing boards have jurisdiction to set school board election campaign policies. Mr. Freiman provided details about how the subject is handled by cities and counties and explained that school districts differ because they are not addressed by the Political Reform Act but covered by the Education Code. This included in depth discussion about barring school board election contributions from district vendors/contractors. He also shared that school districts have no enforcement authority for policy violations. He shared information about various school districts that are authorized under city charters where the city has more authority over school elections. Mr. Freiman explained the Randall criteria and strict scrutiny standard for determining elements of any policy in order to withstand court challenges. He recommended beginning with a list of ills that a proposed policy would attempt to cure and consideration of data, research, public input and dollar amounts of existing state level campaign limitations informed by an inflation index. Mr. Freiman advised the Committee that there was no legal precedent to indicate pursuing a policy would be detrimental and stated prospective benefits.

Committee Discussion:

III. Discuss / Approve Next Steps

A. Board Policy on Campaign Contribution Limits for School Board Elections

Public Comment:

Anton Jungherr spoke of support for the state contribution limit amount, prohibition to vendors and setting a policy in place for the November 2016 election cycle.

Tom Panas spoke about a prohibition on awarding no bid contracts for a period of time to address some of the problems.

Committee Discussion:

Ms. Cuevas spoke about the appearance of ethical and transparency pitfalls given there is no existing policy and the development of a list of problems to address. Ms. Cuevas discussed the following rationale for moving this work forward:

- Perception that special interests have influence;
- Perception of undue influence of money;
- Perception that people don't trust the Board of Education;
- Perception we can't pass another bond issue;
- I want to create an opportunity for public to trust Board of Education;
- This is a good process, good for democracy;
- I want to do this together with all five Board Members.

Mr. Groves disagreed saying he did not see that a problem exists. He said that he was not willing to make this a campaign issue at this point in time.

Discussion was held about public perception. Mr. Groves said he was reluctant to go through a process with an end result that will further diminish public perception while limiting the voice of free speech. He spoke about feelings that issues have been politically concocted and given undue weight.

Ms. Cuevas reviewed the draft resolution to highlight perceptions. Mr. Groves recommended tabling the matter for a time since there was no definition of a real problem.

Ms. Cuevas inquired if as Committee chairperson she could direct staff to proceed with the work without committee agreement. Dr. Harter affirmed that she could. She asked Mr. Freiman to address the criteria and comeback to a future meeting for more conversation.

IV. Adjournment

The next meeting was set for July 11, 2016 at 6:30 PM.

Chairperson Cuevas adjourned the meeting at 8:40 PM.