

# RECENT SKSD BOARD SQUABBLING'S 'FEATURING' NEW OPMA VIOLATIONS

(Find 01-04-23 board meeting excerpts here: <https://youtu.be/GtsZNxrdRfy>)



At the SKSD Board meeting held on 01-04-23 there was no video. This is the second time when raucous behavior of the board ended up on the "Cutting Room Floor". This disagreement is yet another sterling example of "not transparent activities" conducted by the SKSD Board majority. As these fights continue to ensue, it is now customary for this board to single out one certain member of the board for their attacks.

Over the course of the past three years, we have been consistently shown how certain board members continue to harangue, scolding, berating, and attempt to 'publicly & politically shame' the same board member. And why might you ask? Because the targeted director merely speaks out and challenges this board's institutionalized views of how to conduct board business and their meetings.

The board chair alleged that Director Daily 'unlawfully' writes letters to the local papers and that he uses his official title of school board director. The board chair further alleges that private Citizen Daily acts in ways that are inconsistent with board policies (see Roberts Rules of Orders presented to us by Dir. J. Berg). The board chair further alleges Director Daily is representing the school adding that he doesn't want the community to think Daily's letters represents the board's views. Another comment that it makes the board appear to be talking about of both sides of their mouth. Prior to these statements by board chair, he has labeled Dir. Daily's views as extreme.

To make makes even worse, the board chair states that he is board chair and that he and he alone is the only board member authorized to communicate with the press about any school board or school district matters. Then he impolitely asked Dir. Daily to talk to him first before he intends to send any letters to the papers, and that he must first be given approval by him and the board. When the board chair failed to get agreement to comply, he asked Dir. Daily to put a footnote to his letters stating that his letters are not speaking for and that they do not represent any positions of the school board.

At this same meeting, the newest board member broke in and stated none of the board members should be writing letter to the editors, not even as private citizens. School related issues or not, I don't believe any of us would accede to such requests which clearly would be infringement of our 1st Amd. Rights.

Why must our fellow community members put up with such foul behaviors in order to attend these board meetings? We all just continue to bear witness to how dysfunctional the board majority is. We are exposed to insults, harassment and condescending comments by three members of this board, two of them who behave like school board bullies. Constant squabbling has somehow become the customary norm. It should be no big surprise that these chickens will come home to roost when the District reaches out to our community this November and asks us to approve a \$270,000,000, 20- year bond!

Other insults and board trespasses by some board members includes efforts to publically and politically shame; treat dismissively and chastise with insults. So far it is the board chair who has exclusively been behaving in this fashion. It could assume that only one board member who dares to speak out; who dares to investigate; who dares to perform due diligence; who tried to uphold and honor the oaths taken to serve their constituents will be treated this way. There is a void, an absence of both respect and allegiance to our community and to one sole board member by at least three of these board members.

In November 30th of 2022 the SKSD Board's Long Range Facilities Planning Committee (which is still impaneled as I write this post) Facilities Committee overseer Director Berg made an admission about this at the board meeting held January 4, 2023. He stated that the meeting was improperly held and that anything that was decided at the meetings was therefore invalid and invalid! Stating it was improper is only partially correct. It was in fact an illegal meeting in accordance with the Open Public Meetings Act.

According to the State's Open Public Meetings Act (OPMA at RCW at 42.30.060) each individual who attended or who had knowledge that this meeting was occurring can be held personally liable and could face civil fines of \$500 with recurrent violations of \$1,000. Failure to create and then produce minutes of this unlawful meeting could also result in civil fines.

The rest of the fight held during the January 4, 2023 board meeting centered the policy that governs how SKSD Board's facility committee must be formed, how they must function as well as other governance requirements they must be followed. This policy known at GC-5 originally drafted by Director John Berg was sent in draft form without the full knowledge, notice, or vote the a board to the District's Attorney (Duncan Fobes) for review and any necessary revisions. Mr. Fobes charges the district \$500 an hour. Of course, it's our taxes pay for these "services" hired by both Director Berg with the "permission of" Director Wilson. This draft policy was sent by either Director Berg or Board Chair Wilson., they could not recall when the sent it and made the excuse that they do this all the time. They also claimed they jointly drafted the policy revisions they sent to the attorney, and that the rest of the board members were not offered an opportunity to discuss, be involved in much less vote of this type of action. But Wilson frequently tells us that such a unilateral decision by any board member is in direct conflict with the policies, that Wilson takes such exception to when any other board member does not check with him first on any board or even district related matters.

When this argument started on the January 4th meeting, things really began to heat up. Wilson stated, "This meeting is closed" that he was shutting it down. The ever consummate purveyor of Roberts Rules of Order (fancy name for a method to facilitate how members speak at meetings) said "hold it" then reminded Wilson that he but missed a few steps in the Berg's cherished Robert's Rules of

Order process, like making a motion and then having the board vote. Wilson has become so accustomed to not be challenged when he makes unilateral decisions for the board that he said something like "oh, I forget that" then mumbled and corrected himself. The motion was brought up, a vote of the entire board was taken and that was the - the meeting was over.

And here we have yet another blatant violation of the Open Public Meetings Act. Since the community (the public) was denied the opportunity to hear all of the meeting that was on a scheduled and published agenda, this triggered another OPMA violation.

As far as what the taxpayers were charged for the attorney work we have not yet found out, but we will. Another stark reminder that a board into itself is not a board that gives little concern whether they are transparent in their dealings with the public. Just another example of how freely our tax dollars continue to flow through the hands of this current school board. So much for those claims of being transparent, open, and good stewards of our hard-earned tax dollars.

For those interested in hearing this meeting (the District again, had "technical problems" so there is no video) you can find the five most exciting exchanges of the meeting at the following link: <https://youtu.be/GtsZNXrdRfY> Remember, it is our right, and it is the law that we are not to be denied the opportunity to hear (and see) everything the board discusses in legally and illegally held meetings. This includes our right to hear and see all agenda items that were approved and published on the board's meeting agenda.

## **Applicable Washington State Revised Code Alleged Violations.**

**Relevant Revised Codes of Washington violated by the SKSD Board Long Range Planning Committee (LRFPC) on November 30, 2020 and relevant Revised Codes of Washington violated by the SKSD Board on January 4m 2023.**

### **SKSD Board Long Range Facilities Planning Committee meeting held November 30, 2022,**

**RCW [42.30.077](#) - Agendas of regular meetings—Online availability.**

**(1) Public agencies with governing bodies must make the agenda of each regular meeting of the governing body available online no later than 24 hours in advance of the published start time of the meeting.**

### **RCW [42.30.035](#)- Minutes.**

The minutes of all regular and special meetings except executive sessions of such boards, commissions, agencies or authorities shall be promptly recorded and such records shall be open to public inspection.

### **Personal liability for members of LRFPC & SKSD Board Members**

#### **RCW [42.30.120](#) - Violations—Personal liability—Civil penalty—Attorneys' fees and costs.**

(1) Each member of the governing body who attends a meeting of such governing body where action is taken in violation of any provision of this chapter applicable to him or her, with knowledge of the fact that the meeting is in violation thereof, shall be subject to personal liability in the form of a civil penalty in the amount of five hundred dollars for the first violation.

(2) Each member of the governing body who attends a meeting of a governing body where action is taken in violation of any provision of this chapter applicable to him or her, with knowledge of the fact that the meeting is in violation thereof, and who was previously assessed a penalty under subsection (1) of this section in a final court judgment, shall be subject to personal liability in the form of a civil penalty in the amount of one thousand dollars for any subsequent violation.

(3) The civil penalty shall be assessed by a judge of the superior court and an action to enforce this penalty may be brought by any person. A violation of this chapter does not constitute a crime and assessment of the civil penalty by a judge shall not give rise to any disability or legal disadvantage based on conviction of a criminal offense.

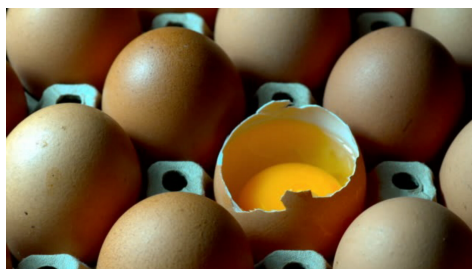
(4) Any person who prevails against a public agency in any action in the courts for a violation of this chapter shall be awarded all costs, including reasonable attorneys' fees, incurred in connection with such legal action. Pursuant to RCW [4.84.185](#), any public agency which prevails in any action in the courts for a violation of this chapter may be awarded reasonable expenses and attorney fees upon final judgment and written findings by the trial judge that the action was frivolous and advanced without reasonable cause.

### **Violation of Open Public Meetings Act by SKSD Board Chair at Board Meeting held 01-04-23**

Lawful procedure stipulated in Open Public Meetings act within RCW 42.30.050 which SKSD Board Chair Wilson failed to follow when ending the January 4, 2023 SKSD Board Meeting prematurely.

#### **RCW [42.30.050](#) - Interruptions—Procedure.**

In the event that any meeting is interrupted by a group or groups of persons so as to render the orderly conduct of such meeting unfeasible and order cannot be restored by the removal of individuals who are interrupting the meeting, the members of the governing body conducting the meeting may order the meeting room cleared and continue in session or may adjourn the meeting and reconvene at another location selected by majority vote of the members.



# SKSD Board GC-5 Policy Document Triggering 01-04-23 SKSD Board Meeting Squabbings

Policy Type: Governance Culture

## GC-5 Board Committees

The Board may create committees if they are deemed helpful to the Board in the performance of its responsibilities. If committees are established, they may not interfere with the delegation of authority from the Board to the Superintendent. Committees may not exercise authority over the Superintendent or staff. Any direction to the Superintendent related to a committee recommendation will come from the full Board. they will be used exclusively to support the work of the Board as described in Policy GC 3 and will never be created or used to assist the Superintendent in operational areas.

1. Board committees and other such entities, by whatever name created by the Board, will not direct, advise, assist or oversee the Superintendent or staff. Committees customarily will prepare recommendations for Board consideration. Board committees will have no authority over staff and may exercise demands on staff time and organizational resources only to the extent authorized in this policy. In keeping with the Board's broad focus, Board committees normally will not have direct dealings with current District operations.
2. Board committees may not speak or act for the Board unless specifically authorized by the Board. The responsibilities and authority of all Board committees are carefully stated in this policy to assure that committees fully understand their duties and extent of authority, and to assure that committee work will not usurp or conflict with the Board's own authority or conflict with authority delegated to the Superintendent.
3. All special Board committees are considered to be ad hoc, or temporary. Special committees are discharged or terminated the earlier of: (1) when they have completed their task and made a final report, (2) when discharged by the Board, or (3) at the termination date stated when they were created.
4. Board committees may or may not include members of the Board.
5. All Regular Board committees are as listed below in this policy.

6. All committee meetings are open to the public.

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7. All legal requirements for the operation of the District – local, state, and federal – will be followed.

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### 6.8. Auditing Committee

- a. The Auditing Committee is established under RCW 28A.330.0980.
- b. The Auditing Committee consists of all Board Members. Any applicable actions of the Board will be considered actions of the Auditing Committee without the need to explicitly state that fact. The Committee may establish special or standing sub-committees which may include no more than two Board members.

Commented [DKF1]: We recommend limiting any committee to two Board members. This is to avoid mistakes or problems with the OPMA. Non-Board members with special expertise could also be added.

Proposed GC-5, Draft 2/25/2022



~~c.~~ In auditing all accounts, the Committee may rely upon audits performed by the Office of the State Auditor or any independent audit ordered by the Board. The Auditing Committee ~~should~~ ~~should~~ ~~shall~~ assure itself that the District has adequate procedures and controls in place to maintain proper financial responsibility, but it will not be necessary for the Committee to examine the supporting documentation for every expenditure approved by the Board under RCW 28A.330.090.

~~e-d.~~ In auditing all accounts, the Committee may rely upon audits performed by the Office of the State Auditor or any independent audit ordered by the Board.

#### **7.9. Instructional Materials Committee**

- a. The Instructional Materials Committee (IMC) is established under RCW 28A.320.230.
- b. The IMC shall be appointed by the Superintendent with the approval of the Board and shall consist of:
  - i. At least six representative members of the district's professional staff, including representation from the district's curriculum development committees;
  - ii. Five parents selected from among individuals nominated by each of the five Board members, with each Board member nominating for one of the five parent positions; and
  - iii. Up to five additional non-voting community members.

~~e.~~ ~~Meetings of the IMC shall be open to the public in the same manner as Board meetings.~~

~~d-c.~~ The IMC shall develop and make recommendations to the Board in accordance with District policy and procedures established by the Superintendent.

~~e-d.~~ Final approval of the District's curriculum and instructional materials is reserved to the Board. Unless specifically excluded, when the Board approves the minutes of the IMC, the Board is approving the recommendations from the IMC as stated in its minutes.

#### **8.10. Facility Long-Range Planning Advisory Committee**

- a. The Facility Long-Range Planning Advisory Committee was established October 7, 2020 by Board Resolution 1336, which provisions are now superseded by this policy.
- b. The Committee shall be composed of no less than seven nor more than twenty-one persons selected by the Board from among District stakeholders (i.e. parents, employees, students, taxpayers, community members) who apply to the Board for membership on the Committee and who shall:
  - i. Serve three-year terms, or until their successors are appointed, with the terms of one third of the original appointees expiring each year;
  - ii. Be selected in December, except when filling vacancies;
  - iii. Be limited to three consecutive appointments;
  - iv. Be selected to obtain a broad range of perspectives, opinions, and experience on the Committee;
  - v. Have all Board members as non-voting ex-officio members of the Committee, with no more than two Board members assigned by the Board to attend the various meetings of the Committee; and
  - vi. Resign from the Committee if elected a Board member in order to assume a non-voting ex-officio position.

- c. The purpose of the Committee shall be to:
  - i. Consider, develop, and recommend long-range plans for the physical facilities needs of the District, with benchmarks at a minimum of five, ten, twenty-five, and fifty-year points;
  - ii. Recommend priorities for addressing deferred maintenance and planned upgrades to physical facilities of the District; and
  - iii. Consider and recommend bond and capital levy requirements.
- d. The Committee shall serve in an advisory capacity only and shall:
  - i. Have no authority to direct District staff, although the Superintendent may make available specific staff to assist the Committee;
  - ii. Elect its own chair, vice-chair, and secretary, provided that the chair shall not be a Board member, the Superintendent, an Assistant Superintendent, nor a District executive level supervisor;
  - iii. Utilize the most recent Study and Survey of District Schools, and other relevant data in its deliberations;
  - iv. Have the authority to conduct public hearings and use other means to obtain community input, but shall not be required to receive public comments at its meetings;
  - v. Meet at least quarterly with all meetings of the Committee open to the public in the same manner as Board meetings, provided that meetings of subcommittees with less than a majority of the full Committee need not be open to the public;
  - vi. Be governed as a board by the rules contained in the current edition of *Robert's Rules of Order Newly Revised* in all cases to which they are applicable and in which they are not inconsistent with Board policy, and
  - vii. Report to the Board at least quarterly.
- e. The Committee became effective on January 1, 2021, when the initial terms of its members commenced, and shall continue to exist until the Board discharges it by amending this policy.

Adopted:

Monitoring Method: Board self-assessment

Monitoring Frequency: Annually



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