



**LIBERTY SCHOOL DISTRICT No.**  
**Governing Board Minutes for Work Study Session**

**TIME: February 11, 2019 – 8:30 PM**

**PLACE: Jerry Rovey District Facility, 19871 West Fremont Road, Buckeye, AZ 85326**

**I. OPENING MEETING**

1. Mr. Paul Jensen, Governing Board President, called the meeting to order at 8:52 p.m. Governing Board members constituting a quorum were present: Mr. Mark Aguire, Mrs. Yolanda Lopez-Bearden, Mrs. Kathy McNamara, and Mr. Jeffrey Turbitt.
2. Pledge of Allegiance was not repeated due to being stated at the beginning of the Regular Board Meeting.

**II. WORK/STUDY SESSION**

1. Open Meeting Law Training by Mr. Robert Haws, Gust Rosenfeld PLC  
Mr. Haws stated the purpose of the training was to review the Open Meeting Law A.R.S 38-431 to 38-431.09. Prior to the summer of 2017, there were several complaints filed. A couple of them alleged Open Meeting Law violations. After review, the Attorney General Office determined that two out of the reviewed six complaints were in fact Open Meeting Law violations. Specifically, the District failed to post the Governing Board agenda. After a review of over 2,000 Governing Board emails, two of those emails raised concerns. The second complaint referred to the posting of GATE agenda and properly posting the minutes. Mrs. McNamara asked how the motions should be made. Mr. Haws suggested that board members read the agenda language for the motion and refer by the item number.

After briefing the Board on findings from the Auditor General, Mr. Haws facilitated training on open meeting law. He stated that open meeting law applies to advisory, special subcommittees, and task force groups such as GATE. The teacher advisory committee was not an approved board committee, and as a result, they are not within the parameters of the open meeting law. Any board approved committee by the Governing Board must adhere to open meeting law requirements. Mr. Haws stated that any time a quorum or majority of the board gathers in person or through technological devices, the law must be complied with. Staff members may distribute information via email, but board members cannot discuss the information outside of the meetings.

Notice for meetings must be posted in designated places at least twenty-four hours in advance. The notice shall include an agenda of the specific matters. The written agenda controls what is discussed. If a topic is not on the agenda it cannot be discussed. The meeting minutes shall be provided in writing or in a recording and should include the date, time, place, and who was in attendance and absent. The public's rights ensures all persons in attendance shall be admitted to listen to the proceedings. Open calls to the public, if board approved, are subject to reasonable time, place, and manner restrictions.

Within the superintendent's report, the superintendent can present a brief summary of the current events without listing the topics in the agenda.

The board has the authority to decide whether or not the executive session will be held in the public. The executive session convenes a quorum of the board for a statutorily prescribed reason from which the general public is excluded. Executive session is authorized when the discussion involves a particular employee, records exempt by law from public inspection, consulting with attorney for advice, instruction to/from board counsel on certain legal matters, negotiations with employee organizations, international/interstate negotiations, and negotiations for purchase, sale, or lease of real property. The board should be reminded of the confidential nature. The notices shall state specific statutory provisions, and the agenda must provide the authorizing statutory section. The executive minutes shall remain confidential. No legal action may be taken after the board reconvenes in an open Meeting for final vote.

In case of an emergency meeting, notice should be made within reasonable timing and the minutes should declare the purpose of the emergency. The board must also post within twenty-four hours declaring there was an emergency meeting.

Failure to comply with the open meeting law may result in the legal actions transacted to be null and void. This may be ratified within thirty days if the board provides to the public a notice and detailed written description of the action within seventy-two hours. An investigation will be conducted upon receipt of a signed, written complaint alleging a violation. This violation may impose a civil penalty of up to \$500 per violation for a second offense and not to exceed \$2,500 for the third offense against each person knowingly violating the open meeting law. The board member may also be removed from office. Mr. Turbitt questioned the use of Facebook. Mr. Haws stated Facebook increases the risk of potential open meeting law violations, and board members should be mindful in communication using social media. Mr. Aguire asked whether the board is required to post a public meeting notice every time board members gather for an event such as a Christmas Party. Mr. Haws confirmed if the board is meeting for non-related topics pertaining to the District, they are not required to post a public meeting notice.

Mr. Jensen asked if he knew the details of the emails in question. Mr. Haws stated the emails involved a board member who provided facts and their opinions about District matters that included other board members.

Mrs. McNamara asked if the Superintendent goals or objectives should be conducted during open session. Mr. Haws stated they could be reviewed in executive session whether they met their goals. Dr. Shough asked if the executive minutes need to be done through notes or recordings. Mr. Haws stated either method is accepted but if using a tape, the District would have to maintain the tape recording.

### **III. ADJOURNMENT**

A motion by Mrs. McNamara, a second by Mr. Turbitt was entered to adjourn the Governing Board Study Session at 9:29 p.m. Upon call to vote, Mr. Aguire, Mrs. Lopez-Bearden, Mrs. McNamara, Mr. Turbitt, and Mr. Jensen voted 'aye', and the motion carried unanimously.

Signed:

Date:

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March 04, 2019