

**Alpine County Office of Education
Alpine County Unified School District**

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The Honorable Judge Tom Kolpacoff
Superior Court of California
County of Alpine
P.O. Box 518
Marleeville, CA 96120

FILED
SUPERIOR COURT
COUNTY OF ALPINE

SEP 19 2017
BY *Corey G. Smith*
COURT CLERK

Dear Judge Kolpacoff,

Per Penal Code section 933.05, I am responding to the Alpine County Grand Jury report of 2016-2017, specifically addressing the issues regarding the alleged Brown Act violation of the December 2016 Alpine County Unified School District Board of Trustees meeting. In general, I concur with the Grand Jury's recommendations and appreciate the time the members put into researching the issue and developing recommendations. The Alpine County Unified School District Board of Trustees seeks to operate in a manner that instills public confidence and trust in our operation.

Finding 1 and Recommendation 1. I concur with the findings and the recommendation.

Finding 2 and Recommendation 2. I concur with the findings and the recommendation.

Finding 3. I concur with the text of Finding 3.

Recommendation 3. I submit our response which was prepared to the original cure and correct request received in early 2017. In it, our board agrees with the grand jury report indicating that although a violation of the Brown act did not occur, the conduct was not in the highest standards in which this board desires to operate. Specifically,

“.....the incident does not reflect this Board's commitment to providing as much access and openness to the meeting materials as outlined in our Board goals. The District has implemented the AgendaOnline solution specifically to make access to agenda items and documents easier and, on the whole, this solution has been beneficial. After the December 13 meeting, a couple board members and the superintendent reviewed the technical issues with staff to understand why the entirety of the item did not appear on AgendaOnline and how to prevent it from happening again. Our expectation is for future items will be fully available online and our staff and board members will do our best to ensure all items are visible to the public.”

Further, our board has reached out to the California School Board Association for training and guidance on Brown Act compliance and governance. We conducted a training in April on these topics.


I do have to disagree with the first sentence of Recommendation 3. It states, “The Grand Jury determined that there was a technical violation of the Brown Act by the omission of the addendum in the online version.” I would ask the Grand Jury to strike this statement from its report or to provide more detail on

how it came to the determination that the online material is subject to the same Brown Act requirements as the publicly available materials. This is important for two reasons:

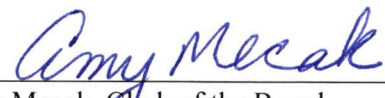
1. It seems to conflict with the first two findings indicating the requirements of the Brown Act were met.
2. It sets a difficult precedent for posting of agendas and materials online, for any board in Alpine County. If the Grand Jury is going to set the precedent that any deviation of the online material from what is available at the required public locations constitutes a Brown Act violation, this could have far reaching impacts. Beyond missing a single item, what is the impact to a public board if the website goes down prior to the meeting or is offline at any point during the 72 hour notice period? Based on this statement, it appears the Grand Jury would hold any board in violation of the Brown Act if their online materials did not meet the same requirements as the hardcopy physical materials in a public place. This is contrary to the intent of having materials available online. This board invested in a service to put materials online to make them more available to public, but not as a replacement for Brown Act requirements, a topic that was discussed during the approval of this contracted service. It is understood that technical difficulties can make online materials unavailable or unreadable on occasion, so the Brown Act requirements are satisfied by the hard copy documents made available in a public location. If the Grand Jury determines that online documents are subject to the same requirements, then I will be forced to recommend to the board to remove our online agenda publications as we cannot guarantee its availability prior to every meeting.

I would ask that the Grand Jury simply remove this statement from their report. If done so, I would agree with the remainder of the text in Recommendation 3.

Though not required, I have asked the other members of our Alpine County Unified School District Board of Trustees to sign this response below to indicate their concurrence with our commitment to implement the Grand Jury recommendations.



Clint Celio, President of the Board

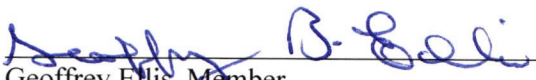


Amy Mecak, Clerk of the Board

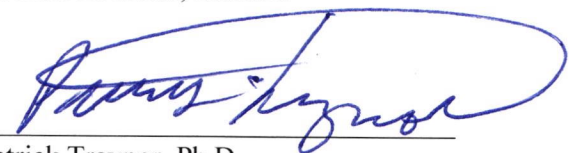


Anthony Holdridge, Member

Rachael Brothers, Member



Geoffrey Ellis, Member



Patrick Traynor, Ph.D.
Superintendent of Alpine County Schools

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