



December 20, 2022 5:00 p.m.  
District Advisory Committee  
for School Capacity Analysis  
Board of Trustees Board Room

## MEETING MINUTES

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### **Voting Members**

Katie Andersen, Committee Member  
Emily Cravens, Committee Member  
John Harms, Committee Member  
Paul Jansen, Committee Member  
Adam Rinderle, Committee Member  
Linda Shepard, Committee Member

### **1. Call to Order and Roll Call**

John Forney called the meeting to order at 5:04 p.m.

#### **Roll Call**

##### Present:

Emily Cravens, Committee Member  
John Harms, Committee Member  
Paul Jansen, Committee Member  
Adam Rinderle, Committee Member  
Linda Shepard, Committee Member

##### Absent:

Katie Andersen, Committee Member

### **2. Adoption of the Agenda**

Motion made by: John Harms

Motion seconded by: Emily Cravens

Emily Cravens - yes

John Harms - yes

Paul Jansen - yes

Adam Rinderle - yes

Linda Shepard - yes

Motion carried 5 – 0 by a roll call vote to adopt the District Advisory Committee agenda.

### **3. Public Comments**

There were no public comments.

### **4. Approval of Minutes**

No minutes for approval as this is the first meeting.

**Discussion/Information**

John Forney, Chief Facilities Officer, recognized Tony De Marco, legal counsel with Atkinson, Anderson, Loya, Ruud & Romo to present an informational PowerPoint presentation on:

- a. Overview of the Brown Act Requirements

John Forney presented an informational PowerPoint presentation on:

- b. Committee Purpose
- c. Meeting Norms
- d. Meeting Schedule Review

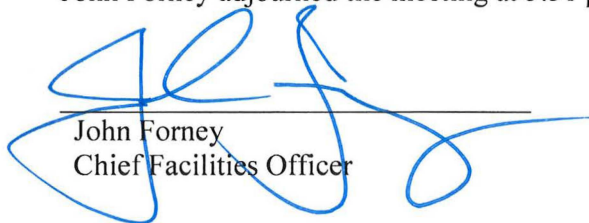
**5. Adjournment**

Motion made by: John Harms  
Motion seconded by: Adam Rinderle

Emily Cravens - yes  
John Harms - yes  
Paul Jansen - yes  
Adam Rinderle - yes  
Linda Shepard - yes

Motion carried 5 – 0 to adjourn the meeting.

John Forney adjourned the meeting at 5:51 p.m.



John Forney  
Chief Facilities Officer



Amy Strange  
Facilities & Construction Specialist



**District Advisory Committee  
for School Capacity Analysis  
Committee Meeting  
Agenda**

**Tuesday, December 20, 2022 at 5:00 p.m.**

This meeting will take place in-person, with the location listed at the bottom of the agenda. Members of the public will have the opportunity to address the District Advisory Committee.

***Expected Participants***

Clark Hampton, Deputy Superintendent, Business and Support Services  
John Forney, Chief Facilities Officer  
Amy Strange, Facilities and Construction Specialist  
Nicolle Falcis, Atkinson, Andelson, Loya, Ruud & Romo  
Lorrie Ruiz, CL Consulting, Inc.  
Katie Andersen, Committee Member  
Emily Cravens, Committee Member  
John Harms, Committee Member  
Paul Jansen, Committee Member  
Adam Rinderle, Committee Member  
Linda Shepard, Committee Member

***Agenda***

**1. Call to Order and Roll Call**

**2. Approval of Agenda**

**3. Public Comments**

At this time, members of the public may address the District Advisory Committee regarding any items within the subject matter jurisdiction of the District Advisory Committee. Comments will be limited to 3 minutes per person and 20 minutes for all comments.

**4. Approval of Minutes**

No minutes for approval as this is the first meeting.

**5. Discussion/Information**

- a. Overview of the Brown Act Requirements
- b. Committee Purpose
- c. Meeting Norms
- d. Meeting Schedule Review

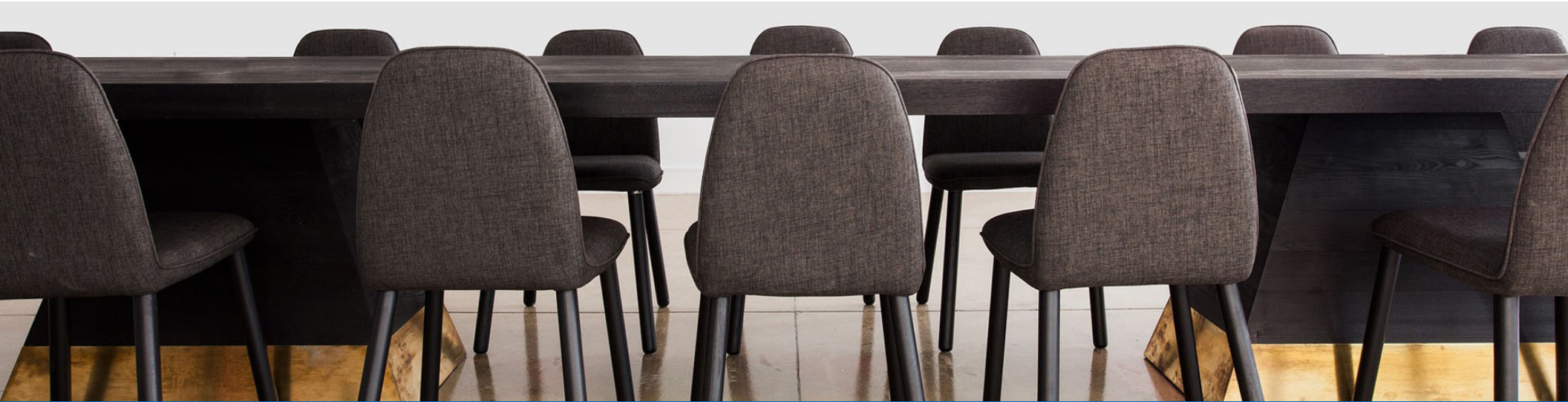
**6. Adjournment**

Motion by \_\_\_\_\_ Seconded by \_\_\_\_\_

**THE NEXT COMMITTEE MEETING OF THE DISTRICT ADVISORY COMMITTEE IS  
THURSDAY, JANUARY 12, 2023 5:00 P.M.**

**AT THE CAPISTRANO UNIFIED SCHOOL DISTRICT OFFICE BOARD ROOM  
33122 VALLE ROAD, SAN JUAN CAPISTRANO, CALIFORNIA 92675**

For information regarding Capistrano Unified School District, please visit our website:  
[www.capousd.org](http://www.capousd.org)



# Brown Act Training for Advisory Committee Members & Staff Liaisons

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*District Advisory Committee on School Capacity*

*December 20, 2022*



# Agenda

1. Review the Brown Act Requirements
2. Review Purpose, Responsibility and Role of the District Advisory Committee (DAC)
3. Establish Norms
4. Review Target Meeting Dates

# History of the Brown Act

- Authored by Ralph M. Brown (1908–1966) a Central Valley assemblyman, the Legislature adopted the Brown Act in 1953 to safeguard the public's right to access and participate in local government meetings
- “All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body, except as otherwise provided in this chapter”
- Legislative bodies covered by the Brown Act should conduct their affairs as if within a “house of glass” (meaning, be entirely transparent)
- The Brown Act is found at California Government Code Sections 54950-54963

# Intent of the Brown Act

- Ensure deliberations and actions of legislative bodies are open and public
- Ensure meaningful public access to local government decisions
- Meetings must be open to the public, held on a regular schedule, follow a noticed agenda
- No secret votes
- Not just the law, but a good business practice as well

# Legislative Bodies – Who Must Comply?

- The Act applies to the meetings of “legislative bodies” of local agencies
- Governing bodies
- Subsidiary bodies
  - Any board, commission, committee, or other body of a local agency created by charter, ordinance, resolution or formal action of a legislative body is itself a legislative body
  - **Exception:** Ad hoc advisory committees



# Does the Brown Act Apply to Advisory Committees?

Yes, Government Code Section 54952 defines a “legislative body” to include the following:

Commissions, committees, boards, or other bodies of a local agency, whether permanent or temporary, decision-making or advisory, created by resolution or some other formal action of a legislative body [Government Code Section 54952(b)]

# Meetings – When does the Brown Act apply?

## Meetings

- Congregation of a majority of the members of a legislative body
  - Same time and place
  - To hear, discuss or deliberate
  - Within the subject matter jurisdiction of the legislative body
- Can include use of technology (email, phone, text message) by a majority of DAC members to discuss an issue (though teleconference meetings can legally occur if requirements are met)
- Beware of serial meetings
- Meeting requires quorum to get started and stay in business

# Meetings – When does the Brown Act not apply?

- Individual contacts and conversations
- Conferences open to the public (e.g., annual association conferences)
- Open and publicized community meetings (e.g., local service club)
- Other legislative bodies (e.g., members of city council attending meeting of planning commission)
- Social/ceremonial events (e.g. football games, wedding, retirement party, etc.)
- BUT.... DON'T DISCUSS AGENCY BUSINESS UNLESS PART OF AGENDA OR PROGRAM

# Meetings – OOPS! Was that a meeting?

- **Collective Briefings**
  - Quorum cannot meet together with staff in advance of a meeting for a collective briefing (**smaller briefings ok**)
- **Retreats or Workshops**
  - Brown Act will apply, including if discussion concerns long-term agency planning or even “team building”
- **Informal Gatherings**
  - Beware of pre- or post- meeting gatherings

# What Happens at a Meeting?

Every committee meeting agenda shall provide an opportunity for members of the public to address the legislative body on any item of interest to the public, within the subject matter jurisdiction of the committee. In response to public comments, committee members and staff may only:

- (i) Briefly respond to statements made or questions posed by persons making public comments;
- (ii) Ask questions for clarification or make a brief announcement;
- (iii) Provide a reference to staff or other resources for factual information;
- (iv) Request staff to report back to the body at a later meeting; or
- (v) Direct staff to place the matter on a future agenda

The committee may adopt reasonable rules and regulations in order to ensure the proper functioning of the meeting.

“The legislative body . . . shall not prohibit public criticism of the policies, procedures, programs, or services of the agency, or of the acts or omissions of the legislative body. Nothing in this subdivision shall confer any privilege or protection for expression beyond that otherwise provided by law” [Government Code Section 54954.3(c).]

# Notice/Agenda and Public Participation Requirements

## Requirements for Meetings

- **Notice:** Required for all meetings
- **Agenda:** Required only for regular meetings (**but in practice, agenda/notice often one in the same**)
- **Open and public:** All persons must be permitted to attend, no secret voting
- **No conditions on attendance:** May not require to sign-in, cannot charge for attendance

# Notice/Agenda and Public Participation Requirements

## Requirements for Meetings (*continued*)

- **Accessible**
  - Must provide reasonable accommodations, cannot allow some members of public to attend and others not, can't hold in facility that prohibits attendance on discriminatory bases
- **Video/audio recording**
  - Must allow photos, audio/videotaping of the meeting (unless it is disruptive to the meeting)
- **Voting (New in 2014)**
  - Must report how each individual official votes on any action, and record the vote in the minutes

# Notice/Agenda and Public Participation Requirements

## Requirements for Meetings (*continued*)

### What about meeting minutes?

- The Brown Act does not require the keeping of meeting “minutes”
- However, it does require a report on actions taken in open session and the vote of each member thereon. While the language of the statute seems to make this a requirement that applies at the time the vote occurs, in practice most agencies announce the vote taken and keep at least brief minutes that include:
  - Content of the motion
  - First/second of the motion
  - Vote on the motion

**Check your bylaws or other rules of procedure for specific requirements on keeping minutes**



# Notice/Agenda and Public Participation Requirements

## Agendas

- The agenda shall specify the time and location of the committee meeting and shall be posted in a location that is freely accessible to members of the public
- An agenda must be conspicuously posted at least 72 hours prior to the time of regular meetings and on the District's website
- The location where the agenda is posted must be publicly accessible at all times during the required 72-hour period
- An agenda may not be changed within the 72-hour period preceding a regular meeting unless an exception applies
- The agenda must reasonably apprise the public of the matters to be considered in sufficient detail to allow the public to determine whether to participate at the meeting
- Agendas of public meetings **and any other writings**, when distributed to all, or a majority of all, of the members of a legislative body of a local agency by any person in connection with a matter subject to discussion or consideration at an open meeting of the body, are disclosable public records under the California Public Records Act, Government Code Section 6250 et seq., and shall be made available upon request without delay

# Notice/Agenda and Public Participation Requirements

## Items NOT on the Agenda

- No action can be taken... except when:
  - Majority decides there is an **emergency** situation; **or**
  - 2/3 of the members present (or all members if less than 2/3 are present) vote that immediate action is needed **and** the need came to committee's attention after agenda was posted (regular meetings only); **or**
  - When an item appeared on the agenda of, and was continued from, a meeting held not more than five days earlier

# Notice/Agenda and Public Participation Requirements

## Items NOT on the Agenda (*continued*)

- During general public comment:
  - Brief response to statements or questions during public comment is permitted
  - May refer to staff for response during meeting
  - May request staff to report back and/or place on a future agenda
- May also briefly announce or report on member's own activities

# Notice/Agenda and Public Participation Requirements

## Rights of the Public

- May address committee:
  - Matters on the agenda—before or during consideration of the item
  - Other matters within jurisdiction—committee meetings only unless DAC allows otherwise
  - Brief response and/or referral to staff, but NO ACTION
- Cannot prohibit public criticism of agency and governing body, but personal attacks need not be permitted
- **Reasonable time limitations and other regulations are permitted (be consistent)**

# Notice/Agenda and Public Participation Requirements

## Records and Public Access

- General rule: agendas, minutes (if any) and handouts distributed at committee meetings are public records
- Documents pertaining to an agenda item must be made available to the public (**website posting only is ok**)
  - This includes staff handouts distributed to DAC members less than 72 hours prior to the meeting
- **Handouts provided by staff during a meeting must be made available to public at same time; handouts from public must be made available after meeting**

# District Advisory Committee Purpose

- On December 16, 2020, the Board approved revisions to Board Policy 7100, *Determining Needs*, to develop criteria for annual reviews of school capacity
- At the October 19, 2022, Board meeting, the Board approved the establishment of a District Advisory Committee (DAC)
  - Based on the California Department of Education Best Practices, a DAC will study school capacity data, gather facts, and bring a recommendation for future school capacity
- A DAC will review challenges and needs specifically surrounding school facilities and capacity
  - Based on the California Department of Education Best Practices, the makeup of the DAC will include members of the community and District staff. This committee will be independent of the Board of Trustees and the Superintendent

# District Advisory Committee's Roles

## **Role of the Committee:**

- Evaluate enrollment projections and their impact on surplus space
- Inventory the capacity and conditions of existing facilities
- Consider uniqueness of the educational program at each site
- Evaluate specific schools identified for further analysis
- Evaluate projected cost-savings
- Consider options for students
- Recommend transition/implementation strategies
- Make specific recommendations about specific school sites to the Board

# District Advisory Committee Norms

## Members should:

- Review all relevant material before committee meetings, if applicable
- Attend committee meetings and voice objective opinions on issues
- Have thoughtful discussions that are focused on the needs of students
- Be responsible for supporting the learning of all of our school's students
- Speak respectfully to each other
- Assume positive intent
- Not engage in ad hominem (personal) attacks
- Look for opportunities to find points of agreement or compromise
- Step up to the discussion when having something to contribute
- Step back knowing that it is important to hear voices other than our own
- Be careful and considerate listeners
- Avoid side conversations
- Make statements based on evidence and research rather than anecdote
- Build upon each other's ideas to create the strongest conclusions



# District Advisory Committee Meeting Schedule

Proposed Meeting Dates	Meeting #	Agenda Topics Book for 2 Hour Timeslot
<b>December 20, 2022</b> 5:00pm - 6:00pm	1	<ol style="list-style-type: none"> <li>1. Overview of Brown Act Requirements and Committee's Purpose</li> <li>2. Committee Purpose and Meeting Norms</li> <li>3. Meeting Calendar Review</li> </ol>
<b>January 12, 2023</b> 5:00pm-7:00pm	2	<ol style="list-style-type: none"> <li>1. Review Historical Background Data and Enrollment Projections</li> <li>2. Review School Enrollment Data</li> <li>3. Review Board Policy Criteria by School</li> <li>4. Review School Capacity</li> </ol>
<b>February 2, 2023</b> 5:00pm-7:00pm	3	<ol style="list-style-type: none"> <li>1. Review Student Enrollment Options</li> <li>2. Discuss Program &amp; Transportation Impacts (Guest Presenter from Special Education and/or Transportation)</li> <li>3. Review Decision Insite Options Tool</li> </ol>
<i>Optional</i> <b>February 16, 2023</b> 5:00pm-7:00pm	3a	<ol style="list-style-type: none"> <li>1. <i>Continued Review of Student Enrollment Options (if needed)</i></li> </ol>
<b>March 2, 2023</b> 5:00pm-7:00pm	4	<ol style="list-style-type: none"> <li>1. Finalize Recommendations for Superintendent Review</li> </ol>
<b>April 19, 2023</b> 7:00pm	5	<ol style="list-style-type: none"> <li>1. Present DAC Recommendations at Board Meeting</li> </ol>

# Next Meeting

Thursday, January 12, 2023 at 5:00 p.m.

## Agenda Topics:

- Review Historical Background Data and Enrollment Projections
- Review School Enrollment Data
- Review Board Policy Criteria by School
- Review School Capacity