



**League of Women Voters
Alameda County Council**

*Alameda
Berkeley/Albany/Emeryville
Eden Area
Fremont/Newark/UnionCity
Livermore/Amador Valley
Oakland
Piedmont*

February 17, 2005

President Yvonne Cerrato and Board of Trustees
Alameda County Board of Education
313 West Winton Avenue
Hayward, CA 94544-1198

Dear President Cerrato and Trustees of the Alameda County Board of Education:

As you know, the League of Women Voters strongly supports the Brown Act, and we believe the trustees and staff of the Alameda County Board of Education are aware of the intent, spirit, and specific language of the Act. For the past three months, the Alameda County League of Women Voters (League) has had Observers attend your Board meetings. Based on their observations, we conclude that on many occasions your agenda, minutes, and Board meeting processes do not meet the intent of the Act.

League Observers have reported a number of instances which we wish to bring to your attention for corrective action:

1. Agenda items do not clearly identify the specific actions that the Board will be discussing and considering; nor do the resulting minutes reflect the elements of an important discussion or the action taken by the Board.

Example #1: The 11/09/04 agenda, Item 12 states, "The Chair of the Budget Committee will present the committee report. The Board will receive information on the Student Demographics Information System." In actuality, the Board was asked to approve a one million dollar expense for a debt created in 1997.

Further, it was reported that there had been two subsequent audits of the District, which failed to notice the debt. In addition to the million dollar debt, it was noted that the ACOE administration took four years and hundreds of hours of staff time to figure out what the debt was.

Incredibly, the minutes for this meeting state the following for Item 12: "Discussion ensued." We believe this is not an accurate report for the public as to what took place.

Example #2: The 1/11/05 agenda, listed Item #9 Policy and Legislation Committee Meeting for approval of Board Policy 9250, Section 1.A, and Board Policy 9250, Section III, Item D. There was no explanation on the agenda as to what these items were about. In actuality, the first policy was to allow the Board to increase its stipend annually by five percent. The second item was to approve the Board being supplied with computers, faxes, phone lines and Internet service at no cost to the Board members. The public had no clue that these two important items were to be discussed and approved.

2. The Brown Act requires that relevant data and information related to agenda items and recommended Board action be made available to the public in a timely fashion and in a manner that allows public education prior to Board discussion.

Example #1: When your staff was asked why materials were not available for the above discussion, they indicated they weren't sure how many members of the public would want the information. In fact, there wasn't even one copy available for the public. In the future, we would suggest that you set a minimum standard for the number of copies to be available for the public; and that if there are inadequate copies available for the public for a particular high-interest item, that the staff be directed to immediately make copies and give them to the public prior to the Board discussion and action.

Example #2: At your 12/14/04 meeting, there was no related information available on the Budget Committee Report or on material that was distributed to the Board regarding Superintendent Jordan's salary.

3. Previous Agendas are not posted on the WEB site.

It was our understanding that the Board would move expeditiously to ensure that current and historic data was maintained on the ACOE WEB site. At a minimum, agendas and their resulting minutes should be posted prior to meetings and maintained for at least two years.

We trust that you and the staff will immediately make the necessary changes to adhere to the basic requirements of the Brown Act; and to be more vigilant in following it in the future. Further, we strongly encourage you to go beyond the minimum requirements, and honor the spirit and intent of the Act as well.

Professional and Respectful Environment – Finally, we would like to indicate that on numerous occasions, our Observers have noted that the staff (usually located in the back of the room), as well as some Board Members at the dais, have demonstrated unprofessional behavior when agenda items have been discussed, particularly during public comment. This does not create an atmosphere that invites and supports public input and participation. We trust that you will work aggressively to improve this environment.

We look forward to hearing from you on your planned progress and timeframes regarding these items. If you have any questions, please contact me at 510-287-1240.

Sincerely,

Lena L. Tam
Alameda County Council LWV, Chair

cc: Sheila Jordan, Superintendent, ACOE
Alameda County Grand Jury
Alameda Newspaper Group