

EAST SIDE UNION HIGH SCHOOL DISTRICT
Minutes of the Special Meeting of the Board of Trustees
Meeting Held at Education Center
October 3, 2006

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| 1) <u>Call to Order/ Roll Call</u> The Special Meeting of the Board of Trustees was called to order at 5:40 p.m. by President Herrera. Vice President Nguyen, Clerk Mann, Member Martinez-Roach and Member Shirakawa were present. | CALL TO ORDER |
| 2) <u>PLEDGE OF ALLEGIANCE</u> | PLEDGE OF ALLEGIANCE |
| 3) <u>WELCOME AND EXPLANATION TO AUDIENCE</u> President Herrera extended a welcome to the audience, explained the format of the meeting, and noted that all Board Meetings are recorded. | WELCOME AND EXPLANATION |
| 4) <u>CONSIDERATION OF PROPOSED AMENDMENTS TO THE AGENDA</u> | CONSIDERATION OF AMENDMENTS |
| 5) <u>PUBLIC MEMBERS WHO WISH TO ADDRESS THE BOARD OF TRUSTEES</u> <ul style="list-style-type: none">• Linda Dang, Possible Censure of Board Member• Rosa De Leon, Possible Censure of Board Member• Don McKell, Possible Censure of Board Member• Juvenal Matos, Boundary Option | ORAL COMMUNICATIONS |
| 6) <u>OPERATIONAL ITEMS/BOARD DISCUSSION AND/OR ACTION</u> 6.1 Consideration of Proposed Resolution 2006/2007-06 – Censure of Board Member Patricia Martinez-Roach; Board Action to Approve or Not Approve; Report of Hanson Bridgett Law Firm Regarding Investigation of May 25, 2006, Special Board Meeting | OPERATIONAL ITEMS BOARD DISCUSSION/ AND/OR ACTION |

Member Martinez-Roach

I would like to read a legal opinion that I would like to have on the record. East Side Union High School District Board of Trustees, J. Manuel Herrera, Lan Nguyen, Craig Mann, George Shirakawa Jr., and Bob Nunez, Superintendent. I would like to read into the record the following legal opinion to defend my constitutional rights.

“Under the First Amendment of the United States Constitution political speech is protected. This would apply in the case of my comments, which were made in the investigation this District Board of Trustee charged, and found me to be clear of any wrong doing. The courts have held that no government body may regulate or inhibit the contents of my speech or anyone’s speech, absent or compelling governmental interest in doing so. Pure political

speech is afforded the highest protection of the court under the First Amendment. There are a few exceptions such as hate crimes, obscenities, or inciting a riot. According to the record in the matter, there were no comments which contained remarks that are unprotected. My comments could not have been construed as defamatory in anyway. Should the Board take any action to infringe my political speech or political comments, the Board and the District would be in violation of my First Amendment Rights under the Constitution of the United States. Board actions would not withstand a constitution challenge in court. Respectfully, Patricia Martinez-Roach, Member of this school Board. Opinion not at taxpayers expense."

Vice President Nguyen

If only Member Martinez-Roach would acknowledge what she did wrong, we could go on, but she would not acknowledge it happened. We need to let students know as Board Members, we should be held accountable for our actions.

President Herrera

I was sorry to hear the statement made by Member Martinez-Roach. I believe she is within her legal rights, but I believe this is not a legal matter anymore. It stopped being a legal matter when the report was brought back to the Board establishing no Board Policies had been violated.

Clerk Mann

We have four months of time that has elapsed. More than enough time for the simplest of apologies to have occurred. It did not happen. I don't agree with you, Mr. President, there has been enough time for review of this behavior.

Member Martinez-Roach

I wanted to say at the last Board Meeting that Member Nguyen and I spoke at length, and during that meeting, I mentioned to him during the last four months no one tried to reconcile our differences. So, to hear it's my responsibility to do so is really an amazing statement to make. We have not had a retreat in three years. I called Member Nguyen today. He never responded. So, at this point, all I can say is you do what you have to do. There was never any attempt to do anything.

President Herrera

There is one word in the resolution I so disagree with. It would stop me from voting. "Hateful" is the word I do not agree with. I am asking you to strike this word so I can have the option of voting when we vote.

General Counsel Rogelio Ruiz

The motion could be amended to strike the word "hateful," from the proposed Board Resolution for adoption.

√ *Motion to adopt amended Resolution #2006/2007-06 – Consideration of Proposed Resolution 2006/2006-06 – Censure of Board Member Patricia Martinez-Roach striking the word “hateful” from the third “whereas”, was made by Clerk Mann, seconded by Member Shirakawa.
Vote: 4/0 Member Martinez-Roach abstaining*

7) **CLOSED SESSION**

7.1 Public Employee Discipline/Dismissal/Release
(Government Code §Section 54957)

√ *Nothing reported.*

13) **ADJOURNMENT**

Motion to adjourn Board Meeting by Clerk Mann, seconded by Member Shirakawa at 7:30 p.m.

CLOSED SESSION

ADJOURNMENT

Respectfully submitted,


Clerk of the Board of Trustees