

BEAR VALLEY UNIFIED SCHOOL DISTRICT  
MINUTES OF A BOARD WORKSHOP MEETING  
HELD ON NOVEMBER 17, 2021  
SCHOOL DISTRICT OFFICE

Due to space limitations in the boardroom, this meeting was live-streamed at  
<https://youtube.com/user/BearValleyUnifiedEdu>

Present: Dr. Steve Foulkes  
Mrs. Cathy Herrick  
Mr. Jack Roberts  
Ms. Sudie Smartt  
Mr. Paul Zamoyta

Also Present: Dr. Mary Suzuki  
Mrs. Linda Rosado  
Ms. Lucinda Newton

Absent: Dr. Lisa Waner

**1. Call to Order Open Session**

President Herrick called the meeting to order at 5:33 p.m. noting this meeting is being audio recorded.

President Herrick called in the first seven speakers:

Cory De Long, Jill Wade, Michael Hsy, Alice Suhay-Butler, Laura Williams, Bobbi Hazelton, David Rufner

**2. Adoption of Agenda**

**M21-22-056**

President Herrick called for a motion to adopt the agenda for the meeting with the addendum.

Motion by Mr. Roberts.

Second by Mr. Zamoyta.

President Herrick called for the vote.

Said motion was approved by the following roll call vote:

AYES: Foulkes/Herrick/Roberts/Smartt/Zamoyta

NOES: None

ABSTAIN: None

ABSENT: None

**3. All present participated in a Moment of Silence and the Pledge of Allegiance.**

**4. Community -Staff Presentations**

- a. Mr. Todd Robbins, Esq., Partner Atkinson, Andelson, Loya, Ruud, and Romo, will review Brown Act protocol for Board Meetings held in public

Mr. Robbins answered questions sent to him by the Governing Board.

- Is it Constitutional to limit public comment to three minutes per speaker and/or twenty minutes per topic? - Yes, under the First Amendment, we can create time, place, and manner restrictions that allow public agencies/local government to have time restrictions.
- If a speaker refuses to yield their time after three minutes, what options does the board have? The speaker would be considered out of order, allowing the board to ask the person to leave. If the person continued to disrupt the meeting under Penal Code 403, it is a crime to disrupt a meeting, and that person could be removed.
- Can the board first hear public comment from individuals who have not yet had an opportunity to address the board on a given topic? – The board can order the public comments in any order as long as it does not discriminate or exclude a speaker based on their viewpoint. The board has the discretion to hear which speakers they need to first.
- Does the Brown Act allow the board to pause or cancel a meeting? – Yes, for a medical or biological need, the board can call a recess to address those needs. In the event of a disruption that prohibits the board from conducting business, a board can call a recess to calm down the disruption. Options the board has if it does not calm down is to clear the room of all attendees except the press and continue to conduct it’s business. The board can move the meeting to a smaller conference room, allow the press to attend and continue to conduct business, or they may adjourn the meeting and resume at a later date.
- Is the board allowed to require masking and limiting the number of in-person attendees due to COVID outbreaks that have or may occur? – Yes, Education Code section 49403 requires school districts to assist public health officials in preventing the spread of communicable diseases. Masking policies and limiting the number of attendees in a small room, and social distancing would be acceptable restrictions that would further the obligation under EC 49403 to assist public health officials in reducing the spread of COVID.

**b. Mrs. Linda Rosado, Executive Director of Business Services & Classified Personnel, and Mr. Terry Planz, Director of Maintenance and Operations, will provide a review of the Facility Master Plan (FMP)**

Mr. Planz reviewed the three guiding principles used when updating the FMP; to provide a safe environment conducive to learning, design state-of-the-art facilities to meet the needs of 21st century learners, and create an inviting atmosphere for students and employees. Updated enrollment information was presented as part of the FMP. Mr. Planz reviewed the list of completed projects within the plan. Mrs. Rosado reviewed funding opportunities, the increase of contributions from the General Fund to Deferred Maintenance, Redevelopment Agency funds may be available to us through June of 2029 or June of 2030. Developer fees will be used to help offset the cost of the Big Bear High School science classroom renovation. Mrs. Rosado discussed the refinance of the Certificate of Participation for the solar array system. The rate was reduced with a fixed principle and interest, and the term was not extended. Mr. Planz reviewed the challenge of declining enrollment, maintaining our aging facilities, and issuance of general obligation bonds. Current major facility projects were also discussed. Mrs. Rosado showed an example of a flexible science classroom noting the electrical coming from the

ceiling, not the floor, for safety. She also stated that our flexible classroom would have five to six sinks. Mrs. Rosado showed the plan from Hellas Construction for the Stadium Sports Field at Big Bear High School, which has been submitted to California Environmental Quality Act (CEQA). Next steps were discussed; a top priority is the renovation of the portable classrooms at North Shore Elementary and landscaping at North Shore and Big Bear High School. Supply chain issues and challenges with personnel shortages in the custodial department were discussed.

## **5. Hearing Section**

### **a. Public Comment**

President Herrick read the Public Comment Quick Summary / Abstract

**Kori DeLong** – Spoke against COVID vaccinations and masks for children. If there are issues with the vaccine, do we need to vaccinate our kids? She requests that the district say no to vaccines and masks.

**Jill Wade** – Spoke against the vaccine mandate. Ms. Wade said she had to give credit where credit is deserved to the district for not missing a beat when the lockdown first began. Other children missed weeks, if not months, of school. She shared that she was disappointed in our state that private schools remained open when public schools were closed. She and her children will not be vaccinated or tested.

**Alice Suhay-Butler**- Ms. Suhay-Butler shared the definition of mandate and order. She spoke against the vaccines and masks. Ms. Suhay-Butler requests that the Governing Board stand against masks and vaccines.

**Laura Williams** – Dr. Williams is concerned about the misunderstanding about COVID between the public and government. She suggested a community meeting. She expressed her concerns about volunteers not being allowed in the classroom.

**Michael Hsu** – Mr. Hsu expressed his concerns about mental health and the pandemic of loneliness due to COVID.

**David Rufner** – Mr. Rufner referenced a letter he wrote to the editor in the November 10<sup>th</sup> issue of the Grizzly Newspaper. He requested a formal apology to staff, students, and parents for enforcing the mask mandate while not abiding by it. He stated the apology posted on Facebook was incomplete and incorrect. Mr. Rufner referenced Board By-law 9000, BP 1220, and 2230 saying that citizen advisory committees have not been used, and no parent survey has been conducted. Mr. Rufner requested a complete and accurate apology regarding November 3<sup>rd</sup>.

**Bobbi Hazelton** – Spoke against masks and testing. Ms. Hazelton stated it is unlawful to mask or test students or staff according to PC 2502. She said that she had contacted an attorney regarding a lawsuit against the board as a group and individually. Ms. Hazelton requested the board follow Apple Valley and Lucerne Valley's example and say no mandates.

**Scott Nelson** – Spoke against mandates and about the Constitution. Mr. Nelson stated that the mandates are violating the rights of the people.

**Ron Mead** – Mr. Mead said that he wanted to bring God into the discussion. He said God has been taken out of schools, and we are paying the price. Mr. Mead shared scripture.

**Norman Dykesten** – Asked if there has been any revision to Health and Safety Code 120338, the list of mandated vaccines. Mr. Dykesten expressed his disappointment in the letter that was

drafted at the last meeting. He would like the board to stand in alignment with Calaveras County and the High Desert.

**Kelly Ohlson** – Ms. Ohlson expressed his disappointment in the Governing Board. She stated that her copy of the Brown Act is not the same as the one the attorney had. She spoke against masks and for vaccine choice. Ms. Ohlson provided a copy of a letter to Governor Newsom drafted by the Lucerne Valley board, Dr. Fauci’s dossier, and official Office of the Attorney General from Washington D.C. letter on mandates.

**President Herrick called for a five-minute recess at 6:46 p.m.**

**Return to Open Session at 6:52 p.m.**

**b. Notice of Proposed Maps for Trustee Area Elections**

President Herrick read the Public Hearing Notice Statement.

No public comment requests were received for this agenda item.

Mrs. Linda Rosado presented two maps under consideration. There was discussion amongst the Governing Board regarding the maps being considered.

**6. Consent Calendar**

**M21-22-057**

President Herrick called for a motion to approve the Consent Calendar with the addendum as presented.

Motion by Dr. Foulkes to approve the Consent Calendar as follows:

**6.a. Employ Bilingual/ELL Instructional Aides**

Norma Morales and Brandy Ayala

**6.b. Classified Substitutes for 2021-2022**

Judith McKillop, Lizette Grau, Carrie Horner, Teresita Mendoza Pina, and Michelle Payton

**6.c. Substitute Bus Drivers**

Florentino Escorcia and Lilia Ross

**6.d. Create Utility II Worker Job Description**

**6.e. Employ Elementary School Counselor for the 2021-2022 School Year**

Lisa Moran

**6.f. Certificated and Classified Employee Early Resignation Notice Incentive**

**6.g. District Drivers**

Jason Schetter, Kelley Schetter, Mirjam Hoak, Lisa Moran, Stephen Ellis, Jason Krause and James Schmidt

**6.h. Contract with LifeTrack Services Inc. and Bear Valley Unified School District for the 2021-2022 School Year**

**6.i. Second Reading and Adoption of the March 2021 Governing Board Policy Updates**

**6.j. Second Reading and Adoption of BP/AR 5131.2 - Bullying**

**6.k. Second Reading and Adoption of the 2022/2023 Board Meeting Calendar**

**6.l. Certification of Board Minutes**

**6.m. Obsolete Equipment**

Second by Ms. Smartt.

Said motion was approved by the following roll call vote:

AYES: Foulkes/Herrick/Roberts/Smartt/Zamoyta

NOES: None

ABSTAIN: None

ABSENT: None

**7. Items Removed from the Consent Calendar**

None.

**8. Employee Announcements**

Dr. Suzuki welcomed the employees approved under the Consent Calendar.

**9. Information Section & Reports**

**a. Superintendent Comments/Calendar**

Dr. Suzuki provided a report on the Big Bear High School football team's stellar season becoming the CIF league champs for 2021. The volleyball team was also the CIF league champs ending 10-1 in the league. Our cross-country team is advancing to CIF during the month of November. Congratulations to all.

**b. Governing Board Member Reports**

Mr. Zamoyta reported on visits to school sites. He spoke about some of the unique computer programs students are using. Mr. Zamoyta discussed some of the challenges sites are having, saying that there is a real stress on staff that the public may not be aware of due to the lack of substitute staff. Things going on in the classroom are great. You would never know any different. The people at the school sites are doing a great job. The infrastructure is not the strongest.

Dr. Foulkes apologized to the community for removing his mask during the last meeting and not setting a good example to the public for wearing masks. Dr. Foulkes has visited school sites and sees the same things as Mr. Zamoyta. Dr. Foulkes suggested a future agenda item. There is a building up of frustration among the community members in attendance because they are talking and the board can not respond. Dr. Foulkes suggested the possibility of a community meeting.

Mr. Roberts apologized to the community for removing his mask during the last meeting. He shared that he got COVID from that meeting and stated it is important that we follow the guidelines whether we agree with them or not. Mr. Roberts agreed with one of the speakers that the staff has done an awesome job teaching our kids and getting our students back to school. We could not have done it without them.

President Herrick shared that she feels there are inconsistencies with policies throughout the state and the United States. President Herrick also apologized for not wearing her mask throughout the entire meeting. She stated that we are part of the community, and the letter was a start and can be revisited. We do respect our families for what they are saying.

Dr. Suzuki reiterated that she sincerely apologizes again that her mask came off during the last meeting. She shared that she is sorry for missing the students in the room.

**10. Administrative Report #21-22-003**

**a. 2021-2022 Negotiations Sun-shined Articles**

No action is required for this agenda item.

**11. Business/Financial Report #21-22-005**

**a. Discussion and Approval of Trustee Area Map  
for Board Elections**

**M21-22-058**

President Herrick called for discussion and/or a motion to approve a Trustee Area Map for Board Elections.

Motion by Mr. Roberts to approve option three.

Second by Dr. Foulkes.

President Herrick called for the vote.

Said motion was approved by the following roll call vote:

AYES: Foulkes/Herrick/Roberts/Smartt/Zamoyta

NOES: None

ABSTAIN: None

ABSENT: None

**b. Discussion and Approval of Resolution No. 21-22-012  
to Transition from At-Large to By-Trustee Area  
Elections and Requesting the San Bernardino County  
Committee Approve the District's Transition**

**M21-22-059**

President Herrick called for a motion to approve the transition from at-large to by-trustee area elections and requesting the San Bernardino County Committee approve the district's transition.

Motion by Mr. Zamoyta to approve as presented.

Second by Mr. Roberts.

After discussing the merits of moving to by-trustee area elections and the anti-democratic nature of this move as it takes away the peoples' right to vote, President Herrick called for the vote.

Said motion was approved by the following roll call vote:

AYES: Foulkes/Herrick/Roberts/Smartt/Zamoyta

NOES: None

ABSTAIN: None

ABSENT: None

**c. Authorization to Participate in the California  
Multiple Award Schedule (CMAS) – Purchase  
Security Cameras, Software Licenses and  
Installation Labor Services**

**M21-22-060**

President Herrick called for a motion to approve the participation in California Multiple Award Schedule (CMAS) – Purchase Security Cameras, Software Licenses and Installation Labor Services

Motion by Mr. Zamoyta to approve as presented.

Second by Mr. Roberts.

President Herrick called for the vote.

Said motion was approved by the following roll call vote:

AYES: Foulkes/Herrick/Roberts/Smartt/Zamoyta

NOES: None

ABSTAIN: None

ABSENT: None

**12. Suggestions for Future Meeting Agendas**

Board Member comments at the beginning of Board Meetings. Discussion of a town hall meeting with a public health expert or a Board Workshop meeting to address community concerns regarding COVID.

**13. Meeting Adjourn at 7:41 p.m.**

**a. Next Regular Board Meeting Scheduled on December 6, 2021, at 4:30 p.m. –  
First Interim Report, December 8, 2021, 5:30 p.m. – Regular Board Meeting**

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Secretary

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President of the Governing Board