

BOARD RETREAT MEETING OF THE BOARD OF DIRECTORS  
IOWA CITY COMMUNITY SCHOOL DISTRICT, COUNTY OF JOHNSON, STATE OF IOWA  
ELIZABETH TATE HIGH SCHOOL – MEDIA CENTER  
5:00 P.M., TUESDAY, OCTOBER 6, 2009  
PRESIDENT PATTI FIELDS, PRESIDING

MEMBERS PRESENT: Michael Cooper, Tuyet Dorau, Patti Fields, Gayle Klouda, and Sarah Swisher.

MEMBERS ABSENT: Toni Cilek and Michael Shaw

President Fields called the meeting to order at 5:05 PM. Other officials in attendance include Associate Superintendent Jim Behle, Assistant Superintendent Ann Feldmann, and Kirsten Frey, Board Legal Counsel.

### Governance

Kirsten Frey, Board Legal Counsel, reviewed two previous opinions provided to the board dated July 26, 2006 and February 22, 2007 which address e-mails and open meetings and public records law and open meetings and public records law, respectively. Ms. Frey reviewed highlights of these two previous opinions, noting that for open meetings, these meetings are open to the public and that the tentative agenda must be published at least 24 hours in advance of the meeting and for any item to be added to this tentative agenda with less than 24 hours notice must have a compelling reason. Ms. Frey defined a meeting as a discussion or deliberation with the majority of the board.

Director Shaw arrived at 5:12 PM.

Ms. Frey reviewed a walking quorum noting that this does not violate the open meetings law but would strongly discourage board members from engaging in this practice.

Ms. Frey addressed e-mail communications between board members, noting that the courts have held that e-mails do not constitute a meeting, but cautioned the board that e-mail communications may in fact be a meeting and this is also the advice from the Iowa Association of School Boards. Ms. Frey noted that deliberations should occur in the public and discussed the possible consequences to individual board members of violating the open meetings law. Ms. Frey noted that gathering of board members in casual environments for disseminating information does not constitute a meeting and also advised the board to strictly adhere to the items noted on the agenda. Ms. Frey noted that directors can not take action on anything that is not identified in the agenda as an action item. The public must be able to reasonably infer as to what the board will discuss or actions to be taken when reviewing the agenda.

Ms. Frey reviewed committees noting that the determining factor in whether a committee meeting is subject to open meetings is the charge of the committee. If the committee's purpose is simply to gather information, it is not an open meeting, but if the charge is to collect public policy recommendations to be submitted to the board, it is an open meeting, regardless of whether or not a quorum is present. When the open meeting applies, minutes are required and they too must be published. The tentative minutes must be published within ten days of the meeting.

Ms. Frey addressed public records and personal board member computers noting that personal records on a personal computer do not constitute public records, but when public records exist on a personal computer, they remain public records.

Director Cilek arrived at 5:45 PM.

Ms. Frey noted that public record requests only require the district to produce records or documents that already exist. Ms. Frey emphasized that there is no obligation to create data or information that does not already exist. Directors inquired how to respond to public member's questions to the board. Ms. Frey noted that the board or the administration is under no obligation to respond or answer public questions. Ms. Frey suggested that directors could add this as a discussion topic on the agenda and noted that time answering questions may take away from the time to run and administer the district. Ms. Frey noted that it is the administration's responsibility to respond to requests for public records.

#### Board Self Assessment

Directors discussed ground rules including:

- cell phones on mute or vibrate
- directors comments are not intended nor should be construed to be personal
- no interrupting board members when speaking
- no shouting
- open and honest communication
- treating board members with respect

Directors also discussed a parking lot for future agenda items that might be identified. Dr. Plugge distributed school board policies. Directors reviewed noting Officer's term needs to be changed back to a two year term. President Fields walked directors through the results of the board's self assessment, noting that eight of nine responses were submitted as directors sought input from former board members Leff and Krumm. President Fields noted that the intent of the self-assessment is to identify board priorities. President Fields reviewed the board's perception of importance and actual score results in the areas of board meeting, team building, decision making, motivation, community relations, policy, and finance. Significant items discussed include room for improvement in the agenda setting process with possible codification in policy describing and documenting how the agenda is set. Ms. Frey answered questions on when a closed meeting is appropriate and noted that board members should not get involved in personnel matters as the board has a statutory duty to function in a jury like manner in due process procedures. Directors discussed the possibility of setting a time limit for each agenda item for board discussion as well as considering auditing their meetings to analyze where time is spent.

Directors recessed at 7:35 PM and reconvened at 7:45 PM.

Directors also discussed an August 28, 2009 opinion from board council Kirsten Frey addressing potential conflicts of interest. Ms. Frey advised the board that in general the board should err on the side of caution and may consider requesting an attorney general's opinion to further clarify some issues. A guiding principle Ms. Frey suggested is, "Does a party have a position on a particular issue the board is addressing?" Directors discussed having each board member as a matter of policy complete a conflict of interest form. Ms. Frey will consult with attorney Nate Williams on a particular matter and this may be added to the October 27, 2009 agenda.

Committee Assignments

Dr. Plugge distributed all board committees, school visit schedule, and DPO meeting dates. Directors discussed board development and the Carver Governance Model and considered meeting with the Des Moines Public School on the Friday of the School Board Convention to consult with the Des Moines Schools regarding Carver Governance.

Items noted in the parking lot include:

1. Agenda topic approval
2. Work Session
3. Personal and closed meetings

Directors discussed potential retreat dates including November 8<sup>th</sup>. President Fields will coordinate the final date with Carver Training as a possible retreat agenda topic. Directors identified which committees they will serve.

MOTION BY DIRECTOR CILEK, SECONDED BY DIRECTOR KLOUDA TO ADJOURN AT 9:10 PM. MOTION CARRIED 7-0

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President

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Board Secretary