

[Captioner standing by. Ready to begin at at 9:00 A.M.] >>

Good morning, everyone. >> Good morning, everyone.

David Espino, are you on the line, this is Frank Ruffino. >> Frank, I am here. How can I help you? [Captioner standing by. Ready to begin at 9:10 A.M.] >>

PRESIDENT JONES: The board of administration meeting to order, and the first order of business is roll call. Ms. Hopper, please? >> Henry Jones. >> Here. >> Margaret Brown. >> Here. >> Rob Feckner? >> Good morning. >> Fiona Ma? >> [Indiscernible] [no audio]. >> Lisa Middleton? >> Present. >> David Miller? >> Here. >> Stacie Olivares? Eraina Ortega? >> Here. >> Jason Perez? >> Here. >> Ramon Rubalcava? >> Here. >> Theresa Taylor? >> Here. >> Shawnda Westly? >> Here. >> Betty Yee? >> Here. >> Mr. President, I see a note that Stacie's had to reboot her computer and is Fiona on the phone? >> >> FIONA MA: On the phone, yes. >> Thank you, and as of now I don't see Stacie yet, so all in attendance right now, waiting for Stacie to come online.

PRESIDENT JONES: Okay. Well, why don't we move on and we will pick her up in the closed session --

STACIE OLIVARES: I'm here! I came here. [Laughter]. >> Okay, Stacie Olivares in attendance.

PRESIDENT JONES: Okay, okay, thank you. Thank you very much. Okay. The purpose of today's meeting is to hear a briefing on performance, employment, and personnel items. We will recess now in to closed session for item 1 from the closed session agenda. At this time, the board members will exit this open session meeting and connect to the closed session meeting. To the members of the public watching on live stream, this concludes the open session meeting of the Board of Administration. We look forward to being with you again at our September meeting. Thank you.

MARGARET BROWN: A word?

PRESIDENT JONES: Yes, Ms. Brown.

MARGARET BROWN: Thank you. Um, are we not going to take public comment? I thought under Bagley-Keene we're supposed to take public comment at any public meeting and since this is a public meeting, at least this part is, that we should request to hear from the public. I know, I understood that people wanted to call in.

PRESIDENT JONES: Yeah. We thank you for your question, Ms. Brown. I did check with Mr. Jacobs on that issue. So I will call on Mr. Jacobs to respond to your question.

MATTHEW JACOBS: Yes, Ms. Brown, that does not apply to closed sessions of the board and all we've got here is a ministerial matter of opening up the closed session by telling the public that we're going in to closed session. So there is nothing to comment on. And it was a notice for public comment and public comment is not appropriate on a closed session item. I cite 11125.7E of Bagley-Keene that says that the public comment section does not apply to closed sessions.

MARGARET BROWN: But, yes, I'll beg to differ with you, of course. Mr. Jacobs, I'm not an attorney, but I have from other government code sections 11128 or 11126.3, and also 11125.7 that even though we didn't notice it and there might be an error on the agenda, that in fact this part of the meeting is public, and therefore we should take public comment. And I, I beg to differ on this point and I really think it behooves us to take comments from the public.

MATTHEW JACOBS: Okay. Well, I don't have anything more to say. I mean, my advice is that no public comment is warranted or appropriate and not noticed. So.

PRESIDENT JONES: Okay. Okay, Ms. Brown, I'm going to go with the counsel's interpretation of the law and so there will be no comments during this short open session and we will end in to closed session. So I'll ask the board members to close out on the open session -- >> President Jones?

BETTY YEE: If this is the only open session we're gonna have today, I want to make a comment and a request, if possible.

PRESIDENT JONES: Well, Ms. Yee, if we start the commenting section, then I think it becomes the same issue that Ms. Brown raised. >>

BETTY YEE: Well, you just announced the scope of the closed session will be, which is to achieve executive officers briefing. As noted on the agenda. And I don't know where there's going to be another opportunity if we don't reconvene in open session, but I did want to make a request because as you know, and I don't want to get in to the details because it's not appropriate, with respect to –

PRESIDENT JONES: Ms. Yee, if you have a request related to the closed session item, you can make a request during the closed session.

BETTY YEE: It's not because now it's limited in scope. My question is with respect to the issues I raised in the letter to you, Mr. Jones and your response back, I just wanted to know at what point we're gonna have a hearing on those topics because it doesn't seem like those will be covered in closed session today and if that can be the topic of another meeting, hopefully one sooner rather than later but I would like to ask that perhaps we get legal counsel's advice about when we expect to hear those topics and whether we can have a special hearing with respect to those topics.

PRESIDENT JONES: Okay. I take your comments and appreciate your comments. Okay. So at this time, we will move, close this open session and go in to closed session. So take a few minutes. And I hope I can get back in on time. [Open session has ended].