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10 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**
11 **IN AND FOR THE COUNTY OF MARICOPA**

12 State of Arizona, ex rel. Mark Brnovich, in
13 his official capacity as Arizona Attorney
14 General,

15 Plaintiff

16 vs.

17 Jann-Michael Greenburg, an individual; and
18 Scottsdale Unified School District Number
19 48, a political subdivision of the State of
20 Arizona,

Defendants.

Case No:

STATE OF ARIZONA'S COMPLAINT

21 For his complaint against Jann-Michael Greenburg ("Greenburg") and Scottsdale Unified
22 School District Number 48 (the "District") (collectively, "Defendants"), the State of Arizona *ex*
23 *rel.* Arizona Attorney General Mark Brnovich ("AG") hereby alleges as follows:
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25
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INTRODUCTION

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2 1. This is action for equitable relief and civil penalties stemming from Defendants’
3 violation of Arizona’s Open Meeting Law. *See* A.R.S. § 38-431.01 *et seq.* During a series of
4 meetings in August 2021 Defendants violated the Open Meeting Law by knowingly structuring
5 an agenda and meeting so as to prohibit public comment about a proposed mask mandate and
6 other subjects within the jurisdiction of the Scottsdale Unified School District Governing Board
7 (the “Board”), knowingly applying unauthorized content-based restrictions on public comment
8 made during a Board meeting, and knowingly cutting off or otherwise interrupting speakers
9 during a call to the public.

10 2. The Legislature enacted the Open Meeting Law “to open the conduct of the
11 business of government to the scrutiny of the public and to ban decision-making in secret.” *Karol*
12 *v. Bd. of Educ. Trs.*, 122 Ariz. 95, 97, 593 P.2d 649, 651 (1979). The Open Meeting Law
13 expressly declares that “[i]t is the public policy of this state that meetings of public bodies be
14 conducted openly,” A.R.S. § 38-431.09(A), and that “all persons so desiring shall be permitted
15 to attend and listen to the deliberations and proceedings,” *id.* § 38-431.01(A). Thus, “any person
16 or entity charged with the interpretations of [the Open Meeting Law] shall construe [the Open
17 Meeting Law] in favor of open and public meetings.” A.R.S. § 38-431.09(A).

18 3. Through this action, the AG seeks to ensure that Defendants are held liable for their
19 violations of the Open Meeting Law and to ensure that, moving forward, Defendants are required
20 to comply with the law.

PARTIES

21
22 4. Mark Brnovich is the Arizona Attorney General and asserts the claims herein in his
23 official capacity on relation of the State of Arizona. The Open Meeting Law provides the
24 Attorney General with express statutory authority to “commence a suit . . . for the purpose of
25 requiring compliance with, or the prevention of violations of, [the Open Meeting Law], by the
26 public body as a whole, or to determine the applicability of this article to matters or legal actions

1 of the public body.” The Open Meeting Law further provides that the AG may commence an
2 action “against an individual member of a public body for a knowing violation of this article, and
3 in such a suit the court may impose a civil penalty against each person who knowingly violates
4 this article or who knowingly aids, agrees to aid or attempts to aid in violating this article and
5 order equitable relief as the court deems appropriate in the circumstances.” The Open Meeting
6 Law further provides that in such a suit “the court may remove the public officer from office.”

7 5. Greenburg is an individual who, upon information and belief, resides in Maricopa
8 County. As relevant to this Complaint, Greenburg previously served as president of the Board.
9 The Board voted out Greenburg as president, and a majority of its members called for his
10 resignation, after allegations linked him to an online dossier that stored parents’ information.

11 6. The District is a political subdivision of the State of Arizona and is based in
12 Scottsdale, Arizona. The District conducts its business through the Board and its employees.
13 The Board is a “public body” within the meaning of the Open Meeting Law. The Board regularly
14 and ordinarily meets in Maricopa County.

15 JURISDICTION AND VENUE

16 7. The Court has subject matter jurisdiction over this action pursuant to Article VI, §
17 14 of the Arizona Constitution and A.R.S. §§ 12-123, 12-1801, 12-1831, and 38-431.07.

18 8. The Open Meeting Law provides that actions filed thereunder “in the superior court
19 in the county in which the public body ordinarily meets.” A.R.S. § 38-431.07(A). The Board
20 ordinarily meets in Maricopa County. Thus, this Court has venue over this action.

21 FACTUAL BACKGROUND

22 **I. The Board, Through Greenburg, Unlawfully Applied Content-Based Restrictions** 23 **During Calls To The Public.**

24 **A. The August 17, 2021 Board Meeting.**

25 9. On August 17, 2021, the Board held a virtual meeting to discuss the District’s
26 instructional time model and whether to impose a mask mandate for students and staff.

1 10. The agenda for the meeting purported to bifurcate the meeting into a “public
2 hearing” and a “special meeting.” A true and correct copy of the agenda for the August 17, 2021
3 meeting is attached hereto as **Exhibit A**.

4 11. The agenda reflected that the District’s proposed instructional time model for the
5 2021-2022 school year would be discussed during the “public hearing” and the proposed mask
6 mandate for students and staff would be considered during the “special meeting.”

7 12. The agenda also reflected that at the end of the “public hearing” portion of the
8 meeting the Board would allow public comments. The agenda did not reflect that the subject of
9 public comment would be limited to the instructional time model.

10 13. On Tuesday, August 17, 2021, the Board held a virtual meeting to discuss the
11 instructional time model and a proposed mask mandate. Video of the meeting is publicly
12 available at <https://www.youtube.com/watch?v=76vDJMJY2QE>. The meeting lasted almost
13 four hours.

14 14. As president of the board, Greenburg presided over the meeting.

15 15. During the meeting, the Board, through Greenburg, took the position that public
16 comment would occur only during the “public hearing” and the content of public comment would
17 be limited to the proposed instructional time model for the 2021-2022 school year.

18 16. At the conclusion of the Board’s discussion, Greenburg opened the meeting for
19 public comment. Greenburg informed the public that he would terminate any public comment
20 that he deemed to stray too far from the subject of the instructional time model for the 2021-2022
21 school year.

22 17. Numerous members of the public thereafter provided comments on the proposed
23 instructional time model.

24 18. Numerous members of the public attempted to provide comments on other topics
25 within the jurisdiction of the Board, including the proposed mask mandate to discussed during
26 the “special meeting” portion of the August 17, 2021 meeting.

1 19. The Board repeatedly cut off any speaker whenever Greenburg determined that the
2 topic discussed strayed too far from the 2021-2022 instructional time model. In so doing, the
3 Board, through Greenburg, applied a content-based restriction on speech.

4 **B. The August 23, 2021 Board Meeting.**

5 20. On August 23, 2021, the Board held a second virtual meeting to discuss the
6 instructional time model for the 2021-2022 school year.

7 21. The agenda for the meeting reflected that the Board would accept public comments
8 and that “the public will be provided with an opportunity to speak by telephone[.]” The agenda
9 did not reflect that the subject of public comment would be limited to the instructional time
10 model. A true and correct copy of the agenda for the August 23, 2021 board meeting is attached
11 hereto as **Exhibit B**.

12 22. On August 23, 2021, the Board issued a document entitled “Update on SUSD
13 Governing Board meetings this week.”

14 23. The document stated that “[o]n Tuesday, August 17, the SUSD Governing Board
15 held both a public hearing on a proposed Instructional Time Model for the 2021-2022 school
16 year, as well as a special meeting to consider implementing a mask requirement.”

17 24. The Board admitted that “[i]n the intervening days, there has been some confusion
18 regarding the difference between a *public hearing* and *public comment* that we would like to
19 clarify.

20 25. The Board took the position that “[w]hen public hearings are required, those are
21 conducted separately on the agenda and any member of the public may speak to the *specific topic*
22 under consideration.”

23 26. The Board notified the public that “[i]n response to the confusion around the
24 difference between a public hearing and public comment, we have decided to separate the second
25 public hearing on the Instructional Time Model from tomorrow’s regular meeting of the
26

1 Governing Board. The second hearing will be held this evening at 5 p.m. and will be conducted
2 virtually.”

3 27. On Mondy, August 23, 2021, the Board held a second virtual meeting to discuss
4 the instructional time model. Video of the meeting is publicly available at
5 <https://www.youtube.com/watch?v=kvTVSnj3a50>. The meeting lasted approximately one hour.

6 28. As president of the board, Greenburg presided over the meeting.

7 29. At the conclusion of the Board’s discussion, Greenburg opened the meeting for
8 public comment. Greenburg informed the public that public comment would be about the
9 instructional time model for the 2021-2022 school year.

10 30. Likely due to the Board’s content-based restriction on the public comments that
11 could be provided during the August 23, 2021 meeting, only two members of the public offered
12 comment.

13 **C. The Board’s Content-Based Restrictions Violated The Open Meeting Law.**

14 31. Following the August 23, 2021 meeting, the Attorney General’s Office received
15 complaints from the public about the manner in which the Board held the August 17 and August
16 23, 2021 board meetings. The Attorney General’s Office asked the Board to respond to the
17 complaints. The Board provided a response on December 9, 2021, again taking the position that
18 it was permitted to apply content-based restrictions during the August 17 and August 23, 2021
19 meetings.

20 32. The Open Meeting Law does not permit a public body to impose content-based
21 restrictions on public comment, other than to restrict public comment to topics falling within the
22 jurisdiction of the public body.

23 33. While the Open Meeting Law does not require a public body to do so, the Open
24 Meeting Law permits a public body to “make an open call to the public during a public meeting.”
25 A.R.S. § 38-431.01(H).

1 34. The express purpose of the option to hold an open call to the public is “to allow
2 individuals to address the public body on *any issue within the jurisdiction of the public body.*”
3 *Id.* (emphasis added).

4 35. Applying content-based restrictions on public comments addressing an issue within
5 the jurisdiction of the public body would transform the public comment session into something
6 other than an “open call to the public.”

7 36. The Open Meeting Law only allows an “open call to the public”; the Open Meeting
8 Law does not permit a public body to accept public comment during anything other than an “open
9 call to the public.”

10 37. In other words, the Legislature has not statutorily authorized public bodies to
11 impose content-based restrictions on public comment periods. *See Leventhal v. Vista Unified*
12 *Sch. Dist.*, 973 F. Supp. 951, 957 (S.D. Cal. 1997) (concluding that California statutes similar in
13 wording to Arizona’s Open Meeting Law did not permit application of content-based restrictions
14 on public comment during school board meetings).

15 38. The Open Meeting Law *does* permit a public body to utilize “reasonable time, place
16 and manner restrictions.” But content-based restrictions on speech do not qualify as reasonable
17 time, place, and manner restrictions. In fact, the U.S. Supreme Court has long differentiated
18 between reasonable time, place, and manner restrictions, which are generally permitted under the
19 First Amendment, and content-based restrictions, which are subject to heightened judicial
20 scrutiny. *See Perry Educ. Ass’n v. Perry Local Educators’ Ass’n.*, 460 U.S. 37, 46 (1983)
21 (“Reasonable time, place and manner regulations are permissible, and a content-based prohibition
22 must be narrowly drawn to effectuate a compelling state interest.”).

23 39. The Board has taken the position, including in its August 23, 2021 “Update on
24 SUSD Governing Board meetings this week,” that it was authorized to limit the content of public
25 comment during the August 17 and August 23, 2021 meetings because those meetings were held
26 to comply with A.R.S. § 15-901.08.

1 40. A.R.S. § 15-901.08(B) merely requires “two public hearings in the school district”
2 before a school district governing board may adopt an instructional time model.

3 41. A.R.S. § 15-901.08(B) does not exempt public hearings regarding an instructional
4 time model from the Open Meeting Law or provide supplementary procedures for such public
5 hearings.

6 42. Thus, when a school district governing board holds a public hearing to comply with
7 A.R.S. § 15-901.08(B), the public hearing must comply with the Open Meeting Law. *See* Att’y
8 Gen. Op. I88-081 (1988) (“The next subsection of A.R.S. § 15-948 allows the governing board
9 to adopt the budget revision at the public hearing provided by subsections C and D. A.R.S. § 15-
10 948(E). Legal action taken by the governing board invokes the Open Meeting Law.”).

11 43. As explained, the Open Meeting Law does not allow a school district governing
12 board (or any public body) to hold public comment through any process other than an “open call
13 to the public.” *See* A.R.S. § 38-431.01(H). To qualify as an “open call to the public,” the public
14 comment period must allow comments on any issue falling within the jurisdiction of the public
15 body.

16 44. If the Legislature wanted to exempt school districts from the Open Meeting Law
17 requirements in connection with public hearings held under A.R.S. §15-901.08, it would have
18 done so expressly. *See* A.R.S. § 15-843(A) (expressly exempting student disciplinary
19 proceedings from the Open Meeting Law).

20 45. The Board has also taken the position that an Attorney General Opinion from 1999,
21 Ariz. Att’y Gen. Op. I99-006 (1999), concluded that a public body may choose to limit the public
22 to commenting only on agenda items.

23 46. That position ignores, however, that at the time that Opinion was issued, the Open
24 Meeting Law was silent on whether a public body could allow public comment.

25 47. Subsequently, the Legislature amended the Open Meeting Law in 2000 to allow
26 public bodies to allow public comment. *See* 2000 Ariz. Legis. Serv. Ch. 358 (S.B. 1392).

1 48. In so doing, the Legislature only permitted a public body to “make an open call to
2 the public during a public meeting . . . to allow individuals to address the public body on any
3 issue within the jurisdiction of the public body.” *See id.*

4 49. By applying content-based restrictions, including about a proposed mask mandate,
5 the Board did not hold an “open call to the public.”

6 50. Because the Open Meeting Law does not permit a public body to accept public
7 comment through any mechanism other than an “open call to the public,” the Board, primarily
8 through Mr. Greenburg, violated the Open Meeting Law by restricting the subject matter upon
9 which the public could comment to the instructional time model.

10 **D. The Board Violated The Open Meeting Law By Purposefully Structuring The**
11 **August 17, 2021 Meeting Agenda To Avoid Public Comment On Certain**
12 **Topics.**

13 51. The Board purposely bifurcated the agenda for the August 17, 2021 meeting to
14 avoid allowing public comment on a proposed mask mandate and other items listed on the agenda
15 under the “special meeting.”

16 52. Consistent with the purposefully bifurcated the agenda, the Board, through
17 Greenburg, carried out the August 17, 2021 board meeting so as to avoid allowing public
18 comments on a proposed mask mandate and other items listed on the agenda for the “special
19 meeting.”

20 53. Even if the Open Meeting Law permitted a public body to limit public comment to
21 certain discrete topics, the Open Meeting Law does not allow a public body to pick and choose
22 those topics on a single agenda that the public will be permitted to comment upon.

23 54. Purposefully structuring a meeting so as to apply content-based restrictions on
24 public comments addressing an issue *listed on the same agenda and discussed at the same*
25 *meeting* transforms the public comment session into something other than an “open call to the
26 public.”

1 55. As was borne out with the August 17, 2021 meeting, allowing a public body to
2 limit public comment to a single item on an otherwise consolidated agenda is likely to result in
3 significant public confusion and distrust.

4 **II. Greenburg Violated The Open Meeting Law By Interrupting A Member Of The**
5 **Public During Public Comment And Responding Prior To The End Of Public**
6 **Comment.**

7 56. On August 24, 2021, the Board held a regular board meeting.

8 57. The agenda for the August 24, 2021 meeting indicated that it would include a public
9 comment period. A true and correct copy of the agenda and minutes for the August 24, 2021
10 meeting are attached hereto as **Exhibit C**. Video of the meeting is publicly available at
11 <https://www.youtube.com/watch?v=UWu5Bo9spzw&t=13807s>. The meeting lasted
12 approximately four-and-a-half hours.

13 58. Following comments from the District's superintendent, the Board allowed public
14 comment.

15 59. Those wishing to provide public comment had to do so in person despite that the
16 meeting was livestreamed over the internet and that no audience was allowed to attend in person.
17 Those wishing to provide public comment had to wait in line and were ushered into the meeting
18 room one-by-one.

19 60. During the public comment period, a parent of a child of one of the elementary
20 schools in the District expressed concern that inappropriate materials were being provided by
21 District employees to students.

22 61. Greenburg interrupted the parent's comments to claim that the comments were not
23 true and to attempt to explain why. The parent correctly explained to Greenburg that he is not
24 permitted to interrupt public comments.

25 62. Following the conclusion of the parent's comments, but prior to the conclusion of
26 the Board's open call to the public, Greenburg responded to the parent's comments. Greenburg

1 concluded his remarks with, "Jesus Fucking Christ people!" The entire exchange can be viewed
2 on the publicly-available meeting video beginning at marker 1:14:37.

3 63. While A.R.S. § 38-431.01(H) permits individual members of a public body to
4 respond to criticism, ask staff to review the matter, or ask staff to place the matter on a future
5 agenda, these responses must occur "[a]t the conclusion of an open call to the public[.]"

6 64. Greenburg, therefore, violated the Open Meeting Law by interrupting a speaker
7 during an open call to the public and attempting to respond prior to the close of the open call to
8 the public.

9 **CLAIM FOR RELIEF**

10 **(Violation of Open Meeting Law)**

11 65. The AG incorporates by reference the foregoing allegations as if set forth herein.

12 66. The Board and Greenburg knowingly violated A.R.S. § 38-431.01 in connection
13 with the August 17, 2021 meeting by applying content-based restrictions on public comments
14 addressing an issue within the jurisdiction of the public body.

15 67. The Board and Greenburg knowingly violated A.R.S. § 38-431.01 in connection
16 with the August 17, 2021 meeting by intentionally structuring the agenda and meeting so as to
17 limit public comment on topics appearing on the agenda.

18 68. The Board and Greenburg knowingly violated A.R.S. § 38-431.01 in connection
19 with the August 23, 2021 meeting by informing the public that it would allow public comment
20 but limited to a particular topic.

21 69. Greenburg knowingly violated A.R.S. § 38-431.01 in connection with the August
22 23, 2021 meeting by interrupting a speaker during an open call to the public and attempting to
23 respond prior to the close of the open call to the public.

1 **PRAYER FOR RELIEF**

2 Based on the foregoing, the AG respectfully requests that the Court grant the following
3 relief:

- 4 A. Entering an order pursuant to A.R.S. § 38-431.07(B) prohibiting the District from
5 “expend[ing] public monies to employ or retain counsel to provide legal services
6 or representation to” Greenburg;
- 7 B. Entering judgment declaring that the District and Greenburg, through the conduct
8 described herein, violated the Open Meeting Law;
- 9 C. Entering judgment requiring the District and Greenburg to comply with the Open
10 Meeting Law;
- 11 D. Entering judgment imposing a civil penalty on Greenburg (to be paid into the
12 District’s general fund) in the maximum amount allowed under the law;
- 13 E. Entering judgment awarding any and all other relief under the Open Meeting Law
14 that the Court deems appropriate, including but not limited to, an order containing
15 appropriate measures to prevent further violations of the Open Meeting Law or
16 removing Greenburg from office;
- 17 F. Entering judgment awarding the AG his attorneys’ fees and costs pursuant to
18 A.R.S. § 38-431.07(A);
- 19 G. Entering judgment awarding the AG such further relief as the Court deems just or
20 proper.

1 RESPECTFULLY SUBMITTED this 20th day of June, 2022.

2 **MARK BRNOVICH**
3 **ATTORNEY GENERAL**

4 By /s/ Michael S. Catlett

5 Joseph A. Kanefield
6 Brunn ("Beau") W. Roysden III
7 Michael S. Catlett
8 Katherine H. Jessen
9 *Assistant Attorneys General*

EXHIBIT A

**NOTICE OF SPECIAL MEETING AND PUBLIC HEARING
TUESDAY, AUGUST 17, 2021
SCOTTSDALE UNIFIED DISTRICT #48 GOVERNING BOARD**

Pursuant to A.R.S. §38-431.02, notice is hereby given to the members of the Governing Board and to the general public that **on Tuesday, August 17, 2021 at 7:00 PM** the Governing Board will hold a Special Meeting and Public Hearing. **The Board meeting will be held virtually. Members of the public will not be permitted to attend this meeting in person, but will be able to view the public portions of this meeting online, at the usual livestreamed site through YouTube.** One or more members of the Governing Board and non-Board member participants will participate in the meeting by telephone, video or internet conferencing. Persons with a disability may request reasonable accommodations by contacting Ms. Gladys Wagoner, Executive Assistant to the Governing Board and Superintendent.

Members of the public will also be able to view the public portions of this meeting online, at the usual live streamed site online at: **YouTube**.

THIS MEETING WILL BE CONDUCTED ONLINE AND BY TELEPHONE ONLY.

MEMBERS OF THE PUBLIC WILL NOT BE PERMITTED TO ATTEND THIS MEETING IN PERSON, but will be able to view the public portions of this meeting online, at the usual livestreamed site through YouTube. For any difficulty accessing YouTube contact the District Help Desk at 480-484-4357.

The Agenda for the meeting is:

- I. Opening of Public Hearing
 - A. Call to Order
 - B. Roll Call - Members of the SUSD Governing Board will attend either by telephone, video or internet conferencing
 - C. PUBLIC HEARING – Public Hearing on the First Read of the Instructional Time Model for 2021-2022 in accordance with House Bill 2862. Pursuant to A.R.S. §38-431.02, notice is hereby given to the members of the Governing Board and to the general public that the Governing Board will conduct a Public Hearing on Tuesday, August 17, 2021, at 7:00 PM. The Board meeting will be held virtually. Members of the public will not be permitted to attend this meeting in person, but will be able to view the public portions of this meeting online, at the usual livestreamed site through YouTube.
 - D. Public Comments (the public will be provided with an opportunity to speak by telephone by calling **480-484-SUSD (7873)** – First Read of the Instructional Time Model for 2021-2022 in accordance with House Bill 2862.
- II. Adjournment
 - A. Adjourn Public Hearing
- III. Opening of Special Meeting
 - A. Call to Order
 - B. Pledge of Allegiance
 - C. Roll Call
 - D. Approval of Agenda – Board Action Required
- IV. Action Item – Board Action Required
 - A. Discussion and Consideration of Instituting a Mask Requirement
- V. Adjournment
 - A. Adjourn Special Meeting

PURSUANT TO A.R.S. §38-431.03(A)(3), THE BOARD MAY VOTE TO CONVENE IN EXECUTIVE SESSION, WHICH WILL NOT BE OPEN TO THE PUBLIC, FOR DISCUSSION OR CONSULTATION FOR LEGAL ADVICE WITH THE GOVERNING BOARD'S ATTORNEY ON AN ITEM THAT IS LISTED ON THIS AGENDA.

BOARD PACKET MATERIALS AVAILABLE TWENTY-FOUR (24) HOURS IN ADVANCE OF THE MEETING, AT THE SCOTTSDALE UNIFIED SCHOOL DISTRICT, MOHAVE DISTRICT ANNEX, 8500 E. JACKRABBIT ROAD, SCOTTSDALE, AZ 85250-6768.

Date Posted: August 16, 2021

SCOTTSDALE SCHOOL DISTRICT GOVERNING BOARD

Jann-Michael Greenburg, President

Julie Cieniawski, Vice President

Patty Beckman

Dr. Libby Hart-Wells

Zach Lindsay

EXHIBIT B

**NOTICE OF PUBLIC HEARING
MONDAY, AUGUST 23, 2021
SCOTTSDALE UNIFIED DISTRICT #48 GOVERNING BOARD**

Pursuant to A.R.S. §38-431.02, notice is hereby given to the members of the Governing Board and to the general public that on **Monday, August 23, 2021 at 5:00 PM** the Governing Board will hold a Public Hearing. **The Public Hearing will be held virtually. Members of the public will not be permitted to attend this meeting in person, but will be able to view the public portions of this meeting online, at the usual livestreamed site through YouTube.** One or more members of the Governing Board and non-Board member participants will participate in the meeting by telephone, video or internet conferencing. Persons with a disability may request reasonable accommodations by contacting Ms. Gladys Wagoner, Executive Assistant to the Governing Board and Superintendent.

Members of the public will also be able to view the public portions of this meeting online, at the usual live streamed site online at: **YouTube**.

THIS MEETING WILL BE CONDUCTED ONLINE AND BY TELEPHONE ONLY.

MEMBERS OF THE PUBLIC WILL NOT BE PERMITTED TO ATTEND THIS MEETING IN PERSON, but will be able to view the public portions of this meeting online, at the usual livestreamed site through YouTube. For any difficulty accessing YouTube contact the District Help Desk at 480-484-4357.

The Agenda for the meeting is:

- I. Opening of Public Hearing
 - A. Call to Order
 - B. Pledge of Allegiance
 - C. Roll Call - Members of the SUSD Governing Board will attend either by telephone, video or internet conferencing
 - D. PUBLIC HEARING – Second Public Hearing of the Instructional Time Models for 2021-2022 in accordance with House Bill 2862. Pursuant to A.R.S. §38-431.02, notice is hereby given to the members of the Governing Board and to the general public that the Governing Board will conduct a Public Hearing on Monday, August 23, 2021, at 5:00 PM. The Public Hearing will be held virtually. Members of the public will not be permitted to attend this meeting in person, but will be able to view the public portions of this meeting online, at the usual livestreamed site through YouTube.
 - E. Public Comments (the public will be provided with an opportunity to speak by telephone by calling **480-484-SUSD (7873)** – Second Public Hearing of the Instructional Time Models for 2021-2022 in accordance with House Bill 2862.
- II. Adjournment
 - A. Adjourn Public Hearing

PURSUANT TO A.R.S. §38-431.03(A)(3), THE BOARD MAY VOTE TO CONVENE IN EXECUTIVE SESSION, WHICH WILL NOT BE OPEN TO THE PUBLIC, FOR DISCUSSION OR CONSULTATION FOR LEGAL ADVICE WITH THE GOVERNING BOARD'S ATTORNEY ON AN ITEM THAT IS LISTED ON THIS AGENDA.

BOARD PACKET MATERIALS AVAILABLE TWENTY-FOUR (24) HOURS IN ADVANCE OF THE MEETING, AT THE SCOTTSDALE UNIFIED SCHOOL DISTRICT, MOHAVE DISTRICT ANNEX, 8500 E. JACKRABBIT ROAD, SCOTTSDALE, AZ 85250-6768.

Date Posted: August 20, 2021

SCOTTSDALE SCHOOL DISTRICT GOVERNING BOARD

Jann-Michael Greenburg, President

Julie Cieniawski, Vice President

Patty Beckman

Dr. Libby Hart-Wells

Zach Lindsay

EXHIBIT C



**Tuesday, August 24, 2021
Regular Meeting of the Governing Board**

GOVERNING BOARD MEETING

SCOTTSDALE UNIFIED SCHOOL DISTRICT NO. 48

Coronado High School, 7501 E. Virginia Ave. Scottsdale, AZ 85257

6:00 PM

480-484-6800

www.susd.org

BOARD MEMBERS - 2021 Governing Board

Jann-Michael Greenburg, President

Julie Cieniawski, Vice President

Patty Beckman

Dr. Libby Hart-Wells

Zach Lindsay

Superintendent

Dr. Scott A. Menzel

VISION

Engaging all students in world-class, future-focused learning.

MISSION

We inspire, motivate, and empower all to think critically, act collaboratively, and embrace diversity for a life of intellectual exploration, community engagement, and personal growth.

VALUES

Excellence: We nurture a growth-minded culture of high expectations, creativity, persistence, and self-discipline.

Integrity: We demonstrate honesty, transparency, and reliability through our words and actions.

Empathy: We welcome all with kindness, love, compassion, and joy.

Trust: We earn the confidence of stakeholders through accountability, openness, and authenticity.

Inclusion: We create an equitable environment where everyone is respected, is treated with dignity, and has a sense of belonging.

Unity: We connect across communities to advance educational opportunities for all.

Pursuant to A.R.S. 38-431.02, notice is hereby given to the members of the Scottsdale Governing Board and to the general public that the Governing Board will hold a public meeting on August 24, 2021. Members of the Governing Board and non-Board member participants will participate in the meeting in-person with masks on, via an online platform, or may participate by telephonic communication. In order to maintain the health and safety of all members of the public, provide opportunity for public comments in an orderly and efficient way, and allow the Governing Board to conduct its business, the following rules apply: 1) Only Governing Board members and required staff will meet together in the board room 2) Members of the public wishing to speak will be allowed in the board room, one at a time, in the order in which the comment cards are received.

Members of the public will be able to view the public portions of this meeting online, at the usual live streamed site through YouTube.

SALT RIVER PIMA-MARICOPA INDIAN COMMUNITY LAND ACKNOWLEDGEMENT

(www.susd.org/SRPMICLandAcknowledgement)

1. MEETING NOTICES

A. Public Comments at Regular Meetings - Those wishing to address the Governing Board on Information/Discussion, Consent, Action or Non-Agenda matters need not request permission in advance. However, you must complete a blue card (available at the table outside of the building near the entrance to the Boardroom) indicating your desire to speak, and submit it to the Board Secretary before the meeting begins. There is a three-minute speaking limit. (ACTION TAKEN AS A RESULT OF THIS KIND OF PUBLIC COMMENT WILL BE LIMITED TO RESPONDING TO ANY CRITICISM MADE BY THOSE WHO HAVE ADDRESSED THE GOVERNING BOARD, DIRECTING STAFF TO LOOK INTO THE MATTER, OR ASKING THAT THE MATTER BE PUT ON A FUTURE AGENDA. NO OTHER DISCUSSION OR LEGAL ACTION IS ALLOWED. A.R.S. §38-431.01g.)

B. Due to time constraints, the Governing Board will limit the amount of time for public comments to ninety (90) minutes. The Board will hear from individuals in the order that comment cards are submitted. Each speaker will be given three (3) minutes to speak.

C. Public Comments at Regular Meetings: Limitations - If the numbers of those wishing to comment, whether on non-Agenda matters or on any/all Agenda items, jeopardizes the Board's ability to conclude the meeting at a reasonable hour, the President/Board may limit or eliminate public comment. Public comment is subject to reasonable time, place and manner restrictions by the President/Board.

D. Order of Agenda Items - Please Note: The Board may change the order of items listed in the Agenda prior to the meeting or during the meeting. ALSO, THE BOARD MAY VOTE TO CONVENE IN EXECUTIVE SESSION ON ANY ITEM THAT IS LISTED ON THIS AGENDA FOR DISCUSSION/CONSULTATION WITH LEGAL COUNSEL TO OBTAIN LEGAL ADVICE, PURSUANT TO A.R.S. §38-431.03(A)(3).

E. Disability Notice: Persons with a disability may request a reasonable accommodation, such as a sign language interpreter, by contacting Melissa Tornquist at 480-484-6113. Requests should be made as early as possible to enable the District to arrange for the requested accommodation and at least one (1) working day prior to the Governing Board meeting.

2. OPENING OF MEETING

A. Call to Order

B. Pledge of Allegiance

C. Roll Call - Members of the SUSD Governing Board will attend either in person with masks on or by telephone, video or internet conferencing

D. Approval of Agenda - Board Action Required

3. PUBLIC COMMENTS NOTIFICATION

A. Public Comments Notification: Public Comments will be heard after Superintendent's Comments

4. STUDENT AND STAFF RECOGNITIONS AND CELEBRATIONS

5. SUPERINTENDENT'S COMMENTS

6. PUBLIC COMMENTS

A. Guidelines for Public Comment

B. Public Comments on Agenda, Non-Agenda Items, Information/Discussion Items, Consent Agenda Items and Action Items

7. INFORMATION/DISCUSSION ITEMS

A. Discussion of Arizona School Boards Association (ASBA) Proposed 2022 Political Agenda

B. Scottsdale Unified School District COVID Mitigation Strategies

8. CONSENT AGENDA - BOARD ACTION REQUIRED

A. Approval of Consent Agenda Items

B. Acceptance of Gifts \$196,186.40

C. Accounts Payable Vouchers (630 Bond Fund) Processed from June 16 through August 11, 2021 FY21

D. Accounts Payable Vouchers (630 Bond Fund) Processed from July 20 through August 9, 2021 FY22

E. Accounts Payable Vouchers Processed from June 15 through August 11, 2021 FY21

F. Accounts Payable Vouchers Processed from July 12 through August 9, 2021 FY22

G. Payroll Vouchers Processed from June 10 through August 5, 2021 FY21

H. Payroll Vouchers Processed from July 15 through August 3, 2021 FY22

I. Personnel Action Items, 8/11/2021 to 8/24/2021

J. Approval of Minutes of June 21, 2021 Special Governing Board Meeting and Executive Session

K. Approval of Minutes of June 22, 2021 Regular Governing Board Meeting

L. Approval of Minutes of August 10, 2021 Special Governing Board Meeting and Executive Session

M. Approval of Minutes of August 10, 2021 Special Governing Board Meeting and Executive Session

N. Approval of Minutes of August 17, 2021 Special Governing Board Meeting and Public Hearing

O. Approval of Award of Request for Proposal No. 22-24-26 — Districtwide Cement Work

P. Approval of Award of Request for Proposal No. 22-25-26 — Alarm Monitoring Services

Q. Authorization of Contract Renewal to Pierce and Associates Company, Inc., DBA Pierce Energy Planning for the Energy Management of Electric, Gas, and Water Utilities throughout the Scottsdale Unified School District

R. Approval of Award of RFQ No. 22-20-26 — Construction Manager at Risk (CMAR) for Pueblo Elementary School to McCarthy Building Companies

S. Approve the Designation of Sole Source procurement for Zonar Systems Inc. for Fiscal Year 2021-2022

T. Authorization for Execution of Agreements and/or Contracts

9. ACTION ITEMS - BOARD ACTION REQUIRED

A. Appointment of Audit Committee

B. Approval of Instructional Time Model for 2021-2022 in Accordance with House Bill 2862

C. Approval of Retention Agreement Regarding Litigation Against Electronic Cigarette/Vaping Manufacturers and to Direct the Retained Attorneys to File a Complaint on Behalf of the District

D. Approval of Self-Insurance Trust Board Trustees

E. Authorize Expenditure - Navajo Elementary Mechanical and Electrical D Wing Build Out

F. Approval of Preconstruction Services Contract for RFQ No. 22-20-26 — Construction Manager at Risk (CMAR) for Pueblo Elementary School

10. FUTURE ITEMS

A. Board Members may propose topics for future consideration

11. DATES OF UPCOMING MEETINGS

A. Next Meeting: Saturday, August 28, 2021 - 9:00 AM - Special Governing Board Workshop - Scottsdale Community College; Tuesday, September 14, 2021 - 6:00 PM - Special Governing Board Meeting - MDA; Tuesday, September 28, 2021 - 6:00 PM - Regular Governing Board Meeting - Coronado High School

12. GOVERNING BOARD REPORTS

13. ADJOURNMENT

A. Adjourn the Meeting

**MINUTES OF THE REGULAR MEETING
OF THE GOVERNING BOARD
SCOTTSDALE UNIFIED SCHOOL DISTRICT NO. 48**

August 24, 2021

A Regular Meeting of the Governing Board of the Scottsdale Unified School District, #48, Maricopa County, was called to order at 6:01 PM, at the Scottsdale Unified School District Coronado High School, 7501 E. Virginia Avenue, Scottsdale Arizona. Pursuant to A.R.S. 38-431.02, notice was hereby given to the members of the Scottsdale Governing Board and to the general public that the Governing Board will hold a public meeting open to the public on August 24, 2021. Members of the Governing Board and non-Board member participants participated in the meeting in-person with masks on, via an online platform, or by telephonic communication.

Board Members in attendance were Jann-Michael Greenburg, President; Julie Cieniawski, Vice President; Patty Beckman; Dr. Libby Hart-Wells; and Zach Lindsay. Superintendent Dr. Scott A. Menzel was also present. A quorum was present. Mr. Greenburg called upon Mrs. Cieniawski to lead the audience in the Pledge of Allegiance.

Mr. Greenburg moved to approve the Agenda as amended. Dr. Hart-Wells seconded the motion. The motion was approved with a vote of 5 – 0.

Motion #18
Approval of
Agenda as
Amended

Dr. Hart-Wells requested to pull Consent Agenda Item 8R, Approval of Award of RFQ No. 22-20-26 — Construction Manager at Risk (CMAR) for Pueblo Elementary School to McCarthy Building Companies, for further discussion. Consent Agenda 8R will be read alongside Action Item 9F, Approval of Preconstruction Services Contract for RFQ No. 22-20-26 — Construction Manager at Risk (CMAR) for Pueblo Elementary School.

Students and Staff Recognitions and Celebrations

There were no student and staff recognitions and celebrations. These will typically start up again in September.

Students and
Staff
Recognitions and
Celebrations

Superintendent's Comments

Dr. Menzel highlighted the following:

- Through the first 15 days of school, Pre-K through 12th grade enrollment is at 22,113. This number is down about 124 students from a year ago. Kindergarten through 12th grade enrollment is at 21,431. This number is down 222 from the same time last year.
- The mask requirement that the Board approved began Friday, August 20, 2021. To date, just under 500 requests for exemptions or other accommodations were received. Of the requests received, less than 20% have been denied. The majority of the requests have been approved.
- There have reports, this week, of verbal abuse targeted at teachers, Assistant Principals, Principals and others. Front line staff, building secretaries, nurses, teachers and administrators are following the Governing Board directive and the guidance from public health officials related to the mask requirement. None of them should be subject to the verbal abuse. This year has been even harder than last year. Engage with each other respectfully. Our goal is to keep our schools open for in person learning.

Superintendent's
Comments

Public Comments – Agenda, Non-Agenda, Information/Discussion, and Consent Agenda Items

Thirty-nine (39) Public Comment cards were presented:

Public Comments

- Charlie Kirk – New resident of Scottsdale. We are defying AZ law and measures. This District is going against the will of the voters and legislature of AZ and masking children. Your time is soon up. There are recall measures.
- Erika Frantzve – Former SUSD student. Requested moment of silence for SUSD students that committed suicide and for those who will end up committing suicide this school year due to lack of leadership.
- Kate Taylor – Perspective on mask mandate. Pleased that the District has enacted a mask mandate. She applauded the SUSD Governing Board. We need to work tougher to protect the health of the broader Scottsdale community. Thank you for following the facts and science and for allowing kids to have in person learning.
- Dr. Kaveh Najafi – Trauma and critical care surgeon at a local hospital and father of students at SUSD. Applauded the Governing Board for courage and what they are doing. The medical community stands behind the SUSD Governing Board. Thank you for all the work.

- James Taylor -- Resident of Scottsdale and has 2 kids that went to SUSD schools. Concerned about those in the community that are against the mask mandate. The minority against masks is so enraged they have cultivated a climate of intolerance and hate that threatens the peace and safety of the public that wanted to attend the meeting tonight. Thank you for placing in person learning as the priority and for enacting the mask mandate to give kids that opportunity. Many waiting outside, who do not even reside in the district, have disrupted the meeting process.
- Lisa Fitzgerald -- Disappointed in the actions of the Governing Board. Masks have affected the children mentally. You are supposed to be for kids not against them. Asked to reverse the mandate, allow masks to be a choice.
- Patricia Pellett -- Speaking for parental rights for her son's education. The idea that virtual learning works for all is a joke and has been a failure for her son. He needs to be in class. SUSD has outsourced her son's transportation as well. Where is the accountability for her son during this crisis? Thank you to the teachers.
- Patti O'Neil -- Lives in north Scottsdale and raised her kids at SUSD schools. Thank you to each and every board member, especially those that voted yes for the mask mandate. You gave our community a gift by mandating masks. Thank you for thinking of the students, teachers, and community at large.
- Jodie Galassi -- Not a parent, does not have children in the District. Has lived in Scottsdale for 21 years. We need strong leaders like the Governing Board, fills hers with hope. The revolting behaviors have no place in Scottsdale. What you do matters to so many people. The vast majority in Scottsdale owe the Governing Board a debt of gratitude. Thank you!
- Tom Fitzgerald -- He has a daughter and grandson at Cheyenne. The Governing Board has not put in the time and effort to learn about Covid. The SUSD letter provided zero facts or in-depth analysis. No statistical difference with schools that have masks and schools that do not. Masks do not do anything and there is no evidence that they do. You made an ignorant decision. We have no choice than to recall the Governing Board which is underway right now.
- Jill Lassen -- Parent and librarian. Commented on the importance of good teen and young adult books. All topics are important for teens. Teens can handle certain book topics. Please do not put the District out there for challenging these books.
- Brehan King -- SUSD parent and hospital-based physician. Thank you to the Governing Board and Dr. Menzel. Thank you for the mask mandate. Masks are a simple measure that keep kids in school. Masks keep kids healthy and keep schools open. Masks and Covid are temporary, but public schools are permanent.
- Laura Weeshoff -- Children attend SUSD schools. Proud of teachers, dedicated administrators and school board. Northgate - the sidewalk must be widened. Urge you to widen the sidewalk as a measure of safety. Please consider allowing a limited number of volunteers outside during the school day. Supports the mask mandate.
- Trish Olson -- Has 3 children at SUSD. Personal rights and the ability to choose is the corner stone of who we are as Americans. We did not elect the Governing Board to use children as their political battleground. It must stop. The messaging coming from SUSD is not always clear and concise. The students need to be at the forefront of the decisions made. There is a need for transparency for parents and caregivers.
- Amanda Wray -- The Strategic Planning Design Team committee meetings were held behind closed doors, no minutes, deliberations or votes were made available to the public. There is no insight into those discussions. Lack of transparency in SUSD. Not anti-mask, but believes parents should have a choice.
- Sara Solem - SUSD parent. Your mandate has caused stress on student, staff and family. Families and staff did not receive surveys. You put everyone in impossible situations. Let the parents decide on how to best manage their children. Thank you to Board member Lindsay and Beckman.
- Amy Carney -- This latest mask issue you created is to distract every one of the failing schools and lack of enrollment in our district. Money should be not spent on the new marketing campaign. No one will want to move to the SUSD district right now. Families are leaving the district. Start focusing your efforts on the betterment of the educational experience for every child at SUSD.
- Ann Myers -- Lives in Scottsdale and grandmother of a Kiva student. You have a difficult job, but it is not thankless. Thank you from the community. Thank you for mandating masks and your courage for standing up to the craziness.
- Jeff Stephan -- Two children attend SUSD. Masks will not stop the Chinese militarized virus bioweapon that China gave us. Thank you to Zach for voting against the mask mandate.
- Carine Werner -- If someone wants to wear a mask, wear a mask. Appalling. This mandate is nothing more than tiny tyrants pushing their political agendas. Stop the nonsense and let kids be kids. They are not your pawns. Let teachers teach.

- Shiry Sapir – Parents see a pattern of indoctrination. We will not go away. This is not the end of our movement it is just the beginning. It is the right of parents to question everything.
- Brian Coughlan – Why is it ok to be teaching kids CRT? It is disheartening to see what is being taught to his kids and kids of the future. Hard work, character and faith gets you success not the color of your skin. Blind hatred.
- Heather Meowel – Scottsdale resident for 27 years. Thank you for doing the mask mandate and your bravery. Thank you for following the science and listening to the majority of the school district. There are a lot of people backing you.
- Nolan Field – Student. Cowardice and dumb that you are not letting the public in. You serve the community; the community does not serve you. Appalled that the mask mandate was passed. You are stressing me out and other kids at SUSD. Enough of this nonsense.
- Kate Peters Rae – Mother of an SUSD student. Thank you for passing the mask mandate. It ensures that schools can stay open and her child can be at school in person.
- Tracey Martin – Coach in the valley. Think of the collateral damage you are instilling in the children. This is not a lifestyle to treat children as if they are sick. These kids and families are affected every day. Trauma starts when kids are young.
- Jesse Anderson – Your microphones are on and the meeting is being livestreamed. You should cease and desist. No statistical benefit of masks. Stop the mask mandates and stop quarantining healthy kids. Do the work and collect the data.
- Sheila Charara – Two boys attend Cherokee. Thank you for what you've done during this pandemic. Concerns have increased because of rising Covid numbers. Encourages everyone to get the vaccine. She doesn't like wearing masks, but she does it. The Governor has zero interest in protecting children while they are attending school. Don't yield to political agendas and keep education moving forward.
- Felecia Nace – Opposed to students being masked with masks made in China. It is hard to find masks not made in China. Chinese manufacturers can outpace US standards. Don't impose masks if you cannot guarantee kids safety.
- Keegan Campbell – Chaparral HS senior. Was denied his rights of public education because he refused to wear a mask. This isn't about safety, but about control. Not anti-mask, but anti-tyranny. Masks cause severe anxiety and acne. Consider what you are doing to our youth.
- Emmie Cardella – SPC update. Last week was the first general meeting, which was well attended. The next meeting is September 15th at 9am at MDA. September 14th is IAP training.
- Martin Cardella – Parent of 3 SUSD students. Thank you to the Governing Board members that voted to implement the mask mandate. It was the right decision in order to provide as much safety for our children and increase the likelihood that our schools can stay open. Thank you for honoring your commitment to doing what is best for all SUSD students.
- Robin Golsten – Daughter attends Chaparral HS. Thank you to the Governing Board and Dr. Menzel for following the science. Thank you for thinking of the teachers and the children. They are safer with the masks than without. Masks are needed. Very happy with the mask mandate.
- Geoff Mathieux – The fear that has been inspired by this hysteria is creating a lot of trauma for the children.
- Pat Norton – Retired teacher. Concerned about what is happening to the kids in the district and across the US. We need to focus on what is happening to the kids. You are bringing in CRT and adding to the curriculum. Teachers do not need to have things added. Marketing is not the answer. Teach the basics so kids can have a good education.
- Mike Peabody – You have the support of the families, the rational families. Thank you all for making the tough decisions.
- Lenna Bien - Son was sent home from school after he sneezed. Sneezing is not a Covid symptom. Please look at the numbers.
- Brian Coughlan – Lack of public and parent input on the masking policies that were recently enacted. Cloth masks are ineffective in stopping Covid-19 and respiratory viruses. Do your research on T cells and B cell immunity. Read the science.
- Madison Selee – Not yet a parent, but will be. Advocating for the choice of the parents and children to wear masks or not wear them. Unconstitutional mandates against children. Forcing a child, against their will, in a place of learning is child abuse. These children belong to God and their parents, not the state. We believe in freedom. End these forced mandates.

INFORMATION/DISCUSSION ITEMS

7. A. Discussion of Arizona School Boards Association (ASBA) Proposed 2022 Political Agenda

Vice President Cieniawski reviewed the recommendations and engaged the Board in conversation about any recommended alternatives to the platform. Vice President Cieniawski asked that Governing Board members provide input to her, as the ASBA delegate, to discuss at the Delegate Assembly. All

Information/
Discussion

Governing Board members and Superintendent Menzel were invited to the Delegate Assembly. Vice President Cieniawski will be available to receive any comments via email.

7. B. Scottsdale Unified School District COVID Mitigation Strategies

The Governing Board requested information be provided to them regarding ongoing mitigation strategies in Scottsdale Unified School District. Review of where the District is regarding Covid mitigation strategies. PowerPoint presentation on COVID Mitigation Update.

8. Consent Agenda

- A. Approval of Consent Agenda Items
- B. Acceptance of Gifts \$196,186.40
- C. Accounts Payable Vouchers (630 Bond Fund) Processed from June 16 through August 11, 2021 FY21
- D. Accounts Payable Vouchers (630 Bond Fund) Processed from July 20 through August 9, 2021 FY22
- E. Accounts Payable Vouchers Processed from June 15 through August 11, 2021 FY21
- F. Accounts Payable Vouchers Processed from July 12 through August 9, 2021 FY22
- G. Payroll Vouchers Processed from June 10 through August 5, 2021 FY21
- H. Payroll Vouchers Processed from July 15 through August 3, 2021 FY22
- I. Personnel Action Items, 8/11/2021 to 8/24/2021
- J. Approval of Minutes of June 21, 2021 Special Governing Board Meeting and Executive Session
- K. Approval of Minutes of June 22, 2021 Regular Governing Board Meeting
- L. Approval of Minutes of August 10, 2021 Special Governing Board Meeting and Executive Session
- M. Approval of Minutes of August 10, 2021 Special Governing Board Meeting and Executive Session
- N. Approval of Minutes of August 17, 2021 Special Governing Board Meeting and Public Hearing
- O. Approval of Award of Request for Proposal No. 22-24-26 — Districtwide Cement Work
- P. Approval of Award of Request for Proposal No. 22-25-26 — Alarm Monitoring Services
- Q. Authorization of Contract Renewal to Pierce and Associates Company, Inc., DBA Pierce Energy Planning for the Energy Management of Electric, Gas, and Water Utilities throughout the Scottsdale Unified School District
- R. Approval of Award of RFQ No. 22-20-26 — Construction Manager at Risk (CMAR) for Pueblo Elementary School to McCarthy Building Companies
- S. Approve the Designation of Sole Source procurement for Zonar Systems Inc. for Fiscal Year 2021-2022
- T. Authorization for Execution of Agreements and/or Contracts

Mr. Greenburg moved to approve the Consent Agenda as amended, Consent Agenda Item 8R has been pulled and will be discussed alongside Action Item 9F. Mrs. Cieniawski seconded the motion. The motion was approved with a vote of 5 – 0.

ACTION ITEMS

9. A. Appointment of Audit Committee

Dr. Menzel recommended the appointment of an Audit Committee comprised of three non-school board members and two school board members. There was a recommendation to appoint three non-school board members out of a pool of eight: Sara Regan, Danielle Martinage and Dale Belt. Sharron Walker, City of Scottsdale Auditor, has agreed to be a part of the orientation process.

Board member considerations/nominations put forward: Mr. Greenburg put his name forward.

Mrs. Cieniawski recommended that Dr. Hart-Wells be a member of the Audit Committee. Dr. Hart-Wells accepted the nomination.

Mr. Greenburg moved to approve the Appointment of Audit Committee, the committee comprising of Sara Regan, Danielle Martinage, Dale Belt, Board Member Hart-Wells and Board President Greenburg. Mrs. Cieniawski seconded the motion. The motion was approved with a vote of 5 – 0.

9. B. Approval of Instructional Time Model for 2021-2022 in Accordance with House Bill 2862

Dr. Kimberly Guerin, Assistant Superintendent of Ed Services recommended the Approval of the Instructional Time Model for 2021-2022 in accordance with House Bill 2862.

Mr. Greenburg moved to approve the Instructional Time Model for 2021-2022 in accordance with House Bill 2862. Dr. Hart-Wells seconded the motion. The motion was approved with a vote of 5 – 0.

Consent Agenda

Motion #19
Approval of
Consent Agenda
as Amended

Action Items

Motion #20
Approval of the
Appointment of
the Audit
Committee, the
committee
comprising of
Sara Regan,
Danielle
Martinage, Dale
Belt, Board
Member Hart-
Wells and Board
President
Greenburg.

Motion #21
Approval of the
Instructional
Time Model for
2021-2022 in

9. C. Approval of Retention Agreement Regarding Litigation Against Electronic Cigarette/Vaping Manufacturers and to Direct the Retained Attorneys to File a Complaint on Behalf of the District

It is recommended that the Governing Board approve retention of Keller Rohrback L.L.P and Grant Woods of Gallagher and Kennedy and Law Offices of Joseph C. Tann PLLC in JUUL litigation and to direct the attorneys to file a complaint on behalf of the District.

Mr. Greenburg moved to approve the Retention Agreement Regarding Litigation Against Electronic Cigarette/Vaping Manufacturers and to Direct the Retained Attorneys to File a Complaint on Behalf of the District as amended with the word "nest" changed to the word "best". Mrs. Cieniawski seconded the motion. The motion was approved with a vote of 5 – 0.

At 9:35 PM The Governing Board paused for a break

At 9:41 PM the Regular Meeting reconvened

9. D. Approval of Self-Insurance Trust Board Trustees

Shannon Crosier, Chief Financial Officer, discussed the appointment process for the Self-Insurance Trust Board. Bringing forward several recommendations to the Governing Board and to approve the Selection of the Self-Insurance Trust Board Trustees: Eloy Yndigoyen, Valerie Shannon and Melinda Gulick

Mr. Greenburg moved to approve the Self-Insurance Trust Board Trustees as presented. Mrs. Beckman seconded the motion. The motion was approved with a vote of 5 – 0.

9. E. Authorize Expenditure - Navajo Elementary Mechanical and Electrical D Wing Build Out

Dennis Roehler, Director of Facilities and Bond Management, outlined the Navajo Elementary mechanical and electrical D wing build out.

Mr. Greenburg moved to Authorize Expenditure - Navajo Elementary Mechanical and Electrical D Wing Build Out as presented. Mrs. Cieniawski seconded the motion. The motion was approved with a vote of 5 – 0.

9. F. Approval of Preconstruction Services Contract for RFQ No. 22-20-26 — Construction Manager at Risk (CMAR) for Pueblo Elementary School

Dr. Hart-Wells requested to pull Consent Agenda Item 8R, Approval of Award of RFQ No. 22-20-26 — Construction Manager at Risk (CMAR) for Pueblo Elementary School to McCarthy Building Companies, for further discussion.

Consent Agenda 8R was read alongside Action Item 9F, Approval of Preconstruction Services Contract for RFQ No. 22-20-26 — Construction Manager at Risk (CMAR) for Pueblo Elementary School.

Shannon Crosier, Chief Financial Officer, outlined the process implemented for the Construction Manager at Risk. Dennis Roehler, Director of Facilities and Bond Management, provided additional information on the Pueblo rebuild.

Mr. Greenburg moved to approve Consent Agenda Item 8R, Approval of Award of RFQ No. 22-20-26 — Construction Manager at Risk (CMAR) for Pueblo Elementary School to McCarthy Building Companies. Dr. Hart-Wells seconded the motion. The motion was approved with a vote of 5 – 0.

Mr. Greenburg moved to approve the Preconstruction Services Contract for RFQ No. 22-20-26 – Construction Manager at Risk (CMAR) for Pueblo Elementary School. Dr. Hart-Wells seconded the motion. The motion was approved with a vote of 5 – 0.

Future Items

Dr. Hart-Wells

- Requested a status report on the Phoenix Rising negotiation

Dates of Upcoming Meetings

- A. Tuesday, September 14, 2021 - 6:00 PM - Special Governing Board Meeting - MDA
- B. Tuesday, September 28, 2021 - 6:00 PM – Regular Governing Board Meeting – Coronado High School

accordance with House Bill 2862

Motion #22

Approval of the Retention Agreement Regarding Litigation Against Electronic Cigarette/Vaping Manufacturers and to Direct the Retained Attorneys to File a Complaint on Behalf of the District as amended with the word "nest" changed to the word "best"

Motion #23

Approval of the Self-Insurance Trust Board Trustees as presented

Motion #24

Approval to Authorize Expenditure - Navajo Elementary Mechanical and Electrical D Wing Build Out as presented

Motion #25

Approval of Award of RFQ No. 22-20-26 — Construction Manager at Risk (CMAR) for Pueblo Elementary School to McCarthy Building Companies

Motion #26

Approval of Preconstruction Services Contract for RFQ No. 22-20-26 — Construction Manager at Risk (CMAR) for Pueblo Elementary School

Future Items

Dates of Upcoming Meetings

Governing Board Reports

Mrs. Cieniawski

- Attended parent boot camp hosted by a few SUSD parents
- Visited the staff and welcomed them back to Kiva Elementary
- Participated in a Scottsdale roundtable discussion to learn more about what is going on in Scottsdale
- Had the opportunity to listen to some students with the ASBA Black Alliance
- Met one on one with several parents and community members to hear their issues and ideas for improvement
- Look forward to working with Mayor Ortega's office on the upcoming Education Meeting
- Met with some Saguaro leaders to discuss a pilot program they are currently implementing
- Attended the Kiva groundbreaking ceremony and Hohokam ribbon cutting ceremony

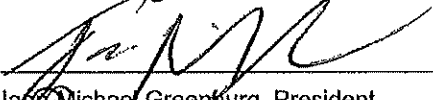
Mrs. Beckman

- Attended Kiva groundbreaking and Hohokam ribbon cutting. Thank you to all the staff and Principals for putting those events together. They were fantastic ceremonies. Thank you for including the Governing Board.


At 10:07 PM, Mr. Greenburg moved to adjourn the meeting. Dr. Hart-Wells seconded the motion. The motion was approved with a vote of 5 – 0.


Dated this 24th day of August 2021

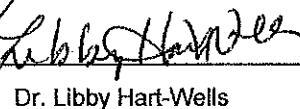
The Governing Board of the Scottsdale Unified School District #48


Jan-Michael Greenburg, President


Patty Beckman


Zach Lindsay


Julie Cieniawski, Vice President


Dr. Libby Hart-Wells

Governing Board
Reports

Motion #27
Adjournment