

VIA ELECTRONIC TRANSMISSION

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February 26, 2019

State of Washington Public Disclosure Commission
711 Capitol Way Room 206
Post Office Box 40908
Olympia, Washington 98504-0908
pdc@pdc.wa.gov

Re: KENNEWICK SCHOOL DISTRICT No. 17 BOARD OF DIRECTORS
Violation Of RCW 42.17A.555 et. seq.

Dear Sir or Madam:

Submitted herewith is a complaint regarding the violations of RCW 42.17A.555.

Thank you in advance for your assistance. Please keep me apprised of your progress and final determination in this important community matter.

RESPONDENTS

Kennewick School District No. 17 Board of Directors, 1000 W. Fourth Avenue, Kennewick, Washington 99336, (509) 222-6550.

Dawn Adams, President Kennewick School District No. 17 Board of Directors;
Heather Kintzley, WSBA No. 35520, Vice President Kennewick School District No. 17
Board of Directors;

Ben Messinger, Kennewick School District No. 17 Board of Directors;
Ron Mabry, Kennewick School District No. 17 Board of Directors; and
Brian Brooks, Kennewick School District No. 17 Board of Directors.

The above respondents are implicated in PDC Case Nos. 35282; 29929; and Benton County Cause 18-2-01480-03. Each of these cases involve similar violations related to separate ballot issues.

Re: KENNEWICK SCHOOL DISTRICT No. 17 BOARD OF DIRECTORS
Violation Of RCW 42.17A.555 et. seq.

Page: 2 of 7

STATEMENT OF MATERIAL FACTS

On November 7, 2018, the Kennewick School District Board of Directors unanimously adopted Resolution No. 1 2018-2019. The Resolution served to place no more than \$125,000,000 of general obligation bonds maturing within 21 years; and levy annual excess property taxes to repay the bonds to expand and renovate Schools. **EXHIBIT 1** is a true and accurate copy of the minutes of that November 7, 2018 meeting where the Board adopted Proposition 1, the measure to be placed on the February 12, 2019 election (see page 6). On February 22, 2019, the Benton County Auditor certified that Proposition 1 was approved.

On January 9, 2019, the Kennewick School District No. 17 Board of Directors held a Special Meeting/Retreat. **EXHIBIT 2** is a true and accurate copy of that agenda.

Kennewick School District No. 17 Policy No. 1400 provides:

Special Meetings

Special meetings of the board may be held at any time needed and at a convenient place. Special meetings shall be called by the president, or by a majority of the members of the board. Notification of special meetings shall be made in accordance with RCW 42.30.030, **and only that business specially mentioned in said notice may be transacted** (emphasis added).

EXHIBIT 3 is a true and accurate copy of Kennewick School District No. 17's Policy 1400.

Despite its own policy restricting that only business specifically mention in said notice be transacted, at the January 9, 2019 Special Meeting/Retreat, the following took place:

“AGENDA APPROVAL

Brian Brooks made a motion to move the topic of Letter to the Editor - Supporting Bond to the Regular Agenda and off of the Retreat Agenda.

Seconded by Ron Mabry.

Roll call vote:

Adams	Yes
Brooks	Yes

Re: KENNEWICK SCHOOL DISTRICT No. 17 BOARD OF DIRECTORS
Violation Of RCW 42.17A.555 et. seq.

Page: 3 of 7

Mabry	Yes
Messinger	Yes

Motion carried 4-0.”

“LETTER TO THE EDITOR - SUPPORTING BOND

Discussion occurred about the possibility of writing a letter from the Board to the Tri-City Herald indicating that the Board members supported the bond. Board members expressed their strong support for the successful passage of the bond (emphasis added).

Brian Brooks made a motion to draft a Letter to the Editor supporting the bond.

Seconded by Ron Mabry.

Roll call vote;

Adams	Yes
Brooks	Yes
Mabry	Yes
Messinger	Yes

Motion carried 4-0.”

At 7:10 pm, the Board went into a 75 minute executive session.

“EXECUTIVE SESSION

Board President Dawn Adams moved the Board into executive session for approximately 75 minutes at 7:10 p.m. per RCW 42.30.110 (l) (g) to conduct the Superintendent/Cabinet Performance Review, RCW 42.30.110 (l) (i) Legal Issue, and RCW 42.30.110 (1) (b) Real Estate Issue.”

Upon their 8:26 pm return, the following action occurred:

Re: KENNEWICK SCHOOL DISTRICT No. 17 BOARD OF DIRECTORS
Violation Of RCW 42.17A.555 et. seq.

Page: 4 of 7

“REGULAR SESSION

President Dawn Adams reconvened the Board back into Regular Session at 8:26 PM.

Motion by Ben Messinger to rescind the decision to send a Letter to the Editor supporting the bond, due to the desire by the Board to create more transparency and provide greater opportunity for public notice.^{1,2}

Seconded by Brian Brooks.

Roll call vote:

Adams	Yes
Kintzley (WSBA No. 35520)	Yes
Brooks	Yes
Mabry	Yes
Messinger	Yes

Motion carried 5-0.”

EXHIBIT 4 is a true and accurate copy of the minutes from the January 9, 2019 Special Meeting/Retreat.

LAW AND REGULATIONS

RCW 42.17A.555 - Use of public office or agency facilities in campaigns—Prohibition—Exceptions.

No elective official nor any employee of his or her office nor any person appointed to or employed by any public office or agency may use or authorize the use of any of the facilities of a public office or agency, directly or indirectly, for the purpose of assisting a campaign for election of any person to any office or for the promotion of or opposition to any ballot proposition. Facilities of a public office or agency include, but are not limited to, use of stationery, postage, machines, and equipment, use of employees of the office or agency during working hours,

¹ A subsequent violation of District Policy 1400.

² It is understood that the Kennewick School District No. 17 Board of Directors action taken after discussion in a limited content Executive Session is a prima facie violation of RCW 42.30, The Open Public Meeting Act which will be pursued by the Complainant by way of civil action.

Re: KENNEWICK SCHOOL DISTRICT No. 17 BOARD OF DIRECTORS
Violation Of RCW 42.17A.555 et. seq.

Page: 5 of 7

vehicles, office space, publications of the office or agency, and clientele lists of persons served by the office or agency. However, this does not apply to the following activities:

- (1) Action taken at an open public meeting by members of an elected legislative body or by an elected board, council, or commission of a special purpose district including, but not limited to, fire districts, public hospital districts, library districts, park districts, port districts, public utility districts, school districts, sewer districts, and water districts, to express a collective decision, or to actually vote upon a motion, proposal, resolution, order, or ordinance, or to support or oppose a ballot proposition so long as (a) any required notice of the meeting includes the title and number of the ballot proposition, and (b) members of the legislative body, members of the board, council, or commission of the special purpose district, or members of the public are afforded an approximately equal opportunity for the expression of an opposing view;
- (2) A statement by an elected official in support of or in opposition to any ballot proposition at an open press conference or in response to a specific inquiry;
- (3) Activities which are part of the normal and regular conduct of the office or agency.
- (4) This section does not apply to any person who is a state officer or state employee as defined in RCW 42.52.010.

Kennewick School District Policy No. 1400

Special Meetings

Special meetings of the board may be held at any time needed and at a convenient place. Special meetings shall be called by the president, or by a majority of the members of the board. Notification of special meetings shall be made in accordance with RCW 42.30.030, **and only that business specially mentioned in said notice may be transacted** (emphasis added).

CONCLUSION

At its January 9, 2019 Special Meeting, the Kennewick School District No. 17 Board of Directors added an unnoticed additional item “The Topic of Letter to the Editor - Supporting Bond” to its meeting agenda in violation of its own Policy No. 1400 limiting Special Meetings to those items specifically noticed and on the agenda.

At its January 9, 2019 Special Meeting, the Kennewick School District No 17 Board of Directors discussed the **“possibility of writing a letter from the Board to the Tri-City Herald indicating that the Board members supported the bond. Board members expressed their strong support for the successful passage of the bond”** (emphasis added) in violation of RCW 42.17A.555.

Re: KENNEWICK SCHOOL DISTRICT No. 17 BOARD OF DIRECTORS
Violation Of RCW 42.17A.555 et. seq.

Page: 6 of 7

Furthermore, the Kennewick School District No. 17 Board of Directors failed to issue the required notice for the agenda item “To Send a Letter to the Tri-City Herald Supporting Bond” (including the title and number of the ballot proposition and allowing affording members of the public approximately equal opportunity to express an opposing view), therefore violating RCW 42.17A.555 (1) which requires:

“However, this does not apply to the following activities:

(1) Action taken at an open public meeting by members of an elected legislative body or by an elected board, council, or commission of a special purpose district including, but not limited to, fire districts, public hospital districts, library districts, park districts, port districts, public utility districts, school districts, sewer districts, and water districts, to express a collective decision, or to actually vote upon a motion, proposal, resolution, order, or ordinance, or to support or oppose a ballot proposition so long as (a) any required notice of the meeting includes the title and number of the ballot proposition,”

After a 7:10 pm to 8:26 pm Executive Session, the Kennewick School District No. 17 Board of Directors added an agenda item to rescend its action “To send a letter to the Tri-City Herald Supporting the (Proposition 1) Bond”. The action was approved. This act violates its own Policy No. 1400 by adding an agenda item not noticed or on the agenda. Furthermore, the Kennewick School District No. 17 Board of Directors violated RCW 42.17A.555 (1) by failing to issue the required notice for the agenda item “To Rescend the Action to Send a Letter to the Tri-City Herald Supporting Bond” (including the title and number of the ballot proposition and allowing affording members of the public approximately equal opportunity to express an opposing view).

Regarding its action to rescend the action “To Send a Letter to the Tri-City Herald Supporting the Bond”, the Kennewick School District No. 17 Board of Directors is unable to un-ring the bell chiming “their strong support for the successful passage of the bond”, at a public meeting utilizing public resources and public offices, for approval of that campaign issue.

Based on the revealing facts, actions, statements and documents provided herein, Respondents expended public resources and public office for the purpose of assisting the campaign for approval of their Proposition 1 Bond on the February 12, 2019 ballot, in violation of Rcw 42.17A.555. Respondents also violated RCW 42.30, the Open Public Meetings Act and their own Policy No. 1400, which will be resolved as noted herein.

Re: KENNEWICK SCHOOL DISTRICT No. 17 BOARD OF DIRECTORS
Violation Of RCW 42.17A.555 et. seq.

Page: 7 of 7

CERTIFICATION

I certify (or declare) under penalty of perjury under the laws of the State of Washington that the facts set forth in this complaint are true and correct.

Best Regards,

A handwritten signature in black ink, appearing to read "Roger E. Lenk". The signature is fluid and cursive, with a large initial "R" and "L".

Roger E. Lenk

Exhibits (4)

cc: Washington State Auditor (violation of Kennewick School District Policy No. 1400)

EXHIBIT 1

KENNEWICK SCHOOL DISTRICT NO. 17
SCHOOL BOARD MEETING
ADMINISTRATION BUILDING
November 7, 2018

MINUTES

MEMBERS PRESENT

Heather Kintzley, Vice President of the Board; Brian Brooks, Board Member; Ron Mabry, Board Member; Ben Messinger (arrived late), Board Member; Naresh Schmad, Student Representative to the Board; and Dave Bond, Superintendent and Secretary of the Board.

Cabinet Members: Chuck Lybeck, Associate Superintendent of Curriculum Services; Doug Christensen, Assistant Superintendent of Human Resources; Ron Williamson, Assistant Superintendent of Secondary Education; Greg Fancher, Assistant Superintendent of Elementary Education; Vic Roberts, Executive Director of Business Operations; and Robyn Chastain, Director of Communication and Public Relations.

Other Guest: Bronson Brown, KSD Attorney
Ken Harper, Attorney (via phone)

MEMBERS ABSENT

Dawn Adams, excused

CALL TO ORDER

Vice President Heather Kintzley called the meeting to order at 5:30 p.m. and led the Pledge of Allegiance with approximately 105 staff and guests in attendance.

SPECIAL RECOGNITION

Fall Sports Recognition:

Ron King, Principal of Kennewick High School, recognized Johan Correa as the 2018 Boys State Cross Country Champion. Johan is a senior at Kennewick High and is the first ever male Kennewick Lion cross country runner to claim a State title.

Kamiakin High Athletic Director, Casey Gant introduced Kamiakin Coach, Matt Rexus. Coach Rexus recognized athletes for winning the Boys Team State Championship in boys' cross country.

Hawthorne Elementary – School of Distinction:

For the second year in a row, ESD 123 Superintendent Darcy Weisner recognized Hawthorne Elementary School as a School of Distinction award winner for being one of the 5% highest improving schools in the state of Washington. Mr. Weisner presented Principal Craig Miller and his staff with a certificate of achievement.

COMMUNICATIONS FROM PARENTS, STAFF, AND RESIDENTS

Teresa Brown, 709 S. Young Street, Kennewick, commented that Paraeducators and Cashiers would be going into mediation in a couple of weeks. She is asking for the Board's support as they don't feel the district is showing them the respect they need.

Uby Creek, 3219 W. Canal Dr., Kennewick, shared that she supports the paras. She was once a para and would appreciate it if the Board would be mindful of the people who do the work behind the scenes.

Kim Berna, 3305 S. Vancouver, Kennewick, shared that she teaches at Eastgate Elementary and her para asked her to look at her paycheck from October of last year and compare it to her paycheck from October of this year. Due to insurance, her current paycheck is about \$100 less. Ms. Berna hopes this gets fixed as no one should make less after receiving the McCleary funds.

Diane Sundvik, 6115 W. 8th Ave., Kennewick, shared that she is a member of WEA, she attended a Board meeting a month ago to support the para's, and she can't believe she is here still doing this a month later. Ms. Sundvik stated that millions came through for the classified staff and she doesn't want to lose these people by having them go across the river for \$2 more an hour.

CONSENT ITEMS

Motion by Brian Brooks to approve the consent items as presented.

Seconded by Ron Mabry.

Roll call vote:	Kintzley	Yes
	Brooks	Yes
	Mabry	Yes
	Messinger	Yes

Motion carried 4-0.

The consent items were as follows:

- Minutes of Regular Board Meeting October 24, 2018
- Personnel Actions – Certificated, Classified and Extracurricular
- Payroll and Vouchers Ending October 31, 2018
- Budget Status Report Year Ending August 31, 2018
- Secondary School Improvement Plans 2018-2019
- Approval of the Highly Capable Program Annual Plan 2018-2019
- Resolution No. 2 2018-2019; Accept Desert Hills Middle School New-in-Lieu (Southridge Blvd Site) Project as Complete
- Resolution No. 3 2018-2019; Desert Hills Middle School New-in-Lieu (Southridge Blvd Site) Building Commissioning Report Acceptance
- Resolution No. 4 2018-2019; Certification of 2019 Excess Property Taxes

- Approve Collection of Prior Year Property Tax Adjustments: Admin Refund
- Memo: Print Shop copier Replacement

SUPERINTENDENT/BOARD MEMBER REPORT

Superintendent

Superintendent Bond informed the Board that he attended the City of Kennewick Council meeting on November 6th, and accepted the 2018 Historic Preservation Award for the Fruitland building.

Mr. Bond gave a copy of the 2018 Kennewick School District “The Big Picture” pamphlet to each Board member.

Board Member

None

REPORTS AND DISCUSSIONS

Report It!

Director of Communication and Public Relations, Robyn Chastain shared a safety awareness campaign called Report It, which aims to encourage students to report incidents of harassment, bullying, weapons, and other concerns. Reporting safety concerns to a trusted adult is always encouraged as the first action, but students may also make reports by email, text, phone, or online. Ms. Chastain added that reports can be anonymous and that the reporting system is also open for use by parents and community members. Safety campaign materials include Posters, rack cards, window clings, social media, and e-news.

Ms. Kintzley asked what happens when the District receives an anonymous report.

Ms. Chastain explained that she is tagged in the report along with the Superintendent and the principal.

Ron Mabry noted that the Spanish “Report It” flyer was missing the word safety.

75th Percentile Growth Goal Update

Superintendent, Dave Bond reported that the Kennewick School District’s goal is that all schools and the district are in the seventy-fifth percentile of all districts in achieving annual growth for its students. He explained how the district determines if they have met this goal by comparing our Kennewick School District / School results to reports that NWEA publishes. These reports compare groups of our KSD students to similar groups of students from around the country (based on beginning RIT scores) to see where greater/lesser growth is taking place. Mr. Bond explained that each school and the District get a ranking based on

how that group of students grew, but it is based on a comparison to similar groups of students based on RIT scores, rather than the whole national database. Some schools have benefited from the new comparison while others have not.

Mr. Mabry asked what the district's strategy is on how to grow.

Mr. Bond replied that each building has to put together a plan, look at what they are teaching, and make sure what they are teaching matches to what will be tested. Some schools possibly need to set a higher expectation to show growth.

Mr. Mabry added that he would like to see some kind of focus on the new data.

Mr. Bond suggested in the future possibly showing the Board how many students missed the mark by one point. For example, if they were supposed to grow seven points and they grew six points, what could we do to help them make that additional growth?

General Fund Year End Financial Report 2017-2018

Executive Director of Business Operations, Vic Roberts presented a financial summary for 2017-2018. He reviewed enrollment numbers and shared that the total average student FTE for ten months ending in June 2018 was 240.71 higher than budgeted. Mr. Roberts reviewed the ending fund balance for the General Fund totaled \$33.8M on August 31, 2018. Mr. Roberts compared actual revenues from 2016/2017 to 2017/2018 and reported that total revenues were \$21.3M over the budgeted number and discussed reasons for the increased revenue. Mr. Roberts reviewed the Materials, Supplies and Operating Costs by activity noting some of the more significant variances of actual costs to budget. The Statement of Fund Balance was reviewed with Mr. Roberts discussing the various categories of fund balance amounts. Budget challenges for 2018/2019 were noted with student enrollment FTE for two months ending October 2018 indicating that K-12 enrollment will be short of the budget by close to 150 FTE. Mr. Roberts added that the next 2018/2019 General Fund Budget Update would be on February 13, 2019.

UNFINISHED BUSINESS

Boundary Decision

Assistant Superintendent Greg Fancher shared that they had dropped options 1, 2, and 3 while keeping option 4 and adding an Option 5 and 6. Option 6 would include adding four portables to Sage Crest, which would come from Amistad as they would no longer be needed with the opening of the new Amistad phase 1. Mr. Fancher explained that those portables were originally scheduled to move to Kennewick High. Instead, Kennewick High would use the old barracks portables which are currently on their site, which Keith Colee believes he could renovate and use for two more years.

Patty Burkes, 191406 E. Game Farm Rd, Kennewick, expressed her appreciation to the Board and staff members who listened to all who came forward. She thanked them for considering additional options.

Chadd Ottley, 21307 S. Spruce St., Kennewick, expressed that he liked Option 6.

Brooke Dyal, 1516 West 51st Ave., Kennewick, expressed that she likes Option 6 as it saves Inspiration Estates from changing schools. She added that she doesn't like portables, but she appreciates the option.

Ms. Kintzley replied that portables are a solution that would keep students in their school for a couple of years until the next school building is built.

Motion by Ben Messinger to adopt Option 6 for elementary boundaries for 2019 and beyond, and direct district administration to add portables to Sage Crest to accommodate the additional students.

Seconded by Brian Brooks.

Ron Mabry expressed that he was glad for the parents who showed up tonight but it looks like to him that the Board is moving the boundaries regardless of those who can't be here to express their concerns. He added that he sees the district moving people into Amistad because they are not here to speak up. Mr. Mabry would rather leave the boundaries alone and not move anyone. He added that the Board members are to represent all the community.

Mr. Messinger replied that he agrees with Mr. Mabry, but the way he sees this move is that the District is creating this new environment with Amistad. It will be the newest school, so he doesn't see it as someone getting a bad deal.

Mr. Mabry noted that the move would happen before both phases of Amistad were finished, so the students would have to go to school in a construction zone.

Mr. Fancher explained that the district had increased Amistad's capacity for next fall. Option 6 would move students to a school that would be easy for them to get to and have a chance to create a school community. Mr. Fancher added that when we open new schools, we don't get as much pushback.

Tami Ottley, 21307 S. Spruce St., Kennewick, commented that she appreciated Mr. Mabry's concern that there are only three parents here, but they had the same advertisements as everyone else. She was not sure how to get more people involved.

Mr. Mabry replied that he appreciated her coming and making her voice heard, but there were members in the community who couldn't, for whatever reason, come and speak. He added that he has to speak what he thinks would be in their best interest, even though they are not here.

Mr. Messinger noted that Amistad was built for those neighborhoods. The other proposals were temporary moves; this would be a permanent move. Mr. Messinger added that he doesn't see a benefit in delaying the move since it was by design.

Ms. Kintzley shared that when she looks at the map, she sees neighborhood schools, and thinks this is a good solution.

Mr. Messinger added that he is excited for the students that live around Amistad to have a great place to go to school. He doesn't feel like anyone is getting the short end of the stick as Amistad will be newer and nicer.

Roll call vote:	Kintzley	Yes
	Brooks	Yes
	Mabry	Yes
	Messinger	Yes

Motion carried 4-0.

Policy No. 2350 INSTRUCTION: Drones and Unmanned Aircraft System, Third Reading

Mr. Williamson presented changes to paragraph one and four of policy 2350.

Ms. Kintzley suggested adding, "or any organized function of a third party user group" following the added language in paragraph four.

Motion by Brian Brooks to accept Policy No. 2350 INSTRUCTION: Drones and Unmanned Aircraft System for third reading with the changes identified by the Board.

Seconded by Ben Messinger.

Roll call vote:	Kintzley	Yes
	Brooks	Yes
	Mabry	Yes
	Messinger	Yes

Motion carried 4-0.

Resolution No. 1 2018-2019, Bonds to Construct, Expand and Renovate Schools

Superintendent, Dave Bond presented the revised bond resolution, which contains the changes approved by the Board at the October 24th, 2018 Board meeting.

Motion by Brian Brooks to approve Resolution No. 1 to submit to the voters a proposition authorizing the District to issue bonds in the amount of no more than \$125,000,000 to replace Kennewick High School, build Phase II of Amistad Elementary Addition, expand and renovate Kamiakin and Southridge High Schools, build two new elementary schools, and to make District-wide health, safety, educational and infrastructure improvements.

Seconded by Ron Mabry.

Roll call vote:	Kintzley	Yes
	Brooks	Yes
	Mabry	Yes
	Messinger	Yes

Motion carried 4-0.

NEW BUSINESS

Legislative Priorities

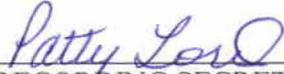
Superintendent Dave Bond explained that in the past, the KSD had been a part of an ESD group that developed Legislative priorities. Those priorities reflected the needs of the vast majority of the school districts in the ESD, but not necessarily the priority needs of the KSD. Mr. Bond added that WASA is encouraging school districts to identify needs that directly impact their school districts. He passed out a list that identified 14 different needs that would directly impact the KSD and asked each of the Board members to prioritize them and turn the list into Patty Lord.

EXECUTIVE SESSION

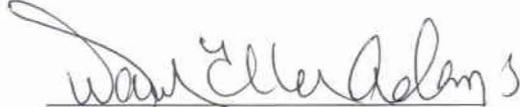
Vice President Heather Kintzley moved the Board into executive session at 7:05 p.m. for approximately 60 minutes per RCW 42.30.110 (1) (i) to discuss a Legal Issue and per RCW 42.30.110 (1) (b) to discuss a Real Estate Issue. Ms. Kintzley noted that no further formal action would be taken. At 8:05 p.m. Ms. Kintzley extended executive session for an additional 25 minutes.

OTHER BUSINESS AS AUTHORIZED BY LAW.

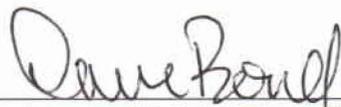
Regular session was reconvened at 8:21 p.m. There being no further business, the Board adjourned at 8:21 p.m.



RECORDING SECRETARY



PRESIDENT OF THE BOARD



SECRETARY OF THE BOARD

Approved: December 5, 2018

EXHIBIT 2

**SCHOOL BOARD MEETING/WORKSHOP
KENNEWICK SCHOOL DISTRICT NO. 17**

Meeting Date: Wednesday, January 9, 2019
Time: 5:30 – 9:00 p.m.
Place: Kennewick School District
Administration Center
1000 W Fourth Avenue
Kennewick, WA 99336

AGENDA

1. Call to Order DAWN ADAMS
2. Pledge of Allegiance
3. Superintendent/School Board Retreat
 - A. Semi Annual Review and Planning
4. Executive Session
 - A. Per RCW 42.30.110 (1) (g) Superintendent and Cabinet Performance Review
 - B. Per RCW 42.30.110 (1) (i) Legal Issue
 - C. Per RCW 42.30.110 (1) (b) Real Estate Issue
5. Other Business as Authorized by Law
6. Adjourn

**KENNEWICK SCHOOL DISTRICT NO. 17
DAVE BOND
SECRETARY OF THE BOARD**

EXHIBIT 3

BOARD OF DIRECTORS

Meetings

Meetings of the board will be scheduled in compliance with law and as determined by the board to be in the best interest of the school district and community. The board will function through regular meetings/workshops, special meetings and emergency meetings.

Public notice shall be properly given for any special meeting, whenever a regular meeting is adjourned to another time or when a regular meeting is to be held at a place other than the regular meeting room.

Regular Meetings/Workshops

Regular meetings of the board of directors shall normally be held on the second and fourth Wednesdays of each month and workshops may be held on the remaining Wednesdays of the month. The board may change the date, time, or location of a regular meeting by motion passed in an open session of the board.

Special Meetings

Special meetings of the board may be held at any time needed and at a convenient place. Special meetings shall be called by the president, or by a majority of the members of the board. Notification of special meetings shall be made in accordance with [RCW 42.30.030](#), and only that business specially mentioned in said notice may be transacted.

Emergency Meetings

In the event of an emergency, involving possible personal injury or property damage, the board may meet immediately and take official action without prior notification.

Executive Sessions

The board may hold executive sessions under the guidelines of [RCW 42.30.110](#) as stated below:

- (1) Nothing contained in this chapter may be construed to prevent a governing body from holding an executive session during a regular or special meeting:
 - (a) (i) To consider matters affecting national security;
 - (ii) To consider, if in compliance with any required data security breach disclosure under [RCW 19.255.010](#) and [42.56.590](#), and with legal counsel available, information regarding the infrastructure and security of computer and telecommunications networks, security and service recovery plans, security risk assessments and security test results to the extent that they identify specific system vulnerabilities, and other information that if made public may increase the risk to the confidentiality, integrity, or availability of agency security or to information technology infrastructure or assets;

- (b) To consider the selection of a site or the acquisition of real estate by lease or purchase when public knowledge regarding such consideration would cause a likelihood of increased price;
- (c) To consider the minimum price at which real estate will be offered for sale or lease when public knowledge regarding such consideration would cause a likelihood of decreased price. However, final action selling or leasing public property shall be taken in a meeting open to the public;
- (d) To review negotiations on the performance of publicly bid contracts when public knowledge regarding such consideration would cause a likelihood of increased costs;
- (e) To consider, in the case of an export trading company, financial and commercial information supplied by private persons to the export trading company;
- (f) To receive and evaluate complaints or charges brought against a public officer or employee. However, upon the request of such officer or employee, a public hearing or a meeting open to the public shall be conducted upon such complaint or charge;
- (g) To evaluate the qualifications of an applicant for public employment or to review the performance of a public employee. However, subject to RCW 42.30.140 (4), discussion by a governing body of salaries, wages, and other conditions of employment to be generally applied within the agency shall occur in a meeting open to the public, and when a governing body elects to take final action hiring, setting the salary of an individual employee or class of employees, or discharging or disciplining an employee, that action shall be taken in a meeting open to the public;
- (h) To evaluate the qualifications of a candidate for appointment to elective office. However, any interview of such candidate and final action appointing a candidate to elective office shall be in a meeting open to the public;
- (i) To discuss with legal counsel representing the agency matters relating to agency enforcement actions, or to discuss with legal counsel representing the agency litigation or potential litigation to which the agency, the governing body, or a member acting in an official capacity is, or is likely to become, a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the agency.

This subsection (1)(i) does not permit a governing body to hold an executive session solely because an attorney representing the agency is present. For purposes of this subsection (1)(i), "potential litigation" means matters protected by RPC 1.6 or RCW 5.60.060 (2)(a) concerning:

- (A) Litigation that has been specifically threatened to which the agency, the governing body, or a member acting in an official capacity is, or is likely to become, a party;
- (B) Litigation that the agency reasonably believes may be commenced by or against the agency, the governing body, or a member acting in an official capacity; or
- (C) Litigation or legal risks of a proposed action or current practice that the agency has identified when public discussion of the litigation or legal risks is likely to result in an adverse legal or financial consequence to the agency;

EXHIBIT 4

KENNEWICK SCHOOL DISTRICT NO. 17
SPECIAL SCHOOL BOARD MEETING/RETREAT
DISTRICT ADMINISTRATION CENTER
January 9, 2019

M I N U T E S

MEMBERS PRESENT

Dawn Adams, President of the Board; Heather Kintzley, Vice President of the Board (arriving at 5:42); Brian Brooks, Board Member; Ron Mabry, Board Member; Ben Messinger, Board Member; and Dave Bond, Superintendent and Secretary of the Board.

Cabinet Members: Chuck Lybeck, Associate Superintendent of Curriculum Services; Doug Christensen, Assistant Superintendent of Human Resources; Ron Williamson, Assistant Superintendent of Secondary Education; Greg Fancher, Assistant Superintendent of Elementary Education; Vic Roberts, Executive Director of Business Operations; Robyn Chastain, Director of Communication and Public Relations.

Other Guest: Bronson Brown, KSD Attorney

MEMBERS ABSENT None

CALL TO ORDER

President Dawn Adams called the meeting to order at 5:32 p.m.

SUPERINTENDENT/SCHOOL BOARD RETREAT

The purpose of the Retreat is for the Superintendent and School Board to conduct a semi-annual review of the district and plan for continued quality education and efficient operation of the Kennewick School District. Approximately 17 staff and guests were in attendance.

DISCUSSION TOPICS: The following topics were scheduled for discussion:

- Gaming Classes and Leagues
- Work-Based Learning – How it works & Steps involve employers
- Special Education Regionalization Plan
- Getting to Graduation Flyer / Outreach
- Letter to the Editor – Supporting Bond
- Capital Projects
- Bus Supervisors for Troubled Bus Routes
- Strategic Plan Review
- Superintendent/Cabinet Mid-Year Evaluation

AGENDA APPROVAL

Brian Brooks made a motion to move the topic of Letter to the Editor – Supporting Bond to

the Regular Agenda and off of the Retreat Agenda.

Seconded by Ron Mabry.

Roll call vote:	Adams	Yes
	Brooks	Yes
	Mabry	Yes
	Messinger	Yes

Motion carried 4-0.

LETTER TO THE EDITOR – SUPPORTING BOND

Discussion occurred about the possibility of writing a letter from the Board to the Tri-City Herald indicating that the Board members supported the bond. Board members expressed their strong support for the successful passage of the bond.

Brian Brooks made a motion to draft a Letter to the Editor supporting the bond.

Seconded by Ron Mabry.

Roll call vote:	Adams	Yes
	Brooks	Yes
	Mabry	Yes
	Messinger	Yes

Motion carried 4-0.

SPECIAL EDUCATION REGIONALIZATION PLAN

Dave Bond presented the Special Education Regionalization plan that the District had been working on for nearly a year. The plan moves district-wide special education programs in the summer of 2019 so that parents and students can stay in the same school K-5 if they are in a Life Skills, Autism, Structured Learning, or Developmental Therapy program. Special Education Director Matt Scott talked about his parent advisory group and their support of the concept of staying in the same school K-5 and reducing transportation.

Ben Messinger made a motion to adopt the regionalization plan as presented.

Seconded by Heather Kintzley.

Roll call vote:	Adams	Yes
	Kintzley	Yes
	Brooks	Yes

Mabry	Yes
Messinger	Yes

Motion carried 5-0.

EXECUTIVE SESSION

Board President Dawn Adams moved the Board into executive session for approximately 75 minutes at 7:10 p.m. per RCW 42.30.110 (1) (g) to conduct the Superintendent/Cabinet Performance Review, RCW 42.30.110 (1) (i) Legal Issue, and RCW 42.30.110 (1) (b) Real Estate Issue.

REGULAR SESSION

President Dawn Adams reconvened the Board back into Regular Session at 8:26 PM.

Motion by Ben Messinger to rescind the decision to send a Letter to the Editor supporting the bond, due to the desire by the Board to create more transparency and provide greater opportunity for public notice.

Seconded by Brian Brooks.

Roll call vote:	Adams	Yes
	Kintzley	Yes
	Brooks	Yes
	Mabry	Yes
	Messinger	Yes

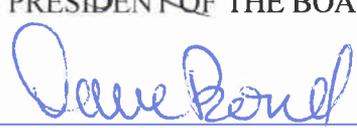
Motion carried 5-0.

OTHER BUSINESS AS AUTHORIZED BY LAW

There being no further business requiring formal action, the School Board of Directors adjourned at 8:30 p.m.



PRESIDENT OF THE BOARD



SECRETARY OF THE BOARD

Approved: January 23, 2019