December 21, 2012

Delivered via EMAIL and Hand Delivered
Cheryl Hansen, President of the Board
Mt. Diablo Unified School District Board of Trustees
Mt. Diablo Unified School District
1936 Carlotta Drive
Concord, CA 94519

Re: Brown Act Violation; Demand for Board of Trustees to Cure and Correct Illegal Action that took place on April 23, 2012 for Item 16.7

Dear Madam President:

It is my understanding that you are attempting to cure and correct any violations of the Ralph M. Brown Act ("Brown Act") set forth in Wendy Lack's letter to you dated December 10, 2012, which specified, among other things, that certain Board of Trustees violated the Brown Act when they "took action to sign contracts extending employment of five district administrators for a period of one year".

In addition to the possible Brown Act violations identified in Wendy Lack's letter to you, I also identified significant Brown Act violations that occurred when certain Board of Trustees, specifically, Linda Mayo, Gary Eberhart, Sherry Whitmarsh, and Lynne Dennler, initially approved one year employment contract extensions during the Board meeting on April 23, 2012, for the following five district administrators: Steve Lawrence (Superintendent); Gregory Rolen (General Counsel"); Bryan Richards (CFO); Julie Braun Martin (Assistant Superintendent – Personnel Services); and Rose Lock ("Assistant Superintendent – Student Services") (collectively, "administrators").

The Brown Act violations that occurred on April 23, 2012, are as follows:

- **The Board prematurely extended contracts by not first obtaining and providing to the public certain written notifications from the administrators as required under their contract provision for "Extension of Term Employment" ("Extension Clause).** For example, Lawrence's Agreement requires him to notify the Board in writing of this Extension clause to avoid termination, and once the "Board is property notified, the Board may determine whether to extend [his] agreement." At no time during the meeting of April 23, 2012, was the public provided copies of such notification. In fact, the staff report indicated Ms. Whitmarsh made the request for extension rather than the extension being initiated by a notice from an administrator. Either the required notifications do not exist, were withheld, or the Board waived this requirement and did not discuss or approve such a waiver in front of the public.

- **The Board and the public were presented with incomplete employment contracts where material information regarding the terms were withheld. Specifically, Exhibit A was**

omitted, which must delineate the "Duties and Responsibilities" to be fulfilled by each administrator.

- **Staff subsequently amended the contracts that were shown to the public on April 23, 2012, but the amendments were never scheduled on any Board of Trustee meeting during public session. This is not in compliance with the "Amendment" provision of the employment agreements.** For example, the contracts state that the "amendment shall be in writing and is effective only upon the mutual consent and written approval of the [district administrator] and the Board, with the Board acting by a majority vote."

- **Lawrence's Evaluation procedure, as set forth in his agreement under the provision "Evaluation", was amended without such an amendment being adopted by the Board and properly noticed on the agenda.** On April 23, 2012, Ms. Whitmarsh indicated that the reason for her request to extend Lawrence's contract was because his evaluation had been conducted that same evening. However, Lawrence's contract states that he shall be formally evaluated within 2 weeks of December 15 and receive an interim evaluation on July 15. The basis of Ms. Whitmarsh to extend Lawrence's contract was for evaluations conducted on April 23, 2012, which is a different schedule. The adoption to amend his evaluation schedule was not properly noticed on any Board agenda.

Pursuant to that provision (Government Code Section 54960.1), I hereby demand that the MDUSD Board of Trustees cure and correct any and all Brown Act violations occurring on April 23, 2012, and at anytime subsequently, in connection with the approval to extend employment for the administrators. Please also read this letter aloud during your meeting scheduled at 4pm on December 21, 2012, as I will be unable to attend. As provided by Section 54960.1, you have 30 days from the receipt of this demand letter either to cure or correct the challenged action or inform me of your decision not to do so. Thank you in advance for your consideration.

Sincerely,

Alicia Minyen

Alicia Minyen
Mt. Diablo Unified School District Resident