

**MINUTES OF THE REGULAR MEETING OF THE  
BOARD OF TRUSTEES  
MANHATTAN BEACH UNIFIED SCHOOL DISTRICT**

Manhattan Beach, CA  
January 30, 2008

The Board of Trustees of the Manhattan Beach Unified School District held a regular meeting on Wednesday, January 30, 2008, at 325 S. Peck Avenue, Manhattan Beach, California. The following were present:

**Members of the Board** Amy Howorth, President  
Nancy Hersman, Vice President  
Ida VanderPoorte, Clerk  
Bill Fournell, Member  
Bill Eisen, Member  
Dr. Beverly Rohrer, Superintendent  
Matt Lebow, Student Board Member  
Jarett Margolis, Student Board Member

**District Personnel** Janet Schwabe, Carolyn Seaton, Ellyn Schneider, Nancy Bogart, and staff

**Call to Order and Recess to Closed Session** Mrs. Howorth called the meeting to order at 5:30 p.m. and recessed to closed session to discuss:

1. Conference with district labor negotiators Janet Schwabe and Steve Romines regarding CSEA negotiations, per Government Code section 54957.6.
2. Conference with district labor negotiators Janet Schwabe and Steve Romines regarding MBUTA negotiations, per Government Code section 54957.6.
3. Public Employee Performance Evaluation, per Government Code section 54957: Principal and Vice Principal.

**Report of Action Taken During Closed Session** No action was reported.

**Reconvene Open Session** Open session was reconvened at 6:37 p.m.

**Pledge of Allegiance** Amy Johnson led the Pledge of Allegiance.

**Approval of Agenda** Ms. VanderPoorte moved approval of this agenda, seconded by Mr. Fournell. Mrs. Howorth rearranged the order of topics, which were noted by the Recorder. Mrs. Howorth called for the question, and Board members voted unanimously to approve the agenda with these changes.

**Public Comment** Dave Wachtfogel addressed Mr. Eisen and asked him to resign or face a recall vote.

Ellen Chao encouraged the Board to pass Resolution 2008-2, the censure of Board member Bill Eisen.

Sheldon Zaslansky asked Mr. Eisen to resign his position as Board member.

Dawn Gulland told the Board she feared repercussions from Mr. Eisen if she spoke out against him. She asked Mr. Eisen to resign.

Bob Schwartz felt Mr. Eisen was wasting the District's time and money and asked the Board to pass Resolution 2008-2.

Mrs. Hersman stated that she had received approximately 40 emails from community members asking the Board to pass Resolution 2008-2.

Mr. Eisen stated that he did not intend to resign as Board member.

**Student Board Member Report** Matt Lebow and Jarett Margolis shared announcements of interest from the elementary schools, middle school and high school.

**Board Member Announcements** Board members shared announcements of interest.

**Consideration and Action on** Mrs. Howorth read into the record, the following Resolution:

**Censure of Board Member, Resolution 2008-2**

RESOLUTION OF THE GOVERNING BOARD OF THE MANHATTAN  
BEACH UNIFIED SCHOOL DISTRICT  
2008-2

Censure of Governing Board Member Bill Eisen

WHEREAS, Bill Eisen has been a member of the Board of Trustees of Manhattan Beach Unified School District since December 2005, and

WHEREAS, Board Policy 1100 provides that the Governing Board appreciates the importance of community involvement and therefore shall strive to keep the community informed of developments within the school system in timely and understandable ways; and

WHEREAS, numerous actions and statements by Board member Bill Eisen have prompted the Board to bring this resolution to the public in order for the public to understand the full breadth of the Board's concerns with Bill Eisen's continued position on this Board; and

WHEREAS, Board Bylaw 9005 provides, in part, that Board members shall assume collective responsibility for building unity and creating a positive organizational culture, shall operate openly, with trust and integrity, shall govern in a dignified and professional manner, treating everyone with civility and respect and govern within Board-adopted policies and procedures; and

WHEREAS, Board Bylaw 9005 relating to Governance Standards provides as follows:

The Governing Board believes that its primary responsibility is to act in the best interests of every student in the District. The Board also has major commitments to parents/guardians, all members of the community, employees, the state of California, laws pertaining to public education, and established policies of the District. To maximize Board effectiveness and public confidence in District governance, Board members are expected to govern responsibly and hold themselves to the highest standards of ethical conduct.

The Board expects its members to work with each other and the Superintendent to ensure that a high-quality education is provided to each student. Each individual Board member shall:

1. Keep learning and achievement for all students as the primary focus
2. Value, support and advocate for public education
3. Recognize and respect differences of perspective and style on the Board and among staff, students, parents and the community
4. Act with dignity, and understand the implications of demeanor and behavior
5. Keep confidential matters confidential
6. Participate in professional development and commit the time and energy necessary to be an informed and effective leader
7. Understand the distinctions between Board and staff roles, and refrain from performing management functions that are the responsibility of the Superintendent and staff
8. Understand that authority rests with the Board as a whole and not with individuals; and

WHEREAS, Bill Eisen has repeatedly violated Board Bylaw 9005 and has made no attempt to refrain from violating this Bylaw when asked by the Board President to do so, and has discredited the Board by:

- a. Writing numerous letters to the editor of the local newspapers falsely alleging that:
  - secret Board meetings are being held in violation of the Brown Act which, if true, could be considered criminal violations of the Brown Act;
  - the Board has lied to the public on numerous occasions;
  - he did not vote to hire the real property attorney retained by the Board when meeting minutes document the Board's unanimous consent;

- Board members are illegally using direct communication outside noticed meetings to develop collective agreement as to actions to be taken by the Board; and
  - the Board is proposing to sell all the surplus real estate owned by the District.
- b. Violating confidentiality laws by discussing closed session information with an adverse party in litigation, as confirmed by court documents;
  - c. Failing to act with dignity, and understand implications of demeanor and behavior, on numerous occasions including December 5, 2007, when he referred to then President Bill Cooper as a “lame duck President,” and on January 16, 2008, when he stated that District staff and other Board members were lying to the public and referred to Board member Nancy Hersman as a “damn liar,”
  - d. Attempting to deny a member of the public the right to read a letter signed by over 160 members of the public asking for his resignation due to his personal bankruptcy issues;
  - e. Refusing to acknowledge that he was again asked to resign by members of the public and was told he was an obstructionist on the Board when the public was informed that he was continuing to write emails to Board members in an attempt to gather their consensus on Board matters; and
  - f. Failing to prepare for Board meetings, and continuously being late for Board meetings;
  - g. Attending the November 29, 2007, Pacific PTA meeting and announcing that he was forming a political action committee to obtain a ballot measure to restrict all District-owned property from being rezoned, and attempting to get PTA support;
  - h. At the January 16, 2008, Board meeting, a member of the Pacific PTA requested that Bill Eisen not represent Pacific School because he has his own agenda and does not represent the students nor the parents of the school;
  - i. Demanding information from school employees rather than requesting information through the Superintendent;
  - j. Disrupting a kindergarten classroom at Pennekamp and engaging a teacher in a discussion during her teaching period without first checking into the office nor requesting a meeting;
  - k. Claiming that the District staff is involved in conspiracies to keep information from the public by manipulating the broadcasting of the Board meetings; and
  - l. Demanding that the cabinet spend inordinate amounts of time with him in meetings whereby the staff is unable to complete

work of the District and thereby costing the District substantial sums in lost work time; and

WHEREAS, Board Bylaw 9005 provides that Board members are expected to hold themselves to the highest standard of ethics and conduct, and Bill Eisen's personal bankruptcy litigation, which has continued since 1986, has called into question his ethics and caused members of the public to distrust Mr. Eisen due to the Court's reprimand of Mr. Eisen for numerous questionable legal maneuvers, specifically by an Order dated July 11, 2006, in which the judge stated relative to Mr. Eisen that, "[t]he magnitude of the fraud perpetrated upon this Court and other courts, the Trustee, creditors and their counsel, is breathtaking. In twelve years on the bench, this judicial officer has never seen or witnessed a circumstance such as this where multiple pleadings were filed improperly. At this point, the integrity of the Court process is at stake, and has been severely jeopardized and undermined." On January 17, 2008, the judge ordered that Mr. Eisen must vacate his Manhattan Beach property by February 14, 2008.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees hereby censures Board member Bill Eisen for conduct inimical to the interests of the Manhattan Beach Unified School District, its community, staff and students; and

BE IT FURTHER RESOLVED THAT, as a result of the conduct leading to the censure, the Board of Trustees calls upon Board member Eisen to immediately resign from his position as a member of the Board of Trustees; and

BE IT FURTHER RESOLVED THAT, in the interim, Board member Eisen is removed from all Board committees, appointments, school assignments, and external assignments, effective immediately; and

BE IT FURTHER RESOLVED THAT, in the interim, prior to visiting any school campus, Board member Eisen must first check in with the principal of that campus and receive permission to be on campus; and

BE IT FURTHER RESOLVED THAT, in the interim, due to the inordinate amount of time lost by District staff due to Mr. Eisen's unannounced visits to the District office, Mr. Eisen must call and schedule any appointments, which appointments will be limited to a maximum of 30 minutes.

Ms. VanderPoorte moved to adopt of Resolution 2008-2, seconded by Mr. Fournell. Board members voted 4-1 to adopt Resolution 2008-2, with Mr. Eisen casting the nay vote.

**Superintendent's Report**

Dr. Rohrer said she would like to discuss the addition of two Board meetings during Board Business.

Mrs. Howorth called the Consent Calendar and asked if any member of the audience wished to pull an item and there were none. Mrs. Hersman asked to pull Items D.3., and D.5. Ms. VanderPoorte asked to pull Item D.6. Mr. Fournell asked to pull Item D.2. Mrs. Hersman moved to approve the remainder of the Consent Calendar, seconded by Ms. VanderPoorte. Board members voted unanimously to:

**D. CONSENT CALENDAR**

**General**

1. Approve Consultant Agreement between the Manhattan Beach Unified School District and Marcee Mioni to be paid from the One-Time PE/Arts Grant, acct. #01.0-67610.0-00000-21100-5850-0000112, not-to-exceed a total of \$5,000.00, for Physical Education support for the District.
4. Accept first reading of the Manhattan Beach Unified School District Board Policy and Administrative Regulation 5116.1, Open Enrollment.

**Business**

7. Approve Request for Proposal for an external auditor to perform the District's annual external audit for 2007-2008, and two additional fiscal years.

Mrs. Hersman moved approval of Item D.2., seconded by Ms. VanderPoorte. Mr. Fournell asked about fitness standards, which Mrs. Seaton clarified. Mrs. Hersman acknowledged Ms. Levitt for her work in getting a grant for PE. Ms. Levitt discussed working with small learning communities. Mrs. Howorth called for the question, and Board members voted unanimously to:

2. Accept first reading of the Manhattan Beach Unified School District Board Policy and Administrative Regulation 6142.7, Physical Education.

Mrs. Hersman moved approval of Item D.3., seconded by Mr. Fournell. Mrs. Hersman asked for clarification regarding an item in the Consolidated Application, which Mrs. Seaton provided. Mrs. Howorth called for the question, and Board members voted unanimously to:

3. Approve Consolidated Application, Part Two for 2007-2008.

Ms. VanderPoorte moved approval of Item D.5., seconded by Ms. Hersman. Mrs. Hersman asked for clarification on who compiled this information, which Dr. Rohrer provided. Mrs. Howorth called for the question, and Board members voted unanimously to:

5. Approve 2008-2009 Budget Assumptions, Budget Guidelines, and Budget Development Timeline.

Mrs. Hersman moved approval of Item D.6., seconded by Ms. VanderPoorte. Ms. VanderPoorte stated that she had met with the auditors and they had full cooperation with staff. Going through the findings, Ms. VanderPoorte noted a correction to page 78. She said there were problems with the ASB account at the middle school, which is being corrected. Mr. Eisen requested the approval of this item be postponed as he had questions of Dr. Romines who was absent. Mrs. Howorth did not feel it was necessary to hold off approval of this item, but she felt his questions should be answered. Mrs. Howorth called for the question, and Board members voted 4-1 to adopt the 2006-2007 Audit Report, with Mr. Eisen casting the nay vote.

6. Adopt 2006-2007 Audit Report, prepared by Moss, Levy & Hartzheim, LLP, Certified Public Accountants.

**Public and Staff  
Submitted Items**

None.

**Public Comment**

None.

**Upcoming Board  
Meetings**

The Board scheduled the following meetings: February 5, 2008, closed session at 6:30 p.m., and February 27, 2008, regular board meeting.

**Recommendations  
for Future  
Discussion/Action  
by the Board**

An ethics workshop was added to the list of items for future discussion.

**Adjournment**

Mrs. Hersman moved to adjourn at 7:55 p.m., seconded by Ms. VanderPoorte and unanimously approved by the Board.

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IDA VANDERPOORTE, CLERK  
Board of Trustees

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BEVERLY J. ROHRER, Ed.D.  
Superintendent of Schools