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# DIXIE SCHOOL DISTRICT

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October 16, 2018

Sent Via Email: [elizabethb@brekhus.com](mailto:elizabethb@brekhus.com)

Elizabeth Brekhus, Esq.  
1000 Drakes Landing Road  
Greenbrae, California 94904-3027

Re: Response to Correspondence Dated October 15, 2018

The Dixie School District is in receipt of your correspondence dated October 15, 2018, which was directed to our legal counsel. In that correspondence, you raise several concerns regarding the Board's compliance with the Brown Act surrounding the proposed name change of the District. The District agrees that the Brown Act must be followed so as to ensure transparency and to facilitate public confidence in the decisions made by the Board. To this end, the Board takes seriously its obligations to follow the Brown Act, and the public deserves to know that we are proceeding consistent with the Brown Act.

I am releasing your correspondence, and this response, to the public in the interest of transparency. The Board will continue to process your concerns, and we will provide you with a more detailed response to address the concerns you raise.

Sincerely,

Brad Honsberger  
Board President  
Dixie School District

ELIZABETH BREKHUS  
elizabethb@brekhus.com

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October 15, 2018

SENT VIA EMAIL AND USPS

Noel Shumway, Esq.  
Manuel Martinez, Esq.  
LOZANO SMITH  
2001 North Main St. Suite 500  
Walnut Creek, CA 94596

RE: *Dixie School District*

Dear Mr. Shumway and Mr. Martinez,

This office represents Marnie Glickman who has consulted with me because of her concern that there are Brown Act violations occurring by other Members of the Board of Trustees of the Dixie School District. I am writing to you to discuss our mutual client's concerns and hopefully find a resolution. Attached hereto is a copy of an email Glickman received from Board secretary Kathyne Neville, which is the latest Brown Act violation.

As you know, the Brown Act prohibits the Dixie Board of Trustees from discussing the Dixie name change in a closed session meeting. According to my client, the name change has previously been discussed in a closed session that was agendized as a superintendent performance evaluation. While there can be an appropriate nexus between discussing a given subject matter and performance issues in a closed session, Ms. Glickman believes that the conversation left the area of the superintendent's performance on this matter and instead the Board of Trustees began discussing the name change with no nexus or relation to the superintendent's handling of the matter. Additionally, there was a creation of a subcommittee to further the Board's handling of this matter and then the subcommittee proposed a resolution which was considered at a subsequent open session meeting. Further at the subsequent open session, one Board Member referred to matters that were discussed in closed session, which of course would also be a violation of Board Member's obligations to keep closed session matters confidential.

The attached email demonstrates that there was an effort to set up another Board meeting on either Monday or Tuesday that would be a closed session to discuss the name change. I understand this meeting has been canceled. Before hearing that, I had instructed Ms. Glickman to attend any closed session that is properly agendized but to walk out if the discussion turns to matters that are improper such as the Dixie name change. As co-counsel representing Ms. Glickman, I am sure you share these concerns. I ask that you provide further instruction to Board Members about the Brown Act. It would be appropriate to stop the Board of Trustees from discussing the name change in closed session should they try to do so. And also ensure that the Board cannot talk to more than one person regarding this matter outside of meetings. That means

Noel Shumway and Manuel Martinez

October 15, 2018

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if Board Member A has consulted Board Member B about the Dixie name change, they are forever off limits from discussing the name change outside of the meeting with Board Member C.

I know, as an elected official myself, that people volunteer for these positions with the best of intentions. None of the Board Members, including Ms. Glickman, should incur personal liability for Brown Act violations. In addition, given the strong public sentiment regarding the Dixie name change, this matter could end up in litigation and such violations would undoubtedly be revealed. I litigate regularly with municipalities and sometimes these Brown Act issues come into play. When they do, I typically make a public records request and seek all documents and emails regarding the matter. The attached email is one that would cause great embarrassment to the Members of the Board.

If you wish to discuss the matter, please let me know.

Very truly yours,

A handwritten signature in black ink, appearing to read "Elizabeth Brekhus". The signature is fluid and cursive, with a long horizontal stroke at the end.

Elizabeth Brekhus

Enclosure

**Fwd: Invitation: Closed Session Board Meeting**

Begin forwarded message:

**From:** "Kathryn Neville (via Doodle)" <mailer@doodle.com>  
**Subject:** Invitation: Closed Session Board Meeting  
**Date:** October 12, 2018 at 11:51:45 AM PDT  
**To:** marnie.glickman@gmail.com  
**Reply-To:** "Kathryn Neville" <kneville@dixieschooldistrict.org>

Doodle


Hi,

Kathryn Neville (kneville@dixieschooldistrict.org) invites you to participate in the Doodle poll **Closed Session Board Meeting**.

The purpose of this meeting is to discuss communications regarding the name change. Please let me know your availability asap. Thank you!

[Participate now](#)

[Report this poll as spam](#)

 **What is Doodle?** Doodle is a web service that helps Kathryn Neville to find a suitable date for meeting with a group of people. [Learn more about how Doodle works](#)

You have received this email because Kathryn Neville has invited you to participate in the Doodle poll **Closed Session Board Meeting**.

Doodle is also available for iOS and Android



Doodle AG, Werdstrasse 21, 8071 Zurich

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