



Date: February 18, 2009  
 To: Board of Education  
 From: Dr. J. Brian Sarvis, Superintendent  
 Subject: Approval of Resolution No. 08/09-27 Regarding Audio Taping Closed Session Proceedings of the Board of Education

Consent Agenda

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Background

The board of education discussed the "Audio Taping Board Meeting Closed Sessions" at the February 10, 2009 board meeting. It was agreed that the board of education would continue to tape record closed session proceedings, and would deliver said recordings to and be retained by the law offices of Griffith & Thornburgh, LLP, general counsel to the Santa Barbara School Districts, where they shall be securely maintained and retained for a period of six (6) months from the date of each closed session, following which the tapes shall be destroyed by Griffith & Thornburgh, LLP.

Recommendation

It is recommended that the board of education adopt Resolution No. 08/09-27 Regarding Audio Taping Closed Session Proceedings of the Board of Education.

<b>Attachment(s)?</b>	X	<i>Yes (if so, please attach)</i>	<b>No</b>	<i>Powerpoint</i>	<i>Overhead</i>	<i>Consultant</i>
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**RESOLUTION NO. 08/09-27**

**Board of Education  
Santa Barbara School Districts**

**RESOLUTION REGARDING AUDIO TAPING CLOSED SESSION  
PROCEEDINGS OF THE BOARD OF EDUCATION**

**WHEREAS**, Government Code section 54957.2 authorizes a local legislative body to make and maintain recordings of its closed session proceedings;

**WHEREAS**, on May 23, 2006, the Board adopted Resolution 05/06-45 which set forth its directive and procedures for tape recording its closed sessions,

**WHEREAS**, the Board now desires to amend the procedure for tape recording, retention and destruction of its closed session recordings.

**NOW, THEREFORE, BE IT RESOLVED** by the Board as follows:

1. From the date of the adoption of this Resolution, the Board will audiotape all of its closed sessions until such time as the Board resolves to discontinue such recordings. The recordings shall be made by the Superintendent as clerk of the board, or in the Superintendent's absence, a person designated by the Board.

2. The recording of each closed session shall be delivered to and retained by the law offices of Griffith & Thornburgh, LLP, general counsel to the District, where it is to be maintained in a locked safe or cabinet. Only the original recording shall be maintained and copies shall not be made unless directed by the Board or Superintendent.

3. The recordings shall be retained by Griffith & Thornburgh, LLP, for a period of six (6) months from the date of the each closed session, following which the tapes shall be destroyed by Griffith & Thornburgh, LLP.

4. All existing tape recordings of prior closed sessions shall be delivered to Griffith & Thornburgh, LLP, who shall determine the six month destruction date of each recording. Any recording older than six months from the date of the closed session shall be promptly destroyed.

5. The recordings of closed sessions shall be made available only to the following persons, through the offices of the attorneys for the District:

(a) To a member or members of the Board of Education for review in the designated attorney's offices, provided such members hold office at the time they listen to the tape;

(b) To a judge of the Superior Court, for *in camera* review, when it is alleged that a violation of the Brown Act has occurred during a closed session, as specified in Government Code section 54857.2; or

(c) As otherwise authorized by the Board of Education.

**PASSED AND ADOPTED** at a meeting of the Santa Barbara School Districts Board of Education, Santa Barbara County, Santa Barbara, California, held on the 24th day of February, 2009, by the following vote:

Ayes: \_\_\_\_\_ Noes: \_\_\_\_\_ Abstain: \_\_\_\_\_ Absent: \_\_\_\_\_

By: \_\_\_\_\_  
Dr. J. Brian Sarvis, Secretary-Clerk to  
Board of Education  
Santa Barbara School Districts

Date: \_\_\_\_\_