

BUTTE SCHOOLS SELF-FUNDED PROGRAMS

BOARD OF DIRECTORS – Property and Liability, only

March 8, 2022

**Board Room, Butte County Office of Education
1859 Bird Street
Oroville, California**

MINUTES

This meeting was also conducted telephonically via Zoom.

Directors:

Member	Director – Management
Biggs Unified	Lorelle Mudd
Butte County Office of Education	Crystal Goff
Durham Unified	Aimee Beleu
Gridley Unified	Heather Naylor
Manzanita Elementary	Absent
Oroville City Elementary	Andrew James
Oroville Union High	Susan Watts
Palermo Union	Ruthie Anaya
Paradise Unified	David McCready
Thermalito Union	Cody Walker

Staff: Christy Patterson.....Executive Director
Nicole Strauch.....Senior Benefits/Administrative Assistant

Two members of the public were in attendance (Andrew Palmquist at Butte County Office of Education Board Room and Alison Doyle at Durham Unified).

A. CALL TO ORDER

President Ruthie Anaya called the meeting to order at 11:34 a.m.

B. INTRODUCTIONS

None were necessary

C. ROLL CALL AND DECLARATION OF A QUORUM

Executive Director Christy Patterson conducted a roll call and declared that a quorum of directors and votes was present with a total 9 of 10 directors and 37 of 38 weighted votes.

D. AGENDA

Motion: Approve agenda as corrected.		Directors	Votes
	Yes	9	37
Made by: Andrew James	No	0	0
Seconded by: Crystal Goff	Absent	1	1
Motion passed by roll call vote of the directors present.			

E. PUBLIC COMMENTS

Andrew Palmquist addressed the Board with a prepared statement which is attached hereto as Attachment A.

F. CONSENT AGENDA

Motion: Approve consent calendar.		Directors	Votes
	Yes	9	37
Made by: Susan Watts	No	0	0
Seconded by: Andrew James	Absent	1	1
Motion passed by voice vote of the directors present.			

G. EXECUTIVE DIRECTOR'S REPORT:

Mrs. Patterson reviewed developments at both BASIC and SPA.

H. DISCUSSION/ACTION ITEMS

1. Impact of Member Action Against Government Orders and Mandates: Mrs. Patterson discussed the importance of a discussion on expected member behavior and compliance with regard to risk management practices, including following government mandates, guidelines, etc. On behalf of districts, some directors expressed the need for the BSSP Board to provide district administration and boards special consideration, outside of normal expectations, in response to COVID-19. It was also discussed that within pool, one district's actions may have a negative impact on all pool members.

Mr. Palmquist requested information about the definition of laws vs. mandates vs. guidelines and which, specifically, was BSSP directing districts to follow.

Directors discussed the provisions included within the Bylaws for involuntary termination, including not following risk management recommendations, etc. Mrs. Patterson was directed to continue communication to districts regarding best risk management practices. The consensus was that occasions where best risk management practices were not being followed should be brought before the Executive Committee per the provisions of the Bylaws.

2. Memorandum of Liability Coverage effective July 1, 2022:

Mrs. Patterson reviewed the proposed changes and no additional changes were proposed by directors.

I. ITEMS FROM THE DIRECTORS:

There were none.

J. ADJOURNMENT

The meeting adjourned at 12:15 p.m.

Respectfully submitted,



Christy R. Patterson

Executive Director

BSSP
Minutes of the Board of Directors
March 8, 2022
Attachment A

All that's necessary for evil to triumph, is for good men to do nothing...

What's on the line? Is it licensure, insurance, or a threat by the department of health, of imprisonment of superintendents for not enforcing their mandates, which are already set to expire?

California, requires Equal access to Education, under the California Constitution, and under the California equal education opportunity act, education law section 66252.

Under the Brown act. Parents have a legal right to speak up at school board meetings, in an effective way, where the voice of the people is heard; which the school district then would have the latitude to respond to. You...as an insurance pool, should not be tying their hands and forcing each district to blindly apply a vague mandate, or worse, forcing compliance of an online Dept. of Health guideline. 30+ school districts across California have publicly refused to follow the suggested guidelines without giving rise to any legal battles from Sacramento, infact, Sacramento backed off, when they realized school districts were intent on applying constitutional rights to the youngest citizens in California – not just those who shop in super-centers or attend the Super Bowl.

This board, would seek today, to appoint itself as “king maker” within all Butte County without any direct knowledge of the specific circumstances facing each member district, and each individual child. Without-itself-even defining the meaning of mandate how can you enforce something you don't define? Should this pass, you as an insurance pool could mandate schools follow any state recommendation or guideline? You know, guidelines like, “an apple a day”, or enforcement of “the USDA food pyramid”, the “2,000 calories recommended for daily nutrition” or “30 minutes of exercise” - guidelines for good health, but, not in this case – in this case, you would enforce guidelines against the very members, the school districts in our community, what business does an insurance pool have to mandate the forced use of a particular guideline? Requiring every student consume an apple daily or somehow the school ceases to have its insurance. Children didn't get 30 minutes of P.E. So cancel coverage? Some of these presuppositions have yet to be made, but, why not start, instead, with enforcing the actual laws? Laws already on the books, signed into law after being passed be the legislature, or local city government, as our system of checks-and-balances requires. Why even consider blind enforcement of vague state guidelines? When no law has been passed?

What you're proposing, is to put a mandate or recommended guidance directly in conflict with the equal opportunity and equal access rights which are already on the books. This would spell disaster for our kids education and disaster as far a liability risk for schools in Butte County. You cannot deny someone's ADA rights or equal access to education because they have a preexisting condition and you as a board decided they must follow the state guideline. You cannot practice medicine without a license by effectively mandating a single treatment plan on all member schools, all children, and thereby invalidating parents voices across the county **for the sake of your own, king making ability.**

You can't do all those things, of course, - without first invalidating local city ordinance and county wide laws which differ in each school district. How would the Butte County Self Funded Insurance Program even know which mandate to prioritize over another, or which law passed in a city can be enforceable while honoring the whim of an, un-elected, unaccountable, faceless, health department website? **This is an enforcement nightmare.**

These decisions should be made on a school by school basis, without insurance pools clawing that power away from the district, if guidance posted on the internet, without even an executive order being signed is equal to law, then why pass laws at all? If your only goal is to save face with Sacramento then it's you, not following law. Children have a right to not have their ADA or equal access rights