El Segundo City Council

December 5, 2017
Board of Trustees

Don Brann, Board Vice-President

Dr. Don Brann is a founder of Da Vinci Schools and serves as Vice President of Da Vinci Schools’ Board of Trustees. He served the Wiseburn School District as Superintendent for 15 years and is credited with bringing the District into the 21st century. Don retired from Wiseburn in June 2008, leaving a legacy of safe, academically successful schools, three new school buildings, a growing enrollment, supportive community, and substantial funding reserve. He was recently elected to serve on the El Segundo City Council for a second time, following two stints as state trustee of the Inglewood Unified School District and interim superintendent of San Gabriel Unified School District. He is co-founder of the Small School Districts Association. Don brings business acumen, an entrepreneurial spirit, and proven management skills to Da Vinci Schools.

http://www.davincischools.org/people/board-of-trustees/
FAQ

When will the new campus open?

According to the construction timeline, the main building will be available for use by students in August 2017. Phase 2 (the gymnasium and pool) is expected to be completed by Spring 2018.

By design, the governance and coordination of the Wiseburn Unified School District and Da Vinci Schools have been closely intertwined from the very beginning, starting with the initial planning in 2008. Da Vinci Schools was developed internally out of the Wiseburn School District as a way of serving the high school needs of its residents in the Wiseburn community. The seven-member Da Vinci Board has purposely included members who are closely intertwined with Wiseburn. The current Da Vinci Board President, Chet Pipkin is a graduate of Dana Middle School and attended K-8 in Wiseburn. The Da Vinci Board Vice-president is Dr. Don Brann who attended Wiseburn schools as a K-8 student and came back to serve as Superintendent of Wiseburn School District from 1993-2008. Other Board members include Wiseburn resident and Da Vinci parent, Jennifer Morgan, past-Wiseburn Board member Brian Meath and Cheryl Cook, whose son attended Dana Middle School before attending and graduating from Da Vinci. The Da Vinci Board is rounded out by Northrop Grumman Vice-President Art Lofton and Wiseburn resident Israel Mora who serves on both the Da Vinci and the Wiseburn boards. The Da Vinci Schools are an independent Charter Management Organization that is set up as a non-profit 501 c (3) organization. Under the Memorandum of Understanding for governance, the Da Vinci Board of Trustees selects new members who are subsequently confirmed or denied by the Wiseburn Unified Board of Trustees.

http://www.wiseburn.k12.ca.us/cms/page_view?id=x&piid=&vpid=1445756669608
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This unprecedented partnership between a school district and a charter has enabled this project to move forward to completion. This project has succeeded through a creative alliance of local Wiseburn bond funds ($87M); a charter facilities grant match ($52.7M); generous corporate and foundation giving; and strong local support from the Wiseburn community and the City of El Segundo. In a joint-use agreement with the City of El Segundo, the Department of Parks and Recreation will maintain the pool and run the aquatics programs, which will be available to El Segundo and Wiseburn residents.
• Don Brann currently serves on the El Segundo City Council. Don Brann is also currently serving as the Vice-President on the Board of the Da Vinci Schools.

• The Da Vinci School is a charter schools operated within the Wiseburn Unified School District. The Da Vinci Board of Trustees are confirmed or denied by the Wiseburn Unified Board of Trustees.

• The Da Vinci high school is located within the jurisdiction of the City of El Segundo. A new aquatics facility is currently being constructed with City funds on property owned by the Da Vinci School.

• The City Council and the Da Vinci School are currently negotiating a joint use agreement for use, operation and maintenance of the new aquatics facility.

"Neither is it pertinent to say that the conflict in duties may never arise; it is enough that it may, in the regular operation of the statutory plan. (3 McQuillin, Municipal Corporations (3d Ed. 1973), 12.67, p. 297)."
OFFICE OF THE ATTORNEY GENERAL
State of California

JOHN K. VAN DE KAMP
Attorney General

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OPINION
of

No. 90-892

October 31, 1990

JOHN K. VAN DE KAMP
Attorney General

ANTHONY S. DA VIGO
Deputy Attorney General

We have also specifically concluded that the offices of school board trustee and city council member are incompatible where the city and the district have territory in common. (65 Ops.Cal.Atty.Gen., supra, at pp. 607-608.) A number of potential conflicts were identified in our prior opinion, including:

1. Under the Education Code, contracts between the district and the city are authorized for the following purposes: community recreation (Ed. Code, § 10905); health supervision (Ed. Code, § 49402); library services (Ed. Code, §§ 18134-18136); the sale, lease, or dedication of real property (Ed. Code, §§ 39363.5, 39394, 39470); and the installation of water, sewerage, or other public utilities (former Ed. Code, § 39011; see 73 Ops.Cal.Atty.Gen. 183, 187 (1990)).

2. In eminent domain proceedings, either public body may condemn property of the other where a superior use can be shown. (Code Civ. Proc., § 1240.610.)

3. School districts may dedicate real property to cities for certain public purposes. (Ed. Code, § 39540.)

4. In the establishment of a city master plan, the city may chart the location of future schools. (Gov. Code, § 65302, subd. (a); see 56 Ops.Cal.Atty.Gen. 488 (1973) [offices of county planning commissioner and school trustee are incompatible due to, inter alia, necessity of county to plan for school sites].)

5. City officials are charged with the enforcement of health and safety regulations within the schools. (Health & Saf. Code, §§ 3703, 3802.)
"Only one significant clash of duties and loyalties is required to make offices incompatible. (37 Ops.Cal.Atty.Gen. 21, 22 (1961).) Furthermore, the existence of devices to avoid conflicts neither changes the nature of the potential conflicts nor provides assurance that they would be employed. (38 Ops.Cal.Atty.Gen. 121, 125 (1961).) Accordingly, the ability to abstain when a conflict arises will not excuse the incompatibility or obviate the effects of the doctrine. A public officer who enters upon the duties of a second office automatically vacates the first office if the two are incompatible. (People ex rel. Chapman v. Rapsey, supra, 16 Cal.2d 636, 644.)"

Recusal is not an option. Don Brann cannot simply abstain. These actions “will not excuse the incompatibility or obviate the effects of the doctrine.”
At the November 21, 2017 City Council Meeting, Don Brann accused Raytheon of breaking its promise to become a better corporate citizen to the City of El Segundo. He provided two examples in support:

1. Raytheon failed to attend a salute to the military event he attended; and
2. Raytheon has not done anything for Da Vinci School.

elsegundo.granicus.com/MediaPlayer.php?view_id=2&clip_id=3882
At 208:54, Don Brann stated:

“I called up the developer at Da Vinci school and asked what Raytheon is doing for Da Vinci in the last five years. Zero. STEM Education now moved in about a block and a half of the main campus of Raytheon. So Raytheon has struggled here.”
I request that the City Council vote to direct the City Attorney to request a formal written opinion from the Fair Political Practices Commission in Sacramento regarding whether Don Brann has any conflicts or issues serving on the El Segundo City Council while simultaneously serving as the Vice-President of the Da Vinci School located within the jurisdiction of City of El Segundo.