

# METROPOLITAN EDUCATION DISTRICT

Governing Board Meeting Minutes  
January 20, 2010

## I. CALL TO ORDER/ROLL CALL

The regular meeting of the Governing Board of the Metropolitan Education District was called to order by President Garcia at 7:10 p.m., in the CCOC Auditorium at 760 Hillsdale Avenue, San Jose, California.

All Members present, except when noted "absent:

Frank Biehl	East Side Union High School District
Jim Canova	Santa Clara Unified School District
Cynthia Chang	Los Gatos-Saratoga Union High School District
Richard Garcia	San Jose Unified School District
Diane Gordon	Campbell Union High School District
Marsha Grilli	Milpitas Unified School District

## II. REPORT OF CLOSED SESSION ACTIONS

President Garcia reported there was no action taken in closed session.

## III. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by President Garcia.

## IV. ADOPT AGENDA

**MOTION:** It was moved to adopt the agenda as amended. M/Chang, S/Grilli, Vote: 6 Ayes

## V. ORGANIZATIONAL MEETING

Board President Garcia turned the meeting over to Superintendent Hay for the election of officers. Superintendent Hay said he would turn the meeting over to the Board President to continue after the election of the board president.

### 1A. Election of Officers: President, Vice President, and Clerk

Superintendent Hay asked for nominations for the office of President. Board Member Chang nominated Frank Biehl. As there were no other nominations, Superintendent Hay asked for a motion to close the nomination for Board President.

**MOTION:** It was moved to close the nominations for Board President. M/Garcia, S/Grilli, Vote: 6 Ayes

**MOTION:** It was moved to elect Frank Biehl as Board President. M/Chang, S/Grilli, Vote: 6 Ayes

Board President Biehl said he was very honored and humbled and would do his very best to ensure that all of the proceedings are conducted in a professional and fair manner so everyone gets the opportunity to provide their input. President Biehl opened the nominations for Vice President.

**MOTION:** Member Grilli nominated Jim Canova for Vice President and Member Garcia seconded the nomination.

**MOTION:** It was moved to close the nominations for Board Vice President. M/Chang, S/Garcia Vote: 6 Ayes

President Biehl said the nominations were closed for Vice President and called for the vote. **Vote:** 6 Ayes The President said the vote passed unanimously and asked if Vice President Canova had any comments.

Canova: He thanked everyone very much and said it was an honor.

President Biehl opened nominations for Board Clerk. He nominated Cynthia Chang and Member Grilli seconded the nomination. President Biehl asked if there were any further nominations and hearing none asked for a motion to close the nominations.

**MOTION:** It was moved to close the nominations for Board Clerk. M/Grilli, S/Garcia Vote: 6 Ayes

President Biehl called for the vote on Cynthia Chang for Board Clerk. **Vote:** 6 Ayes The President said the vote passed unanimously and asked if Clerk Chang had any comments.

Chang: She said it is a great privilege and honor and she would try her best to keep the meetings in order.

**1B.** Choose a representative for the County School Boards Association.

President Biehl noted that the next item was choosing a representative for the County School Boards Association and said that Member Grilli has done this in the past and asked if she would like to continue. Member Grilli said yes.

**MOTION:** Member Gordon moved to officially nominate Member Grilli as the representative and it was seconded by Member Garcia. M/Gordon, S/Garcia, Vote: 6 Ayes

President Biehl requested a motion to close the nominations.

**MOTION:** It was moved to close the nominations representative to the County School Boards Association. M/Chang, S/Garcia Vote: 6 Ayes

**MOTION:** It was moved to appoint Member Grilli as the representative to the County School Boards Association. M/Gordon, S/Canova, Vote: 6 Ayes

**1C.** Approval of the Calendar of Regular Board Meetings for February 2010-January 2011.

**MOTION:** It was moved to approve the calendar of Regular Board Meetings for February 2010-January 2011. M/Garcia, S/Gordon, Vote: 6 Ayes

## **VI. RECOGNITIONS**

1. Acknowledgement of Visitors - Campbell Union High School District Superintendent Rhonda Farber
2. Acknowledgement of Honors and Awards - None

## **VII. STUDENT REPORTS**

- A. CCOC Student: None
- B. MAEP Student: None

## **VIII. SPECIAL ORDER OF BUSINESS**

None

## IX. PUBLIC COMMENTS

Kathy Jasper: She said she was AFT President, and spoke regarding the concern for unemployment insurance. It was her understanding that employees that had taught summer school in the past are entitled to apply for unemployment insurance and six temporary employees did apply. She stated she understood a district representative is appealing the decision to the unemployment board. She asked if it was a good use of district resources to spend money to keep a few teachers from getting unemployment insurance she believes they deserve.

Jan Joseph: He said he wanted to speak on the Campbell Adult Education item and he was advised to speak under this section. He asked if this was the appropriate time to speak at this time or under the item. He said he also wanted to speak on Consent Item # 9.

President Biehl: He asked the superintendent if there was a specific item on tonight's agenda regarding Campbell Adult Education. The superintendent said there was an information item, number 18. The president continued and said it was his recommendation that everyone speak on the specific item at the time it was discussed on the agenda.

## X. APPROVAL OF MINUTES

2. Approval of Minutes of Regular Board Meeting on December 9, 2009.

**MOTION**: It was moved to approve the Minutes of the Regular Board Meeting of December 9, 2009. M/Grilli, S/Chang, Vote: 6 Ayes

## XI. CONSENT CALENDAR

**MOTION**: It was moved to approve Consent Items \*3 through \*13 with the removal of Item 9 at the request of the Superintendent, Item 6 at the request of Member Gordon, and Items 5 and 7 at the request of President Biehl. M/Gordon, S/Chang, Vote: 6 Ayes

## **BUSINESS AND FINANCIAL FUNCTIONS**

### **\*3. Consent Item: Approve Monthly Warrant Approval List**

The Governing Board approved the following warrant registers: #62004661-#62004694, dated December 2, 2009; #62004695-#62004734, dated December 7, 2009; #62004735-#62004782, dated December 9, 2009; #62004783-#62004826, dated December 15, 2009; #62004827-#62004871, dated December 16, 2009; #62004872-#62004899, dated December 17, 2009.

### **\*4. Consent Item: Approve Contract with School Services of California, Inc. for Legislative Advocacy, CY 2010 (\$27,958 plus expenses)**

The Governing Board approved a contract for legislative advocacy with School Services of California from January 1, 2010 through December 31, 2010 for an annual fee of \$27,958 plus expenses.

### **5. Action Item: Approve Change Order #001, Hillsdale Campus Paving Contract (Galeridge Construction, Inc-\$8,579.61)**

Superintendent Hay: He shared that this was the item amended under approval of the agenda.

Thomas De Rosa: He said he works for Maintenance and Operations as a CSEA employee and is the newly elected Job Steward for CSEA. He had concerns relative to Items 5, 6, and 7 on the agenda. His concern on the projects, specifically the back parking lot, carries a high fiscal cost and may not have necessarily needed to be done at this particular time in light of this year's coming layoffs and budgetary crisis. He knows the money had been spent and the parking lot had been done, however, he wanted to see employees working that have been instrumental in making this a better place to work.

Superintendent Hay: He clarified that Mr. De Rosa's comments were for Items 5, 6 and 7.

President Biehl: He asked the superintendent to clarify if these funds were related to the state matching funds, capital funds, and/or could be used for other operating expenses.

Superintendent Hay: He shared Item 5 was done with Deferred Maintenance funds. The project is to address three needs: 1) provide additional parking for staff in order to open up additional parking for students in front attending MC Village and CCOC, 2) provide an area to store grounds keeping equipment that was displaced due to the building 300 modernization/reconfiguration project (the displaced area is for expanded exterior classroom space for CCOC students), and 3) it allowed us to clean up an area that had substantially deteriorated. It is a deferred maintenance project.

President Biehl: He asked as a deferred maintenance project, could the funds be used for other operational expenses and or could they only be used for deferred maintenance.

Superintendent Hay: He explained that under flexibility it could be used for operations, however, the board chose to continue deferred maintenance funding as in the past due to the ongoing deferred maintenance needs on campus.

President Biehl: He said the speaker could have a point there that the funds could be used for operational purposes for the following year. Superintendent replied that it could be. The president continued and asked if the funds are being matched by the state. The superintendent said there are matching funds; however, under flexibility, they could be used for operations as well. It is a combination of 50% local and 50% from the state. He asked if there were further comments on item 5. The president said since the three items were related, he would take comments on item 6 and 7 prior to a motion.

Member Gordon: She said that her comments were related to all three items and related to change orders. She said that the way she pays bills, she does projects for cities, counties and schools. Change orders, in general, for things that are not known make sense such as the base rock on the parking lot. For item 5, it is a relatively small project and one would not expect the district to do core samples to see what the base would be. In reviewing some of the changes, for example on item 6, install metal edge and finish tape for drywall, etc. She said these were items that should have been identified by the architect as part of the original scope. She said these items were not hidden. She said change orders concern her for two reasons, one is the board approves moving forward with a project and it is the expectation that the approved bid will be the cost of the project and, second, if these were included in the original bid, someone else may have won the bid. She asked that these be tightened up where possible. The board previously approved these projects and she would be supporting the change orders but they need to be tightened up. The board needs to know what the cost of the projects will be as close as possible and even though there are some change order savings, it would be nice to have the projects come in less than anticipated.

Member Garcia: He said he was in agreement and also felt that some of the change orders should have been part of the original scope of the project. He asked if there was someone available to explain these change orders.

Superintendent Hay: He said the architects were not here this evening. He did say that on Item 6, the epoxy paint coating was not known ahead of time as it was under the carpeting. Regarding the other two items, in his conversations with the architects, these were not addressed in the plans and two of the items were oversights. The credit was based on getting into the work and realizing certain work didn't need to be done. He said that we could get more detail and explanation for future change orders.

Member Garcia: He said that he would prefer to have someone here to address the questions regarding the change orders.

President Biehl: He said it was his understanding that there would be an hourly fee if the architects were brought to the meetings to report on these. He was looking at the percentages regarding the change orders, on the first one it is about 7% of the contract, on the second is one tenth of a percent for a \$2.4 million contract and a change order for \$1,200 and a \$500,000 contract and a change order for \$5,000. In East Side UHSD, they have done a lot of construction and if there is a 10% or less in changes, they are satisfied. The board has a right to question and bring to everyone's attention these issues and the staff needs to be aware of that. For tonight, he felt comfortable with approving the items.

Member Garcia: He suggested that someone be here available to answer the questions as a procedural matter and it is not reflective of the amount of the change orders. He said that less than 10% is not a significant change order but not being able to ask about any particular change order is of concern to him.

President Biehl: He asked if there was someone on staff that would be able to answer these questions for the future.

Superintendent Hay: He said that it would be the superintendent or interim CBO/HR Director to address the change orders and bring more detail. If there were items that needed more detail, the architects could be brought in.

President Biehl: He asked if individual board members when they received their packet could contact the superintendent and get an explanation for it. The superintendent said always. He continued that could be a way to have the item explained and it still could be brought to the board meeting for further clarification.

Clerk Chang: She suggested that if one board member is asking a question, if the superintendent could send an e-mail answer to all the board members, it would be helpful.

Member Gordon: She said that would be her suggestion as well if a board member has the time to review it by Monday. She would suggest that when the change orders come in that Mr. Bartos provide an e-mail explanation that can be attached as part of the action item on the board agenda. The superintendent said that could be done.

President Biehl: He said that would be something to try and it would provide additional information for the public record.

**MOTION**: It was moved that the Governing Board approve Change Order #001 between MetroED and Galeridge Construction, Inc. in the amount of \$8,570.61. M/Chang, S/Gordon, Vote: 6 Ayes

**6. Action Item: Approve Change Order #001, CCOC Building 300 Building Arts Project (Coulter Construction, Inc-\$1,207.00)**

**MOTION**: It was moved that the Governing Board approve Change Order #001 between MetroED and Coulter Construction in the amount of \$1,207. M/Chang, S/Grilli, Vote: 6 Ayes

**7. Action Item: Approve Change Order #002, MC Village Relocatable Classroom Project (Guerra Construction, Inc \$5,166.00)**

**MOTION**: It was moved that the Governing Board approve Change Order #002 between MetroED and Guerra Construction in the amount of \$5,166. M/Chang, S/Gordon, Vote: 6 Ayes

**PERSONNEL FUNCTIONS**

**\*8. Consent Item: Certificated Personnel**

The Governing Board approved the hiring of two (2) new AFT teachers for the 2009-10 school year.

## 9. Action Item: Administrative Personnel

President Biehl: He stated Consent Item # 9 was pulled from consent at the request of the Superintendent.

Superintendent Hay: Hay commented that there have been a number of e-mails sent to Board members by CSEA members, and there were members of the audience that wished to speak to this item. He pointed out that when School Services came in and did the management review for MetroED, he (the Superintendent) was performing the function of both CBO and Superintendent in order to save money. This is not a good internal control practice. Both School Services and our auditors reviewed this and said they thought MetroED should have a separate CBO. He distributed copies for the board and the audience the rationale behind the recommendation. He said there were concerns expressed that this proposal will increase costs. It will not. It is a unique opportunity with an individual that has been with the district for many years, who is well versed as an HR Director and who agreed to take on the interim position, the duties of CBO to get a feel for the position and if we believed it could work. We have done this for several months and we both feel he can carry the load of CBO as well as HR Director. This will allow MetroED to save the costs of an HR Director. Rather than increase costs, thanks to Dan Gilbertson's willingness to take on the added responsibility, it will save the organization approximately \$153,000. He said there were three members of the public that wished to address this item.

President Biehl: He asked if Clerk Chang had a quick question before hearing from the public.

Clerk Chang: She asked if the Superintendent could explain on the summary sheet the 50/50 allocation and then the 65/35 allocation

Superintendent Hay: Yes, the Chief Business Officials time is allocated, this year, at 65/35%. As you know it has been vacant since the CBO left in July. The HR Director position has been a 50/50 allocation. It is an allocation of 50% of the salary charged to the general fund and 50% charged to the adult education program.

President Biehl: He asked about the 65/35 allocation and which percentage is charged to which fund.

Superintendent Hay: It is 65% to the general fund and 35% to the adult education fund. The savings will be the HR Director position.

Clerk Chang: She asked if he could clarify what R/S relates to on the summary sheet for the reclassification.

Superintendent Hay: He said it is for range and step. The difference to the new position for the current year is \$2,820 to the general fund and \$1,519 to adult education fund. He said what is not shown is the savings for the HR Director position. There is not a recommendation to eliminate the position because when Mr. Gilbertson retires, we will need to fill it or reorganize some other way; however, the savings would be incorporated into the budget in the second interim report.

Clerk Chang: She said that basically Mr. Gilbertson is doing both positions at this time and the superintendent replied yes.

President Biehl: He asked, for transparency, that it is just the rate of pay that is being increased by \$4,000 a year approximately. He said there were people from the audience that wished to speak on this item and asked if there were other questions from the board at this time. There will be opportunities for comments but asked if there were further questions. As there were no further questions at this time, he asked to hear from members of the public. He asked to have those

wishing to speak waiting as he has observed at meetings in the past that take longer waiting for the next speaker to make their way to the podium. He is doing that for the benefit of the board as well as the public to keep things moving along. The time allocated is two minutes.

Kim Fields: She said that she is a Payroll Specialist in Central Office and also the CSEA Chief Negotiator and the issues are that classified take the brunt of most layoffs as they did last year. They are going to have to deal with more layoffs this year and it is getting very hard to take when administrators are still getting raises. She said it was not about how hard we work. All of us at MetroED work hard and we are going to continue to work hard for the district. She said they have classified staff that are split between two jobs and they are not paid 100% of the higher position. They are paid 50% of each job, why not administrators? Hopefully the administrators will still have the HR Director's duties covered considering the magnitude of the work with the Campbell pull out and consequently what the layoffs will cause. Thank you.

Janet Ayers: She said that she works in the Accounting Department in Central Office and her concern was the increase for administrators but also the upcoming layoffs of CSEA members. Her concerns were regarding layoffs, job losses, and it was going to be harder on other people. CSEA is going to be taking the brunt of any job cuts. In her particular case, she has taken on other responsibilities from others that have been cut in her department and her job suffers. She asked the board to reconsider any future layoffs.

Rosalie Ruiz: She said that she was the newly elected CSEA President for Chapter 222. She was here to convey the sentiments of the CSEA membership and asked the board to deny any increase that hasn't been allocated until the budget crisis is resolved.

President Biehl: He asked if the other board members had questions regarding the item and certainly he will give the superintendent the opportunity to respond. It was noted that Jan Joseph had requested to speak on this issue as well and he asked him to come forward.

Jan Joseph: He said he was the Baking & Catering instructor as well as the President of CTA. Their concern on Item 9 was if board policy and administrative regulations on the selection and promotion of individuals into these positions was being followed. They understood that the board policies may allow the superintendent to promote and reassign people but at the same time Admin Regulation 4311, advocates using an interview team and he felt during these difficult times for education using the interviewing team approach or committee to make these decisions would be appropriate. These decisions affect all of us at MetroED and he felt they were being made in a closed environment and there needed to be open communication. WASC recommended that we have more transparency and communication. The second point was related to cutting the Campbell Adult Education and the HR issues involved without an HR Director. He understood that School Services recommended separation in their report several years ago, however, the economy and environment for schools has changed and it not a current recommendation. He urged the board consider the CTA concerns on this item.

President Biehl: With the board's indulgence, he wanted to ask Jan Joseph a question. He asked if CTA, due to the amount of HR work that would need to be done due to the Metropolitan Adult Education Program that the board consider another position, a separate position for HR and not combined with business services.

Jan Joseph: He said no he was not proposing that but it seems to be if you are affecting dedicated employees and families, we are going to need some HR guidance here more than just a part-time. He would highly recommend Mr. Gilbertson stay in the current position and cover the CBO position as he has been doing.

President Biehl: He asked the superintendent which position had a vacancy at this time.

Superintendent Hay: He said the CBO position is vacant. Mr. Gilbertson has been filling that position on an interim basis. As superintendent he cannot fill the CBO position.

President Bieh: He said he understood that. He said it would cost another \$100,000 if it is done that way and there were two other people from a different bargaining unit expressing their concerns regarding the layoffs. So he did not understand the request.

Jan Joseph: He said that he was also concerned about layoffs and he was suggesting that Mr. Gilbertson remain in the position he is in for now and cover the CBO position. He said as classified employees pointed out they are doing that.

Clerk Chang: She said Mr. Joseph was suggesting that we leave things as they are with Mr. Gilbertson serving as HR Director. She thinks the piece of paper here (School Services) does recommend the school district have a clear separation of duties. She asked the superintendent to share why this is being done now and not earlier or later for the segregation of duties.

Superintendent Hay: He said that he is not performing the function of CBO nor does he choose to do that. He believes it is bad policy for the organization from an internal control perspective. Mr. Gilbertson is HR Director and is continuing to be HR Director and under this plan will continue as HR Director but also take on the responsibilities of CBO. He thinks if he is going to take on the responsibility there are certain liabilities associated with the position in the Ed Code and in law. He does not think it is fair to ask someone to take on that level of responsibility which is far greater than HR and not compensating the employee to take on those additional responsibilities.

Clerk Chang: She said that MetroED did have a CBO and asked when the person left.

Superintendent Hay: He said the employee left in mid-July, 2009.

Clerk Chang: She stated there had been a vacancy for six months.

Superintendent Hay: He said no that Mr. Gilbertson had been filling the position as interim during that period of time. He evaluated whether he was going to be able to handle the responsibilities due to the current economic crisis and it will save the organization \$153,000 in total. He thinks that is significant and he doesn't believe there will be a decline in HR responsibilities.

Vice President Canova: He said that perhaps the board or the superintendent can provide him with guidance if he is misinterpreting the language in the document (School Services). It suggests that it is important to have a proper segregation of roles. Money aside, which is difficult to do these days, the best way to affect that would be to have a separate individual for the role of CBO to achieve this separation that is being outlined in the document. He realized by saying that, it would mean increasing costs here significantly but this document seems to be suggesting that that would be the way to accomplish that segregation is with an entirely different individual at an obviously higher cost. He asked if he was misinterpreting the document or is this what is best in an ideal world the best way to approach that.

Superintendent Hay: He said in the ideal world it would be a separate individual and Mr. Gilbertson would retain his position as HR Director and we would bring in a CBO. This particular finding in the School Services report was related to the fact that for a period of time, a year and six months, he served as superintendent and CBO and it became overwhelming and School Services and the district's auditors said it was not a good internal control.

Member Gordon: She said going back to when the superintendent was doing both positions, she remembers that Mr. Mann and herself, were initially concerned that you lose a line of checks and balances and it is a different story with Mr. Gilbertson doing the HR position and CBO, you don't have the superintendent necessarily tied in together. She also recognizes the difficulties of the School Services recommendations. They have had one person in her home district that has been recommending hiring three people at the district office level and it has not happened. She recognizes that people in education are underpaid and in this environment, people are doing more work than they were called upon to do before. Whether it is teachers having to teach larger classes

because they have lost class size reduction, whether it is combining sections, etc. She said there is a perception that some employees do more without compensation and the board did not want to create an environment where it creates problems for years down the road. She said that she didn't even know what to do with this item because obviously by not filling the position we are saving a \$153,000 but still there is that perception of what we are saying to the people in this organization if we are a team, we should be a team and she was not sure it is a team if people are being compensated differently than others.

President Biehl: He asked the superintendent how much of this discussion should be in closed session. It was his recommendation, the item be tabled until the next board meeting and have the appropriate parts of the discussion allowed in closed session. He felt the area dealing with who is selected for a position be held in closed session and asked if that was correct.

Superintendent Hay: He said that we would need to review it as the board was not evaluating a particular individual but a reclassification of a position.

President Biehl: He said we were talking about a position and not an individual.

Superintendent Hay: He said the discussions related to the CBO position which has a higher level of responsibility than the HR Director and other positions in the district. The board appointed the individual to the interim CBO position.

President Biehl: He asked what percentage of the time would be spent on HR duties versus CBO duties. He said that he believed people were asking what percentage of the pay should be based on the two different jobs and the amount of time spent on the separate responsibilities.

Superintendent Hay: He said it is difficult to do a breakdown of the percentage of time for each position due to the complexity of the responsibilities.

Clerk Chang: She said, as in private industry, there are certain documents at MetroED that require certification and asked whose responsibility is it at this time.

Superintendent Hay: He said that he signs as superintendent and if she is referring to the AB1200 disclosure document that is required, it would be signed by him and the CBO would sign it and that would be Mr. Gilbertson in his role as interim CBO.

Clerk Chang: She confirmed that Mr. Gilbertson was signing that now. So, he has been exposed to that liability in the past six months already but what you are saying is because during the six month period he has proven his ability to your satisfaction therefore, you are reclassifying him from the interim to the CBO position and as such you are increasing his salary by approximately \$4,000. The superintendent said that was correct.

Member Grilli: She said that increase would be due to the range and step which is comparable in Milpitas for step and column. The superintendent said yes. She said range and step are the same as in her home district and that is where the increase is coming from.

Superintendent Hay: He said that he believes that it is approximately a 10% increase which is a minimum increase given when an individual moves to a different position.

Member Grilli: She said she understands that range and step go on in the organization and it is currently happening at this time.

Superintendent Hay: He said that is right and it is based on the requirement that there be at least a 10% increase.

Member Grilli: She asked if there were other employees that were getting step increases.

Superintendent Hay: He said that he received a number of letters and e-mails suggesting that we freeze all increases and that would entail all of step, column and longevity increases for all the CSEA employees as well. Currently, these increases are continuing and he does not recommend a freeze and it was a practice and not board policy.

Vice President Canova: He said that it was probably unfair to compare MetroED and his district, Santa Clara, however, in Santa Clara, he said the CBO is worth every penny and he would be very uncomfortable with an individual taking on that position part-time. As he understood, MetroED would continue to have one individual doing both positions. He was suggesting spending \$153,000 to ensure there would be two individuals in two positions; however, he would like the opportunity to review in closed session.

Member Garcia: He said there was a comment about the process of having a committee discuss this position and he asked the superintendent to comment. He was not familiar with that process.

Superintendent Hay: He said that if we were going to fill the position from outside, again we have a very unique circumstance here that doesn't present itself very often, however, if we were to fill it from outside then he would appoint a committee to do preliminary interviews and the committee would narrow it down to two or three people and the final decision would be made by the superintendent.

Member Garcia: He said that would only be if you decided to look outside the agency. The superintendent said it could be either way. Garcia continued that he agreed there could be the perception that it is a unilateral decision for the appointment and may be an exception. He said he felt very uncomfortable discussing this in open session and his experience has been to discuss issues like this in closed session with the superintendent before a recommendation is made. He would support the idea of having the discussion in closed session and go from there.

Clerk Chang: She said that she would like to add that she understands the interview committee's role and function but with this particular case, the superintendent is like the president of an organization and this is the division under his responsibility. She said her personal opinion or observation, is that he tried his best to control the costs of the organization by not filling certain positions and personally she supports the superintendents decision, it is in his role and duty as superintendent in terms of not having an interview committee in this particular instance. She felt that the interview committee was not necessary.

Member Garcia: He wanted to say that he was not suggesting that we have a committee to do an interview; however, he was just suggesting that the board discuss this. His comments were not that this was not a good decision. He said that the fact that MetroED would be saving \$153,000 is a great decision but he thinks it would be better if the board spend time discussing how we proceed from this point on. Some good issues have been brought up and I think we need to discuss some of these and then decide where we go from here. If it is to go with this recommendation, he would feel that he would be in a much better place. He had one other question regarding a suggestion that there are going to be increases in the administration costs. The way he is looking at this, there is going to be a decrease in administrative costs if we do this and there was another suggestion that somehow by having Mr. Gilbertson be both the HR and CBO, it will impact CSEA and he did not understand how CSEA would be impacted.

President Biehl: He said that he would like to go back to the recommendation from School Services. It is recommended that the district fill the CBO position. It is important for proper segregation of the duties that the district designates an individual other than the superintendent as CBO for the purposes of certifying collect bargaining agreements in accordance with the government code. He asked if the HR Director is involved in negotiations of the collect bargaining agreements.

Superintendent Hay: He said the HR Director is the chief negotiator for the district.

President Biehl: He said that he thought they had missed the whole point of the recommendation from School Services which is to segregate that. There is a person that is negotiating and also

certifying it financially and he thought their criticism was that they did not want the superintendent to do that and now you basically have the HR Director doing that. He thought there may be a problem there that needs to be investigated. His recommendation is to table the item to the following meeting and get some more information and to discuss in closed session the appropriate areas and continue the other discussions in open session. He asked for a motion.

**MOTION:** It was moved that the Governing Board table the one appointment and one reclassification to the February 10, 2010 meeting to closed and open session as appropriate. M/Garcia, S/Canova, Vote: 6 Ayes

### **INSTRUCTIONAL AND STUDENT FUNCTIONS**

#### **\*10. Consent Item: Medical Apprenticeship Agreement**

The Governing Board approved the agreement with Body Dynamic Physical Therapy, Pilates and Wellness to provide on-the-job clinical training to MAEP medical students.

#### **\*11. Consent Item: Approval of Agreement with San Jose Job Corps for Instructional Aide Support, 2009-2010**

The Governing Board approved the agreement with San Jose Job Corps for Instructional Aide support, for the period of August 24, 2009 to June 1, 2010.

#### **\*12. Consent Item: Williams Uniform Complaint Procedures Report**

The Governing Board approved the quarterly report on the Williams Uniform Complaint Procedures.

#### **\*13. Consent Item: Approve Agreement with Sacred Heart Community Service**

The Governing Board approved the Agreement with Sacred Heart Community Services for the period of July 1, 2009 to June 30, 2010.

## **XVI. INFORMATION ITEMS**

#### **14. Information Item: Quarterly Investment Report as of 9/30/09**

The Governing Board reviewed the MetroED Board Investment Report.

#### **15. Information Item: Progress Report: 2009-2010 District Goals**

The Governing Board reviewed the 2009-2010 MetroED District Goals Progress Report.

Interim CBO/HR Director Gilbertson: He shared a short Power Point presentation on the progress of the district goals for 2009-10. This year, the district has been working on 145 goal items and 124 are in progress with 21 completed to date. He reviewed some key accomplishments for the year. Both CCOC and MAEP have been implementing the WASC action plans and CCOC has provided professional development opportunities for instruction, management and assessment. MetroED continues to upgrade and professionalize job descriptions and responsibilities. The district is recognizing that we are asking employees to do more and recently upgraded (reclassified) the Maintenance II position to a Maintenance Specialist. This was a 10% increase in salary for the position; however, it is saving thousands of dollars for work that would have been outsourced in order to accomplish tasks. The district has designed, constructed and opened the new MAEP MC Village facility and is utilizing Prop 1D funding to design the Building Arts Center in building 300 to centralize and coordinate the electrical, HVAC, carpentry and cabinetry classes. He shared that a new goal for this year was to work with Campbell UHSD to create a smooth adult education program transition for district students and staff and shared that MetroED has been providing all requested documents, data and information and conducting meetings to ensure the transition goes well.

Clerk Chang: She said that earlier, it was mentioned under accomplishment four upgrading the maintenance position and the 10% increase and asked for clarification.

Gilbertson: He said that when upgrading the positions, the responsibilities that they take on are reviewed and there is an upgrade to the salary. The position of Maintenance Specialist was reclassified and increased two ranges; each range on the classified schedule is 5%. This was just approved by the Governing Board in November.

Clerk Chang: She said the district is saving money by upgrading the positions.

Gilbertson: He said that the district worked with CSEA on the job descriptions and there has been good cooperation working on the process.

Member Garcia: He asked if there was an increase in pay and Gilbertson replied "yes."

President Biehl: He clarified that this is by practice and not policy.

Gilbertson: He shared that when the district reclassifies a position, it is based on external data as well as look comparable positions in the participating districts and internal equity on how the position compares to other jobs in terms of responsibility level. The increases are based on the competitive data and could be 5%, 10% or more.

#### **16. Information Item: Update on Governor's Budget Proposal for 2009-10 Mid-year Reductions & 2010-11 Budget Proposal**

The Governing Board received the information regarding the Governor's Budget Proposals for 2009-10 and 2010-11.

President Biehl: He said that the governor said that he was not going to cut education this year so that should be good news.

Superintendent Hay: He shared that the governor is a politician and he is cutting education \$2.5 million. The initial proposal that has been provided to the board under separate cover, the School Services analysis, gives more detail of the governor's proposed budget. At this point, the only significant impact to MetroED in this proposal is a negative .38% cut to the district's revenue for both adult education and ROCPs. There will be a revised budget that comes out in May and the budget will need to go to the state legislature for approval and he suspects that there will be changes.

#### **17. Information Item: Update on Race to the Top (RTTT) and Education Reform Legislation**

The Governing Board reviewed the information on Race to the Top (RTTT) and Education Reform Legislation.

Superintendent Hay: He shared that MetroED initially indicated our interest in participating in RTTT and it was not the MOU that was required. As we received further information, the district felt that it would not be appropriate to sign an MOU to participate at this point. There were a number of reforms that were included; however, it would be more appropriate to wait until the second round to see if our programs relate to the RTTT goals. There were changes in the original reform language put in by Senate Bill X51 (Steinberg) that are related to Career Technical Education (CTE). There are people in Sacramento that are working to upgrade CTE in the educational system here in California. One particular area under accountability advisory language says that they are to come up with methods to incorporate into the Academic Performance Index (API) or into other aspects of the state's accountability system, a measure of the degree to which pupils graduate from high school with the skills and knowledge to obtain entry-level jobs in business or industry. He said this was a significant change to the code and it means we will be required to assess our students to measure their abilities and progress and be able to report that the API.

**18. Information Item: Campbell Adult Education Program; Take-back by Campbell Union High School District**

President Biehl: He said that the superintendent would begin the discussions on this item and that Superintendent Rhonda Farber from Campbell UHSD and others wished to speak on this item.

Superintendent Hay: He shared that in the board item, he provided a sense of what had been a series of meetings that occurred in June between members of his administration and members of the Campbell UHSD administration as they reviewed the adult education program. At the board meeting on December 10, 2009, the Campbell UHSD board decided to take back the adult education program effective July 1, 2010. Their board item was included for the board. From the perspective of MetroED, there are a number of areas of concern. As a separate legal entity, there are employee contracts, retirement obligations, vendor contracts and other liabilities relating to MetroED's administration of the program after 42 years. Those liabilities and responsibilities cannot be transferred to Campbell UHSD so it is important to make sure the rights, responsibilities and obligations of the Joint Powers Agency are protected. He will be meeting with legal counsel on these issues. He reviewed past practice and what occurred when East Side UHSD took back the adult education program in 1987. He provided the board with information that had been researched to date and staff is still researching old files and interviewing some of the administrators that were around at that time to have a better picture of what the past practice was. He said that employee issues are very important to MetroED, the people that work for MetroED, the teachers, the classified staff, and administrators in the Campbell Unit of the adult education program. He expressed that protecting these employees to the extent possible was important and Dan Gilbertson, HR Director, has initiated discussions with Campbell UHSD Assistant Superintendent Ray Cutten to discuss staffing transition processes to be able to communicate to our employees, at some point, that they will have some assurance that they will be employed by Campbell UHSD. The financial impact is that approximately one-third of the adult education program here is composed of the Campbell Unit and two-thirds is the San Jose Unit. He said the contribution to overhead and direct costs are issues that administration is reviewing. He said that he has talked to the superintendent of San Jose USD and he has been very open with him and he feels in light of Campbell UHSD decision, San Jose USD should review the program here at MetroED and had asked an independent outside agency to do that review (probably School Services of California). He welcomes the review and knows that MetroED has an outstanding program. The programs were just reviewed and received a six-year WASC accreditation. He said that MetroED is doing what they can; however, this is a decision made by Campbell UHSD to start July 1, 2010 and MetroED will prepare to cease operating the Campbell adult education unit as of June 30, 2010.

President Biehl: He said that the superintendent may not be able to answer the question at this time; however, he was reading the audit and there was a paragraph that stated the district has paid Campbell UHSD \$770,000 as a partial payment to cover the costs of the new adult education administrative building and portable classroom at the Del Mar High School campus, \$575,000 was paid from Capital Outlay Funds and \$195,000 from the adult education fund. He asked if there were going to be issues regarding capital property and have these issues been investigated.

Superintendent Hay: He said that was one of the areas that the district is still reviewing. There are two facilities; one is the Blackford site and the other is the Del Mar site. He said the funds used to pay Campbell UHSD for both sites are adult education funds that flow through the district he feels from a fairness perspective, those facilities are probably CUHSD facilities. The Blackford site is shown as an asset on MetroED's books and it will require transferring the asset to CUHSD.

President Biehl: He said that was his question, were these funds coming through to MetroED; however, they were actually Campbell UHSD. He asked if Superintendent Farber would like to speak and then hear from other members of the public.

Superintendent Farber: She said she was the Superintendent of Campbell Union High School District and said that she did want to thank Dan Gilbertson, in particular, who has been working with

Deputy Superintendent Pat Gaffney and Ray Cutten. She said due to other meetings, her board asked her to come and speak on their behalf. She said the CUHSD thinks that the adult education program is very valuable. As the superintendent for eleven years at CUHSD, she has seen a lot of turnover in personnel and board members throughout the member districts and at MetroED. She said this was not the first time CUHSD had considered taking back adult education. She said when the MetroED News came out referring to the Campbell take back prior to any action by her board, they were caught off guard. She said they were offended when they saw a letter that went out saying as you may have heard, the Campbell district, which represents one-third of our program is considering taking their adult education money and running their own program or using it for other priorities in their district. She said board members were highly upset and offended because the board had never said the program doesn't have value nor they were going to dismantle the program. She said four of the participating districts have their own adult education programs so it was not a new concept. She said her board was very, very upset by those two pieces of information that went out to the public talking about them before they had taken any action. She said on behalf of the board that they received letters by students in the program saying they were worried by rumors they heard about closing of the Campbell site. She and Pat Gaffney visited with the teachers and the students the day after their board meeting and said the intent was not to close the program. She also said she had a petition asking not to close the program and how important it is. After receiving this information, her board felt very strongly that they can best represent their Campbell community. We do want to continue working together and appreciate what Dan Gilbertson is doing with CUHSD and hope to have a smooth transition. She said the board voted to assume the responsibility of the adult education program not because they needed the money for other programs. She said she wanted a smooth transition, the program is valuable and they plan to serve the community for many years to come.

President Biehl: He said that he had a few questions for Dr. Farber. He said it was really good news tonight because from what I have heard the program is going to continue at CUHSD at the same current funding level and that each employee we have here is going to have a job at the same level.

Superintendent Farber: She said she didn't say that.

President Biehl: He asked if she didn't make that commitment. He said she was concerned about a comment that was made about changes to the program and asked if there had been discussions at the CUHSD board level regarding changes to the program.

Superintendent Farber: She said the board had a discussion to assume the responsibility for the adult education program. CUHSD is in the process of meeting with Dan Gilbertson and their union has not met with AFT. She didn't know yet if everyone would have a job or what the programs will be. CUHSD is in the process of hiring a director of adult education and will need to review the program and the needs for the community. She said there is a commitment from her district to keep adult education and not to dismantle the program because of financial difficulties.

President Biehl: He said there is no direct commitment for a 100% across the board continuation.

Superintendent Farber: She said she did not know how many employees or the hours they work; however, this evening Kathy Jasper said there were 59 certificated employees.

President Biehl: He said that it would not be unreasonable to inform people in the community that your board is going to be making those decisions and as those decisions have not yet been made and that it is appropriate for them to petition CUHSD and send letters with their concerns to allow the district to appropriately respond to them.

Member Gordon: She asked to respond.

President Biehl: He said that he would like to hear the response from Superintendent Farber.

Superintendent Farber: She said that she could not respond on behalf of the board; however, Member Gordon may wish to respond.

President Biehl: He said he would ask Member Gordon in just a minute but he was curious because what she had said tonight. He said he fully respected the decision the CUHSD made and believes they are a customer and if she felt the need for any reason to provide the service themselves or go to another agency to provide the service, it was their right. He said the criticism tonight was that somehow the article or the information that was included when your board had not yet made a decision was somehow inappropriate. He said that she had said her board had discussed this on many occasions in the past and that this was not a decision that was generated just by one meeting and then went on to say that for some reason it was because of the letters and things they received that the board was very upset about that and it was implied that that was in fact the reason it pushed them over the edge to make that decision.

Superintendent Farber: She said when the recommendation was made to the board there were many people in the audience that spoke. She said she did not know how the board was going to vote on the recommendation but believed after hearing the speakers it had an influence on the board members.

President Biehl: He asked if she knew if the program would be cut or not at this point.

Superintendent Farber: She said the adult education program would exist and there will be modifications. She said she couldn't say this evening what classes would be offered in the high school program next year as well.

President Biehl: He said that was quite reasonable and said he wanted her to appreciate the fact that in the current economic circumstances there is uncertainty. MetroED is now in a position to let employees know if they are going to have positions for them as of July 1.

Superintendent Farber: She said they were going to be able to tell people.

President Biehl: He said he thought CUHSD could expect that they are going to start attending their meetings while you are having open public discussions.

Superintendent Farber: She said at the last meeting they had this on the agenda, there was no one in attendance. She said they have had discussions with East Side UHSD and Santa Clara USD regarding union issues that they are still exploring. She said she hopes to continue working to make it a smooth transition for the community that is served and the employees in the program.

President Biehl: He said he appreciated her comments and believed they were very honest and wanted to ensure that everybody understood the situation.

Superintendent Hay: He said regarding people who are employed by MetroED in the adult education unit in Campbell and reviewing what occurred with East Side, there was an agreement between the two organizations, a very specific agreement that identified people that when the layoff notices went out from the board, at the same time the employees that were being laid off by MetroED received an assurance that they would be hired by the East Side district. He said he hoped that in the conversations with Mr. Gaffney, Mr. Gilbertson, and Mr. Cutten, that we can come to the same kind of results. He said he hoped there would be a resolution that those people that are going to be kept will be able to understand who they are early on rather than have to wait between now and July and be concerned about having to apply for another job.

Member Garcia: He said regarding the concern CUHSD heard from the community, he was reviewing the information and apparently MetroED did not learn of the superintendent's recommendation until 72 hours before the December 10 CUHSD board meeting. He said if that is the kind of communication that is going to continue to exist, he thinks they can expect a lot more based on his own experience in the years working in education. Unless there is a lot of good

communication; people start talking, assuming, and start organizing. He hoped from this point on we continue to have good communication with the teachers, with the students, with the community, and with all the players involved.

President Biehl: He said that it was time to take public comments and he would take board comments after that.

Clerk Chang: She said that she was a little bit confused, Dr. Farber, earlier had made comments that because of people speaking up at the board meeting about their concerns and about potential changes for the adult education program it actually had an adverse reaction on the board member's decision. Actually, it influenced them negatively about the board's decision and asked if she heard that clearly.

Superintendent Farber: She said they have five board members and she believed the comments that the board heard that night had an effect on how each individual board member voted.

Clerk Chang: She said everyone understands budget crisis that we have to deal with and she hoped those that are in the decision-making capacity will try to put themselves in a position to think about the programs and work out a win-win for everyone.

Superintendent Faber: She said absolutely. She said at that same board meeting they approved a director of adult education and an additional HR position in their district. She said they would be interviewing next week for the director's position, hopefully will hire a director immediately. It is their plan to ask the director to participate in the hiring of the position in HR. She said it was not their intent to have people hanging out there. She said as a former assistant superintendent for HR, she knew how employees feel and they are very sensitive to that. If they can work out something as other districts did when they took back their adult education programs, she would entertain that.

Clerk Chang: She said that she wanted to wish her the best of luck in taking over the adult education program especially since it is so excellent from everything she has heard.

Luz Daugherty: She said she is a site registrar at the Campbell Unit and a CSEA member and she was one of the people that will be affected by Campbell pulling out. She is a single parent and wanted to be sure they knew she was a real person and that she was concerned about her situation.

Jan Joseph: CTA was concerned that the people making the decisions for this transition act in the most amicable way possible. He said he was concerned that the Campbell's board expressed that they don't trust MetroED after 42 years. What does that say? He said the board members have a difficult position working within their districts but then come here. He said he knows they are doing the very best and thanked the board. He said the transition needed to be done more amicably. What does it say for our employees, can they trust MetroED if our own board members are saying that? Their second concern was when Campbell adult education leaves in June and revenues are cut back within MetroED, that CCOC will bear the burden of central office expenses and that we would look to see where we can cut in the central office and the superintendent's office rather than cutting CCOC's classrooms and the students suffering on this end.

Member Gordon: She said she had been asked to address this item on behalf of the CUHSD board also. The first thing she would like to say is that Campbell has a history of knowing the value of employees and it is their hope to resolve the employee issue as soon as possible. They do have some issues with their teacher's contract that says they get to say who gets to do what and there are some hoops they may have to jump through that maybe didn't occur in previous takeovers. They have no illusions that without the hard working every day employees they will not be able to be successful when they take this program over. They are going to do the best that they can. That being said, it had been her hope at their board meeting to thank MAEP for what they had done for their community for 42 years. As the meeting went on, it became apparent two things were going on. First, representatives of this district during their presentation on a number of occasions mentioned the fact that Dr. Farber had refused to allow presentations. She said we all know that it is

the board that decides what goes on an agenda and their board didn't feel that there was anything new to be presented. She said every person that turned in a card got to have their entire say, no one was cut off, and representatives from this organization were also given an opportunity to say everything they had to say. Secondly, Sylvia Karp, who presented on behalf of the board, said the only thing that had changed in 42 years was the fact that the money was no longer categorical implying that they were going to cut the program. She said Carolyn Richardson attended every single one of our board meetings since they said they were going to take over the program and what they were thinking of doing with the program; i.e. work on dropout rates, run a driver education program. She said it was pretty obvious that there was no intention on the part of their board to eliminate this program. However, the message that went out to the community, which disheartened her the most, the most vulnerable people in their community who rely on them and believe in them, they were basically lied to and told CUHSD was going to cut this program. Every single one of the letters received had been told we were going to cut that program and she believed that is what Dr. Farber was talking about when their board realized that this is how members of our community are being treated, that we need to take this program back. The one other thing she wanted to address is the comment in the board item that she indicated that the reason for taking the program back was because of the equalization issue. She did say that, but it was somewhat out of context or she did not make her point. She started her remarks by saying she would like to provide a history of for taking the program back. She said she did say there was a lack of trust and an organization that doesn't understand their community or its values was evidenced by what they did to members of their community, scaring the living day lights out of them and really upsetting them. She said it was horrific to look at and shameful. She said after 42 years of providing a service for an organization, the organization should understand their values how they would never cut the adult education program. She said they are a team, a community, and they work together. She said her board really wanted her to stress that they were very disheartened by how the members of their community was treated and they also, in light of some of the mailers that went out, wanted her to request that no mailers go out to the Campbell community in the future unless they have either been approved by herself or Dr. Farber. She said it was her hope that we can move forward, we did not fire the opening salvo on this but we need to move forward. They have a limited staff and a short period of time for the transition. She said we need to find a way to work together and move forward. She said she was excited by the opportunities it presents for them as far as combining programs and services for their students, possibly extra services without necessarily incurring any additional costs. She understands is there is a candidate pool for the director and they want to move quickly to hire and find out what will be needed for the program. She said it was heart breaking that one of the consequences of the transition is the employees but she said she hoped it would make it a stronger community for them.

President Bieh: He asked if there were other board comments on this item. He said it had been a spirited discussion and everyone had the opportunity to say what they needed to say tonight and he intends to do that in his leadership role to ensure everything is laid out on the table. He doesn't like things to be done in the back and if there are issues with each other, it needs to be aired publicly at the microphone. He thanked the superintendent from Campbell for coming to the meeting and making her statements and thanked the representative from Campbell (Gordon) for making her statement as well. He relayed that he hoped that everyone will work together and do the best for the students in Campbell. He said that they knew Campbell would do the best for the students and he hoped they will look at the employees that MetroED has used in the past to administer the program. He said they were fine employees and hoped they would be Campbell's first choice as they decide exactly how they will put their program together.

## **XVII. ACTION ITEMS AND REPORTS**

### **BOARD AND ADMINISTRATIVE FUNCTIONS**

#### **19. Action Item: San Jose 2010 Compact to Eliminate the Achievement Gap; Approve Resolution #04-01-20-10 Supporting the Compact**

**MOTION:** It was moved to approve resolution #04-01-20-10 supporting the SJ2010 Initiative to Eliminate the Achievement Gap. M/Chang, S/Garcia, Roll Call Vote: 6 Ayes

## **BUSINESS AND FINANCIAL FUNCTIONS**

### **20. Action Item: Fiscal Year 2008-09 Audit Report**

Superintendent Hay: He introduced Keiko Mizuno, Fiscal Services Director to introduce the item.

Mizuno: She introduced, Joyce Peters, partner with Vavrinek, Trine, Day & Co. (VTD). VTD has been doing the auditing for MetroED and she was here to answer any questions and present the report.

Joyce Peters: She said the audit was done in accordance with government and auditing standards. The financial statements are the responsibility of the administration of MetroED and VTD provides an opinion on the financial statements. It was a qualified report and there were no audit findings. They did propose one audit adjustment of \$529,000 to remove the revenues from 2008-09 to 2009-10 which is the result of deferred maintenance. The new accounting principles for GASBY 45 were implemented to record the liability for benefits.

Member Gordon: She said that she made a few statements at the last meeting; however, she wanted to say that it is always a pleasure to work with Joyce Peters and the audit is well done and all questions of the audit committee were clearly answered. She said that Clerk Chang and she were asked about continuing the services with VTD and both were in agreement for 2009-10.

Clerk Chang: She also thanked Joyce Peters for the audit and congratulated her for being made a partner. She said that she felt very confident with the report presented.

Member Garcia: He thanked the two board members who serve on the audit committee and said it was a very complete report.

Superintendent Hay: He thanked the Fiscal Services Department for the work they did during 2008-09 and the work they are doing this year as well.

Clerk Chang: She also thanked the Fiscal Services Department as they are the ones who lay the ground work for the auditors.

Peters: She said the Fiscal Services Department was very helpful in providing the information while still doing their daily work.

**Motion:** It was moved to accept the audit report for fiscal year 2008-09. M/Gordon, S/Chang, Vote: 6 Ayes

### **21. Action Item: MetroED General Obligation Bond**

Superintendent Hay: He shared the item has been brought back at the request of Member Gordon this year regarding a bond. In preparation, he had been working with bond counsel and those who had provided information more than a year ago. Stradling had given the opinion in 2008 that MetroED had the authority to do a G.O. bond and then came back with a different conclusion in December 2009. There are options that have been proposed to create a SFID and then hold separate elections in the six districts and he was not recommending this. In discussions with the superintendents in the JPA Executive Council meeting there was not support for proceeding with SFIDs as well. He said they did have a meeting with the participating districts CBOs last Friday and with the superintendents today and they requested a second opinion. Deputy Superintendent Pat Gaffney of Campbell UHSD had recommended Lozano Smith and at the meeting today felt it would be more appropriate to have bond counsel provide the second opinion. After he had conversations with Harold Frieman with Lozano Smith and Jones Hall (bond counsel), they provided different perspectives and he asked both to provide an opinion. Lozano Smith has provided a preliminary

response and they did concur with the conclusion that MetroED does not have legal authority to do G.O. bonds. He did say there is a possibility of getting legislation passed to include MetroED in doing G.O. Bonds as was done with deferred maintenance. He was asking the board for direction to pursue moving forward with legislation or take no action. He said there would be no additional costs for legislative changes as this work is covered in the contract with the lobbyist.

Clerk Chang: She said asking for legislation to allow MetroED to do a bond would give more flexibility for the future and she was in agreement. She did not want to pursue a bond at this time. She did say that the Los Gatos/Saratoga JUHSD board decided not to go out for a bond after doing a field poll in the community indicating there was not sufficient support. She said that she did support the legislative amendment to provide flexibility for the future.

Member Gordon: She wanted to thank Superintendent Hay for his work on this issue and it had been an area that Campbell UHSD had been advocating even before she was elected to the board. She encouraged the board to move forward and set the foundation for what will need to be done if in the future the six participating districts agree to move forward with a bond. She shared that the window for passage of bonds changes quickly and she was in agreement with Clerk Chang that this may not be a good time to move forward with a bond. She encouraged the board to move forward with doing the research and setting the foundation now for legislative changes.

Member Garcia: He said if that was a motion he would second it. He said that basically it was important to continue the dialogue and see if there is action to take in the future. He agreed that it was premature to discuss moving forward with a bond at this time and he felt that looking at all the options was important.

President Bieh!: He said that he didn't believe that a motion was needed at this time and providing direction to the superintendent to move forward with continuing to investigate how to move forward with the authority for a G.O. bond and to report back to the board at the next meeting was sufficient. He said the board was trying to find another mechanism for financing capital projects and investigating the options.

Member Grilli: She asked about the monthly costs that were indicated in the information provided in the packet and wanted to ensure there would not be costs incurred at this time.

Superintendent Hay: He said that was correct.

President Bieh!: He said that administration was not hiring consultants but was continuing to investigate the options and these would be brought back to the next meeting for possible action and discussions.

## **22. Action Item: Monthly Budget Update**

**MOTION**: It was moved that the Governing Board approve the budget changes included in the Monthly Budget Update for the period ended 12/31/09. M/Gordon, S/Chang, Vote: 6 Ayes

## **23. Action Item: Appointment of Independent Audit Firm for Fiscal Year 09-10 and Authorization to Bid for Audit Services for Fiscal Year 10-11, 11-12, and 12-13**

Superintendent Hay: He said the recommendation was to appoint VTD for 2009-10 and provide direction to solicit proposals for the three subsequent years. It has been over five years since the district has gone out for proposals and it is appropriate to do this periodically.

**MOTION**: It was moved that the Governing Board appoint the firm of Vavrinek, Trine, Day and Company, LLC (VTD) as the district's independent auditor for the fiscal year 2009-10; approve the Agreement to Provide Professional Services between MetroED and VTD, authorize the staff to solicit proposals for audit services for the fiscal year 2010-11, 2011-12, and 2012-13. M/Chang, S/Gordon, Vote: 6 Ayes

President Biehl: He shared that in the seminars he has taken with the California School Boards Association that as a general rule after approximately five years with one audit firm, that often it is good practice, no matter how good they have been, to consider other firms as they may look at practices differently and it should be considered when hiring a firm for audit services in the future. He said it was no reflection on the work that has been done to date.

## **XVIII. EXECUTIVE REPORT/ADMINISTRATIVE REPORTS**

### CCOC Director John Fox

- Bob McTaggart, Auto Body instructor received a donation of sheet metal from Pearson Buick, GMC for his class.
- On Tuesday, instructors received information on the topic of research on classroom management and Dale Poor, Multimedia instructor, presented on the paperless classroom.
- Ray Behvand, AutoCAD instructor, is using on-line versions of the text used in the classroom which is saving money.
- Oscar Tovar and Phil Gonzalez, Fire Science/First Responder instructors, reported that the Office of Emergency Services (OES) is interested in additional interns. The Bureau of Administrative Services has offered two paid internships for our students and Firefighters Local 230 donated \$500 to the class.
- Peggy Nutz, Small Business instructor, has her class marketing products for Valentines Day. The students are working in small groups preparing the paperwork necessary to meet the needs of their customers.
- Mark Adams, Probation and Legal Careers instructor is working to help streamline the articulation process with the community colleges.
- Scott Hall, Electrical Maintenance instructor, is preparing curriculum and materials to meet the challenge of converting the afternoon electrical class to a program with a 'green' outlook. He will teach solar and mechanical methods of converting energy, conservation and smart home concepts.
- Michelle Sugden and Gina Fleming, Dental Assisting instructors, will place approximately 108 students in eight weeks of dental assisting internships.
- Alice Rodriguez, Office Assistant instructor, placed Marina Meza, 17 year-old student, part-time with a law firm in San Jose.
- Dr. Madeleine DaSalla, Medical Front Office instructor, has 17 students in intern positions and will be placing an additional 12 at O'Connor Hospital in a month.
- Tom Gholamipour, Auto Careers instructor, enrolls his students in the Valvoline-Tech Motor Oil Education Program and the students will receive a certificate when after passing a test.
- Jeff Schmidt, Video Production instructor, and his students are documenting the progress of the construction in building 300. Additionally, a student crew is filing a Disney theater performance for a local elementary school this month.
- Chantu Nguyen, Vocational Counselor, has been assured by the Almaden Valley Rotary Club that they have set aside \$500 for deserving students this year.
- Chantu Nguyen will be hosting a pizza party for two classes that have the best attendance: Computer Aided Drafting, AM (94.29%) and Fire Science/First Responder, PM (94.46%). The instructors are Ray Behvand, Oscar Tovar and Phil Gonzalez.
- Victoria Straubinger and Nancy Boring, Medical Assisting instructors, and Madeleine DaSalla, Medical Front Office instructor, are involved with the Health Professions Speakers Bureau. The students will be exposed to new careers, learn job responsibilities, and learn the steps necessary to prepare for a health career.
- Last year, the West Valley College summer program was so successful, they will be using grant money again this year to offer the same program to CCOC students.
- Job Corps has arranged a field trip for medical assisting students to witness a live autopsy at the Oakland Coroner's Office.

MAEP Director Sylvia Karp – None due to family emergency.

Interim CBO, Daniel Gilbertson – None due to lateness of the hour.

MetroED Superintendent Paul Hay

- There was a meeting of the JPA Executive Council (superintendents) and Chief Business Officials on January 20 (except Milpitas USD due to power outages) which was preceded by a meeting with the CBOs last Friday. He shared the items discussed and the recommendations or next steps as outlined below:
  - a. **Data Automation:** He shared that a proposal by Mr. Beaulieu, Director of IT, was unanimously approved recommending automation of the transfer of ROP enrollment and attendance data. This will cost MetroED, over a 2 year period, \$33,000. We propose covering the 1x setup & programming costs from this year's Excess Property Taxes.
  - b. **General Obligation (G.O.) Bond:** There was not much support for a G.O. bond, but interest in finding out our legal ability to issue bonds. This is not the right time to do bonds. There are also other issues such as bonding capacity, competition, etc.
  - c. **Excess Property Taxes:** There was support for distribution of the unused balance back to the districts for the current year per his recommendation. Final decision will be made on 2/3/10 when we, hopefully, will find out how much we will actually receive.
  - d. **ROCP Funding Model for 2010-11:** With 4 superintendents voting to recommend to this board that we continue with this year's funding model next year. Milpitas has since communicated their support for this option as well. Campbell USD Superintendent didn't vote, noting that she had to consult with her Board.

**XIX. BOARD COMMENTS**

Member Gordon: She suggested that the newest member of the board, Jim Canova, should volunteer to attend the autopsy on the board's behalf.

Member Chang: She said that even though it had been a long meeting, it had been a very productive meeting and she appreciated the transparency this board has. She said that her home board had a study session regarding communication and this board is a great role model for a lot of school districts.

Member Grilli: She thanked Member Garcia for his leadership as the Board President last year and said he did a great job and she really appreciated that.

Vice President Canova: He said it had been a very intense meeting and that it happens in Santa Clara USD all the time. He wished everyone a Happy New Year.

Member Garcia: He thanked Member Grilli for the compliment and said that it had been a good year and he had enjoyed presiding over the meetings and he was pleased to turn it over to President Biehl and said he had done a great job this evening.

President Biehl: He thanked the board members for the confidence they have showed in electing him president and said he would do his best to make sure that everyone has the opportunity to express their opinion on the issues that the board has to face and that there will be open discussions and everything will be out in the open and on the table and that we will make decisions and move forward. He thanked everyone who participated at the meeting this evening, the staff, the friends from Campbell UHSD. He said that it was important for everyone to get together as these were tough times for education and to remember that we are all ultimately in the same situation and all ultimately have the same goal, to do the best for all of our students.

**OTHER MEETINGS**

Regular Meeting, February 10, 2010	Closed Session	6:00 pm
	Open Session	7:00 pm

**XII. ADJOURNMENT**

**MOTION:** It was moved to adjourn the meeting. M/Gordon, S/Chang, Vote: 6 Ayes  
President Biehl adjourned the meeting at 9:40 p.m.

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Cynthia Chang, Clerk of the Board