

METROPOLITAN EDUCATION DISTRICT

Governing Board Meeting Minutes April 21, 2010

I. CALL TO ORDER/ROLL CALL

The meeting of the Governing Board of the Metropolitan Education District was called to order by President Biehl at 7:00 p.m., in CCOC Auditorium, 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. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by President Biehl.

III. ADOPT AGENDA

MOTION: It was moved to adopt the agenda with the removal of Item # 28. M/Garcia, S/Chang,
Vote: 6 Ayes

IV. RECOGNITIONS

1. Acknowledgement of Visitors – Superintendent Hay introduced Dr. Robert Harper, Campbell UHSD Director of Adult and Community Education; Pat Gaffney, Campbell UHSD Deputy Superintendent; Honorable Pam Parker, Campbell UHSD Board Member; Cari Vaeth, East Side UHSD Director Adult Education; Mark Bartos and Andrew Todd, Bartos Architecture.
2. Acknowledgement of Honors and Awards
 - Superintendent Hay presented the following Raising the Bar awards:
 - Angelo Chiurato, volunteer for 15 years with the Welding Program at CCOC
 - Jan Joseph, CCOC Baking & Catering Instructor, April Teacher of the Month
 - Christine Smith, CCOC Veterinarian Assistant Instructor, January Teacher of the Month
 - Collette Betters, CCOC Health Occupations Instructor, February Teacher of the Month
 - Nancy Joseph, CCOC Culinary Arts Instructor, March Teacher of the Month

V. STUDENT REPORTS

- A. CCOC Student: Michael Cortese, Truck Mechanics Instructor and SkillsUSA Advisor, introduced two students to share their experience at the state competition held in San Diego.

Kyle Schepens attends John Tawney's HVAC class and competed in trade tools winning Gold. His home school is Pioneer HS.

Prescott Douris is a student in Mr. Cortese's class and competed for the second year in diesel winning Gold. He competed last year and also won Gold.

Mr. Cortese shared that Prescott has won over \$75,000 in scholarships and he will be competing again at the national competition in Kansas City, Missouri along with the other Gold medal winners.

B. MAEP Student: None

VI. SPECIAL ORDER OF BUSINESS

President Biehl moved Action Item # 27 to special order of business and opened the public hearing on the Disclosure of Financial Implications of Collective Bargaining Agreements with CTA employees.

There were no requests to speak and President Biehl entertained a motion to continue the public hearing to the May 12, 2010 meeting of the MetroED Governing Board.

MOTION: It was moved to continue the public hearing to the May 12, 2010 meeting of the MetroED Governing Board. M/Chang, S/Grilli, Vote: 6 Ayes

VII. PUBLIC COMMENTS

Kathy Jasper, AFT President, requested AFT teachers who were not paid during the power outage in October be compensated even though they were notified classes had been cancelled. She also expressed there were CCOC fee-based instructors who were notified of the classes cancelled due to the power outage that were not paid. She did speak with Superintendent Hay and CBO Gilbertson and the last she was told the district did not owe the money legally.

Clerk Chang asked for a follow-up report to the board from the superintendent. Superintendent Hay said the issue is being reviewed by the attorney and a report will be brought back by the next meeting or the first meeting in June.

VIII. APPROVAL OF MINUTES

1. **MOTION:** It was moved to approve the Minutes of Regular Board Meeting March 10, 2010. M/Garcia, S/Grilli, Vote: 6 Ayes

IX. CONSENT CALENDAR

MOTION: It was moved to approve Consent Items *2 through *11 with removal of item # 6 at the request of Member Gordon. M/Grilli, S/Chang Vote: 6 Ayes

BUSINESS AND FINANCIAL FUNCTIONS

***2. Consent Item: Approve Monthly Warrant Approval List**

The Governing Board approved the following warrant registers: #62005524-#62005551, dated March 2, 2010; #62005552-#62005603, dated March 4, 2010; #62005604-#62005611, dated March 8, 2010; #62005612-#62005656, dated March 15, 2010; #62005657, dated March 17, 2010; #62005658-#62005731, dated March 18, 2010; #62005732-#62005754, dated March 19, 2010; #62005755-#62005765, dated March 22, 2010; #62005766-#62005803, dated March 23, 2010; #62005804, dated March 25, 2010; #62005805-#62005860, dated March 26, 2010; #62005861-#62005892, dated March 30, 2010; #62005893, dated March 31, 2010.

***3. Consent Item: GASB Valuation Services Contract**

The Governing Board approved the agreement with North Bay Pensions.

***4. Consent Item: Armored Transportation Services Agreement**

The Governing Board approved the agreement with Garda.

***5. Consent Item: Authorization to Bid for Printing Services: 2010-2011 Schedule of Classes**

The Governing Board authorized the call for bids for the printing services of the 2010-2011 Schedule of Classes, to award the bid to the lowest responsible bidder, and bring the bid award result to the Board for approval confirmation on June 9, 2010.

6. **Consent Item: Approve Grant Writer**

Superintendent Hay: He said it is a proposal to approve an agreement with a grant writer. At a previous meeting, the Governing Board approved an agreement with another grant writer; however, she has not been able to seek grants due to other commitments. There are grant opportunities that come up frequently and MetroED does not have the personnel on staff to pursue the grants.

Vice President Canova: He asked if the fee schedule was standard for the industry.

Superintendent Hay: It has been reviewed by staff and is standard for these services.

Member Gordon: She shared that the fee schedule is a concern to her and understands administration feels it is a standard fee schedule. In reviewing a grant that would be over \$10,000,000, the fee would be \$450,000 to write the grant. At Campbell UHSD, a grant was written for a 15 million dollar project for under \$100,000. She would not be supportive of the item.

Vice President Canova: He asked if there were any suggested modifications to the fee schedule Member Gordon would like to propose.

Member Gordon: She said the grant written for Campbell UHSD was written for an hourly rate based on the number of hours the writer believed it would take to complete the project. She said the low end of the fee schedule was reasonable; however, the fee may be a hardship for a grant writer. She said she was not very knowledgeable regarding grant writing; however, she did not believe that because the dollar value goes up the work goes up.

Vice President Canova: He asked if the discomfort level was at \$1 million and above.

Member Gordon: She said she did not know what the fee should be; however, looking at larger projects with her limited knowledge she does not believe the work goes up substantially more for the larger grants to justify the percentage going up.

President Biehl: He said he shared the concerns and was surprised to see the percentage increasing. It has been his experience that the percentage decreases as the amount of the grant increases. He asked the superintendent if there was an informal bidding process relative to grant writers.

Superintendent Hay: He said the district has been looking for grant writers for five years and until recently had not found any based on the funding constraints for the district. The discomfort appears to be the percentages increasing, especially above \$1 million. He said he could go back and renegotiate with the individual.

Member Gordon: She said in all fairness, the lower fees need to be looked at as well. For instance, a grant for less than \$50,000 generates a fee of \$1,500. It needs to be looked at for both levels and she wanted to ensure the individual was paid fairly; however, the upper fees were unreasonable.

Vice President Canova: He said the discomfort appears to be when the fee goes above 4% and at the lower end of the scale he suggested a 3.75% across the board from the bottom up.

Member Gordon: She said that she was not sure a percentage addresses the issue. It may be better to look at an hourly rate based on the estimated hours to get a better idea of the value brought to the project as opposed to just a percentage.

President Biehl: He asked if it was a pay for performance agreement where the grant writer only gets paid if the grant is received.

Superintendent Hay: He said it was a performance based agreement.

President Biehl: He said when using hourly rates, the district is taking the risks and under these circumstances the grant writer is taking the risk and could justify percentages. He said he did not have a problem with the concept; however, he did not think the district was in a position to pay the fees. He asked the administration to enter into negotiations with the contractor based on the comments from the Governing Board and bring a different proposal to a future meeting.

Clerk Chang: She asked Member Gordon if she had additional details regarding the grant Campbell UHSD received.

Member Gordon: She said it was her understanding the amount paid was less than \$100,000 for a \$15 million grant.

President Biehl: He asked if Member Gordon knew if it was hourly and if the risk was on the grant writer.

Member Gordon: She recollected it was hourly and agreement was reached on an hourly amount and the number of hours prior to the start of the project.

President Biehl: He said administration could look at a different model than the one being proposed. He said it appears the Board is uncomfortable with moving forward with the item and would like administration to review it further. There was concurrence from the Board.

Clerk Chang: She said realistically, the agency would not be getting grants in the higher amounts as Campbell UHSD.

Superintendent Hay: He said the grants being reviewed at this time are in the range of \$50,000 to \$250,000. He asked Member Gordon if she had any further details regarding the amount paid for writing the grant for Campbell UHSD.

Member Gordon: She said she would get back to the superintendent with details of the agreement regarding the grant in her home district.

President Biehl: He noted another issue relates to the ability to pay for the grant writing services out of the grant. In many circumstances, this cannot be done. Based on the discussion, he requested administration take another look at the item and bring it back based on the concerns expressed especially looking at the amount for the low end as well as the higher end percentages. He said he would be more inclined not to have the percentage increase as the dollar amount increases and should be a flat or hourly rate.

Clerk Chang: She asked for a track record of the individual writing grants and receiving grants.

Superintendent Hay: He said he would bring back information regarding the individual writing grants when the item is brought back to the board.

President Biehl: He said if there were other individuals, administration could bring back more than this proposal back for consideration.

INSTRUCTIONAL AND STUDENT FUNCTIONS

***7. Consent Item: Williams Uniform Complaint Procedures Report**

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

***8. Consent Item: Approve Agreement with the California Field Ironworkers Apprenticeship Training and Journeyman Retraining Fund**

The Governing Board approved the agreement with the California Field Ironworkers Apprenticeship Training and Journeyman Retraining Fund.

***9. Consent Item: 2010-2011 Draft School Calendar**

The Governing Board approved the school calendar for MetroED for the 2010-2011 school year.

***10. Consent Item: ROCP Course Review & Recertification**

The Governing Board reviewed the information regarding the following ROCP courses: Auto Body Repair & Refinishing; Auto Transmissions; Clinical Unit Secretary/Ward Clerk; Introduction to PCs; Keyboarding/Word; Medical Assistant, Back Office; Medical Assistant, Front Office; Medical Assistant Terminology; Microsoft Office XP; and Precision Machining.

***11. Consent Item: Community Classroom Agreements**

The Governing Board approved the agreements to provide on-the-job clinical training to CCOC medical students.

X. INFORMATION ITEMS

12. Information Item: Update on Adult Education Program Take-Back by CUHSD

Superintendent Hay: He announced Campbell UHSD hired Dr. Harper effective April 1 as the director of their adult education program. Bob Beaulieu, MetroED IT Director has been meeting with the Campbell UHSD IT Director to review technology related issues. MAEP Director Sylvia Karp and Campbell Assistant Principal Carolyn Richardson have been meeting with Dr. Harper on the transition and there has been a very collaborative tone. Dr. Harper prepared a "Talking Points" document that was distributed by MAEP staff to the MAEP Campbell employees on frequently asked questions regarding the transition. He distributed copies to the Board as well as copies were available for the public. Today, a preliminary draft MOU addressing the issues related to the transfer of the adult education program was sent electronically to Campbell UHSD with a copy to San Jose USD. A meeting has been scheduled with Dr. Farber and Pat Gaffney on April 28 at 3:00 p.m. There is a meeting scheduled between CUHSD and SJUSD for Friday, April 23.

Clerk Chang: She expressed her appreciation on the collaboration between the districts in the transition and said it clearly demonstrates everyone has the best interests of the adult students in mind during the process.

13. Information Item: Executive Council Meeting Update

Superintendent Hay: He updated the Board on the Executive Council (EC) meeting held on April 8. Santa Clara USD at that time had approved an MOU, Los Gatos/Saratoga JUHSD has sent the MOU since the EC meeting, and Campbell UHSD has approved the MOU, however we have not received the signed MOU. This is to move forward with enrollment and

attendance automation as they use AIRES software which is compatible with MetroED's student attendance system. The opinions from bond counsel and attorney were shared with the superintendents as well as moving forward with language to change education code to allow JPA ROCPs to get the legal authority to issue bonds. Any language changes would not impact the individual districts bonding capacity. Also, he will share with the superintendents and the MetroED board any language prior to requesting a change in Sacramento. Also, he shared with the superintendents the MetroED Board has authorized staff to pursue language changes to the education code; however, the Board was not interested in pursuing a bond at this time. The EC recommended the disbursement of the excess property taxes based on the satellite CAPs for the six participating districts on a 5 to 1 vote, Superintendent Farber voted no. The EC agreed that the distribution of funds would be done after the funds were received by MetroED. He shared MetroED had received apportionments for March and February except from Campbell UHSD and let them know he had a concern that CUHSD has instructed the Santa Clara County Office of Education to offset CUHSD's basic aid district fair share cut against MetroED's ROCP apportionments. Consequently, MetroED is receiving no ROCP funding from Campbell. The impact to MetroED funding for 2009-10 is estimated to be approximately \$1,848,000. The EC discussed SB 1298 and felt that it was an issue of local control and they were not supportive of the bill. The EC believed any modifications to the Joint Powers Agreement should be done at the local level. The EC did not schedule another meeting for this year.

Clerk Chang: She asked for a status update on SB 1298.

Superintendent Hay: He said it passed out of the Senate Education Committee on a 5-3 vote and it has been sent to Senate Appropriations. He didn't think it would be passed; however, it may be amended. He has had conversations with the author of the bill regarding the issue of assessment for CTE programs. There are model curriculum standards and frameworks currently; however, the assessment piece is missing and because of that, CTE cannot be included in the accountability measures for districts. The author is receptive to the concept; however, there are two issues. There was wording in the Race to the Top legislation that requires measuring of CTE programs and there needs to be a resolution of how there may be a conflict and the other issue is the cost associated. Due to the costs associated for preparing plans, he felt it would not be received favorably.

President Biehl: He said he understand there was some discussion at the superintendent's level dealing with the issue of Campbell withholding apportionments from the JPA and he asked if that was as far as it went.

Superintendent Hay: He said there was very limited discussion regarding the issue of withholding the funds.

XI. ACTION ITEMS AND REPORTS

BOARD AND ADMINISTRATIVE FUNCTIONS

14. Action Item: Annual Board Retreat

President Biehl: He said the Governing Board Retreat date has been established for Tuesday July 6 from 9:00 a.m. to 1:00 p.m. at the latest at 760 Hillsdale Avenue, San Jose, Building 400 and asked if there were any additional items for the agenda. He said the retreat will provide the Board the opportunity to discuss items in more depth than time allows at a regular board meeting. As there were none this evening, President Biehl asked to continue the item to the May meeting to receive further input.

BUSINESS AND FINANCIAL FUNCTIONS

15. Action Item: ROCP Funding Model 2010-11

Superintendent Hay: He said it is a recommendation from the Executive Council to continue this year's funding model which is 31% of the revenue limit, into next year. It was approved on a vote of 5-1 with the Campbell UHSD Superintendent voting no. It is being brought forward for approval of the MetroED Board. This is Appendix B to the Master Business Relationship Agreement. It also lists the long-term goal that district CAPs are held harmless due to not receiving growth ADA. There was some reallocation of ADA this year and there has been no change for the coming year and the percentage has not changed. It would be effective for 2010-2011 and for one year only.

Member Garcia: He asked the superintendent to go over the JPA and how this board has different responsibilities relative to the JPA and what happens if this item passes.

Superintendent Hay: The Executive Council (EC) is composed of the superintendents of the six participating districts and is an advisory body. When there are money-related items, there is usually a meeting of the CBOs of the six participating districts (this is not part of the Budget Advisory Committee). The comments and recommendations from the CBOs are taken to the EC and their recommendation is brought to the Governing Board. It is the Governing Board that votes to approve or not approve the funding model. The next step, if approved, will be to send to the participating districts the Master Business Relationship Agreement, including Appendix A (list of the ROCP courses) and B, for ratification.

Member Garcia: He commented each district will then vote on the agreement at their individual board meetings. Superintendent Hay said that was correct.

Member Gordon: She said that she did not recall a discussion at the Governing Board level that the long-term goal was to equalize based on CBEDs at the 11th and 12th grades for high school enrollment. She said that she knew board members have expressed it was their interest but did not recall a discussion.

Superintendent Hay: He said there was a discussion a year ago with the EC and the terminology and goals were a carryover from the previous year's agreement in terms of goals.

President Biehl: He said at this point it remains the long-term goal of the JPA.

Superintendent Hay: He said it was the recommendation for this item.

President Biehl: He said the issue revolves around holding districts harmless for the districts that have ADA that exceeds the CBEDs ratio and this agreement states it will hold them harmless again.

Superintendent Hay: He said it did.

President Biehl: He said basically what causes the "imbalance" of funding between the various districts is the historical development of the ADA allocation over the years which is out of line with CBEDs.

Superintendent Hay: He said the answer was yes and in 1989 (Note: the correct year was 1969), the funding model was not working and the Governing Board, Superintendents and JPA agreed to put all of the ADA together and then redistribute it based on the districts CBEDs. It would be proportionate to the number of high school students. There is a similar issue when we moved forward with the equalization plan in two parts. One part was to equalize the dollar amount paid to the districts and the second part was to try to equalize the

ADA and it was tied into the 'pay for what you use' concept. This would equalize the ADA and it would be very close to getting to the pay for what you use concept, the variance is very small. There is a similar problem state wide, for example, there are some areas in the state where there is tremendous growth with high schools being built and because of the way the CAPs were established state wide, there are a lot of high school students that have absolutely no opportunity for ROP programs. There are other areas of the state that are held "harmless" that are actually declining in enrollment. These districts have the same ADA allocation from the state even though they are declining. This is a disproportionate allocation of ADA from the state and some call it the 'opportunity gap.' It is an equity issue and discussions are being held with the state regarding this issue. The question becomes when there is no longer flexibility with the funding, how are we going to make sure the students in this state, every high school student, has the same opportunity for an ROP program as every other student. It is a very similar concept. Many of the other ROCP JPAs already allocate their ADA based on the proportionate sizes of their participating districts.

President Biehl: He said at the state level when there is an issue of inequity in funding, it is difficult to make a change during a time when funding is scarce. Typically, what people want to do is take additional (new) funds and use that as the mechanism to create equity and essentially hold harmless anyone who has benefited from the status quo method of funding. He said it was his understanding during the three years he has served on the MetroED Board what was attempted to be done here was to not disadvantage any district that benefited from a previous funding allocation of ROP ADA. Then, when the additional ROP allocations were not available from the state, it came to a crashing halt. He said another way of approaching the issue would be to reshuffle the ADA as it was done in 1989 (1969) based on CBEDs, so that each student from each district had the same opportunity to take an ROP funded class.

Superintendent Hay: He said the EC has discussed the funding options available at almost every meeting where funding models are discussed. Throughout the process, all the superintendents, for the most part, have felt they wanted to do this without causing any undo harm to any other district whether it be East Side or Campbell. It was one of the reasons it was agreed to equalize over a seven year period of time; so that the growth ADA could be used to give the districts that didn't have sufficient satellite ADA to cover the costs of the students they were sending to the center. This would provide the ability to build their programs up without harming another district. Unfortunately, the ADA/funding resources that we were not expecting did not pan out. Immediately after we were notified there would be no growth ADA, we went into a budget crisis and flexibility. Now there is no growth ADA, funding is a fixed amount based on 2007-08, less a 20% cut.

Member Gordon: She shared after hearing comments that she needed to share that Campbell UHSD was harmed regarding the funding model. An agreement was in place and to ensure no other districts would be harmed, CUHSD agreed to forgo the agreement for one year with the knowledge the district would receive compensation the following year. She stated she was aware things change; however, she said the Board could not have it both ways.

President Biehl: He said he believed there had been an effort to ensure CUHSD would not be harmed with the reallocation of the ROP ADA. The method for doing this was based on taking additional state allocated ROP ADA. However, this was not able to go forward because of the changes at the state level. He was not comfortable saying that one district was harmed and another has not been harmed. He said it was important to come back to equal opportunity for all of the students in the JPA and an option to accomplish this would be to reallocate the ADA based on enrollments in the districts. He said he was willing to wait until there are additional allocations of ADA from the state. He said he believed there had been an effort to protect one district but it was not successful when there was no growth ADA from the state.

Member Gordon: She said there was not going to be agreement reached this evening; however, CUHSD did leave money on the table they did not receive. When the additional ADA became available years ago, CUHSD was begged to take the ADA and then put in the time, effort and work to develop the classes to generate money for the program. She said President Biehl's interpretation of history was somewhat selective and continuing to debate the issue would just be a repeat of information.

President Biehl: He shared that he was not a member of the Board when the decisions had been made to distribute the ROP ADA. He said in the three years he has been at MetroED, it was the most convoluted funding model he had ever seen and he hoped that a simpler model that is fair and equitable to all the students in the district would be the goal. He said there is funding inequity at the state level. The funding for basic aid districts and revenue limit districts is quite different. In speaking with legislators, they have told him that it will not be fixed unless there is additional money because they would never be able to take something away from a district that already had it in order to bring equity to a district that did not have it. He said it was a difficult situation and hoped the dialogue would continue. It was important to talk about the overall issues and arguments and work together and try to solve the problem.

Vice President Canova: He said Santa Clara USD is basic aid and it is difficult to find fairness in funding with the complexity of how education is funded in the state.

President Biehl: He said he understood and was not blaming basic aid districts for the funding inequity in the state. He said if East Side UHSD could qualify for basic aid, they would do so. He said he knew every district would do the best for their students given the set of rules that currently exist. He said somehow as a JPA, there needs to be a mechanism where all the districts can work together.

Vice President Canova: He said that he understood that state wide there are approximately 110 basic aid school districts out of 1,000 districts.

MOTION: It was moved to approve the new ROCP Funding Model as defined in Appendix B-ROCP Funding Model of the Master Business Relationship Agreement. M/Chang, S/Garcia, Vote: 5 Ayes, 1 No (Gordon).

16. **Action Item: Monthly Budget Update**

The Governing Board approved the budget changes included in the Monthly Budget Update for the period ended 3/31/2010.

MOTION: It was moved to approve the budget changes included in the Monthly Budget Update for the period ending 3/31/2010. M/Gordon, S/Chang, Vote: 6 Ayes

17. **Action Item: Adopt Resolution #11-04-21-10; Authorization of Temporary Borrowing between Funds**

Superintendent Hay: Items # 17, 18, and 19 are resolutions regarding the transfer of funds required by the Santa Clara County Office of Education for MetroED to deal with potential cash flow issues that will be faced as the next school year begins.

Keiko Mizuno: She shared the state defers the apportionments to the districts and it has caused districts throughout the state to have cash flow issues. Previously, if a district had a positive cash balance in one fund and negative cash in another fund, the county treasurer would pay the checks based on the other funds availability. The county treasurer will no longer allow this to happen and now is requiring three resolutions for districts to have overdraft protection. The three resolutions will allow for protection for the district while waiting for state apportionments to be received.

MOTION: It was moved to adopt resolution #11-04-21-10, Authorization of Temporary Borrowing between funds for the 2010-2011 year. M/Chang, S/Grilli, Roll Call Vote: 6 Ayes

18. **Action Item: Adopt Resolution #12-04-21-10; Authorization of Temporary Transfers between District's Accounts by County Treasurer for Fiscal Year 2010-2011**

The Governing Board adopted resolution #12-04-21-10 for the fiscal year 2010-2011.

MOTION: It was moved to adopt resolution #12-04-21-10; Authorization of Temporary Transfers between District's Accounts by County Treasurer for fiscal year 2010-2011. M/Grilli, S/Garcia, Roll Call Vote: 6 Ayes

19. **Action Item: Adopt Resolution #13-04-21-10; Authorization of Temporary Loans from County Investment Pool for Fiscal Year 2010-2011**

The Governing Board adopted resolution #13-04-21-10; Authorization of Temporary Loans from County Investment Pool for fiscal year 2010-2011.

MOTION: It was moved to adopt resolution #13-04-21-10; Authorization of Temporary Loans from County Investment Pool for fiscal year 2010-2011. M/Garcia, S/Canova, Roll Call Vote: 6 Ayes

20. **Action Item: Approve Agreement for Special Services with School Services of California to develop a direct charge allocation model for MetroED overhead costs. (School Services of California-\$10,000)**

Superintendent Hay: In 2002, School Services did a management study of MetroED and one recommendation was to develop a model for allocating overhead costs. MetroED did do this while implementing the various recommendations. School Services returned in 2008 and they did another review of items which included the methodology MetroED was using for overhead charges. They concluded it was fair and equitable. Now, MetroED is going through a substantive change in the financial structure with the transfer of one-third of the adult education program to CUHSD. He said it was prudent to have an outside agency review the methodology based on the changes which will occur. School Services knows MetroED and the services we provide and they will be able to provide recommendations to determine a model for direct charging for the coming year.

Clerk Chang: She said she knows School Services provides excellent service.

President Biehl: He said it was important that MetroED get an independent view of the allocation of overhead costs and he was supporting this item.

MOTION: It was moved to approve the agreement for special services with School Services of California. M/Chang, S/Grilli, Vote: 6 Ayes

21. **Action Item: Approve MC Village Relocatable Classroom Change Order #1 (Enviroplex, Inc.-\$6,326.97)**

Superintendent Hay: He said this was the only change order for Enviroplex and it is detailed in the backup report. It amounts to \$6,326.97 which is less than 1% of the total cost of the project. This was for the purchase of the relocatables.

MOTION: It was moved to approve change order #1 with Enviroplex in the amount of \$6,326.97. M/Garcia, S/Chang, Vote: 6 Ayes

22. **Action Item: Approve Change Orders 2 & 3, CCOC Building 300 Building Arts Project (Coulter Construction, Inc.-\$16,638.05 & \$44,408.30)**

Superintendent Hay. He said the two change orders relate to the building 300 project, Building Arts Center, with Coulter Construction. Combined along with the first change order approved previously, it represents about 2.5% of the original contract and is well within the 10% contract contingency allowed for the overall project. He said the architects for the project are here this evening if there were any questions.

MOTION: It was moved to approve change orders # 002 in the amount of \$16,638.05 and # 003 in the amount of \$44,408.30 to Coulter Construction. M/Chang, S/Grilli, Vote: 6 Ayes

23. **Action Item: Approve Agreement for roof repairs, CCOC Building Arts Project (Best Contracting Services-\$29,375)**

Superintendent Hay: He said this is a contract with Best Contracting Services that installed the roofs on all the buildings on the campus. The roof is under warranty and the manufacturer has asked MetroED to use a contractor approved by them. Best Contracting Services has been used for all roof repairs to help maintain the warranty and because they do good work. MetroED did check pricing with other contractors and found Best Contracting Services to be about \$3,000 less than other quote received.

Member Garcia: He asked if the contract was submitted for bidding and the other estimates were received even though it was not put out to bid.

Superintendent Hay: He said the contract did not go out to bid as it was for repair and was under the required amount to go out for bid.

MOTION: It was moved to approve the agreement with Best Contracting Services in the amount of \$29,375 for roofing repairs. M/Garcia, S/Gordon, Vote: 6 Ayes

24. **Action Item: Adopt 2010 MetroED Safety Plan**

CBO Daniel Gilbertson: He presented the 2010 MetroED Safety Plan. There are revised Board policies in the plan marked pending until Board approval as some of the items are current safety issues and it was important to move forward with the plan. The 3000 policies will be brought to the Board at the May meeting. MetroED has a very active safety committee which includes a member of the school insurance group that has commented the plan is one of the best in the county. MetroED is also fortunate to have many instructors on the Hillsdale campus that have specialized knowledge on safety and emergency response.

Clerk Chang: She asked for a few examples of safety related incidents in the last year and what the response was to the issues.

CBO Gilbertson: He shared there have been many proactive issues including pedestrian safety on campus. New signs were put around campus to increase the safety of the students. Security cameras were installed and it has helped identify people who have come unauthorized on campus stealing.

President Biehl: He said the response to the recent gas leak on campus was an excellent example of how safety issues are handled on campus. A plan is good but it is how it is used in emergencies.

CBO Gilbertson; He said it was an example of how administrators, staff, and students were able to respond quickly to an emergency situation. Students and staff were evacuated to a secure location until the situation was under control for the safety of all involved.

Vice President Canova: He asked about the issue of homelessness addressed in the plan and if it had been an issue on campus.

CBO Gilbertson: He said it is an issue for students and not that there are homeless people staying on the campus overnight.

Clerk Chang: She asked if the gates are locked overnight.

CBO Gilbertson: He said the gates are locked and since the new fences were installed around the campus it has made a big difference regarding safety issues.

MOTION: It was moved to adopt the 2010 MetroED Safety Plan. M/Chang, S/Canova, Vote: 6 Ayes

PERSONNEL FUNCTIONS

25. **Action Item: Adopt Resolution #09-04-21-10, Classified Employee Week, May 16-22, 2010**

The Governing Board approved Resolution #09-04-21-10, and proclaimed May 16-22, 2010 as Classified Employee Week.

Clerk Chang: She said it was a token of appreciation from the Board for Classified employees for all the work they do. Many times they are not recognized for their work and it is appreciated.

MOTION: It was moved to approve Resolution #09-04-21-10. M/Garcia, S/Grilli, Roll Call Vote: 6 Ayes

26. **Action Item: Adopt Resolution #10-04-21-10, National Teacher Appreciation Week, May 3-7, 2010**

The Governing Board approved Resolution #10-04-21-10, and proclaimed May 3-7, 2010 as National Teacher Appreciation Week and further proclaimed May 12, 2010, as California Day of the Teacher.

MOTION: It was moved to approve Resolution #10-04-21-10. M/Grilli, S/Garcia, Roll Call Vote: 6 Ayes

27. **Action Item: Public Hearing: Disclosure of Financial Implications of Collective Bargaining Agreements with CTA employees**

Public Hearing Open

The Governing Board, under special order of business, opened the public hearing and continued the public hearing to the May 12, 2010 Governing Board Meeting to disclose the cost of the proposed settlement with the CCOA Teachers Association (CTA) as required by AB 1200.

28. **Action Item: Ratification of the CTA Agreement for 2008-09**

The Governing Board removed this item from the agenda upon adoption of the agenda.

XII. EXECUTIVE REPORT/ADMINISTRATIVE REPORTS

MAEP Director Sylvia Karp:

- She said it was appropriate to have the resolutions passed for classified staff and teachers as it has been a very difficult year for education in the state this year and very difficult for adult education in the state. Many adult education programs have been closed or downsized to help the general funds for the districts.
- Each year the California Council for Adult Education recognizes adult education employees for excellence in teaching, support services, and collaborative partnerships at their end of the year dinner meeting. On May 4, two employees are being acknowledged this year. Rosa Cisneros, classified employee is being recognized for support services and Leslie Johnson-Tatsuta for teaching. Rosa is an MAEP instructional aide and GED testing proctor. Leslie is an ESL teacher and curriculum specialist and has worked for MAEP for 19 years. In addition, Leslie will be honored in September at the Santa Clara County Office of Education teacher recognition event.
- She congratulated Carolyn Richardson, Assistant Principal Campbell Adult Education Program, will be honored at the ACSA Region 8 dinner as the Adult Education Administrator of the Year on May 19.

Chief Business Officer Daniel Gilbertson:

- He shared in honoring staff this evening the MetroSTAR award winners had been announced. The award is for any employee nominated by another employee for the customer service they provide to our students and staff. The honorees are Miriam Vargas-Padilla, S.T.E.P.S. teacher at the Erikson Adult Education Center, Sandy Underwood, Sr. Administrative Assistant/Office Manager at the Campbell Adult Education Center, and Junjun Candelario, Computer Network Technician.
- On the facility side, if the rains stop there should be grass at MC Village by next week and building 300 is on schedule for completion by June 4 through the work of Coulter Construction, the oversight by Bartos Architecture, and Tom Mullin, CCOC Assistant Principal. It is important to stay on schedule to move classrooms into the new facility this summer and out of building 200 to begin the modernization for that building to begin in the fall.

Clerk Chang: She said it appeared that MetroED was not being affected by the DSA furlough days as she has heard from other districts at a recent meeting she had attended.

Mark Bartos: He said the building 300 project has not been affected by DSA furlough days. He said there are deferred approvals for items such as sprinklers, elevator lift, and the shade structure. DSA has been working well with the architects on the project.

XIII. BOARD COMMENTS

Clerk Chang:

- She attended the CSBA Policy Platform Committee meeting last Thursday and Friday and it was very productive. One of the items discussed was whether CSBA should take a position to support an exemption for DSA employees from furlough days as it is fee based work. Staff was unable to provide additional information as they were told DSA was closed on Friday. Mark Bartos agreed that DSA is self-funded by the fees that are paid. Recently DSA provided a loan to the state for \$60 million. In speaking with the DSA Oakland office, there are 'furlough days'; however the staff is expected to work on those days. Clerk Chang said the item will be going to the CSBA Delegate Assembly in May.

Vice President Canova:

- He asked Member Garcia if San Jose USD had settled on five furlough days for the district and when they would occur during the school year. He said his home district is struggling with the issue of furlough days and is impressed SJUSD was able to settle. It was requested that Member Garcia bring additional information back to the Board at the next meeting.

President Biehl:

- He said he would be attending the Santa Clara County School Boards Association Legislative Brunch on Saturday, April 24, and he encouraged others to attend. He said they would be asking the legislators in attendance to sign commitment cards to keep their promise and not cut education further and also to repay the money taken from Proposition 98.
- Next Wednesday, April 28, is the Santa Clara County School Boards Association Hoffman Dinner recognizing five exemplary programs in Santa Clara County. Sponsorships this year include Chevron Energy Solutions (\$2,500) and five different labor unions (\$500 each). The contributions will allow cash awards of \$500 each for the programs and \$1,000 for the overall winner. Clerk Chang said she would be attending as well.

XIV. OTHER MEETINGS

Regular Meeting, May 12, 2010	Closed Session	6:00 pm
	Open Session	7:00 pm

XV. ADJOURNMENT

MOTION: It was moved to adjourn the meeting. M/Chang, S/Garcia, Vote: 6 Ayes

President Biehl adjourned the meeting at 8:40 p.m.

Cynthia Chang, Clerk of the Board•