

METROPOLITAN EDUCATION DISTRICT

Governing Board Meeting Minutes October 08, 2008

I. CALL TO ORDER/ROLL CALL

The open session of the regular meeting of the Governing Board of the Metropolitan Education District was called to order by President Gordon at 6:00 p.m., Room 810 at the Central County Occupational Center, 760 Hillsdale Avenue, San Jose, CA 95136.

All Members present, except when noted "absent":

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

II. DISCLOSURE OF "CLOSED SESSION" DISCUSSION ITEMS

Items to be discussed in closed session are disclosed on the Board meeting agenda.

III. PUBLIC COMMENTS REGARDING CLOSED SESSION ITEMS

None

IV. ADJOURN TO CLOSED SESSION

Board adjourned to closed session in Room 810 at 6:02 p.m.

V. REGULAR MEETING (continued)

Regular session of the Board meeting reconvened in the CCOC Auditorium at 7:00 p.m.

VI. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by President Gordon

VII. REPORT OF CLOSED SESSION ACTIONS

President Gordon announced that there was no action taken in closed session.

VIII. ADOPT AGENDA

MOTION: It was moved to adopt the agenda as submitted. M/Chang, S/Biehl, Vote: 6 Ayes

IX. RECOGNITIONS

A. Acknowledgement of Visitors – Jing-Jing Wang, new Chief Business Official was introduced.

B. Acknowledgement of Honors and Awards

- Recognition of Retirees
 - CCOC Director John Fox introduced Frank Boyer, retired Brakes & Alignment instructor, who retired after 32 years with MetroED. President Gordon presented Mr. Boyer with a token of the Board and district's appreciation for his years of service. Mr. Boyer thanked the Board and district and shared information regarding his activities since retirement.

- o MAEP Director Sylvia Karp introduced Josie Rhea, retired Site Registrar, who retired after more than 30 years with MetroED. President Gordon presented Mrs. Rhea with a token of the Board and district's appreciation for her years of service. Mrs. Rhea thanked the Board and district and shared she had enjoyed working for so many years with the district.

X. STUDENT REPORTS

- A. CCOC Students, Michelle Valenzuela and Samantha Turco reported on student council activities for students in the morning session. Samantha attends Willow Glen High School and Michelle is an adult student in multimedia. The students shared several fundraising activities and plans to assist those in need over the upcoming holidays. The student council meets the first Friday of each month at 9:30 a.m. in Building 100. There are 40 members of the student council. Each class on campus sends a student and an alternate.
- B. MAEP Student: None

XI. SPECIAL ORDER OF BUSINESS

None

XII. PUBLIC COMMENTS

None

XIII. APPROVAL OF MINUTES

- 1. **MOTION:** Approval of Minutes of Regular Board Meeting, September 10, 2008. M/Grilli, S/Biehl, Vote: 6 Ayes

XIV. CONSENT CALENDAR

MOTION: Approve Consent Items *2 through *10. M/Dossa, S/Biehl, Vote: 6 Ayes

BUSINESS AND FINANCIAL FUNCTIONS

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

Under consent it was approved that the Governing Board accepted the following warrant registers: #20201912-#20201960, dated September 3, 2008; #20202994-#20203016, dated September 5, 2008; #20203860-#20203908, dated September 9, 2008; #20205453-#20205508, September 12, 2008; #20206513-#20206560, September 16, 2008; #20207742-#20207788, dated September 18, 2008; #20209177, dated September 23, 2008; #20209759-#20209823, dated September 24, 2008; #20211437-#20211475, dated September 29, 2008.

***3. Consent Item: Update District Designated Official Signers for FY 2008-09**

Under consent it was approved that the Governing Board update the list of administrators who are authorized to sign official forms and contracts on behalf of the District effective August 9, 2008.

***4. Consent Item: Adopt Budget Calendar & Budget Guidelines for 2009-10**

Under consent it was approved that the Governing Board accepted the Budget Calendar and Budget Guidelines for development of the 2009-10 budget.

PERSONNEL FUNCTIONS

***5. Consent Item: Classified Personnel**

Under consent it was approved that the Governing Board accepted the three regular elections and one assignment transfer election recommended.

***6. Consent Item: Administrative Personnel**

Under consent it was approved that the Governing Board accepted the two regular elections recommended.

INSTRUCTIONAL AND STUDENT FUNCTIONS

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

Under consent it was approved that the Governing Board accepted the quarterly report on the Williams Uniform Complaint Procedures.

***8. Consent Item: Approval of Perkins 132 Plan**

Under consent it was approved that the Governing Board accepted the Carl Perkins plan.

***9. Consent Item: New CCOC Course-Solar Applications and Installation**

Under consent it was approved that the Governing Board will offer the Solar Applications and Applications course, as a CCOC evening class.

***10. Consent Item: Appointment of CCOC Employer Advisory Boards**

Under consent it was approved that the Governing Board establishes Employer Advisory Boards per Education Code Section 52302.2, appoint the persons named on the attachment, and authorize the Superintendent or his designee to appoint additional EAB members as they are identified.

XV. INFORMATION ITEMS

11. Information Item: Presentation: "Toward a Greener MetroED: Options and Opportunities"

Dan Gilbertson provided a PowerPoint presentation and summary of information on the options and opportunities for MetroED to become greener. Board Member Chang asked about the track record of solar companies that have Power Purchase Agreements (PPAs) with school districts. Gilbertson shared Milpitas Unified SD and San Jose Unified SD have agreements through Chevron. Member Garcia shared the project is currently behind schedule for SJUSD and there is a cost that is spread over several years. The district plans to integrate solar technology into the curriculum and moving towards greener technology in San Jose. Gilbertson said there are high costs associated with moving to solar energy; however, the upfront costs are absorbed by the companies and then paid back by the district over time. There will be some costs the district would pay at the beginning of the process.

12. Information Item: MetroED Calendar

Althea Polanski provided a PowerPoint presentation on the new MetroED on-line calendar for the public and employees. The calendar is accessible from MetroED's home page at www.metroed.net and public events can be easily viewed; i.e. board meetings, public workshops,

etc. The internal calendar is accessible to employees by using their e-mail address and password and contains information of interest to employees on upcoming meetings and events. The calendar has been requested by employees and hopefully will provide another form of communication for the public and employees. The Governing Board will receive notification on how to activate an account to view the internal calendar on Thursday, October 9.

13. Information Item: MetroED 2007-2008 Annual Report

Althea Polanski provided a PowerPoint presentation on the 2007-08 Annual Report and distributed copies to the Governing Board. The last annual report for MetroED was published for 2001-2002 and suspended due to budget constraints, staffing and a quality computer program to produce the document in-house. The annual report will be mailed to 1,259 stakeholders, community members, and elected officials to increase communication and highlight accomplishments. The annual report will also be sent electronically to approximately 1,000 who have requested the MetroED News on-line. A copy will be distributed to all MetroED employees and copies will be available in classrooms for instructors and students.

14. Information Item: Legislative Update

Superintendent Hay provided a legislative update via a PowerPoint presentation. MetroED's legislative leadership for 2008-09 includes Paul Hay as Chair of CAROCP Legislative Committee and member of CAROCP Board & Strategic Alliance Committee; Sylvia Evans is ACSA Region 8 Vice President for legislative action and voting delegate to ACSA State Delegate Assembly; Pat Campbell continues as a CAROCP Board member and Secretary.

Superintendent Hay reviewed the Governing Board approved legislative priorities adopted in May 2007. SB 1197, sponsored by Senator Alquist, for direct funding for JPA ROCPs was approved unanimously by the state senate and assembly and signed by the Governor even though he vetoed 415 bills. The bill becomes effective 7/1/09. JPA ROPs will continue to report ADA through the participating districts; however, revenue limit will be transferred directly to the JPA from the county.

XVI. ACTION ITEMS AND REPORTS

BOARD AND ADMINISTRATIVE FUNCTIONS

15. Action Item: Final Adoption BP 4119.22, 4219.22, 4319.22; Personnel—Dress and Grooming

MOTION: It was moved to approve Governing Board Policy 4119.22, 4219.22, and 4319.22 relating to employee dress and grooming. M/Biehl, S/Garcia, Vote: 5 Ayes, 1 Absent: Dossa

16. Action Item: Appoint Board Audit Committee for the 2007-08 Financial Audit

MOTION: It was moved to appoint Board Member Chang and Board President Gordon to continue serving on the committee to review the annual independent audit of the 2007-08 fiscal year and the members shall serve until 2/28/09.
M/Grilli, S/Garcia, Vote: 5 Ayes, 1 Absent: Dossa

BUSINESS AND FINANCIAL FUNCTIONS

17. Action Item: Approve Resolution #01-10-08-08, Authorizing Designated Management Personnel to Sign Orders Drawn Upon the Funds of the District for FY 08-09

MOTION: It was moved to approve resolution #01-10-08-08 authorizing the designated District employees to sign orders drawn upon the funds of the District effective October 9, 2008, by a roll call vote. M/Garcia, S/Biehl, Vote: 6 Ayes

18. Action Item: Approve Resolution #02-10-08-08, Authorizing (1) Budget Transfers and (2) Use of Unbudgeted Income for Fiscal Year 2008-09

MOTION: It was moved to approve resolution #02-10-08-08 authorizing budget transfers and the use of unbudgeted income for the fiscal year 2008-09 by a roll call vote. M/Chang, S/Grilli, Vote: 6 Ayes

19. Action Item: Approve Resolution #03-10-08-08, Authorizing Designated Management Personnel to Sign Official Electronic Funds Transfer Forms of the District for Fiscal Year 2008-09

MOTION: It was moved to approve resolution #03-10-08-08 authorizing the specified individuals to sign all official electronic transfer forms on behalf of the District, effective October 9, 2008, and authorize the filing of said signatures with the County Controller's Office by a roll call vote. M/Biehl, S/Grilli, Vote: 6 Ayes

20. Action Item: Approve Resolution #04-10-08-08, To Adopt a 403(b) Compliance Program and to Allow Tax Deferred Services (TDS) to Serve as a Third Party Administrator for Compliance

MOTION: It was moved to approve resolution #04-10-08-08 to provide 403(b) compliance and to approve Tax Deferred Services as the Third Party Administrator for providing 403(b) service and compliance for the Metropolitan Education District by a roll call vote. M/Biehl, S/Dossa, Vote: 6 Ayes

21. Action Item: Monthly Budget Update

MOTION: It was moved to approve the budget changes included in the Monthly Budget Update for the period ended 9/30/08. M/Grilli, S/Chang, Vote: 6 Ayes

A 45-day budget update is required by the state after the Governor signs the budget. Jing-Jing Wang presented a PowerPoint presentation on the budget. The Governor signed the budget on September 23, 2008, 85 days late. Funding for ROC/P's will not be released until October 28th; however, the funds will not be released to MetroED until October 31st, 123 days late. Staff is recommending increasing revenues by \$620,283; eliminating the 6.5% COLA deficit, plus CAP growth from 2.5% to 2.66%. The following information was received today from advisors at the state:

- Governor is seeking assistance from federal government for up to 4 billion dollars,
- Problem facing the state is more serious than just temporary liquidity issue,
- Prop 98 will likely be suspended, and
- Mid-year budget cuts are imminent.

Due to the recent budget information, Superintendent Hay has taken the following actions effective immediately:

- Freeze all newly restored expenditure budgets,
- Reinstate the expenditure restraining rules issued during last year,
- Large purchases must be approved by Superintendent,
- All position changes must be reviewed by Cabinet,
- Create innovative techniques to work efficiently without adding staff.

Member Biehl asked for clarification to understand clearly that the Board is being asked to restore non-personnel cuts to the adopted budget and then the Superintendent is freezing those additions. Is it an administrative or Board decision to freeze the funds? Superintendent Hay said the report to the board was done prior to the information received today. The state is looking to call an emergency session of the legislature as the deficit has increased by \$3-5 Billion over the initial deficits the budget was adopted on. The actions are due to the timing issue from information received from the state. Freezing the funds can be initiated by the Superintendent or Governing Board.

Member Biehl said the recommendation is to proceed conservatively due to the uncertainty of the state budget. Is there any reason to restore these funds if we are going to immediately freeze the funds? Superintendent Hay shared there are some funds being restored that we need to use at this time. Member Biehl shared that administratively freezing the funds allows the superintendent flexibility in a very fluid situation. Hay will provide monthly budget updates in the Friday Letter as well as at the Board meetings. If the state situation improves, we can move forward conservatively. Member Biehl said freezing non-personnel funds except the CBO position and does not affect personnel, he concurred with the recommendations.

Member Chang said the information provided in the Board packet did not reflect the information shared on the last slides of the presentation. Superintendent Hay shared this information was only received today. CBO Wang said the funds would be set aside in a separate program fund so it is not readily available unless circumstances change. Member Chang said the funds will be set aside as a reserve fund for the areas recommended for restoring; however the funds cannot be utilized and we wait and see what happens between now and when the new budget process begins.

Member Garcia asked how this information will be communicated to stakeholders and the community. Superintendent Hay said the process began today by providing the information to the Governing Board. On Friday, there is a meeting scheduled with all the bargaining units to share with them the seriousness of the problem. MetroED has a Budget Advisory Committee but it does not meet until February. We will be putting information out too all employees and members of the Budget Advisory Committee.

Member Garcia attended a community meeting recently and no one knew about Prop 98. Getting the message out to the community at large is more difficult. Opportunities are being missed to inform the general public that we are doing a good job; however the bottom is falling out due to the state budget.

Superintendent Hay said the deficit next year could be \$15-18 billion which does not reflect the \$3-5 billion deficit happening at this time. We need to be very conservative and cautious. ROCPs cannot exceed a 15% reserve or the state will come and take the money back. That reserve limitation does not apply to Adult Education.

Member Chang thanked staff for the good report.

PERSONNEL FUNCTIONS

22. Action Item: Approve Agreement with the California Department of Education and Employment Agreement

MOTION: It was moved to approve the Agreement with the California Department of Education and the Employment Agreement. M/Biehl, S/Chang, Vote: 6 Ayes

XVII. EXECUTIVE REPORT/ADMINISTRATIVE REPORTS

CCOC Director John Fox:

- An Grove Scholarship information session was held on September 26 and 426 students attended. This is the fourth year the Grove Foundation has sponsored CCOC students with the school to career scholarship program.
- Sylvia Evans shared information on the Middle School Career Exploration presentation to be held on October 22 at 1:30 p.m. at the Santa Clara County Office of Education. Pam Watson, Tabitha Kappeler-Hurley, and Farah Ubaidulah will be sharing the career materials that were developed for the successful program at CCOC. This is part of the Stepping Stones SB 70 Grant. Information was sent to all 64 middle school principals in the county. Currently, there are 24 of the 64 schools who have signed up to attend. As part of the presentation, a team from Scotland will be closing the session with information regarding the program they have developed.
- Local community colleges have confirmed more than 30 meetings to be held on the CCOC campus during the school year to work with our students.
- The body shop received a donation of a 1993 Toyota for students to work on this week.
- Ken Schirle, Graphics Design instructor, received a certificate of appreciation from the City of San Jose Environmental Service Department and AAA of Northern California's Greenlight Initiative for having his students participate in the "Importance of Alternative Fuel Vehicles Poster Contest". Two students were award winners.
- Mike Cortese, Truck Mechanics Program instructor, received a donation of four air brake boards and a complete running Detroit diesel engine with transmission valued at \$30,000.
- Jeff Schmidt, Video Production instructor and students recently interviewed famous music producers from the south bay, a sports columnist from the Boston Globe, and a radio announcer for the San Jose Sharks.
- Wendy Yegge's Interior Design class provided centerpieces for a dinner held for a retiring superior court clerk last Friday.
- On October 21, CCOC will host principals from East Side Union High School District. They will receive lunch prepared by our students and be given a tour of the campus.
- On October 22, CCOC will host the Santa Clara County School Board Association dinner in the Hub (cafeteria).
- On October 23, CCOC will hold the annual Employers Advisory Board meetings in the Hub.

MAEP Director Sylvia Karp

- On October 2, 15 CalWORKs students from Erikson and San Jose centers assisted with the Rock in Roll Marathon held at the McEnery Convention Center.
- MAEP is proud to honor three employees at the Erikson center as MetroSTARS; Karen Enzensperger, Jennifer Astwood and Rosalie Ruiz.
- World Garden will be hosting a workshop on Saturday, October 11 on pest management for your home gardens.
- The San Jose center Office Skills student, Laura Perez, interned at the Court of Appeals pulling cases for judges, setting up meetings, etc. She was hired there before she completed the programs at MAEP and will be coming back on Fridays to complete the programs by her new employer.

MetroED Superintendent Paul Hay

- A Sacramento Bee article, "Schools wary as more budget cuts loom," on the state budget crisis was distributed.
- An alert on Brown Act amendments, SB 1732, was distributed.
- Hay distributed copies of the legislative priorities adopted by the Board on 5/9/07.

XVIII. BOARD COMMENTS

- Member Grilli announced she had attended a dinner last week where Superintendent Paul Hay was installed as President of the Milpitas Kiwanis and thanked Althea Polanski for the thorough minutes of the CCOC Program and Funding Review committee meetings.

XIX. OTHER MEETINGS

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|------------------------------------|----------------|---------|
| Regular Meeting, November 12, 2008 | Closed Session | 6:00 pm |
| | Open Session | 7:00 pm |

XX. ADJOURNMENT

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

Richard Garcia, Clerk of the Board