

MINUTES

REGULAR MEETING OF THE BOARD OF TRUSTEES

MONDAY, OCTOBER 12, 2009, 6:15 P.M.
Oakdale City Council Chambers
277 N. Second Avenue, Oakdale, CA

- | | | |
|----------------------------|-----|---|
| CALL TO ORDER | 1.1 | The meeting was called to order at 6:15 P.M. by Board Clerk Bill Dyer. |
| TRUSTEES PRESENT | 1.2 | Pam Antinetti, Bill Dyer, Michael House, and Rick W. Jones. Board President Mike Tozzi and student representative Michael Homer were present for Open Session. |
| TRUSTEES ABSENT | 1.3 | None |
| VISITORS PRESENT | 1.4 | Jeff Aprile, Dan Parkes, Claudia Spaulding, and Dawn Henley for <u>The Oakdale Leader</u> . |
| CLOSED SESSION | 2.0 | Trustee Dyer adjourned the meeting into Closed Session at 6:15 p.m. Open Session was reconvened by President Tozzi at 6:35 p.m. |
| PLEDGE OF ALLEGIANCE | 3.0 | Trustee Jones introduced Magnolia Elementary students: Mathew Gonzales, Grade 4, Dallon Barfield, Grade 5, and Tiana Ervin, Grade 6. These students led the Pledge of Allegiance and were awarded Certificates of Appreciation for their participation. |
| ACTION FROM CLOSED SESSION | 4.0 | <p>President Tozzi reported that the Board voted (4-0) to approve the stipulated expulsion of student (#09-10-02) for violations of Ed code: 48900 (b), 48900 (c), 48900 (k), 48915 (a) (2) and 48915 (b) (2) for the remainder of the fall 2009 and spring 2010 semesters.</p> <p>Trustee Tozzi also reported there had been discussion of the Homecoming Parade's being eliminated this year, and that Superintendent Rich has been asked by the Board to get the parade reinstated. Mr. Rich will follow up to address concerns of insurance and police coverage for future parade reinstatement. Trustee Tozzi commented the Board had been disappointed to read about the parade's discontinuance in the newspaper, noted the importance of tradition, and would like to have the parade restored next year.</p> |
| PUBLIC COMMENTS | 5.0 | President Tozzi opened the Public Comments portion of the agenda at 6:43 p.m. There being none, Public Comments closed at 6:43 p.m. |

- APPROVE ORDER 6.0 OF AGENDA It was **M/S/C (Dyer/House)** to approve the order of agenda items for this meeting. All members voted in favor.
- ANNOUNCEMENTS 7.0 None
- ORGANIZATION REPORT, OTA 8.1 Claudia Spaulding, OTA Vice President, presented a report on behalf of Linda Kraus, who was unable to attend due to illness. Ms. Spaulding reported that Linda Kraus has been elected to serve as the CTA Stanislaus Service Center Council Chairperson for two years, that Terry Trowbridge has been elected to fill the CTA State Council Stanislaus multiple position held by Linda Kraus the past six years, that Linda Kraus participated in the CTA Annual President's Conference in Asilomar in July, two leaders attended a week-long CTA finance training at UCLA in August, and participation by members in leadership conferences. Ms. Spaulding reported a large number of members contacted the legislature to share concerns about the budget and to implore them to pass a state budget that keeps education as a priority. Ms. Spaulding reported they welcomed new high school teacher Guy Fowler to the negotiations team, have surveyed members on contract negotiations, and have asked Mr. Malone to postpone negotiations to February when more budget information should be available. Ms. Spaulding reported Linda Kraus has had conversations with Marc Malone about class size and with Barbara Shook about *Edusoft* training and vertical planning sessions that take time away from the classroom.
- ORGANIZATION REPORT, CSEA 8.2 None.
- ORGANIZATION REPORT, STUDENT 8.3 Michael Homer reported on Homecoming week activities at the high school last week, Drama Department play October 15-18, Music Department OHS/OJHS Band Concert October 20 and OHS/OJHS Choir Concert October 21, the HYLIC sponsored Delta Blood Drive last month, and OHS sports team activities. Michael reported the high school and junior high had a guest speaker who spoke against violence in schools and promoted tolerance and respect for others. Michael also reported on the elementary Jog-A-Thon October 9, with the winning t-shirt designed by (Cloverland) student Hannah Chappell.
- In response to a question from Trustee Dyer about student reaction to cancellation of the Homecoming Parade, Michael shared they spent an entire period in Leadership Class discussing alternatives, but could not come up with anything that would be viable given insurance restrictions or time constraints. It was noted that the Board has considerable interest in finding solutions to this for the future.

- | | | |
|--|-------|---|
| REMOVE ITEMS FROM CONSENT CALENDAR | 9.1 | Trustee Dyer requested removal of Item 9.4.1 and Trustee Jones requested removal of Item 9.4.5 from the Consent Calendar. |
| ADOPT CONSENT CALENDAR | 9.2 | It was M/S/C (Jones/Dyer) to adopt the amended Consent Calendar. Passed unanimously. |
| ADOPT MINUTES OF 9/14/09 AS PRESENTED | 9.3.1 | On adoption of the Consent Calendar, the board adopted minutes of its regularly scheduled meeting held Monday, September 14, 2009, as presented. |
| REVIEW QTRLY. REPORT, WILLIAMS COMPLAINTS | 9.3.2 | On adoption of the Consent Calendar, the board reviewed the Quarterly Report on Williams Settlement Complaints, as presented. |
| APPROVE INTERDISTRICT & ALLEN BILL REQUESTS | 9.4.1 | Trustee Dyer requested information on the number of interdistrict transfers coming in or going out of the district, current and 2008-09. It was M/S/C (Jones/Dyer) to approve Item 9.4.1 as presented. Passed unanimously. |
| ACKNOWLEDGE STUDENT DISCIPLINE REPORT, 9/09 & 2-YEAR COMPARISON | 9.4.2 | On adoption of the Consent Calendar, the board acknowledged the Student Discipline Report for the month of September, 2009, and Prior Two-Year Comparison, as presented. |
| APPROVE OHS WINTER ATHLETIC SCHEDULES | 9.4.3 | On adoption of the Consent Calendar, the board approved OHS Athletic Schedules, Winter 2009-10, as presented. |
| APPROVE OVERNIGHT TRIPS, WRESTLING TEAM | 9.4.4 | On adoption of the Consent Calendar, the board approved the Athletic Department (Wrestling Team) Overnight Trips, as presented. |
| APPROVE FIELD TRIP, DRAMA DEPARTMENT | 9.4.5 | Trustee Jones commented on the Drama Department's planned trip to New York, noting it was a terrific trip that they raised the money for themselves. It was M/S/C (Jones/Dyer) to approve Item 9.4.5, as presented. Passed unanimously. |
| APPROVE FIELD TRIP, MUSIC DEPARTMENT | 9.4.6 | On adoption of the Consent Calendar, the board approved the Music Department Trip to San Francisco, Spring Break, 2010, as presented. |
| APPROVE WARRANTS THRU 10/2/09, & CYCLE I & CYCLE II PAYROLL FOR SEPTEMBER 2009 | 9.5.1 | On adoption of the Consent Calendar, the board approved district warrants prepared for payment through October 2, 2009, and Cycle I & II Payroll for September, 2009, as presented. |

| | | |
|--|-------|--|
| APPROVE CONSULTANT AGREEMENTS | 9.5.2 | On adoption of the Consent Calendar, the board approved Consultant Agreements, as presented. |
| APPROVE ASB ACCOUNTS, OJHS, AUGUST 2009 | 9.5.3 | On adoption of the Consent Calendar, the board approved Student Body Accounts, Oakdale Junior High School, August, 2009, as presented. |
| AUTHORIZE DISPOSAL, OBSOLETE EQUIPMENT & MATERIALS | 9.5.4 | On adoption of the Consent Calendar, the board authorized Disposal of Obsolete Equipment & Materials, as presented. |
| HUMAN RESOURCES | 9.6 | None. |
| REPORT, 2009 ACCOUNTABILITY PROGRESS | 11.1 | <p>Assistant Superintendent Shook reviewed a detailed account of elements used to determine Adequate Yearly Progress (AYP) under the federal No Child Left Behind Act (NCLB), progress on state Academic Performance Index (API), California Standards Test Results (STAR), and results of the California High School Exit Exam (CAHSEE) for the 2008-09 reporting cycle. This review included district-wide results on meeting Annual Measurable Objectives (AMO's) in English Language Arts and Mathematics, Participation Rate and Graduation Rate.</p> <p>It was noted that Oakdale has the highest API ranking of K-12 districts in the county, with scores above county and state averages. Site API scores over the last four years were reviewed, with significant increase from initial scores noted. Ms. Shook noted K-6 schools are meeting Annual Measurable Objectives in English Language Arts and Math for most subgroups; grade 7-12 is not meeting AMO's for subgroups in English Language Arts and Math and will analyze data to provide more intervention. It was noted that all significant subgroups exceeded the 95% participate rate; and the district wide graduation rate is being met at 90.9%, with OHS graduation rate at 97.5%.</p> <p>Ms. Shook noted that district CAHSEE results continue to be well above county and state scores. In response to a question from Trustee Tozzi about students who did not pass CAHSEE being excluded from participating in the graduation ceremony, Ms. Shook explained that from this year forward Special Ed students will not be required to pass CAHSEE to graduate.</p> |

REPORT,
ASB/SPORTS BUDGET

Ms. Shook attributed the positive results for our district to the board for allowing us to get materials needed, parents who support their students, teachers who worked like mad to review data, administrators who have worked with teachers to align benchmarks, and the students.

- 11.2 Superintendent Rich noted different sources of athletic funds, including OHS Student Body, General Fund, Student Body Sports Club Fundraisers, Sports Boosters, and Specific Sport Clubs, with the focus of tonight's report on OHS Student Body funds.

OHS Principal Mike Moore introduced Mike Tambini, OHS VP and Athletic Director, and Dave Bacigalupi, Athletic Coordinator. Mr. Moore reviewed the 2008-09 Athletic Budget, Athletic Income, and Expenses. In reviewing gate receipts, he noted gate receipts for our playoff games go back to CIF Sac-Joaquin Section (they pay for security and ambulance), whereas in other districts they share in playoff game gate receipts.

Trustee Dyer indicated he'd like to see what it costs to run the athletic program. Superintendent Rich reported the district has trimmed the transportation budget and will be charging students for athletic transportation this year; those who can afford to pay will and Sports Boosters will provide scholarships to students in need. Mr. Rich noted general fund athletic transportation budget is \$75,000, athletic coaching stipends \$198,000, equipment, certification, and reconditioning budget is \$6,500, for total general fund athletic costs of \$279,500.

Superintendent Rich noted that the OHS Sports Boosters and specific Sports Boosters clubs such as the Quarterback Club and Dugout Club all contribute to the athletic program, but are outside the general control of the district; while we can provide a general fund accounting and associated student body accounting, we cannot provide an accounting of sports clubs because they are not controlled by the district. Trustee Dyer expressed interest in seeing how much is donated toward the athletic program. OHS Principal Mike Moore reported he'd requested that information from Sports Boosters, but it had not been available in time for tonight's meeting. Trustee House noted he has seen information on items Sports Boosters has funded at the snack shack and in the sports program sold at football games. Sports Boosters' contributions to the athletic

program were noted and interest was expressed in inviting them to address the board in the future. There was also interest in being informed of requests that coaches make to Sports Boosters.

In response to a question from Trustee Tozzi about things to change or help the program, Mr. Moore stated they will be aggressive in fundraising and will be looking at ways to reduce expenses for ticket takers.

REPORT, FIRST READING,
BOARD POLICY UPDATE,
4200 (a) – 4261.3 (b) SERIES

11.2 Assistant Superintendent Marc Malone presented updated board policies/administrative regulations, All Personnel, 4200 (a) – 4261.3 (b) Series, for first reading.

PUBLIC HEARING,
LEVEL II SCHOOL
FACILITIES FEE INCREASE

12.1 Trustee Tozzi opened the Public Hearing on School Facilities Needs Analysis and Proposed Increase of Level II School Facilities Fees at 7:58 p.m. There being no comments, Public hearing closed at 7:58 p.m.

APPROVAL, RESOLUTION
#09-10-05, LEVEL II SCHOOL
FACILITIES FEES INCREASE

12.2 Assistant Superintendent Hern presented this resolution to increase fees from \$3.94 to \$4.18 per square foot effective October 13, 2009.

It was **M/S/C (Dyer/Antinetti)** to adopt Resolution #09-10-05, Establishing an Increase to Level II School Facilities Fees. Trustee Jones recused himself. A Roll Call Vote was taken with Board members Antinetti, Dyer, House, Tozzi, and Homer (advisory) voting in favor; Trustee Jones abstained. (Passed 5 in favor; 0 opposed; 1 abstention.)

ADOPTION OF RESOLUTION
#09-10-04, RED RIBBON WEEK

12.3 Trustee Tozzi waived reading of this resolution. Kristi Rapinchuk, Director of Categorical Programs, provided a synopsis of the resolution and shared school site plans to support Red Ribbon activities the week of October 25-31.

It was **M/S/C (House/Homer)** to adopt Resolution #09-10-04 Proclaiming Red Ribbon Celebration. A Roll Call Vote was taken with all members voting in favor.

APPROVE QUARTERLY
DEVELOPER FEES REPORT

12.4 Assistant Superintendent Hern presented a report on developer fees collected during the first quarter, and noted that upon the Board's approval of the Aquatic Center contract award tonight, \$1 Million will be encumbered for that project.

It was **M/S/C (Dyer/Homer)** to approve the Quarterly Developer Fees Report. Passed unanimously.

- APPROVAL, CHANGE ORDER, DEIDE CONSTRUCTION, OJHS CLASSROOM PROJECT 12.5 Assistant Superintendent Hern presented this OJHS classroom project change order, noting the increase for owner-generated changes to contract is primarily to go from concrete to tile flooring in restrooms.
- It was **M/S/C (Jones/Dyer)** to approve Change Order #2-G to Deide Construction, OJHS Classroom Project, #07/08E-1, Package A. Passed unanimously.
- APPROVAL, CHANGE ORDER, COLLINS ELECTRICAL, OJHS CLASSROOM PROJECT 12.6 Assistant Superintendent Hern presented this OJHS classroom project change order, with the major increase to contract being conduit for cameras and alarm system. Mr. Hern noted the district received a grant with the City Police Department for Security funds, and Collins Electrical was able to add on at a reasonable cost.
- It was **M/S/C (Dyer/House)** to approve Change Order #2-E to Collins Electrical, OJHS Classroom Project, #07/08E-1, Package A. Passed unanimously.
- APPROVAL, AWARD OF BID, OHS AQUATIC CENTER, RESOLUTION #09-10-06 12.7 Assistant Superintendent Hern presented this award of contract for the OHS Aquatic Center. Mr. Hern noted this project started with the 2002 Bond and the desire of the community to have a competitive pool. Mr. Hern reported a successful bid process, with 42 bid packets requested, 31 vendors participating in the walk through, and 13 bid packages received, with the lowest responsible bidder determined to be Deide Construction.
- Mr. Hern also notified the board there were two protests on the bid this morning; district construction manager Ron Holcombe of Pacific Program Management reported that legal counsel has been working on the protest issue today, and finds there is no reason not to accept the bid from Deide Construction. Jason Pratt of Western Water Features reported his company filed a protest against Deide Construction on the basis that a non-collusion affidavit was incorrect, that it invalidates Deide's bid, and requested they award the bid to Bobo Construction and Western Water Features as the subcontractor as the next responsible bid. Mr. Pratt stated that he feels it is important that all contractors are held to the same standard, and by not supplying one of the forms or filling it out incorrectly, it violates public contract code.
- Mike Leja of Western Water Features addressed the board to question whether, after review by legal counsel,

the notary's affidavit was valid and legal or not; if it is legal they have no stand to protest, but felt the board needed to be aware of the legal status of the notary.

Mr. Hern shared that Mr. Holcombe was in contact with legal counsel today and has the legal response and documentation. Mr. Holcombe reported there were two points of protest, one was from the Carpenters and Joiners Union that a subcontractor did not have a valid license; this is incorrect as the contractor does have a valid license until 3/31/10, and the state office in charge had the correct information but it had not been posted. The other protest was filed by Western Water Features on a notary affidavit issue. Mr. Holcombe explained his office issued the bid documents, and the notary portion of the non-collusion affidavit did not have two words (on a form changed in 2007); the opinion of our legal counsel is that it is not a legal point, that all participants filed bid documents that we have the right to waive minor irregularities, and that fundamentally it does not change the bid. Mr. Holcombe stated that even if there were a mistake on the part of the district for providing an out-of-date form, which has now been perfected, it would not have affected the content of the bid. Mr. Holcombe will provide a copy of the legal opinion to Western Water Features.

Dan Parkes of Western Water Features addressed the board to say that when a bidder bids a project such as this the forms help qualify the bidder, and if there is an irregularity such as an unqualified affidavit, the bidder won't be held to the bid bond. Mr. Holcombe noted that what is being questioned is a notary document and our legal counsel says it is a non-fatal error that would not have changed the bid.

Trustee Tozzi stated the board cannot comment on the bid protest or legal process, but according to district's legal counsel, there is no reason for the board not to award the contract at this time. Mr. Tozzi further stated that bid protestors have a right to file a writ to block if they feel they have a case, but that does not concern the board and does not prevent the board from taking action tonight. Trustee Jones pointed out the fiscal impact of this project which is being funded by project savings from Sierra View and developer fees, and that this is a top-of-the line project of which we can all be proud.

It was **M/S/C (Jones/Dyer)** to approve Award of Bid, OHS Aquatic Center Project, Resolution #09-10-06. A Roll Call Vote was taken with all members voting in favor. Passed unanimously.

ADOPTION, BP/AR
4156.3 – 4161.9 SERIES

- 12.8 Assistant Superintendent Marc Malone presented updated board policies/administrative regulations, All Personnel, 4156.3 – 4161.9 Series, for second reading and adoption.

It was **M/S/C (Jones/House)** to approve the Second Reading and Adoption of Updated Board Policies & Administrative Regulations, All Personnel, 4156.3 – 4161.9 Series. Passed unanimously.

INFORMATION

- 13.1 Negotiations Update – Assistant Superintendent Malone reported that both OTA and CSEA have agreed to postpone Sunshine proposals until February when we hope to have a much clearer budget picture.
- 13.2 Volz Scholarship Review Committee, October 13, OJUSD Technology & Staff Development Center, 3:00 p.m.
- 13.3 Dinner With a Scientist, October 13, Almond Pavilion, 4:30 – 8:00 pm
- 13.4 OHS Pool Groundbreaking Ceremony, October 14, 3:00 p.m.
- 13.5 Budget Advisory Committee, October 14, 2009, 6:00 p.m., Technology & Staff Development Center, Lupine Room
- 13.6 OHS Drama “Aladdin” Production
October 15, 9:00 a.m. and Noon (Students)
October 16, 9:00 a.m. & Noon (Students); 7:00 p.m. (Public)
October 17, 2:00 & 7:00 p.m. (Public)
October 18, 2:00 p.m. (Public)
- 13.7 OHS/OJHS Fall Band Concert, Oct. 20, Magnolia, 7:00 p.m.
- 13.8 OHS/OJHS Fall Choir Concert, Oct. 21, OHS Theater, OJHS 6:00 p.m.; OHS 7:30 p.m.
- 13.9 Ag Day / Cloverland and Fair Oaks, October 23
- 13.10 Minimum Day K-12, Wednesday, October 28
- 13.11 Music Booster Dinner Auction, November 7, OHS Gym, 5:00 – 8:00 p.m.

ITEMS FOR FUTURE AGENDA

- 14.1 Site Highlights: Sierra View

ADJOURNMENT

- 16.0 The meeting adjourned at 8:37 p.m.