

METROPOLITAN EDUCATION DISTRICT

Governing Board Meeting Minutes
June 24, 2009

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 Garcia at 7:05 p.m., in the Auditorium at the Central County Occupational Center, 760 Hillsdale Avenue, San Jose, CA 95136.

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 - Absent
Richard Garcia	San Jose Unified School District
Diane Gordon	Campbell Union High School District
Marsha Grilli	Milpitas Unified School District
Michele van Zuiden	Los Gatos-Saratoga Union High School District - Alternate

II. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by President Garcia.

III. ADOPT AGENDA

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

IV. RECOGNITIONS

1. Acknowledgement of Visitors - None
2. Acknowledgement of Honors and Awards - None
 - Recognition of Individuals who have "Raised the Bar!"

V. STUDENT REPORTS

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

VI. SPECIAL ORDER OF BUSINESS None

VII. PUBLIC COMMENTS None

VIII. APPROVAL OF MINUTES

1. **MOTION:** It was moved to approve the minutes of Regular Board Meeting of June 10, 2009. M/Gordon, S/Grilli, Vote: 6 Ayes

IX. CONSENT CALENDAR

MOTION: It was moved to approve Consent Items *2 through *11 with the removal of Item *5 per the request of Member Gordon. M/Biehl, S/Gordon, Vote: 6 Ayes

BUSINESS AND FINANCIAL FUNCTIONS

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

The Governing Board approved the following warrant registers: #62002494-#62002530, dated June 3, 2009; #62002531-#62002559, dated June 4, 2009; #62002560-62002606, dated June 9, 2009; #62002607-#62002690, dated June 12, 2009; #62002691-#62002740, dated June 16, 2009.

***3. Consent Item: Approve District Designated Official Signers for FY 09-10**

The Governing Board approved the list of administrators who are authorized to sign official forms and contracts on behalf of the District effective July 1, 2009.

***4. Consent Item: Approve Donations**

The Governing Board accepted the donations on behalf of the district.

5. Call for Bids for Building 300 Modernization and Program Reconfiguration

MOTION: It was moved to authorize the Superintendent to Call for Bids for the CCOC building 300 Cycle 1 and 2 reconfiguration and modernization project, award the bid and enter into a construction contract with the lowest responsible bidder.

M/Gordon, S/van Zuiden, Vote: 5 Ayes, 1 No (Gordon)

Member Gordon: The funding for these projects is coming from approved state grants, with our 50% district match coming from the general fund. This is a concern given the state budget crisis. She supported the previous (MC Village) project because of safety issues that needed to be addressed. She asked if there was a time limit for expending the grants.

Superintendent Hay: Yes, it is 4 years from the time the money is received by the District. Currently, there are funds available in our Capital Outlay Fund sufficient to begin this project and we expect the state funds from the State Allocation Board (SAB) in October.

Member Gordon: She explained in the Campbell UHSD, the money was expended from their funds and then they were reimbursed after the projects were completed. Currently, there are many students on a wait list to attend CCOC from CUHSD. Funds will be expended from the general fund to begin the projects and in light of the economy and students waiting to attend classes, requested the board postpone the projects until there is a clear picture of the state budget.

Vice President Biehl: Requested the amount from the general fund for these projects and if they could be postponed or cancelled.

Superintendent Hay: For Cycle 1 and 2 projects, the amount is \$2,239,000. It has been reported to the Office of Public School Construction (OPSC) and the SAB that we have reserved MetroED's 50% match funds for most of the Prop 1D projects. The commitment to provide the match was approved by the Governing Board when the applications were submitted for the Proposition 1D Cycle 1 and 2 grants.

Vice President Biehl: The concern from Member Gordon appears that money is being expended for capital projects when it could be used for operating expenses. What would

be the consequences of not moving forward with the projects? The capital plan was approved by the Governing Board. If it needs to be re-examined, it should be done in the whole context of the plan and not piecemeal.

Superintendent Hay: If the projects are postponed, it is possible that MetroED would lose the state grants. Moreover, project delays could potentially close down multiple buildings at the same time for construction in order to meet the deadlines for expending the funds. It may be possible that students would not be able to attend some classes if this situation occurs. Building 800 renovations have already been delayed one year due to the need for classroom space for students for this coming school year. Regarding operational impacts; no CCOC day program classes are being cancelled, and no teachers laid off. If Campbell students are on a wait list, it is not due to construction.

Member Gordon: If the Governing Board takes a step back, MetroED could look at a bond for facility needs or alternative sources of funds and reduce the wait list for students.

Superintendent Hay: Once the projects have been completed, there will be more space for students. The Proposition 1D grants are for reconfiguring and upgrading programs at CCOC and will provide additional classroom space. The MetroED facilities plan was reviewed and approved by the Board in 2007. If the Senate Constitutional Amendment 6 (SCA 6), which reduces the two-thirds requirement to pass a parcel tax, is approved, it would be appropriate to review the options available to MetroED.

Vice President Biehl: He will be supporting the motion but asked that the capital plan be reviewed during this next fiscal year and for the Board to look at the different funding options that may be available.

Member Gordon: This would be a place to start. If the general fund continues to be drained, it does have an impact on the teachers and students.

Vice President Biehl: The modernization of classrooms and redesigning curriculum to meet the needs of the workforce needs to be balanced with expenditures for operations and capital projects. This should be reviewed in context of next year's budget.

Member Canova: It is important to look at a larger view of what needs to be done and not just the short term. From a public relations standpoint, it is difficult for districts to justify moving forward with capital projects during the current economy.

Member Gordon: Stated she was not concerned with public relations and did not want to be short sighted; however, she did want to look at bonds.

Superintendent Hay: Over the last 2 or 3 years, there have been multiple discussions regarding MetroED going out for a facilities bond. Three of the participating district superintendents (San Jose, Milpitas and Santa Clara) said they would not support a bond for MetroED at that time. During this last year, five of the six participating district Superintendents (excluding the Campbell Superintendent) stated that they did not want to pursue discussions regarding a bond at this time. The timing has not been right; however, it may be in a year or two. The general funds transferred to the Capital Outlay Fund have not impacted CCOC classes. No classes have been cancelled for the coming school year and no high school students are losing the option to attend the classes unless the class is full.

*6. **Consent Item: Approve MOU for Financial System & Network Support Services (Regional Technology Center, Santa Clara County Office of Education)**

The Governing Board approved the Memorandum of Understanding with the Santa Clara County Office of Education for annual services provided by the SCC Regional Technology Center.

*7. **Consent Item: Approve 2009-10 Schedule of Fees**

The Governing Board approved the revised MetroED Schedule of Fees for 2009-10.

PERSONNEL FUNCTIONS

*8. **Consent Item: Classified Personnel**

The Governing Board approved the one assignment transfer election.

*9. **Consent Item: Administrative Personnel**

The Governing Board approved the two assignment changes/temporary out of class elections and the resignation election.

INSTRUCTION AND STUDENT FUNCTIONS

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

The Governing Board reviewed the information regarding the ROCP courses and approved the Audio and Video Production, Interior Design, Law Enforcement, and Probation and Legal Careers courses for ROCP recertification.

*11. **Consent Item: Authorize the CCOC Director to sign and approve Work Experience Training Agreements**

The Governing Board delegated authority to the Director of the Central County Occupational Center to sign and approve Community Classroom Training Agreements and Cooperative Vocational Education Training Agreements.

XV. INFORMATION ITEMS

12. **Information Item: State Budget Update**

Superintendent Hay: The state controller issued a letter stating that if there is no state budget passed by June 30, IOU's will be issued. The Senate vote on the budget was cancelled and there has been no resolution to the budget impasse. The "Big 5" will be meeting with the Governor to attempt to come to agreement on fixing a \$24 billion deficit. The federal stimulus funds (SFSF) are being sent to districts to back fill for categorical cuts. The money is not being passed through to MetroED. An amendment to the MBRA will be done to allow the districts to keep these funds; however, there is an issue with the apprenticeship funds. MetroED is the Local Education Agency (LEA) for this program and the money received by the districts for the apprenticeship programs should continue to be passed through to MetroED. San Jose USD and Santa Clara USD have indicated they will not do this. The amount is \$109,000 out of \$3.5 million. The apprenticeships have been notified there is nothing that MetroED can do further and they pursuing the matter further through their state representatives. The money for adult students for Job Corps and Cosmetology passes through Milpitas USD and we are pursuing with the MUSD CBO and Superintendent a pass through of those funds to MetroED. To date,

none of the districts have received any of these funds. The SFSF funds for deferred maintenance will come directly to MetroED through the county office of education.

XVI. ACTION ITEMS AND REPORTS

BOARD AND ADMINISTRATIVE FUNCTIONS

13. Second Reading & Adoption: BB9323: Meeting Conduct

MOTION: It was moved to adopt the changes to BB9323 regarding Meeting Conduct. M/Biehl, S/van Zuiden, Vote: 6 Ayes

BUSINESS AND FINANCIAL FUNCTIONS

14. Adopt Final 2009-10 Budget (Public Hearing)

MOTION: It was moved to adopt the budget for fiscal year 2009-10. M/Biehl, S/van Zuiden, Vote: 6 Ayes

Member van Zuiden: Under the adult education program, it shows the funds are going down. Will there be any adjustments based on the new schedule of fees and could this cause a decrease in enrollment?

Superintendent Hay: The adult education program is taking an additional 5% state funding cut in 2009-10. The proposed \$20 class registration fee is not included in the budget. It will be included in the budget in August and hopefully will minimize the impact of the current cuts. MAEP Director Karp will address enrollment.

MAEP Director Karp: The registration fee is being charged to all adult students and MAEP is anticipating a drop in the 50+ Program enrollment since many of these students are on fixed incomes. Superintendent Hay shared that classes would be cancelled if enrollment falls below a specific level.

Member Gordon: Asked for clarification on how solar power would be funded and if the leases for the auto dealership have been reduced.

Superintendent Hay: If MetroED moves forward with solar power, it would be in conjunction with a partner as was done by Milpitas USD so there would be no out of pocket costs. There have been two auto dealerships closed (there were 11) and rents have been adjusted because of the loss of subtenants. There is a minimum guarantee of rent to MetroED. So far the Capital Auto Mall dealers have not approached MetroED for a lease rent reduction.

Member Gordon: Stated that the budget being approved this evening is a deficit budget.

Superintendent Hay: For adult education, there is a net increase of \$94,000 and it is not in deficit. For the general fund, there is a \$1 million reduction and it is anticipated that the general fund will break even for next year.

President Garcia: There is a reduction for services and operating expenses, especially for consulting services. What accounts for this reduction?

Superintendent Hay: There is a reduction of \$300,000 due to not continuing Cosmetology contracts.

15. **Adopt Resolution #17-06-24-09, Authorizing Designated Management Personnel to Sign Orders Drawn Upon the Funds of the District for the FY 09-10**
- MOTION:** It was moved to adopt resolution #17-06-24-09, authorizing the designated District employees to sign orders drawn upon the funds of the District effective July 1, 2009. M/Biehl, S/Gordon, Roll Call Vote: 6 Ayes
16. **Adopt Resolution #18-06-24-09, Authorizing (1) Budget Transfers and (2) use of Unbudgeted Income for Fiscal Year 2009-10**
- MOTION:** It was moved to adopt resolution #18-06-24-09, authorizing budget transfers and use of unbudgeted income for fiscal year 2009-10. M/van Zuiden, S/Gordon, Roll Call Vote: 6 Ayes
17. **Adopt Resolution #19-06-24-09, Authorizing Designated Management Personnel to Sign Official Electronic Funds Transfer Forms of the District for FY 2009-10**
- MOTION:** It was moved to adopt resolution #19-06-24-09 authorizing the specified individuals to sign all official electronic transfer forms on behalf of the District, effective July 1, 2009, and authorize the filing of said signatures with the County Controller's Office. M/Biehl, S/van Zuiden, Roll Call Vote: 6 Ayes
18. **Adopt Resolution #20-06-24-09, Authorizing the District to Purchase off Contracts Awarded by other Public Agencies**
- MOTION:** It was moved to adopt resolution #20-06-24-09, authorizing designated District officers to purchase commodities through contracts awarded by other agencies. M/Biehl, S/Gordon, Roll Call Vote: 6 Ayes
19. **Adopt Resolution #21-06-24-09, in support of Senate Constitutional Amendment 6 (SCA 6), which reduces the two-thirds requirement to pass a parcel tax**
- MOTION:** It was moved to adopt resolution #21-06-24-09 in support of a 55% voter approval limit for local parcel taxes. M/Biehl, S/van Zuiden, Roll Call Vote: 6 Ayes
- Vice President Biehl: The amendment would reduce the requirement for a two-thirds requirement to pass a parcel tax to 55% and provides more local control to the district. The East Side UHSD and the Santa Clara County School Board passed a similar resolution
- Board Members: It was noted that Los Gatos-Saratoga HSD, San Jose USD, and Milpitas USD had passed resolutions and it was on the upcoming agenda for the Santa Clara USD Board.
- Superintendent Hay: MetroED will direct our lobbyist to support SCA 6 in the state legislature.
20. **Action Item: Adopt Resolution #22-06-24-09, Regarding Uniform Public Construction Cost Accounting Act**
- MOTION:** It was moved to adopt resolution #22-06-24-09 to be subject to the Uniform Public Construction Cost Accounting Procedures. M/Gordon, S/van Zuiden, Roll Call Vote: 6 Ayes

21. **Adopt Resolution #23-06-24-09 approving the Informal Bidding Procedure**

MOTION: It was moved to adopt resolution #23-06-24-09 approving the Informal Bidding Procedure. M/Biehl, S/van Zuiden, Roll Call Vote: 6 Ayes

22. **Approve Out of State Travel**

MOTION: It was moved to approve the out of state travel for two CCOC instructors and four gold medal winners to SkillsUSA Nationals competition. M/Biehl, S/Gordon, Vote: 6 Ayes

Member Grilli: She noted that this was approval for travel that already occurred.

X. EXECUTIVE/ADMINISTRATIVE REPORTS

CCOC Director Fox:

- There are four gold medal winners and two instructors attending the SkillsUSA Nationals competition in Kansas.
- Currently, middle school students are attending a Technology Camp at CCOC sponsored by an SB70 grant with Santa Clara USD and Ohlone College.
- During the last week of school, there were 311 students interviewed for positions at Safeway, Great America, San Jose City Family Camp and Youth Work Experience. The career center assisted the students in completing their applications, resumes and other aspects of preparing for the interviews.
- Preparation has begun for next year including equipment replacement, moving some classrooms due to the renovations for Building 300. All the students will continue to be served and teachers come back on August 20 and the students begin on August 24.
- There are over 2,000 high school students that have enrolled for classes for the fall including Job Corps. No classes were cancelled for next year, and there is an increase of a .4 FTE from the current school year in the automotive program.
- CCOC will make CAP for this year and is approximately 30 ADA over. Even though the state is counting ADA at this time, MetroED feels it is very important to proceed with monitoring ADA and this will continue next year for accountability.
- West Valley College is holding classes for medical career students through August and the students who complete the classes will receive 3 units of credit.

MAEP Director Sylvia Karp:

- On June 17, an achievement ceremony was held for approximately 80 students who completed their requirements for Medical Assisting, Office Skills, Accounting and GED. In the evening, the adult high school graduation ceremony was held for 80 graduates and approximately 1000 guests in attendance. Ms. Karp thanked the board members that were able to attend. Television stations 2 and 5 sent reporters to cover the graduation of the 83-year young graduate Frank Ganz.
- There are approximately 200 CalWORKs students attending classes in July and August. The contract with CalWORKs is year round. On Tuesday, June 23, a contract was signed with CalWORKs for the coming school year. The funding is still in discussions at the state level; however, CalWORKs will work with MAEP to ensure services performed will be covered if there is a drop in funding. MAEP serves approximately 58% of the CalWORKs recipients in the county.
- MAEP was able to make CAP as well with approximately 6 ADA to spare.
- Classes for the fall will begin on August 24, 2009.

MetroED Superintendent Paul Hay:

- The contract with CalWORKs includes a 30-day clause depending on the funding from the state.
- The CAROCP Conference will be held in San Diego next week and the superintendent will be attending as he serves on the board as well as the legislative committee.
- MetroED offices are closed on Fridays through the end of July.
- Due to the holiday for July 4th, the offices will be closed on July 2nd and July 3rd.
- He introduced Keiko Mizuno, Interim Director of Fiscal Services and shared that Human Resources Director, Dan Gilbertson has agreed to take on the responsibility of Interim CBO for MetroED.

XI. BOARD COMMENTS

- Member van Zuiden: She attended the graduations at Saratoga and Los Gatos High Schools. The graduation was very somber due to the unfortunate passing of two of the seniors. She was able to attend the Santa Clara County School Boards Association meeting where they did the annual planning for the year and was pleased with the direction under the leadership of Frank Biehl who is President this year.
- Member Gordon: She attended the graduation at Branham High School and their alternative school, Boyington. The school has approximately 130 juniors and seniors and 90 students graduated. The adult education graduation at MAEP was well done and it was a pleasure to be able to attend.
- Member Grilli: She shared that she has been attending the middle school promotion ceremonies and graduations and it was nice to end the celebrations at MAEP. She was able to meet Frank Ganz and his family and thanked the staff for doing an excellent job.
- Member Canova: He had the opportunity to attend two middle school promotions and graduations at Santa Clara USD and was very impressed with the adult education graduation at MAEP. The event was put together well and very impressed with Mr. Ganz's energy level and enthusiasm.
- Vice President Biehl: He thanked the staff for the budget, it was a very professional document, easy to follow and was pleased with the process that was put into place in a very difficult year. He met with Sally Leiber regarding an initiative for the November 2010 ballot to allow a majority vote of the legislators to pass the budget and increase revenues. It is definitely an issue to investigate. When there is additional information available, he will bring it back to the MetroED Board. He thanked staff for a great school year.
- President Garcia: He also attended several graduations over the past several weeks at schools in San Jose USD and had the privilege of meeting two World War II veterans. At Lincoln High School a former veteran received an honorary diploma and then had the opportunity to meet Mr. Ganz at the MAEP graduation. It was quite a graduation and hearing the passion of the students graduating was quite impressive. He thanked staff for a great school year and said in spite of the difficulties faced this year by MetroED, the Board was doing the right things regarding the approval of the budget.

XII. OTHER MEETINGS

Regular Meeting, August 19, 2009	Closed Session	6:00 pm
	Open Session	7:00 pm

XIII. ADJOURNMENT

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

President Garcia adjourned the meeting at 8:05 p.m.

Jim Canova, Clerk of the Board