

METROPOLITAN EDUCATION DISTRICT

Governing Board Meeting Minutes
June 29, 2011

I. CALL TO ORDER/REGULAR SESSION

The meeting of the Governing Board of the Metropolitan Education District was called to order by President Canova at 7:00 p.m., at 760 Hillsdale Avenue, Building 400, Room 403, San Jose, California.

All Members present, except when noted "absent:

Frank Biehl	East Side Union High School District
Daniel Bobay	Milpitas Unified 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

II. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Superintendent Hay.

III. ADOPT AGENDA

Superintendent Hay: He noted there are addendums for Items # 11 and # 12.

MOTION: It was moved to adopt the agenda with addendums to Items # 11 and # 12. M/Chang, S/Garcia; Vote: 6 Ayes, 0 No

IV. RECOGNITIONS

None

V. STUDENT REPORTS

None

VI. SPECIAL ORDER OF BUSINESS

None

VII. PUBLIC COMMENTS

None

VIII. CONSENT CALENDAR

MOTION: It was moved to approve consent items # *1 through # *8. M/Biehl, S/Bobay; Vote: 6 Ayes, 0 No

BUSINESS AND FINANCIAL FUNCTIONS

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

The Governing Board approved the following warrant registers: #62010510-#62010552, dated June 1, 2011; #62010553-#62010659, dated June 6, 2011; #62010560-#62010692, dated June 8, 2011; #62010693-#62010753, dated June 13, 2011; #62010754-#62010787, dated June 15, 2011; #62010788-#62010808, dated June 20, 2011.

***2. Action Item: Quarterly Investment Report as of 03/31/2011**

The Governing Board approved the Quarterly Investment Report.

***3. Action Item: 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.

INSTRUCTIONAL AND STUDENT FUNCTIONS

***4. Action Item: Approve MAEP Course Titles for 2011-12**

The Governing Board approved the list of course titles for MAEP.

***5. Action Item: Medical Apprenticeship Agreement**

The Governing Board approved the agreement with Joseph Gali M.D. to provide on-the-job training to MAEP medical students.

***6. Action Item: Approve Agreement with County of Santa Clara CalWORKs Program Liaison Services (\$613,609) and Sessions to Enhance Professional Skills (\$372,336)**

The Governing Board approved the agreement with the County of Santa Clara CalWORKs for the period of July 1, 2011 to June 30, 2012.

***7. Action Item: Approve Employee Out of State Travel**

The Governing Board approved the out of state travel for one CCOC automotive teacher to attend the AYES conference in Seattle, Washington.

***8. Action Item: Agreement with San Jose Job Corps**

The Governing Board approved the agreement between San Jose Job Corps and MetroED for the 2011-12 school year.

IX. INFORMATION ITEMS

9. Information Item: Legislative Update

Superintendent Hay: He provided the legislative update report with the most current information and reviewed the changes since the June 15 Governing Board Meeting.

Vice President Chang: She asked why CAROCP has taken a "no position" on AB 165: Pupil Fees and if it would affect them.

Superintendent Hay: He said CAROCP does not feel they would gain anything by taking a position of support or oppose and this bill does not affect them.

Member Biehl: He asked if AB 165 would affect MetroED.

Superintendent Hay: He said it would affect MetroED as we are a larger organization and we do have full audits. He said the requirement to expand the annual compliance audits by independent auditors would impact us more than others. He said other CAROCP member organizations are smaller or with the County Offices of Education and the increased cost for the audits would be absorbed into the county fee.

Vice President Chang: She said the major concern is the compliance audit cost impact and not like the uniform case we are dealing with at MetroED.

Superintendent Hay: He said it would be an additional mandated cost and he thinks it may run into trouble in Senate Appropriations. He shared that AB 169 passed Senate Education today and MetroED would support if amended to include ROCP JPAs.

Vice President Chang: She asked if the amendment has been included and if not, are there any efforts to include ROCP JPAs as an amendment.

Superintendent Hay: He said the amendment has not been included and it does not appear there will be any effort to include it as the bill moves through the legislature. He shared SB 931 which would prohibit public agencies from using public funds to pay for external consultants passed the Assembly's Public Employee Committee on a vote of 4-2 and has moved to the Assembly Floor.

Member Biehl: He asked if SB 931 was the one the Governing Board voted to support on a 4-2 vote at the last meeting as well.

Superintendent Hay: He said yes and SB 931 is supported by most unions in the state and opposed by most management organizations.

X. ACTION ITEMS AND REPORTS

BOARD AND ADMINISTRATIVE FUNCTIONS

10. Action Item: Second Reading: Adopt Board Policies and Administrative Regulations: Tri-Annual Update

Superintendent Hay: He said there were no requests for any changes or additions and staff recommends adoption.

MOTION: It was moved that the Governing Board adopt the Board Policies and Administrative Regulations. M/Garcia, S/Biehl; Votes: 6 Ayes, 0 No

BUSINESS AND FINANCIAL FUNCTIONS

11. Action Item: Award Bid, Approve Construction Contract: Parking Lot Repair, Restriping and Reconfiguration: Hillsdale Campus Site

Superintendent Hay: He said the addendum includes information on the bids and the contract. He noted there were three bidders; Galedrige Construction \$178,968, Guerra Construction Group \$235,352, and Wattis Construction \$298,828. He said Galedrige is the lowest bidder and it will be the fourth contract with them since he has been with MetroED. He said they are consistently the low bidder on this campus.

Vice President Chang: She asked if Galedrige does a good job.

Superintendent Hay: He said they do an excellent job and staff has been very pleased with all of their past work.

Vice President Chang: She said there is a difference of over \$100,000 between the low and high bid and she asked if staff had any information or reason for the difference.

President Canova: He said Galedrige is a local bidder and their costs to do business may be lower than the other bidders. The superintendent indicated he did not know why there was the difference in bids.

MOTION: It was moved that the Governing Board award the bid to the lowest responsible bidder, Galedrige Construction and award the contract to Galedrige Construction in the amount of \$178,968, subject to receipt of the required payment and performance bonds, and authorize the Superintendent to take any related necessary actions. M/Garcia, S/Chang; Votes: 6 Ayes, 0 No

12. **Action Item: Award Bid, Approve Construction Contract for Portable Classroom Site Work, MC Annex**

Superintendent Hay: He said this is an addendum and the contract is attached. He noted there were two bidders; Guerra Construction Group \$204,000 and Cal State Construction \$209,555 and he recommends awarding the bid to Guerra Construction Group. He pointed out Guerra Construction did the site work on MC Village.

Vice President Chang: She asked if staff knew why Galedrige did not bid on this project.

Superintendent Hay: He asked our architect, Mark Bartos with Bartos Architecture to respond.

Mark Bartos: He said they did participate in the bid walk; however, they are mainly a paving contractor.

MOTION: It was moved that the Governing Board award the bid to Guerra Construction Group as the lowest responsible bidder and approve the contract between Guerra Construction Group in the amount of \$204,000. M/Chang, S/Gordon; Votes: 6 Ayes, 0 No

13. **Action Item: Adopt Final 2011-12 Budget**

CBO Gilbertson: He shared the state budget is based on \$4 billion in state revenue and if that does not occur and there is only \$2 billion in revenue, the revenue limit will be cut by 4%; however, the state will not know this until December. The state has indicated districts can cut an additional 7 days from the school year plus the 5 days already allowed. He said this would be subject to negotiations with the bargaining units on cuts through the end of the year.

President Canova: He said there had been discussions about allowing school boards to unilaterally implement furlough days

CBO Gilbertson: He said that is not part of the budget passed at this time. He said the trailer bill says a district should budget level funding from last year and provide the equivalent staffing levels and programs. He said this does not take into consideration any increases in costs for benefits, workers compensation, step and column increases for districts. He said MetroED is not as impacted directly; however, impacts to the districts will ultimately have an impact on MetroED. He said on June 15 the budget was presented to the Governing Board and the hearing was published on June 17 in the San Jose Mercury News and it has been posted on site and it is appropriate to open the public hearing.

President Canova: He opened the public hearing to accept comment on the proposed 2011-12 budget.

MOTION: It was moved that the Governing Board close the public hearing. M/Biehl, S/Bobay; Votes: 6 Ayes, 0 No

Member Biehl: He commended staff on an excellent job in putting together the budget for the Governing Board.

MOTION: It was moved that the Governing Board adopt the budget for fiscal year 2011-12. M/Gordon, S/Biehl; Votes: 6 Ayes, 0 No

14. **Action Item: Adopt Resolution #17-06-29-11 Authorizing Designated Management Personnel to Sign Orders Drawn Upon the Funds of the District for Fiscal Year 2011-12**

MOTION: It was moved that the Governing Board adopt Resolution #17-06-29-11 authorizing the designated District Employees to sign orders drawn upon the funds of the District effective July 1, 2011. M/Chang, S/Gordon; Roll Call Votes: 6 Ayes, 0 No

15. **Action Item: Adopt Resolution #18-06-29-11 Authorizing Designated Management Personnel to Sign Official Electronic Funds Transfer Forms of the District for Fiscal Year 2011-12**

MOTION: It was moved to approve Resolution #18-06-29-11 authorizing the specified individuals to sign all official electronic transfer forms on behalf of the District, effective July 1, 2011 and authorize the filing of said signatures with the County Controller's Office. M/Garcia, S/Chang; Roll Call Votes: 6 Ayes, 0 No

16. **Action Item: Adopt Resolution #19-06-29-11 Authorizing District to Purchase off Contracts Awarded by other Public Agencies**

MOTION: It was moved the Governing Board adopt resolution #19-06-29-11 authorizing designated District officers to purchase commodities through contracts awarded by other agencies. M/Chang, S/Biehl; Roll Call Votes: 6 Ayes, 0 No

17. **Action Item: Adopt Resolution #20-06-29-11 Establishment of Fund Balance Policy**

MOTION: It was moved that the Governing Board adopt Resolution #19-06-29-11 authorizing establishing a fund balance policy in accordance with GASB 54 and authorize the Superintendent to take any necessary actions. M/Gordon, S/Biehl; Roll Call Votes: 6 Ayes, 0 No

18. **Action Item: Adopt Resolution #21-06-29-11 to Electing to be Subject to Public Employees' Medical and Hospital Care Act with Respect to Members of the AFT Bargaining Unit and Fixing the Employer's Contribution for Employees and the Employer Contribution for Annuitants at Different Amounts**

CBO Gilbertson: He said as the Governing Board has been apprised of the benefits issues with MetroED; Kaiser defined MetroED has their own group and separate from San Jose Unified School District. He said SJUSD's rates went up 6.7% and because we are a small group and claims submitted, the increase for MetroED was 19.8%. He said last year it was a 10% increase and it has become increasingly difficult for the District and employees to absorb these increases. He said a Special Benefits Task Force has been reviewing alternatives and recommended CalPERS which takes any size group into their plans. He said they do offer similar programs and their rates are comparable; however, they run on a calendar year versus a fiscal year. He said the following board resolutions will allow the individual bargaining groups to utilize the services or opt out in the future.

Member Garcia: He asked what the rates for CalPERS compared to in relation to what MetroED has currently.

CBO Gilbertson: He said the rates are comparable to what MetroED was paying prior to the 19.8% increase this year.

MOTION: It was moved that the Governing Board approve Resolution #21-06-29-11 and authorize the Superintendent to implement the CalPERS program and take any necessary actions. M/Biehl, S/Chang; Roll Call Votes: 6 Ayes, 0 No

19. **Action Item: Adopt Resolution #22-06-29-11 to Electing to be Subject to Public Employees' Medical and Hospital Care Act with Respect to Members of the CSEA Bargaining Unit and Fixing the Employer's Contribution for Employees and the Employer Contribution for Annuitants at Different Amounts**

MOTION: It was moved that the Governing Board approve Resolution #22-06-29-11 and authorize the Superintendent to implement the CalPERS program and take any necessary actions. M/Gordon, S/Biehl; Roll Call Votes: 6 Ayes, 0 No

20. **Action Item: Adopt Resolution #23-06-29-11 to Electing to be Subject to Public Employees' Medical and Hospital Care Act with Respect to Members of the CTA Bargaining Unit and Fixing the Employer's Contribution for Employees and the Employer Contribution for Annuitants at Different Amounts**

MOTION: It was moved that the Governing Board approve Resolution #23-06-29-11 and authorize the Superintendent to implement the CalPERS program and take any necessary actions. M/Garcia, S/Biehl; Roll Call Votes: 6 Ayes, 0 No

21. **Action Item: Adopt Resolution #24-06-29-11 to Electing to be Subject to Public Employees' Medical and Hospital Care Act with Respect to Members of the Unrepresented employees and Fixing the Employer's Contribution for Employees and the Employer Contribution for Annuitants at Different Amounts**

MOTION: It was moved that the Governing Board approve Resolution #24-06-29-11 and authorize the Superintendent to implement the CalPERS program and take any necessary actions. M/Biehl, S/Bobay; Roll Call Votes: 6 Ayes, 0 No

PERSONNEL FUNCTIONS

22. **Action Item: Classified Personnel**

CBO Gilbertson: He said this is a follow up to the process we have used. He said at the last meeting the layoffs were approved and tonight would be approval of the personnel actions.

MOTION: It was moved that the Governing Board approve the one resignation and two layoffs. M/Biehl, S/Gordon; Votes: 6 Ayes, 0 No

23. **Action Item: Administrative Personnel**

CBO Gilbertson: He said this would be a reduction in administrators; however, the position is being replaced by a confidential position.

MOTION: It was moved that the Governing Board approve the one layoff. M/Garcia, S/Gordon; Votes: 6 Ayes, 0 No

XI. EXECUTIVE REPORT/ADMINISTRATIVE REPORTS

CCOC Director John Fox

- The Job Corps class will finish tomorrow and they have been going 23 days for 6.5 hours per day in Law Enforcement or Medical Terminology.
- There are two summer programs in Carpentry and Office Assistant continues for another three weeks for CalWORKs. The students attend Monday through Thursday for 31 days at 5 hours per day.
- The EMP program offered to CCOC Fire Science/First Responder and Health Occupation students will end in three weeks. The students that successfully complete the program will receive six college credits from Foothill. The program is a partnership grant between Foothill College, CCOC, and Job Corps and was offered to the students at no charge.
- Mike Cortese, SkillsUSA Sponsor and CCOC Diesel Truck Mechanics instructor, reported his students attended the National competition in Kansas City last week. The students signed up for extra leadership classes offered and attended a tech sponsored event that allowed the students to network with industry leaders and representatives from tech schools. He said even though none of the students earned medals at the competition, four students scored above 80% of total points available. Mr. Cortese said the students were complimented on their politeness and professional attitude in the debriefing.
- Assistant Principal Sylvia Evans and Auto Careers Instructor James Walker attended a Common Core Standards Institute at Santa Clara County Office of Education this week. The institute was to develop leadership teams and implement the common core state standards in their local districts. He said the new common core state standards are not only adopted by most states but are also considered international standards.
- CCOC teachers return on Thursday, August 11 for a faculty meeting and room preparation by the teachers. On Friday, August 12 there will be staff development and continued room preparation for classes to begin on Monday, August 15.

MAEP Director Sylvia Karp

- She said previously, an achievement ceremony has been held for Medical Assisting, Office Skills and GED completers; however, this year it was not held due to staffing and budgetary issues. The students decided they would take on the challenge to hold their own ceremonies at no cost to the District. There were 30 Office Skills students who completed levels in their program and 32 Medical Assisting students complete their program which was a record number. The students found venues at no cost for the ceremonies and the food was donated. She said their families and friends were able to celebrate with the students.
- There were 24 Medical Assisting students that took the National Medical Assisting Certification examination as we are a proctoring site. She said 23 of the 24 students passed the exam. Since it is a national examination, it will allow the students to go anywhere in the United States to work.
- There are 12 Medical Assisting students on externships this summer at hospitals, clinics, and doctor offices. The externships last 160 hours and there is an articulation agreement with West Valley College and the hours apply for both MAEP and the college requirements.
- She said beginning July 5, there will be a Clinical Review class offered to allow students who have finished the opportunity to brush up on their skills over the summer they had learned throughout the year. She said currently there are approximately 30 students who will be taking the class.
- There has been a large group of CalWORKs students this summer including an open lab for students to come and do basic skills in reading, writing, and math and ESL students could work on specific programs to assist them and they are also participating in a book club and reading several books this summer.
- She said school will begin on August 15 and they are in the process of planning back-to-school meetings for staff.
- She said tomorrow, Thursday, there will be a walk through with San Jose USD personnel at the Erikson and San Jose sites and handing over the keys so they can use them for the fall.

CBO, Daniel Gilbertson

- He said as part of the budgeting and finance process is cutting costs and he wanted to express appreciation to IT Director Bob Beaulieu who has just negotiated a new contract on copiers. He said the projections are to save \$50,000 each year over the next four years with Sharp. Vice President Chang asked if the information could be sent to the Governing Board.

Superintendent Hay:

- He said the CAROCP conference was held last week and the person who was co-chair that was not going to be able to serve received permission from his county superintendent to serve and he will be senior. He will no longer be co-chair; however, he will continue as an at large member of the legislative committee.

XII. BOARD COMMENTS

Member Frank Biehl

- He thanked staff for a good year and he wished everyone a good summer.

Clerk Dan Bobay

- He thanked Directors Fox and Karp for their reports and what they do for the students. He said the reports provide information on how great it is to attend classes here, the experiences and what students learn and it is appreciated.
- He said their new superintendent would be starting in a week at Milpitas USD and the interim Barbara Young has left after assisting with the budget process.

Vice President Cynthia Chang

- She said Los Gatos-Saratoga JUHSD is in full gear looking for a new superintendent and they were planning to hire someone prior to school starting; however, now they will be looking at mid-September as they want to do focus groups and hear from their stake holders.
- She thanked her fellow board members for their advice as they have gone through the process recently, especially President Canova. She said serving on this board provides her with added information to learn that assists in her home district.
- She shared that she was appointed by CSBA President Martha Fluor to serve on the CSBA Linked Learning Task Force to provide guidance on policy and legislation regarding the CDE report on Multiple Pathways for a one year term.

Superintendent Hay: He said President Martha Fluor not only serves on a school board but on an ROP board as well.

President Jim Canova

- He echoed Vice President Chang's comments and said he also enjoys serving on this Board with each of the Board Members. He said he learns so much from the experiences of each person and it has assisted him in serving at Santa Clara USD.
- He said the next meeting is August 17 and he wished everyone a great and restful summer.
- He said it has been a difficult year for everyone and he said we deserve better times ahead.

XIII. OTHER MEETINGS

The next regular meeting of the Governing Board will be on August 17, 2011 at 7:00 PM

XIV. ADJOURNMENT

President Canova adjourned the meeting at 7:46 PM.

Daniel Bobay, Clerk of the Board