

METROPOLITAN EDUCATION DISTRICT

Governing Board Meeting Minutes
November 2, 2009

I. CALL TO ORDER/ROLL CALL

The regular meeting of the Governing Board of the Metropolitan Education District was called to order by Vice President Biehl at 7:05 p.m., in the CCOC Auditorium at 760 Hillsdale Avenue, San Jose, California.

Vice President Biehl asked for a roll call conducted by Althea Polanski. There was a quorum present to proceed with the meeting.

All Members present, except when noted "absent":

Frank Biehl	East Side Union High School District
Jim Canova	Santa Clara Unified School District (Absent)
Cynthia Chang	Los Gatos-Saratoga Union High School District (Absent)
Richard Garcia	San Jose Unified School District (Absent)
Diane Gordon	Campbell Union High School District
Marsha Grilli	Milpitas Unified School District
Rosemary Rossi	Los Gatos-Saratoga Union High School District Alternate

II. REPORT OF CLOSED SESSION ACTIONS

Vice President Biehl reported there was no action taken in closed session.

III. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Vice President Biehl.

IV. ADOPT AGENDA

MOTION: It was moved to adopt the agenda as submitted. M/Grilli, S/Gordon, Vote: 4 Ayes, 2 Absent (Canova/Garcia)

V. RECOGNITIONS

1. Acknowledgement of Visitors - None
2. Acknowledgement of Honors and Awards
 - Recognition of Individuals who have "Raised the Bar!"
 - Jennifer Krencik representing the National Association of Women In Construction (NAWIC), Santa Clara Chapter 99, presented a video on Magic Camp that was held in August at CCOC. The video was produced by a student in CCOC's Video Production Class. During the week of August 3rd, nine girls in high school participated in activities including electrical, carpentry and welding as well as had the opportunity for a field trip to drive Peterson tractors. NAWIC reached out to schools in San Jose Unified and Santa Clara Unified School Districts. The camp was to educate girls about construction, power tools and let them know there are options available to them in the construction industry. Superintendent Hay thanked Ms. Krencik and thanked CCOC instructors Kurt Cheetsos, Pat Haney, and Scott Hall who participated in the camp. They were unable to be at the meeting; however, they will be presented their raising the bar certificates at a later date.
 - Superintendent Hay presented a Raising the Bar Group Award to the CalWORKs program in the Metropolitan Adult Education Program (MAEP) for their extra efforts in providing summer classes to the students in the program. Accepting was Karen Enzensperger, CalWORKs Program Supervisor. Individual certificates were presented to the CalWORKs site representatives: Jennifer Astwood, Valerie Clifford, Jennifer Smith, Tu Nguyen, Diane Roca, Tracy Smith, Marjorie Houston, and Laura Washington.

VI. STUDENT REPORTS

- A. CCOC Student: None.
- B. MAEP Student: Suzi Glass, MAEP Assistant Principal, introduced Raul Ramirez, a student in the Advanced ESL class at the Metropolitan Adult Education Center.

Raul Ramirez: Mr. Ramirez started the ESL program about two years ago to learn more English to assist in getting better jobs. He has a 15 year old son attending Santa Teresa High School. He wants to go to college and thanked his instructors, staff and the Governing Board for providing him the opportunity to learn English. Mr. Ramirez said the students at the center were very concerned at the end of last school year they would not have classes this fall due to the budget. He expressed all of their appreciation for continuing the classes and they are looking forward to moving into the new classrooms at the back of the Hillsdale campus.

VII. SPECIAL ORDER OF BUSINESS

Superintendent Hay requested that Action Item 25: *Amend Ground Lease with Capitol Auto Mall LLC* be moved up for board action. Vice President Biehl moved the item up noting no objections.

MOTION: It was moved to approve Amendment # 2 to the Ground Lease between MetroED and the Capitol Auto Mall Plaza, LLC. M/Grilli, S/Rossi, Vote: 4 Ayes, 0 Noes, 2 Absent (Canova/Garcia)

Mr. Larry Bengieveno, representing the partnership, said the parties were in agreement with the amendment and shared they have asked for assistance because of the current economy. The small retail businesses have been hit hard during this tough economic climate and they have been reducing rents and working with the businesses to keep them in business and keep the project on line. He expressed their appreciation for reducing the ground rent to provide assistance to the project.

VIII. PUBLIC COMMENTS

None

IX. APPROVAL OF MINUTES

1. **MOTION:** It was moved to approve the Minutes of Regular Board Meeting on 09/09/09. M/Gordon, S/Grilli, Vote: 4 Ayes, 0 Noes, 2 Absent (Canova/Garcia)

X. CONSENT CALENDAR

MOTION: It was moved to approve Consent Items *2 through *18. Member Grilli moved to amend the motion with concurrence from Member Rossi to approve Consent Items *2 through *18 with the removal of Items 4, 5, 6 and 7 by Member Gordon. M/Grilli, S/Rossi, Vote: 4 Ayes, 0 Noes, 2 Absent (Canova/Garcia)

Vice President Biehl asked Member Gordon if there were items that she wanted to remove. Member Gordon stated that at the last meeting President Garcia questioned why she was removing the items and she asked for clarification on the process and took it to mean that she should not pull the items. Vice President Biehl said he would not have an objection to removing the items from consent.

BUSINESS AND FINANCIAL FUNCTIONS

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

The Governing Board approved the following warrant registers #62003518-#62003549, dated September 3, 2009; #62003550-#62003573, dated September 8, 2009;

#62003574-#62003601, dated September 9, 2009; #62003602-#62003642, dated September 11, 2009; #62003679-#62003679, dated September 15, 2009; #62003680-#62003708, dated September 17, 2009; #62003709-#62003741, dated September 21, 2009; #62003742-#62003779, dated September 23, 2009; #62003780-#62003781, dated September 24, 2009; #62003782-#62003805, dated September 25, 2009; #62003806-#62003867, dated September 28, 2009; #62003868-#62003897, dated September 29, 2009.

*3. **Consent Item: Accept Donations**

It was approved to accept the donations on behalf of the district from S-I Statewide Auto Glass, Auto Collision Center, and Enterprise Rent-A-Car.

4. **Approval of Master Business Relationship Agreement: Milpitas Unified School District**

MOTION: It was moved to approve the 2009-10 Master Business Relationship Agreement, including Appendices A and B and the amendment to the 2008-09 MBRA Appendix B, between MetroED and Milpitas Unified School District.

M/Grilli, S/Rossi, Votes: 3 Ayes, 1 No – Member Gordon, 2 Absent (Canova/Garcia)

Member Gordon: Requested Items 4-7 be removed from consent and that she would not be supporting Items 4-7. As she has previously stated at other board meetings on Items 4-7, she believes the Master Business Agreement as presented in the long term is detrimental to this organization and she cannot support these items.

5. **Approval of Master Business Relationship Agreement: San Jose Unified School District**

MOTION: It was moved to approve the 2009-10 Master Business Relationship Agreement, including Appendices A, B, and C and the amendment to the 2008-09 MBRA Appendix B, between MetroED and the San Jose Unified School District.

M/Grilli, S/Rossi, Votes: 3 Ayes, 1 No – Member Gordon, 2 Absent (Canova/Garcia)

6. **Approval of Master Business Relationship Agreement: Santa Clara Unified School District**

MOTION: It was moved to approve the 2009-10 Master Business Relationship Agreement, including Appendices A, and B and the amendment to the 2008-09 MBRA Appendix B, between MetroED and the Santa Clara Unified School District.

M/Grilli, S/Rossi, Votes: 3 Ayes, 1 No – Member Gordon, 2 Absent (Canova/Garcia)

7. **Approval of Master Business Relationship Agreement: East Side Union High School District**

MOTION: It was moved to approve the 2009-10 Master Business Relationship Agreement, including Appendices A, and B and the amendment to the 2008-09 MBRA Appendix B, between MetroED and the East Side Union High School District.

M/Grilli, S/Rossi, Votes: 3 Ayes, 1 No – Member Gordon, 2 Absent (Canova/Garcia)

*8. **Consent Item: Adopt Budget Calendar & Budget Guidelines for 2010-2011**

The Governing Board approved the Budget Calendar and Budget Guidelines for development of the fiscal year 2010-11 budget.

PERSONNEL FUNCTIONS

***9. Consent Item: Classified Personnel**

The Governing Board approved the three recalled assignments, one resignation, and one regular election.

***10. Consent Item: Administrative Personnel**

The Governing Board approved the one resignation, one appointment, and one reclassification.

***11. Consent Item: Revise Director of Fiscal Services and Human Resources Administrator Job Descriptions**

The Governing Board approved the revised job description for the Director of Fiscal Services and Human Resources Administrator.

***12. Consent Item: Revise MetroED CSEA Job Description for Maintenance Specialist**

The Governing Board approved the revised job description for Maintenance Specialist.

INSTRUCTIONAL AND STUDENT FUNCTIONS

***13. Consent Item: Medical Apprenticeship Agreement**

The Governing Board approved the agreements to offer on-the-job clinical training to MAEP medical students.

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

The Governing Board established the Employer Advisory Boards per Education Code Section 52302.2, appointed the persons named, and authorized the Superintendent or his designee to appoint additional EAB members as they are identified.

***15. Consent Item: Agreement with City of San Jose at the East Side San Jose Carnegie Branch Library**

The Governing Board approved the Memorandum of Understanding with the City of San Jose.

***16. Consent Item: Approval of CCOC Student Council Bylaws**

The Governing Board approved the Student Council Bylaws dated September 2009.

***17. Consent Item: SCC Works Program Worksite Agreement**

The Governing Board approved the Worksite Agreement between MetroED and the County of Santa Clara Social Services Agency.

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

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

XV. INFORMATION ITEMS

19. Information Item: Update on CCOC Building 300 Proposition 1D Project

Superintendent Hay shared this was an update on the Proposition 1D projects and the architect, Mark Bartos, would make the short presentation. The Governing Board reviewed the information on the building 300 Proposition 1D project presented by Mark Bartos, Bartos Architecture. The project is to provide a safe, secure, healthy and accessible classroom for the students and staff including central fire walls, sprinklers, passive security, and hazardous material removal. The project will relocate HVAC from building 600 to Building 300 Building Arts Center, relocate Electrical from building 100 to Building 300 Building Arts Center, configure Building Arts Center to “articulate” with HVAC and Electrical, and Utilize Mezzanine Level more efficiently.

XVI. ACTION ITEMS AND REPORTS

BOARD AND ADMINISTRATIVE FUNCTIONS

20. Action Item: Third Reading: BB 9010

MOTION: It was moved to adopt the changes to Board Bylaw 9010 and authorized staff to send the policy to CSBA to post on MetroED’s Gamut website. M/Gordon, S/Grilli, Vote: 4 Ayes, 0 Noes, 2 Absent (Canova/Garcia)

Superintendent Hay shared this was the third reading of the board bylaw regarding public statements by board members and was presented at the last meeting for review.

Vice President Biehl said the changes were made that had been requested.

BUSINESS AND FINANCIAL FUNCTIONS

21. Action Item: Authorization to submit Career Technical Education Facility Program Application-3rd Funding Cycle (Prop 1D, \$444,516)

MOTION: It was moved to approve the Proposition 1D CTE equipment grant application for the Manufacturing and Product Development Industry Sector Pathway. M/Grilli, S/Rossi, Vote: 4 Ayes, 0 Noes, 2 Absent (Canova/Garcia)

Superintendent Hay: This is authorization to submit a career technical education facility program application. This is the third funding cycle and initially there were only going to be two; however, there was money left over for a third funding cycle and it has become very competitive. This particular application allows us to leverage our Carl Perkins money, our Asset Management Funds as well as recoup previously expended funds (\$46,000).

22. Action Item: Award Bid and Approve Paving Contract for Hillsdale Avenue Campus (Galedrige Construction-\$69,150)

MOTION: It was moved to 1) award the bid for parking lot paving replacement and repair at 760 Hillsdale Avenue, San Jose to Galedrige Construction as the lowest responsible bidder, 2) approve the contract between MetroED and Galedrige Construction in the amount of \$69,150. M/Gordon, S/Grilli, Vote: 4 Ayes, 0 Noes, 2 Absent (Canova/Garcia)

Superintendent Hay: This is a small project in the back of building 400 that will be paved, and striped to allow for staff parking. This will provide additional parking for students due

to the MC Village Project. It will also allow for storage of grounds keeping equipment that is currently stored on the south side of building 300.

23. **Action Item: Hold Public Hearing and Adopt Resolution #02-10-14-09, regarding Flexibility Funds**

Vice President Biehl opened the public hearing on Resolution #02-10-14-09, regarding Flexibility Funds at 7:55 PM. There being no public requests, Vice President Biehl closed the public hearing at 7:56 PM.

MOTION: It was moved to adopt Resolution #02-10-14-09 to approve the use of Flexibility Funds. M/Grilli, S/Gordon, Roll Call Vote: 4 Ayes, 0 Noes, 2 Absent (Canova/Garcia)

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

MOTION: It was moved to approve the monthly budget update. M/Gordon, S/Rossi, Vote: 4 Ayes, 0 Noes, 2 Absent (Canova/Garcia)

Superintendent Hay reviewed the monthly budget update. There are two items that stand out, 1) the pass through of SFSF funding to MetroED from Milpitas Unified School District for the adult ADA in the ROCP program. It allows us to take the four percent salary reduction budgeted off the table. 2) The enrollment fee in the adult education program that was not budgeted also assists with the removal of the salary reduction from the budget. Lottery money will also be passed through to MetroED from the state through legislative action.

25. **Action Item: Amend Ground Lease with Capitol Auto Mall LLC (Paul Hay)**

Item approved under special order of business.

PERSONNEL FUNCTIONS

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

Daniel Gilbertson, Human Resources Director, said this is a public hearing item. AB 1200 requires MetroED to evaluate the financial implications for all of our bargaining units for the current and succeeding years. For the AFT settlement for Fiscal Year 2008-09, the financial implications are \$34,172 attributed to our adult education fund. This is for an accountability stipend that has been given in previous years.

Vice President Biehl opened the public hearing to disclose the cost of the proposed settlement with the San Jose Federation of Teachers (AFT) as required by AB1200 at 8:00 PM. There being no public requests, Vice President Biehl closed the public hearing at 8:01 PM.

27. **Action Item: Ratification of the AFT Agreement for 2008-09**

MOTION: It was moved to approve the AFT tentative agreement. M/Gordon, S/Grilli, Roll Call Vote: 4 Ayes, 0 Noes, 2 Absent (Canova/Garcia)

XII. EXECUTIVE/ADMINISTRATIVE REPORTS

CCOC Director Fox:

- The Student Council began a food drive today with proceeds going to needy families during the holidays.

- This past Friday, the Student Council held a Halloween costume contest. The students raised money for the prizes and had three categories; funniest, scariest, and most creative. The prize was \$25 for each category.
- The Employer Advisory Board meeting was held last Thursday with approximately 300 guests from business and industry in Santa Clara County. He thanked the instructors who held meetings and those who assisted with setting up the meeting room, securing the area, and setting up the canopy and lighting: Jan Joseph, Nancy Joseph, John Tawney, Scott Hall and Alice Rodriguez.

MAEP Director Sylvia Karp:

- The move to the new MC Village will occur on November 20 and November 21.
- Invited the board members to the California Council for Adult Education Bay Section Legislative Forum on November 6 from 9:00-11:30 AM at the Santa Clara Adult Education. The invitation to legislators to attend was extended to Santa Clara, Santa Cruz, and San Mateo counties. The purpose of the event is to put a human face on the 345 adult programs and the 1.5 million students served by adult education in California to legislators.

Director Daniel Gilbertson:

- I appreciate the opportunity to take on the additional role of Interim Chief Business Official and take the role seriously. It means working for you with the superintendent, the director of fiscal services and the rest of our staff in maintaining the financial viability for our organization and secondly to make sure that all of our business functions meet the educational needs of all of our students. That is what we are all about and in these difficult times, it is very critical. Recently, he attended CBO Camp in Sacramento sponsored by CASBO with the message to all the new CBOs in the state; this is the worst time for business in California for education since the great depression.
- The Prop 1D funds, we have received approximately \$1.5 million for building 300, the architect has shared the modernization and safety projects.
- We are currently doing bids for the irrigation part of the MC Village for landscaping.
- There will be restriping of the parking lots and slurry seal work at the back of the Hillsdale campus following completion of the MC Village.
- On building 300, this last Friday was the bid walk with approximately 30 contractors. The bids are due on November 13 and are planning construction on November 23.
- We are working with staff to see what materials are excess in building 300 and planning to do an auction. There was one several years ago and it was very successful.

MetroED Superintendent Paul Hay:

- There is a sheet amending page 13 of the 2008-2009 Annual Report. The two pie charts at the top of the page were switched. We did mail out 1,400 annual reports that is up from 1,295 from last year. We e-mailed 1,928; it is up from 1,000 last year. We also direct mailed to 340 employee homes. The total distribution of the annual report of 3,668 which is up from 2,295 last year.
- A copy of the ACSA Leadership magazine was distributed to the members including a report on the "Dropout Crisis" and other good articles on career technical education and ROCP.
- He provided a copy of the California CTE plan including the summary and the first three chapters.
- The invitation to the legislative forum on Friday, November 6 is at the dais for review.
- On November 13, the CTE Conference will be held at the Santa Clara County Office of Education. MetroED and our students will be playing a very prominent role at the conference. It will include South County ROP, North County ROP (which is a new JPA being created), MetroED, the county, ACSA and a number of other organizations. The title is "The Secret to Closing the Achievement Gap" and the section MetroED will focus on is reducing the dropout rate.
 - Vice President Biehl asked if board members could register through Althea Polanski. Superintendent Hay said yes.

XIII. BOARD COMMENTS

- Member Gordon: There was an article that appeared in the September 30, 2009 Wall Street Journal on the Campbell Union High School District regarding the purchase of security for desk top system that will save \$250,000 per year. It is infrastructure that is controlled in a site and you can effectively turn any old machine into a low cost thin client and instead of having to manage and support each computer system, they can spend time on other issues. Campbell was very pleased to see some positive publicity and surprised to see it in the Wall Street Journal.
- Member Grilli: She and Superintendent Hay attended the Santa Clara County School Board Association fall dinner meeting and thanked the Association and Frank Biehl as President of the Association for a good meeting and that it was good to hear from the California School Board Association President who was the guest speaker.
- Vice President Biehl: Thanked everyone for their patience and understanding during the meeting and expressed his apology to Superintendent Hay for not acknowledging him at the Santa Clara County School Board Association dinner meeting.

XIV. OTHER MEETINGS

Regular Meeting, November 18, 2009

Closed Session 6:00 pm

Open Session 7:00 pm

XV. ADJOURNMENT

MOTION: It was moved to adjourn the meeting. M/Gordon, S/Rossi, Vote: 4 Ayes, 0 Noes, 2 Absent (Canova/Garcia)

Vice President Biehl adjourned the meeting at 8:15 p.m.

Jim Canova, Clerk of the Board