

METROPOLITAN EDUCATION DISTRICT

**Governing Board Meeting Minutes  
April 11, 2007**

**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 Grilli at 6:05 p.m., Room 810 at the Central County Occupational Center, 760 Hillsdale Avenue, San Jose, CA 95136.

All Members present, except when noted "absent".

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, absent

Matthew Dean, Alternate, Campbell Union High School District

Marsha Grilli, Milpitas Unified School District

J. Manuel Herrera, East Side Union High School District

**II. DISCLOSURE OF "CLOSED SESSION" DISCUSSION ITEMS**

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

**III. ADJOURN TO CLOSED SESSION**

Board adjourned to closed session in Room 810 at 6:10 p.m.

**IV. REGULAR MEETING (continued)**

Regular session of the Board meeting reconvened in the CCOC Auditorium at 7:03 p.m.

**V. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Alternate Member Matthew Dean.

**VI. REPORT OF CLOSED SESSION ACTIONS**

No actions were taken in closed session.

**VII. ADOPT AGENDA**

Motion to adopt the agenda. Motion/Chang, Second/Dean, Vote/Unanimous

Discussion: Matthew Dean, Alternate Member representing Campbell Union High School District suggested that MetroED might consider putting agendas and back-up materials on our website for public access. Perhaps costs and information can be researched and brought back to the Board for consideration. Superintendent Hay said that he likes the idea and will bring the information back to the Board for consideration.

**VIII. STUDENT REPORTS**

There were no student reports due to spring break.

**IX. SPECIAL ORDER OF BUSINESS**

A. Michelle Barajas-Colomb, Former CCOC student

Michelle Barajas-Colomb, her husband, Joseph, and their son, Bryce were introduced by Superintendent Hay. Michelle was introduced as a former Capitol High and Law Enforcement student who was back to address the Board about how CCOC and Capitol High helped her to graduate from high school and find a career.

Ms. Barajas-Colomb thanked the Board for allowing her to address them. Michelle spoke of obstacles she met in high school which got her off-track to the point where she had lost her interest in attending classes. It was at the encouragement of a counselor in San Jose

Unified who suggested that she might try Capitol High at MetroED. While she was at first resistant, she soon realized that she was in the right place. Michelle was very complimentary of the nurturing she received from Eric and Cheryl in Capitol High. She signed-up for the Law Enforcement class and found great success with the encouragement of her instructor, Mr. Sciaky. She ultimately became the Captain. It was in the Law Enforcement program where she met a representative from the California Highway Patrol (CHP), and at that time realized that it was this important agency that she wanted to work. She graduated from high school and later attended Evergreen College in the Criminal Justice program. She is now in the process of becoming a CHP officer; she has passed the written test and the next step is to take the physical endurance test.

Discussion:

Member Chang congratulated her for how well behaved her son is.

Alternate Member Dean congratulated her on graduating from high school and said that she did not need to explain the fact that she was two years late; she will never need to reveal that.

Member Garcia said that it was nice to see her again and that because she was such an excellent student board member that she should keep government in mind.

President Grilli and the Board thanked Michelle for coming to the meeting.

**X. PUBLIC PRESENTATIONS & REPORTS**

**A. Public Comments**

Superintendent Nunez said that he would like to make a public comment during the time when Item 14, Action Item: Appoint Board Subcommittee on Potential Litigation is being discussed.

**XI. APPROVAL OF MINUTES**

- 1. Action Item: Approval of Minutes of Regular Board Meeting, March 14, 2007.** Motion to approve minutes of regular board meeting, March 14, 2007: Garcia, second: Chang, vote: unanimous.

**XII. CONSENT CALENDAR (ACTION)**

Motion: To approve Consent Calendar items \*2 through \*9: Dean, Second: Herrera, Vote: unanimous

Items Approved by Consent:

**BUSINESS AND FINANCIAL FUNCTIONS**

**\*2. Consent Item: Approve February Board Warrant Approval List**

**\*3. Consent Item: Accept Donations (Paul Hay)**

**PERSONNEL**

**\*4. Consent Item: Certificated Personnel (Dan Gilbertson)**

**\*5. Consent Item: Classified Personnel (Dan Gilbertson)**

**INSTRUCTIONAL AND STUDENT FUNCTIONS**

**\*6. Consent Item: Approve Community Classroom Agreements (John Fox)**

**\*7. Consent Item: 2007-08 Draft School Calendar (Dan Gilbertson)**

**\*8. Consent Item: Williams Uniform Complaint Procedures Report (Pamela Watson)**

**\*9. Consent Item: Approve Changes to Membership of MetroED Career Technical (CTE) Advisory Committee (John Fox)**

### XIII. INFORMATION ITEMS

**10. Information Item: P-2 Attendance Update & Annual Projections**

Discussion:

Superintendent Hay informed the Board that the P1 and P2 reports are what the District uses to make any necessary adjustments in order to reach the state defined cap. The projections indicate that both CCOC and MAEP will make cap.

**11. Information Item: First Reading of BP 3100, 3460, and AR 3100, 3460**

Discussion:

Superintendent Hay noted that the Business Board Policies are being brought to the Board in small chunks so as to not bring too many to the Board at one time. These policies are being read for the first time and will come back to the Board at the next meeting for a vote.

Member Chang commented on item numbers 1 and 2 of Policy 3462, Audit Committee. She said that in the past, the audit committee became involved at the end of the process and now the committee will be involved from the beginning, including selection of the audit firm. Superintendent Hay said that she was correct. Superintendent Hay commented that the committee had in the past been an ad hoc committee and will now become a standing committee. The difference is that standing committee meetings need to be posted, whereas ad hoc committees do not need to be posted. Hay said that posting is not a problem for us.

### XIV. ACTION ITEMS AND REPORTS

#### BOARD AND ADMINISTRATIVE FUNCTIONS

**12. Action Item: Adopt Resolution #08-04-11-07; National Teacher Appreciation Week, May 7-13, 2007 & California Day of the Teacher May 9, 2007**

Vote: Roll call was taken by Superintendent Hay and the vote was: 6 aye, 0 no, no absences, no abstentions.

**13. Action Item: Adopt Resolution #09-04-11-07; Classified Employee Week**

Vote: Roll call was taken by Superintendent Hay and the vote was: 6 aye, 0 no, no absences, no abstentions.

**14. Action Item: Appoint Board Subcommittee on Potential Litigation**

Public Comment:

East Side Superintendent, Bob Nunez asked if the litigation in the item was referring to East Side as the litigant. Superintendent Hay asked for clarification of the question from Nunez. Nunez reiterated that he wanted to know if the litigant was referring to the East Side District. Superintendent Hay said that at the time the reference was to East Side around the issue of cap. However, the committee could discuss other issues the scope does not need to be limited to East Side.

Discussion:

Superintendent Hay said that he was looking for direction from the Board and at this time he has no specific issues in mind. He said that it is up to the Board as what scope the subcommittee will have.

Member Herrera said that the committee could be set-up to deal with litigation recommendations from the attorney and the subcommittee would not include a Member who would have a conflict with the litigation. Herrera said that he liked

the concept of having a committee as a vehicle to deal with litigation – it is a sound approach.

Member Grilli said that this is like having an audit committee. President Grilli said that she had talked to Members Dossa and Garcia (senior members of the Board) if they would consider being representatives on the subcommittee. Alternate Member Dean said that Member Gordon would also have interest in being a part of this subcommittee. Chang said that she would be more comfortable with two members and since Gordon is already on the audit subcommittee, she should not be on the litigation committee. Both Dossa and Garcia agreed to serve on the subcommittee.

The question of how many members would be appropriate for the committee to have. Hay said that it could be two or three, just cannot be a majority of members. Member Dean liked the idea of having two regular members with one alternate. Chang preferred having a two-member subcommittee.

Member Garcia asked for clarification on the responsibilities of the members of the subcommittee: that these duties are to hear and get information and details on the litigation item from legal counsel and to report this information back to the full board. Superintendent Hay said that he was correct.

Motion: That the Governing Board appoint two of its members Ernie Dossa and Rich Garcia to serve on a Board subcommittee to meet with legal counsel as necessary, and develop other strategic options, as necessary and that there are currently no specific litigation items being considered. Motion/Dean, Second/Chang, Vote/Unanimous.

## **BUSINESS AND FINANCIAL FUNCTIONS**

### **15. Action Item: Monthly Budget Update**

Superintendent reported in lieu of Wendy Zhang. Hay walked the Members through the budget update funds and the major budget transfers as of March 31, 2007. There were no questions from the Board.

Motion: That the Governing Board approve the budget changes included in the Monthly Budget Update for the period ended 3/31/07. Motion/Garcia, Second/Dossa, Vote/Unanimous

### **16. Action Item: Approve Authorization to Proceed for architectural services: various projects (CSS Architects)**

Motion: That the Governing Board approve the four *Authorizations to Proceed* for architectural services with CSS Architecture for the projects and amounts indicated. Motion/Dean, Second/Chang, Vote/Unanimous.

Discussion:

Superintendent Hay said that approval of CSS Architects was brought to the Board for their approval. In this item, Hay said that there are four items for consideration under the current contract. Hay also mentioned that CSS had previously donated \$15,000 worth of their time to the QZAB Building 700 project. This donation of time was not used in the 700 Building, so will be used against these projects.

Alternate Member Dean commented that he appreciates donations but is always a bit suspect when donations come from vendors. He suggested caution. He

also suggested taking a good look at the methods utilized for sewer clean-out. Investigate the methodologies as there are some that are very costly and not necessarily any better than the cheaper ones (this he knows from past experience with the Santa Clara Valley Water District).

**17. Action Item: Award bid and approve construction contract to replace transformer on Hillsdale Avenue campus (Pfeiffer Electric-\$114,680)**

Motion: That the Governing Board 1) award the bid to replace the south campus 300 KVA transformer to Pfeiffer Electric as the lowest responsible bidder, 2) approve the contract between MetroED and Pfeiffer Electric in the amount of \$114,680. Motion/Garcia, Second/Dossa, Vote/Unanimous

**18. Action Item: Award bid and approve construction contract for parking lot paving replacement and repair on Hillsdale Avenue campus (Galedrige Construction-\$244,725) (Paul Hay)**

Motion: That the Governing Board 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 \$244,725. Motion/Chang, Second/Dean, Vote/Unanimous.

**PERSONNEL FUNCTIONS**

**19. Action Item: Public Hearing: Disclosure of Financial Implications of Collective Bargaining Agreements with AFT, CSEA & CTA**

**PUBLIC HEARING OPEN (TIME: 7:50PM)**

Motion: That the Governing Board hold a public hearing and disclose the cost of the proposed settlements with the Central County Occupational Agency Teachers Association (CTA), San Jose Federation of Teachers (AFT) and California School Employees Association (CSEA) as required by AB 1200.

Public Comment: None

Discussion: Superintendent Hay said that a 3-year spreadsheets of the impact to the budget for all bargaining units and for the unrepresented employees for the current year and two subsequent years. The notice has been posted for the 10 required days prior to the public hearing. The County has also looked at the disclosure document and has found no issues.

**PUBLIC HEARING CLOSED (TIME: 7:51PM)**

**20. Action Item: Approval of the CTA Agreement for 2006-07**

Motion: That the Governing Board approve the CTA tentative agreement for the 2006-07 fiscal year. Motion/Dossa, Second/Dean, Vote/Unanimous

Discussion:

Human Resources Director, Dan Gilbertson addressed the Board to say that the Central County Occupational Agency Teachers Association (CTA/NEA) had ratified a tentative agreement from March 2, 2007. The tentative agreement includes an on-schedule 5.92% COLA and increase to the Club Coordinator position. Gilbertson also commented that of his years with MetroED, this was one of the smoother years with good relationships with the bargaining units.

Superintendent Hay publicly thanked individual members of CTA and management negotiations team: Dan Gilbertson, Chief Negotiator; Pamela Watson, John Fox and Sylvia Evans of the Management team; Kathy Melrose, Justin Locketz, Robert McTaggart and Michelle Sugden of the CTA bargaining unit team.

**21. Action Item: Approval of the CSEA Agreement for 2006-07 (Dan Gilbertson)**

Discussion:

Dan Gilbertson reported that on February 28, 2007 a tentative agreement was reached with the bargaining unit represented by the California School Employees Association (CSEA) and ratification took place on March 15, 2007. This tentative agreement included 5.92% on the salary schedule and we also negotiated the disciplinary section having to do with hearings.

Motion: That the Governing Board approve the CSEA tentative agreement for the 2006-07 fiscal year. Motion/Dossa, Second/Chang, Vote/Unanimous.

Superintendent Hay expressed personal thanks to Dan Gilbertson, Chief Negotiator; Pamela Watson, Sylvia Karp, Tom Mullin, and Wendy Zhang on the management team; and Kim Fields, Barbara Barfield, Terri DiSalvo, An Marie Eagle, Rosalie Ruiz, and Carmen Yniguez on the CSEA bargaining unit team.

**22. Action Item: Approval of the AFT Agreement for 2006-07**

Discussion:

Dan Gilbertson reported that on March 10, 2007, a tentative agreement was reached with the bargaining unit represented by the San Jose Federation of Teachers (AFT) and their members have since ratified their agreement. The budget impacts of this tentative agreement include an on-schedule 5.92% cost of living adjustment (COLA) and a one-year accountability stipend for MAEP unit members in El Civics, ABE, ESL, GED/HS and ISP programs.

Superintendent Hay commented on the difficulty of the accountability stipend. The one-year stipend was given because of the additional paperwork that is now required of the state. Teachers are required to fill-in lots of forms with no additional pay. So, to acknowledge their time spent the stipend was put in place for one year. This year we were convinced that the Federal funding would be cut, but that did not happen. However, the number of pay points declined and as a result MAEP received a lower amount of funding. The requirements for the teachers did not go away, but the funding was less, so this was a very difficult issue for us. We did extend this for one more year and will struggle with it again next year. Hopefully the pay points will increase.

Motion: That the Governing Board approve the AFT tentative agreement for the 2006-07 fiscal year. Motion/Dean, Second/Herrera, Vote/Unanimous.

Superintendent Hay thanked Dan Gilbertson, Chief Negotiator; Pamela Watson, Suzi Glass, and Carolyn Richard of the management team; and Kathy Jasper, Ron Jackson, AFT representative, and Richard Stewart of the AFT bargaining unit.

**23. Action Item: Approve 5.92% Salary Increase, and other adjustments, for Management, Confidential and Contract Employees for FY 2006-2007**

Discussion: Dan Gilbertson noted that a group of administrators approached Superintendent Hay regarding management requests. Superintendent agreed to the 5.92% COLA for the unrepresented employees.

Motion: That the Governing Board approve the COLA increase of 5.92% to the Management, Confidential and Contract employees, which is equivalent to increases granted to represented employees. Motion/Chang, Second/Dean, Vote/Unanimous.

**24. Action Item: Adopt Resolution #10-04-11-07 to reduce or reassign Classified workforce (Dan Gilbertson)**

Discussion:

Dan Gilbertson explained that the layoff amounted to two FTE (1 full time person, who is interviewing for an open position at MetroED and 2 part time aides).

Motion: That the Governing Board adopt Resolution #10-04-11-07 to reduce or reassign classified workforce, give notice of reduction or reassignment to appropriate employees, and authorize the Superintendent to take any necessary actions. Motion/Dossa, Second/Dean, Vote/Unanimous

**INSTRUCTIONAL AND STUDENT FUNCTIONS**

--None--

**XV. EXECUTIVE REPORT/ADMINISTRATIVE REPORTS**

Oral Report: Superintendent Paul Hay reported on recent significant information not on the agenda. Program Directors will also provide oral reports relating to their programs.

- Oral Report: CCOC Director, John Fox – absent/vacation
- Oral Report: MAEP Director, Suzi Glass  
MAEP Director, Suzi Glass reported on International Day which was held in the CCOC Auditorium. The performers were from the Metro Center ESL classes. The adult students shared their heritage, geography, history, native costumes, individual talents and group events. This event is an inspiration and encouraging to see so many people of various cultures working together cooperatively in teams. There were about 24-25 different cultures represented.

Ms. Glass also reported the Capitol High has just graduated their seventh person this year; he is from Pioneer High School. Capitol High is on target to graduate a potential 21 this year.

Discussion:

Member Chang asked Ms. Glass if the event was video taped and if not, it would be a good thing to do. Suzi agreed that it would be a good idea to do this.

- Oral Report: Superintendent, Paul Hay  
Hay reported that six CCOC students from Justin Locketz's Computer Careers class won three medals, a gold, silver and bronze at the seventh annual StRUT (Students Recycling Used Technology) competition at Mission College in March.

The students worked in teams and were scored in three different timed areas: computer build/presentation, challenge and written exam.

The gold medal team was comprised of: Travis Cook, Piedmont Hills High School and Matt Sharp from Evergreen Valley High School. Ben Parker was on the silver medal team with two students who do not attend CCOC. Those on the bronze team were George Booth, Leigh High School; Patrick Decker, Los Gatos High School and Andrew Miles from Evergreen Valley High School.

Hay said that he really enjoys sharing successes of the CCOC and MAEP students. It is also amazing to see students from schools throughout the valley working together in teams.

Hay also noted that letters were being written to the students' parents with copies to the principals and superintendents. Board members have received the information in an email.

**XVI. BOARD COMMENTS**

Member Chang reported that she was glad to be back from vacation. She also thanked Superintendent Hay and John Fox for their presentation made to the Los Gatos Saratoga Board last week.

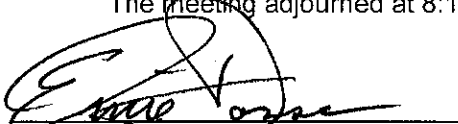
Alternate Member Dean reported that he had recently taken a tour of CCOC and wanted to thank Paul. He said that he was so inspired that he went home and worked on his van with his son's help. He said that while he was touring he thought of ways that Board members can bring opportunities to the students and that he had committed to bringing speakers and internships to CCOC. He commented that college is not for everyone. There are lots of different paths to success and college is one of them; however, people need various outlets and opportunities.

**XVII. OTHER MEETINGS**

President Grilli noted that the next meeting is May 9<sup>th</sup> and adjourned the meeting.

**XVIII. ADJOURNMENT**

The meeting adjourned at 8:10 pm



Ernie Dossa, Clerk