

CAPISTRANO UNIFIED SCHOOL DISTRICT
BOARD OF TRUSTEES
MINUTES – REGULAR MEETING
JANUARY 9, 2012
EDUCATION CENTER – BOARD ROOM

President Pritchard called the meeting to order at 5:30 p.m. The Board recessed to closed session to: discuss Public Employee Appointment/Employment; discuss Student Expulsions; confer with Legal Counsel regarding Existing Litigation; and discuss CSEA/CUEA/CUMA/Teamsters negotiations.

Trustee Bryson arrived in closed session at 5:35 p.m.

Closed session recessed at 6:14 p.m.

The regular meeting of the Board reconvened to open session and was called to order by President Pritchard at 7:00 p.m.

The Pledge of Allegiance was led by Trustee Bryson.

Present: Trustees Addonizio, Alpay, Bryson, Hatton, Palazzo, and Pritchard

Absent: Trustee Brick and Student Advisor Ryan Pallas

A CD of the Board meeting discussion related to each of the items on the public agenda is on file in the Superintendent's office as a matter of the permanent record. An audio recording of the meeting is available on the District website: www.capousd.org

Permanent Record

It was moved by Trustee Alpay, seconded by Trustee Bryson, and motion carried by a 6-0 vote to adopt the Board agenda.

Adoption of the Board Agenda

AYES: Trustees Addonizio, Alpay, Bryson, Hatton, Palazzo, and Pritchard

NOES: None

ABSENT: Trustee Brick and Student Advisor Ryan Pallas

ABSTAIN: None

President Pritchard reported the following action taken during closed session:

President's Report From Closed Session Meeting

Agenda Item #3 A– Conference with Real Property Negotiators:

This item was pulled from the agenda on January 6.

Agenda Item #3 B1– Public Employee Appointment/Employment:

The Board gave direction to staff.

Agenda Item #3 B2 – Public Employee Appointment/Employment:

The Board voted 6-0 to approve the appointment of Luci Coppola, Program Specialist.

AYES: Trustees Addonizio, Alpay, Bryson, Hatton, Palazzo, and Pritchard

NOES: None

ABSENT: Trustee Brick

ABSTAIN: None

Agenda Item #3 C1–C4 – Student Expulsions:

The Board voted 6-0 to expel the following students by stipulated agreement: Case #2012-014, #2012-016, #2012-017, and #2012-018.

- AYES: Trustees Addonizio, Alpay, Bryson, Hatton, Palazzo, and Pritchard
- NOES: None
- ABSENT: Trustee Brick

Agenda Item #3 D – Conference with Legal Counsel-Existing Litigation:

Case No. 10-55559 and 10-56243 D.C. No. 2:06-cv-3049 ABC (JCx)

The Board gave direction to staff.

Agenda Item #3 E – CSEA/CUEA/CUMA/Teamsters Negotiations: No action was taken.

Student Body President Kyle Murphy from San Clemente High School presented a report on activities taking place at the high school.

Student Body Report

Trustee Bryson congratulated the new CUCPTSA Legislation Team and stated she was impressed with their plan.

Board and Superintendent Comments

Superintendent Farley pointed out the photographs mounted in the Board room of Ambuehl Elementary School kindergarten students paired with San Juan Hills High School seniors taken by San Juan Hills High School advanced digital photography students. Dr. Farley added the on-going photo project is a reminder that the District is about kids.

President Pritchard mentioned this was the last Board meeting for Deputy Superintendent Ron Lebs as he has taken a new position at another school district. President Pritchard thanked Mr. Lebs, on behalf of the Board, for his service to the District.

As specified in Board Bylaw 9323 for Oral Communications, each speaker was allowed three (3) minutes to speak.

Oral Communications

The following speaker addressed the Board:

- *Trish Kelley, Mission Viejo City Council Member, addressed the Board in regards to the redistricting of Trustee boundary areas and asked to be notified of future District budget workshops.*

PUBLIC HEARING

President Pritchard announced the Public Hearing open at 7:15 p.m. regarding Oxford Preparatory Academy Charter School’s material revision request.

Public Hearing: OPA Material Revision Request Agenda Item 1

Due to the number of requests to address the Board on this item, it was moved by Trustee Alpay, seconded by Trustee Hatton, and motion carried by a 6-0 vote to suspend the maximum time requirement of 20 minutes for speakers, reduce each speaker’s time to 2 minutes, and allow all speakers to address the Board.

The following speakers addressed the Board:

- *Shelby Barone, Patrick Mallon, Valinda Accetta, Debbie Lackie, Linda Shepard, Mark Alcaca, Mike Nemec, Carter Johnson, and Lisa Middleton spoke in opposition of Oxford Preparatory Academy Charter School's material revision request.*
- *Ryan Belkin, Frank Camilleri, Robert Reidel, Sue Roche, and Mary Salgado spoke in support of approving the Oxford Preparatory Academy Charter School's material revision request.*
- *Jim Reynen appealed to all sides to work in harmony for the kids regardless of the outcome of this issue.*

President Pritchard declared the Public Hearing closed at 7:48 p.m.

It was moved by Trustee Alpay, seconded by Trustee Pritchard, and motion carried by a 6-0 vote to take a five-minute break. President Pritchard called the meeting back to order at 7:55 p.m.

Recess

AYES: Trustees Addonizio, Alpay, Bryson, Hatton, Palazzo, and Pritchard
NOES: None
ABSENT: Trustee Brick and Student Advisor Ryan Pallas
ABSTAIN: None

President Pritchard announced the Public Hearing open at 7:55 p.m. regarding the approval of the Romero Bill/Open Enrollment Act Waiver Request. There being no speakers to address the Board, President Pritchard declared the Public Hearing closed at 7:56 p.m.

**Public Hearing:
Romero Bill/Open
Enrollment Act
Waiver Request
Agenda Item 2**

It was moved by Trustee Alpay, seconded by Trustee Bryson, and motion carried by a 6-0 vote to approve the General Waiver Request to waive Education Code §48352, excluding Crown Valley Elementary School from the 2012-2013 list of low-achieving schools.

**Romero Bill/Open
Enrollment Act
Waiver Request
Agenda Item 3**

ROLL CALL: AYES: Trustees Addonizio, Alpay, Bryson, Hatton, Palazzo, and Pritchard
NOES: None
ABSENT: Trustee Brick and Student Advisor Ryan Pallas
ABSTAIN: None

President Pritchard announced the Public Hearing open at 7:57 p.m. regarding the approval of the draft plans for Trustee area boundary redistricting.

**Public Hearing:
Draft Plans for
Trustee Area
Boundary
Redistricting
Agenda Item 4**

The following speaker addressed the Board:

- *Martha McNicholas stated the District does not have perfectly nested feeder patterns so splits of Trustee areas will happen. Ms. Nicolas asked Trustees not to let that stop them from approving one of the proposals. Ms. McNicholas requested the small section of Laguna Niguel, where it meets Mission Viejo, become a solid boundary.*

President Pritchard declared the Public Hearing closed at 8:01 p.m.

Deputy Superintendent Ron Lebs introduced Dr. Alan Heslop and Dave Meyer of National Demographics Corporation (NDC) who provided a PowerPoint presentation. Dr. Heslop explained NDC had taken the direction Trustees provided the firm at the December 12, 2011, Board meeting and drafted two new plans. Dr. Heslop reviewed each Trustee area in Plans F and G. Dr. Heslop stated the purpose of the presentation is for input and direction from the Board for the development of another plan to present at the January 25 Board meeting.

Draft Plans for Trustee Area Boundary Redistricting Agenda Item 5

Following discussion, comments, and suggestions, Trustees agreed Plan G was the better of the two plans. NCD was directed to draft another plan using Plan G but taking into consideration a better solution for Mission Viejo, explore better options to represent Laguna Niguel and San Clemente, and unify representation for the Ladera Ranch area.

DISCUSSION/ACTION

It was moved by Trustee Hatton, seconded by Trustee Addonizio, and motion carried by a 6-0 vote to approve the Memorandum of Understanding with the United States Fish and Wildlife Service and San Diego State University.

MOU with Various Agencies for the C²SEA STEM Project Agenda Item 6

AYES: Trustees Addonizio, Alpay, Bryson, Hatton, Palazzo, and Pritchard
NOES: None
ABSENT: Trustee Brick and Student Advisor Ryan Pallas
ABSTAIN: None

Deputy Superintendent Ron Lebs stated Tax and Revenue Anticipation Notes (TRANs) are short-term debt instruments issued by a school district to meet cash flow needs. The TRANs will be issued to help balance cash flow needs across fiscal years 2011-2012 and 2012-2013. The District needs additional cash flow because of timing gaps between receipt of revenues and the expenditure of general fund monies. Borrowing will allow the District to fund this current year shortfall and repay the note with 2011-2012 state deferral payments to be received in 2012-2013. By approving Resolution No. 1112-28, the District will have the opportunity to participate in the California School Cash Reserve Program and issue a TRAN to meet cash flow needs at the end of the 2011-2012 fiscal year. Adoption of the resolution does not obligate the District to participate in the program and there are no costs to the District if a TRAN isn't issued. The resolution delegates to the administration the authority to decide on participation based upon the parameters set forth in the resolution. Mr. Lebs stated the amount in the resolution needed to be increased from \$25 million to \$30 million based on new calculations from staff.

TRANS Agenda Item 7

Trustees Palazzo and Addonizio stated they could not approve borrowing an additional \$30 million. Both Trustees read prepared statements regarding the reasons for their decision to vote no on this resolution. Trustee Addonizio moved the Board continue the application for borrowing until a full analysis of the District finances is conducted.

Following discussion, Trustee Alpay requested Trustee Addonizio restate her motion. It was moved by Trustee Addonizio, seconded by Trustee Palazzo, and motion failed by a 2-4 vote to continue the application for borrowing until a full analysis of the District finances is conducted.

AYES: Trustees Addonizio and Palazzo
NOES: Trustees Alpay, Bryson, Hatton, and Pritchard
ABSENT: Trustee Brick and Student Advisor Ryan Pallas
ABSTAIN: None

It was moved by Trustee Alpay, seconded by Trustee Hatton, and motion carried by a 4-2 vote to approve Resolution No. 1112-28, authorizing the borrowing of funds for fiscal year 2011-2012 and the issuance and sale of 2011-2012 Tax and Revenue Anticipation Notes therefore and participation in the California School Cash Reserve program and requesting the Board of Supervisors of the County to issue and sell said series of notes and modify the resolution from \$25 million to \$30 million.

AYES: Trustees Alpay, Bryson, Hatton, and Pritchard
NOES: Trustees Addonizio and Palazzo
ABSENT: Trustee Brick and Student Advisor Ryan Pallas
ABSTAIN: None

Dr. Farley stated the Board meeting scheduled for Monday, November 12 has been designated as the Veterans Day holiday for the District and the meeting scheduled for December 17 is not early enough to meet the timeline for budgetary items.

**Revised 2012
School Board
Meeting Schedule
Agenda Item 8**

Following discussion, it was moved by Trustee Alpay, seconded by Trustee Bryson, and motion carried by a 6-0 vote to approve one Board meeting in November to be held on Wednesday, November 14 and one Board meeting in December on Monday, December 10. Staff was also directed to research if either of the new dates presents a problem to staying within the November election requirements for seating newly elected Trustees.

AYES: Trustees Addonizio, Alpay, Bryson, Hatton, Palazzo, and Pritchard
NOES: None
ABSENT: Trustee Brick and Student Advisor Ryan Pallas
ABSTAIN: None

Deputy Superintendent Ron Lebs stated there was nothing new to report this month.

**Division of State
Architect Update
Agenda Item 9**

President Pritchard asked Trustees for items they wished to pull from the Consent Calendar. Agenda items 17 and 18 were pulled.

**Items Pulled from
the Consent
Calendar**

CONSENT CALENDAR

It was moved by Trustee Alpay, seconded by Trustee Bryson, and motion carried unanimously to approve the following Consent Calendar items:

Minutes of the November 30, 2011, regular Board meeting and December 12, 2011, regular Board meeting.

**Minutes
Agenda Item 10**

Agreement FCI-SD-04 by and between Children and Families Commission of Orange County and Capistrano Unified School District.

**Children and
Families
Commission of
Orange County
Agreement
Agenda Item 11**

Proposed Extended School Year schedule.

**Extended School
Year Proposal
Agenda Item 12**

Purchase orders, warrants, and previously Board approved bids and contracts as listed.	Purchase Orders/Warrants Agenda Item 13
Donation of funds and equipment.	Donations Agenda Item 14
Ratification of special education Informal Dispute Resolution agreements.	Informal Dispute Resolution Agreements Agenda Item 15
Ratification of special education settlement agreements.	Special Education Settlement Agreements Agenda Item 16
AON Global Risk Consulting to provide an evaluation of the third party Workers' Compensation services the District receives from CorVel Enterprise Comp, Incorporated.	Consulting Agreement Agenda Item 19
Award of RFQ No. 8-1011, Financial Advisory Services to Fieldman Rolapp & Associates and Government Financial Services.	Financial Advisory Services Agenda Item 20
Amendment/extension of listing agreement with Grubb & Ellis Company	Amendment/ Extension of Listing Agreement Agenda Item 21
Resignations, retirements, and employment of classified personnel.	Resignations/ Retirements/ Employment (Classified Personnel) Agenda Item 22
Resignations, retirements, and employment of certificated personnel.	Resignations/ Retirements/ Employment (Certificated Personnel) Agenda Item 23
Employment contract on an interim basis to provide services during the duration of the recruitment process for an Executive Director, Personnel Services, and Director, Personnel Services.	Employee Contract Agenda Item 24
Employment contract on an interim, part-time basis, to provide fiscal and budget-related services during the recruitment, selection, and appointment process for a Deputy Superintendent, Business and Support Services.	Employee Contract Agenda Item 25
Employment contract on an interim, part-time basis, to provide business, maintenance, operations, and support services during the recruitment, selection, and appointment process for a Deputy Superintendent, Business and Support Services.	Employee Contract Agenda Item 26

ROLL CALL: AYES: Trustees Addonizio, Alpay, Bryson, Hatton, Palazzo, and Pritchard
NOES: None
ABSENT: Trustee Brick and Student Advisor Ryan Pallas
ABSTAIN: None

Trustee Palazzo stated she could not approve a \$50,000 expense from the general fund for a mediator and problem solving consulting position at this time due to the budgetary crisis and would be voting no on this item. Dr. Farley explained the consultant was being hired to assist with the Barcelona Hills Elementary School and Oxford Preparatory Academy Charter School mediation to get them through the remainder of the school year. Dr. Farley stated the \$50,000 fee was an estimate and it is unlikely it would reach that amount. Trustee Alpay asked Dr. Farley to project what amount he thought would be sufficient for these services. Dr. Farley responded \$20,000.

**Independent
Contractor
Agreement
Agenda Item 17**

Following discussion it was moved by Trustee Alpay, seconded by Trustee Hatton, and motion carried by a 4-2 vote to approve an independent contractor agreement with Sheri B. Loewenstein to provide mediation and problem-solving services for Capistrano Unified School District with a \$20,000 cap on the fee.

AYES: Trustees Alpay, Bryson, Hatton, and Pritchard
NOES: Trustees Addonizio and Palazzo
ABSENT: Trustee Brick and Student Advisor Ryan Pallas
ABSTAIN: None

Trustee Palazzo asked staff to explain why this item is agendized for Trustee approval after the training occurred. Director Amy Bryant explained staff booked the speaker and scheduled the training for District principals for January 9 on the assumption the contract approved for Quantum Learning Network earlier this year was good for one year. Staff later learned the contract had expired after scheduling the training; therefore staff was late in submitting the request. Dr. Bryant apologized for the oversight on staff's part.

**Independent
Contractor
Agreement
Agenda Item 18**

It was moved by Trustee Palazzo, seconded by Trustee Hatton, and motion carried by a 6-0 vote to approve an independent contractor agreement with Quantum Learning Network to provide staff development training for District Administrators.


AYES: Trustees Addonizio, Alpay, Bryson, Hatton, Palazzo, and Pritchard
NOES: None
ABSENT: Trustee Brick and Student Advisor Ryan Pallas
ABSTAIN: None


It was moved by Trustee Alpay, seconded by Trustee Bryson, and motion carried by a 6-0 vote to adjourn the meeting.

Adjournment

AYES: Trustees Addonizio, Alpay, Bryson, Hatton, Palazzo, and Pritchard
NOES: None
ABSENT: Trustee Brick and Student Advisor Ryan Pallas
ABSTAIN: None

President Pritchard announced the meeting adjourned at 9:53 p.m.



Board Clerk


Secretary, Board of Trustees