



**MINUTES OF THE REGULAR MEETING  
OF THE  
BOARD OF EDUCATION  
February 1, 2011**

PLACE	James Areida Education Support Center, 1305 E. Vine Street, Lodi
TIME	7:00 p.m.
CALL TO ORDER	The meeting was called to order at 6:00 p.m. There were no public comments on closed session items. The Board adjourned to closed session.
RECONVENE	The meeting was reconvened at 7:00 p.m. Attendance was recorded and the President led in reciting the Pledge of Allegiance.
PRESENT	<p><u>Board Members:</u> Mr. George Neely, President; Ms. Bonnie Cassel, Vice-President; Mr. Joe Nava, Clerk; Mr. Michael Abdallah; Mr. Ken Davis; Ms. Ruth Davis; Mr. Ron Heberle</p> <p><u>Administrators:</u> Dr. Cathy Washer, Superintendent; Mr. Mike McKilligan, Assistant Superintendent, Personnel; Mr. Tim Hern, Chief Business Officer; Mr. Art Hand, Assistant Superintendent, Facilities and Planning</p> <p><u>Student Representatives:</u> Ms. Melanie Lim, Bear Creek High School and Mr. Brandon TranLe, McNair High School</p> <p><u>Recorder:</u> Ms. Lois John, Executive Assistant</p>
CLOSED SESSION	Action taken in closed session was announced as follows:
Non-Public School Students	Motion was made by Mr. Nava, seconded, and carried unanimously to approve the placement of Non-Public School Students 2010/11 #'s 123, 124, and 125.
Personnel Matters	Motion was made by Mr. Davis, and seconded, to approve Resolution 2011-13 Non-Reelection of a Certificated Employee. The vote on the motion was as follows:
	<p>Ayes: Abdallah, Cassel, K. Davis, R. Davis, Nava, Neely</p> <p>Noes: Heberle</p> <p style="text-align: right;">Motion carried</p>
	Mr. Neely announced that the Board would return to closed session following the regular meeting for further discussion of labor negotiations.
SPOTLIGHT	Ms. Louise Roachford-Gould, Principal, Creekside Elementary School, presented a spotlight of the WATCH D.O.G.S. (Dads of Great Students) Program. Participants were introduced and shared their positive impressions of the program.
ACTION ITEM	Dr. Washer presented Resolution 2011-12 recommending denial of the petition for D-MAND Charter School, A School for the Arts, due to major issues in the areas of finance, budget, curriculum, and facilities. Mr. Scott Holbrook, legal counsel representing the District, spoke to the specific areas of concern and responded to questions by Board members. Mr. Rick Brewer, petitioner for D-MAND Charter School, addressed the Board, refuting each issue and asking the
Resolution 2011-12 D-MAND Charter School	

Petition Board to approve the petition. Following discussion, and comments from the audience, motion was made by Mr. Abdallah, and seconded, to approve Resolution 2011-12 Deny the Petition for D-MAND Charter School, A School for the Arts. The vote on the motion was as follows:

Ayes: Abdallah, Cassel, Neely, Heberle  
Noes: Nava  
Abstain: K. Davis, R. Davis Motion carried

Student representatives' unanimously abstained on their preferential vote.

REPORT  
Measure K  
Citizens' Oversight  
Committee  
Annual Report Mr. Gary Reiff, Chairperson, Measure K Citizens' Oversight Committee, presented the annual report of activities on the expenditure of Measure K bond proceeds. The report confirmed that the members of the Committee unanimously concluded the District is in compliance as to the proceeds being expended on project costs and not used on teacher or administrative salaries or other operating expenses during the period of July 1, 2009 through June 30, 2010.

PUBLIC  
HEARING  
Ratification of  
Tentative  
Agreement -  
CSEA Mr. Neely declared open the Public Hearing: Ratification of the Tentative Agreement with California School Employees Association (CSEA). Mr. Dan Morris, Labor Relations Representative, California School Employees Association (CSEA), thanked the Board, Dr. Washer and Mr. McKilligan for their efforts in reaching the Tentative Agreement. There were no further comments and the hearing was declared closed.

ACTION  
ITEMS  
Consent  
Agenda A -  
Routine Business Ms. Cassel requested the removal of Item A-10 Resolution 2011-09 Lockeford Elementary School Addition, Increment #3, Construction Contract Extension. Mr. Pete Geraldizo, President, Classified School Employees Association, requested the removal of Item A-8 – Resolution 2011-07 Painting at Lois E. Borchardt and Julia Morgan Elementary Schools; and Item A-12 Resolution 2011-11 HVAC Replacement at Delta Sierra Middle School. Motion was made by Mr. Nava, seconded, and carried unanimously to approve the amended consent agenda as follow:

- A-1 Changes to the Adopted Budget
- A-2 Contracts List
- A-3 Purchase Order Detail Report
- A-4 Minutes of the January 6, 2011, Special Board Meeting
- A-5 Minutes of the January 11, 2011, Regular board Meeting
- A-7 Credential Waiver Application and Approval
- A-9 Resolution 2011-08 Addition to the District's Approved List of Facility Consultants
- A-11 Resolution 2011-10 Cafeteria Remodels at Various Sites (Lodi Middle School and Morada Middle School)

The student representatives' preferential vote was unanimously aye.

Resolution  
2011-07 Mr. Geraldizo stated that a yes vote by the Board on Resolution 2011-07 and Resolution 2011-11 would be in violation of law and an agreement between CSEA and the District relative to rehiring laid off employees before contracting work outside of the District. Mr. Hand clarified that even if fully staffed, the volume of work far exceeds what is allowable for the District to perform under the Public Contract Code.

Following discussion of timelines and the volume of work, motion was made by Mr. Neely, and seconded by Mr. Heberle, to table Item A-8 Resolution 2011-07, until a meeting could be held between CSEA and Mr. Hand. The student representatives' preferential vote was unanimously aye. More discussion was held regarding timelines, following which Mr. Heberle withdrew his second to table. Mr. Neely then withdrew his motion to table.

Motion was made by Mr. Nava, seconded, and carried unanimously to approve Item A-8 Resolution 2011-07 Painting at Lois E. Borchardt and Julia Morgan Elementary Schools – Authorization to Publish a “Request for Proposals.”

Resolution 2011-11 Motion was made by Mr. Nava, seconded, and carried unanimously to approve Item A-12 Resolution 2011-11 HVAC Replacement at Delta Sierra Middle School Project – Authorization to Publish a “Request for Proposals.” The Student Representatives' preferential vote was unanimously aye.

Resolution 2011-09 Ms. Cassel recused herself from this item due to a conflict of interest. Motion was made by Mr. Nava, and seconded, to approve Item A-10 Resolution 2011-09 Lockeford Elementary School Addition, Increment #3, Construction Contract Extension. The vote on the motion was as follows:

Ayes: Abdallah, K. Davis, R. Davis, Heberle, Nava, Neely  
Abstain: Cassel

Motion carried

The student representatives' preferential vote was unanimously aye.

Consent Agenda B Student Discipline Cases Motion was made by Mr. Nava, seconded, and carried unanimously to approve Consent Agenda B – Student Discipline Cases, as follows:

- B-1 Expulsion: Student #10/11-11-41
- B-2 Expulsion: Student #10/11-10-42
- B-3 Expulsion: Student #10/11-8-43
- B-4 Expulsion: Student #10/11-11-44
- B-5 Expulsion: Student #10/11-10-45
- B-6 Admission: Student #10/11-8-A5
- B-7 Admission: Student #10/11-10-A6
- B-8 Readmission: Student #09/10-9-13
- B-9 Readmission: Student #08/09-9-73

OTHER ACTION ITEMS CSEA Tentative Agreement Motion was made by Mr. Nava, seconded, and carried unanimously to approve the Ratification of the Tentative Agreement with California School Employees Association (CSEA). The student representatives' preferential vote was unanimously aye.

Certificated Substitutes Mr. Neely brought forward a concern about a shortage of certificated substitutes and the effect it is having on teachers and students. The pros and cons of increasing the substitute pool or maintaining it as it currently stands, were discussed. The Board directed staff to move forward with increasing the substitute pool. No formal action was taken.

Cell Phones Mr. Neely introduced the topic of eliminating or reducing the expenditure for cell phones. Presented was the budgeted amount for 2009/10 of \$168,154, unaudited

actual of \$103,012 (pending E-Rate Refund); and, for 2010/11 of \$136,224, the estimated cost of \$85,858, the Estimated E-Rate Refund of \$(66,969), for a net of \$18, 889. Discussion was held with regards to the disparity between the budgeted amount and the net amount. Mr. Hern explained how the budget is built and how over budgeting can happen. Discussion continued among the Board, with participation from audience members, on how to more accurately budget in the future, how E-rate refunds are generated and used; and, in what areas and how many cell phones should be reduced or eliminated.

The Board directed staff to ask supervisors to justify the necessity of cell phones in their departments, and for Dr. Washer to report back to the Board the findings. No formal action was taken.

Grand Jury  
Recommendations

Dr. Washer presented for the Board's approval a response to the Grand Jury investigation regarding the appointment process for board committees and commissions. Mr. Neely asked for the following revisions:

Page 3, F4 - BCC Appointee performance is rarely reviewed: Add, "*The Board directed staff to develop criteria for acceptable attendance.*"

Page 3, R2 – Provide and document Brown Act and fiduciary responsibility training to all appointees: Add, "... staff to develop a regular schedule *and documentation procedures*, for such training..."

Page 4, R3 – Utilize alternative sources to advertise vacant positions, i.e. Twitter, movie theaters, television, radio, announcements at public events: Add, "...but not necessarily be limited to, schools newspapers, ~~and~~ posting on the District's website, *and the use of other available electronic venues.*"

Page 4, R5 – Develop policy and procedures defining the process for appointee removal: Add - "The Board believes *that with the addition of acceptable levels of attendance*, the Citizens' Oversight Committees' Bylaws ~~currently~~ will set forth adequate procedures for BCC appointee removal."

Page 4, R6B – Perform criminal and credit background checks on all appointees prior to appointment: Add – "The Citizens' Oversight Committees *are not decision making bodies and service advisory functions only.*" And, Add – "*The District will add the following question to the application: Have you ever been convicted of a felony?*"

Motion was made by Mr. Neely, seconded, and carried unanimously to approve the Grand Jury Recommendations, to include amendments as presented. The student representatives' preferential vote was unanimously aye.

PERSONNEL  
MATTERS

Motion was made by Mr. Nava, seconded, and carried unanimously by a roll call vote to approve the Certificated and Classified Personnel Matters as presented.

COMMUNICA-  
TIONS  
Comments from  
Student Reps.

Student representatives, Mr. Brandon Lee, McNair High School and Ms. Melanie Lim, Bear Creek High School, reported on activities and events at their respective schools.

Comments  
from the

Ms. Sonja Renhult asked the Board to provide high school credit for middle school Algebra to advanced students.

Public	Ms. Martha Snider asked the Board to embrace ideas for budget reductions from all stakeholders and to allow committees to do their work for the better good.
Comments from Employee Group Reps.	<p>Ms. Joni Kort, President, Lodi Pupil Personnel Association (LPPA), addressed the Board regarding cell phones and personal liability. She noted that their Association members serve as advocate for students who cannot advocate for themselves by providing services for their personal welfare and academic excellence.</p> <p>Mr. Jeff Johnston, President, Lodi Education Association (LEA), introduced preschool teachers from School Readiness/Preschool Services, Early Childhood Program. He spoke on their behalf regarding the net loss the teachers have experienced in their pay due to budget reductions and asked the Board to reconsider addressing their issues. He asked that the Board allow LEA to continue negotiating for these teachers.</p>
Comments from Board Members	<p>Ms. Cassel welcomed Mr. Hern. She reported that a comment she made at the previous Board meeting regarding the cost of color toner was inaccurate, and has since learned that printers in the JAESC are under a maintenance contract and the cost all toner is the same. She requested the Board re-examine the issue with the pre-school teachers. She reported on attending the Monitoring and Accountability visit at Tokay Colony Elementary School.</p> <p>Mr. Heberle reported that the Bear Creek High School crab feed was well attending. He recognized Bear Creek as a gathering place for the community. He complimented the WATCH D.O.G. Program and the service it provides.</p> <p>Mr. Neely announced the potential for an \$11 to \$15 million budget reduction. He recognized the importance of setting things in motion now. He commented that the Board will be tasked with issuing layoff notices by March 15, but offered assurance that all other options will be pursued before reducing personnel. He encouraged the public to become politically active to have their voices heard.</p>
Comments from the Superintendent	Dr. Washer welcomed Mr. Hern. She reported on receiving hundreds of entries from students for her poetry contest, stating she is looking forward to the winners reading their poems before the Board.
REPORTS Update on District's Expense Reduction Plan	Dr. Washer reported on the efforts to-date in implementing the Budget Reduction Plan. They include a memo to Leadership Team outlining expectations; a district-wide memo to all staff; a letter to parent group leaders to share with their memberships; Cabinet members are reviewing all site expenditures; Student Representatives to the Board are actively involved with their student bodies; a ConnectEd phone message was sent out to families within the District and a press release issued to local media.
Quarterly Report-Williams Settlement	Dr. Washer presented the Quarterly Report Pursuant to the Williams and Valenzuela Settlements, stating that no complaints were reported.
CLOSED SESSION	The Board adjourned to closed session at 10:35 p.m. for continued discussion on Labor Negotiations.
ADJOURN	No action was taken in closed session and the meeting was adjourned.

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Clerk of the Board

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President of the Board