

MINUTES  
REGULAR MEETING OF THE BOARD OF TRUSTEES  
MONDAY, NOVEMBER 5, 2012, 6:15 P.M.  
Oakdale Joint Unified School District  
Technology & Staff Development Center  
331 Hinkley Avenue, Oakdale, CA

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|----------------------------|-----|--|
| CALL TO ORDER              | 1.1 | The meeting was called to order at 6:15 P.M. by Board President Mike Tozzi.  |
| TRUSTEES PRESENT           | 1.2 | Bill Dyer, Diane Gilbert, Mike House, Tina Shatswell, and Mike Tozzi. Student representative Madison Lane was present for Open Session.  |
| LATE ARRIVALS              | 1.3 | None   |
| TRUSTEES ABSENT            | 1.4 | None   |
| VISITORS PRESENT           | 1.5 | Larry Bonds, Stacy Graham, Richard Melo, David Snyder  |
| CLOSED SESSION             | 2.0 | Board President Tozzi adjourned the meeting into Closed Session at 6:16 p.m. Open Session reconvened at 6:30 p.m.  |
| PLEDGE OF ALLEGIANCE       | 3.0 | Superintendent Malone introduced Cloverland Elementary students: Kaleb McDonald, Grade 4, Hollie Wood, Grade 5, and Shivam Mistry, Grade 6. These students led the Pledge of Allegiance and were awarded Certificates of Appreciation for their participation. |
| ACTION FROM CLOSED SESSION | 4.0 | Board President Tozzi reported that the Board voted (5-0) to approve the stipulated expulsion of student #12-13-03 for one calendar year for violation of Education Code: 48900 (c), 48900 (d), 48900 (k), 48915 (b)(1), 48915 (b)(2), 48915 (b)(3).           |
| PUBLIC COMMENTS            | 5.0 | Board President Tozzi opened the Public Comments portion of the agenda at 6:36 p.m.  |
| DAVE SNYDER                |     | Dave Snyder, Music Boosters President, reported on the successful fundraising dinner November 3.<br><br>Public Comments closed at 6:37 p.m.  |
| APPROVE ORDER OF AGENDA    | 6.0 | It was <b>M/S/C (Dyer/Gilbert)</b> to approve the order of agenda items for this meeting. All members voted in favor.  |
| ANNOUNCEMENTS              | 7.1 | Trustee Tozzi expressed condolences to the families of OJUSD graduates Miller and Myers, and VP Tambini.   |

- ANNOUNCEMENTS,  
ROTARY DONATION 7.2 Armida Colon, Director of Categorical Programs, announced that Oakdale Rotary had donated \$2000 to support Red Ribbon Week assemblies.
- ORGANIZATION  
REPORT, OTA 8.1 Stacy Graham reported that she worked the election phone bank several times and that teachers are very excited about API scores which shows they are very dedicated to students. She also thanked Marc, Terri and Kristi for always being willing to meet and taking the time to answer questions.
- ORGANIZATION  
REPORT, CSEA 8.2 Richard Melo, on behalf of CSEA, presented the initial proposal for next year.
- ORGANIZATION  
REPORT, STUDENT 8.3 Madison Lane reported on activities at the high school which included a successful Fall homecoming parade, dance, and football game; the Junior girls won the Powder Puff football game beating the seniors for the first time in 12 years; varsity football won the game against longtime rival Sonora last Friday; Red Ribbon week activities Oct. 22-26; Leadership class held a Letterman's Jacket day; canned food drive begins next week and donations will go to Community Sharing, CSF will take a field trip to UC Davis Nov. 14, Get Amped Health & Fitness Club held a triathlon for the Kim Stogdell Memorial Scholarship, and the first quarter came to a close.
- At Oakdale Junior High, they had a successful Red Ribbon week, Fall sports are ending, two spelling bee winners will go on to the county competition, CJSF will take a field trip to UC Davis and other area points of interest in November, and they are also holding a canned food drive.
- At elementary schools, each school held successful jog-a-thons which were significant PTC fundraisers, Student Councils continue to meet on a regular basis, top scorers from each site will go on to the county Spelling Bee, sites have held or are in process of their annual book fairs, each site continues their character trait program which rewards students for demonstrating that month's trait in their actions.
- REMOVE ITEMS FROM  
CONSENT CALENDAR 9.1 There were no requests to remove items from the Consent Calendar.
- ADOPT CONSENT  
CALENDAR 9.2 It was **M/S/C (Shatswell/Dyer)** to adopt the Consent Calendar as presented. A Roll Call Vote was taken. Passed unanimously 4-0, with Trustee House abstaining.
- ADOPT MINUTES OF  
10/8/12 AS PRESENTED 9.3.1 On adoption of the Consent Calendar, the board adopted minutes of its regularly scheduled meeting held Monday, October 8, 2012, as presented.

APPROVE RESOLUTION #12-13-05 TO EXCUSE BOARD MEMBER ABSENCE	9.3.2	On adoption of the Consent Calendar, the board approved Resolution #12-13-05, to Excuse Absence of Board Member, as presented.
APPROVE INTERDISTRICT & ALLEN BILL REQUESTS	9.4.1	On adoption of the Consent Calendar, the board approved interdistrict attendance and Allen Bill transfer requests, 2012-13 school year, as presented.
APPROVE SUPPLEMENTAL EDUCATIONAL SERVICES PROVIDER CONTRACTS	9.4.2	On adoption of the Consent Calendar, the board approved Program Improvement Supplemental Educational Services Provider Contracts, as presented.
APPROVE WARRANTS THRU 10/26/12, & CYCLE I & II PAYROLL FOR OCTOBER 2012	9.5.1	On adoption of the Consent Calendar, the board approved district warrants prepared for payment through October 26, 2012, and Cycle I & II Payroll for October, 2012, as presented.
APPROVE CONSULTANT AGREEMENTS	9.5.2	On adoption of the Consent Calendar, the Board approved Consultant Agreements, as presented.
APPROVE ASB ACCOUNTS, OHS, SEPTEMBER 2012	9.5.3	On adoption of the Consent Calendar, the board approved Student Body Accounts, Oakdale High School, September, 2012, as presented.
APPROVE ASB ACCOUNTS, OJHS, SEPTEMBER 2012	9.5.4	On adoption of the Consent Calendar, the board approved Student Body Accounts, Oakdale Junior High School, September, 2012, as presented.
AUTHORIZE REJECTION OF CLAIM FOR INJURY/DAMAGES	9.6.1	On adoption of the Consent Calendar, the board authorized Rejection of Claim for Injury/Damages, as presented:
ACCEPT RESIGNATIONS	9.6.2	To accept resignations, as presented: MacKenzie Taylor, ASP Leader 1, Magnolia, Effective 10/19/12 April Lester, Noon/Yard Duty Aide, Sierra View, Effective 11/30/12 Jenniferann Badilla, ASP Leader 1, Sierra View, Effective 12/21/12
DISPOSITION OF ITEMS REMOVED FROM CONSENT	10.0	None
REPORT, 2012 STUDENT ACHIEVEMENT	11.1	Kristi Rapinchuk, Assistant Superintendent of Curriculum & Instruction, presented a report on OJUSD Student Achievement as measured by both API (Academic Performance Index) based upon STAR test and CAHSEE results and AYP (Adequate Yearly Progress) based upon STAR test and CAHSEE results, as well as participation

and graduation rates. She explained that schools and school districts must meet both accountability measures and if they fail to meet either for two years in a row are identified as Program Improvement. She shared charts showing OJUSD's consistent API growth over time compared to the State, and was pleased to report that OJUSD's API of 801 is the highest of any Unified School District in the county. She also noted API Subgroup growth over time, AYP for Math and ELA. She noted the irony of being identified as being in the first year of Program Improvement even though our district has met the state target of over 800 API, and that all 4 elementary schools are over 800 API with Cloverland at 829, Fair Oaks at 849, Magnolia at 840, and Sierra View at 861; she shared data on two other districts with 899 and 910 API that are also identified as program improvement.

She reported that because many districts in the state are now identified as being in program improvement year 1, 2, or 3 by the current measure, the state has submitted a waiver to the federal government to see a growth model put in place, but have not yet heard back on this. She reviewed the district's Curriculum & Instruction focus this year to support IS<sup>4</sup> Implementation district-wide, support teacher awareness of the Common Core Standards (2014-15), and review/revise our Benchmark system as necessary.

REPORT, MULTILINGUAL  
SEAL PROCESS

- 11.2 Armida Colon, Director of Categorical Programs, presented a report on the Seal of Multilingual Proficiency award given by the Stanislaus County Office of Education in partnership with districts in recognition of attained proficiency in English and at least one other world language by high school graduation. Eleven OHS students participated in the program for the first time this year, and five successfully completed and were presented with their Seal at a ceremony on November 1. One student earned a seal for French language, and four for Spanish language, with one student, Sergio Gutierrez, the only student in the county who earned a perfect score of 20.

APPROVAL OF FACILITIES  
PROJECT METHOD OF DELIVERY

- 12.1 Superintendent Marc Malone presented this item for the Board to consider the Facilities Project method of delivery to be used in the construction of a new Central Kitchen at the J Street location. Trustee Tozzi noted that if the Board does not want to approve a method tonight and wants more time to consider they can take a motion to continue the item for discussion.

Superintendent Malone reported that the Board had approved a prioritized list of Facilities Projects to move forward and the Central Kitchen project was the first of three projects at the top of the list, and renovation of multi-purpose rooms and Cloverland and Fair Oaks the other two projects. He then introduced Ron Holcombe, who has served as the district's Facilities Project Manager. Mr. Holcombe explained that we have talked about three different methods in the past but have only used the Design, Bid, Build process in the last 13 years that he has worked with our district. He explained that the other end of the spectrum is the Design/Build method, and in between the two is Lease/Lease-Back, which allows us to choose an architect and contractor somewhat simultaneously. He further noted Lease/Lease-Back is best in times when we have less money to work with.

Ron explained that the Lodi Union School District changed the way the Lease is applied and that up until 2008 it wasn't meant to be competitive; now the Lodi model is. In the Lodi model, you put out a RFQ to 1) architect and 2) contractors so the architect can help analyze the contractor pool and give you a bid with a desired percentage of project and overhead. When contractor opens bids he does not have to select the lowest bidder. In choosing contractor, they look for budget model and formula. Ron explained that a legal firm he's worked with, AALRR, has worked on this model since 1998 and suggests putting 3% aside in contingency, but generally has put 2% aside. He noted that when you have a fixed amount of money, want to be competitive, maintain control and be concise, there is no better method than Lease/Lease-Back. The Design Bid process puts you on defense while Lease/Lease-Back puts you on offense.

Trustee Dyer asked about the need for change orders and Mr. Holcombe explained those usually occur when there are unknowns, when you've discovered something that you didn't know about. Trustee Dyer noted there may be fewer unknowns with the J Street project than Cloverland renovation, but Mr. Holcombe indicated there could be environmental issues with the J Street project since it is by a rail road and PG&E yard. If toxic waste is discovered, with Design, Bid, Build you are hit with change orders, but with Lease/Lease-Back you are not.

Trustee Tozzi noted that Ron has been our expert and we have only used Design, Bid, Build method for previous projects and wondered why on this particular project he likes the Lease/Lease-Back method for the Central Kitchen build. Ron indicated that with this method you see what everything costs and all costs are known up front, and suggested the district should use this method for all three of the top projects because you can compress time and it is predictable, you can choose good contracts with a budget number you are comfortable with, and there is transparency of bidding process, and recommends we do one building for the two elementary sites via addendum. Ron noted that with Lease/Lease-Back you are not required to do RFQ for architects, and he has architects and contractors he has been comfortable using.

Trustee Dyer asked if there are package deals available on pre-fabricated buildings. Mr. Holcombe explained that we did use modular buildings at the Alternative Ed site, but the problem is you don't have as much quality control, and since a kitchen project is plumbing intensive and needs concrete floors, Ron can't find any advantage in doing that.

Trustee Tozzi noted that with past projects we didn't have a lot of change orders because we were careful about requirements and had a good project manager. It was noted that Lease/Lease-Back is for smaller projects and moves along quicker. Ron has tested and tried with other projects and has found it worked.

Trustee House noted that with the Design, Bid, Build method we have used in the past we have come in under budget, and asked why we would change if it worked so well in the past. Ron explained that resources are limited, and knowing in advance what project costs will be is important. Trustee House asked if the Board can pull the plug at any time with the Lease/Lease-Back process. Ron explained with subcontractors it is up to the contractor, but we cannot pull the plug mid-project. It was noted that any costs will be brought to the Board before they ratify a contract with a contractor, and they will have plans and what everything costs.

Trustee House asked if we would have the pot of money we do now if we had used Lease/Lease-Back with our other projects. Ron explained that at that time we probably couldn't have gotten the level of contractors to do Lease/Lease-Back, but now with the current economy they are

more willing to do. With Lease/Lease-Back we fix price and schedule and they will provide monthly reports on contingency accounting. We lease property to the contractor and when the term of lease is finished all assets belong to the district. They are only leasing and the district maintains title to the property; they build your building and lease your ground. Trustee Shatswell stated that she is familiar with the Lease /Lease-Back process and likes the transparency and control.

It was **M/S/C (Shatswell/Tozzi)** to use the Lease/Lease-back model method of delivery for the Central Kitchen construction project.

Trustee House stated that given a choice, he prefers to table this because he came in with a certain plan and would like extra time to digest and refine his decision.

Trustee Tozzi stated that he is inclined to go with Lease/Lease-Back because of his level of trust in Ron, that he has a certain amount of trust in Ron and the job he has done for district and is not opposed to following his recommendation, and that Ron has convinced Marc on this method and he supports that, and this method of delivery will get the job done.

Passed 4-2; Ayes: Gilbert, Shatswell, Tozzi, Lane;  
Opposed: Dyer and House.

**APPROVAL OF ACTION ON  
BRADY ROAD PROPERTY**

- 12.2 Superintendent Malone explained that the Facilities Committee walked through the Brady Road property and came up with four recommendations about what we could do with that property:
- 1) Have 2 property appraisals to determine value based on information from City of Oakdale General Plan.
  - 2) Continue current Ag Lease until General Plan is completed and then appraise.
  - 3) Develop property into school-based farm to be utilized by FFA and 4-H students.
  - 4) Appraise property and sell it (Naylor Act requires it must be first offered at mitigated cost to government and public agencies).

Superintendent Malone's recommendation is that we continue with the current Ag lease until such time as the City Plan is completed since an appraisal would be more accurate when we know what the City Plan is, and this would give us time, depending on election results, to

consider budget and personnel factors. It was suggested that appraisal cost may be \$250 - \$500. He noted that if we decide to sell the property, according to the Naylor Act, the property would have to first be offered at mitigated cost to all government and public agencies. In response to a question from Trustee Tozzi about the Oakdale General Plan, Superintendent Malone explained it includes some commercial development in the North West corner of Crane and 120, and has been told the General Plan timeline is 9 – 12 months.

Superintendent Malone reported that he and Assistant Superintendent Rapinchuk visited the Central Valley Ag program to see how their school farm is set up and how they have tied crop science in to raising lettuce and selling to their Central Kitchen. He also explained that there is good potential for Ag program development and any future plans we might have for a school farm would be highly dependent on personnel, and has talked with our Ag Department and they anticipate a personnel change that would allow us to make adjustments.

In response to a question from Trustee Gilbert about the number of students participating in our Ag program, Superintendent Malone reported we have about 200, but that Central Valley is the same size school as ours and they have 550 students in their Ag program. Student Representative Madison Lane stated there would be considerable interest in a school farm, as there has been in ROP Culinary Arts and Hospital programs. In response to a question from Trustee Shatswell about road improvements that would be needed, Mr. Malone explained that having a single bus transport students to a school farm would not require much road improvement.

In response to a question from Trustee Dyer about how the Greenbelt fits in, Superintendent Malone reported we are just looking at the City Plan, and they did not change Greenbelt, and that school district property is immune to an agreement the City makes. Trustee Gilbert noted her concern that we have property that was purchased over 20 years ago for the purpose of building a school site, and wondered why we are holding on to this property since we know we will not be building a school there. Superintendent Malone explained the property was purchased at the peak of a high real estate market and is hesitant to sell at the trough of a low market.

Trustee Tozzi noted the market is picking up but thinks we should hold on to the property for at least another year and then do appraisal once we see what happens with the Oakdale General Plan. In response to a question about what the property might be valued at now, Ron Holcombe stated that the high side would be @ \$25,000/acre for undeveloped ag land, and the district paid more than double that.

Trustee Gilbert expressed concern about establishing a farm and then taking it away if we decide to sell the property, but Superintendent Malone indicated we could obtain property to relocate a school farm to for a much lower price. Trustee House asked about costs associated with starting a school farm, and Superintendent Malone stated that he hopes to start ag-based partnerships, and buildings don't have to be DSA approved so would just have to have approved by the County.

Trustee Tozzi asked that a proposal come back to the Board before any building or money would be spent to establish a school farm. It was noted that recommendation # 3 should include in the motion that no money be spent on the project without Board approval.

Trustee House asked about the terms of the current Ag lease cancellation, and Superintendent Malone reported we can cancel at any time; we would allow them to harvest the current crop or pay monetary value of crop. He reported they have been growing corn and will transition to winter wheat, and it's possible that if we develop a school farm we would only use a portion of the property and they could still continue with a partial Ag lease, and is sure something could be worked out.

Superintendent Malone stated his recommendation is that we continue the current Ag lease until the City General Plan is completed, which will take about a year, then get two separate appraisals; that will allow him time to look at personnel matters and adjustments that would be needed for a feasible school plan.

It was **M/S/C (House/Lane)** to do 2) Continue current Ag Lease until General Plan is completed and then appraise and 3) Develop property into school-based farm to be utilized by FFA and 4-H students, with the understanding that the Superintendent would bring a farm-based project back to the Board for approval or

spending of money. Mr. House amended the motion to talk with the current tenant to see if they would allow a lease split. Passed 5-1: Ayes: Dyer, House, Shatswell, Tozzi, Lane; Noes; Gilbert

Trustee Gilbert indicated it would be good to see what the property is worth. In response to a request from Trustee Tozzi, Superintendent Malone will bring an appraisal cost back to the Board for consideration. It was noted that appraisals are good for a limited time, and this property would need to be appraised by an Ag specialist.

## INFORMATION

- 13.1 Grade 1-6 Min. Day/Parent Teacher Conferences, Nov. 5-9
- 13.2 Veteran's Day Holiday Observed, Monday, November 12
- 13.3 Oakdale FFA Dinner, Bianchi Center, Nov. 14, 6:00 pm
- 13.4 OHS Winter Formal, Modesto Centre Plaza, 9 pm–Midnight, November 17
- 13.5 OCEC, Tech/SD Center, Nov. 21, 6:00 pm
- 13.6 K-12 Minimum Day, Wednesday, Nov. 21
- 13.7 Thanksgiving Holiday, Thursday – Friday, Nov. 22-23
- 13.8 OJUSD Furlough Day, Sites Closed Monday, Nov. 26
- 13.9 Facilities Committee, Tech/SD Center, Nov. 28, 6:00 pm
- 13.10 "Pinocchio", Dec. 7-8, 7:00 p.m., Dec. 9, 2:00 pm
- 13.11 OHS/OJHS Concert/OJHS Jazz Band, Magnolia, Dec. 11, 7:00 pm
- 13.12 OHS/OJHS Holiday Choir Concert, OHS Theater, December 12, 6:00 (OJHS) & 7:30 pm. (OHS)
- 13.13 Elementary Choir Concert, Magnolia, December 13, 6:00 (Grade 3) & 7:30 pm (Intermediate)
- 13.14 Elementary/Steel Band Concert, OJHS Gym, Dec. 18, 7:00 pm

## ITEMS FOR NEXT AGENDA

- 14.1 Annual Organizational Meeting/Board Member Election
- 14.2 First Interim Financial Report
- 14.3 Trustee Gilbert requested an update on Gallo Field Trips; Superintendent Malone indicated that update could be provided in the Superintendent's Salute.

## ADJOURNMENT

- 16.0 The meeting adjourned at 8:13 p.m.