

MINUTES
REGULAR MEETING OF THE BOARD OF EDUCATION
MT. DIABLO UNIFIED SCHOOL DISTRICT
Monday, December 10, 2012 (7:00 PM)

Board Members: Cheryl Hansen, Barbara Oaks, Linda Mayo, Lynne Dennler and Brian Lawrence

Administrative Staff: Superintendent Steven Lawrence, Assistant Superintendents Julie Braun Martin, Rose Lock, General Counsel Gregory Rolen, and Chief Financial Officer Bryan Richards

CALL TO ORDER

The Meeting of the Board of Education of the Mt. Diablo Unified School District was called to order by Vice President Linda Mayo at 7:00 p.m. in the Board room at the MDUSD Dent Center.

OATH OF OFFICE

Superintendent Lawrence administered the Oath of Office to Brian Lawrence and Barbara Oaks.

CLOSED SESSION

The Board adjourned to Closed Session at 7:03 p.m. in Room 6 at the Dent Center.

RECONVENE OPEN SESSION

Vice President Mayo led the Pledge of Allegiance to the Flag and reported action taken in Closed Session

ORGANIZATIONAL MEETING

Oath of Office – Brian Lawrence and Barbara Oaks

Superintendent Lawrence again administered the Oath of Office to Brian Lawrence and Barbara Oaks for the benefit of the public now in attendance.

A five minute recess was called by Vice President Mayo at 7:08 p.m. The meeting reconvened at 7:14 p.m.

Report of Closed Session November 5, 2012

Vice President Mayo reported that in closed session the Board gave direction to staff on one matter of personnel-discipline/dismissal/release/complaint pertaining to employee number 23883.

Report of Closed Session December 10, 2012

Vice President Mayo reported that in Closed Session the Board discussed negotiations and three cases of anticipated litigation.

8.2 Annual Board of Education Organizational Meeting

Education Code Sections 35143 and 72125 require that the governing board of each school district hold an annual organizational meeting. In a year in which a regular election for governing Board members is held, the meeting shall be held on a day within a 15-day period that commences with the date upon which an elected governing board member takes office. Organizational meetings in years which no such regular election for governing Board members is conducted shall be held during the same 15-day period on the calendar. Current Board Policy 9100 calls for the election of a president and vice president at the annual organizational meeting of the Board.

8.3 Elect Board President

Dennler moved to nominate Mayo as Board President.

Oaks moved to nominate Hansen as Board President, Lawrence seconded and the Board voted 3-2 (Dennler and Mayo – no) to elect Ms. Hansen as President of the Board of Education.

8.4 Elect Vice President

Hansen moved, Lawrence seconded, and the Board voted 5-0-0 to elect Barbara Oaks as Vice President of the Board of Education.

8.5 Appoint Secretary

Mayo moved, Dennler seconded and the Board voted 5-0-0 to approve the appointment of Superintendent Steven Lawrence as Secretary to the Board of Education.

8.6 Establish Regular Meeting Dates, Time and Location

Amended Motion

Hansen moved to change the Board meeting dates to the second and fourth Thursdays of the month. Motion died for lack of a second.

Original Motion

Mayo moved, Dennler seconded, and the Board voted 5-0-0 to approve the establishment of regular meeting dates, time and location.

8.7 Adopt Certificate of Signatures

Mayo moved, Lawrence seconded and the Board voted 5-0-0 to approve the Certificate of Signatures with the correction to change the Board President's name.

CONSENT AGENDA

Public Comment

Item 7 Request to increase and decrease Full Time Equivalent (FTE) for the 2012-2013 school year
Alicia Minyen, CPA and certified fraud examiner said the District has no internal fraud audit in place. She said she believes the warrant reports need more descriptions and urged the Board to require better accounting reporting.

Item 14 - Notice of Completion for Bid #1601/Contract C-905 to provide HVAC Renovations at Sun Terrace Elementary, Sequoia Elementary and Valley View Middle School
Alicia Minyen asked if the expenses were verified under the original agreement.

Item 18 - Notice of Completion for Solar Power Design/Build Contract with SunPower Corporation, Systems
Alicia Minyen asked what policies and procedures are in place to insure accountability.

Mayo moved, Dennler seconded, and the Board voted 5-0-0 to approve the Consent Agenda with the exception of Items 2, 7, 14, pulled by Hansen and Item 27 pulled by Lawrence.

9.2 (Item #3) Recommended Action for Certificated Personnel

9.3 (Item #4) Request to increase and decrease Full Time Equivalent (FTE) for the 2012-2013 school year

9.4 (Item #5) Recommended Action for Classified Personnel

9.5 (Item #6) Classified Personnel: Request to Increase and Decrease Positions

9.6 (Item #8) Fiscal Transactions for the month of November 2012

Payments have been made to meet the District's obligations for salaries, benefits, supplies, contract services equipment, capital improvements and other outgo.

9.7 (Item #9) Monthly Budget Transfer and/or Budget Increases/Decreases for the Month of October 2012

Some revisions are a result of prior Board actions, changes in grant awards and changes in funding. Donations have been made to the District by private individuals and businesses. There are also deposits for payments to school sites for lab fees and other items for which the sites collect money. The appropriate revenue and expenditure budgets have already been increased by the amount of the donations.

9.8 (Item #10) Memorandum of Understanding between ConnectEd: The California Center for College and Career and Mt. Diablo Unified School District

This agreement is to provide a partnership to support the use of the pre-algebra and algebra curriculum within an afterschool engineering club at Mt. Diablo High School.

9.9 (Item #11) Increase contract/purchase order with My Therapy Company for bilingual Speech and Language services at the Assessment Center and Meadow Homes Elementary for the 2012-13 School Year

Due to existing District vacancies for Speech-Language Pathologists (SLPs), the Special Education Department continues to use Independent Contractors to meet student Individualized Education Program requirements. My Therapy Company has provided speech/language services to MDUSD for the previous three school years with the same therapist. A contract for summer was created for \$24,500, and increase of \$79,500 is needed to cover the remainder of the school year.

9.10 (Item #12) Aligning Categorical Funding in the Student Achievement and School Support (SASS) Department with the Positions Performing the Related Work

As outlined in Procedure 905 (Documenting Salaries and Wages) in the CSAM (California School Accounting Manual), we are required to document the salaries and wages charged to categorical programs. The attached changes need to be made to align the categorical funding with the positions performing the work related to those programs. The overall amount of FTE (Full-Time Equivalent) is not changing.

9.11 (Item #13) Final/Deductive Change Order: SunPower Corporation, Systems

On October 26, 2010 the Board of Education approved a Design-Build contract with SunPower Corporation, Systems for \$65,604,398.00 for the design, procurement, installation, training, operation, maintenance, monitoring and 20 year guaranteed performance of photovoltaic systems at fifty-one (51) District sites. On March 15, June 28 and December 13 of 2011 and March 26, 2012 the Board of Education approved change orders which resulted in a revised contract value of \$75,520,884.24. These change orders were necessary as a result of a need to modify system designs to respond to: 1) District-directed increases in system size to address prospective heating, ventilating and air conditioning loads; 2) reconfigured solar array locations to accommodate established easements and emergency access routes; 3) reconfigured array and inverter locations to accommodate site programs and hardcourt configurations; and 4) various post-commencement modifications and conditions. The installation of all site solar systems is complete and all systems fully operational. All installations have been inspected and approved. As a result of a final reconciliation of all remaining project costs and credits staff is recommending that a deductive change order in the amount of \$5,604.20 be approved. This final, deductive change order will result in a final contract value of \$75,515,280.04.

9.12 (Item #15) Approval of Contract with Exploring New Horizons (ENH) for Bancroft Elementary and Mt. Diablo Elementary Outdoor Ed Program

Students at Bancroft Elementary participated in the Outdoor School Program at the YMCA Camp Loma Mar on the following date: November 13-16, 2012 Students at Mt. Diablo Elementary will participate in the Outdoor School Program at the YMCA Camp Loma Mar on the following date: January 22-25, 2013 Because several schools contract with Exploring New Horizons, total costs exceed \$25,000, therefore Board approval is required.

9.13 (Item #16) Resolution Regarding Applications For Funding Under State Facility Program That Are Received Beyond Bond Authority

The District still enjoys some 'Modernization' and 'New Construction' eligibility under the State Facility Program (SFP) remaining at several sites. The District has several completed projects that it will be submitting to the Office of Public School Construction (OPSC) in an effort to capture available funding (grants) for these projects. On November 1, 2012 the Office of Administrative Law approved emergency regulations that impact the manner in which the Office of Public School Construction will process 'New Construction' and 'Modernization' applications received after existing bond authority becomes unavailable. These regulations establish a State Allocation Board (SAB) acknowledged list for projects that are received by the OPSC after bond authority is exhausted. The new list is called the "Applications Received Beyond Bond Authority List". Applications placed on this list will only undergo an intake review to ensure all of the required documents have been submitted, but will not be fully processed by the OPSC nor presented to the SAB for approval. All 'New Construction' and 'Modernization' applications received on or after November 1, 2012 are subject to the new regulations and processing procedures as approved by the SAB. These new regulations require that all such applications must include a Board resolution formally acknowledging 1) that the State Facility Program bond authority is exhausted; 2) that the State does not guarantee future funding of the Program; 3) that any future funds may or may not be available for the application(s) being submitted; 4) that eligibility criteria for funding may or may not change in the future; and 5) that any pre-construction or construction activities are made at the District's discretion absent any State responsibility for funding.

9.14 (Item #17) Notice of Completion for Bid #1601/Contract C-905 to provide HVAC Renovations at Sun Terrace Elementary, Sequoia Elementary and Valley View Middle School

Bid No. 1601 was called to provide HVAC Renovations at Sun Terrace Elementary, Sequoia Elementary and Valley View Middle School. The lowest responsible, responsive bidder was Taber Construction, Inc. for the bid award amount of \$3,800,000.00. The scope of work included but was not limited to: provide all tools, materials, labor and equipment pads, site work, roof repairs and other items as it relates to the Drawings and Specifications. All spoils will be removed from the site. This contract includes, but is not limited to all work associated with the plans and specifications. There was an additive change order on this project in the amount of \$96,668.00. Work and services for this project have been satisfactorily completed for a total expenditure of \$3,896,668.00.

9.15 (Item #18) Notice of Completion for Solar Power Design/Build Contract with SunPower Corporation, Systems

Section 4217.12(a) of the California Government Code authorizes the District to enter into a contract for design and construction of solar facilities on terms the Board determines are in the best interests of the District if the determination is made at a regularly scheduled meeting, public notice of which was given at least two weeks in advance. On October 26, 2010 the Board of Education approved a Design-Build Contract with SunPower Corporation, Systems for \$65,604,398.00 for the design, procurement, installation, training, operation, maintenance, monitoring and 20 year guaranteed performance of Photovoltaic Systems at fifty-one (51) sites. Said contract award was based on a comprehensive analysis of submittals/presentations to a Request for proposals (RFP) issued August 4, 2010. Through the design and construction phases it was necessary to seek Board approval for change orders to this project totaling \$9,910,882.04. These change orders were necessary for a variety of reasons including, but not limited to: 1) a need to increase system sizes and configurations to address the prospective demands of the new heating, ventilating and air conditioning systems to be installed as part of the greater Measure C Facilities Improvement program; 2) a need to reconfigure the installation of the solar arrays and inverter pads to accommodate existing easements and emergency access routes; and 3) adjust array locations to accommodate existing site programs and hard court configurations. Staff has inspected all installations and has determined that the installations have been satisfactorily installed, fully commissioned and operable. The final, revised contract value for this project is \$75,515,280.04.

9.16 (Item #19) Award of Professional Services Contract for the Provision of Requisite Environmental Consultation Services Related to the Proposed Athletic Facilities Improvements at Clayton Valley Charter High School

On September 10, 2012 the Board of Education approved a prioritized list of facility enhancement projects for Clayton Valley Charter High School. The construction of specific improvements to the site's athletic stadium complex were identified as high priority projects. Staff has collaborated with the site administration and secured Board approval for the design of these requested improvements which include, renovation of the synthetic track system, replacement of the all-weather field surfacing, installation of safety netting, the construction of supplemental bleachers, concession, storage, restroom and weight room facilities as well as a ticket booth. In support of the improved enhancements staff is recommending that a contract for the provision of all necessary CEQA (California Environmental Quality Act) related services be awarded to LSA Associates, Inc. for a 'not to exceed' amount of \$134,830.00. Contract includes preparation of the Initial Study, Mitigated Negative Declaration and/or Environmental Impact Report (if required), Mitigation Monitoring and Reporting Plan, Notice of Determination as well as the provision of on-going project management services.

9.17 (Item #20) Contract for Architectural/Engineering Services for Skylight System Removal-Infill at Strandwood Elementary School

Given the fact that the Measure C heating, ventilating and air conditioning (HVAC) project for Strandwood Elementary is scheduled for the spring/summer 2013, staff is recommending that the District leverage this construction opportunity and arrange for the removal and infill the non-functional and failing skylight/louver systems in Wing A and B in coordination with the planned HVAC project. Staff has negotiated a 'not to exceed' contract for \$16,400.00 with Charles Ham Associates for the provision of comprehensive architectural and engineering services necessary for the satisfactory installation and certification of all specified skylight system and louver removal work.

9.18 (Item #21) Procurement and Installation of New Synthetic Turf on Stadium Field at Clayton Valley Charter High School

On September 10, 2012 the Board of Education approved a prioritized list of facility enhancement projects for Clayton Valley Charter High School. The construction of improvements to the site's athletic stadium complex were identified as high priority projects. Included in these stadium improvements was the removal and replacement of the old synthetic field surfacing. On October 29, 2012 staff issued a request for Proposals(RFP) for the removal and replacement of the synthetic turf at Clayton Valley Charter High School through the California Multiple Award Schedule (CMAS) delivery method. Proposals were received on November 2, 2012 with the lowest bidder being FieldTurf USA, Inc. with a proposal of \$373,347.00. Staff is now requesting permission to execute the purchase and installation of new synthetic turf at C.V.C.H.S. through FieldTurf USA, Inc. through State of California Multiple Award Schedule ("CMAS") contract number #4-06-78-0031A.

9.19 (Item #22) Approve Independent Service Contract with Kevin Clark Consulting for services provided at Rio Vista Elementary

As Rio Vista is entering its second year of implementing Language Based Grammar Strategies, site leaders desire additional support strands from an external consulting organization. This service is designed to better prepare teachers new to the program, to support experienced ELD teachers, and to build site capacity through the skillful use of a new on-site ELD coach.

9.20 (Item #23) Approve submission of the 21st Century Community Learning Center Grant for Mt. Diablo High and Concord High School

21st Century Community Learning Center (CCLC) grant ASSETs Assurances
Mt. Diablo Unified School District's CARES (Collaborative for Academics, Recreation & Enrichment for Students) After School Program requests approval to apply for a five year competitive U. S. Department of Education's 21st Century Community Learning Centers grant for two schools in the district. Mt. Diablo CARES currently operates after school programs at 16 district schools (one of which is included in this application) serving 2,700 K-12 students each day which are primarily funded by the California Department of Education's (CDE) After School Education & Safety grant. The CARES After School Program provides daily academic, enrichment, recreation, nutrition and leadership activities from the end of the regular school day until 6:00 p.m. during the school year and during the summer. The district has an opportunity to apply for one new school (Concord High) and to continue operating the Mt. Diablo High School's after school program to ensure more students have access to high quality after school programming. In addition, each school is applying for the equitable access and family literacy funds available through the 21st CCLC grant to support literacy and access to students and families. If awarded, the grant will serve 280 high school students and will provide \$590,000 per year (\$295,000 for Concord High and Mt. Diablo High schools annually) for a total of \$2,950,000 over five years.

9.21 (Item #24) Manufacture, Fabrication/Assembly and Deliver Heating, Ventilating & Air Conditioning Equipment

On March 29, 2011 the Board of Education approved a resolution designating the specific materials and terminal equipment to be used in the 2010 Measure C Heating, Ventilating and Air Conditioning (HVAC) Improvement Program and authorized the pre-purchase of all end user HVAC equipment. Bid No. 1590 was issued in October, 2011, for the purpose of soliciting bids for the provision of all manufacturing, fabrication/assembly and delivery of all specified HVAC equipment to be utilized in the 2010 Measure 'C' HVAC Improvement Program. Bids were due, and opened on November 4, 2011. The lowest responsive and responsible bidder was Russell Sigler, Inc. This was the same vendor who provided all of the pre-purchased HVAC equipment in the recently completed Board-approved Proposition 55 funded HVAC Improvement Program. This award carried a multi-year pricing structure for the purchase of all stipulated materials for the 2010 Measure 'C' HVAC Improvement Program. In an effort to effect a significant cost savings and to maintain a standard of HVAC equipment throughout the District staff is recommending that the District take advantage of our agreement with Sigler and pre-purchase all end-user HVAC equipment for the Groups II and III HVAC sites at guaranteed 2013 pricing. The total 'not to exceed' price submitted for the provision of all stipulated materials for the Group II HVAC Program sites (Gregory Gardens ES, Mountain View ES, Hidden Valley ES, Bancroft ES, Valle Verde ES, Silverwood ES, Strandwood ES, Shadelands Center, Sunrise Center, Westwood ES, Monte Gardens ES and El Monte ES) of the Measure 'C' HVAC Improvement Program is \$8,113,297.12. The total 'not to exceed' price submitted for the provision of all stipulated materials for the Group III HVAC Program sites (Wren Avenue ES, Valhalla ES, Highlands ES, Pleasant Hill ES, Walnut Acres ES, El Dorado MS, Pine Hollow MS and Sequoia MS) of the Measure 'C' HVAC Improvement

Program is \$6,962,281.91. The budget for Group II of the 2010 Measure 'C' HVAC Improvement Program is \$20,203,250. The budget for Group III of the 2010 Measure 'C' HVAC Improvement Program is \$17,307,806.

9.22 (Item #25) Board Action Progress Report

9.23 (Item #26) Approve contract between Talk Solutions and Mt. Diablo CARES After School Program

Staff requests authorization to enter into a contract with Talk Solutions to implement and provide professional development to after school at four Mt. Diablo CARES After School Programs (Delta View, El Monte, Sun Terrace and Wren Avenue Elementary) during the 2012-13 school year. Talk Solutions is a social/emotional learning program which focuses on communication skills. The contract will include student workshops on bullying/kindness and support, I-message/apology, resolving conflict, review session/support project/skits, presentations, ongoing staff training and coaching and family nights. The latter part of the year will focus on workshops for students and staff about respect, impulse control, recognizing and managing feelings, making connections/ telling your story and calming down/ mindfulness/breathing. The contract is for \$40,000 (\$10,000 per school). Funds will be used for program staff, training, coordination and materials.

9.24 (Item #28) Contract Amendment: PHd Architects: Modification to Incorporate Chemistry Laboratory Classrooms at Ygnacio Valley High School

On June 28, 2011 the Board of Education awarded a design services contract to PHd Architects for \$136,000.00 to provide comprehensive architectural and engineering services related to the necessary site-adaptation and construction of Meehleis Modular Chemistry Laboratory classrooms at Clayton Valley Charter High and Mount Diablo High Schools. On September 24, 2012 the Board approved the revised project list for facility improvement projects at the Ygnacio Valley High School. Included in the approved project list was the new chemistry laboratory science classroom. Staff has negotiated a contract amendment in the amount of \$68,000.00 with PHd Architects for comprehensive design services necessary for the construction of a 3312 square foot chemistry laboratory, double classroom with preparatory space between) including student work stations. This proposed amendment will result in a revised contract value of \$209,000.00

9.25 (Item #29) Approval of Preliminary Services Agreement for the Site Adaption and Development of Chemistry Laboratory Classroom facility at Ygnacio Valley High School

On Monday, September 24, 2012 the Board of Education approved a revised Facility Improvement Project list for Ygnacio Valley High School. Included in this greater list included a chemistry laboratory with two classrooms and preparation room building. Staff is recommending that the District enter into a Preliminary Services Agreement with Meehleis Modular Building, Inc. for a 'not to exceed' fee of \$2,500.00 for the provision of preliminary services relating to the construction of these specified facilities at Ygnacio Valley High School. Said services include, but are not limited to management and coordination services, plan/specification constructability reviews, value engineering reviews and recommendations necessary to optimize project quality and delivery, project budget development assistance, project scheduling, construction planning and bidding tasks. As authorized by California Education Code section 17406, a lease-leaseback contract structure is one in which the District can select a builder in a different manner other than just a "lowest bidder." Under a lease-leaseback, the District leases property under a "site lease" to a builder for \$1. That builder constructs the facility and then leases the facility back to the District under a "facilities lease." The District makes "tenant improvement payments" during construction and "lease payments" after construction. Title to the new facility vests in the District as lease payments are made. The District has the option to make an early, balloon payment to the builder to buy out the facilities lease. In addition, the District selects/approves all plans and specifications and uses its own Architect of Record to submit the project to the Division of the State Architect for approval. Only after DSA approval can the District enter into the 2 leases. Since DSA approval is still a few months away, the work the District would like Meehleis to begin now can be done under this preliminary services agreement.

9.26 (Item #30) Approve Adjustments to Non-Public School Purchase Order/Contracts for the 2012/13 School Year

Non-Public School (NPS) contracts are reviewed and updated several times during the fiscal year. Changes to contracts are required due to changes in residency, students entering and leaving placements, increase/decrease in intensity of services, and corrective actions/settlement agreements to assure a free and appropriate public education. The details for these changes as well as rationale for the changes can be found in the attached documentation.

9.27 (Item #31) Contract for Maintenance of District's Phone Systems and Voice Mail

Since 2003 Measure C and the Telecommunications budget have installed new NEC phone systems at all but six schools in the Mt. Diablo School District. The warranty on the systems has or will be expiring, and we need to enter into a contract with Professional Convergence Solutions for Maintenance support. PCS has agreed to extend the same pricing as last year even though they will be maintaining more phone systems. Maintenance on phone systems \$38,760 Maintenance on voice mail \$10,688

10.1 (Item #2) Minutes of the meeting of November 5, 2012

Hansen moved, Mayo seconded, and the Board voted 5-0-0 to approve minutes with corrections.

10.2 (Item #7) Fiscal Transactions for the month of October 2012

Payments have been made to meet the District's obligations for salaries, benefits, supplies, contract services, equipment, capital improvements and other outgo.

Chief Financial Officer Bryan Richards answered Ms. Hansen's questions regarding the warrant report.

Lawrence moved, Mayo seconded, and the Board voted 5-0-0 to approve as presented.

10.3 (Item #14) Final Change Order: Taber Construction, Inc.

On March 12, 2012 the Board of Education awarded Bid #1601 to Taber Construction, Inc. for \$3,800,000.00 for heating, ventilating and air conditioning (HVAC) renovations at Sun Terrace and Sequoia Elementary Schools and Valley View Middle School. As a result of a need to: 1)perform additional unforeseen hazardous materials abatement; 2)implement design adjustments to respond to concealed utilities; and 3) implement minor electric, mechanical and structural modifications staff is recommending a single, final additive change order in the amount of \$96,668.00. This single, final change order constitutes a 2.54% change in contract and will result in a final contract value of \$3,896,668.00.

Mayo moved, Lawrence seconded, and the Board voted 5-0-0 to approve the Final Change Order: Taber Construction, Inc. as presented.

10.4 (Item #27) Award of Lease-Leaseback Agreement to S and H Construction, Inc. for Interior Renovations for the International Hospitality and Tourism Academy (IHTA) at Mt. Diablo High School

On October 24, 2012 the District issued a Request For Qualifications (RFQ) soliciting submissions from qualified firms interested in entering into a lease-leaseback agreement for the renovation of classrooms at Mt. Diablo High School to accommodate the International Hospitality and Tourism Academy. As a result of the RFQ process staff is recommending that the District enter into a lease-leaseback agreement with S and H Construction, Inc. for a Guaranteed Project Cost of \$453,000.00 for the completion of all specified renovations per approved plans and specifications. The lease-leaseback project delivery method is authorized by California Education Code 17406, and authorizes the governing board, without advertising for bids, to enter into a lease with a builder for the purpose of construction, including remodeling and permanent improvements, upon property. Under a lease-leaseback, the District leases property under a "site lease" to a builder for \$1. That builder constructs the facility/completes the renovation and then leases the facility back to the District under a "facilities lease". The District makes "tenant improvement payments" during construction and "lease payments" after construction. Title to the facility vests in the District as lease payments are made. The District has the option to make an early, balloon payment to the builder to buy out the facilities lease. In addition, the District determines all plans and specifications and uses its own Architect of Record to submit the project to the Division of the State Architect (DSA) for approval.

Mayo moved, Dennler seconded, and the Board voted 5-0-0 to approve as presented.

PUBLIC COMMENT

Dan Reynolds, teacher, thanked the Board for supporting Proposition 30. He also wished everyone a happy and peaceful Human Rights Day.

Wendy Lack read a letter that she also presented to the Board in which she stated that she believes the Board violated the Brown Act in regard to council member contract extensions.

William Mims, ECNAACP/BPA said he hopes for a positive working relationship with the Board. He also urged the Board to be careful in regard to change orders and awarding contracts to the lowest bidders.

Alicia Minyen, said there are several issues with respect to 2010 Measure C. She also said that it was perplexing that the discussion of the grand jury report was not put on the agenda for discussion.

Board Comments

Ms. Hansen assured Ms. Lack that her cure and correct issue will be addressed.

SUPERINTENDENT'S REPORT

Superintendent Lawrence shared that Barbara Moser, math teacher at Foothill Middle School, will be going to the California League of Middle Schools state competition.

REPORTS/INFORMATION

13.1 AB 790 Linked Learning Pilot Grant - Bill Morones and Joanne Durkee

13.2 District English Learner Advisory Committee - Ernie DeTrinidad

District English Learner Advisory Committee (DELAC) President Ernie DeTrinidad gave an overview of the goals and objectives of the committee and introduced DELAC members.

BUSINESS/ACTION ITEMS

15.1 Appointment of Database Administrator

Mayo moved, Dennler seconded, and the Board voted 5-0-0 to appoint Awatif Omer to the position of Database Administrator.

15.2 Appointment of Construction Manager I

Mayo moved, Dennler seconded, and the Board voted 5-0-0 to appoint Melanie Koslow to the position of Construction Manager I.

15.3 First Interim Report 2012-2013

Chief Financial Officer, Bryan Lawrence gave a PowerPoint presentation on the First Interim Report.

Mayo moved, Lawrence seconded and the Board voted 5-0-0 to approve the First Interim Report as presented.

15.4 Resolution: Delegation of Authority to Superintendent or His Designee to Approve Agreements Pursuant to Education Code Section 17604 and 17605

Education Code sections 17604 and 17605 authorize the District Board of Education to delegate to the Superintendent or his designee authority to approve contracts that later must be ratified by the Board. The District's last Board meeting for December is December 10, 2012. In order to maintain construction project schedules for the Measure C Bond Program and to assure the timely completion of projects, District staff will need to award certain lease-leaseback projects for classroom replacement and new science classroom construction (the "Lease-leaseback Agreements") after the last December, 2012 Board meeting. These agreements will then be brought back to the Board for ratification at a subsequent Board meeting. Delegating authority to the Superintendent or his designee with the subsequent ratification by the Board will allow for the timely award and completion of these scheduled District projects.

Mayo moved, Dennler seconded, and the Board voted 2-3-0 (Hansen, Lawrence, Oaks – no) to approve as presented. Motion failed.

The Board agreed to meet on December 21 at 4:00 p.m. to consider contracts and delegation of authority.

MEETING EXTENSION

At 10:49 p.m. Lawrence moved, Dennler seconded, and the Board voted 5-0-0 to extend the meeting until 11:30 p.m.

15.5 Public Hearing and Resolution of Dedication of Easement: College Park High School

The Contra Costa Water District is requesting a grant of easement at College Park High School. The easement is required to complete a connection to a fire protection (hydrant) line. Pursuant to the process and obligations specified under Section 17556 of the California Education Code regarding the dedication of easements to any public entity, the Board of Education approved the Resolution of Intent to Dedicate an Easement to the Contra Costa Water District on November 5, 2012.

President Hansen opened the Public Hearing at 10:50 p.m. There were no speakers. The Public Hearing was closed.

Mayo moved, Dennler seconded and the Board voted 5-0-0 to adopt the resolution of dedication of easement as presented.

15.6 Public Hearing and Resolution of Dedication of Easement: Sun Terrace Elementary School

The Contra Costa Water District is requesting a grant of easement at Sun terrace Elementary School. The easement is required to complete a connection to a fire protection (hydrant) line. Pursuant to the process and obligations specified under Section 17556 of the California Education Code regarding the dedication of easements to any public entity, the Board of Education approved the Resolution of Intent to Dedicate an Easement to the Contra Costa water District on November 5, 2012.

President Hansen opened the Public Hearing at 10:51 p.m. There were no speakers. The Public Hearing was closed.

Dennler moved, Oaks seconded, and the Board voted 5-0-0 to adopt the resolution of dedication of easement as presented.

15.7 Sungard Bi-Tech Upgrade to 7.9.7

The District is currently on version 7.6.3 of its Bi-Tech IFAS financial software (recently renamed Business Plus by its new owner, SunGard). This version was implemented 6 years ago and is reaching the end of its support cycle. During the past year and a half the District also looked at other software systems available on the marketplace including joining the County Office of Education in its implementation of Tyler's MUNIS, Infinite Visions, and Quintessential Software Solutions (QSS) currently used by San Ramon Valley USD. In each case the cost of conversion to any of these software formats was substantially more than the cost of upgrading to the current version of SunGard.

Mayo moved, Dennler seconded, and the Board voted 5-0-0 to approve the upgrade as proposed.

15.8 Request to approve MDUSD/Solution Tree - Mike Mattos Contract for RtI Professional Development Day, January 31, 2013

This professional development day will be a follow-up for elementary principals to the August Leadership Institute presentation by Mike Mattos. Mr. Mattos will work directly with principals to discuss processes for embedding the RTI practices and principles into their organizational culture. In a presentation tailored to the critical role of the principal, Mr. Mattos will cover: 1) Ways to support and monitor the work teams are doing in the RTI Academies. 2) Ways to address challenges and accelerate the development of a school culture that expects success for all students. 3) Ways to strategically implement each school's plan to systematize responsive instruction and interventions.

Mayo moved, Dennler seconded, and the Board voted 5-0-0 to approve as presented.

15.9 Appointment to California School Boards Association (CSBA)

The delegate seat held by Gary Eberhart will become vacant on December 10, 2012. Linda Mayo's term will expire March 31, 2013. Based on CSBA's reapportionment report result and according to CSBA's Bylaws and Standing Rules, MDUSD's ADA has fallen below the required 35,000 ADA for two appointed seats on the Delegate Assembly. As a result the District is no longer eligible to appoint two members from the Board to serve as Delegates. It is now entitled to one appointed seat on the Delegate Assembly.

Lawrence moved, Dennler seconded, and the Board voted 5-0-0 to appoint Linda Mayo as the CSBA representative.

15.10 Call for Nominations for California School Boards Association (CSBA) Delegate Assembly

Nominations for CSBA's Delegate Assembly will be accepted until January 7, 2013. Any CSBA member K-12 school district is eligible to nominate Board members within their geographic region or subregion. Each Board may nominate as many individuals as it chooses. All nominees must serve on a CSBA member board. CSBA delegates serve two-year terms. Those elected will serve from April 1, 2013, through March 31, 2014.

No nominations were made.

15.11 Revise Job Descriptions for Child Attendant I and Child Attendant II and Increase Salary for Positions

Staff is requesting the revision of the job descriptions for Child Attendant I and Child Attendant II as noted on the attached job descriptions. Staff believes the proposed changes will better reflect the increased responsibilities associated with these two positions. Staff is also requesting an increase in salary for these positions due to the increased responsibilities associated with them.

Presented as information only. This item will be returned for action.

BOARD MEMBER REPORTS

Board members shared highlights from their recent school site visits and community activities.

The meeting adjourned at 11:15 p.m. in memory of Ygnacio Valley High School teacher Michael Glaser and Ygnacio Valley High School graduate Scott Hickerson.