

METROPOLITAN EDUCATION DISTRICT

**Governing Board Meeting Minutes  
October 10, 2007**

**I. CALL TO ORDER/ROLL CALL**

The open session of the regular meeting of the Governing Board of the Metropolitan Education District was called to order by President Grilli at 6:05 p.m., Room 810 at the Central County Occupational Center, 760 Hillsdale Avenue, San Jose, CA 95136.

All Members present, except when noted "absent".

Cynthia Chang	Los Gatos-Saratoga Union High School District
Ernie Dossa	Santa Clara Unified School District
Richard Garcia	San Jose Unified School District
Diane Gordon	Campbell Union High School District
Marsha Grilli	Milpitas Unified School District
J. Manuel Herrera	East Side Union High School District
	(Absent from closed session)

**II. COMMENTS FROM THE PUBLIC REGARDING CLOSED SESSION ITEMS**

--- None ---

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

All meetings of the Governing Board are open to the general public, with the exception of those items which are specifically exempt under the Ralph M. Brown Act.

- A. Conference with Legal Counsel: Public Employee Discipline/Dismissal/Release, Pursuant to Government Code 54957
- B. Superintendent's Evaluation; Pursuant to Government Code: 54957

**IV. ADJOURN TO CLOSED SESSION**

**V. REGULAR MEETING**

The regular meeting reconvened in the CCOC Auditorium and called to order at 7:02 pm.

**VI. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Member Gordon.

**VII. REPORT OF CLOSED SESSION ACTIONS**

The report of closed session actions was reported by President, Marsha Grilli: "In closed session this evening, the MetroED Governing Board took action to approve a settlement agreement with a certificated employee who agreed to a voluntary resignation of employment in return for paid administrative leave and continuance of employee benefits." A roll call vote was taken in regular session confirming the vote taken in closed session: Chang, yes; Dossa, yes; Garcia, yes; Gordon, yes; Grilli, yes; Herrera, abstain (absent from closed session).

**VIII. ADOPT AGENDA**

Motion to adopt the agenda: M/Chang, S/Herrera, Vote: 6 aye, 0 no

**IX. STUDENT REPORTS**

**CCOC Student Report**

The president and vice president of the CCOC student council reported on activities the am and pm groups will be focusing on this year. Their goals include building student spirit

at CCOC. Some planned activities are: AIDS and breast cancer awareness in October; a canned food drive in November; toy drive in December; student talent show in January and in March the student council will work with the culinary students to develop cultural foods to build cultural awareness.

#### **MAEP Student Report**

Assistant Principal, JoAnn Van Ballegooijen, introduced an adult student who is in the Office Skills lab. Mr. Cantu talked about receiving his certificate of accomplishment and how he has gained confidence in his abilities because of support he has received from Job Corps and from his teacher at MAEP.

### **X. SPECIAL ORDER OF BUSINESS**

#### **Legislative Update**

Superintendent Hay introduced Nancy LaCasse, MetroED's Legislative Advocate from School Services of California.

Nancy reported that the Department of Education released the scoring results of the Proposition 1D grant applications and it looks good for CCOC to be funded for all 7 of its submitted projects. The grant amounts total \$7,071,463 from the state, for a total project cost of \$14,142,923.

Another school facilities bond is expected to be considered in this next legislative session. Nancy will be working to keep JPA ROCPs in the bill so we will continue to qualify for facilities funding. We're also going to be looking to be included for new construction funding, in addition to modernization.

Some of the areas that will be of priority this year will be: direct funding for JPA ROC/Ps, equalization of revenue limit funding for ROC/Ps, COLA/growth and Proposition 98 protection. She said that direct funding legislation will be introduced this year and since next year is expected to be financially difficult for the state, no-cost bills such as this have a reasonable chance. The state CAROCP organization will take the lead on this bill, and we will provide a supporting role.

Superintendent Hay and the Board thanked Nancy for all of the work that she has done for MetroED.

### **XI. PUBLIC PRESENTATIONS & REPORTS**

#### A. Public Comments

There were no public comments.

Board President Grilli introduced Mr. Frank Biehl, MetroED's alternate Board Member representing Eastside.

### **XII. APPROVAL OF MINUTES**

1. **Motion:** to Approve Minutes of Regular Board Meeting, September 12, 2007: M/Garcia, S/Dossa, Vote: 6 aye, 0 no

### **XIII. CONSENT CALENDAR (ACTION)**

It was requested by Member Herrera that item numbers 6, 7, and 8 be removed from the consent calendar for discussion. These items were removed from the consent calendar. Motion to approve Consent Calendar items #2 through 5 and #9 and 10: M/Chang, S/Gordon, Vote: 6 aye, 0 no

Items Approved on Consent:

**BUSINESS AND FINANCIAL FUNCTIONS**

- \*2. September Warrant Approval List)
- \*3. Williams Uniform Complaint Procedures Report
- \*4. Agreement with San Jose Unified School District to provide English as a Second Language (ESL) classes at select school sites
- \*5. Medical Apprenticeship Agreement

**PERSONNEL**

- \*9. Consent Item: Classified Personnel
- \*10. Consent Item: Certificated Personnel

Discussion of items 6, 7, & 8 (removed from the consent calendar):

**6: Action Item: Adopt Budget Calendar & Budget Guidelines for 08-09**

Discussion: Member Herrera requested that the budget guidelines not be approved at this meeting, but instead be brought back to the November Board meeting. This request was made by Superintendent Nunez, to allow time for discussion between MetroED and Eastside. Herrera suggested that it would do no harm to allow for discussion between the two districts and might go a long way to strengthening the partnership.

Superintendent Hay said that he is aware of the item that Member Herrera is bringing to the Board on behalf of Superintendent Nunez. Eastside believes that our reserves are too high and that Eastside would like MetroED to release cash to use for other purposes. Hay said that we have a process to follow for building our budget and that is through the Budget Advisory Committee. The reserves issue has been discussed for three consecutive years in these committee meetings. Eastside has a representative (Jerry Kurr) on the Budget Advisory Committee and has voted for this each time. The proposal is to reduce our reserves from 10% to 5%. Eastside has offered to loan MetroED the money in cases where we might run short of cash and will charge interest for the money borrowed.

Superintendent Hay said that he will not recommend to this Board that the reserves be reduced. We are a categorical program and not guaranteed funding by the Constitution. We also do not receive advance apportionment like our member districts. The reduction of reserves (and have to borrow for cash flow) would cost us money and make us dependent on one member of the JPA, which is not good business practice for the JPA. Moreover, these reserves came about from a unique set of circumstances, severe budget cuts in 2002-03 and 2003-04, that are not likely to occur again. Should we want to rebuild reserves, after giving them up, it would be very difficult. We have over the years needed to rely on our reserves to cover cash flow (late grants, late state budgets). This year we went 94 days without our state funding apportionment and had to rely on our reserves. Superintendent Hay recommended to the Board that they adopt the budget guidelines as they now stand.

Herrera said that Superintendent Hay's comments expand his understanding much more. He said that he is uncertain if there is anything more that might be brought up in further informal discussions. Superintendent Hay said that he did not think there was any more to learn. Hay noted that there had already been a discussion earlier today about this proposal between Eastside's CBO, Jerry Kurr, and MetroED's Fiscal Director, Wendy Zhang.

Member Garcia asked what the importance was of passing this item tonight. Hay said that we begin to build the budget one year ahead and we need these guidelines in developing the budget. Our next Budget Advisory Committee does not meet until February. If any changes are made to the guidelines, we should take them to the committee which delays our work just that much more.

Member Dossa said that this Eastside proposal sounds like bad business practice. We have been doing this for three years and everyone has been aware of the procedure. Borrowing money is not something we ought to be considering.

Garcia said that he would like to see that all issues are exhausted in discussions. From a procedural position, he would support a discussion to get all on the same page.

Member Chang said that we also have a budget calendar to approve; this is already October 10 and by the time we are back with an approval it will be even later.

Herrera said that he has no objections to the process; however, I am suggesting that one reason is to have these discussions to uncover underlying dynamics that might strengthen the relationship between the districts.

Hay said that he has made it clear to Superintendent Nunez some time ago that he is not going to negotiate with one district regarding policy and direction of the JPA. Issues of this nature should be discussed in the Budget Advisory Committee (BAC) that includes the CBOs from all the participating districts, representatives from our bargaining units, partners such as Job Corps, the program directors and public. The BAC is advisory to the Superintendent. The next BAC meeting is February 2008.

Herrera said that Hay is correct about the proper process and structure; this would be an informal exchange, only.

Garcia said that he is not willing to support this discussion if it means putting it off until February; he is supportive of informal discussions to uncover any dynamics.

Chang said that it seems there has been discussion between the two superintendents and with the fiscal directors of MetroED and Eastside.

Motion: that this item, "Adopt Budget Calendar & Budget Guidelines for 08-09" be brought back to the November meeting: M/Herrera, S/Garcia, Vote: 2 aye, 4 no (motion failed)

Motion: to adopt the budget calendar and budget Guidelines for 08-09 M/Chang S/Dossa V/5 aye, 1 no (Herrera)

- 7: **Action Item: Reconsideration of August 22, 2007 Approval of Agreement for Legal Services with Lozano Smith**

Discussion: Member Herrera thanked Superintendent Hay and the Board for giving him the opportunity to go on record with a no vote on this item that came to the August Board for approval.

Garcia said that he was a little confused by this item. Since he voted yes in September, does this negate his previous vote. Superintendent Hay said that the Board can take the opportunity to vote again tonight on this item. The purpose of bringing this back was only so member Herrera could record a "no" vote.

Member Gordon said that she has grave concerns about setting a precedent of re-voting under these circumstances. We need to have a discussion with this Board on how we want to handle this in the future.

Motion: Approval of Agreement for Legal Services with Lozano Smith (Reconsideration of August 22, 2007 agreement). M/Garcia, S/Chang, Vote: 5 aye, 1 no (Herrera)

**8: Action Item: Reconsideration of: Approval of Engagement Letter for Legal Services with Manatt, Phelps**

Discussion: Member Herrera said that he had also requested this item be brought back to the Board so that he could publicly record a no vote.

Member Gordon said that she would express her same concerns about setting a precedent for re-voting on items.

Motion: Approval of Engagement Letter for Legal Services with Manatt, Phelps (Reconsideration of August 22, 2007 for Services): M/Garcia, S/Chang, Vote: 5 aye, 1 no (Herrera).

Superintendent Hay said that he will make some recommendations to the Board for having an opportunity to discuss the policy of re-voting on Board items.

**INSTRUCTIONAL AND STUDENT FUNCTIONS**

--- No items ---

**XIV. INFORMATION ITEMS**

--- No Items ---

**XV. ACTION ITEMS AND REPORTS**

**BOARD AND ADMINISTRATIVE FUNCTIONS**

--- No Items ---

**BUSINESS AND FINANCIAL FUNCTIONS**

**11. Action Item: Resolution #01-10-10-07, Authorizing Designated Management Personnel to Sign Orders Drawn Upon the Funds of the District for the FY 07-08**

Discussion: Superintendent Hay commented that the Board had already approved a resolution authorizing management to sign orders drawn upon the funds of the district for fiscal year 07-08; however, the County has asked that this be done on their Resolution form.

Motion: That the Governing Board approve Resolution #01-10-10-07, authorizing the designated District employees to sign orders drawn upon the funds of the District effective July 1, 2007. M/Gordon, S/Chang, Vote: Roll call vote: Chang, yes; Dossa, yes; Garcia, yes; Gordon, yes; Grilli, yes; Herrera, yes

**12. Action Item: Terminate Ad-hoc Board subcommittee on potential litigation**

Discussion: Superintendent Hay said that this was originally brought to the Board for the purpose of handling any legal agreements where a member might be put in a conflict of interest position. Hay said that this action has caused angst at Eastside since it is being perceived as an aggressive move against Eastside. That is not the intent of this committee and there is no need for the distrust being created by the misconceptions. Superintendent Hay asked that the ad hoc subcommittee on potential litigation be disbanded. Hay said that he understands that he does not need to have a committee for him to call in legal counsel, and if he needs to include Board members, he can do so with the President and Vice-President.

Garcia asked Superintendent Hay if we are getting good legal advice because the attorney had originally recommended that we should have an ad hoc committee to deal with conflict of interest issues. Hay responded that he believed the advice was sound, given the specific circumstances at the time. That is, the enrollment cap that had been put on Eastside students attending CCOC, which was a violation of the Master Business Relationship Agreement. The cap has since been rescinded and Eastside has recently reconfirmed in writing that they will continue to abide by the terms of the Master Business Relationship Agreement. Hay discussed this matter with the attorney, Janae Novotny, who agreed that, given the circumstances we know now, the committee is no longer needed. Garcia said that this seemed to be a straight forward issue and not an attempt at backroom deals. The circumstances that led to creation of the committee have now changed.

Motion: That the Governing Board terminate the ad-hoc Committee on Potential Litigation. M/Dossa, S/Chang, Vote: 6 aye, 0 no

**13. Action Item: Monthly Budget Update**

Discussion: Fiscal Director, Wendy Zhang presented the monthly budget update to the Board. There were no questions. Member Chang thanked Director Zhang for presenting such a clear report.

Motion: That the Governing Board approve the budget changes included in the Monthly Budget Update for the period ended 9/30/07. M/Dossa, S/Garcia, Vote: 6 aye, 0 no

**PERSONNEL FUNCTIONS**

--- None ---

**INSTRUCTIONAL AND STUDENT FUNCTIONS**

--- None ---

**XVI. EXECUTIVE REPORT/ADMINISTRATIVE REPORTS**

Superintendent Paul Hay and the MAEP and CCOC Program Directors presented significant information to the Governing Board on topics not on the agenda.

Oral Report: CCOC Director John Fox

- On October 9 & 10 representatives from San Jose City College gave information to students about attending CCOC. A Grove Scholarship coordinator was also present to answer questions about Grove Scholarships at SJCC.
- Last year we had 20 Grove Scholarship recipients; this year that have allowed us to have up to 30.
- Fire Science students are making presentations in CCOC classrooms for Fire Prevention Week
- On October 3 the CCOC Program Representatives were at Independence High School attending back-to-school night. On October 4 they were at Oak Grove High School. So far this year the Program Reps have covered over 20 back to school nights and have at least six more planned for this month.
- Chantu Nguyen, CCOC vocational counselor, signed-up 562 students for Grove Scholarships. Seven former CCOC Grove Scholarship recipients were on hand to provide testimonials and information.
- To date, we have 1,862 students (unduplicated) attending CCOC, with an average of 23.65 per class. At this time last year we were at 1,852 students with 22.76 per class -- last year we had 4 sections of classes that we don't offer this year.
- Advisory committees will meet on October 16 in the CCOC Cafeteria
- A number of CCOC students will attend the Trades Expo at the Pipe Fitters Training Center on October 19
- The first annual back to school night at CCOC was a huge success. We estimated that we had about 700 people attend, and this was on a Friday night. Credit goes to the teachers who called parents to remind them of the event. John thanked Cynthia Chang for attending. CD's of photos from that evening are have been provided to the Board members.
- The Small Business class had their grand opening for balloon sales; students may buy balloons for birthdays and other occasions. We are making space for a student store where the Small Business class can offer products to students.
- Chantu Nguyen is at Yerba Buena tonight to speak with Vietnamese parents
- Phil Gonzales, Fire Science teacher was unanimously voted October's Teacher of the Month at CCOC.

Oral Report: MAEP Director Sylvia Karp

- MAEP's GED Test Center has served 2,815 candidates so far this year. The center has adjusted the testing times to meet the needs of people requiring evening tests.
- November 1 the CBET classes at SJUSD will begin and continue until the beginning of June. This is a new contract for us to provide this service for SJUSD.
- MAEP is also increasing their visibility by hosting a Chinese delegation on October 29 and November 22
- MAEP is participating in Project Youth Connect who works with homeless youth to give them some other options
- On November 1, we will be making a presentation to the CUHSD Board

Oral Report: MetroED Superintendent Paul Hay

- CCOC is continuing to be recognized internationally. In the past we have hosted delegations from Holland (2 consecutive years), Mainland China, Taiwan, and now we have educators from Korea who want to spend 2 days with us.

## **XVII. BOARD COMMENTS**

Member Herrera: Member Herrera expressed his appreciation to the Board for their goodwill. Even though he was not able to convince Members to see an issue as he presented, he felt that they did listen.

Member Chang: Member Chang thanked Mr. Fox for the CCOC Back to School night. She said that seeing the parents, kids and the new cafeteria was great.

Member Garcia: Member Garcia thanked Mr. Fox for bringing the CCOC students to the Board meeting; they both showed a great deal of enthusiasm.

## **XVIII. OTHER MEETINGS**

Special Meeting with JPA Superintendents Executive Council Date to be determined	Open Session	12:00 pm
Regular Meeting, November 14, 2007	Closed Session Open Session	6:00 pm 7:00 pm

## **XIX. ADJOURNMENT**

Meeting was adjourned at 8:17pm

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Ernie Dossa, Clerk