



**POWAY UNIFIED SCHOOL DISTRICT
MINUTES OF THE BOARD OF EDUCATION
AT A REGULAR MEETING**

November 17, 2014
District Office Community Room

REGULAR MEETING

A. PRELIMINARY FUNCTIONS

A-1 Reconvene/Call to Order

The regular meeting of the Board of Education was called to order at 6:12 p.m. by President Todd Gutschow.

A-2 Report Out of Closed Session

CLOSED SESSION: CONFERENCE WITH LABOR NEGOTIATOR

Agent Negotiator: Tracy Hogarth

Legal Counsel: Jerry Conradi

PFT, PSEA, SEIU

CLOSED SESSION: PUBLIC EMPLOYEE EMPLOYMENT

Title: Associate Superintendent

Legal Counsel: Dan Shinoff

CLOSED SESSION: CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION: (Subdivision (a) of Section 54956.9)

Case No. 37-2012-83730-CU-PO-CTL

Legal Counsel: Dan Shinoff

CLOSED SESSION: CONFERENCE WITH LEGAL COUNSEL – POTENTIAL LITIGATION: Significant exposure to litigation pursuant to paragraphs (2) and (3) of Subdivision (d) of California Government Code Section 54956.9. (1 case)

Legal Counsel: Warren Diven and Jim Anderson

CLOSED SESSION: CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION:

Initiation of litigation pursuant to subdivision (c) of Section 54956.9: (1 case)

Legal Counsel: Laura Romano

Mr. Patapow reported that on a motion by Mr. Davis, and a second by Mrs. Beatty, the Board voted unanimously on a roll call vote with Mrs. Ranftle absent, to approve the compromise settlement in case number 37-2012-83730-CU-PO-CTL and authorized the Superintendent to execute the necessary agreements.

A-3 Salute to Flag

President Gutschow led the salute to the flag.

A-4 Members in Attendance

All Board members were present except for Mrs. Ranftle who was absent due to illness.

A-5 Welcome to Public

Mrs. Beatty welcomed the public and offered instructions on the procedure for addressing the Board during the Public Comments segment of the meeting. She explained the procedure now in place which limits public comments to 15 minutes on any one topic unless waived by the Board president.

A-6 Approval of Minutes

It was moved by Mr. Davis and seconded by Mr. Patapow that the minutes of the October 13, 2014 Regular Board Meeting, be approved as presented. *Motion carried unanimously, 4-0.*

A-7 Approval of Agenda Sequence

Staff pulled agenda items D-204, D-506, and E-206 prior to the beginning of the meeting. It was moved by Mr. Davis and seconded by Mr. Patapow that agenda items D-305 and G-602 be considered prior to routine agenda items. *Motion carried unanimously, 4-0.*

A-8 Approval of Consent Calendar

100 – LEARNING SUPPORT SERVICES

104 Approval/Ratification of Out-of-State Field Trips

105 Acceptance of Gifts

200 – PERSONNEL SUPPORT SERVICES

205 Approval of Resolution No. 18-2015 Entitled "Resolution Regarding the Elimination or Reduction in Hours of the Classified Positions as Contained Within Exhibit 'A'; Corresponding Layoff of Classified Employees"

206 Approval of Personnel Commission Rule 30.200.1

207 Approval of Student Teaching Agreement with Northern Arizona University

208 (a) Approval of Certificated Personnel Report No. 04-2015

(b) Approval of Classified Personnel Report No. 04-2015

300 – BUSINESS SUPPORT SERVICES

306 Approval/Ratification of Contractual Services Report No. 04-2015

307 Ratification of District Purchase Orders, Revolving Cash Fund Expenditures, and Purchase Card Transactions

308 Approval of Resolution No. 11-2015 Entitled "Authorization to Purchase Computer Systems, Related Equipment and Services for the 2014-2015 School Year Using the Los Angeles County Office of Education and Los Angeles School District Contracts"

309 Approval of Resolution No. 12-2015 Entitled "Authorization to Purchase Apple Computer Products, Services, and Related Items for the 2014-2015 School Year Through the Glendale Unified School District Contract"

310 Approval of Resolution No. 13-2015 Entitled "Authorization to Purchase Microsoft Products and Software for the 2014-2015 School Year Through the Wasco Union Elementary School District Bid No. 059-12M.1"

311 Authorization to Purchase Regional Communication System (RCS) Radios from Motorola as a Sole Source Provider without Soliciting Competitive Bids

312 Authorization to Award a Contract for Bid No. 2014-22B School Sound System Upgrade at Various Sites

313 Ratify the Award of a Contract for Bid No. 2014-23B Financing for the Purchase of School Buses to U.S. Bank-Government & Nonprofits Banking Division

314 Approval of Quarterly Associated Student Body (ASB) and Student Council Financial Reports and Ratification of ASB Purchase Orders

315 Approval of the Williams Settlement Quarterly Report for September 2014

316 Enrollment Report No. 2/2014-2015

400 – SCHOOL FACILITIES IMPROVEMENT DISTRICT

500 – COMMUNITY FACILITIES DISTRICT

600 – SUPERINTENDENT’S OFFICE

Mrs. Beatty asked that item E-205 be pulled for discussion. It was moved by Mr. Patapow and seconded by Mrs. Beatty that with the exception of item E-206 which was pulled by staff, and item E-205, the items on the consent calendar be approved as presented. ***Motion carried unanimously, 4-0.***

B. REPORTS / PRESENTATIONS / EARLY AGENDA ITEMS

B-1 Student Board Representative Reports

Student Board Representatives Austin Shaddox from Abraxas High School, Ammar Alsaïd from Del Norte High School, Nathan Dunford from Mt. Carmel High School, Megan Miller from Poway High School, Kristen Gillespie from Rancho Bernardo High School, and Nathan Glovinsky from Westview High School reported on events and activities at their respective schools.

B-2 (a) Superintendent’s Briefing

Dr. Collins reported that last week he joined Del Sur Principal Doug Johnson and teacher Karen Garrett in Washington D.C. at the National Blue Ribbon Awards Ceremony and that today has been proclaimed Del Sur Elementary School Day in the City of San Diego.

Dr. Collins has been invited to the White House by President Obama to represent Poway Unified in the first-ever National ConnectED Superintendents Summit on Wednesday, November 19. This summit will bring together 100 school leaders from across the nation who have been identified as “Future Ready Superintendents.”

(b) Staff Recognition

Staff accomplishments were recognized.

(c) School Recognition

School accomplishments and awards were recognized.

(d) Everyday Heroes Classified Employees Recognition Program

Classified employees Kyle Allen, Kimberley Carroll, Dan Flaherty, Laura Gonzalez Garcia, Olga Jones, Tarrah Marcus, Elizabeth McDowell, Deirdre Sheehy, and Kathy Webb were recognized and presented with certificates by President Gutschow and Dr. Collins.

(e) Team PUSD Recognition Program

Mt. Carmel High School Groundskeepers II, Stone Ranch Elementary School Custodians, and the Personnel Support Services department were recognized and presented with certificates by President Gutschow and Dr. Collins.

B-3 Board Member Reports

Board members reported on their activities and events attended in the previous month.

C. PUBLIC COMMENTS

1. Fred Yerrick recommended the book Storykillers which presents a “common sense case against Common Core.”

2. Cindy Hicks thanked the current Board members for the support and autonomy they have provided the PUSD administration.

EARLY AGENDA ITEMS

D-305 Cancel and Rescind Contract with Computer Automation Systems; Authorize Superintendent or Designee to Enter into an Agreement for Alternate Product and Services to Address the District's Current Individualized Education Program Needs

President Gutschow entertained a motion to table this item until the December meeting based on new information that was presented to the Board in the last two days. On a motion by Mr. Davis and a second by Mr. Patapow, the Board voted to table the issue until the December meeting to allow staff to respond to the new information. *Motion carried unanimously, 4-0.*

Speakers who filled out speaker slips on this agenda item were invited to speak either tonight or at the December Board meeting. Diane Robertson, Titpton Roberts, Crystal Ochoa, Nancy Simpson, and Jennifer Conlon all gave their speaker time to Jan Van Horne. Jan Van Horne spoke in support of deferring the vote on this issue to the December Board meeting. She requested more site based support and a defined program manager for the project.

G-602 Possible Refinancing of the Capital Appreciation Bonds (CABS)

Dr. Collins explained that tonight the PUSD financial team will share their analysis of the Dale Scott proposal to refinance the Capital Appreciation Bonds. The independent third party who also completed an analysis did so with the understanding that it remain anonymous and shared only with the Board.

Benjamin Dolinka shared a presentation on the impact to taxpayers that refunding of the CABS might have on property owners in SFID No. 2007-1.

Public comments: Shawn Karafin, an economist and taxpayer advocate for the San Diego Taxpayers Association completed an analysis and concluded that the Dale Scott proposal will save taxpayers money.

D. ACTION ITEMS

D-101 Ratification of Student Discipline

It was moved by Mr. Patapow and seconded by Mrs. Beatty, that the Board ratify student discipline Case No. 2014-2015.01. *Motion carried unanimously, 4-0.*

D-102 Ratification of Stipulated Agreements for Student Expulsions

On a motion by Mrs. Beatty, and a second by Mr. Davis, the Board voted to approve and ratify the stipulated agreements for student expulsions as presented. *Motion carried unanimously, 4-0.*

D-103 Readmission of Students on Expulsion

On a motion by Mr. Davis and a second by Mr. Patapow, the Board voted to readmit the students represented in Cases No. 2011-2012.06 and 2013-2014.06. *Motion passed unanimously 4-0.*

D-201 Approval of the Associate Superintendent, Business Support Services Employment Agreement for a Period of Two (2) Years

Charles Sellers requested that agenda items D-201, D-202, and D-203 be pulled from the November Board agenda and instead be voted upon by the incoming Board.

It was moved by Mr. Davis and seconded by Mr. Patapow that the Board approve the Associate Superintendent, Business Support Services Employment Agreement for two years. *Motion*

passed 3-1, with Mrs. Beatty voting nay.

D-202 Approval of the Associate Superintendent, Learning Support Services Employment Agreement for a Period of Two (2) Years

It was moved by Mr. Patapow and seconded by Mr. Davis that the Board approve the Associate Superintendent, Learning Support Services Employment Agreement for two years. *Motion passed 3-1, with Mrs. Beatty voting nay.*

D-203 Approval of the Associate Superintendent, Personnel Support Services Employment Agreement for a Period of Two (2) Years

It was moved by Mr. Davis and seconded by Mr. Patapow that the Board approve the Associate Superintendent, Personnel Support Services Employment Agreement for two years. *Motion passed 3-1, with Mrs. Beatty voting nay.*

Item E-205 was pulled from the Consent Calendar for discussion

E-205 Approval of Resolution No. 18-2015 Entitled "Resolution Regarding the Elimination or Reduction in Hours of the Classified Positions as Contained within Exhibit 'A'; Corresponding Layoff of Classified Employees

Following discussion, on a motion by Mrs. Beatty and a second by Andy Patapow, the Board approved Resolution No. 18-2015. *Motion carried unanimously, 4-0.*

D-301 Review and Acceptance of the 2013-2014 Financial Compliance and Program Audit

On a motion by Mr. Davis and a second by Mr. Patapow, the Board voted to accept the 2013-2014 financial audit for Poway Unified School District. *Motion carried unanimously, 4-0.*

D-302 Approval of Monthly Budget Revisions

It was moved by Mrs. Beatty, seconded by Mr. Davis, that the budget revisions for the month of October, Fiscal Year 2014-2015, be approved as presented. Mr. Gutschow requested to be on record as recommending that if the surplus properties mentioned were to be sold in the future, particularly the middle school properties, that the incoming Board consider a long time lease rather than a one-time sale. *Motion carried unanimously, 4-0.*

D-303 Approval of the 2013-2014 Annual and Five-Year Reportable School Fee Report for Poway Unified School District

On a motion by Mr. Davis and a second by Mr. Patapow, the Board approved the Annual and Five-Year Reportable School Fee Report. *On a roll call vote, the motion carried unanimously, 4-0*

D-304 Public Hearing and Approval of Cell Tower License Agreements with Verizon Wireless at Abraxas High School, Mt. Carmel High School, and Rancho Bernardo High School.

President Gutschow opened a public hearing at 8:34 p.m. to hear any public comments on this issue. Tom Moore asked how much money the District receives per cell tower. Mrs. Tholandi replied that the District collects between \$20,000 and \$30,000 per cell tower per year, that some have a 2 to 5% increase per year, and that in the first year that a cell tower is installed, the District receives an additional \$35,000. These monies are used for technology expenditures throughout the District. The public hearing was closed at 8:37 p.m. On a motion by Mr. Davis, and a second by Mr. Patapow, the Board approved the licensing agreements and authorized the Superintendent or his designee, to execute the agreements. *Motion carried unanimously, 4-0.*

D-501 Public Hearing and Approval of Resolution No. 21-2015 Entitled “Forming and Establishing a Community Facilities District, Designating an Improvement Area Within, and Authorizing Submittal of the Levy of Special Taxes Within Such Community Facilities District and Such Improvement Area to the Qualified Electors Thereof – Community Facilities District No. 16 (Del Sur East II) and Improvement Area ‘A’ Therein”

Following a presentation, President Gutschow opened a public hearing at 9:47 p.m. to hear any public comments on this issue. Tom Moore asked what happens if we underestimate the load factor; if the District has ever used a special tax to pay down a bond before; and why the District did not set a meeting within the stated time limit. Mr. Davis replied that the rate has been set at the allowable legal limit; Mrs. Burgoyne replied that the District has used a special tax to pay down a bond on five previous occasions; Mr. Diven replied that due to the timing of the September and October Board meetings, it was necessary to extend the time limit by three days. Mr. Moore asked to note for the record that this was not a procedural or administrative error but one the District was aware of and chose to proceed. The public hearing was closed at 9:52 p.m. On a motion by Mr. Davis and a second by Mr. Patapow, the Board voted to approve Resolution No. 21-2015. *Motion carried unanimously, 4-0.*

D-502 A Public Hearing and Approval of Resolution No. 22-2015 Entitled “Determining the Necessity to Incur Bonded Indebtedness of a Community Facilities District, and the Improvement Area Therein, Submitting to the Qualified Electors of Such Community Facilities District and Such Improvement Area Propositions to Authorize the Levy of Special Taxes Within Such Community Facilities District and Such Improvement Area, to Authorize Incurring Bonded Indebtedness Secured by Such Special Taxes to Pay for Certain School Facilities and other Public Improvements, and to Establish an Appropriations Limit for Such Community Facilities District and Such Improvement Area – Community Facilities District No. 16 (Del Sur East II) and Improvement Area ‘A’ Thereto”

President Gutschow opened a public hearing at 9:55 p.m. to hear any public comments on this issue. Hearing none, the public hearing was closed. On a motion by Mr. Patapow, and a second by Mr. Davis, the Board voted to approve Resolution No. 22-2015. *Motion carried unanimously, 4-0.*

D-503 Approval of Resolution No. 23-2015 Entitled “Declaring the Results of a Special Election in a Community Facilities District and an Improvement Area Therein – Community Facilities District No. 16 (Del Sur East II) and Improvement Area ‘A’ Therein”

Dr. Collins canvassed the ballots and reported on the results of the ballot. For CFD No. 16 Proposition A, there were 244 yes votes, 0 no votes; for CFD No. 16 Proposition B, there were 244 yes votes, 0 no votes; for CFD No. 16, Proposition C, there were 244 yes votes, 0 no votes. For Improvement Area “A”, Proposition A, there were 244 yes votes, 0 no votes; for Improvement Area “A”, Proposition B, there were 244 yes votes, 0 no votes; for Improvement Area “A”, Proposition C, there were 244 yes votes, 0 no votes. Dr. Collins reported that all of the propositions passed unanimously. On a motion by Mr. Davis and a second by Mrs. Beatty, the Board approved Resolution No. 23-2015. *Motion carried unanimously, 4-0.*

D-504 First Reading of Ordinance No. 2015-01 Entitled “Authorizing the Levy of Special Taxes in a Community Facilities District and an Improvement Area Therein – Poway Unified School District Community Facilities District No. 16 (Del Sur East II)”

On a motion by Mr. Davis, and a second by Mr. Patapow, the Board voted to approve Ordinance No. 2015-01. *Motion carried unanimously, 4-0.*

D-505 Approval of Resolution No. 24-2015 Entitled “Approving the Form of a Joint Community Facilities Financing Agreement By and Between the Poway Unified School District, the City of San Diego, and Black Mountain Ranch, LLC, Pertaining to Community Facilities District No. 16 (Del Sur II)”

On a motion by Mr. Patapow and a second by Mrs. Beatty, the Board voted to approve Resolution No. 24-2015. *Motion carried unanimously, 4-0.*

D-507 Approval of Resolution No. 17-2015 Entitled, “Appointing and Employing Financial Consultants in Connection with the Refunding of Various Poway Unified School District Special Tax Bonds”

On a motion by Mr. Davis, and a second by Mr. Patapow, the Board voted to approve Resolution No. 17-2015. *Motion carried unanimously, 4-0.*

D-601 Approval of December 8, 2014, Board Meeting as the Annual Organizational Meeting of the Board

On a motion by Mrs. Beatty, and a second by Mr. Davis, the Board voted to approve December 8, 2014 as the annual organizational meeting of the Board. *Motion carried unanimously, 4-0.*

F. FIRST READING ITEMS

F-209 Proposed 2015-2016 Student Attendance Calendar – First Reading

This item was presented as a first reading and will be brought to the Board for final approval at the December 8, 2014 Board meeting.

G. INFORMATION ITEMS

G-210 Annual Disclosure and Certification of Estimated Accrued but Unfunded Liability for Self-Insured Workers’ Compensation Claims, Fiscal Year 2013-2014, and Submittal of Annual Workers’ Compensation Self-Insurer’s Report to State

This item was presented for information only.

G-316 Enrollment Report No. 2/2014-2015

This item was presented as information only.

G-317 Annual Investment Policy Review and Quarterly Disclosure of Local Agency Investments for Poway Unified School District

This item was presented for information only.

G-508 Annual Investment Policy Review and Quarterly Disclosure of Local Agency Investments for Community Facilities Districts Nos. 1 through 15

This item was presented for information only.

H. NEW BUSINESS – BOARD MEMBERS

I. CORRESPONDENCE

There was no correspondence presented.

J. CLOSED SESSION

There were no additional items discussed in Closed Session.

K. ADJOURNMENT

The meeting was adjourned at 10:18 p.m.

Todd Gutschow, President

Andy Patapow, Clerk

John P. Collins, Secretary

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Poway Unified School District Capital Facilities Financing Corporation

The meeting was called to order at 10:18 p.m. by Mr. Gutschow. All members were present except for Mrs. Ranftle, who was absent due to illness.

M-1 Approval of Resolution No. 20-2015 Entitled "Dissolution of the Poway Unified School District Capital Facilities Financing Corporation and Transfer of Title to All Property to the School District"

On a motion by Dr. Collins and a second by Mrs. Tholandi, the Board voted to approve Resolution No. 20-2015. *Motion carried unanimously, 3-0.*