



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

December 13, 2016
District Office Community Room

CLOSED SESSION

Board President O'Connor-Ratcliff called the meeting to order at 3:20 p.m. to receive public comment on the closed session agenda items. There were no public comments, and all Board members convened to closed session in the Board Conference Room. The closed session was adjourned at 5:00 p.m., and Board members reconvened in the Community Room to begin their regular meeting and relay any reportable action taken during closed session.

REGULAR MEETING

A. PRELIMINARY FUNCTIONS

A-1 Reconvene / Call to Order

The regular meeting of the Board of Education was called to order at 6:04 p.m. by Board President O'Connor-Ratcliff.

A-2 Report Out of Closed Session

1. **CLOSED SESSION**: CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Pursuant to Government Code Section 54956.9(a); Case No. 37-2015-00008862-CU-PO-CTL
Legal Counsel: Randall Winet

2. **CLOSED SESSION**: CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Pursuant to Government Code Section 54956.9(d)(1); Case No. TC-17-09
Legal Counsel: Dennis Walsh

3. **CLOSED SESSION**: CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Pursuant to Government Code Section 54956.9(d)(1) Name of Case: Poway Unified School District
v. John P. Collins SDSC Central District Case No. 37-2016-00023931
Legal Counsel: Maribel Medina

4. **CLOSED SESSION**: PUBLIC EMPLOYEE
DISCIPLINE/DISMISSAL/RELEASE/COMPLAINT
Pursuant to Government Code Section 54957

5. **CLOSED SESSION**: PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Title: Acting Superintendent

6. **CLOSED SESSION**: CONFERENCE WITH LABOR NEGOTIATOR
Agent Negotiator: Sandra Huevo
PFT, PSEA, Unit I and Unit II

Item number one, Clerk Andy Patapow reported on a motion by Mr. Zane and a second by Mrs. Beatty, and by a roll call vote, the Board voted unanimously to ratify the acceptance of the

Settlement Offer in Case No. 37-2015-00008862-CU-PO-CTL. **Ayes: O'Connor-Ratcliff, Zane, Patapow, Beatty, and Sellers. Motion passed: 5-0.**

Clerk Andy Patapow reported that item number two was pulled from the agenda.

Clerk Andy Patapow reported that on item number four in the matter of Public Employee Discipline/Dismissal/Release/Complaint, employee No. 457-456, on a motion by Mrs. Beatty and a second by Mr. Zane, the Board voted to accept the staff recommendation of five days suspension with loss of pay. **Ayes: O'Connor-Ratcliff, Zane, Patapow, Beatty, and Sellers. Motion passed: 5-0.**

There was no other reportable action taken in closed session.

A-3 Salute to Flag

Board President O'Connor-Ratcliff led the salute to the flag.

A-4 Members in Attendance

All Board members were in attendance, including Student Board Member Ella Smith.

Note: Board Member Kimberley Beatty excused herself from the Board Meeting prior to item D-301 on the agenda.

A-5 Welcome to Public

Mr. Sellers welcomed the public and offered instructions on the procedure for addressing the Board during the Public Comments segment of the meeting.

A-6 Board Member Reports

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

A-7 Approval of Minutes

On a motion by Board President Michelle O'Connor-Ratcliff, and a second by Mr. Zane, the minutes of the November 15, 2016, Regular Board Meeting were approved as amended by adding item H-1, **Financial Crisis & Management Assistance Team (FCMAT) Review for Special Education**. The Board of Education directed staff to bring a contract for Board consideration in December. Preferential vote Aye by Student Board Member Ella Smith. **Ayes: O'Connor-Ratcliff, Zane, Patapow, Beatty, and Sellers. Motion carried unanimously, 5-0.**

A-8 Organizational Meeting of the Board

(a) Oath of Office

Interim Superintendent Apostle administered the Oath of Office to reelected Board Member Kimberley Beatty and newly-elected Board Member Dr. Darshana Patel.

(b) New Board Member Comments

Newly-elected Board Member Dr. Darshana Patel spoke about the Board election, CSBA conference, and looking forward to meeting with senior staff and visiting every school site.

(c) Organizational Meeting - Election of Officers, Appointment of Board Representatives to Committees, and Confirmation of 2017 Board Meetings Dates

Board President O'Connor-Ratcliff called for the election of a new president. Mr. Sellers nominated Mr. Zane, Mr. Zane respectfully declined and nominated Mrs. O'Connor-Ratcliff, and Mr. Sellers nominated Mr. Sellers. There was no call for a second for either nomination. Student Board Member Ella Smith exercised her preferential vote in favor of Mrs. O'Connor-Ratcliff. **On a roll call vote, Mrs. O'Connor-Ratcliff, Mr. Zane, and Dr. Patel voted for**

O'Connor-Ratcliff; and Mrs. Beatty and Mr. Sellers voted for Mr. Sellers. Mrs. O'Connor-Ratcliff was elected president on a 3/2 vote.

Board President O'Connor-Ratcliff called for the election of a new vice president. Board President O'Connor-Ratcliff nominated Mr. Zane, and Mr. Sellers nominated Mr. Sellers. Student Board Member Ella Smith exercised her preferential vote in favor of Mr. Zane. ***On a roll call vote, Mrs. O'Connor-Ratcliff, Mr. Zane, and Dr. Patel voted for Mr. Zane; and Mrs. Beatty and Mr. Sellers voted for Mr. Sellers. Mr. Zane was elected vice president on a 3/2 vote.***

Board President O'Connor-Ratcliff called for the election of a new clerk. Board President O'Connor-Ratcliff nominated Mr. Sellers, Mr. Sellers declined and nominated Mrs. Beatty. Board President O'Connor-Ratcliff nominated Dr. Patel. Preferential vote Abstain by Student Board Member Ella Smith. ***On a roll call vote, Mrs. O'Connor-Ratcliff, Mr. Zane, and Dr. Patel voted for Dr. Patel; and Mrs. Beatty and Mr. Sellers voted for Mrs. Beatty. Dr. Patel was elected clerk on a 3/2 vote.***

A short recess was called for reorganization of the dais at 7:48 p.m. Board President O'Connor-Ratcliff reconvened the meeting at 7:56 p.m.

A-8(c) (continued) Appointments by the President:

***County Board of Education Representative: Kimberley Beatty; Alternate: Dr. Patel
California Association of Suburban School Districts (CALSSD) Representatives: T.J. Zane, Dr. Patel; Alternate: Kimberley Beatty
California School Boards Association (CSBA) Delegate Assembly: Charles Sellers
Palomar Health: Charles Sellers
City of Poway Subcommittee Liaisons: Michelle O'Connor-Ratcliff, T.J. Zane
City of San Diego Subcommittee Liaisons: Dr. Patel, T.J. Zane
Poway Chamber of Commerce Liaison: Charles Sellers; Alternate: Michelle O'Connor-Ratcliff
San Diego North Chamber of Commerce Liaison: T.J. Zane
Palomar Council PTA Board Representative: Rotating
San Diego County Board of Supervisors Representative: T.J. Zane***

(d) Nominations of California School Boards Association Delegate Assembly

No action was taken on this item.

A-9 Student Board Representative Reports

Student Board Representatives Emerald Arbizio from Abraxas High School, Reagan Cloutier from Del Norte High School, Grace Hard from Mt. Carmel High School, Simon Shapiro from Poway High School, Jalen Rasoul from Rancho Bernardo High School, and Anne Vu from Westview High School, reported on events and activities at their respective schools.

A-10 Approval of Agenda Sequence

The Board of Education recommended that agenda item L-1 be considered after item D-502 instead of after the adjournment of the regular Board of Education Meeting. On a motion by Mr. Zane, and a second by Dr. Patel, the agenda sequence was approved as amended. Preferential vote Aye by Student Board Member Ella Smith. ***Ayes: O'Connor-Ratcliff, Zane, Patel, Beatty, and Sellers. Motion carried unanimously, 5-0.***

A-11 Approval of Consent Calendar

100 – LEARNING SUPPORT SERVICES

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

102 Acceptance of Gifts

200 – PERSONNEL SUPPORT SERVICES

203 Adoption of the 2017-2018 Student Attendance Calendar

204(a) Approval of Certificated Personnel Report No. 05-2017

204(b) Approval of Classified Personnel Report No. 05-2017

300 – BUSINESS SUPPORT SERVICES

305 Approval/Ratification of Contractual Services Report No. 05-2017

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

307 Approval of Resolution No. 32-2017 Designating an Additional Person Authorized to Act on Behalf of Poway Unified School District and Amending Resolution No. 97-2016

308 Approval of Resolution No. 30-2017 Entitled “Declaration of Intention to Dedicate an Easement to San Diego Gas and Electric (“SDG&E”) at Willow Grove Elementary School”

309 Acceptance of Projects as Complete and Authorization to File a Notice of Completion for Various Projects in November 2016

400 – SCHOOL FACILITIES IMPROVEMENT DISTRICT

500 – COMMUNITY FACILITIES DISTRICT

600 – SUPERINTENDENT’S OFFICE

On a motion by Mr. Zane, and a second by Dr. Patel, the items on the consent calendar were approved as presented. Preferential vote Aye by Student Board Member Ella Smith. *Ayes: O’Connor-Ratcliff, Zane, Patel, Beatty, and Sellers. Motion carried unanimously, 5-0.*

B. REPORTS / PRESENTATIONS / EARLY AGENDA ITEMS

B-1 (a) Superintendent’s Briefing

The following updates on current issues and events were presented:

- Dr. Apostle recognized Rose Hong as a National finalist in the Siemens Competition in Math, Science, and Technology.
- Dr. Apostle recognized Barbara Scholl, Preschool and ESS Director, she was recently inducted into the International Educators’ Hall of Fame and was recognized by Congresswoman Loretta Sanchez in Anaheim.

(b) Student Recognition

Accomplishments and awards earned by students were recognized

(c) Staff Recognition

Accomplishments and awards earned by staff members were recognized.

(d) School Recognition

Schools accomplishments and awards were recognized.

(e) District Recognition

District accomplishments and awards were recognized.

C. PUBLIC COMMENTS

Mary Andrews spoke about School Board leadership.

Katie Kemple spoke about Nutrition.

Heather Wendlant spoke about Nutrition.

Janet Lettang spoke about Performing Arts in PUSD.

D. ACTION ITEMS

D-201 Amend Employment Agreement for the Interim Associate Superintendent Business Support Services

On a motion by Mr. Zane, and a second by Dr. Patel, the Board of Education approved the amended employee agreement for the Interim Associate Superintendent Business Support Services. *Ayes: O'Connor-Ratcliff, Zane, Patel, Beatty, and Sellers. Motion carried unanimously, 5-0.*

D-202 State of California Minimum Wage Increase Affecting PUSD Non-Represented Employees

On a motion by Dr. Patel, and a second by Board President Michelle O'Connor-Ratcliff, the Board of Education approved the mandated State of California minimum wage increase for non-represented employees. *Ayes: O'Connor-Ratcliff, Zane, Patel, Beatty, and Sellers. Motion carried unanimously, 5-0.*

Note: Board Member Kimberley Beatty excused herself from the Board Meeting prior to item D-301 on the agenda.

D-301 Review and Acceptance of the 2015-2016 Financial Compliance and Program Audit

Following discussion, on a motion by Mr. Zane, and a second by Mr. Sellers, the Board of Education approved the 2015-2016 Financial Audit as presented. Preferential vote Aye by Student Board Member Ella Smith. *Ayes: O'Connor-Ratcliff, Zane, Patel, and Sellers. Absent: Beatty. Motion carried, 4-0.*

D-302 Approval and Certification of First Interim Financial Report and Approval of Resolution No. 13-2017 Entitled "Authorization to Revise the 2016-2017 Budget as Reflected in the First Interim Financial Report"

Following discussion, on a motion by Mr. Zane, and a second by Mr. Sellers, the Board of Education approved Resolution No. 13-2017 as presented. Preferential vote Aye by Student Board Member Ella Smith. *Ayes: O'Connor-Ratcliff, Zane, Patel, and Sellers. Absent: Beatty. Motion carried, 4-0.*

D-303 Award A Contract for Internal Control Audit Services for the Poway Unified School District to Moss Adams LLP

On a motion by Mr. Zane, and a second by Mr. Sellers, the Board of Education awarded a contract to Moss Adams LLP. Preferential vote Aye by Student Board Member Ella Smith. *Ayes: O'Connor-Ratcliff, Zane, Patel, and Sellers. Absent: Beatty. Motion carried, 4-0.*

D-304 Award a Contract for Review and Study of Specific Aspects of Poway Unified School District's Special Education Operations to Fiscal Crisis and Management Assistance Team (FCMAT)

Following discussion, on a motion by Board President O'Connor-Ratcliff, and a second by Dr. Patel, the Board voted to award a contract for review to the Fiscal Crisis and Management

Assistance Team as presented. Preferential vote Aye by Student Board Member Ella Smith. *Ayes: O'Connor-Ratcliff, Zane, Patel, and Sellers. Absent: Beatty. Motion carried, 4-0.*

D-501 Approval of Resolution No. 27-2017 Entitled "Ordering Judicial Foreclosure Pursuant to the Mello-Roos Community Facilities Act of 1982 of Certain Properties for Which the Payment of Special Taxes are Delinquent, Approving and Ratifying Certain Actions of Special Counsel, and Ordering that the Tax Collector be Credited With Those Special Taxes"

On a motion by Mr. Zane, and a second by Mr. Sellers, the Board voted to approve Resolution No. 27-2017 as presented. Preferential vote Aye by Student Board Member Ella Smith. *Ayes: O'Connor-Ratcliff, Zane, Patel, and Sellers. Absent: Beatty. Motion carried, 4-0.*

D-502 Approval of Resolution 28-2017 Entitled "Authorizing and Providing for the Issuance of Special Tax Refunding Bonds of Poway Unified School District Community Facilities District No. 11 for Zone 2 and Zone 3, Approving the Form of Separate Bond Indentures and First Supplemental Indentures, Special Tax Refunding Bond Purchase Contract, Bond Purchase Agreement, Preliminary Official Statement, and Other Documents and Authorizing Certain Actions in Connection with the Issuance of Such Bonds"

Following discussion, on a motion by Mr. Zane, and a second by Dr. Patel, the Board of Education voted to approve Resolution 28-2017 as presented. Preferential vote Aye by Student Board Member Ella Smith. *Ayes: O'Connor-Ratcliff, Zane, and Patel. Noes: Sellers. Absent: Beatty. Motion carried, 3-1.*

As approved in Agenda Item A-10, the meeting of the Board of Education was adjourned at 8:10 p.m. in order to convene the meeting of the Poway Unified School District Public Financing Authority.

L. PUSD PUBLIC FINANCING AUTHORITY

The meeting of the Poway Unified School District Public Financing Authority was called to order at 8:10 p.m. by Chairperson O'Connor-Ratcliff.

L-1 Approval of Resolution No. 29-2017 Entitled "Authorizing and Providing for the Issuance of Special Tax Revenue Refunding Bonds, Series 2017B, Approving the Form of an Indenture of Trust, the Form of an Escrow Deposit and Trust Agreement, Bond Purchase Agreement, Special Tax Refunding Bond Purchase Contract, Funding Allocation Agreement, Preliminary Official Statement, Continuing Disclosure Agreement, and Other Documents, and Authorizing Certain Actions in Connection with the Issuance of Such Special Tax Revenue Refunding Bonds"

On a motion by Mr. Zane, and a second by Mrs. O'Connor-Ratcliff, to approve Resolution No. 29-2017 as presented. *Ayes: Apostle, O'Connor-Ratcliff, Zane, Patel, and Azimzadeh. Motion carried unanimously, 5-0.*

The meeting of the Poway Unified School District Public Financing Authority was adjourned at 8:12 p.m. and Board President O'Connor-Ratcliff reconvened the regular Board Meeting.

F. FIRST READING ITEMS

G. INFORMATION ITEMS

G-205 Annual Disclosure and Certification of Estimated Accrued by Unfunded Liability for Self-Insured Workers' Compensation Claims, Fiscal Year 2015-2016, and Submittal of Annual Workers' Compensation Self-Insurer's Report to State

This report was presented as information only.

G-310 Enrollment Report No. 3/2016-2017

This item was presented as information only.

H. NEW BUSINESS – BOARD MEMBERS

Mr. Zane requested a scheduled presentation with Dale Scott and Associates to discuss the refinancing of the Capital Appreciation Bonds (CABS).

Mr. Sellers also spoke regarding presentation for the Capital Appreciation Bonds (CABS).

Board President Mrs. O'Connor-Ratcliff requested the following:

- Board workshop for CABS, maybe in February
- Agendize some of the Board Goals in 2017
- Request for Qualifications (RFQ) for a Grant Writer for the District

I. CORRESPONDENCE

There was no correspondence presented.

J. CLOSED SESSION

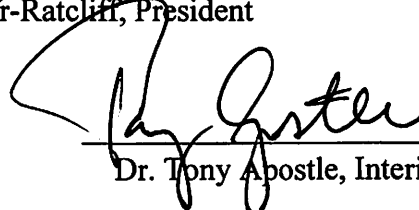
There were no additional items discussed in Closed Session.

K. ADJOURNMENT

The meeting was adjourned at 8:20 p.m.


Michelle O'Connor-Ratcliff, President


Dr. Darshana Patel, Clerk


Dr. Tony Apostle, Interim Secretary

am