

**MINUTES
REGULAR MEETING OF THE
GOVERNING BOARD OF THE
SOLEDAD UNIFIED SCHOOL DISTRICT
DISTRICT OFFICE BOARD ROOM
1261 METZ ROAD, SOLEDAD, CA 93960
WEDNESDAY, OCTOBER 14, 2015**

I. OPENED BUSINESS – 5:30 PM

- A. Called Public Session to Order

- B. Roll Call
Mrs. Marie Berlanga, President
Mrs. Gloria Ledesma, Vice-President
Mrs. Jodi Massa, Clerk
Mr. Fabian M. Barrera, Trustee
Mr. Jaime Fernandez, Trustee
Dr. Rupi Boyd, Secretary to the Board

- C. Approved Closed Session Agenda

MOTION TO APPROVE CLOSED SESSION AGENDA BY: Jodi Massa SECONDED BY: Fabian Barrera AYES: Mr. Barrera, Mrs. Berlanga, Mr. Fernandez, Mrs. Ledesma, Mrs. Massa NAY: None ABSENT: None

- D. Allowed for Public Comment on Closed Session Topics

- E. Immediately Adjourned to Closed Session

II. CLOSED SESSION

- A. Personnel
 - 1) Assignments/Reassignments/Resignations/Leaves/Terminations/Layoffs
 - 2) Pending Litigation
 - a. Jane Doe vs. Soledad Unified School District
File No. 2543.91325
 - b. Francisco Salmeron vs. Soledad Unified School District
 - 3) Negotiations with Soledad Teachers' Association (STA)

III. RECONVENED TO OPEN SESSION – 7:00 p.m.

- A. Pledge of Allegiance by Soledad High School NJROTC

- B. Report of action taken in closed session

- C. Approved the Board Agenda

1. Certificated personnel:

<u>Employee</u>	<u>Position</u>	<u>Site</u>
Araceli Fausto	Certificated Substitute	DW
Fabiola Hernandez	Certificated Substitute	DW
Myra Rodriguez	Certificated Substitute	DW
Sydney Velasquez	Certificated Substitute	DW

2. Approval of Teacher on Waivers or Permits

<u>Name</u>	<u>Position</u>	<u>Type of Credential</u>	<u>Grade</u>	<u>Site</u>	<u>Ed Code (If Applicable)</u>
Vianca Uribe Ambriz	Elementary Teacher	Variable-Term Waiver	K	GAB	EC44259

3. Classified personnel:

<u>Name</u>	<u>Position</u>	<u>Site</u>
Maria Torres	Secretary I	DO Buss
Rosalina Sanchez	Secretary I	DO Gen
Lucero Zuniga	Computer Technician I	SHS
Yesenia Anguiano	Secretary I	JF
Susana Plascencia	Secretary I	SV
Jonathan Alvarado	Campus Security I from SHS (FT)	MS
Cheryl Heraz	Campus Security I (FT)	SHS
Irene Torres	Clerk Typist (FT)	CEC
Julie De La Torre	Secretary I (260 days)	MOT
Emily Tovar	Translator Clerk	DW
Anely Aguilar	Instructional Aide RSP	JF
Eliana Trujillo	Instructional Aide IV SPED	Gab
Lorena Castro	Instructional Aide III/SPED	SHS
Maria Cisneros Morales	Instructional Aide III/JK	Gab
Deissi Gonzalez	Instructional Aide III/SPED	MSMS
Marcella Macyshyn	Classified Substitute	DW
Fatima Contreras	Classified Substitute	DW
Isael Aguirre	Classified Substitute	DW

4. Leaves of Absence

<u>Employee</u>	<u>Position</u>	<u>Type</u>	<u>Eff. Dates</u>
Carmen Morales	Instructional Aide	FMLA	10/31/15-12/31/15

5. Accepted the following resignations/terminations/retirees

<u>Employee</u>	<u>Position</u>	<u>Site</u>	<u>Action</u>	<u>Eff. Dates</u>
Fatima Contreras	Health Aide IV	JF	Resigned	09/15/15
Juan Leyva	Accountant	DO Buss	Resigned	10/02/15
Corina Trujillo	Inst. Aide III RSP	Gab	Resigned	09/30/15
Claire Northall	Teacher	RF	Resigned	09/24/15
Sharon Madsen	Teacher	MSMS	Resigned	10/09/15
Harold Handy	Teacher	Elem	Resigned	09/18/15
Isael Aguirre	Inst. Aide IV SPED	Trans Ctr	Resigned	10/20/15
Janette Iniguez	Inst. Aide IV SPED	Trans Ctr	Resigned	10/09/15
Brenda Tinajero	Inst. Aide III/SPED	SV	Resigned	10/20/15
Eli Ruelas	HR Specialist	DO	Resigned	10/16/15

6. Approved New/change in Positions

<u>Position</u>	<u>Step/ Range</u>	<u>Hrs/day</u>	<u>Work Days</u>	<u>FTE</u>	<u>Site</u>
Secretary I	14	5.5 to 8	210	1	MSMS
Family Student Support Liaison	22	8	186	1	SHS

7. Extra Curricular Assignments:

<u>Employee</u>	<u>Position</u>	<u>Site</u>
Reyes Mendoza	Head Coach Boys Varsity Soccer	SHS
Jesus Cuevas	Assistant Varsity Soccer Coach	SHS
Jeremy Hoeflinger	Assistant Cross Country Coach	SHS
Genaro Espinoza	Head JV Boys Soccer Coach	SHS
Kevin Peña	JV Basketball Coach	SHS
Sean Ponsi	Assistant Varsity Wrestling Coach	SHS
Alma Pichardo	JV Girls Soccer Coach	SHS
Cynthia Sumner	Yearbook Advisor	GAB
Beatrice Dunstan	Yearbook Advisor	SHS
Daniel Ferguson	Saturday School	SHS
Anne Sanchez	Saturday School	SHS
Monica Escutia	Saturday School	SHS
Heather King Durham	English Department Chair	SHS
William Starling	Science Department Chair	SHS
Darcie Adams	Saturday School	SHS
Lauren Carminati	Tutoring	SHS
Lance Campa	Tutoring	SHS
Daniel Ferguson	Tutoring	SHS
Sara White	Tutoring	SHS

Employee	Position	Site
Stephanie Miller	Tutoring	SHS
Jesus Narez	Tutoring	SHS

MOTION TO APPROVE CLOSED SESSION AGENDA BY: Fabian Barrera SECONDED BY: Gloria Ledesma Barrera AYES: Mr. Barrera, Mrs. Berlanga, Mr. Fernandez, Mrs. Ledesma, Mrs. Massa NAY: None ABSENT: None

IV. COMMUNICATIONS

A. Oral Communications

1. Audience

- Mrs. Hilda Reeder addressed the Board regarding her son’s education at Soledad High School. She said she was respectfully asking the Board to conduct a full investigation of administration of Soledad High School and the Special Education Department. She said she had addressed the Board last month because the district is refusing to give her son a free education. She was given a general letter instead of a safety plan as a Special Education student, as she requested. Instead, administration sent her an article on mental retardation; she said this was offensive to her as a parent of child with special needs. The article was old and not up to date. She asked how “we” can have such an educator in a position such as this. The IEP has not met needs of her child and they want to send her son to Seaside, if she does not accept this, they say they will take her to a court hearing. She said she has had several meetings with administrators with lots of talk and no action. Mrs. Reeder said this was intimidated; instead of trying to help her son. What he needs is an education by law and this was unacceptable. If her son goes to Seaside, he will have to get up at 4-5 a.m. to catch bus and not get back until 6 or later, be hungry and tired.
- Mr. Gama Romero, parent of a high school student. He said she had questions for district and board regarding the FFA. His concern had to do with the mechanics building not being utilized by Soledad High School. His question was why? His other concern was with the current FFA building and the need for expansion due to the needs of the FFA Program. He’d like the Board to get back to him on his concerns.
- Mr. Graig Stephens, Historical Society, reported that the Society had met and approved a draft MOU with the district. This is the first time they are going into a more formal arrangement, per the District’s request. The Historical Society is in favor of the idea.
- Mrs. Deshazo, parent of a student from Rose Ferrero addressed the Board about having more instructional aides in the classroom. She said her and her family just moved from Monterey and they are paying all these property taxes for the bond and yet the district cannot get more aides in the classroom.

She was also concerned about some comments made about her son and was told that he would not amount to anything. She did speak to Dr. Witwer and Mr. Guzman about her concerns.

2. Student of the Month

Main Street Middle School

Ms. Swift, Principal, introduced Joey Barroso as the Student of the Month.

Soledad High School:

Ms. Austin, Principal, introduced Seth Guidotti as the Student of the Month.

c. Community Education Center:

Mr. Lopez, Principal, introduced Lindsay Flores as the Student of the Month. Lindsay was not able to make it to the meeting.

3. Student Council Report

a. Main Street Middle School

- Old business, currently students are participating in the NWEA testing
- Parent conferences took place this week with a minimum day for students. There is a new setup for parent conferences where all teachers are set up. Evening conference is scheduled for Thursday evening
- Monster Match Dance scheduled for October 30th
- PBIS Incentive Program
- Sports: Volleyball tournament scheduled for October 24
- Soccer Tournament scheduled for October 22nd

b. Soledad High School

Old News: ASB held their annual 9-11 ceremony on Friday, September 11. Board members, community members, and SUSD staff and students were invited to attend. **New News:** ASB is gearing up for Homecoming Week October 19-24, 2015. ASB will kick-off Homecoming with a Week of Spirit Days including 80's Day, Get Your Pink On Day, Senior Citizen Day, and our annual Spirit Day. Students are encouraged to dress-up and show off their school spirit. The Night Rally will be held Thursday, October 22, 2015 at 7pm. This year's theme is "Get Your Game On!." Seniors will represent Mario Kart, Juniors Super Smash Bros, Sophomores Lego, and the Freshmen Pac-Man. The Homecoming parade is scheduled for Friday, October 23, 2015. Floats will leave Soledad High School at 2:15pm with over 300 students aboard. This year, Pinnacles High School and Main Street Middle School will also participate in the parade with their own float. **Club Props: SkillsUSA:** has been busy with club fairs, electing officers, holding meetings and creating social events for all members. Soledad SkillsUSA attended the annual Region 2 Fall Leadership Skills Conference at Paso Robles High School where officers, members and advisors

participated in leadership workshops. Students are in the process of completing registration forms, selecting their skills and leadership competitions for Regional competitions which will be held on February 6, 2016 at Paso Robles High School. **NJROTC:** Over the past four weeks, NJROTC provided support to the Mazda Raceway Laguna Seca, Monterey CA for their annual Porsche Rennsport Reunion V. During the same week, NJROTC sent 35 cadets to the Salinas Air Show to help with directing traffic and keeping the parking lots organized. This past weekend, NJROTC spent their Saturday morning filling sandbags for the City of Soledad in preparation for the rainy season. NJROTC is preparing for its first major drill competition at Luther Burbank High School, Sacramento CA scheduled for Nov 7, 2015. In addition, NJROTC will be participating at this year's Veteran's Day Parade in Salinas on Nov 11, 2015. **Drama & Choir:** Choir will have their first performance on Friday October 16th at 6:30. The Drama program is doing "12 Angry Jurors" on November 12th, 19th, and 20th. **Cheer:** has just been working on their Homecoming routine. They also just finished their mixed bag fundraiser. **FFA:** The Ag boosters had a very successful pulled pork fundraiser. The funds will be used to help extend the pens in the Ag area. On October 7th, 36 students went to the opening and closing competition in Salinas. They competed in a collaborative prepared public speaking contest and had a 2nd place overall officer team and a multiple 1st place students. The officer team attended a leadership conference in Hollister. FFA is also getting ready for the Salinas Valley Fair where at the first parent meeting they had approximately 250 parents and guests attending the informational meeting and 84 students signed up to show livestock at the fair. This Thursday the FFA will be taking 21 freshmen, also known as Greenhands, to a leadership conference. At the end of this month, Justin Massa will be flying to Kentucky and receiving his American Degree—the highest level of membership an FFA member can earn. Currently, FFA is getting ready for the Greenhand/Chapter Farmer banquet, set to be in mid-November. FFA was also happy to announce that every student within the agriculture academy is placed in an appropriate career pathway. Within each pathway students will earn, by the end of the year, an industry certificate that they will be able to use to get an internship or a job.

Sports Props: Athletics: Ms. Kuchta will be attending the Central Coast Section Athletic Director Association conference on Monday October 19th in Fremont. Winter season official practice begins November 2 while Fall sports will be coming to end that same week. **Volleyball:** Girls Varsity attended the Everett Alvarez Volleyball Tournament on Saturday, October 10 and won. They are the Silver Division Champs placing 1st. **Cross-Country:** The Boys and Girls Cross Country Teams are doing well and are half way through their season. Personal records are breaking every week and the teams are showing their dominance in the MTAL. They have an invitational on Saturday the 17th in Toro Park and the MTAL Center meet on Thursday the 22nd as a tune-up meeting the entire league in Toro Park. Cross-country was able to purchase their running shoes as a team on October

9th at Dicks. **Football:** The JV football program is currently 5-0, with Varsity 3-2. They travel to King City this Friday to continue their pursuit in a CCS playoff bid & remain league champion contention. **Softball:** Softball has started conditioning 2x a week. With 25 girls showing up to conditioning regularly, the competition for tryouts will be fierce this year.

c. Community Education Center

Mr. Lopez gave a brief report on student activities. Students participated in a field trip to the Tech Museum in San Jose.

4. Employees of the Month

Certificated: Rosalinda De Lira, Teacher at Gabilan Elementary

Classified: Erica Heredia, Secretary III at Gabilan Elementary

5. Board Member comments:

- Trustee Fernandez, congratulated students of the Month and specially MSMS; students are the example for others to follow and he also congratulated the Employees of the Month.
- Trustee Barrera also congratulated the employees of the month and said they were an example of home grown employees and it was good to see how they are giving back to the community. Regarding the comment made by Mrs. DeShazo made on the property taxes, he referred her back to her statement and a number on the back where she can call. But these funds cannot be used for anything else but the bonds. To Mr. Romero, he mentioned a mechanics room, a mechanics building and said they would look into it as he does not like to see empty buildings.
- Trustee Massa also thanked the students for their time and effort in coming to the meeting. It all goes back to the students and it tells you that the Board's hearts are with the kids. She congratulated the students of the month and their parents. She mentioned she was excited about having an MOU with the Historical Society. The administrators are going to be recognized tonight and said this can be a lonely and thankless job and she was very grateful for all they do.
- Trustee Ledesma, dittoed everyone's comments. Mrs. Ledesma will be leaving after the break due to a family emergency.
- President Berlanga encouraged everyone to continue with the hard work. She also congratulated the students of the month and parents for their support. She also recognized the students who gave the reports today as she recognizes it's not an easy thing to do to speak before so many people. President Berlanga mentioned the strong leadership in Soledad and everyone

should be supporting what is going on in the district. If anyone has questions, you can reach out to the Board and the administrators. They will be more than happy to answer or clarify any questions they might have.

Followed by a five (5) minute recess

B. Administrator's Reports

1. Principals' Reports
2. Director of Elementary & Secondary Services Reports
3. Director of Special Projects Report
4. Director of Special Education Report
5. Director of Technology's Report
6. Chief Business Officer's Report

C. Superintendent's Reports

1. Enrollment Report
Enrollment was at 4,904 as of October 9, 2015. Dr. Boyd said enrollment is expected to increase with Camphora being build and the new house construction under way.
2. Williams Lawsuit Report
There were no Williams complaints filed under facilities, textbooks and credentials. The Williams report has been received by the county and there are only minor facilities items staff is working on.
3. Dr. Boyd introduced Sam Santana, Legal Counsel for the district. His area of expertise is bond construction, facilities and contracts. He will be providing more information regarding the Lease Leaseback resolution later on.
4. There was a report of a helicopter landing on the high school campus at this moment. Dr. Boyd just received a text from Principal Austin that it had nothing to do with our district.

V. CONSENT CALENDAR

A. Routine business transactions, annual renewal of programs, bid agreements, notices of public hearings and proclamations.

1. Approved the minutes of regular meeting of September 9, 2015
2. Approved the minutes of special meeting of September 26, 2015
3. Approved the List of Bill Warrants

	<u>Fund</u>	<u>Date</u>	<u>Amount</u>
General		09/01/2015	\$ 203,977.57
		09/03/2015	142,603.31

	09/08/2015	44,753.91
	09/10/2015	567,534.03
	09/15/2015	114,680.05
	09/17/2015	67,127.74
	09/22/2015	109,918.05
	09/24/2015	66,771.85
	09/29/2015	<u>61,874.35</u>
		\$1,379,240.86
Adult Education	09/29/2015	\$441.30
Child Development	09/03/2015	\$420.00
	09/15/2015	98.72
	09/29/2015	<u>32.23</u>
		\$550.95
Cafeteria	09/17/2015	\$ 9,814.57
	09/22/2015	<u>64,406.40</u>
		\$74,220.97
Building Fund	09/01/2015	\$10,433.00
	09/10/2015	2,000.00
	09/17/2015	28,421.62
	09/24/2015	13,226.97
	09/29/2015	<u>1,800.00</u>
		\$55,881.59
Total all Funds		\$1,510,335.67

4. Ratified an Agreement with #1 Educando con Tabletas for Supplemental Educational Services for the 2015/2016 school year
5. Approved a contract with the Arts Council for Monterey County for Professional Artists in the After School Program
6. Approved the Comprehensive 9-11 Assessment System
7. Approved an Overnight Field Trip Soledad High School Boys' Wrestling Team to attend the California Coast Wrestling Classics December 29-30, 2015
8. Approved the School to Home Communication (School Messenger) Service
9. Approved the Mission Trails Regional Occupational Program Joint Powers Agreement for participation in the Career Technical Education Incentive Grant

MOTION TO APPROVE CONSENT CALENDAR BY: Jodi Massa SECONDED: Fabian Barrera AYES: Mr. Barrera, Mrs. Berlanga, Mr. Fernandez NAYS: None ABSENT: Gloria

Ledesma

A presentation was given by Mrs. Erin Ramirez prior to the board's approval as follows:

- CELDT primary criterion assessment, however for the special education students that are still not meeting CELDT criteria due to a disability not language fluency, consider the following guidelines:
 - All appropriate accommodations for CELDT are provided the student, as determined by the IEP team.
 - If meeting English or Language Arts IEP goals and meeting ELD (English Language Development) IEP goals.
 - Parental opinion & consultation
 - Agreement between IEP & LAT (Language Acquisition Team) during and IEP team meeting
- LCAP Goal 2: Proficiency for all: will provide a high quality and instructional program

AMAO Scores

AMAO 1 (Target = 60.5%)

AMAO 2 Less than five years (Target = 24.2%)

AMAO 2 more than five year (Target = 50.9%)

Instructional Strategies

- ELD, taught every day, 30 minutes or more, Curriculum: Pearson Central (Elementary), Language! (Middle School), Edge (High School)
- EL Strategies & Standards accessed throughout the day across all content areas
- Supplemental Resources / Materials
- 100% CLAD certificated staff trained to use EL Strategies
- Peer Buddies
- GLAD strategies
- SDAIE techniques
- Provide professional development for our administration / coordinators
 - Sharing data
 - New ELD standards
 - ELD / ELA framework
- Coordinators will provide professional development / information
 - Teachers
 - Parents

Comments from Board and Public:

- Trustee Barrera commended staff for putting data together. Students need the added resources. Mrs. Ramirez also gave credit to Mr. Showalter Garcia for his help and support.
- Mrs. Maria Vidal, parent, asked in case there is no coordinator at the school site, she asked who will be taking the lead. Mrs. Ramirez said it depends on the actual school site. Some have VP's, others have coordinators, some liaisons who work with their school sites. She will also be available in case

any school site needs support. It depends on actual school site. Some we have VPs we have coordinators, liaisons, and works with school sites, if they need support. Mrs. Ramirez said that it would be the school liaison. Working in conjunction with the staff and students.

10. Approved the EL Master Plan Addendum

**MOTION TO APPROVE EL MASTER PLAN ADDENDUM BY: Fabian Barrera
SECONDED: Jodi Massa AYES: Mr. Barrera, Mrs. Berlanga, Mr. Fernandez NAYS: None
ABSENT: Gloria Ledesma**

A presentation and comments from the Board/Public:

Mr. Vega, CBO, made a brief presentation on the major business items:

- Recommendation to with Zonar technology to keep track of who boards and gets off the buses. The total price for all buses would be \$13,157.90 for all buses. It would be a three year contract.
- The second contract is for student bus Wi-Fi. For students to access internet from home to school and school to home. Dr. Boyd said the district would like to equip four main buses so students can work on their homework on their way home and/or away games. They can have access to the internet. Parking the buses around different schools, so kids can access the internet. It's not about just providing students with iPads but also being able to access internet. Mr. Vega said the cost would be \$1,683.26 for each bus or \$25,248 for all buses.

Public comment

- Josie Aguilera, community member, asked if it that was the total cost. Mr. Vega said yes. She asked what the maintenance cost for all buses. He said it was \$5,000.
- Trustee Barrera asked where this was being funded from. Mr. Vega said from the General Fund.
- A question from the audience was if there were any grants available. Mr. Vega said no, and he did not know why. Other than it is new technology and maybe eventually there will be some type of funding. Only 4-5 districts in the state have this technology. As for the bus passes, more districts have that. But there are no grants for these types of contracts.
- Dr. Boyd said there are IT Tech grants, but only for landlines. We are waiting for MCOE to hook up wiring (and AT&T) to hook up City of Soledad for the infrastructure.
- Mrs. Josie Aguilera asked fi the Wi-Fi would support all students and how far. Mr. Vega said they will support all students and it is accessible up to 200 ft.
- Dr. Boyd said that when kids go to other areas, they can use this time to do their homework. You do see kids using technology and we will restrict certain streaming.
- Dr. Boyd asked for direction from the Board on how many buses should be equipped with Wi-Fi. She did not recommend going with all buses. Trustee Barrera agreed with the recommendation to start equipping limited number of buses with the Wi-Fi and go with buses that have the longest distances. Staff to use the judgement of how many, not all. Recommendation by the Board is to go with a limited number of buses and go with the longest ride first. Dr. Boyd said they would use Arroyo Seco bus riders and figure out which buses used to athletics. They will be conservative. Dr. Boyd said they will send out information in the weekly update.

B. Major Business Items

1. Approved an agreement with QPCS Technology Integration Experts for Wi-Fi on Buses
2. Approved an agreement with Zonar Systems for student rider passes

MOTION TO APPROVE/DENY AGREEMENTS BY: Fabian Barrera SECONDED BY: Jodi Massa AYES: Mr. Barrera, Mrs. Berlanga, Mr. Fernandez NAYS: None ABSENT: Gloria Ledesma

Comments from Board members/public: There were none

C. Personnel Items

1. Approved the Job Descriptions for Accountant
2. Approved the Tentative Agreement with California School Employees Association and District Classified Staff for the Public Employees' Pension Reform Act of 2013
3. Approved a Memorandum of Understanding with the Monterey County Office of Education for the Teacher Credentialing/Induction Program
4. Approved the CalPERS EPO Option for interested staff offered under CalPERS PERS Choice Basic Plan at no additional cost
5. Approved the enhanced Dental and Vision plans

MOTION TO APPROVE PERSONNEL BY: Jaime Fernandez SECONDED: Jodi Massa AYES: Mr. Barrera, Mrs. Berlanga, Mr. Fernandez NAYS: None ABSENT: Gloria Ledesma

Comments from Board members/public:

- Mr. Nieto said that the item of the agenda is for purchase of the four portables buildings, including a kitchen from Community Action partnership of San Luis Obispo. Mr. Bill Castellanos and our attorney, Sam Santana, prepared the documents. The agreement is for the purchase of all nailed on and the playground in the back and structure as is. The portables are state certified. The portables are about 20 years old. The district wants to utilize the buildings for early child development.
- The second agreement is for the underground water systems for the new middle school. There is no way around it as the project will not be approved without this work.
- Dr. Boyd introduced Mr. Castellanos, who was in the audience. Mr. Castellanos thanked the board and said they would be finishing up the year at the end of month. They have a new home in Greenfield. He was appreciative of the relationship. Dr. Boyd hopes once the new middle school is finished, they can come back to our district. Mr. Castellanos was grateful and asked for the district to take good care of the building.

D. Facilities

1. Approved the Agreement for the purchase of portable classrooms with Community Action Partnership of San Luis Obispo County, Inc.
2. Approved an agreement with JD Corrosion Engineering Services for the Underground domestic water and fire water piping systems for Main Street Middle School)

MOTION TO APPROVE CONSENT CALENDAR BY: Fabian Barrera SECONDED: Jodi Massa AYES: Mr. Barrera, Mrs. Berlanga, Mr. Fernandez NAYS: None ABSENT: Gloria Ledesma

Public Comment on Resolutions

VI. RESOLUTIONS

- A. No. 10-01-15 – Increasing the dollar amount limit in the Revolving Cash Fund

MOTION TO APPROVE NO. 10-01-15 BY: Jodi Massa SECONDED: Jaime Fernandez AYES: Mr. Barrera, Mrs. Berlanga, Mr. Fernandez NAYS: None ABSENT: Gloria Ledesma

Public Hearing on 10-02-15: Opened at 8:46 p.m.

Pursuant to Education Code Section 60119, the Governing Board of the Soledad Unified School District held a public hearing on October 14, 2015 at 7:00 p.m. in the District Office Board Room at 1261 Metz Rd., Soledad, California, at which time the Governing Board encouraged the participation by parents, teachers, members of the community interested in the affairs of the school district, and bargaining unit leaders, shall make a determination, through a resolution, or will have prior to the end of the 2015/16 school year, sufficient textbooks or instructional materials, or both, in each subject that are consistent with the content and cycles of the curriculum framework adopted by the State Board.

Trustee Barrera asked about the possibility of digital textbooks for students. Mr. Guzman said that currently FFA ordered digital textbooks and they have a set of regular textbooks in the classroom. However, at this time, digital textbooks are the same price as a digital. The resolution being presented before the Board is to be in compliance with Williams's law.

Closed: 8:49 p.m.

- B. No. 10-02-15 – For the Sufficiency of Instructional Materials for the 2015/2016 school year

MOTION TO APPROVE NO. 10-02-15 BY: Fabian Barrera SECONDED: Jaime Fernandez AYES: Mr. Barrera, Mrs. Berlanga, Mr. Fernandez NAYS: None ABSENT: Gloria Ledesma

Comments on 10-03-15:

- Mrs. Kristine Vasquez, Principal at San Vicente Elementary reported that today as part of National Bully Prevention Month, Paw Panther promoted a bully free environment and held a No Bullying sign. They also held a Bye Bye Bully Assembly by Obediah Thomas who took the stage to educate students on bully prevention. There was a pivotal moment with one student coming to

her to report a case of cyberbullying via Facebook and Instagram. They were able to help the student.

- Ms. Annette Trujillo, Director of Technology also reported that she was looking into anti bullying apps that are available to put in their iPads. Some kids do not know how to ask for help. They are taking a proactive approach to follow-up so the bullying is caught early on. Ms. Trujillo said that she will be setting up demos to students to see what works best for us.

C. No. 10-03-15 – National Bullying Prevention Month

MOTION TO APPROVE NO. 10-03-15 BY: Fabian Barrera SECONDED: Jodi Massa AYES: Mr. Barrera, Mrs. Berlanga, Mr. Fernandez NAYS: None ABSENT: Gloria Ledesma

Public Comments on 10-04-15 were as follows:

- Zandra Galvan, parent, addressed the Board regarding resolution 10-04-15 while the lease leaseback is fully legal and recent information shared with her is that the district may have already entered into a contract with Lease Leaseback. If we have; her question was: when, where and why. Was there background around this? Was it available for public comment, was it a special meeting. Developing background circumvents the bidding process. This is key in getting the best buck for your dollar especially when tax dollars are at the forefront. Why would we want to do that. You may get a school faster, but why would we want to build a school fast, we already waited, we want to do it right. Another thing is to ask for voting public, how did it come to this point? Just yesterday the Fresno Bee released an article on litigation with a district because of this type of project. She respectfully requested to allow more research to be conducted so you be fully aware of process, full disclosure and more transparency.
- Mr. Lucio Puga, part of Bond Oversight Committee. He said he also came across information on the internet on lease leaseback. He did not read the whole thing but saw all the negative information. He delivered the documents to Dr. Boyd to share with the Board. It seems there are a lot of pros/cons on the lease lease-back. It does build a school faster but there are a number of issues; like Fresno is having and the last thing they want is to see district involved in something like that. District has the money to pay for the school. As taxpayers we want to pay for school not lawyers.
- Javier Galvan, community member, parent, also voted in favor of Measure C. His concern was with the possible conflict of interest if they go for the LLB. When entering into LLB the research he conducted; he found that there will be lots of opportunities to give contract to individuals who they've done business, maybe not the best person for the job. There are going to be lots of opportunities to do favors for relatives and people who have done work for us in the past. What is your understanding on how vendors are going to be selected? Are they going to be friends, relatives, someone that has done work in the past. Can you guarantee that vendors do not have a conflict of interest or the financial institutions? We walk a fine line when you go with LLB, it's also possible corruption. He said he has case files where board members, construction companies have been arrested. He said he has investigated lots

of these cases. Where people fall into greed. He said he was not making assumptions, he was stating his experience where he has investigated these cases. In closing as a community member, parent, as a voter of measure C, he urged the board to continue voting on the resolution and not approve it until they get more information.

- Julie Carrillo, community member, parent, and voted for Measure C also addressed the board to voice her concerns over the LLB resolution. She asked why the board would select this construction method. She said that discussing the LLB with terms of the agreement, raises red flags; discussing these at special board meetings, raises red flags; approving these for potential contractors would raise more flags; relinquishing your responsibility by giving complete control to superintendent or designee, raises more red flags. She asked for transparency and collaboration with community and continue this resolution to next board meeting. She asked for a complete and accurate presentation of the legal problems on other district with LLB. Mrs. Carillo said she was concern with the shaky path riddled with red flags the district was taking. Finally she wanted to confirm that the legal firm the district is using is not the same from Fresno Unified.
- Maria Vidal, parent also voiced her concerns regarding the LLB resolution. She said she was worried with finance charge, are we making payments? How much and for how long? What percentage are we paying and what amount. When is the actual school going to be paid off with LLB. So, the last question; how do you intend to pay for this. Are we going to have money in the budget? She said she was not familiar with LLB. She asked for clarification
- Josie Perez Aguilera, community member voiced some concerns that community and parents have. She said she has done lots of research; how lawyers have tested this an and making sure there is transparency and communication. They want to know everything. What bank is financing, how long are we paying for the loan. Questions are good ones, address them. There are more people watching us, like lawyers and watchdogs than we think. She said there were more concerns with lack of communications and transparency and lawsuits, not just for the school but for Board members for the decisions they are making. Like the CBO forgot monthly maintenance on the internet on buses. These simple things that you may get caught up in.
- Fernando Nieto, Project Manager. Go back if we are in a formal LLB, no we are not. This type of contract will not come until one or two months. It will be discussed at a special board meeting. This resolution will help us in the future obtain state funds. Even if the Board approves the resolution, regardless of the method we want to use, this resolution is important that it be approved in order to get state funding. In regards to LLB, as project manager, it will make his job much easier; but LLB is the most transparent method out there. We get to choose whatever subcontractor we want. It is controversial, yes. But it is more transparent. Otherwise, if you go out to bid, they don't have to disclose their financial or how many change orders they have. Ms. Brinson, community member, talked about section three of the resolution where it gives the superintendent or designee full authorization on the bid. She said that was not transparent.
- Superintendent Boyd said that the Board cannot engage in a dialogue with audience. They can take your comments into consideration and legal counsel can answer their questions.
- Trustee Barrera asked how do we got a contract already, with Blach it's a pre-construction contract. They are consulting.
- Sam Santana, Legal Counsel for district: Confusion on the LLB and how it plays with the prequalification. Prequalification resolution: Under state law as of 1/2015 if a district wants

to be eligible for state bond money, to be refunded, they have to have a resolution for LLB contract. What this means, we are getting all the financial information, insurance claim, reference, and all detail, from people that want to be considered for LLB. District staff will go through it with a fine tooth comb. There is a score sheet, and they have to meet minimum requirements. They will prequalify those that want to work on this construction project. That is the resolution being considered today. Regarding the particular language: District staff will implement the process, have a list of eligibility list, minimum requirements say for example 50 points out of 75 (minimum score) anyone above that score is eligible because they don't have workers comp case, excessive costs; as an example, before being considered. Someone has to implement that. Someone has to do the hard work. They will call for references, look into their financials, come with list and give the list to Dr. Boyd and she will just hold on to it. For one calendar year, these contractors will be eligible to work on district projects. That does not mean she will award contracts. As far due diligence and getting qualified people, that's as far as you can go in playing favorites. Awarding a contract to your uncle, has your uncle done a 10-70 million dollar construction project, insurance, or do they have the bonding capacity? This is just to be on a list. The superintendent will hold on to it or designate Mr. Nieto. Anyone can request to see the list it will be available to public. That means if the district decides to go out to bid or LLB, one of those people on the list will be selected to bid. They are eligible to bid or be selected. That is prequalification in a nutshell.

- Ms. Brinson asked if you don't do that anyway. No. Mr. Santana said that if you don't prequalify you are not eligible to see someone's financials. If you are doing a hard bid, all you get when they bid is their contractor's license yes, and what is there bid. This is the downside of bidding. They can have a license but be in a lawsuit in Fresno. If they have the low bid, you have to select them, period.
- Mr. Puga asked that a lot of contractors who bid are main contributors to campaigns, is that not a conflict of interest? He said he did not know if that was true or not, but there are Conflict of Interest laws that apply to everyone on the board. So, if they are on the campaign contributors list, that is not illegal, they would have to disclose that in the form. Now knowing or having looked at lists. Mr. Puga was still concerned that the board would have conflict of interest. Dr. Boyd said to Mr. Puga, just like the architect was selected, we had a committee, went through paperwork, selected people to present, they presented to the committee, and then presented to the Board. There is nothing in here that they are guaranteed a contract. We want to make sure we can look into their financials and make sure that if we have any problems down the road, they have the liability and insurance to fix the building should something happen to it. There are a lot of safety layers put in place since this is a huge expense. Want to make sure our funding does not go astray. Committee will be put together to screen out the contractors, it will become transparent and presented to the Board.
- Mrs. Maria Vidal asked Mr. Santana if he had shared that information with the Board and wanted to hear from the Board not from Mr. Santana. Dr. Boyd clarified to Mrs. Vidal that Mr. Santana was the legal counsel for the Board and he would be responding to her and he also makes recommendations to the Board. Mrs. Vidal asked again if the Board was aware. Mr. Santana responded that the Board is aware and he was advising the Board and district on construction issues.
- Mr. Javier Galvan asked and commented that if we are not LLB and construction was going to start in December, there is some confusion here. If we are not in a LLB contract, then we are cutting in short if we start breaking ground in December. Mr. Santana said there was a pre-

construction agreement with Blach, which is first step of LLB, which is working with someone who will help develop the scope of work. Board had an idea of what type of project they wanted, they put in a preconstruction agreement, hired an architect to put together the framework of what the school will look like. Next step after prequalification process, ok, we think you are qualified, these are the plans, give us a guaranteed maximum price. Mr. Galvan commented that this is too fast and should wait because of all the confusion and it could wait until next month. Dr. Boyd said that the information was presented in December 2014 to staff and also LLB. The reason we are going with this resolution is that if we don't we won't be in line to get state facilities money that will be on the ballot. That is what is driving this resolution. \$20 million in a few years, makes is huge for us in order to get some type of money from the state to build another San Vicente or Gabilan School. We cannot go out for another bond. This is a protocol and said she was aware that Mr. Bourke spoke to Josh at the county and was told the same thing. If we don't put this in place, we will loose on these potential moneys. It is hindsight, and we can wait; but since law passed and the bond is going to be on the ballot, we don't want to we will lose on the funds. Mr. Bourke disagreed. Dr. Boyd said she spoke to Josh at the county and that's what he told her.

- Mr. Galvan said that the Board should informed. When it comes time to approve the board should have an idea. Mr. Santana said that when it comes time to consider the LLB, they will make the final decision and will vote yes or no. This is to get more background information on who the contractor will be. At that time, they can develop the guarantee maximum price which means, what the district wants to spend for this project.
- Mrs. Galvan asked if it must be approved tonight, could it not be continued at a future meeting. Mr. Santana said that as the other gentlemen mention, construction is to start in December, so now is the time to do this to get all information to get prequalified. Mrs. Galvan asked if it was a legal requirement. Mr. Santana said it is not a legal requirement to approve it tonight, that's all he could answer. In terms on Fresno Unified and their litigation, Mr. Santana said what happened there could not be more different than what they are doing here. What happened there is a court was presented with lawsuit, the Fresno Unified School District said, please kick this lawsuit out as done other times other places. The judge said no, we want to hear a couple of issues, that decision was appealed to court of appeals, the court of appeals said, no let the lower court hear evidence and decide. Nothing has happened yet, it is not illegal, and no decision has been made. The only thing decided was that the lower court is hear it and the only thing decided is that you don't have to bid it. The points in Fresno, the court found that there was no lease in place. That was a construction contract and they essentially put a term lease on it. Things are different here. We have lease term that is part of the contract and a lease payment schedule as part of contract that will be developed and be presented to the Board and public. When the GMP is presented after they give us a guaranteed maximum price, then we develop lease payment schedule and lease terms, which is built into the resolution.
- Mrs. Josie Aguilera, was concerned and said that the district had to be very careful and we are trying to circumvent finance charges that we are going to pay on top of the school, those were some of her concerns. Mr. Santana said they are up to date of many of the cases and Fresno is the only one he was aware of in this type of lawsuit. The lease term is typically a year or two. Interest rates are at low time rates, a typical one is between 2-2.5%. So, let's say for example, the middle school is going to cost \$1 million, say 90% is going to be paid to the contractor for building the school so he can paid his sub-contractors, materials, insurance. Progress

payments in the course of construction. The 10% will go into the lease payment schedule. Mrs. Aguilera again was concerned about circumventing the process. Mr. Santana said you circumvent it by doing it legally through the process and following education code. Typically you have the lease payment, whatever is negotiated and whatever the rate is. Now it is really low. So let's say a \$30 M contract, 10% to that the lease payment interest is going to be \$25,000 over a year. So that gives the district flexibility because we are going to be applying for state funding reimbursement. Not all bond money has been received. Although it is a \$40 million authorization, on day one they did not issue the entire amount. They are doing it due to IRS and federal regulations requirement they are doing on a timely basis, when they need it. There are regulations for releasing money early. There is a provision in our contract, where there is prepayment option. Where the district says, we got the state money, we are fine everything is in hand, lets prepay it all so we don't incur the additional cost. That's restricted and cannot do it earlier than 90 days. At that point your interest costs will be approximately \$6,000. That is a small price to pay for flexibility so you are not hard pressed to accept whatever has been done and not be eligible for state funding. \$6,000 for whatever 10% of the \$3 million flexible over a year or two. The lease term is typically a year. So the lease term does not start until construction has been completed, the lease term kicks in, they take possession of the building, they are using it they are making payments, figuring out the financing, going through the punch list and that's when the lease term kicks in. Typically a year or two. That's how it typically works.

- Mr. Santana clarified that his firms does not represent Fresno Unified as someone previously mentioned. How he has presented is how they work, it's not circumventing, it's a statutory project delivery method, and they make sure it is done correctly.
- Victoria Zieber, parent and teacher asked if Mr. Santana's firm had locally used LLB in the area. Mr. Santana said yes and mentioned San Benito High School, Santa Rita, Cabrillo, Half Moon Bay. Mrs. Zieber asked if in his opinion the LLB had been successful. Mr. Santana said yes, in his experience LLB has been a very successful delivery method avoids change orders, claims, avoids people under bidding to get the job. If district is pressed to get it done in a timely manner, they may have to accept low bid. That person could be the Fresno Developer, imagine the board on that day. You would have to accept the low bid. Even if they undercut it, a lot of contractors undercut it knowing they can make it up with the change orders. You select them, they can get \$100,000 cheaper, but they are doing shotty work or they are doing change orders to make it up. Not all contractors are like that, but he has seen it as that's when he gets the calls. He is not asked to bill some hours because it is going great. He sees what goes on. Mrs. Zieber said that what Greenfield dealt with that.
- Mrs. Aguilera asked about the lowest responsible bid. What that means is who is to be awarded a hard bid contract. Responsible means you are not licensed, you are debarred. If you happen to be in Fresno, that is not irresponsible under the law. So it means, you are legally in trouble somewhere or a district has barred you from every contracting there again.
- Mr. Jack Franscioni, community member, asked how the architect fits into this. Mr. Santana said the architect has been hired through an RFP process. They are designing project and taking to DSA to get approved, and making changed as requested by DSA. Mr. Franscioni asked if they know the contractor. They are working with Blach construction in a collaborative manner to make sure that what they have is buildable and Blach is giving them suggestions as to what type of materials to use, based on what district asked under their budget and be delivered on time. This is one of positives of LLB, you can go through the

process make sure you have a project that is reasonable and practical, with the least amount of change orders. With a maximum guaranteed price and will not go above that price. Mr. Francioni asked who would oversee that. There is a district representative, architect, state inspectors. Two-three layers on the job site that the architects are being adhered to and materials are correct. Mr. Francioni agreed and said those change orders can kill you.

Board comments:

- Mr. Barrera on record that he spoke to people and was mistaken in saying they had approved a contractor. He was mistaken what they approved was a preconstruction advisor. Made that clear. Talk about overages, our high school was way over budget. We had actually workshops and had public vote, at a time you all so busy and not interested and gave them the authority to do the right thing. When he looks at presentations, with Mrs. Ledesma on the board at that time, we have only \$40 million to use and it scares him if they go over and it costs \$45 million, where are going to get the extra. They cannot go back to the community and ask them for more money. It does not work that way. The community gave them the authority to build the school for \$40 million and they want to do it for that and they still have to save money for the tables and chairs. Like Soledad high school was built, we had no tables and chairs. We got them from Gonzales and obviously they gave us the cheapest. Conflict of interest, Mr. Galvan, we don't even want to go there. Reading the articles from Fresno they don't want to go there. He even went to the point of including a local developer to have local person to use your own people in your back yard but at that time, Blach came in at number one they were the best for our project. But all these information has been provided at public meetings, and public workshops. Thanked Mr. Santana for coming to clarify. Also clarifying that the main reason Mr. Nieto was hired was to oversee the middle school. But at this stage, the focus will be this project. We cannot take 5 years to build this project and we cannot bank it and we cannot make money or spend it for any other reason.
- Dr. Boyd, there was a question that we had squandered our bond funds and so Mr. Fernando Cubias, Director of Fiscal Services clarified that the fund 21 sitting at the treasury account at the county at a little over \$26 million,
- Mr. Nieto said that Mr. Puga is part of the oversight committee and they have been having regular meetings disclosing all financials. Independent audit will be coming in and going over the books.
- Trustee Fernandez said it is unfortunate, so much misinformation and really resents folks using such words as conflict of interest, shadiness, corruption. Because he can tell you that no one on this board is going to do that. Whatever information you are getting or reading it is almost seems this is a personal thing. He knows why they want to wait until next month there are elections coming up and you feel there will be a new board sitting here and we can do it that way. With all information we have received and all the people they have talked to, he felt 100% confident that they are doing the right thing and he was ready to vote on this item. Again, he said, he really resented them coming up here and talking about shadiness and corruption and conflict of interest. He does not have anyone that lives in this city or anywhere near him in Monterey County or California. He moved here and loves it here. But to come up here and use those terms, again really resent that. Ready to make the vote if everyone is ready.

- Trustee Massa said that there still seems to be confusion that the resolution as simplistic as she can put is to authorize the superintendent to put out a questionnaire and collect it. That's all that all they are deciding. Not making a decision on LLB. She was ready to move forward.
- President Berlanga, said they are all in this together, this is "our" school district, our students and like Mr. Barrera said, we had public meetings. We put out agendas and a calendar of meetings they are always the second Wednesday of the month. Then if we do have special meetings, we advertise those. So we don't try to hide that there is nothing to hide. She voted for the bond too. She has kids here. She is also not from this area she is from the little island of Guam. But she loves this community. But for all of us to be together, just come and ask questions, and said she wished everyone would come more often with positive comments. There are always so many negative comments and it's sad because there are kids here in the meetings listening to so many negative comments. Who are we to degrade the board or our district leaders if you don't come to meetings? She hardly sees you come to meetings in the past and we've talked about this bond for so long, we've talked about what we are going to do and how. We ask for input, have community meetings, we've put it out there and now that it's close to elections, and some are here for that. Her heart is here because of the kids. We have so many parents that want the best for kids and they fight for the kids, give them the best. She was also ready to vote. They have had many meetings, worked so hard and bring best contract and architect. Ask that 100% supportive of one another. Thanked Mr. Santana for coming tonight.
- Trustee Barrera, question, put in application and the state and voters pass it, what happens to taxpayer's money, does it go back to them. Mr. Santana said the district will only refunded for small portion. That money can be used on other construction projects for the district or use the money for the other items listed on the bond. Trustee Barrera also clarified that in the bond, they included other projects, thinking outside the box. Sam Santana said that you can also use it to improve other schools.

D. No. 10-04-15 – Adopting Prequalification process for Lease-Leaseback Developer for Main Street Middle School Project

MOTION TO APPROVE NO. 10-04-15 BY: Fabian Barrera SECONDED: Jodi Massa AYES: Mr. Barrera, Mrs. Berlanga, Mr. Fernandez, Mrs. Massa NAYS: None ABSENT: Gloria Ledesma

E. No. 10-05-15 – California Clean Energy Jobs Act Program

MOTION TO APPROVE NO. 10-05-15 BY: Jaime Fernandez SECONDED: Jodi Massa AYES: Mr. Barrera, Mrs. Berlanga, Mr. Fernandez, Mrs. Massa NAYS: None ABSENT: Gloria Ledesma

Comments: None

F. No. 10-06-15 – Authorization to Sign School Orders

**MOTION TO APPROVE NO. 10-06-15 BY: Jodi Massa SECONDED: Jaime Fernandez
AYES: Mr. Barrera, Mrs. Berlanga, Mr. Fernandez, Mrs. Massa NAYS: None ABSENT:
Gloria Ledesma**

Comments: None

G. No.10-07-15 – Week of the School Administrator

**MOTION TO APPROVE NO. 10-07-15 BY: Marie Berlanga SECONDED: Fabian Barrera
AYES: Mr. Barrera, Mrs. Berlanga, Mr. Fernandez, Mrs. Massa NAYS: None ABSENT:
Gloria Ledesma**

Administrators were individually recognized and presented with a certificate of recognition. Everyone was invited to stay after the meeting to enjoy desserts.

VII. **NEW ITEMS OF BUSINESS**
There were no new items of business.

VIII. **ADJOURNMENT**
Meeting adjourned at 9:37 p.m.

Board approved November 12, 2015