

SPECIAL BOARD MEETING: January 6, 2009

ATTENDANCE:

Board: Gary Eberhart, Dick Allen, Linda Mayo, Paul Strange, Sherry Whitmarsh (via teleconference from Houston, Texas)

Administrative Staff: Superintendent Gary McHenry; Associate Superintendent Alan Young; assistant superintendents Rose Lock, Gail Isserman, and Dick Nicoll and General Counsel Greg Rolan

1. **CALL TO ORDER:** President Eberhart called the meeting to order at 5:30 p.m. in the Board Room at the MDUSD Dent Center.
2. **PUBLIC COMMENT:** None
3. **CLOSED SESSION:** The Board adjourned to Closed Session at 5:31 p.m. in Room 6 at the Dent Center to discuss negotiations, anticipated litigation (one potential case), public employee discipline/dismissal/release/complaint, and the superintendent's evaluation.
4. **RECONVENE OPEN SESSION:** The Board returned to Open Session in the Board Room at the MDUSD Dent Center at 7:30 p.m. President Eberhart led the Pledge of Allegiance to the Flag and then reported the topics discussed in Closed Session.

Public Comment

Bonnie Rea, District employee, said the District has hired a company from Riverside, CA, to tutor students. She is being paid by that company to provide tutoring services that she could be providing at a lower cost as an independent contractor. (*Eberhart asked the superintendent to investigate. Allen suggested Ms. Rae contact Curriculum Director Melinda Hall.*) Jeff Adams, parent, announced several events sponsored by the Contra Costa County Office of Education that are in need of volunteer assistance. The include Mock Trial being held on several dates in February and the Academic Decathlon taking place on Saturday, January 10. He congratulated the Board and MDEA for coming to a tentative agreement. Annie Nolen, CSEA vice president, asked the Board to reconsider its (December 16, 2008) decision to cut the Workers' Compensation Manager position, saying the individual in that position has done an outstanding job and saved the District money in the short time she's been with the District.

5. BUSINESS

5.1 Annual Audit Report for Fiscal Year 2007-08

An auditor from Perry-Smith & Co. recently met with the Board's Audit Sub Committee and reviewed the audit the firm conducted for fiscal year 2007-08. Findings and recommendations were listed for fixed assets, student body funds, time certifications, Proposition 20 lottery funds, instructional materials and attendance accounting. District staff have reviewed these findings and recommendations and provided a written response to each. Eberhart said he and Mayo served on the Board subcommittee and asked questions in that venue. He expressed appreciation for the work of the auditing firm, Perry Smith & Co. Presented only for public review. No action was required.

5.2 Approval of Summary of Tentative Agreement with Mt. Diablo Educators Association (MDEA) under AB 1200

On December 18, 2008, members of the Mt. Diablo Education Association (MDEA) ratified the tentative agreement reached between the District and MDEA. On December 19, 2008, a summary of the tentative agreement was forwarded to the Contra Costa County Office of Education for its review. The 10 day review period ended January 5, 2009. The tentative agreement includes the following:

- No salary schedule increases for 2007-08, 2008-09, or 2009-10.
- District commitment to provide a Supplemental Medical Benefit Allowance for 2009 and 2010 benefit years
- Incentives to recruit and retain Speech and Language Pathologists
- Agreement that any change in the certificated hourly rate for summer school will also apply to other contract sections which propose a certificated hourly rate
- Agreement to move Transfer deadlines earlier in the spring
- Agreement to withdraw pending Unfair Practice Charge on Transfer

Public comment MDEA President Mike Noce thanked the Board for making approval of the agreement a priority by calling for this special session. He said 90 percent of members voted to support the agreement and he now looks forward to the District and MDEA working collaboratively this year.

Board/staff comment Strange noted that the Contra Costa County Office of Education's Business Services' Office had reviewed and certified the details of the tentative agreement. McHenry read a letter from the Office, which stated, in part, "We agree with the district's certification that it will be able to provide the necessary funding for the 2008-09 health and welfare increases and all attendant settlement costs as outlined in the disclosure documents."

Board action

Strange moved, Mayo seconded, and the Board voted 5-0-0 to approve the AB 1200 disclosures of the Summary of the Tentative Agreement between MDUSD and MDEA. Fiscal Impact: \$2 million in 2008-09; \$3.2 million in 2009-10; \$43.3 million annually thereafter. (\$1,883,000 was already budgeted for each of the years. Net increase is \$117,000 in 2008-09; \$1.3 million in 2009-10; \$1.4 million thereafter).

5.3 Request to Approve Tentative Agreement between Mt. Diablo Education Association (MDEA) and Mt. Diablo Unified School District (MDUSD)

The tentative agreement reached between MDUSD and MDEA represents “Re-opener and Successor Negotiations” and includes all updated contract language not previously approved by the Board of Education.

Public comment Laurie Arbour, speech pathologist, said speech pathologists in MDUSD are paid on the MDEA salary schedule, a level that is not commensurate with pay in other districts. She asked the Board to suspend for 30 days the language in the tentative agreement that calls for a one-time bonus for speech pathologists and enter into negotiations with MDEA for a separate salary scale for this employee group.

Board comment Eberhart thanked the District staff and bargaining team and Mike Noce and the MDEA bargaining team for their efforts in reaching this settlement. He looks forward to working collaboratively with the teachers union.

Board action

Mayo moved, Allen seconded, and the Board voted 5-0-0 to approve the tentative agreement between MDUSD and MDEA.

6. ADJOURNMENT

Eberhart adjourned the meeting to Closed Session at 7:51 to discuss the superintendent’s evaluation. He later adjourned the meeting at 9:30 p.m.

Gary McHenry, Secretary