

## BOARD MEETING: February 10, 2009

**ATTENDANCE:** Board: Gary Eberhart, Paul Strange, Dick Allen, Linda Mayo, Sherry Whitmarsh  
Administrative Staff: Interim Superintendent Dick Nicoll; Associate Superintendent Alan Young; assistant superintendents Mildred Browne, Gail Isserman, Rose Lock; General Counsel Greg Rolan

1. **CALL TO ORDER:** President Eberhart called the meeting to order at 6:00 p.m. in the Board Room at the MDUSD Dent Center.

**PUBLIC COMMENT:** None

**CLOSED SESSION:** The Board adjourned to Closed Session at 6:01 p.m. in Room 6 at the Dent Center. Topics discussed included five expulsions, 15 requests for readmission; existing litigation (Rainwater v MDUSD; MDEA v MDUSD); public employee discipline/dismissal/release/complaint; and negotiations.

### Readmission

Mayo moved, Whitmarsh seconded, and the Board voted 5-0-0 to approve staff's recommendation to admit six students, who met the conditions of their rehabilitation plan, and deny readmission to nine students who did not.

### Public Employee Discipline/Dismissal/Release/Complaint

1. Strange moved, Allen seconded, and the Board voted 5-0-0 to release certificated employee #27126.
  2. Allen moved, Whitmarsh, and the Board voted 5-0-0 to approve sending Notice of Possible Reassignment for 2009-2010 letters to all certificated District administrators with the exception of those on contract.
  3. Allen moved, Mayo seconded, and the Board voted 5-0-0 to deny the appeal of parent Tom Davis in his complaint against personnel at Ygnacio Valley High school and to approve staff's recommendation to support the finding of the investigator.
2. **RECONVENE OPEN SESSION:** The Board returned to Open Session in the in the Multi-Use Room at Monte Gardens Elementary School at 7:34 p.m. President Eberhart led the Pledge of Allegiance to the Flag. He then announced the resignation of Superintendent Gary McHenry and the appointment of Richard Nicoll as Interim Superintendent. His statement:  
"The Mt. Diablo Unified School District and Gary McHenry announce this evening that pursuant to mutual agreement Mr. McHenry will be submitting his resignation as superintendent of the District. The Governing Board recognizes Mr. McHenry's lengthy tenure in the District and the many accomplishments which took place during that tenure. We now look to the future and ask our employees, parents, and greater community to work with us and improve our District together. In making this announcement the Governing Board notes that this is a time of change within the school District. The District and the community face many new challenges, and the Board believes that new leadership is necessary in order to achieve the desired outcome. Assistant Superintendent Dr. Dick Nicoll has been named as Interim Superintendent and has agreed to accept this position. Dr. Nicoll's financial and educational experience will help to assure that the District will be well led while it begins the search for a new Superintendent. The Governing Board indicates its intention to proceed deliberately and carefully in the search for a new Superintendent of the District. The search will involve community input in order to identify a Superintendent candidate who will best address the current needs of the District and to help it meet the immediate challenges which confront the District. We expect and anticipate that this process will enhance the trust which we are asking the community to place in the District and which the District fully intends to earn."

### Expulsions

Student 16-09: Strange moved, Allen seconded, and the Board voted 5-0-0 that Student 16-09 be expelled from all schools and programs of the Mt. Diablo Unified School District and that Student 16-09 may apply for readmission after June 10, 2009. It is required that Student 16-09 participate in individual counseling, community service, the COPS program, and the District's Teen Anger Management Program, and show evidence of a successful school experience prior to applying for readmission.

Student 17-09: Allen moved, Mayo seconded, and the Board voted 5-0-0 that Student 17-09 be expelled from all schools and programs of the Mt. Diablo Unified School District and that Student 17-09 may apply for readmission after June 10, 2009. It is required that Student 17-09 participate in individual counseling, community service, the COPS program, and the District's Teen Anger Management Program, and show evidence of a successful school experience, prior to applying for readmission.

Student 18-09: Whitmarsh moved, Strange seconded, and the Board voted 5-0-0 that Student 18-09 be expelled from all schools and programs of the Mt. Diablo Unified School District and that Student 18-09 may apply for readmission after June 10, 2009. It is required that Student 11-09 participate in individual counseling, community service, the COPS program, and the District's Drug and Alcohol Workshop, and show evidence of a successful school experience, prior to applying for readmission.

Student 19-09: Mayo moved, Allen seconded, and the Board voted 5-0-0 that Student 19-09 be expelled from all schools and programs of the Mt. Diablo Unified School District and that Student 19-09 may apply for readmission after June 10, 2009. It is required that Student 19-09 participate in individual counseling, community service, the COPS program, and the District's Teen Anger Management Program, and show evidence of a successful school experience, prior to applying for readmission.

Student 20-09: Mayo moved, Strange seconded, and the Board voted 5-0-0 that Student 20-09 be expelled from all schools and programs of the Mt. Diablo Unified School District and that Student 20-09 may apply for readmission after June 10, 2009. It is required that Student 20-09 participate in individual counseling, community service, the COPS program, and the District's Teen Anger Management Program, and show evidence of a successful school experience, prior to applying for readmission.

Eberhart reported the action taken and topics discussed in Closed Session.

### 3. **CONSENT AGENDA**

After pulling Item 3.11 at staff's request, Mayo moved, Whitmarsh seconded, and the Board voted 5-0-0 to adopt the Consent Agenda, thereby approving the remaining items:

3.1 Minutes of the meetings of December 16, 2008, and January 6 and 13, 2009.

#### 3.2 Certificated Personnel

##### 3.2.1 Leaves of Absence, Resignations, Retirements, Employment

##### 3.2.2 Resolution 08/09-42 Provisional Internship Permit (PIP) Request(s)

Adopted Resolution 08/09-42, authorizing Angela Bledsoe and David Fredlund to apply for a Provisional Internship Permit (PIP) in order to complete their assignments for the 2008-09 school year.

##### 3.2.3 Increase in Full-Time Equivalent Position (FTE) for the 2008-2009 School Year

Added a 0.20 FTE librarian position at Shore Acres Elementary for 2008-09, increasing the expenditure budget of Categorical Funds in the amount of \$20,564. Funding Source: Title I

##### 3.2.4 Reduction in General Purpose Contribution for Certificated Positions in the Curriculum and Instruction Department through the Transfer of Funds from General Fund to Categorical Funds for the Years 2008-2009 and 2009-2010

On December 16, 2008, the Board approved the reduction of General Purpose contributions to the Curriculum and Instruction Department by \$115,358, with the action positions to be determined by staff. At this meeting, the Board approved staff's recommendation to transfer the costs of the following positions from General Purpose to Categorical funding, effective February 1, 2009:

.20 FTE Director of Curriculum and Instruction (SLIBG and GATE)

.30 FTE Curriculum Specialists (Title II)

Fiscal Impact: Savings to the General Fund of \$27,421.76 in 2008-09 and \$63,842.62 in 2009-10

##### 3.2.5 Interagency Agreement for Provision of Services for Special Education Internship Teachers with the University of San Francisco for the Term of August 25, 2008 through June 30, 2011

Approved agreement to support student interns at San Francisco State University in their progress toward full state qualification as Special Education teachers and retention as highly qualified teachers.

#### 3.3 Classified Personnel

##### 3.3.1 Leaves of Absence, Resignations, Retirements, Employment

##### 3.3.2 Reduction of General Purpose Contribution for Classified Positions in the Curriculum and Instruction Department through the Transfer of Funds from General Fund to Categorical Funds for the Year 2008-2009 through 2009-2010

On December 16, 2008, the Board approved the reduction of General Purpose contributions to the Curriculum and Instruction (C&I) Department by \$115,358, with the action positions to be determined by staff. At this meeting, the Board approved staff's recommendation to transfer the costs of the following positions in C&I from General Purpose to Categorical funding, effective February 1, 2009:

.10 FTE Administrative Secretary

.50 FTE Senior Secretary

.20 FTE Textbook Coordinator

Fiscal Impact: Savings to the General Fund of \$24,724.08 in 2008-09 and \$56,271.64 in 2009-10

##### 3.3.3 Creation of One (1) Part-Time Campus Supervisor Position for Mt. Diablo Adult Education Center

Created one 16-hour/week, Adult Education School Year, Campus Supervisor position. Fiscal Impact: \$4,007 in fiscal year 2008-09 and \$8,905 for 2009-10. Funding Source: Adult Education Administration funds.

3.4 Contract with PHd Architects for Architectural/Engineering Services

Approved contract not to exceed \$25,000 with PHd Architects for architectural/engineering services for the installation of dedicated air conditioning systems at 16 sites where there are Main Distribution Frames or Intermediate Distribution Frames. Funding Source: Concord Redevelopment Funds

3.5 Contract with PHd Architects for Architectural/Engineering Services

Approved contract not to exceed \$35,00 with PHd Architects for architectural/engineering services to prepare the State Architect (DSA)-approved drawings and specifications necessary to construct 16 primary and kindergarten playground systems with “poured-in-place rubberized surfacing. Funding Source: Proposition 55

3.6 Final Deductive Change Orders

3.6.1 Final Deductive Change Order to Bid 1394, Contract C-820, to Robert A. Bothman, Inc. in the amount of (\$436,847.45) for athletic field improvements at Riverview Middle; College Park, Concord and Ygnacio Valley high schools. Funding Source: Proposition 55 funds

3.6.2 Final Deductive Change Order to RFQ No. 1531 to Community Playgrounds in the amount of (\$8,824) for playground installation at Holbrook and Woodside elementary schools. Funding Source: Prop. 55 funds

3.7 Notices of Completion

3.7.1 Notice of Completion to Bid 1394, Contract C-820 to Robert A. Bothman, Inc. in the amount of \$2,543,552.55 for athletic facility improvements at Riverview Middle; College Park, Concord, and Ygnacio Valley high schools. Funding Source: Proposition 55

3.7.2 Notice of Completion to RFQ 1531 to Community Playgrounds in the amount of \$102,014 for site development of playground areas at Holbrook and Woodside elementary schools. Funding Source: Prop. 55

3.8 Approve Amendment in Master Contract between Mt. Diablo Unified School District and Augmentative Communication & Technological Services

Amended contract with Augmentative Communication & Technological Services to include additional services in 2008-09 to meet the needs of Special Education students with severe communication deficits. Fiscal Impact: \$15,000. Funding Source: General Purpose/Special Education (1661)

3.9 Memorandum of Understanding (MOU) with California State University at Long Beach, Department of Social Work (CSULB)

Approved MOU for interns in the California State University, Long Beach, Department of Social Work to receive field experience at designated District schools. There is no impact to General or Categorical funds. Trainees will function at no cost to Mt. Diablo Unified School District.

3.10 Memorandum of Understanding (MOU) with University of San Francisco (USF) School of Education

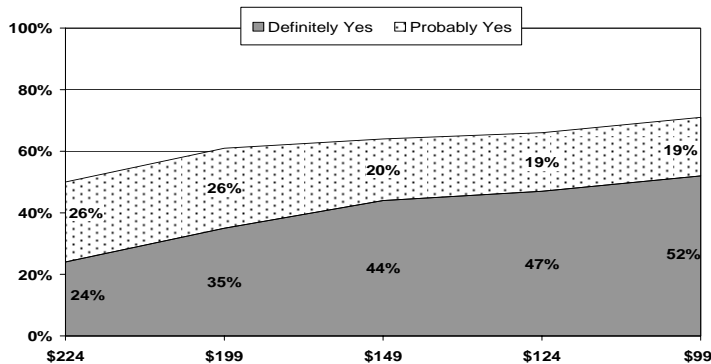
Approved MOU for school counseling trainees in the USF Counseling Psychology Department, School of Education, to receive field experience at designated District Schools. There is no impact to General or Categorical Funds. Trainees will function at no cost to Mt. Diablo Unified School District.

3.11 Resolution 08/09-44 Exemption from Walnut Creek City Ordinances—PULLED

4. **REPORTS/INFORMATION: 2009 Parcel Tax Feasibility Survey**

Brian Godbe of Godbe Research explained the results of a community poll conducted between January 27 and 30. Highlights:

- Respondents: 600 phone surveys conducted in Bay Point, Clayton, Concord, Martinez, Pittsburg, Walnut Creek, and Unincorporated areas
- Support:



- School funding needs that resonated the most with voters:
  - Maintaining high-quality reading, writing, math and science programs
  - Maintaining college preparation, advanced placement and honors programs
  - Maintaining programs to prepare our students for the workforce
  - Improving after-school programs to help students with reading, writing, math and other activities
  - Increasing compensation to attract and retain quality teachers

Board comment Strange asked what the risks would be of asking for a higher tax. Godbe said results show that a two-digit number (less than 100) is more successful than a three-digit (100+). He agreed with Strange that it's best to go with something that's likely to succeed the first time a tax initiative is placed on the ballot. If the tax passes in June, the money would come to the District in the current school year. In response to Mayo, Godbe said respondents had a more positive attitude about the parcel tax after hearing that it would maintain programs, especially reading, writing, math, and science. "We don't need to sell the voters that there's a fiscal crisis going on in the state of California. They get that," he said. "We just have to put it in the context of how is going to impact this district and what can we do to at least maintain what we have."

## 5. PUBLIC HEARING

### 5.1 Public Hearing on Budget Reductions

Since December 2008 the Board of Education has been considering and taking action on budget reductions to erase a revenue expenditure gap of more than \$6.6 million in the 2009-10 school year, the result of decreased revenues from the state budget passed in September 2008. As of this meeting, Eberhart said, the Board has reduced \$5.6 million. The goal is to complete the reductions by the February 24 Board meeting so the financial data are included in the District's Second Interim Report., which is submitted to the County Office of Education in March, and show that the District budget has a positive ending fund balance. He announced that the Board was not likely to act on Item 75(a), which was listed on the agenda as being recommended for approval, "because of some of the changes that have come about recently. We need to take a harder look at it and make sure that's the direction we want to go before we move forward with it." He also announced that the staff report presented at previous meetings would not be given at this one.

#### Public hearing

Mt. Diablo High Principal Bev Hansen, referring to Superintendent McHenry's resignation, said "the school has lost a friend." She then described the educational needs of MDHS students as delineated in the Single Plan for Student Achievement and said the school needs support provided by administrators and staff in all the central office departments. Cambridge Elementary Principal Marie Schirmer, teacher Joyce Densmore-Thomas, literacy coach Kathy Flores, reading specialist Patricia Preut, and teacher Kathy O' Brien all spoke of and provided data to show the support needed by their school's students, particularly the English language learners.

A number of employees who serve as Instructional Media Assistants (IMAs) described the work they do for school libraries and students: Moira Cockrell, Isabel Cardes, Pat McDermont, Susan Edmonds, and Katie Comeaux. In addition, LeighAnn Kearney, workability program, described how the Personnel Coordinator has helped the students in that program. Jackie Glass, network technician and administrator of the library database, said the Personnel Coordinator and the elementary IMAs are vital positions in the District.

Greg Edmonds, news reporter, said he's doing a story on the possibility there being millions of dollars in other funds available in the state. He encouraged everyone to read the Comprehensive Annual Financial Report ("CAFR").

Deborah Heinzmann, parent, applauded the idea of a parcel tax. She said the former superintendent was respectful, and the new superintendent deserves to be respected, too. She urged the Board to spend more time on revenue generation and creative solutions, saying "the least amount of strife generated, the better."

Willie Mims, Black Political Association member and Pittsburg resident, said that if parent volunteers are asked to pay for fingerprinting, the District will lose volunteers. He also believes the District may have compliance issues if some Special Education positions are cut. Darnell Turner, member of the East Bay NAACP, expressed several concerns: that the District will have compliance issues if Special Ed. positions are cut; that the Board is crossing into operational areas when should be focused on policy; and that some decisions will increase the achievement gap. He said his organization will send an official letter of concern to the Board soon.

MaryAnnette Venti, elementary instrumental music teacher, spoke of the importance of the program, which she called "the most egalitarian," and noted that the community agrees, with a parent group raising more than \$100,000 for the program a few years ago. Music teacher Emilie Patton shared stories of how well music students learn math and science.

Organizations

Local One M&O—Ron Hansen, president, introduced Dawn Winder, site support technician, who spoke of the importance of maintaining site and District technology positions to support a “mission critical” program for students. Hansen said Winder’s remarks show that classified staff work directly with students.

Community Advisory Committee (CAC)—Gina Hale, parent, said once funding is returned to the District after the budget crisis, the Board must “restaff” the District “through a well thought-out reorganization plan.” She spoke in support of Small Necessary High Schools, Special Education, English language learners, Response to Intervention, physical education, art, music, and libraries. She suggested other funding sources for other programs such as athletics, JROTC, class size reduction. Parent Connie Warner asked if the District is still meeting the demands of the Individuals with Disabilities Education Act (IDEA) and the No Child Left Behind (NCLB) Act, expressing concern that the staff remaining after the budget cuts will not be able to manage the task.

Budget Advisory Committee—Keith McMahon, committee spokesperson, said comments made at this meeting are similar to ones expressed at a recent BAC meeting at which Fiscal Services Director Bryan Richards gave a presentation on the state budget crisis. He said BAC members are concerned that the Board has not been receiving their comments. The committee believes it may not be possible for the District to achieve the amount of budget reductions called for, which could lead to the District’s coming under state control. He said Board members have work to do to restore the faith of community and urged them to iron out their differences. He presented a proposal calling for budget cuts across the board, across all employee classifications. Among the suggestions: a salary decrease of a few percentage points to save jobs of people who will otherwise be out on the street; the suspension of all raises and benefit increases; furloughs; temporary changes, with a sunset date, for their restoration; energy conservation, and the sale of District facilities. He said the District needs to create a spirit of cooperation in order for a parcel tax to pass.

Board Action on items recommended by staff

Item 4(a): Eliminate vacant Custodial Supervisor position at Loma Vista Adult Education Center.  
Fiscal Impact: \$65,700  
Strange moved, Whitmarsh seconded, and the Board voted 5-0-0 to approve.

Item 17: Reduce three PM custodians. Fiscal Impact: \$168,246

Board comment: In response to Allen, Nicoll said the schools affected do have another PM custodian position. Eberhart said he’d like to see staff develop a plan for custodial services that includes positions included in Item 4, custodial supervisors, and 17, PM custodians. He believes they could be combined to provide the same level of service without cutting any positions. Mayo pointed out that Item 4 deals with secondary level custodians, Item 17 with elementary, and that one roving custodial crew remains in place.

Board action: POSTPONED

Item 19(a): Reduce ~~5.9~~ 2.9 Instructional Media Assistant (IMA) positions at elementary schools.  
Fiscal Impact: \$53,014 per position.  
Mayo moved, Allen seconded, and the Board voted 4-1-0 (Whitmarsh, no) to reduce 2.9 IMA positions.

Item 81: Reduce one Site Technology Technician funded out of the Routine Restricted Maintenance funds. Fiscal Impact: \$78,000

Board comment: In response to Whitmarsh, Technology and Information Services Director Joe Estrada said the reduction would not affect parent access to information about their student via the District’ Student Information System but would impact the amount of time available for techs to service computers. Mayo asked if funding for the position would again become a General Fund obligation if the District reaches the threshold of the Routine Restricted Maintenance budget. Nicoll noted that in the Governor’s proposal school districts would have to set aside only one percent rather than three percent for Routine Restricted Maintenance, so there would be more money available in the General Fund.

Board action Mayo moved, Allen seconded, and the Board voted 4-1-0 (Whitmarsh, no) to approve.

Item 83:: Increase elementary school staffing ratios:  
Kindergarten, from 30 to 31  
Grades 4 and 5, from 31.5 to 32  
Total of 4 positions. Fiscal Impact: \$217,716

Board comment: In response to Strange, Nicoll said there will be a concerted effort to achieve this staffing, but enrollments could make that difficult. Isserman provided the maximum staffing ratios allowed under the teachers' contract. In response to Whitmarsh, Isserman said three elementary schools receive Quality Education Improvement Act (QEIA) funds to provide small class size in Grades 4 and 5. Eberhart pointed out that action on this item would not change contractual limits nor change the Grade 1-3 Class Size Reduction program.

Board action Allen moved, Mayo seconded, and Board voted 5-0-0 to approve.

Item 84: Increase middle school staffing as follows: ~~Glenbrook~~ Delta View from 29 to 30. All other middle schools from 30 to 31. Total of 7 positions. Fiscal Impact: \$381,003  
Mayo moved, Whitmarsh seconded, and the Board voted 5-0-0 to approve.

Item 85: Increase high school staffing as follows: from 31 to 32. Total of 10 positions. Fiscal Impact: \$544,290  
Whitmarsh moved, Allen seconded, and the Board voted 5-0-0 to approve.

Items brought forward by Board members: None

## 6. PUBLIC COMMENT

Nancy Brenner, Sequoia Middle School librarian, read excerpts from student essays responding positively to the question, "Should School Libraries Be Saved?" Nicole Nunes, Director of the Cal Teach at U.C. Berkeley, and Kate Mahar of the CalPASS, each described their program's use of and need for the Curriculum Department staff. Willie Mims, community member, called McHenry "the captain of this ship for nine years" and expressed disbelief that he would resign his position without pressure. Darnell Turner, East County NAACP, repeated the comment he made at the January 27 Board meeting, that the Board's actions appear to be vindictive. He encouraged the Board to communicate better with its constituency and said that while he supports the parcel tax, he is currently "in opposition to this Board."

## 7. BOARD FORUM

This item is here for the Board of Education to discuss any issues of concern.

### 7.1 Committee Minutes

### 7.2 Board Reports

Whitmarsh said she enjoyed a visit to Mt. Diablo High last week, especially observing a teacher interacting with non-English speaking students.

Mayo said she'd visited Ayers, Silverwood, Mountain View, and Westwood elementary schools. She especially enjoyed Woodside's "sensory room," which provides a stimulating environment for students with autism. She attended meetings of the Community Advisory Committee and the Parent Advisory Council and last week went with Student Services Director Margot Tobias and Bancroft Principal Linda Schuler to the Coordinated School Health Program conference, sponsored by the California Department of Education and the American Cancer Society. Components of the health program will be required under No Child Left Behind Act. She said she'd like a District staff member present a report to the Board on this topic. MDUSD is further along in developing its program than other districts.

Allen announced that the Greater Chamber of Commerce is holding its annual crab feed on February 22.

### 7.3 Issues of Concern

## 8. COMMUNICATIONS

### 8.1 District Organizations

Mike Noce, MDEA president, said "we need to raise revenues" and encouraged individuals to call members of Congress to support the U.S. House version of the federal stimulus package because it provides more money for education than the Senate version. Similarly, he said, state legislators also need to hear from the public. He encouraged those who spoke at the Board meeting to do so. He announced that the MDEA Executive Board has voted to recommend that the MDEA Rep Assembly support a parcel tax. Key to garnering teacher support, he said, is delineating what the money will be used for. He's been attending planning meetings for the parcel tax and can see that everyone is working together.

Karen Barta spoke on behalf of Community United for Excellent Schools (CUES), a political action committee created two years ago and now comprised of parents, community members, and employees. She reported that the group has hired Whitehurst Moser as the campaign consultant and is looking for a campaign manager. The aim is to work positively to pass a local fund measure, a reliable source of revenue that the state cannot take away. She encouraged people to sign up to participate.

**9. SUPERINTENDENT'S REPORT:** None

**10. BUSINESS**

- 10.1 Resolution 08/09-45 In Appreciation of the Black Families Association of Contra Costa County  
Mayo moved, Strange seconded, and the Board voted 5-0-0 to adopt 08/09-45, recognizing the Black Families Association of Contra Costa County for over 30 years of service to the community.
- 10.2 Resolution 08/09-46 Solving the Budget Crisis  
Strange moved, Whitmarsh seconded, and the Board voted 5-0-0 to adopt Resolution 08/09-46, opposing further cuts to education funding and urging the Legislature and Governor to immediately solve the budget crisis with a balanced approach that includes revenue increases and supports broad local budget flexibility to help school districts prioritize the resources they have to best serve the needs of their students.
- 10.3 Consider Establishment of Priorities for the 2008 and 2009 School Years and Beyond  
The Board of Education has expressed the need to establish priorities for the 2008 and 2009 years and beyond. The most critical issues are budget reductions and a decision regarding a parcel tax initiative. Eberhart said the Board will ask Dr. Nicoll to review the list of issues provided to date and provide advice. Allen suggested that the topic be discussed in a Board study session. Whitmarsh suggested adding "revenue generation" as a priority. Eberhart said he appreciated BAC member McMahon's comments earlier in the meeting about the sale and leasing of property. He thinks the Loma Vista site, located as it is near a BART station, could be leased to a business that might add on to the building so both the business and the Adult School located there could share in its use. He agrees that the use of solar energy and energy conservation, which the District is doing, should be expanded.
- 10.4 Public Hearing Regarding the Adoption of Resolution Establishing a Parcel Tax and Specifications of the Election Order  
Due to the reduction in state funding for education, the District is proposing that an election be called and conducted on June 2, 2009, to present a measure to authorize the establishment of a special tax for the purpose of providing specified educational programs. Fiscal Impact: \$99 per parcel Funding Source: Future parcel tax proceeds

Public hearing Eberhart opened the hearing at 10:35 p.m. Shel Perham, treasurer for CUES, said parcel tax funding would allow the District to have an additional level of community control. He spoke in support of the components of the ballot statement, specifically that money be used for classroom programs and that there be a citizens oversight committee. Anita Johnson, math teacher, said the parcel tax is the most secure way to get additional funding to attract and retain quality teachers. John Parker, parent, thanked Mike Noce and Rufus Jeffris of the campaign consulting firm for their hard work on the project, saying he hopes teachers will support the tax. Chris Stieger-Maguire, parent, said it's exciting to look at a measure that will infuse money into the District. She pointed out that it's important to get good information into the community. Edi Birsan, community member, said each parcel would pay the same, no matter the value of the property. He said the tax "is structured to be unjust," hitting the single-family homeowner hardest. Nevertheless, he will support it. He asked the Board to send a resolution to the State Legislature proposing a change in how a parcel tax is levied. With no further requests to speak, Eberhart closed the hearing at 10:47 p.m.

Procedural action: *It being 10:48 p.m., Mayo moved, Strange seconded, and the Board voted 5-0-0 to extend meeting beyond its required 11 p.m. adjournment time, to 12 midnight.*

- 10.5 Resolution 08/09-43 Establishing a Parcel Tax and Specifications of the Election Order  
Strange moved, Allen seconded, and the Board voted 5-0-0 to adopt Resolution 08/09-43, requesting that an election be called and conducted on June 2, 2009, to present a measure to authorize the establishment of a special tax for the purpose of providing specified educational programs. Fiscal Impact: \$99 per parcel Funding Source: Future parcel tax proceeds
- Board comment Mayo said she supports all the work that has gone into the parcel tax effort so far and is proud to vote in the affirmative. However, she is disappointed that District administrators were not included in the ballot language. She said "it's sad that there seems to be a perception in our community that administrators are not integral to the functioning of the District. It defies logic." Allen thanked the CUES members for the work they've done to move this effort forward so far. Eberhart also thanked CUES and others who have expressed support. He provided his rationale for why a parcel tax is needed.
- 10.6 Approval of Summary of Tentative Agreement with California School Employees Association (CSEA) AB1200  
Strange moved, Whitmarsh seconded, and the Board voted 5-0-0 to approve the AB1200 disclosure of the Summary of Tentative Agreement with the California School Employees Association. CSEA members ratified the tentative agreement reached between the District and CSEA. A summary of it was sent to the County Office of Education for review.

- 10.7 Request to Approve Tentative Agreement reached between California School Employees' Association (CSEA) and Mt. Diablo Unified School District regarding the Collective Bargaining Agreement to be in Effect July 1, 2007 – June 30, 2010  
Allen moved, Mayo seconded, and the Board voted 5-0-0 to approve the tentative agreement between CSEA and MDUSD. It includes all outstanding successor reopener issues pursuant to the successor collective bargaining agreement to the 2004-2007 agreement. Eberhart thanked all involved in the negotiations.
- 10.8 Request to Establish Salary Range for Associate General Counsel  
Strange moved, Whitmarsh seconded, and the Board voted 4-1-0 (Mayo, no) to place the new position of Associate General Counsel on the Management Salary Schedule at Range 47 (\$120,060 to \$145,935). At Step Five of this range, the total cost, including salary-related costs and benefits, is \$194,952. The new position was created as part of the reorganization of the Office of General Counsel, which the Board approved on January 13, 2009. Fiscal Impact: Up to \$194,952 Funding Source: General Fund  
  
Board comment Strange said that even with the expenditure of \$190,000, the addition of this position is expected to save the District \$200,000. It is part of the Board's goal of reducing contracted services and having them carried out by District employees. In response to Mayo, the step was selected because it comes closest to the Board's authority of \$190,000. That salary level would attract the desired candidates.
- 10.9 Job Description for Inventory and Materials Storekeeper for Transportation; Maintenance and Operations Units  
Allen moved, Strange seconded, and the Board voted 5-0-0 to approve the job description for Inventory and Materials Storekeeper for Transportation; Maintenance and Operations Units. The position will be at Range 501 (\$3,171.65 - \$3,855.03/month) of the Maintenance, Operations, Transportation, Warehouse, Food Service Unit salary schedule. Presented as information at the January 27 meeting, this item was returned for action at this time.
- 10.10 Request Approval to Eliminate Two (2) Parts Controller Positions and Create the Inventory and Materials Storekeeper Position for Transportation, Maintenance and Operations  
Strange moved, Mayo seconded, and the Board voted 5-0-0 to eliminate two existing Parts Controller positions and create an Inventory and Materials Storekeeper position, based on action taken at the December 16, 2008, Board meeting. The new individual in the new position will maintain parts and materials and provide inventory and equipment coordination and control for the Transportation, Maintenance and Operations Department. Fiscal Impact: \$67,533 savings to the Restricted Maintenance and Operations funds.
- 10.11 Adoption of K-5 Mathematics Series  
Strange moved, Allen seconded, and the Board voted 5-0-0 to adopt Houghton Mifflin California Math textbooks and materials for grades K-5 as recommended by the Elementary Mathematics Committee. Presented as information at the January 27 meeting, this item was returned for action at this time.  
  
Board comment Strange said this is one area he hopes the state will designate for flexible funding. Eberhart asked staff to provide a timeline showing when the texts can be ordered and the total cost of the materials. Mayo agreed that the flexibility would help, but added that students do need texts, which are adopted on seven-year cycles, and these are critical to some programs. She thanked teachers who participated in the textbook selection process.
- 10.12 Board Policy 4119.25 Political Activities of Employees  
Changes in the law require an update to the District's policy regarding political activities by employees. The update will be based on California School Boards Association sample policies and rules regarding political activities. Presented only as information at this time, this item will be returned for action at a subsequent meeting. Mayo requested that staff provide Board members with the model policy from CSBA.
- 10.13 Board Policy 5117 and Administrative Rules 5117 and 5111.12  
The policy and rule regarding "interdistrict transfers" are being updated to reflect new legislation that clarifies the definition of employment within a district's physical boundaries. Presented only as information at this time, this item will be returned for action at a subsequent meeting.
- 10.14 Board Policy and Administrative Rule 3511  
An enhanced and more fully developed energy, water and resource conservation policy and administrative rule are critical to the promotion, enforcement and sustenance of the District's proposed Integrated Resource Conservation Plan. Presented only as information at this time, this item will be returned for action at a subsequent meeting.

10.15 Integrated Resource Conservation Plan

Staff requests approval of a formal Integrated Resource Conservation Plan. Presented only as information at this time, this item will be returned for action at a subsequent meeting.

**11. ADJOURNMENT**

Eberhart adjourned the meeting at 11:16 p.m.

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Richard Nicoll, Secretary