

CAPISTRANO UNIFIED SCHOOL DISTRICT **AMENDED**  
BOARD OF TRUSTEES  
MINUTES – REGULAR MEETING  
JULY 25, 2012  
EDUCATION CENTER – BOARD ROOM

President Pritchard called the meeting to order at 6:00 p.m. The Board recessed to closed session to: discuss a Liability Claim; confer with Legal Counsel regarding Existing Litigation; discuss Public Employee Appointment/Employment; and discuss Public Employee Performance Evaluation.

Closed session recessed at 6:20 p.m.

The regular meeting of the Board reconvened to open session and was called to order by President Pritchard at 7:00 p.m.

The Pledge of Allegiance was led by Trustee Bryson.

Present: Trustees Addonizio, Alpay, Brick, Bryson, Hatton, Palazzo, and Pritchard

**A CD of the Board meeting discussion related to each of the items on the public agenda is on file in the Superintendent's office as a matter of the permanent record. An audio recording of the meeting is available on the District website: [www.capousd.org](http://www.capousd.org)** **Permanent Record**

It was moved by Trustee Alpay, seconded by Trustee Hatton, and motion carried by a 7-0 vote to adopt the Board agenda. **Adoption of the Board Agenda**

ROLL CALL: AYES: Trustees Addonizio, Alpay, Brick, Bryson, Hatton, Palazzo, and Pritchard  
NOES: None  
ABSENT: None  
ABSTAIN: None

President Pritchard reported the following action taken during closed session:

**President's Report  
From Closed  
Session Meeting**

**Agenda Item #3 A – Liability Claim**

Claimant: Elke Lopez/Agency: Capistrano Unified School District

In this liability claim resulting from an ankle injury due to a fall on District property, the Board voted by a 7-0 vote to approve a multi-party settlement agreement in the amount of \$85,000 of which \$60,000 is the District's portion.

AYES: Trustees Addonizio, Alpay, Brick, Bryson, Hatton, Palazzo, and Pritchard  
NOES: None

**Agenda Item #3 B– Conference with Legal Counsel – Existing Litigation:**

Office of Administrative Hearings Case No. 2012030072/2012051009

The Board voted 7-0 to approve the 10 Day Statutory Offer in an amount not to exceed \$40,000.

AYES: Trustees Addonizio, Alpay, Brick, Bryson, Hatton, Palazzo, and Pritchard  
NOES: None

**Agenda Item #3 C– Public Employee Appointment/Employment:**

The Board voted 7-0 to approve the appointment of Michelle Le Patner, Executive Director, Secondary Schools, Adult and Alternative Education Programs.

AYES: Trustees Addonizio, Alpay, Brick, Bryson, Hatton, Palazzo, and Pritchard  
NOES: None

**Agenda Item #3 D– Public Employee Performance Evaluation - Superintendent:**

No action was taken.

Trustee Bryson commented on three OC Register articles: changes in agenda posting requirements, teenage drinking, and ASB voting fraud at Troy High School in the Fullerton Joint Union High School District. Trustee Bryson also showed a Santa Ana Unified School District publication and requested staff to prepare a similar publication for the District and post it online to save printing costs.

**Board and Superintendent Comments**

President Pritchard reported he attended the Boy Scout Court of Honor ceremony for Troop 726. Former and current Aliso Niguel High School students Justin Degraw, Nick Lortz, Hunter Ossola, Brandon Shamsabadi, and Michael Waterhouse achieved the rank of Eagle Scout.

As specified in Board Bylaw 9323 for Oral Communications, each speaker was allowed three (3) minutes to speak.

**Oral Communications**

The following speaker addressed the Board:

- *Steve Bell spoke in regards to the San Clemente Relay for Life event being held at San Clemente High School and requested the Board reconsider the facility use fees the nonprofit group is being charged.*

**DISCUSSION/ACTION**

Deputy Superintendent Clark Hampton explained this item was placed on the agenda at the request of a Trustee at the last Board meeting to answer budget related questions she had prepared regarding the 2012-2013 adopted budget. Mr. Hampton stated agenda Exhibit 1 lists the questions and staff responses and asked Trustees if they had any additional questions. Trustee Addonizio responded staff had answered the questions to her satisfaction and she had no additional questions.

**2012-2013 Budget Discussion Agenda Item 1**

President Pritchard asked Trustees for items they wished to pull from the Consent Calendar. Agenda items 8, 15, 16, 17, 18, 21, 23, 24, and 25 were pulled.

**Items Pulled from the Consent Calendar**

**CONSENT CALENDAR**

It was moved by Trustee Alpay, seconded by Trustee Bryson, and motion carried unanimously to approve the following Consent Calendar items:

Minutes of the July 9, 2012, regular Board meeting.

**Minutes Agenda Item 2**

Resolution No. 1213-01, acceptance of 2012-2013 California State Funded Preschool Contract.

**Preschool Contract Agenda Item 3**

Purchase orders, warrants, and previously Board-approved bids and contracts as listed.	<b>Purchase Orders/Warrants Agenda Item 4</b>
Donation of funds and equipment.	<b>Donations Agenda Item 5</b>
Ratification of special education Informal Dispute Resolution agreement case #045712, #056412, #66812, and #123611.	<b>Informal Dispute Resolution Agreement Agenda Item 6</b>
Ratification of special education settlement agreement #2012020831.	<b>Settlement Agreement Agenda Item 7</b>
Ratification of change order #5 related to the construction of the stadium at San Juan Hills High School.	<b>Change Order #5 SJHHS Stadium Agenda Item 9</b>
Ratification of change orders #9 and #10 related to the construction of the theater at Capistrano Valley High School.	<b>Change Orders #9 and #10 CVHS Theatre Agenda Item 10</b>
Final acceptance and filing of the Notice of Completion for the construction of the stadium at San Juan Hills High School.	<b>SJHHS Final Acceptance/Notice of Completion Agenda Item 11</b>
Extension of School Bus Service Agreement No. C1011065 with JSERRA Catholic High School.	<b>Bus Service Agreement Extension Agenda Item 12</b>
School Bus Service Agreement No. 1213100 with Anneliese's Schools.	<b>Bus Service Agreement Agenda Item 13</b>
Memorandum of Understanding between the District and Santa Ana Unified School District to provide special education Deaf and Hard of Hearing programs and services for District students referred by their Individualized Education Program team.	<b>Special Education MOU Agenda Item 14</b>
Award of bid No. 1213-03 for paper and plastic products to P & R Paper Supply Company.	<b>Paper Products Agenda Item 19</b>
Award of RFQ No. 3-1213, Mass Notification System to SchoolMessenger by Reliance Communications, LLC.	<b>Mass Notification System Agenda Item 20</b>
Resignations, retirements, and employment of certificated personnel.	<b>Resignations/Retirements/ Employment (Certificated Personnel) Agenda Item 22</b>

This item was pulled from the agenda on July 23, 2012.

**Employment  
Contract  
Agenda Item 26**

Employment contract on an interim basis to provide supervision of adult transition special education program services from July 26, 2012, through December 31, 2012, during the recruitment process.

**Employment  
Contract  
Agenda Item 27**

ROLL CALL: AYES: Trustees Addonizio, Alpay, Brick, Bryson, Hatton, Palazzo, and Pritchard  
NOES: None  
ABSENT: None  
ABSTAIN: None

Trustee Bryson thanked staff for consistently requesting a 10 percent reduction on all contracts and service providers. Trustee Palazzo questioned staff why the not-to-exceed amount of \$280,000 was not included in the Island View Academy contract. Assistant Superintendent Sara Jocham explained contracts for residential mental health services do not include not-to-exceed amounts because it reveals to the agency the amount the District is willing to provide for the service, which may cause the agency to bill more than required.

**Professional  
Services  
Agreements  
Agenda Item 8**

Trustee Palazzo asked staff to add a note explaining why a not-to-exceed amount is not included on contracts with special circumstances to avoid having the contracts pulled in the future.

It was moved by Trustee Palazzo, seconded by Trustee Bryson, and motion carried unanimously to approve the ratification of District standardized Independent Contractor, Master Contract, and Professional Services Agreements.

Trustee Addonizio stated more information on this item would be helpful to the public. Executive Director Susan Holliday reported the cost to the District is less than the \$63,280 per month listed on the item. The actual outlay will be less than \$15,000 per month due to a federal E-rate discount of 47 percent and a California Teleconnect Fund discount of 50 percent which take the form of rebates and refunds paid directly to the provider.

**Service Agreement  
Addendum  
Agenda Item 15**

It was moved by Trustee Addonizio, seconded by Trustee Bryson, and motion carried unanimously to approve the addendum to Service Agreement No. 457852-01 for data services provided by Cox Business.

Trustee Palazzo addressed items 16, 17, and 18 as a group and asked staff if in the past Trustees had received an exhibit for government claims. Jeff Bristow responded due to the confidential nature of the claims exhibits have never been given to Trustees.

**Government Claim  
Agenda Item 16**

It was moved by Trustee Palazzo, seconded by Trustee Addonizio, and motion carried unanimously to approve the denial of Claim 12-04725 JW filed against the District.

It was moved by Trustee Palazzo, seconded by Trustee Addonizio, and motion carried unanimously to approve the denial of Claim 12-04773 JW filed against the District.

**Government Claim  
Agenda Item 17**

It was moved by Trustee Palazzo, seconded by Trustee Addonizio, and motion carried unanimously to approve the denial of Claim 12-04728 DP filed against the District.

**Government Claim  
Agenda Item 18**

Trustee Palazzo asked why so many food service workers were listed under temporary additional assignment. Director Dawn Davey responded these workers report to their school sites early to receive the main deliveries, test computers and equipment, and clean the kitchens in preparation for the first day of school. Food service workers are also brought into the central kitchen to pack student lunches.

**Resignations/  
Retirements/  
Employment  
(Classified  
Personnel)  
Agenda Item 21**

It was moved by Trustee Palazzo, seconded by Trustee Addonizio, and motion carried unanimously to approve the resignations, retirements, and employment of classified personnel.

Trustee Addonizio stated she would address items 23, 24, and 25 as a group and requested President Pritchard allow Vicki Soderberg to speak to item 24 first (reference item 24 below for Mrs. Soderberg's comments).

**CUMA  
Employment  
Agreement  
Agenda Item 23**

Following Mrs. Soderberg's comments, Trustee Addonizio stated the amendments to the agreements are not included in the exhibits and if Trustees are to approve the amendments then a copy should be included. Dr. Farley stated the amendments are already in effect and this item formalizes the reductions. Dr. Farley suggested Trustees take the action on these items and he will provide a formal amendment of the contracts to be signed off consistent with the action taken.

It was moved by Trustee Addonizio, seconded by Trustee Alpay, and motion carried unanimously to approve the Employment Agreement with the Capistrano Unified Management Association.

The following speaker addressed the Board:

- *Vicki Soderberg praised Superintendent Farley and Deputy Superintendent Clark Hampton for voluntarily taking a pay cut to show they lead by example and are willing to make the same sacrifice all District employees are making due to the budget.*

**Employee  
Agreement  
Amendment  
Agenda Item 24**

Trustee Bryson stated she completely agreed with Mrs. Soderberg's comments and added it is an honor it is to work with Dr. Farley who has tremendous ethics, is honest, and hard working. Trustee Bryson thanked both Dr. Farley and Mr. Hampton for their leadership.

It was moved by Trustee Addonizio, seconded by Trustee Alpay, and motion carried unanimously to approve the first amendment to the employment agreement between the District and the Superintendent.


It was moved by Trustee Addonizio, seconded by Trustee Alpay, and motion carried unanimously to approve the first amendment to the employment agreement between the District and the Deputy Superintendent, Business Services.

**Employee  
Agreement  
Amendment  
Agenda Item 25**

It was moved by Trustee Alpay, seconded by Trustee Hatton, and motion carried unanimously to adjourn the meeting.

**Adjournment**

President Pritchard announced the meeting adjourned at 7:30 p.m.

  
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Board Clerk

  
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Secretary, Board of Trustees