

CAPISTRANO UNIFIED SCHOOL DISTRICT
BOARD OF TRUSTEES
MINUTES – REGULAR MEETING
SEPTEMBER 25, 2013
EDUCATION CENTER – BOARD ROOM

President Alpay called the meeting to order at 6:00 p.m. The Board recessed to closed session to: confer with Public Employee Discipline/Dismissal/Release and/or Legal Counsel regarding Existing Litigation; Public Employee Discipline/Dismissal/Release; confer with Labor Negotiators; and confer with Real Property Negotiators.

Trustee Bryson arrived in closed session at 6:30 p.m.

The regular meeting of the Board reconvened to open session and was called to order by President Alpay at 7:03 p.m.

The Pledge of Allegiance was led by Student Advisor Leilah Rodriguez.

Present: Trustees Addonizio, Alpay, Bryson, Hanacek, Hatton, Pritchard, Reardon, and Student Advisor Leilah Rodriguez

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 **Permanent Record**

It was moved by Trustee Bryson, 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, Bryson, Hanacek, Hatton, Pritchard, Reardon, and Student Advisor Leilah Rodriguez.
NOES: None
ABSENT: None
ABSTAIN: None

President Alpay reported the following action taken during closed session: **President's Report From Closed Session Meeting**

Agenda Item #3A – Public Employee Discipline/Dismissal/Release and/or Conference with Legal Counsel – Existing Litigation:

The Board voted 6-0-1, with Trustee Hatton abstaining, to direct staff to file amended charges in OAH Case Numbers 2012050145 and 2012050349.

AYES: Trustees Addonizio, Alpay, Bryson, Hanacek, Pritchard, and Reardon
NOES: None
ABSENT: None
ABSTAIN: Trustee Hatton

Agenda Item #3B – Public Employee Discipline/Dismissal/Release:

No reportable action was taken.

Agenda Item #3C – Conference with Labor Negotiators:

No action was taken. Attorney Jon Pearl was not present in closed session.

Agenda Item #3 D – Conference with Real Property Negotiators:

The Board gave direction to staff.

Trustee Bryson shared that she and Trustee Hatton attended Journey Charter School’s Green Ribbon school recognition on September 16 and she was very impressed with their achievements.

Board and Superintendent Comments

Trustee Hatton read excerpts from a Time magazine article titled, *What Every Child Can Learn from Kentucky*, regarding the benefits of teaching Common Core Standards.

Trustee Alpay requested staff prepare a report on school fundraising to present to the Board.

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

Oral Communications

The following speakers addressed the Board:

- *Stan Wasbin requested the Board appeal to Sacramento for a waiver to AB 1266.*
- *Marshall Morgan suggested the District provide gender neutral restrooms at schools to comply with AB 1266 requirements.*

DISCUSSION/ACTION

Deputy Superintendent Clark Hampton stated the draft agreement incorporates a School Facilities and Funding Agreement; a School Site Plan; and a Joint Use Agreement for shared play fields and multi-purpose building adjacent to the proposed school site. Mr. Hampton introduced Tim Holcomb with Westgroup Management, who provided a PowerPoint presentation. Following the presentation, Mr. Holcomb answered Trustees’ questions. *(The PowerPoint is posted on the District website: www.capousd.org)*

RMV Development Mitigation Agreement Agenda Item 1

Deputy Superintendent Clark Hampton stated agenda items two and three are the same item except, in item two the Board is acting on behalf of the District, and in item three the Board is acting as the legislative body for CFD 2005-1. The original mitigation agreement specified one of the three largest volume underwriters would act as underwriter on the sale of these bonds, and made an implied assumption the bonds would be sold using the negotiated, rather than the competitive, method of sale. Mr. Hampton explained as the District has been making an effort to utilize Government Finance Officer Association (GFOA) best practices, staff determined on the basis of GFOA criteria to utilize the negotiated sale method and the best practice of an RFP to select an underwriter. Because this process is governed in part by the developer’s mitigation agreement, staff requested the developer agree to the District utilizing GFOA underwriter selection practices. With the developer agreeing to the best practice for the first issuance of bonds, the developer agreement requires amendment. Mr. Hampton stated the Board is being asked to approve both the amendment and the issuance of bonds, which is agenda item three.

Mitigation Agreement Related to Whispering Hills and CFD 2005-1 Agenda Item 2

Following discussion, it was moved by Trustee Pritchard, seconded by Trustee Hatton, and motion carried by a 7-0 vote to approve Resolution No. 1314-21, Resolution of the Board of Trustees of the Capistrano Unified School District Approving Amendment No. 1 to First Amended Impact Mitigation Agreement Related to the Whispering Hills Project and Community Facilities District No. 2005-1 and Delegating Authority Related Thereto.

ROLL CALL: AYES: Trustees Addonizio, Alpay, Bryson, Hanacek, Hatton, Pritchard, Reardon, and Student Advisor Leilah Rodriguez
NOES: None
ABSENT: None
ABSTAIN: None

It was moved by Trustee Pritchard, seconded by Trustee Reardon, and motion carried by a 7-0 vote to approve Resolution No. 1314-21, Resolution of the Board of Trustees of the Capistrano Unified School District Approving Amendment No. 1 to First Amended Impact Mitigation Agreement Related to the Whispering Hills Project and Community Facilities District No. 2005-1 and Delegating Authority Related Thereto.

Mitigation Agreement Related to Whispering Hills and CFD 2005-1 Agenda Item 3

ROLL CALL: AYES: Trustees Addonizio, Alpay, Bryson, Hanacek, Hatton, Pritchard, Reardon, and Student Advisor Leilah Rodriguez
NOES: None
ABSENT: None
ABSTAIN: None

Deputy Superintendent Clark Hampton stated this item is requesting Board approval to issue the first series of bonds on CFD No. 2005-1. The proceeds of the bonds sale are estimated to be approximately \$7,425,000 and will be distributed in the following general breakdown: site incremental payment for the San Juan Hills High School site approximately \$3.59 million; city facilities \$2.39 million; bond reserve \$740,000, with the balance towards cost of bond issuance, and reimbursing the CFD and developer pursuant to the mitigation agreement. The bonds will mature in 2043 and the tax term and assessment for CFD No. 2005-1 ends in 2044.

Issuance of Special Tax Bonds of CFD 2005-1 Agenda Item 4

It was moved by Trustee Hatton, seconded by Trustee Reardon, and motion carried by a 6-1 vote to approve Resolution No. 1314-22, Resolution of the Board of Trustees of the Capistrano Unified School District Acting as the Legislative Body of Community Facilities District No. 2005-1 of the Capistrano Unified School District (Whispering Hills) Authorizing the Issuance of the First Series of Special Tax Bonds of Community Facilities District No. 2005-1, Series 2013 Special Tax bonds, in the Not-to-Exceed Amount of \$10 million approving a Fiscal Agent Agreement, Approving Other Documents, and Taking Certain Other Actions in Connection Therewith.

ROLL CALL: AYES: Trustees Addonizio, Alpay, Hanacek, Hatton, Pritchard, Reardon, and Student Advisor Leilah Rodriguez
NOES: Trustee Bryson
ABSENT: None
ABSTAIN: None

Assistant Superintendent Julie Hatchel stated a public hearing was held at the September 11, 2013, Board meeting to seek public input on the District's Expenditure Plan for One-Time Funds for Common Core Standards. The District will receive approximately \$10 million in one-time revenue to be spent in 2013-2014 and 2014-2015 on professional development, instructional materials, and technology.

Expenditure Plan for One-Time Funds for CCSS Agenda Item 5

Following discussion, it was moved by Trustee Hatton, seconded by Trustee Hanacek, and motion carried by a 5-2 vote to approve the Expenditure Plan for One-Time Funds for Common Core Standards.

AYES: Trustees Alpay, Hanacek, Hatton, Pritchard, Reardon, and Student Advisor Leilah Rodriguez
NOES: Trustees Addonizio and Bryson

Assistant Superintendent Julie Hatchel stated revisions to Board Policy 6114.1, *Emergency Drills*, increase the number of school lockdown drills from one per school year to two per school year; changes the frequency of middle school fire drills from one per month to four times a year; and requires schools to hold a National Incident Management System (NIMS) drill at least once a year.

**Revisions to Board Policy
Agenda Item 6**

It was moved by Trustee Addonizio, seconded by Trustee Bryson, and motion carried unanimously to waive the second reading and approve the revisions to Board Policy 6114.1, *Emergency Drills*.

President Alpay asked Trustees for items they wished to pull from the Consent Calendar. Agenda items 8 and 14 were pulled.

Items Pulled from the Consent Calendar

CONSENT CALENDAR

It was moved by Trustee Addonizio, seconded by Trustee Bryson, and motion carried by a 7-0 vote to approve the following Consent Calendar items:

Minutes of the September 11, 2013, regular Board meeting.

**Minutes
Agenda Item 7**

Purchase orders, warrants, and previously Board-approved bids and contracts as listed.

**Purchase Orders/Warrants
Agenda Item 9**

Donation of Equipment.

**Donations
Agenda Item 10**

Ratification of the District standardized Professional Services and Master Contract Agreements.

**Professional Services Agreements
Agenda Item 11**

Ratification of special education Settlement Agreement Case #2013070053 and Informal Dispute Resolution Agreement Cases #080813 and #080913.

**Special Education Settlement Agreements
Agenda Item 12**

Special education Settlement Agreement Case #2013071052 and Informal Dispute Resolution Agreement Cases #070513 and #080613.

**Special Education Settlement Agreements
Agenda Item 13**

Ratification of the Condition of Certificate of Compliance form between the Rancho Mission Viejo Community Development Company (RMV) and the District relating to the building of homes for new housing projects planned within the District.

**Condition of Certificate of Compliance
Agenda Item 15**

Extension of Agreement for Construction Management Services to be provided by Edenco, Incorporated for the period of September 29, 2013, through October 31, 2013, to complete the closeout of the Capistrano Valley High School Performing Arts Theater project.

**Extension of Agreement
Agenda Item 16**

Final acceptance and filing of the Notice of Completion for the performing arts theater at Capistrano Valley High School.

**Notice of Completion
Agenda Item 17**

Extension of Master Contract No. MCA 1213068 for special education services to be provided by T.E.R.I. Incorporated & The Country School, a non-public school.	Extension of Master Contract Agenda Item 18
Declaration of surplus items listed and described as surplus, and the approval of the public and private disposition of the surplus items in accordance with Education Code §§17545-17546 and Board Policy 3270.	Surplus Items Agenda Item 19
Resignations, retirements, and employment of classified personnel.	Resignations/ Retirements/ Employment (Classified Personnel) Agenda Item 20
Resignations, retirements, and employment of certificated personnel.	Resignations/ Retirements/ Employment (Certificated Personnel) Agenda Item 21
Approval of a Second Amendment to the Employment Agreement between the District and the Superintendent.	Employment Contract Amendment Agenda Item 22
Approval of a Second Amendment to the Employment Agreement between the District and the Deputy Superintendent, Business Services.	Employment Contract Amendment Agenda Item 23
<p>ROLL CALL: AYES: Trustees Addonizio, Alpay, Bryson, Hanacek, Hatton, Pritchard, Reardon, and Student Advisor Leilah Rodriguez.</p> <p>NOES: None</p> <p>ABSENT: None</p> <p>ABSTAIN: None</p>	
Trustee Bryson stated she attended Chapman University and was happy to see the agreement with the District. She asked staff the number of students participating in the program and Assistant Superintendent Julie Hatchel responded she wouldn't know until the end of the semester.	Student Teaching Agreement Agenda Item 8
It was moved by Trustee Bryson, seconded by Trustee Reardon, and motion carried unanimously to approve the student teaching agreement with Chapman University.	
Trustee Addonizio explained she pulled this item because she would be voting nay.	
It was moved by Trustee Hatton, seconded by Trustee Bryson, and motion carried by a 6-1 vote to approve the Amendment to Consultant Agreement No. C1011052 with Atkinson, Andelson, Loya, Ruud & Romo.	Amendment to Consultant Agreement Agenda Item 14

AYES: Trustees Alpay, Bryson, Hanacek, Hatton, Pritchard,
Reardon, and Student Advisor Leilah Rodriguez
NOES: Trustee Addonizio

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

President Alpay announced the meeting adjourned at 8:59 p.m.



Board Clerk



Secretary, Board of Trustees

Minutes submitted by Jane Boos, Manager, Board Office Operations