

CAPISTRANO UNIFIED SCHOOL DISTRICT
BOARD OF TRUSTEES
MINUTES – REGULAR MEETING
AUGUST 13, 2014
EDUCATION CENTER – BOARD ROOM

President Alpay called the meeting to order at 6:00 p.m. The Board recessed to closed session to discuss: Student Expulsions; Public Employee Appointment/Employment; Public Employee Discipline/Dismissal/Release; and confer with Legal Counsel regarding Existing Litigation.

Trustee Bryson arrived in closed session at 6:05 p.m.

Closed session recessed at 6:45 p.m.

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

The Pledge of Allegiance was led by Superintendent Kirsten Vital.

Present: Trustees Addonizio, Alpay, Bryson, Hanacek, Hatton-Hodson, Pritchard, and Reardon

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-Hodson, Pritchard, and Reardon
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 #3 A1 – Student Expulsion:

The Board voted 7-0 to expel the following student by stipulated agreement: Case #2014-059.

AYES: Trustees Addonizio, Alpay, Bryson, Hanacek, Hatton-Hodson, Pritchard, and Reardon
NOES: None

Agenda Item #3 A2 – Student Expulsion:

The Board voted 7-0 to expel the following student by stipulated agreement: Case #2014-061.

AYES: Trustees Addonizio, Alpay, Hanacek, Hatton-Hodson, Pritchard, and Reardon
NOES: None

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

No action was taken.

Agenda Item #3 C1 – Public Employee Appointment/Employment:

The Board voted 7-0 to approve the appointment of Wendy Pospichal, Executive Director, Student Intervention and Support Services.

AYES: Trustees Addonizio, Alpay, Bryson, Hanacek, Hatton-Hodson, Pritchard, and Reardon
NOES: None

Agenda Item #3 C2 – Public Employee Appointment/Employment:

The Board voted 7-0 to approve the appointment of Linda Parr, Principal, Crown Valley Elementary School.

AYES: Trustees Addonizio, Alpay, Bryson, Hanacek, Hatton-Hodson, Pritchard, and Reardon
NOES: None

Agenda Item #3 C3 – Public Employee Appointment/Employment:

The Board voted 7-0 to approve the appointment of Dipali Potnis, Assistant Principal, Capistrano Valley High School.

AYES: Trustees Addonizio, Alpay, Bryson, Hanacek, Hatton-Hodson, Pritchard, and Reardon
NOES: None

Agenda Item #3 C4 – Public Employee Appointment/Employment:

The Board voted 7-0 to approve the appointment of Renée Ybarra, Assistant Principal, Middle School.

AYES: Trustees Addonizio, Alpay, Bryson, Hanacek, Hatton-Hodson, Pritchard, and Reardon
NOES: None

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

The Board voted 7-0 to approve staff recommendation.

AYES: Trustees Addonizio, Alpay, Bryson, Hanacek, Hatton-Hodson, Pritchard, and Reardon
NOES: None

On behalf of the Board, President Alpay welcomed new Superintendent Kirsten Vital to the District and provided information on her background.

Board and Superintendent Comments

Superintendent Vital thanked the Board for the warm welcome and stated she is honored to have been selected and is looking forward to a productive year.

Trustee Hanacek stated that even though it is summer, she has noticed teachers have been attending conferences and purchasing classroom supplies.

Trustee Bryson state she is very proud of the Board’s decision to bring such a wonderful administrator to the District.

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

**Oral
Communications**

- Newly elected Capistrano Unified Education Association (CUEA) President Sally White welcomed Superintendent Vital and stated CUEA members are ready to help her achieve her District goals and be a success.

DISCUSSION/ACTION

Deputy Superintendent Clark Hampton stated the bonds for Community Facilities District (CFD) 88-1, Rancho Santa Margarita, are expected to be fully paid off on September 1, 2014. Resolution No. 1415-04 memorializes that, upon the full maturity and payoff of 88-1 bonds, a notice of cancellation of special tax lien for non-delinquent parcels will be issued within CFD 88-1.

**CFD 88-1
Agenda Item 1**

It was moved by Trustee Bryson, seconded by Trustee Hatton-Hodson, and motion carried by a 7-0 vote to adopt Resolution No. 1415-04, Resolution of The Board of Trustees of The Capistrano Unified School District, Acting as the Legislative Body of Community Facilities District No. 88-1 of the Capistrano Unified School District (Rancho Santa Margarita), Memorializing the Intent to Execute Notice of Cancellation of Special Tax Lien Upon the Scheduled Maturity of Community Facilities District No. 88-1 of the Capistrano Unified School District (Rancho Santa Margarita) Series 1996 Special Tax Refunding Bonds.

ROLL CALL: AYES: Trustees Addonizio, Alpay, Bryson, Hanacek, Hatton-Hodson, Pritchard, and Reardon
NOES: None
ABSENT: None
ABSTAIN: None

Deputy Superintendent Clark Hampton stated this item is directly related to Agenda Item 1. It is stipulated in CFD 94-1, Rancho Santa Margarita, that the levy will end in 2030-2031 or when CFD 88-1 bonds are fully retired. With the expected retirement of 88-1 bonds on September 1, 2014, Resolution 1415-09 memorializes that, upon the full maturity and payoff of 88-1 bonds, a notice of cancellation of special tax lien for non-delinquent parcels will be issued within CFD 94-1.

**CFD 94-1
Agenda Item 2**

It was moved by Trustee Addonizio, seconded by Trustee Bryson, and motion carried by a 7-0 vote to adopt Resolution No. 1415-09, Resolution of The Board of Trustees of The Capistrano Unified School District, Acting as the Legislative Body of Community Facilities District No. 94-1 of the Capistrano Unified School District (Rancho Santa Margarita), Memorializing the Intent to Execute Notice of Cancellation of Special Tax Lien Upon the Scheduled Maturity of Community Facilities District No. 88-1 of the Capistrano Unified School District Series 1996 Special Tax Refunding Bonds.

ROLL CALL: AYES: Trustees Addonizio, Alpay, Bryson, Hanacek, Hatton-Hodson, Pritchard, and Reardon
NOES: None
ABSENT: None
ABSTAIN: None

President Alpay introduced the item, turned the meeting over to Vice President Hatton-Hodson, recused himself, and left the Board room at 7:17 p.m.

**CFD 90-2
Agenda Item 3**

Deputy Superintendent Clark Hampton stated at the April 23, 2014, Board meeting, the Board received information about the 2006 refinancing of CFD 90-2 bonds and the methodology used to return the savings to the taxpayers in the form of reduced bond authorization and a five year shorter tax term. Mr. Hampton also provided information about the potential for lowering the levy for CFD 90-2 taxpayers. At the meeting, homeowners in CFD 90-2 addressed the Board and stated the District should not be levying any amount above that which is needed for payments on the bonds. Mr. Hampton explained that the amount above bond payments is known as “pay-as-you-go” funds because it is funding available for facilities on a pay-as-you-go basis since the funds are generated each year after bond payments are made. Mr. Hampton stated these funds were expected and an integral part of the CFD.

Mr. Hampton concluded his presentation by stating this item provides an opportunity for the Board to determine the levy for 2014-2015 and if the Board chooses to lower the levy, staff recommends lowering it to a rate that maintains the coverage ratio that existed after the Bonds were refinanced in 2006, which was about 123 percent. This would result in a lower levy for taxpayers, maintain the coverage ratio that existed when bonds were sold in 2006, and provide additional funds for authorized facility needs in the CFD area.

Trustee Hatton-Hodson asked Trustees if they wished to waive the Board policy maximum time of 20 minutes and allow all speakers to address the Board. Trustees agreed to waive Board policy.

The following speakers addressed the Board:

- *Laura Ferguson, Debbie Flowers, Parker Wondies, Mike Ray, Marc Veale, Ken Czaja, Arthur Tuverson, and Andrea Ewell stated Talega residents were being overtaxed and requested the Board return the money to the Talega taxpayers.*

It was moved by Trustee Reardon, seconded by Trustee Addonizio, and motion carried by a 6-0 vote to adopt Resolution No. 1415-06, Resolution of Board of Trustees of the Capistrano Unified School District, Acting as the Legislative Body of Community Facilities District No. 90-2 of the Capistrano Unified School District (Talega), Authorizing the Levy of Special Taxes in Community Facilities District No. 90-2 of the Capistrano Unified School District (Talega) For Fiscal Year 2014-2015, with a 110 percent coverage ratio.

ROLL CALL: AYES: Trustees Addonizio, Bryson, Hanacek, Hatton-Hodson, Pritchard, and Reardon
NOES: None
ABSENT: None
ABSTAIN: None
RECUSED: Trustee Alpay

Trustee Hatton requested the Board recess for a two-minute break at 8:28 p.m. President Alpay returned to the dais at 8:30 p.m. and reconvened the meeting.

Assistant Superintendent Jodee Brentlinger explained the revisions to Board Policy 9270, *Conflict of Interest*, contain updates and changes in Government Codes, Education Codes, the Political Reform Act, and Fair Political Practices Commission. In response to Trustee Reardon’s suggestions at the July 9 Board meeting regarding the restrictive nature of the policy contained under Remote Interests, and adding employees who may or do provide private coaching or tutoring, Mrs. Brentlinger explained it was determined to ensure the policy complies with all legal requirements, there is limited ability to make changes, and only District decision-making employees should be required to file a Form 700. Mrs. Brentlinger stated two other Board policies that address Trustee Reardon’s employee question will be revised and agendized for a future Board meeting.

**Board Policy
Revision
Agenda Item 4**

Following the presentation, President Alpay requested the following changes be made to the policy: in Exhibit 4, page 26, section 5a, following Internal Revenue Code add, “of 1986, as amended,” and on page 27, section 5l, write out “5” before percent.

It was moved by Trustee Bryson, seconded by Trustee Reardon, and motion carried by a 7-0 vote to approve the revisions to Board Policy 9270, *Conflict of Interest*, as amended.

AYES: Trustees Addonizio, Alpay, Bryson, Hanacek, Hatton-Hodson, Pritchard, and Reardon
NOES: None
ABSENT: None

Superintendent Kirsten Vital stated minor changes to Board Bylaw 9322 reflect the Board’s current practice for receiving materials. President Alpay asked the Board if they wished to waive the second reading of this policy and Trustees agreed.

**Board Bylaw
Revision
Agenda Item 5**

It was moved by Trustee Bryson, seconded by Trustee Reardon, and motion carried by a 7-0 vote to approve the revisions to Board Bylaw 9322, *Agenda/Meeting Materials*.

AYES: Trustees Addonizio, Alpay, Bryson, Hanacek, Hatton-Hodson, Pritchard, and Reardon
NOES: None
ABSENT: None

President Alpay asked Trustees for items they wished to pull from the Consent Calendar. Items 19, 20, 21, 22, 23, 24, and 31 were pulled.

**Items Pulled from
the Consent
Calendar**

CONSENT CALENDAR

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

Minutes of the July 23, 2014, regular Board meeting.

**Minutes
Agenda Item 6**

Proposed school start and dismissal times for the 2014-2015 school year.

**2014-2015
Start/Dismissal
Times
Agenda Item 7**

Orange County Department of Education California Mathematics and Science Partnership Grant.

**OCDE Math and
Science Grant
Agenda Item 8**

Memorandum of Understanding (MOU) with the California Partnership for Achieving Student Success (Cal-PASS Plus) for the 2014-2015 school year.

**Cal-PASS Plus
MOU
Agenda Item 9**

Student teaching agreement with Pepperdine University.

**Student Teaching
Agreement
Agenda Item 10**

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

**Purchase
Orders/Warrants
Agenda Item 11**

Ratification of District standardized Independent Contractor, Master Contract, and Professional Services Agreements.	Professional Services Agreements Agenda Item 12
Ratification of special education Informal Dispute Resolution Agreement Case #070314 and Case #070814.	Informal Dispute Resolution Agenda Item 13
Ratification of special education Informal Dispute Resolution Agreement Case #056414 and Case #066514.	Informal Dispute Resolution Agenda Item 14
Ratification of special education Settlement Agreement Case #2014030602.	Settlement Agreement Agenda Item 15
Resolution No. 1314-02 to establish updated signature authorizations.	Signature Authorization Agenda Item 16
Resolution No. 1415-03 authorizes the levy of Special Tax in Community Facilities District (CFD) No. 87-1 (Mission Viejo/Aliso Viejo) for Fiscal Year 2014-2015.	CFD 87-1 Agenda Item 17
Resolution No. 1415-05 affirms, ratifies, and authorizes the levy of Special Taxes in Community Facilities District (CFD) No. 90-1 (Coto de Caza), for Fiscal Year 2014-2015.	CFD 90-1 Agenda Item 18
Ratification of revisions to the Agreement to Modify Restrictions on the property located at 2C Liberty in the City of Aliso Viejo between the Capistrano Unified School District and Shea Homes Limited Partnership	Revised Agreement for 2C Liberty Property Agenda Item 25
Memorandum of Understanding with the Orange County Superintendent of Schools will allow Orange County Department of Education (OCDE) to provide special education programs and services for eligible District students from July 1, 2014, through June, 30, 2015.	MOU with OCDE Agenda Item 26
Memorandum of Understanding with Irvine Unified School District (IUSD) for the purposes of implementing the California Promise (CaPROMISE) Initiative.	MOU with IUSD Agenda Item 27
Renewal of the Limited Use License Agreement with Rancho Santa Margarita Landscape and Recreation Corporation (SAMLARC) for student use of Tijeras Creek Park.	SAMLARC Limited Use License Agreement Agenda Item 28
Renewal of the Limited Use License Agreement with Rancho Santa Margarita Landscape and Recreation Corporation (SAMLARC) for student use of Arroyo Vista Park.	SAMLARC Limited Use License Agreement Agenda Item 29
Denial of Government Claim No. 14-17279 DP.	Government Claim Agenda Item 30
Ratification of an Enrollment Support Agreement with American Fidelity Assurance Company to provide an online enrollment program at no charge for benefits-eligible employees.	Enrollment Support Agreement Agenda Item 32

Amendment to Agreement Bid No. 1112-15 for the purchase of refurbished computer equipment with Insight Systems Exchange, adding replacement models to the current price list.

**Amendment to Agreement Bid – Refurbished Computer Equipment
Agenda Item 33**

Award of Bid No. 1415-11, Pizza Service to People First Pizza, Incorporated, DBA Domino’s Pizza, Incorporated.

**Award of Bid – Pizza Service
Agenda Item 34**

Advertise Bid No. 1415-13 for concrete repairs and maintenance as needed by the District.

**Advertise Bid – Concrete Repairs
Agenda Item 35**

Resignations, retirements, and employment of classified personnel.

**Resignations/Retirements/
Employment (Classified Personnel)
Agenda Item 36**

Resignations, retirements, and employment of certificated personnel.

**Resignations/Retirements/
Employment (Certificated Personnel)
Agenda Item 37**

ROLL CALL: AYES: Trustees Addonizio, Alpay, Bryson, Hanacek, Hatton-Hodson, Pritchard, and Reardon
NOES: None
ABSENT: None
ABSTAIN: None

President Alpay suggested Trustees address Agenda Item 31 before addressing Agenda Items 19 through 24. Trustees agreed.

Trustee Reardon stated he had questions regarding how the GPS on the bus would relate to student privacy. Deputy Superintendent Clark Hampton explained that students are issued bus passes with a chip that notifies the system where and when the student gets on and off the bus.

**GPS
Agenda Item 31**

It was moved by Trustee Reardon, seconded by Trustee Bryson, and motion carried by a 7-0 vote to approve the ratification of the Zonar Hardware Purchase and Data Services Agreement for the purchase of global positioning systems (GPS) and related software services for the District bus fleet pursuant to RFP No. 1-1415 Global Positioning System.

President Alpay recused himself from this item at 8:43 p.m. and turned the meeting over to Trustee Hatton-Hodson.

**CFD 90-2 IA No. 2002-1
Agenda Item 19**

The following speakers addressed the Board:

- Felipe Guedes and Jason Ewell requested the Board lower taxes for Talega residents.

Trustee Reardon requested the Board approve the item without a two percent escalator.

Following discussion, it was moved by Trustee Addonizio, seconded by Trustee Reardon, and motion carried by a 6-0 vote to approve Resolution No. 1415-07 authorizing the levy of Special Taxes in Community Facilities District (CFD) No. 90-2 IA No. 2002-1 (Talega) for Fiscal Year 2014-2015 without the two percent escalator.

ROLL CALL: AYES: Trustees Addonizio, Bryson, Hanacek, Hatton-Hodson, Pritchard, and Reardon
NOES: None
ABSENT: None
ABSTAIN: None
RECUSED: Trustee Alpay

Trustee Alpay returned to the dais at 8:58 p.m.

Trustee Addonizio asked for clarification on this CFD and a two percent escalator. Deputy Superintendent Clark Hampton responded Trustees had approved a fixed level of 1.8 percent reduction last year. Trustee Addonizio stated she wished to move the item without change from last year.

**CFD 92-1
Agenda Item 20**

It was moved by Trustee Addonizio, seconded by Trustee Bryson, and motion carried by a 7-0 vote to approve Resolution No. 1415-08 authorizing the levy of Special Taxes in Community Facilities District (CFD) No. 92-1 (Las Flores) for Fiscal Year 2014-2015.

ROLL CALL: AYES: Trustees Addonizio, Alpay, Bryson, Hanacek, Hatton-Hodson, Pritchard, and Reardon
NOES: None
ABSENT: None
ABSTAIN: None

Trustee Reardon stated he had pulled the item by mistake and wished to approve the item as presented.

**CFD 98-1A
Agenda Item 21**

It was moved by Trustee Reardon, seconded by Trustee Bryson, and motion carried by a 7-0 vote to approve Resolution No. 1415-10 authorizing the levy of Special Taxes in Community Facilities District (CFD) No. 98-1A (Pacifica San Juan) for Fiscal Year 2014-2015.

ROLL CALL: AYES: Trustees Addonizio, Alpay, Bryson, Hanacek, Hatton-Hodson, Pritchard, and Reardon
NOES: None
ABSENT: None
ABSTAIN: None

It was moved by Trustee Reardon, seconded by Trustee Hatton-Hodson, and motion carried by a 7-0 vote to approve Resolution No. 1415-11 authorizing the levy of Special Taxes in Community Facilities District (CFD) No. 98-2 (Ladera) for Fiscal Year 2014-2015 without a two percent escalator.

**CFD 98-2
Agenda Item 22**

ROLL CALL: AYES: Trustees Addonizio, Alpay, Bryson, Hanacek, Hatton-Hodson, Pritchard, and Reardon
NOES: None
ABSENT: None
ABSTAIN: None

It was moved by Trustee Reardon, seconded by Trustee Bryson, and motion carried by a 7-0 vote to approve Resolution No. 1415-12 authorizing the levy of Special Taxes in Community Facilities District (CFD) No. 2004-1 (Rancho Madrina) for Fiscal Year 2014-2015 without a two percent escalator.

**CFD 2004-1
Agenda Item 23**

ROLL CALL: AYES: Trustees Addonizio, Alpay, Bryson, Hanacek, Hatton-Hodson, Pritchard, and Reardon
NOES: None
ABSENT: None
ABSTAIN: None
ABSENT: None

Trustee Reardon decided to move the item as presented once Deputy Superintendent Clark Hampton and Andrea Roess of David Taussig & Associates explained that this CFD was mid-process and more bonds are anticipated this year. Not using the escalator would reduce the amount of bonds that could be issued.

**CFD 2005-1
Agenda Item 24**

It was moved by Trustee Reardon, seconded by Trustee Bryson, and motion carried by a 7-0 vote to approve Resolution No. 1415-13 authorizing the levy of Special Taxes in Community Facilities District (CFD) No. 2005-1 (Whispering Hills) for Fiscal Year 2014-2015.

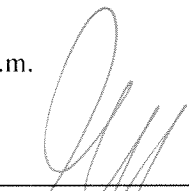
ROLL CALL: AYES: Trustees Addonizio, Alpay, Bryson, Hanacek, Hatton-Hodson, Pritchard, and Reardon
NOES: None
ABSENT: None
ABSTAIN: None

It was moved by President Hatton-Hodson, seconded by Trustee Reardon, and motion carried by a 7-0 vote to adjourn the meeting.

Adjournment

AYES: Trustees Addonizio, Alpay, Bryson, Hanacek, Hatton-Hodson, Pritchard, and Reardon
NOES: None

President Alpay announced the meeting adjourned at 9:07 p.m.



Board Clerk



Secretary, Board of Trustees

Minutes submitted by Jane Boos, Manager, Board Office Operations