

CAPISTRANO UNIFIED SCHOOL DISTRICT
BOARD OF TRUSTEES
MINUTES OF REGULAR MEETING
September 18, 2019
EDUCATION CENTER – BOARD ROOM

President Jones called the meeting to order at 4:32 p.m.

**Call to Order/
Adjourn to Closed
Session
Closed Session
Comments**

President Jones announced that Trustee Castellanos was officially sworn in prior to the start of Closed Session.

The Board recessed to closed session to discuss: Conference with Legal Counsel – Anticipated Litigation; Conference with Legal Counsel – Existing Litigation; Public Employee Employment/Appointment; Public Employee Discipline/Dismissal/Release; Student Readmissions; Student Expulsion; Liability Claim; Conference with Labor Negotiators; and Public Employment and Evaluation of Performance.

The regular meeting of the Board of Trustees was called to order by President Gila Jones at 7:04 p.m.

ROLL CALL:

Present: Trustees Bullockus, Castellanos, Hanacek, Holloway, Jones, McNicholas, and Reardon.

Absent: None

The Pledge of Allegiance was led by Mike Beekman, Executive Director, Safety and Student Services.

**Pledge of
Allegiance**

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

Trustee Castellanos was sworn in by her sister, Tara Fiscik, to the Capistrano Unified School District Board of Trustees.

Oath of Office

It was moved by Trustee Reardon seconded by Trustee McNicholas and motion carried by a 7-0 roll call vote to adopt the Regular Board agenda.

**Adoption of the
Board Agenda**

AYES: Trustees Bullockus, Castellanos, Hanacek, Holloway, Jones,
McNicholas and Reardon
NOES: None
ABSENT: None

President Jones asked Susie Schmidt, Administrative Assistant, Board Operations to read the report out of closed session:

**President’s Report
from Closed
Session Meeting**

**Agenda Item #3A – Conference with Legal Counsel – Anticipated Litigation
Significant Exposure to Litigation – Seven Cases**

Trustees voted 7-0 to approve the staff recommendation on the following cases:

- ADR Case Number 20190425
- ADR Case Number 20190610
- ADR Case Number 20190624
- ADR Case Number 20190628

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ADR Case Number 20190802
ADR Case Number 20190815
ADR Case Number 20190820

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

Significant Exposure to Litigation – Four Cases

Trustees gave direction to staff on the following case:

Federal Case Number 8:18-cv-01896-JVS-DFMx

Trustees voted 7-0 to approve the staff recommendation on the following cases:

OAH Case Number 2019020211

OAH Case Number 2019050932

OAH Case Number 2019060196

Agenda Item #3C – Public Employee Employment/Appointment

Trustees voted 7-0 to approve staff recommendation to appoint Kimberly Maxwell Principal Elementary School, assigned to Don Juan Avila Elementary School.

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

Trustees gave direction to staff.

Agenda Item #3E – Student Readmissions – Four Cases

Trustees voted 7-0 to approve staff recommendations on:

Case # 2018-019

Case # 2018-042

Case # 2019-014

Case # 2019-026

Agenda Item #3F – Student Expulsion – One Case

Trustees voted 7-0 to approve staff recommendation on:

Case # 2019-073

Agenda Item #3G – Liability Claim

Significant Exposure to Litigation – One Case

Trustees voted 7-0 to approve staff recommendation on:

Rejection of Government Claim No. 1906239

Agenda Item #3H – Conference with Labor Negotiators

Trustees gave direction to staff.

Agenda Item #3I – Public Employee and Evaluation of Performance

No reportable action.

Extra Milers

Mike Beekman, Executive Director, Safety and Student Services, for his significant contributions to school safety. Mike is an award recipient of the 2019 Distinguished Safe Schools Award, presented by the Orange County Department of Education.

**Special
Recognitions**

Superintendent Vital reported on the various activities at our sites in the past weeks.

**Board and
Superintendent
Comments**

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The following speakers addressed the Board:

- *Michele Ploessel-Campbell spoke regarding Niguel Hills Middle School and George White Elementary School*
- *Tom Erikson spoke regarding need for diversity and ethnic studies*

At 7:28 p.m., President Jones opened the Public Hearing on Resolution No. 1920-24, Statement of Assurance for Instructional Materials Realignment Fund, Fiscal Year 2019-2020.

President Jones closed the public hearing at 7:28 p.m.

At 7:29 p.m., President Jones opened the Public Hearing on the Formation of School Facilities Improvement District No. 2 (“Southern Region”).

President Jones closed the public hearing at 7:30 p.m.

At 7:30 p.m., President Jones opened the Public Hearing on the Formation of School Facilities Improvement District No. 3 (“Western Region”).

The following speakers addressed the Board:

- *Michele Ploessel-Campbell spoke in favor of SFID No. 3*
- *Julie Colombero spoke in regards to SFID No. 3*
- *Megan Holland Spoke in regards to SFID No. 3*

President Jones closed the public hearing at 7:32 p.m.

At 7:32 p.m., President Jones opened the Public Hearing on OCASA College Prep Charter School Admissions Preferences.

President Jones closed the public hearing at 7:32 p.m.

CONSENT CALENDAR

All matters listed under the Consent Calendar are considered by the Board to be routine and will be enacted by the Board in one motion in the form listed below. There will be no discussion of these items prior to the time the Board votes on the motion unless members of the Board, staff, or the public request specific items to be discussed and/or removed from the Consent Calendar. The Superintendent and the staff recommend approval of all Consent Calendar items.

President Gila Jones asked Trustees for items they wished to pull from the Consent Calendar. No items were pulled.

It was moved by Trustee McNicholas seconded by Trustee Reardon, motion carried

**Oral
Communications**

**Public Hearing:
Resolution No.
1920-24,
Statement of
Assurance for
Instructional
Materials
Realignment
Fund, Fiscal Year
2019-2020
Agenda Item 1
Public Hearing:
Formation of
School Facilities
Improvement
District No. 2
("Southern
Region")
Agenda Item 2
Public Hearing:
Formation of
School Facilities
Improvement
District No. 3
"Western Region"
Agenda Item 3**

**Public Hearing:
OCASA College
Prep Charter
School Admissions
Preferences
Agenda Item 4
Consent Calendar**

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by a 7-0 Roll Call vote to approve the following Consent Calendar.

AYES: Trustees Bullockus, Castellanos, Hanacek, Holloway,
Jones, McNicholas and Reardon
NOES: None
ABSENT: None

Approval of donations of funds and equipment.

**Donation of Funds
and Equipment
Agenda Item 5**

Approval of purchase orders (Attachment 1) and commercial warrants (Attachment 2).

**Purchase Orders,
Commercial
Warrants and
Previously Board-
Approved Bids
and Contracts
Agenda Item 6**

Approval of the District standardized Independent Contractor, Professional Services, Field Service and Master Contract agreements.

**Independent
Contractor,
Professional
Services, Field
Service, and
Master Contract
Agreements
Agenda Item 7**

Approval of an Off-Site Facility Use Agreement with South Orange County Community College District (SOCCCD) to permit SOCCCD to use 14 classrooms at various locations within the District for its adult education classes.

**Off-Site Facility
Use Agreement –
South Orange
County
Community
College District
Adult Education
Program
Agenda Item 8**

Approval of Agreement for Professional Services with Dannis Woliver Kelley to represent, advise, and counsel District on matters related to considering and calling one or more bond elections, including school facilities improvement district bond elections in 2020 and the issuance and sale of general obligation bonds thereafter.

**Agreement for
Professional
Services for Legal
Services in
Connection with
2020 General
Obligation Bond
Elections and
Bond Issuance –
Dannis Woliver
Kelley
Agenda Item 9**

Approval of the Cloud Service Order Form with CDW Government LLC to purchase Neverware, Cloudready site licenses.

**CDW Cloud
Service Order
Form Neverware,
Inc. – CDW
Government LLC
Agenda Item 10**

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Approval of Change Order No. 1, Bid No. 1819-18 for the Ambuehl Elementary School Renovation Project related to unforeseen conditions that arose during the course of construction that were required to be resolved in order to complete the work.

**Change Order No.
1, Bid No. 1819-
18, Ambuehl
Elementary
School Renovation
Project**

Approval of Change Order No. 2, Bid No. 1819-14 for the Dana Hills High School Kitchen Modernization Project related to Health Department requirements and additional Americans with Disabilities Act (ADA) adjustments required due to unforeseen site conditions.

**Agenda Item 11
Change Order No.
2, Bid No. 1819-
14, Dana Hills
High School
Kitchen
Modernization
Project**

Approval of Change Order No. 2, Bid No. 1819-17 for the Palisades Elementary School Modernization Project related to unforeseen site conditions, Americans with Disabilities Act (ADA) compliance adjustments to existing grades, additional excavation for the new fire lane and adjustments implemented by the local water authority.

**Agenda Item 12
Change Order No.
2, Bid No. 1819-
17, Palisades
Elementary
School
Modernization
Project**

Approval of the Contract for E-Rate Compliance Services with CSM Consulting, Inc. for the purposes of assisting the District with applying for E-Rate funds for Category 1 and Category 2 services.

**Agenda Item 13
Contract for E-
Rate Compliance
Services – CSM
Consulting, Inc.**

Approval of the Final Acceptance and filing of the Notice of Completion for Unit Bid No. 1516-25 for the Del Obispo Elementary School Big Toy Replacement Project.

**Agenda Item 14
Final Acceptance
and Filing of
Notice of
Completion for
Unit Bid No. 1516-
25 for the Del
Obispo
Elementary
School Big Toy
Replacement
Project**

Approval of Fourth Extension of Bid No. 1516-05, Fence Repairs and Maintenance with Q Fence and Fabrication, Incorporated.

**Agenda Item 15
Fourth Extension
of Bid No. 1516-
05, Fence Repairs
and Maintenance
– Q Fence and
Fabrication,
Incorporated**

Approval of the Master Operation and Maintenance Agreement with REC Solar Commercial Corporation for San Juan Hills High School solar project.

**Agenda Item 16
Master Operation
and Maintenance
Agreement for
San Juan Hills
High School Solar**

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San Diego Gas & Electric (SDG&E) requires an easement for the purposes of providing the necessary electrical and communication facilities to Palisades Elementary School.

**Project – Rec
Solar Commercial
Corporation
Agenda Item 17
Resolution No.
1920-21, Intent to
Consider the
Conveyance of an
Easement to San
Diego Gas &
Electric Company
for the Purposes
of Providing
Necessary
Electrical and
Communication
Facilities to
Palisades
Elementary
School**

Approval of Broadening the Course of Study: New Secondary Course, Honors Marine Ecology.

**Agenda Item 18
Broadening the
Course of Study –
New Secondary
Course, Honors
Marine Ecology**

Approval of Broadening the Course of Study: New Secondary Course, College Math.

**Agenda Item 19
Broadening the
Course of Study –
New Secondary
Course, College
Math**

Approval of the Agreement for Use of Document Tracking Services School Year 2019-2020 to provide a web-based application that allows staff to streamline the completion of various school and District-level reports.

**Agenda Item 20
Agreement for
Use of Document
Tracking Services
School Year 2019-
2020**

Approval of Agreement for Participation with Inside the Outdoors School Program Public Schools 2019-2020 Agreement Number 12025. District schools routinely participate in the Orange County Department of Education's outdoor science school/field trip programs and "Traveling Scientist" programs and assemblies.

**Agenda Item 21
Agreement for
Participation with
Inside the
Outdoors School
Program Public
Schools 2019 -
2020 Agreement
Number 12025**

Approval of Memorandum of Understanding (MOU) with MIND Research Institute July 1, 2019 through June 30, 2020 to outline the collaborative work between the District and MIND Research Institute regarding an analysis of data to examine a correlation between Smarter Balanced Assessment Mathematics scores and ST Math scores.

**Agenda Item 22
Memorandum of
Understanding
with Mind
Research Institute
2019-2020**

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Agenda Item 23**

Approval of the admissions preferences identified in OCASA college prep charter school's charter petition in the following priority order: (1) children of staff: biological, foster or adopted children or wards of any fulltime employee of OCASA college prep will receive an admission preference. (2) siblings of students admitted or attending OCASA college prep: siblings of students admitted or attending the charter school will receive an admission preference.

**OCASA College
Prep Charter
School Admissions
Preferences
Agenda Item 24**

Approval of the Amendment No. 2 to the Mobile Health Care Services Agreement with Children's Hospital of Orange County, dba CHOC Children's Hospital (CHOC), a non-profit public benefit Corporation.

**Amendment No. 2
to the Mobile
Health Care
Services
Agreement with
Children's
Hospital of
Orange County,
DBA Choc
Children's
Hospital
Agenda Item 25**

Approval of Agreement with California Student Aid Commission for FAFSA/Dream Act Completion Program for the 2019-2021.

**Agreement with
California Student
Aid Commission
for FAFSA/Dream
Act Completion
Program 2019-
2021
Agenda Item 26**

Approval for services with Orange County Department of Education (OCDE) to provide Gifted and Talented Education (GATE) Certification Training for up to 60 elementary teachers and up to 90 middle school teachers of GATE students.

**Agreement for
Services with
Orange County
Department of
Education to
Provide Gifted
and Talented
Education
Certification
Training for
Elementary
Teachers in 2019-
2020
Agenda Item 27**

Approval of the Memorandum of Understanding (MOU) with Sandy Hook Promise Foundation (SHPF).

**Memorandum of
Understanding
with Sandy Hook
Promise
Foundation
Agenda Item 28**

Approval of the Memorandum of Understanding (MOU) with the School Mobile Assessment Resource Team (SMART), for one year from July 1, 2019 through June 30,

**Memorandum of
Understanding
with School
Mobile**

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Approval of agreement for participation with Teaching One Moore to provide services to Palisades Elementary School in 2019-2020.

Assessment
Resource Team
Agenda Item 29
Agreement for
Participation with
Teaching One
Moore to Provide
Services to
Palisades
Elementary
School In 2019-
2020

Approval of agreement for participation with the YMCA of Orange County Laguna Niguel to provide Physical Education (P.E.) Programs for students at Bergeson Elementary School for the 2019-2020 school year.

Agenda Item 30
Agreement for
Participation with
the YMCA of
Orange County
Laguna Niguel to
Provide a Physical
Education
Program for
Students at
Bergeson
Elementary
School 2019-2020

Approval of the ratification of the Memorandum of Understanding (MOU) with Laguna Beach Unified School District (LBUSD) for the purpose of implementing special education services and programs to students referred by their Individual Education Program team.

Agenda Item 31
Memorandum of
Understanding
with Laguna
Beach Unified
School District
Agenda Item 32

Approval of the ratification of the Memorandum of Understanding (MOU) with Anaheim Union High School District (AUHSD) to provide special education programs and services for eligible District adult students (18 and older) who reside in group homes in AUHSD from August 7, 2019 through June 30, 2020.

Memorandum of
Understanding
with Anaheim
Union High
School District
Agenda Item 33

Approval of the Affiliation Agreement with University of Wisconsin - Eau Claire for Speech Language Pathology Fieldwork, effective September 1, 2019 and continuing through June 30, 2022.

Affiliation
Agreement with
University of
Wisconsin - Eau
Claire for Speech
Language
Pathology
Fieldwork
Agenda Item 34

Approval of the Communicative Disorders Program Agreement in a School Setting with California State University, Fullerton, effective on date agreement is fully signed and executed and continuing for five years from that date.

Communicative
Disorders Program
Agreement in a
School Setting with
California State
University,

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Approval of the Customer Master Agreement and Statement of Work with Fooda to provide food from outside vendors once or twice a week.

Approval of the activity list for employment, separation, and additional assignments of certificated employees.

Approval of the activity list for employment, separation, and additional assignments of classified employees.

Approval of the August 14, 2019 Special Board meeting minutes.

Approval of the August 21, 2019 Regular Board meeting minutes.

President Jones recognized Susan Holliday, Associate Superintendent, Education Services, to present this item.

It was moved by Trustee McNicholas and seconded by Trustee Jones to adopt the Resolution No.1920-24 Statement of Assurance for Instructional Materials Realignment Fund, Fiscal Year 2019-2020. The motion carried 7-0 by a roll call vote.

- AYES: Trustees Bullockus, Castellanos, Hanacek, Holloway, Jones, McNicholas, and Reardon
NOES: None
ABSENT: None

President Jones recognized Kirsten Vital, Superintendent, to present this item.

This was an information item only and no Board action was necessary.

President Jones recognized Kirsten Vital, Superintendent, to present this item.

This was an information item only and no Board action was necessary.

President Jones recognized Clark Hampton, Deputy Superintendent, Business and Support Services, to present this item.

The following speakers addressed the Board:

- *Michele Ploessel-Campbell spoke regarding SFID No. 2*

Fullerton
Agenda Item 35
Customer Master Agreement and Statement of Work with Fooda, Inc.
Agenda Item 36
Resignations/Retirements/Employment – Certificated Employees
Agenda Item 37
Resignations/Retirements/Employment – Classified Employees
Agenda Item 38
School Board Minutes
Agenda Item 39
School Board Minutes
Agenda Item 40
Resolution No. 1920-24, Statement of Assurance for Instructional Materials Realignment Fund, Fiscal Year 2019-2020:
Agenda Item 41
Presentation Regarding District Accomplishments from 2014-2019
Agenda Item 42
Presentation Regarding 2019-2020 District Goals
Agenda Item 43
Resolution No. 1920-22 of the Board of Trustees of the Capistrano Unified School District Ordering

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It was moved by Trustee Holloway and seconded by Trustee Hanacek to adopt Resolution No. 1920-22 of the Board of Trustees of the Capistrano Unified School District Ordering Formation of School Facilities Improvement District No. 2 (“Southern Region”). The motion carried 7-0 by a roll call vote.

AYES: Trustees Bullockus, Castellanos, Hanacek, Holloway,
Jones, McNicholas, and Reardon
NOES: None
ABSENT: None

**Formation of
School Facilities
Improvement
District No. 2
 (“Southern
Region”)
Agenda Item 44**

President Jones recognized Clark Hampton, Deputy Superintendent, Business and Support Services, to present this item.

It was moved by Trustee Bullockus and seconded by Trustee McNicholas to adopt Resolution No. 1920-23 of the Board of Trustees of the Capistrano Unified School District Ordering Formation of School Facilities Improvement District No. 3 (“Western Region”). The motion carried 7-0 by a roll call vote.

AYES: Trustees Bullockus, Castellanos, Hanacek, Holloway,
Jones, McNicholas, and Reardon
NOES: None
ABSENT: None

**Resolution No.
1920-23 of the
Board of Trustees
of the Capistrano
Unified School
District Ordering
Formation of
School Facilities
Improvement
District No. 3
 (“Western
Region”)
Agenda Item 45**

President Jones recognized Susan Holliday, Associate Superintendent, Education Services, to present this item.

It was moved by Trustee Reardon and seconded by Trustee McNicholas to approve Resolution No. 1920-25 to Approve the Petition for OCASA College Prep with Conditions, and with an amendment to the title of Resolution No. 1920-25 to *Approve the Petition for OCASA College Prep*. The motion carried 7-0 by a roll call vote.

AYES: Trustees Bullockus, Castellanos, Hanacek, Holloway,
Jones, McNicholas, and Reardon
NOES: None
ABSENT: None

**Resolution No.
1920-25 to
Approve the
Petition for
OCASA College
Prep Charter
School with
Conditions
Agenda Item 46**

Trustee Hanacek briefly left the meeting.

President Jones recognized Susan Holliday, Associate Superintendent, Education Services, to present this item.

It was moved by Trustee McNicholas and seconded by Trustee Holloway to table Resolution No. 1920-26, to Deny the Petition for OCASA College Prep Charter School. The motion carried 6-0-1.

Trustee Hanacek returned to the meeting.

**Resolution No.
1920-26 to Deny
the Petition for
OCASA College
Prep Charter
School
Agenda Item 47**

President Jones recognized Clark Hampton, Deputy Superintendent, Business and Support Services, to present this item.

The following speakers addressed the Board:

- *Constatine Lanziserra spoke regarding item #48*

**Second Reading of
Potential Ballot
Measure for
School Facilities
Improvement**

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This was an information item only and no Board action is necessary.

**District No. 2
“Southern
Region”
Agenda Item 48**

President Jones recognize Clark Hampton, Deputy Superintendent, Business and Support Services, to present this item.

**Second Reading of
Potential Ballot
Measure for
School Facilities
Improvement
District No. 3
“Western Region”
Agenda Item 49**

The following speakers addressed the Board:

- *Michele Ploessel-Campbell spoke regarding SFID No. 3*
- *Constatine Lanziserra spoke regarding SFID No. 3*

This was an information item only and no Board action was necessary.

President Jones recognize Clark Hampton, Deputy Superintendent, Business and Support Services, to present this item.

**Presentation on
Assembly Bill 300
with Next Steps
Agenda Item 50**

This was an information item only and no Board action was necessary.

President Jones left the meeting at 10:12 p.m.

Vice President McNicholas recognized Clark Hampton, Deputy Superintendent, Business and Support Services, to present this item.

**2019 Summer
Construction
Projects
Presentation
Agenda Item 51**

This was an information item only and no Board action was necessary.

Vice President McNicholas recognized Clark Hampton, Deputy Superintendent, Business and Support Services, to present this item.

**First Reading –
Board Policy 3554,
Other Food Sales
Agenda Item 52**

The following speakers addressed the Board:

- *Michele Ploessel-Campbell spoke regarding Board Policy 3554*

The Board gave direction to staff to bring this item back on the Consent Calendar on October 16, 2019 Regular Board Meeting.

Vice President McNicholas recognized Trustee Martha McNicholas, to present this item.

**Resolution No.
1920-27,
Resolution in
Support of the
Prioritization of
California
Resident Students
for Admission to
the University of
California
Agenda Item 53**

The following speakers addressed the Board:

- *Dawn Urbanek spoke regarding item #53*

It was moved by Trustee Hanacek and seconded by Trustee Bullockus to adopt Resolution No. 1920-27, Resolution in Support of the Prioritization of California Resident Students for Admission to the University of California. The motion carried 6-0-1 by a roll call vote.

AYES: Trustees Bullockus, Castellanos, Hanacek, Holloway,
McNicholas and Reardon

NOES: None

ABSENT: Jones

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It was moved by Trustee Reardon and seconded by Trustee Holloway to adjourn the **Adjournment** meeting, motion carried 6-0-1.

AYES: Trustees Bullockus, Castellanos, Hanacek, Holloway,
McNicholas and Reardon
NOES: None
ABSENT: Jones

Vice President McNicholas announced the meeting adjourned at 10:40 p.m.



Board Clerk


Secretary, Board of Trustees

Minutes submitted by Susie Schmidt, Administrative Assistant, Board Operations