

CAPISTRANO UNIFIED SCHOOL DISTRICT
BOARD OF TRUSTEES
MINUTES OF REGULAR MEETING
SEPTEMBER 23, 2020
EDUCATION CENTER – BOARD ROOM

Due to the nature of the COVID-19 pandemic and in accordance with Governor Newsom's Executive Order N-29-20, issued on March 17, 2020, the Board members will have the option to attend the meeting and take action on any item telephonically.

President Reardon called the meeting to order at 4:34 p.m.

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

President Reardon announced that staff pulled item #3B-4, ADR Case number 20190425.

ROLL CALL:

Present: Trustees Bullockus, Castellanos, Hanacek, Holloway, Jones, McNicholas, and Reardon
Absent: None

The following speakers addressed the Board:

- *Cory Hatchel spoke on behalf of Tesoro's student body and ASB President's in the District regarding the desire to return student's back to campus*
- *Sean Kelly spoke regarding safety for all and reopening the schools*
- *Kymerly Spector spoke regarding reopening during mid-semester and minutes lost in the classroom during hybrid*

The Board recessed to closed session to discuss: Public Health Emergency; Conference with Legal Counsel – Anticipated Litigation; Conference with Legal Counsel – Existing Litigation; Conference with Labor Negotiators; Conference with Real Property Negotiators.

**Closed Session
Comments**

The regular meeting of the Board of Trustees was called to order by President Reardon at 7:09 p.m.

ROLL CALL:

Present: Trustees Bullockus, Castellanos, Hanacek, Jones, McNicholas, Reardon and Student Advisor Bhaskar
Absent: Trustee Holloway

The Pledge of Allegiance was led by Jim Reardon, President, Board of Trustees.

**Pledge of
Allegiance
Permanent Record**

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

It was moved by Trustee McNicholas and seconded by Trustee Bullockus and motion carried by a 6-0-1 roll call vote to adopt the Regular Board agenda.

**Adoption of the
Board Agenda**

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

Student Advisor Bhaskar voted aye to adopt the agenda.

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Trustee Holloway joined the meeting at 7:15 p.m.

President Reardon asked Colleen Hayes, Manager II - Board Operations/
Superintendent's Office to read the report out of closed session:

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

Agenda Item #3A–Public Health Emergency

Trustees gave direction to staff.

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

Significant Exposure to Litigation – Four Cases

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

- ADR Case Number 20200828
- ADR Case Number 20190913
- ADR Case Number 20200831

Trustees voted 6-0-0-1, with President Reardon recusing himself, to approve staff
recommendations on:

- ADR Case Number 20200804

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

Significant Exposure to Litigation – Four Cases

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

- OAH Case Number 2020050164
- OAH Case Number 2020050247
- OAH Case Number 2020050768
- OAH Case Number 2020060266

Agenda Item #3D – Conference with Labor Negotiators

Trustees gave direction to staff.

Agenda Item #3E – Conference with Real Property Negotiators

Property: South Transportation and Groundskeeping Facility; 5.51 acre property located
at 26126 Victoria, Blvd, Dana Point, CA 92624

No reportable action.

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

**Board and
Superintendent
Comments
Oral
Communications**

The following speakers addressed the Board:

- *Christina Hellwig, teacher at SJHHS, spoke regarding safety in the classroom once returning to school on hybrid*
- *Amanda Dennison, teacher at NHMS, spoke regarding concerns with the reopening plan*
- *Jennifer Vega, teacher at AVMS and CUEA representative spoke regarding concerns with hybrid, less instructional minutes and asked the Board to consider looking at the AVMS model*
- *Hillary Salway spoke regarding COVID-19 and reopening schools safely*
- *Greg Young spoke representing CUEA*
- *Joy Schnapper spoke representing CUEA*
- *Jennifer Blyn spoke regarding the reopening plan and education of students*
- *Will Craven, senior at DHHS, spoke regarding mental health of students and returning to campus*

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- *Kelsey Torres teacher at ANHS, spoke regarding the hybrid model, tutorial and reopening of schools*
- *Michele Ploessel-Campbell spoke regarding PTA and PTSA support of distance learning*
- *Erik Silberman, teacher at ANHS, spoke regarding agenda item #38 being pulled*
- *Adi Narayanan, Junior at CVHS, spoke regarding the IB program and self-learning*
- *Jeff Guarino, teacher at DHHS, spoke regarding ventilation issues at school and reopening*
- *Marianne Weinell spoke requesting schools delay opening and recommended the Board look at the UCSD/UCI programs*
- *Elizabeth Swenson, teacher at DHHS, spoke regarding the reopening plan and teachers involvement in the plan*
- *Tim Sampson, teacher at DHHS, spoke regarding the multiple hours that all teachers have put into distance learning and the reopening plan*
- *Casey Swenson, teacher at SCHS, and on the executive board of CUEA, spoke regarding the hybrid model and safety when reopening schools*
- *Rebecca Heinsen, teacher at LNES, spoke regarding teachers working long hours and the health of students*
- *Ronda Walen spoke representing CSEA and cleaning and safety in classrooms*
- *Philip Schlesinger spoke regarding the reopening plan and safety for students, teachers and staff*
- *Margaret Black, teacher at Malcom Elementary, spoke regarding being a third generation teacher and the reopening plan*
- *Nic Smith, teacher at DHHS, spoke regarding the reopening and being an advocate for all students*
- *Ann Berger, teacher at Esencia K-8, spoke regarding distance learning, synchronous teaching and reopening*
- *Olivia Fu, representing CUSD Against Racism, spoke regarding Junipero Serra and renaming the school, Spanish speaking parent concerns and reopening*

At 8:30 p.m. President Reardon opened the Public Hearing on Resolution No. 2021-21, *Statement of Assurance for Instructional Materials Sufficiency, Fiscal Year 2020-2021.*

President Reardon closed the Public Hearing at 8:31 p.m.

**Public Hearing:
Resolution No.
2021-21,
Statement of
Assurance for
Instructional
Materials
Sufficiency, Fiscal
Year 2020-2021
Agenda Item 1
Consent Calendar**

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.

The following speaker addressed the Board:

- *Kimberly Jindra spoke regarding the sand volleyball courts at Tesoro High School*

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

It was moved by Trustee McNicholas and seconded by Trustee Castellanos motion carried 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

Student Advisor Bhaskar voted aye to approve the Consent Calendar.

Approval of donations of funds and equipment.

**Donation of Funds
and Equipment**

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

**Agenda Item 2
Purchase Orders,
Commercial
Warrants and
Previously Board-
Approved Bids
and Contracts**

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

**Agenda Item 3
Independent
Contractor,
Professional
Services, Field
Service, and
Master Contract
Agreements**

Approval of Change Order No. 2, Bid No. 1920-07 for the Tesoro High School Turf and Sand Volleyball Court Project related to restriping as well as changes requested by the District in order to assist in preventative maintenance related to the project.

**Agenda Item 4
Change Order No.
2, Bid No. 1920-
07, Tesoro High
School Turf and
Sand Volleyball
Court Project**

Approval of Change Order No. 3, Bid No. 1920-04 for the Aliso Niguel High School STEM Building Project related to changes to increase the size of a utility detection line, increase the size of the incoming gas line and an increase in the resolution of the new marquee display to match the other marquees in the District.

**Agenda Item 5
Change Order No.
3, Bid No. 1920-
04, Aliso Niguel
High School Stem
Building Project**

Approval of Change Order No. 4, Bid No. 1920-05 for the Newhart Middle School STEAM Building Project related to Americans with Disabilities Act compliance for the existing slopes and changes to the basketball hoop in order to meet District standards.

**Agenda Item 6
Change Order No.
4, Bid No. 1920-
05, Newhart
Middle School
Steam Building
Project
Agenda Item 7**

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Approval of the Final Acceptance and filing of the Notice of Completion for the Capistrano Valley High School, Dana Hills High School, San Clemente High School, Tesoro High School and District Office Solar Projects related to Resolution No. 1718-28.

**Final Acceptance and Filing of Notice of Completion for Capistrano Valley High School, Dana Hills High School, San Clemente High School, Tesoro High School and District Office Solar Projects Related to Resolution No. 1718-28 – Rec Solar Commercial Corporation
Agenda Item 8
First Amendment to Facilities Use Agreement – Right at School, LLC
Agenda Item 9
Food Service Agreement – Community Roots Academy
Agenda Item 10
Fourth Extension of Bid No. 1617-02, Tree Trimming Maintenance Service — West Coast Arborists, Incorporated
Agenda Item 11
Association of Educational Purchasing Agencies IFB Bid No. 020-D, Facility Management Software – Dude Solutions, Inc.
Agenda Item 12
Services Pricing Agreement – Turnitin, LLC
Agenda Item 13**

Approval of the First Amendment to Facilities Use Agreement with Right at School.

Approval of the Food Service Agreement for the District’s Food and Nutrition Services (FNS) department vending National School Lunch Program (NSLP) compliant meals for Community Roots Academy (CRA) during the 2020-2021 school year.

Approval of Fourth Extension of Bid No. 1617-02, Tree Trimming Maintenance Service with West Coast Arborists, Incorporated. Bid No. 1617-02 was awarded to the lowest responsive, responsible bidder on September 14, 2016 for the initial term of September 27, 2016 through September 26, 2017, with optional renewal terms.

Approval to utilize the Association of Educational Purchasing Agencies IFB Bid No. 020-D for the purchase of facility management software (SchoolDude) from Dude Solutions Inc., as needed, under the same terms and conditions of the public agency’s contract.

Approval of the ratification of Services Pricing Agreement with Turnitin, LLC to purchase anti-plagiarism and writing instruction support from Turnitin, LLC. The

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| Approval of the ratification of the Agreement with Ellevation, July 24, 2020 through October 31, 2020, for a Getting Started with Ellevation Online Training. | Agreement with Ellevation
Agenda Item 14 |
| Approval of the ratification of the agreement with College and Career Access Pathways Partnership agreement with South Orange County Community College District (SOCCCD), August 22, 2020 through August 31, 2023. | Biotechnology
College and Career Access Pathways Partnership
Agreement with South Orange County Community College District
Agenda Item 15 |
| Approval of the agreement with EUREKA, The California Career Information System, September 15, 2020 through September 14, 2021, to offer career interest and research resources to District students. | Agreement with Eureka, the California Career Information System
Agenda Item 16 |
| Approval of the ratification of Resolution No. 2021-03 for acceptance of the agreement with Children and Families Commission of Orange County (Commission). | Resolution No. 2021-03, for Acceptance of Agreement with Children and Families Commission of Orange County
Agenda Item 17 |
| Approval of Master Service Agreement and Statement of Work with Language Line Services, Inc., September 24, 2020 through June 30, 2021, for on-demand phone interpretation services in over 200 languages. | Master Service Agreement and Statement of Work with Language Line Services, Inc.
Agenda Item 18 |
| Approval of the ratification of the 2020-2021 school calendar. | Ratification of the 2020-2021 School Calendar
Agenda Item 19 |
| Approval of the ratification of the Service Order with Rosetta Stone, September 1, 2020 through August 30, 2021, to support improved student outcomes for middle and high school, newly enrolled English learner students, through online English language development activities to support distance and summer learning. | Service Order with Rosetta Stone
Agenda Item 20 |
| Approval of the ratification of the agreement with Silicon Valley Mathematics Initiative, July 1, 2020 through June 30, 2021, will provide licenses for middle school students enrolled in Math support classes. | Agreement with Silicon Valley Mathematics Initiative
Agenda Item 21 |
| Approval of the ratification of the agreement with The College Blueprint, July 1, 2020 through June 30, 2021, to provide college planning and guidance to American Indian students in grades 9 through 12, participating in the Indian Education Formula Grant | Agreement with the College Blueprint
Agenda Item 22 |

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program, and to provide college planning, guidance and college entrance test preparation to select students in grade 12 from low-income households.

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.

Approval of a Personnel Reimbursement Agreement with Laguna Beach Unified School District (LBUSD) to provide five days of instruction by a qualified Orientation and Mobility Specialist to LBUSD during the 2020-2021 school year.

Approval of a Personnel Reimbursement Agreement with Saddleback Valley Unified School District (SVUSD) to provide 40 days of instruction by a qualified Orientation and Mobility Specialist to SVUSD during the 2020-2021 school year.

Acceptance of Williams Settlement Legislation Orange County Department of Education (OCDE) Fourth Quarter Report.

Approval of payment of Spring 2020 Master Teacher Honorarium payments to District teachers who worked as master teachers to California State University, Fullerton (CSUF) students completing fieldwork requirements for their teaching credential during the Spring 2020 semester.

Approval of the Memorandum of Understanding for Student Teaching with Humboldt State University, effective October 1, 2020 and expiring June 30, 2024. During

Approval of the Advancement Via Individual Determination (AVID) College Readiness System Services and Products Agreement for AVID elementary and secondary membership.

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

**Memorandum of Understanding with Laguna Beach Unified School District
Agenda Item 23
Personnel Reimbursement Agreement with Laguna Beach Unified School District
Agenda Item 24
Personnel Reimbursement Agreement with Saddleback Valley Unified School District
Agenda Item 25
Orange County Department of Education Fourth Quarter Report – Williams Settlement Legislation
Agenda Item 26
California State University, Fullerton Spring 2020 Master Teacher Honorarium Payments
Agenda Item 27
Memorandum of Understanding for Student Teaching with Humboldt State University
Agenda Item 28
AVID College Readiness System Services and Products Agreement
Agenda Item 29
Resignations/Retirements/
Employment -**

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Approval of the activity list for employment, separation, and additional assignments of classified employees.	Certificated Employees Agenda Item 30 Resignations/ Retirements/ Employment - Classified Employees Agenda Item 31 School Board Minutes Agenda Item 32 School Board Minutes Agenda Item 33 School Board Minutes Agenda Item 34 School Board Minutes Agenda Item 35 Citizen's Request: Need for Board Resolution Regarding Proposition 15 Agenda Item 36 Citizen's Request: Need for Board Resolution Regarding Early Payment Discount on Vendor Invoices Agenda Item 37 Consideration and Possible Approval of Addendum #3 Reopening Plan for 2020-2021 School Year Agenda Item 38 Trustee Recommendation for the Board of Trustees to Consider a Name Change for Junipero Serra High School Agenda Item 39
Approval of the August 19, 2020 Regular Board Meeting Minutes.	
Approval of the August 26, 2020 Special Board Meeting Minutes.	
Approval of the September 2, 2020 Special Board meeting minutes.	
Approval of the September 16, 2020 Special Board meeting minutes.	
The citizen did not log into the meeting. This item was moved to the end of the Board meeting to allow the presenter ample time to login.	
The citizen did not log into the meeting. This item was moved to the end of the Board meeting to allow the presenter ample time to login.	
This item was pulled by staff.	
President Reardon recognized Gila Jones, Board of Trustees, to present the item.	
The following speaker addressed the Board:	
<ul style="list-style-type: none"><i>Lori Raygoza spoke on behalf of the Board members of the Native American Education Program, CUSD, regarding concerns about the name of Junipero Serra High School</i>	
It was moved by Trustee Holloway and seconded by Trustee Bullockus to form a committee and examine appropriate names for Junipero High School. A sub-committee of three Board members was named to include Trustees Bullockus, Holloway and Jones. The motion carried 7-0 by a roll call vote.	

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

Student Advisor Bhaskar voted aye to form a committee and examine appropriate names for Junipero High School.

It was moved by Trustee Reardon and seconded by Trustee McNicholas that the previously named committee review Board Policy 7511, *Naming of Facilities*, and propose revisions if necessary to the Board first, before the committee bring a recommendation for a name change for Junipero Serra High School. The motion carried 7-0 by a roll call vote.

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

Student Advisor Bhaskar voted aye that the previously named committee review Board Policy 7511, *Naming of Facilities*, and propose revisions if necessary to the Board first, before the committee bring a recommendation for a name change for Junipero Serra High School.

Student Advisor Bhaskar left the meeting at 9:22 p.m.

President Reardon recognized Kirsten M. Vital, Superintendent to present the item.

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

President Reardon recognized Kirsten M. Vital, Superintendent to present the item.

The following speaker addressed the Board:

- *Julie Robertson spoke regarding concerns with Apex and physical education*

This item was approved by a consensus of the Board and will be brought back for action on the Consent Calendar at the October 21, 2020 Regular Board meeting, and will include a focus on facilities.

President Reardon recognized Susan Holliday, Chief Administrative Officer, Education and Support Services to present the item.

The following speaker addressed the Board:

- *Erin McClure spoke regarding masks and CDPH guidelines*
- *Stephanie Tarzia spoke regarding reopening plans and middle school instructional minutes and schedule changes*
- *Michele Ploessel-Campbell spoke regarding data being outdated*
- *Julie Robertson spoke regarding guidance for elementary teachers and students*

It was moved by Trustee Holloway and seconded by Trustee McNicholas to approve the Learning Continuity and Attendance Plan. The motion carried 7-0 by a roll call vote.

**Presentation
Regarding District
Accomplishments
2019-2020
Agenda Item 40
Presentation
Regarding 2020-
2021 District
Goals
Agenda Item 41**

**Learning
Continuity and
Attendance Plan
Agenda Item 42**

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

President Reardon recognized Susan Holliday, Chief Administrative Officer, Education and Support Services to present the item.

**First Reading -
Board Policy 5152,
Suspension and
Expulsion/Due
Process
Agenda Item 43**

It was moved by Trustee McNicholas and seconded by Trustee Holloway to waive the second reading of Board Policy 5152, *Suspension and Expulsion/Due Process*. The motion carried 7-0 by a roll call vote.

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

It was moved by Trustee Jones and seconded by Trustee Castellanos to approve Board Policy 5152, *Suspension and Expulsion/Due Process* as amended. 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 Reardon recognized Susan Holliday, Chief Administrative Officer, Education and Support Services to present the item.

**Resolution No.
2021-21,
Statement of
Assurance for
Instructional
Materials
Sufficiency, Fiscal
Year 2020-2021
Agenda Item 44**

It was moved by Trustee Holloway and seconded by Trustee McNicholas to adopt Resolution No. 2021-21, *Determining Steps to Ensure Availability of Textbooks and Instructional Materials, 2020-2021*. 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 Reardon called upon the citizen to speak and present the item. The citizen was not logged in to the Board Meeting.

**Citizen's Request:
Need for Board
Resolution
Regarding
Proposition 15
Agenda Item 36**

It was moved by Trustee Jones and seconded by Trustee McNicholas to table this item indefinitely. 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 Reardon called upon the citizen to speak and present the item. The citizen was not logged in to the Board Meeting.

**Citizen's Request:
Need for Board
Resolution
Regarding Early
Payment Discount**

It was moved by Trustee Jones and seconded by Trustee McNicholas to table this item indefinitely. The motion carried 7-0 by a roll call vote.

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

**on Vendor
Invoices
Agenda Item 37**

Board President Reardon left the meeting at 10:25 p.m.

Vice President McNicholas recognized Susan Holliday, Chief Administrative Officer,
Education and Support Services to present the item.

**Master Contract
with New Vista
School for 2020-
2021**

It was moved by Trustee Holloway and seconded by Trustee Bullockus to approve the
Master Contract with New Vista School for 2020-2021. The motion carried 6-0-0-1 by a
roll call vote, with President Reardon recusing himself.

Agenda Item 45

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

It was moved by Trustee Hanacek and seconded by Trustee Bullockus to adjourn the
meeting, motion carried 6-0-1 by a roll call vote.

Adjournment

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

Vice President McNicholas announced the meeting adjourned at 10:31 p.m.



Board Clerk



Secretary, Board of Trustees

Minutes submitted by Colleen Hayes, Manager II, Board Operations/Superintendent's Office