

CAPISTRANO UNIFIED SCHOOL DISTRICT
BOARD OF TRUSTEES
MINUTES OF REGULAR MEETING
NOVEMBER 18, 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 4:04 p.m.

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

ROLL CALL:

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

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 Real Property Negotiators; Conference with Labor Negotiators; Public Employee Discipline/Dismissal/Release

**Closed Session
Comments**

The regular meeting of the Board of Trustees was called to order by President Reardon at 7:01 p.m.

ROLL CALL:

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

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 Jones and seconded by Trustee McNicholas 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

Trustee Holloway rejoined the meeting telephonically.

Trustee Hanacek recommended agenda item #35 be presented last on the agenda.

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

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ADR Case Number 20200813
ADR Case Number 20200928
ADR Case Number 20201019
ADR Case Number 20201023
ADR Case Number 20201026

Significant Exposure to Litigation – One Case – B-6
Martinez v. State of California Special Education Class Action Litigation
No reportable action.

Significant Exposure to Litigation – One Case – B-7
Trustees gave direction to staff.

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

Significant Exposure to Litigation – Two Cases
Trustees voted 7-0 to approve staff recommendation on the following cases:
OAH Case Number 2020060471
OAH Case Number 2020070107

Agenda Item #3D – Conference with Real Property Negotiators

Property: 33122 Valle Rd, San Juan Capistrano, CA 92675, SchoolsFirst Federal Credit
Union
No reportable action.

Agenda Item #3E – Conference with Labor Negotiators

Trustees gave direction to staff.

Agenda Item #3F – Public Employee Discipline/Dismissal/Release

Trustee gave direction to staff.

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:

- *Jennifer Ellinger spoke regarding the block schedule and the need to reevaluate the reopening plan.*
- *Johanna Roberts spoke regarding spoke regarding grades during the pandemic and distance learning.*
- *Michele Ploessel-Campbell spoke regarding COVID-19, charter schools and education.*

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.

President Reardon asked Trustees for items they wished to pull from the Consent Calendar. Staff pulled agenda item 22, Trustee Hanacek pulled agenda item 20.

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It was moved by Trustee McNicholas and seconded by Trustee Hanacek, motion carried by a 7-0 roll call vote to approve the following Consent Calendar with the exception of items pulled.

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
Agenda Item 1**

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

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

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 3**

Approval of amendment of Resolution No. 2021-08, Emergency Flood Mitigation and Repair Services to include American Technologies, Incorporated (ATI) and Baldwin Builders for flood mitigation services due to a fire system supply line rupture at Vista Del Mar Elementary School.

**Amend Resolution
2021-08,
Emergency Flood
Mitigation and
Repair Services
Agenda Item 4**

Approval of Award of Bid No. 2021-09, Philip Reilly Elementary School Shade Structure to A2Z Construct Incorporated.

**Award Bid No.
2021-09, Philip
Reilly Elementary
School Shade
Structure – A2Z
Construct
Incorporated
Agenda Item 5**

Approval of Change Order No. 1, Bid No. 1920-08, CCA Portable Classroom Project at Capistrano Valley High School related to the return of the unused allowance from the project.

**Change Order No.
1, Bid No. 1920-
08, CCA Portable
Classroom Project
at Capistrano
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School
Agenda Item 6**

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Approval of Change Order No. 1, Bid No. 2021-07 for the Bridges Community Day High School Restroom Portable Project related to alterations of unknown site conditions and existing utilities.	Change Order No. 1, Bid No. 2021-07, Bridges Community Day High School Restroom Portable Project Agenda Item 7
Approval of Change Order No. 4, Bid No. 1920-07 for the Tesoro High School Turf and Sand Volleyball Court Project related to the installation of concrete under exterior stairs at Building D.	Change Order No. 4, Bid No. 1920-07, Tesoro High School Turf and Sand Volleyball Court Project Agenda Item 8
Approval of Change Order No. 5, Bid No. 1920-04 for the Aliso Niguel High School STEM Building is related to credits back to the District for scope eliminations, as well as additions related to unforeseen utilities issues and a correction due to incorrect sizing for the elevator.	Change Order No. 5, Bid No. 1920-04, Aliso Niguel High School Stem Building Project Agenda Item 9
Approval of the Final Acceptance and filing of the Notice of Completion for Bid No. 1920-08 for the CCA Portable Classroom Project at Capistrano Valley High School.	Final Acceptance and Filing of Notice of Completion for Bid No. 1920-08, CCA Portable Classroom Project at Capistrano Valley High School Agenda Item 10
Approval of License Agreement with College and Career Advantage for use of real property at Capistrano Valley High School.	License Agreement for Use of Real Property at Capistrano Valley High School – College and Career Advantage Agenda Item 11
Approval to utilize the State of California Multiple Award Schedule (CMAS) Contract No. 4-18-75-0059C, General Service Administration (GSA) Schedule No. GS-02F-0207X and any subsequent revisions, amendments, and extensions awarded to Supply Solutions, for the purchase and warranty of office products, and restroom supplies and accessories as needed by the District.	State of California Multiple Award Schedule Contract No. 4-18-75-0059c, General Services Administration Schedule No. GS-02F-0207X, Purchase and Warranty of Office Products, and Restroom

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Approval to utilize the State of California Multiple Award Schedule (CMAS) Contract No. 4-20-00-0126B, Base Schedule No. 080819-TFU, and any subsequent revisions, amendments, and extensions awarded to Tarkett USA, Incorporated, for the purchase, warranty, maintenance, and installation of carpet and floor coverings as needed throughout the District.

Approval to utilize the State of California Multiple Award Schedule (CMAS) Contract No. 4-20-00-0130A, Base Schedule No. AEPA IFB# 020-A, and any subsequent revisions, amendments, and extensions awarded to AstroTurf Corporation, for the purchase, warranty, installation, and maintenance of athletic surfaces as needed throughout the District.

Approval to utilize the Education Technology Joint Powers Authority (Ed Tech JPA) Master Contract, awarded to Hoonuit, LLC and any subsequent revisions, amendments, and extensions, for the purchase and warranty of certain education support software, specifically electronic educational intelligence and analytics solution, as needed by the District.

Approval of Resolution No. 2021-22, State Allocation Board and School Facility Program Proposition 51 Beyond Bond Authority Acknowledgment.

**Supplies and
Accessories –
Supply Solutions
Agenda Item 12
State of California
Multiple Award
Schedule Contract
No. 4-20-00-
0126B, Base
Schedule No.
080819-TFU,
Purchase,
Warranty,
Maintenance, and
Installation of
Carpet and Floor
Coverings –
Tarkett USA,
Incorporated
Agenda Item 13
State of California
Multiple Award
Schedule Contract
No. 4-20-00-
0130A, Base
Schedule No.
AEPA IFB# 020-
A, Purchase,
Warranty,
Installation, and
Maintenance of
Athletic Surfaces
– AstroTurf
Corporation
Agenda Item 14
Education
Technology Joint
Powers Authority
Master Contract –
Hoonuit, LLC
Agenda Item 15
Resolution No.
2021-22, State
Allocation Board
and School
Facility Program
Proposition 51
Beyond Bond
Authority
Acknowledgment
Agenda Item 16**

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Approval of Resolution No. 2021-23, Approving the Annual and Five-Year Reportable Fees Report for Fiscal Year 2019-2020, in compliance with Government Code § 66006 and § 66001.

Resolution No. 2021-23, Approving the Annual and Five-Year Reportable Fees Report for Fiscal Year 2019-2020, in Compliance with Government Code § 66006 and § 66001

Approval of Resolution No. 2021-24, Authorization to Sign Applications and Associated Documents and Support of Applications in Support of Applications for Eligibility Determination and Funding.

Agenda Item 17 Resolution No. 2021-24, Authorization to Sign Applications and Associated Documents and Support of Applications for Eligibility Determination and Funding

Approval of Resolution No. 2021-25, In Support of the Filing of an Application for State Funding for Capistrano Unified School District Eligible Facilities.

Agenda Item 18 Resolution No. 2021-25, in Support of The Filing of an Application For State Funding for Capistrano Unified School District Eligible Facilities

Approval of the ratification of the agreement for participation with the Art Masters Legacy Program at Carl Hankey Middle School for 2020-2021.

Agenda Item 19 Agreement for Participation with the Art Masters Legacy Program 2020-2021

Approval of Burn-In Mindset Consulting Services Agreement November 18, 2020 – June 30, 2021.

Agenda Item 21 Burn-In Mindset Consulting Services Agreement

Approval of the ratification of the Independent Contractor Agreement with California Youth Services July 1, 2020 – June 30, 2021.

Agenda Item 23 California Youth Services Independent Contractor Agreement July 1, 2020 – June 30,

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Approval of the ratification of the Hybrid and Distance Learning Collaborative Letter of Agreement, November 1, 2020 – November 30, 2021.	Agenda Item 24 Hybrid and Distance Learning Collaborative Letter of Agreement
Approval of the ratification of Agreement No. 50458 with the Orange County Superintendent of Schools, Strong Workforce Program K12 (SWP K12) Pathway Improvement Grant (Round 2) Service Agreement for the period of July 1, 2020 through December 31, 2022.	Agenda Item 25 Agreement No. 50458 with the Orange County Superintendent of Schools
Approval of the School Plans for Student Achievement (SPSA) and Budgets for the 2020-2021 school year.	Agenda Item 26 School Plans for Student Achievement and Budgets For 2020- 2021
Approval of the Clinical Affiliation Agreement with Emerson College, effective on November 19, 2020 and continuing through June 30, 2022.	Agenda Item 27 Clinical Affiliation Agreement with Emerson College
Acceptance of Williams Settlement Legislation Uniform Complaint First Quarter Report.	Agenda Item 28 First Quarter Report – Williams Settlement Legislation Uniform Complaint
Approval of Annual Report – Williams Settlement Legislation, 2019-2020 School Year.	Agenda Item 29 Annual Report – Williams Settlement Legislation, 2019- 2020 School Year
Approval of the activity list for employment, separation, and additional assignments of certificated employees.	Agenda Item 30 Resignations/ Retirements/ Employment - Certificated Employees
Approval of the activity list for employment, separation, and additional assignments of classified employees.	Agenda Item 31 Resignations/ Retirements/ Employment - Classified Employees
Approval of the October 21, 2020 Regular Board Meeting Minutes.	Agenda Item 32 School Board Minutes Agenda Item 33

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President Reardon recognized Gregory Merwin, Chief Academic Officer, Education and Support Services to present the item.

**Ratification of
Addendum #3
Reopening Plan
for 2020-2021
School Year
Agenda Item 20**

It was moved by Trustee Hanacek and seconded by Trustee Bullockus to approve the Ratification of Addendum #3 Reopening Plan for 2020-2021 School Year as amended.

Superintendent Vital summarized the following language: *After registration is confirmed, if demand for Programs A and B at any elementary school exceeds 70% or if there are no available seats for new enrollment, students will be able to attend a different elementary school campus to support all Program A and B learning requests. Students who are not able to attend Program A or B at their school of residence in the third trimester will be able to return to their school of residence for the 2021-2022 school year. School of residence is defined as the school where the student was originally attending before moving to Program C. The student would then have priority to return to that 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 to approve the Ratification of Addendum #3 Reopening Plan for 2020-2021 School Year.

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

**Budget Overview
for Parents 2020-
2021
Agenda Item 22**

It was moved by Trustee Jones and seconded by Trustee McNicholas to approve the Budget Overview for parents 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

Student Advisor Bhaskar voted aye to approve the Budget Overview for Parents 2020-2021.

President Reardon recognized Clark Hampton, Deputy Superintendent, Business and Support Services to present the item.

**Certification of
the 2020-2021
First Interim
Report
Agenda Item 34**

It was moved by Trustee Jones and seconded by Trustee Bullockus to approve the Certification of the 2020-2021 First Interim Report. 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 to approve the Certification of the 2020-2021 First Interim Report.

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

**First Reading -
Board Policy
5131.2, Bullying
Agenda Item 36**

Trustees gave direction to staff to bring back this policy for a second reading.

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

**Report on High
School Student
Data, Based on the
Implementation of
the Temporary
Board Policy
T6146.1, High
School
Graduation
Requirements,
Board Approved
on July 15, 2020,
and Reagendized
on August 5, 2020,
with Direction to
Return to the
Board, with
Student Outcomes
Agenda Item 37
First Reading –
Special Education
Local Plan Area
Agenda Item 38**

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

Trustees gave direction to staff to bring back this policy for a second reading.

President Reardon recognized Gregory Merwin, Chief Academic Officer, Education and Support Services to present the item.

It was moved by Trustee Jones and seconded by Trustee Holloway to waive the second reading on the Special Education Local Plan Area. 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 to waive the second reading on the Special Education Local Plan Area.

It was moved by Trustee McNicholas and seconded by Trustee Jones to approve the Special Education Local Plan Area. 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 to approve the Special Education Local Plan Area.

President Reardon recognized Clark Hampton, Deputy Superintendent, Business and Support Services to present the item.

**Amendment to
Reciprocal
Parking License
Agreement for**

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It was moved by Trustee Jones and seconded by Trustee Bullockus to approve Amendment to the Reciprocal Parking License Agreement with the Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-Day Saints. The motion carried 7-0 by a roll call vote.

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

**San Juan Hills
High School – the
Corporation of
the Presiding
Bishop of the
Church of Jesus
Christ of Latter-
Day Saints
Agenda Item 39**

Student Advisor Bhaskar voted aye to approve Amendment to the Reciprocal Parking License Agreement with the Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-Day Saints.

President Reardon recognized Clark Hampton, Deputy Superintendent, Business and Support Services to present the item.

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

President Reardon recognized Clark Hampton, Deputy Superintendent, Business and Support Services to present the item.

It was moved by Trustee Bullockus and seconded by Trustee McNicholas to adopt Resolution No. 2021-26, A Resolution of the Board of Trustees of the Capistrano Unified School District Authorizing the Issuance of Not-to-Exceed \$5,000,000 Aggregate Principal Amount of Community Facilities District No. 98-1A of the Capistrano Unified School District (Pacifica San Juan) Special Tax Bonds, Series 2020, Approving the Execution and Delivery of a Second Supplemental Indenture, a Bond Purchase Agreement and a Continuing Disclosure Certificate and the Preparation of an Official Statement and Other Matters Related Thereto. The motion carried 7-0 by a roll call vote.

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

**Update on
Financing Plans
for the Pacifica
San Juan
Community
Facilities District
Agenda Item 40
Resolution No.
2021-26, a
Resolution of the
Board of Trustees
of the Capistrano
Unified School
District
Authorizing the
Issuance of Not-
to-Exceed
\$5,000,000
Aggregate
Principal Amount
of Community
Facilities District
No. 98-1A of the
Capistrano
Unified School
District (Pacifica
San Juan) Special
Tax Bonds, Series
2020, Approving
the Execution and
Delivery of a
Second
Supplemental
Indenture, a
Bond Purchase
Agreement and a
Continuing
Disclosure
Certificate and**

Student Advisor Bhaskar voted aye to adopt Resolution No. 2021-26, A Resolution of the Board of Trustees of the Capistrano Unified School District Authorizing the Issuance of Not-to-Exceed \$5,000,000 Aggregate Principal Amount of Community Facilities District No. 98-1A of the Capistrano Unified School District (Pacifica San Juan) Special Tax Bonds, Series 2020, Approving the Execution and Delivery of a Second Supplemental Indenture, a Bond Purchase Agreement and a Continuing Disclosure Certificate and the Preparation of an Official Statement and Other Matters Related Thereto.

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**the Preparation of
an Official
Statement and
Other Matters
Related Thereto
Agenda Item 41
Resolution No.
2021-27, a
Resolution of the
Board of Trustees
of the Capistrano
Unified School
District
Authorizing the
Issuance of Not-
to-Exceed
\$8,000,000
Aggregate
Principal Amount
of Community
Facilities District
No. 98-1B of the
Capistrano
Unified School
District (Pacifica
San Juan) Special
Tax Bonds, Series
2020, Approving
the Execution and
Delivery of a First
Supplemental
Indenture, a
Bond Purchase
Agreement and a
Continuing
Disclosure
Certificate and
the Preparation of
an Official
Statement and
Other Matters
Related Thereto
Agenda Item 42
Bond March 2020
Post-Election
Analysis
Presentation
Agenda Item 35**

President Reardon recognized Clark Hampton, Deputy Superintendent, Business and Support Services to present the item.

It was moved by Trustee McNicholas and seconded by Trustee Bullockus to adopt Resolution No. 2021-27, A Resolution of the Board of Trustees of the Capistrano Unified School District Authorizing the Issuance of Not-To-Exceed \$8,000,000 Aggregate Principal Amount of Community Facilities District No. 98-1B of the Capistrano Unified School District (Pacifica San Juan) Special Tax Bonds, Series 2020, Approving the Execution and Delivery of a First Supplemental Indenture, a Bond Purchase Agreement and a Continuing Disclosure Certificate and the Preparation of an Official Statement and Other Matters Related Thereto. 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 to adopt Resolution No. 2021-27, A Resolution of the Board of Trustees of the Capistrano Unified School District Authorizing the Issuance of Not-To-Exceed \$8,000,000 Aggregate Principal Amount of Community Facilities District No. 98-1B of the Capistrano Unified School District (Pacifica San Juan) Special Tax Bonds, Series 2020, Approving the Execution and Delivery of a First Supplemental Indenture, a Bond Purchase Agreement and a Continuing Disclosure Certificate and the Preparation of an Official Statement and Other Matters Related Thereto.

President Reardon recognized Clark Hampton, Deputy Superintendent, Business and Support Services to present the item.

The following speakers addressed the Board:

- *Michele Ploessel-Campbell spoke regarding the bonds.*

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

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It was moved by Trustee Jones and seconded by Trustee Bullockus to adjourn the meeting, **Adjournment** 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 to adjourn the meeting.

President Reardon announced the meeting adjourned at 10:16 p.m.



Board Clerk



Secretary, Board of Trustees

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