

**VENTURA COUNTY BOARD OF EDUCATION
MINUTES OF REGULAR MEETING OF
March 9, 2007**

A. CALL TO ORDER

1. Call To Order, Pledge of Allegiance to the Flag, and Moment of Reflection
The Regular meeting of the Ventura County Board of Education, Agenda No. 07-05, was called to order by Mr. Marty Bates, President, at 8:05 a.m. on Friday, March 9, 2007, in the Conejo Room of the Administrative Services Center, 5189 Verdugo Way, Camarillo. The Pledge of Allegiance to the Flag was led by Mr. Bates and followed by a moment of reflection.

2. Roll Call

Trustees Present:

Mary Louise Peterson, Area 1 – *Arrived at 8:30 a.m.*

Marty Bates, Area 2

Chris Valenzano, Area 3

Dean Kunicki, Area 4

Ron Matthews, Area 5

VCOE Personnel Present:

Charles Weis, Ventura County Superintendent of Schools and Ex-Officio
Secretary and Executive Officer of the Board

Nancy Manley, Executive Assistant to Dr. Weis

Sandra Shackelford, Associate Superintendent, Educational Services

Stan Mantooth, Associate Superintendent, Administrative Services

Dr. Cary Dritz, Associate Superintendent, Student Services

Benny Martinez, Budget & Accounting Manager

Lisa Worsley, Senior Accountant

Peggy White, Accountant

3. Approval of Agenda

Mr. Valenzano moved the agenda be approved. Mr. Matthews seconded the motion, and it carried 4:0. Mrs. Peterson was absent.

Mr. Valenzano questioned the materials (e-mails) included in the correspondence portion of the packet. Dr. Weis noted that it was determined that when more than two members of the Board receive an e-mail, those communications are subject to the Brown Act and should be included in a Board packet.

B. PUBLIC COMMENTS

None.

C. HEARINGS

None.

D. CLOSED SESSION

None.

E. PRELIMINARY

1. Approval of Minutes of Regular Meeting of January 22, 2007.

Mr. Bates noted that the tapes of this meeting have been reviewed and that requested changes are noted in italics.

Mr. Valenzano noted that Mrs. Peterson requested that this item be tabled as she had not received a copy of the audiotapes.

Mr. Matthews moved the Minutes of the Regular Meeting of January 22, 2007 be approved. Mr. Bates seconded the motion, and it carried 3:0:1, with Mr. Bates abstaining. Mrs. Peterson was absent.

2. Approval of Minutes of Regular Meeting of February 26, 2007.

Per the request of the Board President, these minutes provide only summaries of the agenda item discussions. Board members may request copies of the audio-tape further detail is needed.

Mr. Valenzano noted that Mrs. Peterson requested that this item be tabled as she had not received a copy of the audiotapes. Mr. Matthews moved the Minutes of the Regular Meeting of February 26, 2007 be approved. Mr. Bates seconded the motion, and it carried 4:0.

F. CORRESPONDENCE

Mr. Bates requested that Dr. Weis provide information as to why the e-mails were included in correspondence. Dr. Weis reported that there have been modifications to the Brown Act to include e-mail communications as seratim meetings so that any time a member of the public, or a Board member, e-mails more than two members of the Board, it should become part of the public record. If Board members are aware of other such communications between more than two Board members, it is there obligation to make them available to the public. Mr. Valenzano requested a copy of the Government Code citation.

1. E-mails between Lynn Jamison and Mr. Matthews regarding textbook adoption, titled, "Your recent comments."

2. E-mails between Mrs. Peterson and Dr. Weis titled, “4th request for a meeting.”
3. E-mails between Mrs. Peterson and Mr. Bates titled, “Supporting documents on proposed policies/policy changes.”
4. E-mails between Mr. Bates and Board members titled, “2/26 meeting.”
5. E-mail to Board members from Mrs. Peterson titled, “VCBE Legal Authority.”

G. PRESIDENT’S AND BOARD MEMBERS’ REPORTS

Mr. Bates stated that the Board meetings will follow the Roberts Rules of Order and Parliamentary Procedure. He appointed Dr. Weis as parliamentarian and indicated that, in Dr. Weis’ absence, Ms. Shackelford would serve in this role. Mr. Valenzano and Mr. Matthews requested a copy of the most recent version of Roberts Rules.

1. Mr. Valenzano reported that there is an ongoing issue of Interdistrict transfers between Fillmore Unified and Santa Clara School Districts. Fillmore Unified is not releasing approximately 19 students to attend the Santa Clara School District. Mr. Valenzano reported that he will be meeting with parent groups. There are two issues involved. One is the 3% cap on Interdistrict transfer releases and the other is NCLB and Program Improvement Schools. Mr. Valenzano asked that Dr. Weis provide information as to whether a district can count those students transferring out under to NCLB as part of the 3% cap.

Dr. Weis will provide a briefing to the Board at a future meeting. The parents can appeal, however, they have been notified that per the advice of their legal counsel, the Board cannot uphold the appeal.

2. Dr. Weis noted that Mrs. Peterson and he will be attending the CCBE/PTA/CCSESA Conference in Palm Springs on March 22-25, 2007. Mr. Matthews indicated that he will be attending also.

H. SUPERINTENDENT’S REPORT

None.

I. LEGISLATIVE REPORT

None.

J. CONSENT/ACTION

None.

K. PRESENTATIONS

None.

L. DISCUSSION/INFORMATION/ACTION

1. Budget Revision #2

Mr. Mantooth introduced Benny Martinez, Lisa Worsley and Peggy White, and indicated that Mr. Etchart was not in attendance as he is serving as Chair of a statewide committee. The impacts of the budget revision are incorporated into the Second Period Interim Report. Mr. Mantooth noted a typographical error in the revision, but it has no fiscal impact. On page 14 of 16, Program 728, Teacher Support Workshops budget, the \$756,821 should be \$456,821.

Dr. Weis noted that the enrollment at both Providence and Gateway Schools has dropped and the Office is very concerned. Contributing factors include a policy shift in the incarceration of youth and the fact that local school districts are opening their own Community Day Schools. There are ongoing costs that are at Providence and Gateway as there are teachers at both sites with annual contracts. Efforts are being made to address the financial issues involved and limit the level of deficit spending as much as possible.

Mr. Matthews moved the Board approve Budget Revision #2. Mr. Valenzano seconded the motion, and it carried 5:0.

2. Second Period Interim Report

Mr. Mantooth presented the Second Period Interim Report. The effects of Budget Revision #2 are incorporated within this report. This report is provided to the State and reflects revenues and expenditures through January 31, 2007. This report includes a positive certification.

Mr. Mantooth noted that the deficiency of revenues over expense of \$13 million. Nearly all of that money is for the Conference Center expenditures. There is a projected ending balance of \$10.5 million balance after the Conference Center is paid for. The designated reserves, which are restricted, account for 2/3rds of this amount.

Mr. Valenzano asked if the \$1 million payment for the EBS lease was included. Mr. Mantooth responded that it does not. The payment was received last week and will be incorporated into the year-end actuals.

Mr. Kunicki moved the Board acknowledge review of the Second Period Interim Report with the Superintendent's positive certification. Mr. Valenzano seconded the motion, and it carried 4:0.

3. Budget Study Session

Designated budgets for Fund 013 (Special Projects Restricted), Fund 017 (Special Projects Unrestricted) and Fund 120 (Child Development) were provided for review and discussion. A synopsis by Dr. Tom Kimberling, Board Budget Consultant, was included in the explanatory materials. Dr. Kimberling addressed the impact of layoffs.

Mr. Mantooth noted that it is anticipated that the Office will be forced to eliminate three positions at Providence/Gateway. In addition, there are positions in Homeless and Foster Youth programs. Dr. Kimberling notes that the increase in expenditures for the SACS project will be covered by a reduction in teacher support workshops. That is not the case. SACS shows up as an expenditure, but the money is provided by the local school districts. The Office anticipates making the final payment for the web-based software this year.

Mr. Valenzano requested clarification on the SACS program expenses. He asked if school districts were being reimbursed for their expense under the Mandated Costs program. Mr. Mantooth reported that the Office and districts received an initial payment from the State which was used to cover a portion of the cost of the SACS and ESCAPE programs. The State's mandate was to switch to the standardized account code structure. The ESCAPE program went beyond this. The initial payment from the State was insufficient to cover the entire costs and the districts then kicked in the additional amounts. It is anticipated that the Office will make the final payment for the web-based software in 2007-08.

Mr. Valenzano requested that the Office look into drafting a letter to the State asking that they fully fund this mandated expense and if this is done, that the Office reimburse the districts for the excess costs. Mr. Mantooth will research this matter further to see if anyone has filed a mandated cost test claim.

Program 734 is the Bilingual Teacher Training Program (BTTP).

The budget continues to change. There are indications that the COLA may drop from 4.04% to 3.92%. COLAs have been budgeted for Child Care Planning Council and Professional Development Block Grant, two restricted programs, in order to adsorb their step and column increases. Budget carryovers are not included in this document. A 15% increase in health payment premiums is budgeted. The Office does not anticipate an increase in the workers compensation rates.

Fund 013, Special Projects Restricted

Mr. Mantooth noted that this is the most restricted fund. There were no questions from the Board.

Fund 017, Special Projects Unrestricted

Fund 017 incorporates donations and workshop revenues. The \$572,000 ending balance will be zeroed out when the final payment on the ESCAPE software is made. Mr. Kunicki questioned the donations to the ROP, asking if there have been conversations with the Workforce Investment Board (WIB) pertaining to donations. Dr. Weis responded that WIB is a federally funded program, from which donations cannot be given. The ROP does have an advisory Board made up of more than 300 businesses. Mr. Mantooth noted that this budget only shows monetary donations. The ROP receives a large number of donations of equipment, cars, computers, etc., which are not reflected in the budget.

Mrs. Peterson stated that last year, the Board addressed evaluation of programs for effectiveness. She remembered that there was a concern regarding Teacher Support Programs workshops and the integration of technology and asked if this has been addressed and how the budget was utilized to improve this. She is trying to find a nexus between the how the budgetary decisions the Board makes affect the quality of programs. After further discussion, it was determined that Mrs. Peterson would send her request to staff, via e-mail, and will refer back to the actual meeting and the concern.

Fund 120, Child Development

Mr. Mantooh indicated that any revisions to this budget must be approved by the Child Development agency itself. Any unspent, unbudgeted funds remaining at the end of the year, must be given back to the State.

This item was presented for information only.

4. Subcommittee Report on Potential Lobbyist, including range of cost

Mr. Kunicki stated that one of the goals of the Subcommittee was to come back with a recommendation of firms for the Board. Factors such as size of firm, type of representation offered, how tied the lobbyists are to the education community and the Latino Caucus, were considered. Mr. Kunicki e-mailed a packet of information to all Board members, and copies were provided at the meeting.

The Subcommittee recommended that the Board contract with Capitol Venture, LLC, of Sacramento and their principal, Mr. Yocca. The Subcommittee would like to have the lobbyist start on the ROP issue as soon as possible. Placeholder legislation was submitted for equalization of ROP funds across counties. The consultant group will need additional information and cooperation from staff. Another issue the lobbyist could address is the County Committee.

Mr. Kunicki noted that there are approximately \$2 trillion in funds available at the federal level, that are not earmarked through legislation. For this reason, the Subcommittee also addressed Anchor Consulting, LLC of Washington DC. It was reported that there is a potential for 10 to 1, return to investment. This firm would meet with Dr. Weis, staff and Board members to develop a Targeted Capabilities Report which would identify a list of programs for which funding would need to be provided.

The Subcommittee recommended the Board contract with Capitol Venture, LLC, of Sacramento; and Anchor Consulting, LLC, of Washington D.C. These two firms know of each other and are willing to work together. The Subcommittee asked that the Board authorize them to move forward with developing a contract for services. It is anticipated that each firm would charge approximately \$10,000 per month.

Mrs. Peterson moved the Board authorize the Subcommittee and Dr. Weis to pursue contracts with Capitol Venture, LLC., and Anchor Consulting LLC., contingent upon discussions with the Office to find the funds that will be earmarked for these contracts. Mr. Valenzano seconded the motion for discussion purposes.

Mr. Valenzano moved the motion be amended to remove the contingency clause and instead state that following negotiations, Dr. Weis and staff will determine a way to incorporate the funding into the 2006-07 budget. Mr. Bates seconded the amendment by Mr. Valenzano.

Mrs. Peterson asked about the risks involved. How much have the other government agencies invested and how much return have they received. She indicated that it was important that the Board perform due diligence. In addition, Mrs. Peterson requested a line item budget that explicitly addresses where the funds have been drawn from. Mr. Mantooth noted that this would be a requirement of law that it be clearly addressed.

Mr. Kunicki moved the Board meeting be extended to 10:30 a.m. Mrs. Peterson seconded the motion, and it carried 5:0.

Mr. Valenzano noted that the Board is anticipating receiving \$1 million in ongoing revenues from the lease of the Excess Broadband Capacity. The Board is discussing utilizing these funds for a larger return to get any funding they can to fund the education of Ventura County youth.

Mrs. Peterson questioned the \$1 million revenue. Mr. Mantooth noted that the first payment of these funds have come in. In addition, the Office has received a request from the SELPA for a long-term lease to occupy the unincorporated portion of the Conference Center. It was hoped that the addition \$1 million in funds would not be immediately utilized. \$1 million in funds could be found from the existing budget.

Mr. Valenzano called for the question. The call passed 5:0.

Mr. Bates called for a voted on the motion that the Board authorize the Subcommittee and Dr. Weis to pursue contracts with Capitol Venture, LLC., and Anchor Consulting LLC., and that following negotiations, the fees be incorporated within the 2006-07 budget. Mrs. Peterson moved to amend the motion to limit the contract to doing only a sample targeted capabilities report. The motion to amend failed as there was no second to the motion.

The vote was taken on the motion, and it carried 5:0.

The Board took a ten minutes break at 9:47 a.m.

5. 2007 CSBA Delegate Assembly Election
Ballot materials for the election of a county representative to CSBA's Delegate Assembly have been received. There is currently one vacancy for a county delegate in each region. Mr. Valenzano moved the Board nominate Mrs. Peterson as 2007 CSBA Delegate. Mr. Kunicki seconded the motion, and it carried 5:0. The ballot will be submitted by the March 15, 2007 deadline.

6. Framework for Developing a Superintendent's Performance Review
On January 22, 2007, the Subcommittee on Superintendent's Salary recommended that the Board and the Superintendent adopt a well-defined Superintendent evaluation system as a pre-requisite for any future change in salary. The Subcommittee recommended that the Board follow the protocol established by CSBA in Masters in Governance, Book Three, "*Maximizing School Board Leadership Series*." The Vice-President appointed Mrs. Peterson and Mr. Matthews to a Subcommittee to develop a Superintendent evaluation system in collaboration with the Superintendent and appointed staff. The Subcommittee provided an initial report on progress on February 26, 2007. This item was then postponed until the March 9, 2007 meeting.

Mrs. Peterson moved the Board accept the Subcommittee's recommendation to develop a Superintendent's Performance Review that matches the proposed timeline of March – August 2007. Mr. Kunicki seconded the motion.

Mr. Kunicki asked that the Board meeting be extended to 11:00 a.m. Mrs. Peterson seconded the motion, and it failed 4:1, with Mr. Valenzano voting nay. Mr. Bates noted that Board policy requires a unanimous vote to extend a meeting.

Mr. Valenzano called for the question. The call passed 5:0.

The Board voted on the motion that the Board accept the Subcommittee's recommendation to develop a Superintendent's Performance Review that matches the proposed timeline of March – August 2007. The motion carried 5:0.

7. Annual Review and Setting of Superintendent's Salary
On October 23, 2006, a Subcommittee was established to review the Superintendent's salary. Per Board Policy No. 2126, the setting of the Superintendent's salary is based upon a review of mutually agreed upon goals set by the Board and Superintendent as well as accomplishments of the Office in meeting those goals. Comparison data from local school districts and Class Three County Superintendents, and information on State-funded and/or negotiated Cost of Living Adjustments (*COLAs*) is also reviewed. The Subcommittee reported their recommendation regarding the Superintendent's Salary at the January 22, 2007 and February 26, 2007 meetings. This item was postponed from the February 26, 2007 meeting.

Mrs. Peterson moved the Board accept the recommendation of the Subcommittee. Mr. Valenzano seconded the motion. The motion failed, with Mrs. Peterson and Mr. Valenzano voting aye; and Mr. Kunicki, Mr. Matthew and Mr. Bates voting nay.

Mr. Bates moved that based on the results on this Office and Dr. Weis' performance in his position, the Board increase the superintendent's salary by the amount of \$6,000 per year, effective immediately. Mr. Matthews seconded the motion, and the motion passed 3:2, with Mr. Bates, Mr. Kunicki and Mr. Matthews voting aye; and Mrs. Peterson and Mr. Valenzano voting nay.

M. BOARD MEMBER COMMENTS

1. Mr. Bates reminded Board members to turn in their Form 700 by March 15, 2007. Mr. Bates and Mr. Valenzano have returned their forms.
2. Mr. Valenzano noted that his earlier comments regarding e-mails referred to e-mails that were not sent by these Board members nor do they have any impact on the subject matter being discussed and they are free of the Brown Act.
3. Mr. Valenzano also indicated that he would be requesting information on NCLB vs the 3% cap applies to students that have previously transferred out at Fillmore School District or if it is only for new students requesting transfers.
4. Mr. Bates asked that Dr. Weis confirms the requirements regarding correspondence included in the Board packet.

N. FUTURE AGENDA ITEMS

1. Resolution to Transfer the Duties and Powers from the Ventura County Committee on School District Organization to the Ventura County Board of Education (April).
2. Report on VCOE Preparedness Plan for Pandemic Avian Flu (Requested by Mr. Kunicki / TBD).
3. Report on High Performing High School Commission, its Purpose and Budget (Requested by Mrs. Peterson / TBD).
4. Discussion of Report on Purchase Orders and Requisitions (Requested by Mr. Bates / TBD).
5. EMT Program Offered through ROP (Requested by Mr. Valenzano / TBD).
6. Revisions to Board Policy on Textbook Adoption (Requested by Mr. Kunicki / TBD).

O. FUTURE MEETINGS

Date: **Monday, March 19, 2007**
Time: 6:00 p.m.
Location: 5189 Verdugo Way, Conejo Room, Camarillo
Purpose: Regular Meeting of the Board\

Date: Friday, April 13, 2007 (*Budget Study Session*)
Time: 8:00 a.m.
Location: 5189 Verdugo Way, Conejo Room, Camarillo
Purpose: Regular Meeting of the Board

Date: Monday, April 23, 2007
Time: 6:00 p.m.
Location: 5189 Verdugo Way, Conejo Room, Camarillo
Purpose: Regular Meeting of the Board

BOLD denotes modified schedule

P. ADJOURNMENT

The meeting adjourned at 10:30 a.m.

Approved by Board Action on 03/19/07.

*Board meetings are recorded by audio tape pursuant to Government Code Section 54953.5(b).
Copies of these audio tapes are available by request to this office at (805) 383-1900.*