



Tri-Valley Regional Occupational Center/Program

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Minutes of the Regular Meeting of the TVROCP JOINT POWERS GOVERNING BOARD March 9, 2011 –6:00 p.m. Closed/7:00 p.m. Open TVROCP District Office

1.0 CALL TO ORDER/ROLL CALL

Board Chairperson Stu Gary called to order the regular meeting of the Tri-Valley Regional Occupation Center/Program Joint Powers Governing Board on March 9, 2011, 6:04 p.m., in the TVROCP District Office Board Room.

Board Members Present

Stewart Gary, Chairperson
Amy Miller, Vice Chairperson
Jamie Hintzke, Member
Neil Davies, Member
Diane Centoni, Secretary

TVROCP Staff

Noreen Bastian, DO
Jorja Ivie, DO
Leah Cleveland, DO
Ginny McGaha, DO
Shay Galletti, DO/FHS
Laurie Andrews, AVHS
Debbie Nelson, GHS
Sarah Palmer, DHS/FHS
Kathy Adelman, LHS
Dawn Scanlon, LHS/GHS

Coordinating Council Representatives

Cindy Galbo, Asst Superintendent, PUSD

Others Signing In

Melinda Hall, Director, LVJUSD
Pat Keegan

2.0 PUBLIC COMMENT on posted closed session items—None

3.0 ADJOURN TO CLOSED SESSION

The Board met in closed session 6:05-7:35 p.m. on the following items:

3.1 Conference with Labor Negotiators

Agency designated representative: Stewart Gary, Board Chairperson
Unrepresented employees:

Superintendent
Director, Instructional and Student Support Services
Principal, Correctional Education/Adult Programs
Business & Personnel Services Manager
Certificated Employees (All)
Classified Employees (All)

3.2 Public Employee Discipline/Dismissal/Release

4.0 RECONVENE IN OPEN SESSION

The Board reconvened in open session at 7:36 p.m.

4.1 Pledge of Allegiance

4.2 Approval of the Agenda

By the following vote, the Board **approved** the agenda as amended, moving items 9.2.2 and 9.2.3 up on the agenda to follow the Consent Calendar.

Moved
Davies

Seconded
Hintzke

Ayes
4

Noes
0

4.3 Announcement of Any Reportable Actions Taken in Closed Session

Board Chairperson Gary announced the following actions taken during this evening's closed session:

- By a 4-0 vote, the Board **took action** to release two temporary certificated employees. Employee #1 is released effective March 18, 2011, and employee #2 is released effective May 2011 [the day after the employee's 5-month differential leave expires], pursuant to Education Code Section 44954(a); the Board *directed* the Superintendent or designee to send out appropriate legal notices.
- By a 4-0 vote, the Board **took action** to release temporary certificated employees #1-39 at the end of their 2010-2011 school year pursuant to Education Code Section 44954(b), and *directed* the Superintendent or designee to send out appropriate legal notices.
- By a 4-0 vote, the Board **took action** to release one temporary certificated employee, identified as Employee #1, pursuant to Education Code Section 44951 and 44954(a), effective June 30, 2011, and *directed* the Superintendent or designee to send out appropriate legal notices.

5.0 PUBLIC COMMENT on matters *not* on the agenda—*None*

6.0 CONSENT CALENDAR

By the following vote, the Board **approved** the Consent Calendar, as presented.

<u>Moved</u>	<u>Seconded</u>	<u>Ayes</u>	<u>Noes</u>
Hintzke	Davies	4	0

6.1 ADMINISTRATION

6.1.1 **Approval of the Minutes of the Regular Meetings of November 30, 2010, and January 26, 2011, and the Special Meeting/Governance Workshop of February 28, 2011**

Action: **Approved** the minutes of the regular meetings of November 30, 2010, and January 26, 2011, and the special meeting/ governance workshop of February 28, 2011, as presented.

6.1.2 **Second Reading and Adoption of Updated Board Policy 4143 and New Administrative Regulation 4143, Salary Deductions and Employee Insurance Coverage (Certificated), and New Board Policy and Administrative Regulation 4154/4254/4354, Health and Welfare Benefits (All Employees) With Changes from First Reading: Deletion of Administrative Regulation 4239, Retirement Benefits (Classified), Moving Text to New AR 4154/4254/4354 for All Employees**

Background: This Second Reading of BP and AR 4154/4254/4354, *Health and Welfare Benefits (All Employees)*, includes language moved from AR 4239, *Retirement Benefits (Classified)* to permit all eligible TVROCP retirees (not just Classified) to enroll in TVROCP-sponsored medical and dental plans with the entire cost to be borne by the retiree. This is at no cost to TVROCP and with no change to employee health plans.

Action: **Adopted** Board Policy and Administrative Regulations 4143, *Salary Deductions and Employee Insurance Coverage*, and 4154/4254/4354, *Health and Welfare Benefits*, and deleted Administrative Regulation 4239, *Retirement Benefits* (moving text to new AR 4154/4254/ 4354 for all employees), as presented.

6.1.3 **Second Reading and Adoption of Updated Board Bylaws 9100, 9110, 9130, 9200, 9240, 9310, 9320; New Board Bylaws 9322, 9323, and 9324; and Deletion of Board Bylaws 9220, 9330, and 9335**

Action: **Adopted** updated Board Bylaws 9100, 9110, 9130, 9200, 9240, 9310, 9320, and new Board Bylaws 9322, 9323, and 9324, and deleted Board Bylaws 9220, 9330, and 9335, as presented.

6.2 BUSINESS

6.2.1 Approval of Surplus Equipment – Existing Spray Paint Booth at Livermore High School

Background: Pursuant to the District's Prop 1-D Project, the existing Spray Paint Booth at Livermore High School will be demolished and removed by J D General as part of their contract. The replacement booth is scheduled to be installed during the week of April 4-8, 2011.

Action: *Approved* the surplus and salvage of the existing Spray Paint Booth at Livermore High School.

6.2.2 Approval of Independent Auditor Selection Form for 2010-11

Background: TVROCP must report to the Alameda COE by April 1, 2011, regarding what auditing firm it intends to use for 2010-2011 school year. Last year, the District entered into a three-year contract with Moss, Levy & Hartzheim, LLP, for fiscal years 2009-10 through 2011-12.

Action: *Approved* the Independent Auditor Selection Form for 2010-11.

6.3 PERSONNEL

6.3.1 Approval of Personnel Document

Action: *Approved* Personnel Document #0311, to include one classified leave of absence and one classified resignation, as presented.

6.4 EDUCATIONAL SERVICES

6.4.1 Approval of Textbook for Criminal Justice/CSI Course

Action: *Approved* the purchase of CJ 2010 textbook for use in TVROCP Criminal Justice/CSI classes, as presented.

6.4.2 Approval of Obsolete Textbooks—Marketing Essentials (2002)

Action: *Approved* the surplus and disposal of 39 copies of Marketing Essentials (2002).

7.0 DEFERRED CONSENT ITEMS—None

(Items 9.2.2 and 9.2.3 were moved here on the agenda.)

9.0 ACTION ITEMS

9.2 BUSINESS

9.2.2 Approval of 2010-2011 Second Interim Report

Background: TVROCP is required to verify its financial position periodically throughout the year to the Alameda COE and the California Department of Education. The Second Interim report is a snapshot of how TVROCP is performing financially as of January 31, 2011. It is an early indicator that provides insight regarding income and expenses as compared to budget projections. TVROCP is required to obtain JPCB approval and submit the report to the Alameda County Office of Education by March 15th of this year. The assumptions made for multi-year projections used for this report were based on the Governor's Budget Release in January.

Noreen Bastian provided an overview for the Board:

- This is not the budget for 2011-12.
- Due to the state's deferral of apportionments into the next fiscal year, we will meet a cash flow problem of about \$400K in June.
- There was discussion regarding the possibility of getting a Tax Revenue Anticipation Note (TRAN); Superintendent Centoni stated she believes that is not an option under our JPA.

- CSBA is looking for an alternative to the TRAN, such as a bridge loan that the county would administer which would allow districts to borrow to bridge the two fiscal years. Right now, we are estimating booking receivables of over \$1M in June which would offset any borrowing we would need to do.
- During the November Board meeting, several member district CBOs in the audience said that maybe they could lend us the money so we wouldn't incur interest. Now that the member districts have completed their interim reports, we can discuss how that might work.
- There was discussion regarding the local property tax revenue and when TVROP might know when it will be received and for how much. While it has been recommended that the revenue not be included in the budget, Stu Gary suggested that perhaps TVROCP could budget for half of the three-year average of the income. Amy Miller said that her district may flex based on whether or not TVROCP receives the local money. Stu Gary said that the districts flexed this year thinking that it moved our reserves down to a minimum but since there is a reserve, it has stimulated another round of flex discussions.

Stu said we discussed strategically, during Monday night's study session, an A, B, or C budget with different scenarios. One scenario is going to be that if the districts philosophically say that ROP is "alive" if it has structural balance (current income to current expenses) and ROP has its 5% reserve, then everything else belongs to the districts. ROP then has the challenge to say that if we spend, for example, \$400K to maintain services, our team of member districts needs to know we're keeping sections and FTEs alive on one-time money that we accumulated from two retro years of tax payments. Therefore, Stu said he'd like the Board to receive in June the annual guaranteed revenue-to-core services, which is the structural budget that we have to balance. Just like every district is doing, the second step now, if the structural budget is imbalanced (negative), we can spend one-time reserves and kick the can down the road hoping for a better day, or we can cut. In any event, districts are saying that ROP is not going to accumulate cash for any future large investment projects. This is getting complicated with four boards and four districts with very different fiscal health conditions who are trying to make Sophie's Choice decisions about what is saved or not in education.

Noreen said that if the taxes are not extended, all plans are going right off the track with many districts in trouble. Of great concern is one scenario that has the State not paying the 35% of current apportionment revenue deferred to next year when those amounts have already been budgeted and spent in this year. Diane said that almost happened last year with the prior year excess property tax. It took so long to get the funding for the prior year, and then we eventually got both years in one year. She said she is a little concerned because typically by February she is hearing the anticipated dollar amount for the adjustment and no one is hearing it. Noreen said we are anxiously awaiting and planning multiple scenarios in anticipation of the reactions from our member districts when the worst-case scenario comes into play. Stu Gary asked Noreen to package those scenarios in preparation for the June meeting in a more simplified, non-School Services format (inputs, outputs, what's core, what's discretionary) so we have a logical, simple story with a beginning, middle, and an end that a person without CBO budget training can track and understand. He said his peers in LVJUSD are also detail-oriented and they want to know what's going on in ROP. Jamie added that Pleasanton USD CBO Luz Cazares has a PowerPoint with six or so slides that works well and flows nicely.

By the following vote, the Board **approved** 2010-11 Second Interim Report, as presented.

<u>Moved</u>	<u>Seconded</u>	<u>Ayes</u>	<u>Noes</u>
Miller	Davies	4	0

9.2.3 Preliminary Programming and Budget Planning: Discussion and Possible Action on Budget Solutions for 2011-2012

Background: Staff provided a framework and background information and led a discussion with the Board on budget challenges, including flex, and possible budget solutions to assist the Board in the budget prioritization and decision-making process, including possible contingencies to address ongoing economic uncertainties. Recognizing the need to create alternative scenarios, given the current uncertainty regarding the 2011-12 budget, staff compiled possible Phase 1 through Phase 4 reductions to provide a graduated reduction list. In the event that the state's fiscal situation worsens, TVROCP must have "better contingencies" to meet the challenge.

Noreen Bastian said that each year there are numerous discussions as we use a variety of tools to identify programs that might not continue the following year. In the past, if we decided not to offer one program, we would offer another one in its place. This year, that is not the case. If a program is being reduced, it is not being replaced.

Proposed Phase 1 Reductions

Reductions in the amount of \$227,810 were proposed:

1. Management Furloughs of 5 days (2011-12)	\$13,000
2. Suspension of Certificated Management Stipends (2011-13)	\$10,360
3. Suspension of Coordinator Position (2011-13) - .20	\$25,000
4. Reduction of Counselor Position (2011-13) from .82 to .50 FTE	\$26,000
5. Reduction of Stipends for STAR teachers (2011-13) from \$1,000 to \$500	\$2,500
6. Reduction of Compensation for ROP teacher participation in Member District inservice (2011-13)	\$8,000
7. Suspension of Stipend for Marketing Lead Teacher (2011-13)	\$1,000
8. Elimination of Custodian Position (through attrition) - .25 FTE	\$9,700
9. Program Reductions of 1.80 FTE ROP teachers	\$132,250

The Board reviewed and discussed the list of Phase I reductions, along with Jorja Ivie's report on enrollment and projected impact on programming for 2011-12. Stu Gary said that the Board has asked the Superintendent to bring a comprehensive salary comparison to the Board during its next closed session regarding labor negotiations on April 1. The Board will massage it as a governance team and let everyone know what its intentions are regarding ROP compensation. He said that while this is an action item, it is conceptual at this point. The Board may choose to take some of the items off the table.

The Board asked how many students will be impacted by the reductions proposed in Phase I. Jorja responded that we don't have all of the enrollment numbers for 2011-12, but she could provide the Board with current 2010-11 enrollment numbers to give them an idea of how many students attend those classes, then she can provide next year's numbers when they are available.

Stu Gary said we have a \$1M deficit this year. If \$600K is due to flex, we still have a structural deficit of \$400K; Noreen agreed and added that we have made a conscious effort to reduce the structural deficit and have done so the past few years.

Public Comment

- a. **Ginny McGaha:** TVROP Counselor Ginny McGaha said she has worked for TVROCP for over 19 years and, while she has her PPS credential and is in a Counselor position, it is not really a counselor job. She said she does many things for the District Office and she doesn't know how it will function if her position is reduced. She urged the Board to look carefully at the proposed reductions.
- b. **Pat Keegan:** Former Developmental Psychology of Children (DpoC) teacher Pat Keegan provided some history on the program which, she said, began in Dublin in the 1970's as a child care program. In response to information Jorja Ivie had presented regarding the possibility of combining two DPOC classes, Pat said that, logistically, having 35-50 students in a class is a disservice to all of the students. She said there's no way we can place 35 students out in the community and have them absorbed in our classrooms. She said she is confident that between now and September we can enroll five more students in each of the two classes, bringing the numbers up to the minimum.
- c. **Kathy Adelman:** Career Education Specialist Kathy Adelman addressed the Board as an employee and a parent of six children, three of whom attended ROP classes. She said her children learned skills in ROP that students don't get from any other classes. She offered her support for Ginny McGaha's position, stating that Ginny is an integral link between what happens at the District Office, at the sites, and with the site administrators. Kathy said she can't imagine reducing Ginny's position, plus that of the Coordinator position, and still have the District Office stay afloat.
- d. **Debbie Nelson:** Business Careers, Marketing, and Economics of Business Ownership teacher Debbie Nelson said that, as a business teacher, she understands we're selling our service, our programs. In a business, you can't start taking away your product because, when the customer walks in the door, you're out of business. She said that once a class goes away, we lose the momentum and it's not going to come back.

There was a lengthy discussion by Board members, summarized as follows:

- Board members said they don't want to cut anything, but it's the Board's role to make sure TVROCP remains fiscally solvent.
- The value of ROP is extraordinary, that has never been in question, and it is the Board's intent to cut as little as possible.
- The Board stated that it held a governance workshop and then a study session with member district superintendents for a constructive discussion. It was agreed that the Board and superintendents would get back together to review the Joint Powers Agreement, and that the Coordinating Council will review data and conduct detailed research and provide recommendations to the Board regarding a 2011-12 education plan prioritized by what we shall, should, and ought to do. Let's challenge everyone to be creative.

By the following vote, the Board **approved** staff recommendations of budgetary reductions across 9 identified themes in Phase 1 totaling \$227,000, and **directed** staff to return with more detail on the impact of items 4. and 9.

<u>Moved</u>	<u>Seconded</u>	<u>Ayes</u>	<u>Noes</u>
Gary	Hintzke	4	0

(The Board took a brief recess 9:50-9:58 p.m.)

8.0 SUPERINTENDENT'S REPORT

In place of her report on recent activities, Superintendent Centoni deferred her time to Shay Galletti, CTE Teach Project Lead (and Developmental Psychology of Children teacher), who presented a summary of the CTE Teach Project, a teacher induction program. The CTE Teach Project is in its second year of implementation in TVROP and supports Goal 1.0: *Promote the success of ALL students by maintaining a focus on strong teaching and learning and by providing engaging, HIGH QUALITY programs and instruction that lead to Careers.*

9.0 ACTION ITEMS

9.1 ADMINISTRATION—None

9.2 BUSINESS

9.2.1 Acceptance of 2009-10 Audit Report

Noreen Bastian presented the annual audit for FY10 that was conducted by Moss, Levy & Hartzheim. Stu Gary said he would like for Diane and Noreen to report back to the Board regarding procedural management issues that are included in the auditor's observations and findings. Stu said it's a longer "watch" list than usual and he would like the Board to be kept informed as practices are improved and to bring the Board an updated report card mid-year. Stu said that if it's a software or resource issue, the Board will want to know that, as well. Noreen said that the auditors come back in May as a preliminary for the next audit, then they come back in October after the books are closed to do the actual fiscal audit. Noreen said she must prepare a detailed response to the County by March 15 and she can share that response with the Board. Noreen said that we have a new audit firm that is more thorough than others, and she is looking forward to tightening up our protocol issues.

By the following vote, the Board **accepted** the 2009-10 Audit Report, as presented.

<u>Moved</u>	<u>Seconded</u>	<u>Ayes</u>	<u>Noes</u>
Davies	Gary	4	0

9.3 PERSONNEL—None

9.4 EDUCATIONAL SERVICES—None

10.0 INFORMATION ITEMS

10.1 ADMINISTRATION—None

10.2 BUSINESS

10.2.1 Tri-Valley ROCP Budget and Cash Flow Report

The Board received, for information, the budget summary and cash flow reports showing activity through February 2011. Both are regularly scheduled reports which are provided at every Board meeting. The budget report shows the revenue and expenditures as of the most recent monthly period. The cash flow report shows the cash receipts and disbursements for the same period.

10.2.2 Update on Auto Collision Repair and Refinishing Prop 1-D Project

As an information item, the Board received the following update on the Auto Collision Repair and Refinishing Prop 1-D project.

TVROCP received the formal acceptance letter from the Office of Public School Construction (OPSC) on January 25, 2011. The match for previously completed work

was verified at \$94,000 - \$98,000 less than indicated in the original application. The OPSC approved \$224,030 in funding for the project based on a total project cost of \$448,060.

To complete the entire project, the District would need to invest an additional \$100,000 above the \$57,000 already transferred to Fund 35, which we are not recommending. Instead, we recommend that we only do the Spray Booth replacement and canopy installation for an additional cost of \$56,000. (During its meeting of September 9, 2010, the Board adopted Resolution 2010-2011.20, *Authorization for Budget/Cash Transfers*, authorizing the Superintendent and/or Business & Personnel Services Manager to make budget and/or cash transfers within and between funds and to release funds designated to the Capital Outlay & Equipment Replacement Reserve for FY10-11. The amount of \$50,000 has been moved to Fund 35 within the Second Interim Report.)

A pre-construction meeting was held on February 10, 2011, with all contractors, current sub-contractors, Livermore Valley Joint USD, and TVROCP representatives. Consistent with the November 30, 2010, Board approval of contracts "contingent upon approval of OPSC funding," the Notices to Proceed were issued on February 10, 2011, to the following contractors: J. D. General – Construction (Spray Booth Replacement & Canopy Construction); Michael Martin – Inspector of Record; CCMI – Labor Compliance Monitoring. The projected completion date is April 29, 2011.

10.3 PERSONNEL—*None*

10.4 EDUCATIONAL SERVICES—*None*

11.0 CORRESPONDENCE

11.1 ACOE First Interim letter

12.0 BOARD MEMBER REPORTS—*None due to the lateness of the meeting*

13.0 ANNOUNCEMENTS

13.1 Upcoming Board Meetings

- **April 1, 2011, 4:00 p.m.** - Special closed session of the Governing Board regarding the Superintendent's Evaluation/Goal-Setting and labor negotiations.
- **June 16, 2011, 7:00 p.m. (6:00 p.m. closed session)** – Regular meeting in the TVROCP District Office Board Room, 2600 Kitty Hawk Road #117, Livermore. *This meeting will include a public hearing on the Proposed 2011-2012 Budget followed by Board action to approve the budget.*

It was noted that a special Board meeting may be necessary in late May or June to allow the Board time for in-depth discussion regarding updated budget and priorities information prior to adopting the 2011-12 budget on June 16.

13.2 Upcoming Events

- March 16, 2011, 12:00 noon - Graduation for Adults in Correctional Education, Santa Rita Jail (gymnasium)

14.0 ADJOURNMENT

There being no further business to discuss, the meeting was adjourned at 10:37 p.m.

Sincerely,

Diane Centoni
Secretary to the Board

Original Signed

*Approved and entered into the proceedings
of the Board this 1st day of April, 2011.*

Stewart Gary
Board Chairperson

DC:lc