

BERKELEY UNIFIED SCHOOL DISTRICT

ADOPTED MINUTES

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MINUTES, REGULAR MEETING

Wednesday, October 1, 2003

District Administrative Offices

Board Meeting Room

2134 Martin Luther King Jr. Way

Berkeley, CA 94704-1180

CALL TO ORDER

President Joaquin J. Rivera called the Board of Education Meeting to order at 4:00 p.m.

BOARD ROLL CALL

MEMBERS PRESENT: President Joaquin J. Rivera
Vice President John T. Selawsky
Director Terry S. Doran (arrived at 4:10 p.m.)
Director Shirley Issel
Director Nancy Riddle
Student Director Bradley Johnson*

Administration: Superintendent Michele Lawrence, Secretary

Prior to Closed Session, as necessary, staff/employee comments are taken per Government Code Section 45956.7

No one addressed the Board at this time.

Recess to Closed Session (Government Code Sections 3549.1(d), 54956.9, 54956.9(a) 54957 and Education Code Section 49819(c)

- a) Conference with Legal Counsel—Existing Litigation
- b) Consideration of Student Expulsion
- c) Collective Bargaining
- d) Public Employee Discipline/Dismissal/Release
- e) Public Employment Appointments
- f) Liability Claims
- g) Property Acquisition

*The Student Director does not attend Closed Session.

The Board recessed to Closed Session at 4:00 p.m. and reconvened in Public Session at 7:40 p.m.

Report Closed Session Action

President Rivera stated that in Closed Session the Board discussed:

- a) Conference with Legal Counsel—Existing Litigation and
- d) Public Employee Discipline/Dismissal/Release

No action was taken.

At this time, President Rivera said tonight's adjournment will be in memory of Fred Lupke, who recently died. Mr. Lupke was a Berkeley resident and supporter of education and the Berkeley community.

Approve Agenda

Motion: Directors Selawsky/Riddle and approved unanimously on voice vote:

That the agenda is approved as amended. The amendment is that item 4.3-C is pulled for discussion.

Approve Minutes

Motion: Directors Selawsky/Riddle and approved 5-0-0-(1)-0 on voice vote:

That the May 21, 2003 Board of Education minutes are approved as amended. The amendment is on page 3 of the Board packet, second sentence. The following should be added to Director Nancy Riddle's comments:

"She requested that staff provide the Board with student disaggregated data."

AYES: Directors Doran, Issel, Riddle, Rivera, Selawsky,
NOES: None
ABSTAIN: (Student Director Johnson)
ABSENT: None

PUBLIC TESTIMONY

One speaker addressed the Board in support of item 1.2-C: the Walk-to-School Day Resolution.

REPORTS

Union Representatives' Reports

Ms. Ann Graybeal, President, BCCE (Berkeley Council of Classified Employees), Local 6192 and Ms. Stephanie Allan, Business Representative, Stationary Engineers, Local 39, addressed the Board. Ms. Graybeal read a statement regarding employee equity in the District and Ms. Allan read a statement regarding negotiations. She also announced the settlement of the Local 39 contract. Ms. Allan expressed her sympathy regarding the death of Fred Lupke. She suggested that since Mr. Lupke was so active in the warm water pool project, that a plaque in Fred's honor be installed in the warm water pool at Berkeley High School.

Superintendent's Report

Superintendent Lawrence expressed her sympathy on the death of Mr. Fred Lupke.

Board Members' Report

Student Director Bradley Johnson explained how the Berkeley High School daily bulletin is being verbally delivered to the students. He said the new administration is running well and morale is high. Student Director Johnson said Fred Lupke's death is a major loss to the Berkeley Community. Director Issel wished everyone a Happy Jewish New Year. She expressed her condolences to Mr. Fred Lupke's family and friends. Director Riddle thanked Rev. Marvis Peoples, Liberty Hill Missionary Baptist Church, for honoring some of our educators during Education Sunday on September 28, 2003. Director Riddle said: "Fred Lupke was a role model for focusing on the issues and not the people. I will miss him." Director Doran said: "Fred Lupke's death is a tragic loss—I lost a dear friend." Director Doran reported that the Berkeley Adult School's first site committee meeting was a good meeting.

REPORTS (continued)

Board Members' Report (continued)

Vice President Selawsky reported on the Berkeley Adult School Site Committee Meeting which was held Monday night. He said he ate at the International Marketplace at Longfellow Arts & Technology Magnet Middle School and the food was very good. Students pay \$3.00 and adults pay \$4.00 for lunch. Vice President Selawsky expressed condolences to Fred Lupke's family and friends. President Rivera also expressed his sympathy on the death of Mr. Lupke. He said we will all miss Fred. President Rivera thanked the union representative who spoke and expressed their concerns. He said: "I am open to discussions with you and I am willing to meet with you. Please feel free to call me." President Rivera reminded the community that there is a very important election taking place on Tuesday, October 7, 2003--the Governor Recall initiative and Measures 53 and 54. This Board passed a resolution in opposition to Measure 54. He encouraged everyone to vote on October 7, 2003. President Rivera said he feels confident that this community will do the right thing.

CONSENT ITEMS

Motion: Directors Selawsky/Issel and approved unanimously on voice vote:

That the Consent Items are approved as amended. The amendment is that item 4.3-C is pulled for discussion.

- 1.1-C: Acceptance of Gifts/Donations
- 1.2-C: Walk-to-School Day Resolution
- 2.1-C: Acceptance of Personnel Report
- 3.1-C: Overnight Field Trip Requests
- 3.2-C: Out-of-State Travel Request—American Association of School Librarians/ALA Annual Conference
- 3.3-C: Memorandum of Understanding with Newark Unified School District, Lead Agency for the East Bay Beginning Teacher Support and Assessment (BTSA) Consortium
- 3.4-C: New Non-public School Placement for a Special Education Student
- 4.1-C: Approval of Contracts/Purchase Orders for Services and Contracts
- 4.2-C: Approve Listing of Warrants issued in August 2003

CONSENT ITEMS (continued)

- 4.3-C: Approval of the Maintenance and Grounds Department Goals and the Measure BB Expenditure Plan for Fiscal Year 2004

Please see below for action on this item.

- 4.4-C: Resolution 03-14: GANN Limit Appropriation computation

4.3-C:

Approval of the Maintenance and Grounds Department Goals and the Measure BB Expenditure Plan for Fiscal Year 2004

The Board had before it a ten page report: Berkeley Unified School District Maintenance and Grounds Department Measure BB Annual Plan Fiscal Year 2004.

Mr. Lew Jones, Director, Facilities and Ms. Rhonda Bacot, Director, Maintenance, presented this item and highlighted the ten page report.

Vice President Selawsky:

On page 42 of the Board packet, how many sites were there playground issues and are all of the playground areas complete?

Mr. Lew Jones responded that all our PreK-12 sites had problems. Some problems were as small as patching a small piece of safety surfacing to as large as replacing playing structures. All sites were completed under one contract except the changes to Jefferson School (which is almost finished) and Franklin Parent Nursery which has a few remaining issues.

Vice President Selawsky:

On page 44 of the Board packet: Pest management issues are very important to me, and I want to know what standards the District is currently following. Are we following the City's standards?

Ms. Rhonda Bacot said that we are following the City's standards and that the area needed more study, particularly on how we could reduce pest infestation by such methods as reduction of hiding places for rodents by reducing ivy.

4.3-C

Approval of the Maintenance and Grounds Department Goals and the Measure BB Expenditure Plan for Fiscal Year 2004

Vice President Selawsky:

Vice President Selawsky wanted to know if staff is planting ivy at new school sites. He said ivy is a problem because rats live in ivy. We should get rid of it. What guidelines are we following regarding integrated pest management? How is AB2600 different from city policy? Why is it that we cannot tie maintenance and construction standards together so that there is some cost-savings and efficiency in maintenance? He requested that staff work on improving area.

Mr. Lew Jones said the goal this year was to review the grounds for all our sites so that we can begin to make strategic improvements at each site, reduce the growth of ivy and improve the appearance of all of our schools.

Director Shirley Issel:

Director Issel said she appreciates the inclusion of FCMAT standards, but wondered why some standards were omitted. She noted that the FCMAT Standard 1.3 was highlighted as a priority Standard but it was omitted in the Maintenance and Grounds Department Goals and the Measure BB Expenditure Plan for Fiscal Year 2004. Standard 1.3 reads as follows:

“The District should be able to demonstrate that a plan of security has been developed which includes adequate measures of safety and protection for people and property.”

In addition, the 8 series of the FCMAT Standards which addresses energy conservation and tracking utility usage was also omitted. This, too, was a standard that was a priority in the FCMAT Report.

Mr. Lew Jones, Director of Facilities, said the reason the security and the energy issues are not included in this Maintenance and Grounds Department Goals and the Measure BB Expenditure Plan for Fiscal Year 2004 is that presently the security of property and the energy costs are funded from the General Fund and not from Measure BB. Mr. Eric Smith, Deputy Superintendent, explained that staff aligned the FCMAT Standards in Maintenance and Grounds with the item within the Plan.

Director Terry Doran:

Director Doran requested that staff ask FCMAT representatives for a more detailed explanation regarding the Standards pertaining to security.

4.3-C

Approval of the Maintenance and Grounds Department Goals and the Measure BB Expenditure Plan for Fiscal Year 2004 (continued)

Mr. Lew Jones said part of the reason that the security issue and the energy issues are not included in this Plan is that the security of property and the energy costs are funded from the General Fund. We presented a document that includes items clearly permitted under the Measure. This Plan does not preclude the use of Measure BB Funds in these areas. As an example, the replacement of lighting under Measure BB Funds may result in a savings in the General Fund for energy.

Director Nancy Riddle:

Director Riddle said she appreciates that the goals referenced the FCMAT standards. She appreciates the shift toward a more proactive identification of safety issues. Director Riddle said she appreciates the shift in grounds towards site improvement and not just status quo. She wanted to know when the Maintenance Plan was made public. Director Riddle said she is disturbed that there are no committee members here tonight and asked whether there was a consensus vote on this Plan? She has concerns regarding the structure of this expenditure plan and its connection to our standard financial reports. Director Riddle said she would like to see a multi-year projection to make sure that we have a sustainable model.

Mr. Lew Jones said the goals included in the Plan were presented to the Committee and the goals with the expenditure plan were published two weeks ago per the requirements of the Measure. It was sent to the Committee Members and was posted on the public bulleting boards at the Administration Building. Staff did a multi-year projection, but it was not included as part of the Plan. Staff also recently completed the Fiscal Year report for 2003. That document is scheduled to be mailed out on Friday.

Director Nancy Riddle:

Director Riddle said she would like a copy of the multi-year projections. Also, an organizational chart would be helpful. She said next time she would like a clear connection between the Districts's other financial report and this Plan.

4.3-C

Approval of the Maintenance and Grounds Department Goals and the Measure BB Expenditure Plan for Fiscal Year 2004 (continued)

President Joaquin Rivera

President Rivera said he shares Director Riddle's concerns regarding the budget and he would like more details. He requested for next year, that staff provide updates of the previous year's goals. He wanted to know the role of the unions in the contracted services issue? He suggested that staff discuss this issue with the unions.

Motion: Directors Issel/Riddle and approved unanimously on voice vote:

Approval of the Maintenance and Grounds Department Measure BB Annual Plan Fiscal Year 2004.

CONFERENCE

1.1-CF

Board Subcommittee Report on FCMAT (Fiscal Crisis Management Assistance Team) Review

Vice President Selawsky reported that he and Director Issel, the Board Subcommittee, FCMAT Report, have met regarding the Board's section of the FCMAT Report. He said in two weeks he will write a work plan and submit it to the entire Board for information and discussion.

EXTENDED PUBLIC TESTIMONY

There was no public testimony at this time.

At 9:04 p.m., the Board recessed to Closed Session.

ADJOURNMENT

President Rivera declared the Regular Meeting of October 1, 2003 adjourned in memory of Mr. Fred Lupke, at 9:50 p.m.

APPROVED:

ATTEST:

President, Board of Education
Berkeley Unified School District

Secretary, Board of Education
Berkeley Unified School District

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