

MERCED CITY SCHOOL DISTRICT



SCHOOL BOARD AGENDA

August 23, 2011

MERCED CITY SCHOOL DISTRICT

Our Mission...

The mission of the Merced City School District, a community of diverse learners striving for higher achievement, is to ensure that every student excels academically, builds character, and is a productive member of our community; we will do this by delivering exceptional instruction of a well-rounded and relevant curriculum that incorporates innovative practices and partnerships with family and community in a safe learning environment.

Beliefs

We believe that:

Every human being is unique with unlimited potential;

Treating individuals with respect and dignity elevates the human spirit;

Everyone has inherent value and purpose;

Mutual trust is essential to productive relationships;

A challenging environment balanced with support enables individuals to thrive;

Embracing diversity strengthens our community;

Individuals have responsibility for their actions;

Service to others strengthens the character of the individual, and the vitality of community.

Strategies

1. “Fully implement a district-wide user friendly system that monitors student performance and corresponding interventions to measure their effectiveness.”
2. “We will design, implement and monitor ongoing, innovative targeted professional learning approaches in order to achieve our objectives.”
3. “We will, in partnership with our community, develop a facilities plan that incorporates innovative design and common education specifications to optimize utilization of space and community resources, and provide exceptional learning environments district-wide.”
4. “We will, in partnership with family and community, identify core character traits and develop action plans to teach and assess whether students demonstrate those traits.”
5. “We will form a mutually beneficial academic partnership focusing on UC Merced and Merced College that will enable students to achieve academic excellence.”

Objectives

1. “Each student will meet, or exceed established academic performance standards.”
2. “Each student will demonstrate identified character traits that enrich the individual and community.”



MERCED CITY SCHOOL DISTRICT
444 West 23rd Street, Merced, California 95340 (209) 385-6600

REGULAR MEETING OF THE BOARD OF EDUCATION

Tuesday, August 23, 2011
District Office Board Room
444 West 23rd Street/Canal Street Entrance
Merced, California

CLOSED SESSION - 6:00 P.M.
OPEN SESSION - 7:00 P.M.

AGENDA

In compliance with the Americans with Disabilities Act, if you need special assistance to access the meeting room or to otherwise participate in this meeting, including auxiliary aids or services, please contact the Office of the Superintendent at (209) 385-6640. Notification at least 48 hours prior to the meeting will enable the Governing Board to make reasonable arrangements to ensure accessibility to the meeting.

Any writings or documents that are public records and are provided to a majority of the Governing Board regarding an open session item on this agenda will be made available for public inspection in the District Office located at 444 West 23rd Street, Merced, California, during normal business hours.

The District welcomes Spanish and other language speakers to Board meetings. Anyone planning to attend and needing an interpreter should call (209) 385-6753, 48 hours in advance of the meeting, so arrangements can be made for an interpreter. *El Distrito da la bienvenida a las personas de habla hispana a las juntas de la Mesa Directiva. Si planea asistir y necesita interpretacion llame al (209) 385-6752, 48 horas antes de la junta, para poder hacer arreglos de intepretacion. Lub District tos txhais lus Hmoob thiab lwm hom lus tuaj koom ntawm Board cov rooj sibtham. Leej twg vas tuaj koom thiab xav tau ib tus neeg pab txhais lus yuav tsum hu (209) 385-6754, 48 teev tuaj ua ntej ntawm lub rooj sibtham, li ntawd thiaj npaj tau tus neeg tuaj txhais lus.*

Community members have two opportunities to address the Board of Education.

If you wish to address the Board on an agenda item, please do so when that item is called. Some agenda items are designated a specific start time and the Board will consider that item at the designated time or as soon as practical thereafter. ***The start times are only an estimate.*** Presentations will be limited to a maximum of three (3) minutes. Time limitations are at the discretion of the President of the Board.

Individuals have an opportunity to address the Board during the Period for Public Discussion on topics within the subject matter jurisdiction of the Board not listed on this agenda. Presentations will be limited to a maximum of three (3) minutes, with a total of twenty (20) minutes designated for this portion of the agenda. Individuals with questions on school district issues may submit them in writing. The Board will automatically refer requests to the Superintendent.

I. OPENING BUSINESS - 6:00 P.M.

- A. Call Public Session to Order
- B. Roll Call

II. PUBLIC COMMENT PRIOR TO CLOSED SESSION

- A. Identification of Closed Session Topics
- B. *Comments And/Or Questions From The Audience*
- C. Adjourn To Closed Session

(These proceedings are being recorded.)

III. CLOSED SESSION

- A. PUBLIC EMPLOYEE: DISCIPLINE/DISMISSAL/RELEASE
- B. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION, Significant exposure to litigation: Two (2) potential cases, Gov. Code 54956.9(b)

IV. OPEN SESSION - 7:00 P.M.

- A. Call to Order
- B. Roll Call

V. FLAG SALUTE

VI. APPROVAL OF AGENDA

VII. ITEMS OF INTEREST

- A. **Board members and district administrators** may report on activities, such as school visits, meetings, and conferences.
- B. **Written Communications**
- C. **Board Reports**
Board member representatives to various committees may report on actions and discussion at those committee meetings held since the last meeting of the Board of Education. Board representatives may receive direction for future committee meetings.

VIII. REPORT

S-4-11-12 Redistricting Mapping Options

Dr. P. Duran

A-7-11-12 Rivera Joint-Use Gym Facilities Project

Mr. Spicer

Mr. Magnussen

IX. CONSENT

Items listed under the Consent Calendar are considered to be routine and are acted on by the Board of Education in one motion. There is no discussion of these items before the Board vote unless a member of the Board, staff, or public requests specific items be discussed and/or removed from the Consent Calendar. It is understood that the Administration recommends approval on all Consent Items. Each item on the Consent Calendar approved by the Board of Education shall be deemed to have been considered in full and adopted as recommended.

a. Superintendent

S-5-11-12	Meeting Minutes It is recommended that the Board of Education approve the minutes from the regular meeting of August 9, 2011.	Dr. P. Duran
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b. Administrative Services

A-8-11-12	Employment Transactions - Certificated Personnel Approval is recommended for certificated personnel items.	Mr. Spicer
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A-9-11-12	Employment Transactions - Classified Personnel Approval is recommended for classified personnel items.	Mr. Spicer
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c. Fiscal Services

F-5-11-12	Warrants It is recommended that the Board of Education ratify the list of warrants issued in the following consecutively numbered warrant registers.	Mr. Spicer Ms. Cavallero
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F-6-11-12	Budget Transfers It is recommended that the Board of Education ratify the list of budget transfers completed during the month of July 1 through July 31, 2011.	Mr. Spicer Ms. Cavallero
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X. BOARD ACTION

Members of the public may address the Board on an agenda item when that agenda item is being discussed by the Board.

a. Educational Services

**E-4-11-12 First 5 Merced County Teacher Support Grant Acceptance Ms. Dossetti
Ms. Cole**

It is recommended that the Board of Education approve the acceptance of the First 5 Merced County Teacher Support Program Grant in the amount of \$125,000 for the 2011-12 school year.

**E-5-11-12 First 5 Merced County Family And Children Support Grant Acceptance Ms. Dossetti
Ms. Cole**

It is recommended that the Board of Education approve the acceptance of the First 5 Merced County Family and Children Support Program Grant in the amount of \$235,000 for the 2011-12 school year.

**E-6-11-12 First 5 Merced County Coordination And Technical Assistance For The Parents As Teachers Home Visitation Program Grant Acceptance Ms. Dossetti
Ms. Cole**

It is recommended that the Board of Education approve the acceptance of the First 5 Merced County Coordination and Technical Assistance for the Parents As Teachers Home Visitation Program Grant in the amount of \$38,991.

b. Administrative Services

A-10-11-12 Joint-Use Agreement With The City Of Merced For Rivera Middle School Gymnasium Mr. Spicer

It is recommended that the Board of Education approve the "First Amendment" to the Joint-Use Agreement with the City of Merced for the new gymnasium facility that is currently being constructed at Rivera Middle School.

**A-11-11-12 Resolution No. A-11-2011-2012 Authorizing Ratification Of Nominations For The Measure S Oversight Committee Mr. Spicer
Mr. Magnussen**

It is recommended that the Board of Education approve Resolution No. A-11-2011-2012 nominating members to the Measure S Citizens' Oversight Committee.

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|-------------------|---|---|
| A-12-11-12 | Amendment To Lab Testing And Observation Contract For The Rivera Joint-Use Gym Project
It is recommended that the Board of Education approve the amendment to the contract with Neil O. Anderson and Associates for lab testing and observation services of the Rivera Joint-Use Gym project. | Mr. Spicer
Mr. Magnussen |
| A-13-11-12 | Rivera Joint-Use Gym Project Allowance Change Order – Category 1
It is recommended that the Board of Education accept the Allowance Change Order (ACO 1-1) from Harris Builders, Inc. | Mr. Spicer
Mr. Magnussen |
| A-14-11-12 | Rivera Joint-Use Gym Project Allowance Change Order – Category 3
It is recommended that the Board of Education accept the Allowance Change Order (ACO 2-3) from Diede Construction, Inc. | Mr. Spicer
Mr. Magnussen |
| A-15-11-12 | Rivera Joint-Use Gym Project Allowance Change Order – Category 5
It is recommended that the Board of Education accept the Allowance Change Order (ACO 2-5) from Dorfmeier Masonry, Inc. | Mr. Spicer
Mr. Magnussen |
| A-16-11-12 | Rivera Joint-Use Gym Project Change Order – Category 6
It is recommended that the Board of Education accept the Change Order (CO 1-6) from San Joaquin Steel, Inc. | Mr. Spicer
Mr. Magnussen |
| A-17-11-12 | Rivera Joint-Use Gym Project Allowance Change Order – Category 6
It is recommended that the Board of Education accept the Allowance Change Order (ACO 3-6) from San Joaquin Steel, Inc. | Mr. Spicer
Mr. Magnussen |
| A-18-11-12 | Rivera Joint-Use Gym Project Allowance Change Order – Category 10
It is recommended that the Board of Education accept the Allowance Change Order (ACO 1-10) from Tarlton & Son, Inc. | Mr. Spicer
Mr. Magnussen |

A-19-11-12

**Rivera Joint-Use Gym Project
Allowance Change Order – Category 12**

It is recommended that the Board of Education accept the Allowance Change Order (ACO 4-12) from Modern Air Mechanical, Inc.

**Mr. Spicer
Mr. Magnussen**

XI. COMMUNICATIONS

D. Public Comment Period

Members of the audience may also address the Board on any topic *not* listed on the agenda at this time. Topics not on the agenda, which are brought to the Board's attention, may be investigated by the administration and a report made to the Board, either publicly or privately at a future meeting. Comments from members of the public shall not exceed three (3) minutes or a total of twenty (20) minutes, unless timelines are waived by a majority of the Board.

XII. BOARD MEMBER ROUNDTABLE

XIII. ADJOURNMENT

**EQUAL OPPORTUNITY EMPLOYER
DRUG FREE WORK PLACE EMPLOYER**

POSTED: August 19, 2011

**Board of Education
 Meeting Schedule
 2011-2012 School Year**

<u>Date Of Meeting</u>	<u>Time</u>	<u>Location</u>
Tuesday, August 9, 2011	7:00 p.m.	Board Room
Tuesday, August 23, 2011	7:00 p.m.	Board Room
First day of school - (August 15)		
Tuesday, September 13, 2011	7:00 p.m.	Board Room
Tuesday, September 27, 2011	7:00 p.m.	Sheehy School
Tuesday, October 11, 2011	7:00 p.m.	Board Room
Tuesday, October 25, 2011	7:00 p.m.	Gracey School
Tuesday, November 15, 2011	7:00 p.m.	Hoover School
Nov. 8 – Election Day *Thanksgiving Week - (November 21-25)		
Tuesday, December 13, 2011	7:00 p.m.	Board Room
*Winter Break - (December 16-January 3)		
Tuesday, January 17, 2012	7:00 p.m.	Board Room
Tuesday, February 14, 2012	7:00 p.m.	Wright School
Tuesday, February 28, 2012	7:00 p.m.	Fremont School
Tuesday, March 13, 2012	7:00 p.m.	Board Room
Tuesday, March 27, 2012	7:00 p.m.	Chenoweth School
Tuesday, April 17, 2012	7:00 p.m.	Stowell School
*Spring Break - (April 2 - 9)		
Tuesday, May 8, 2012	7:00 p.m.	Cruickshank School
Tuesday, May 22, 2012	7:00 p.m.	Board Room
Graduation - (May 31)		
Tuesday, June 12, 2012	7:00 p.m.	Board Room
Tuesday, June 26, 2012	7:00 p.m.	Board Room

Meeting dates may change.
 (*Local Recess) - No School

Merced City School District Board Room: 444 West 23rd Street

**MINUTES OF THE REGULAR MEETING OF THE GOVERNING BOARD OF THE
MERCED CITY SCHOOL DISTRICT
District Office Board Room
August 9, 2011**

- CALL TO ORDER: The meeting was called to order by Clerk, Mr. Cox at 6:00 p.m.
- MEMBERS PRESENT: Mr. Adam Cox, Ms. Jessica Kazakos, Mr. Gene Stamm
Mr. Darrell Cherf and Dr. Susan Walsh were absent.
- CLOSED SESSION: The Board met in closed session from 6:02 p.m. to 7:02 p.m. to discuss:
- PUBLIC EMPLOYEE: DISCIPLINE/DISMISSAL/RELEASE
 - PUBLIC EMPLOYEE APPOINTMENT/EMPLOYMENT, PERSONNEL SERVICES, Personnel Services, pursuant to Education Code Section 54957, Assistant Principals/Learning Directors (1 position)
 - CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION, Significant exposure to litigation: Two (2) potential cases, Gov. Code 54956.9(b)
- OPEN SESSION: The Board reconvened to open session at 7:03 p.m.
- MEMBERS PRESENT: Mr. Adam Cox, Ms. Jessica Kazakos, Mr. Gene Stamm
Mr. Darrell Cherf and Dr. Susan Walsh were absent.
- STAFF PRESENT: District Superintendent, Dr. RoseMary Parga Duran; Associate Superintendent, Mr. Greg Spicer; Assistant Superintendent, Educational Services, Ms. Annie Dossetti; Administrative Assistant to the Superintendent, Ms. Kathie Kubo; Chief Fiscal Officer, Ms. Kris Cavallero; Director of Special Education and Pupil Services, Dr. Ken Testa; Principal, Ms. Trisha Wylie; School Nutrition Services Director, Ms. Terri Soares; Curriculum/Compliance Coordinator, Ms. Lila Lesly; Preschool Coordinator, Ms. Melanie Cole;
- PLEDGE OF ALLEGIANCE: Mr. Adam Cox, clerk
- MOMENT OF SILENCE: Mr. Cox asked for a moment of silence in memory of Ms. Janell Johnston and Ms. Gerry Oaken, current and former classified employees of the district.
- REPORT OF ACTION TAKEN IN CLOSED SESSION: Mr. Cox reported that in Closed Session the Board of Education approved Donna Grove as Learning Director, Fremont Charter School.
- APPROVAL OF AGENDA: It was moved by Mr. Stamm, seconded by Ms. Kazakos, to approve the agenda as presented. Motion carried.
- ITEMS OF INTEREST: BOARD
- Mr. Cox visited the Leadership Summit at Chenoweth School on July 27.

REPORTS:

2011-2012 BUDGET UPDATE

Chief Fiscal Officer, Ms. Kris Cavallero provided a report to the Board of Education from the Finance and Management Conference presented by School Services of California, Inc.

CONSENT:

It was moved by Mr. Stamm, seconded by Ms. Kazakos, to approve the Consent Agenda as presented. Motion carried.

Superintendent

Meeting Minutes

- Approval of the regular meeting minutes of June 28, 2011 and the special meeting of July 19, 2011

Administrative Services

Employment Transactions -
Certificated Personnel:

- Approval of the following certificated personnel items:

A. Employment

William Blake, YEP Part-Time Instructor, Muir School, effective 7/1/2011

Julie Camacho, YEP Part-Time Instructor, Peterson School, effective 7/1/2011

Jaclyn Meneses, YEP Part-Time Instructor, Peterson School, effective 7/1/2011

Ing Phimmasone, YEP Part-Time Instructor, Peterson School, effective 7/1/2011

Kao Saetern, YEP Part-Time Instructor, Sheehy School, effective 7/1/2011

Lydia Soto, YEP Part-Time Instructor, Peterson School, effective 7/1/2011

Bonnie Wilson, YEP Part-Time Instructor, Family Services Center, effective 7/1/2011

B. Change of Status

Donna Grove, From Resource Teacher, Fremont Charter School to Learning Director, Fremont Charter School, effective 7/27/2011

C. Unpaid Leave of Absence

Beverly Wigley, Classroom Teacher, Tenaya Middle School, Unpaid Leave of Absence from 8/9/2011 through 6/1/2012, effective 8/9/2011

D. Resignation

Jean Sanders, Preschool Lead Teacher, Clark Preschool, effective 6/3/2011

Emiko Tanioka, Classroom Teacher, Peterson School, effective 6/3/2011

Employment Transactions -
 Classified Personnel:

- Approval of the following classified personnel items:
- A. **Resignation**
 Rudy Orozco, Cafeteria Helper, Hoover Middle School, effective 6/3/2011

Fiscal Services

Warrants

- Approval of the ratification of the list of warrants issued in the following consecutively numbered warrant registers:

<u>Warrant Numbers</u>	<u>Dated</u>	<u>Amount</u>
204867-204963	6/28/11	\$1,251,851.58
001922-001924	7/6/11	\$ 39,750.46
002807-002868	7/8/11	\$1,560,784.19
006739-006806	7/15/11	\$ 139,394.57
009823-009876	7/22/11	<u>\$ 381,090.54</u>
		\$3,372,871.34

Budget Transfers

- Approval of the ratification of the list of budget transfers completed during the month of June 1 through June 30, 2011.

Obsolete And Disposable Records

- Approval of the declaration of the attached list of records to be obsolete and disposable.

BOARD ACTION

SUPERINTENDENT

GIFTS/GRANTS AND BEQUESTS

It was moved by Ms. Kazakos, seconded by Mr. Stamm, to accept the gifts/grants and bequests in the amount of \$698.12. Motion carried.

District School Nutrition Services, monetary donation, donated by United Way, Central California Regional Obesity Prevention Program, valued at \$698.12

MERCED COUNTY SCHOOL BOARD ASSOCIATION – ANNUAL DUES

It was moved by Mr. Stamm, seconded by Ms. Kazakos, to approve the 2011-2012 dues payment of \$300 to the Merced County School Board Association. Motion carried.

EDUCATIONAL SERVICES:

RESOLUTION NO. E-1-2011-2012 LOCAL AGREEMENT FOR CHILD DEVELOPMENT SERVICES AND CONTRACT #CSPP-1297

It was moved by Ms. Kazakos, seconded by Mr. Stamm, to approve contract #CSPP-1297 Local Agreement for Child Development Services and adopt Resolution No. E-1-2011-2012 authorizing signatories on behalf of the state preschool program. Motion carried.

EARLY MENTAL HEALTH INITIATIVE GRANT

It was moved by Ms. Kazakos, seconded by Mr. Stamm, to accept the Early Mental Health Initiative (EMHI) Grant in the amount of \$495,681 and to authorize the execution of the required documents needed for implementation of the grant. Motion carried.

ADMINISTRATIVE SERVICES:

PUBLIC HEARING NOTICE
RESOLUTION NO. A-4-2011-2012
DECREASE IN LEVEL 2 SCHOOL
FACILITIES FEE AND APPROVAL
OF CEQA EXEMPTION

It was moved by Mr. Stamm, seconded by Ms. Kazakos, to conduct a public hearing and to adopt Resolution No. A-4-2011-2012 authorizing a decrease in the Level 2 School Facilities Fee and approval of the CEQA exemption. Motion carried.

Public Hearing Opened: 7:37 p.m.

Comments: None

Public Hearing Closed: 7:37 p.m.

INTERAGENCY AGREEMENT
WITH PLAINSBURG
ELEMENTARY SCHOOL DISTRICT
TO PROVIDE MEAL SERVICES

It was moved by Mr. Stamm, seconded by Ms. Kazakos, to approve the Interagency School Meal Sponsor Agreement between Plainsburg Elementary School District and the Merced City School District. Motion carried.

SCHOOL BREAKFAST PROGRAM
PROVISION 2 CLAIMING
ALTERNATIVE

It was moved by Ms. Kazakos, seconded by Mr. Stamm, to approve the request to operate the School Breakfast Program under the Provision 2 claiming alternative (non-pricing). Motion carried.

COMMUNICATIONS:

No items.

ADJOURNMENT:

The meeting adjourned at 7:45 p.m.

Secretary

Clerk

REPORT

MERCED CITY SCHOOL DISTRICT

TO: Board of Education

FROM: RoseMary Parga Duran, Ed.D.
District Superintendent

PREPARED BY: Rich Green, Merced County Association of Governments

DATE: August 23, 2001

SUBJECT: **REDISTRICTING MAPPING OPTIONS**

Background

A report will be presented to the Board of Education on the process of redistricting options for Trustee Areas,

MERCED CITY SCHOOL DISTRICT

TO: RoseMary Parga Duran, Ed.D.
District Superintendent

FROM: Greg Spicer
Associate Superintendent, Administrative Services

PREPARED BY: Kraig Magnussen
Chief Operations Officer

DATE: August 23, 2011

SUBJECT: **RIVERA JOINT-USE GYM FACILITIES PROJECT**

Background

A report will be presented to the Board of Education with updates on the Rivera Joint Use-Gym Facilities Project.

CONSENT

MERCED CITY SCHOOL DISTRICT

TO: Board of Education

FROM: RoseMary Parga Duran, Ed.D.
District Superintendent

DATE: August 23, 2011

SUBJECT: **MEETING MINUTES**

Recommendation

It is recommended that the Board of Education approve the minutes from the regular meeting of August 9, 2011.

Background

Meetings of the Governing Board are conducted for the purpose of accomplishing district business. (BP 9320)

Fiscal Impact

Revenue: None
Expenditure: None
Budget Category: None

MERCED CITY SCHOOL DISTRICT

TO: RoseMary Parga Duran, Ed.D.
District Superintendent

FROM: Greg Spicer
Associate Superintendent, Administrative Services

PREPARED BY: Denise Hernandez
Personnel Specialist

DATE: August 23, 2011

SUBJECT: **EMPLOYMENT TRANSACTIONS – CERTIFICATED PERSONNEL**

Recommendation

Approval is recommended for the following certificated personnel items:

A. Employment

Elizabeth Allen	Speech Therapist District Office Effective 8/9/2011
Aurora Bettencourt	Speech Therapist District Office Effective 8/9/2011
Nicole DalPorto	Classroom Teacher Stowell Elementary School Effective 8/9/2011
Michelle DeLeon	Classroom Teacher Franklin Elementary School Effective 8/9/2011
Randy Fagundes	Counselor Cruickshank Middle School Effective 8/9/2011
Mary Fryar	Classroom Teacher Cruickshank Middle School Effective 8/12/2011

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Thomas Fullerton	Classroom Teacher Tenaya Middle School Effective 8/9/2011
Mireiba Gonzalez	Preschool TSA Wright Elementary School Effective 8/9/2011
Lisa Guzman	Classroom Teacher Givens Elementary School Effective 8/9/2011
Crystal Harris	Classroom Teacher Stowell Elementary School Effective 8/11/2011
Kimberly Ivy	Classroom Teacher Tenaya Middle School Effective 8/9/2011
Cassandra Kalashian	Psychologist District Office Effective 8/8/2011
Susan Karastathas-Bloed	Speech Therapist District Office Effective 8/9/2011
Jill Lewis	Classroom Teacher Stefani Elementary School Effective 8/5/2011
Martha Mejia	Preschool TSA Student and Family Services Center Effective 8/9/2011
Douglas Morris	Classroom Teacher Tenaya Middle School Effective 8/9/2011
Laurie Olson	Classroom Teacher Wright Elementary School Effective 8/11/2011
Andrew Powers	Classroom Teacher Hoover Middle School Effective 8/9/2011

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Christie Resendez	Preschool Lead Teacher Sheehy Elementary School Effective 8/9/2011
Brandi Rubalcava	Preschool TSA Student and Family Services Center Effective 8/11/2011
Lo Saechao	Classroom Teacher Burbank Elementary School Effective 8/9/2011
Sean Salehi	Classroom Teacher Cruickshank Middle School Effective 8/5/2011
Lori Santistevan	Classroom Teacher Rivera Middle School Effective 8/9/2011
William Shambaugh	Classroom Teacher Tenaya Middle School Effective 8/9/2011
Erica Simmons	Classroom Teacher Burbank Elementary School Effective 8/9/2011
Kelly Sizemore	Preschool Lead Teacher Givens Elementary School Effective 8/9/2011
Geraldine Tajeron	Preschool Lead Teacher Muir Elementary School Effective 8/9/2011
Amy Toste	Classroom Teacher Valley Community School Effective 8/9/2011

Substitutes

Donna I. Bormmann – Multiple Subject
William C. Helms – Multiple Subject
Cara E. Long – Multiple Subject
William W. Mitchell II – Multiple Subject
Kathlene E. Wilson – Multiple Subject

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B. Resignation

Nicole DalPorto

Classroom Teacher
Stowell Elementary School
Effective 8/10/2011

Fiscal Impact

Revenue: None

Expenditure: None

Budget Category: General Fund

MERCED CITY SCHOOL DISTRICT

TO: RoseMary Parga Duran, Ed.D.
District Superintendent

FROM: Greg Spicer
Associate Superintendent, Administrative Services

PREPARED BY: Elsa Servin
Personnel Specialist

DATE: August 23, 2011

SUBJECT: **EMPLOYMENT TRANSACTIONS – CLASSIFIED PERSONNEL**

Recommendation

Approval is recommended for the following classified personnel items.

A. Employment

Sharise E. Farnsworth	Preschool Instructional Assistant Wright Elementary School Effective 8/15/2011
Melissa D. Garcia	Preschool Instructional Assistant Peterson Elementary School Effective 8/15/2011
Louk M. Markham	Supervisor of Transportation Transportation Department Effective 8/8/2011
Karina Medina	Preschool Instructional Assistant: Spanish Bilingual Reyes Elementary School Effective 8/15/2011

B. Change of Status

Paula P. Amezcuita	From Cafeteria Cook/Baker, Sheehy Elementary School to Cafeteria Manager, Fremont Charter School Effective 8/15/2011
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Wendy G. Alvarez	From Instructional Assistant: Spanish Bilingual, Muir Elementary School to Preschool Instructional Assistant, Muir Elementary School Effective 8/15/2011
Aurora Ascencio	From School Office Clerk, Cruickshank Middle School to Clerk Typist, Stowell Elementary School Effective 8/1/2011
AnnMarie R. Barboza	From Instructional Assistant, Muir Elementary School to Preschool Instructional Assistant, Chenoweth Elementary School Effective 8/15/2011
Alma R. Cavallini	From Instructional Assistant: Spanish Bilingual, Gracey Elementary School to Preschool Instructional Assistant: Spanish Bilingual, Gracey Elementary School Effective 8/15/2011
Ana R. De Aceves	From Instructional Assistant: Spanish Bilingual, Clark Preschool to Preschool Instructional Assistant: Spanish Bilingual, Clark Preschool Effective 8/15/2011
Anna M. Eddings	From Instructional Assistant, Fremont Charter School to Preschool Instructional Assistant, Fremont Charter School Effective 8/15/2011
Teresa Glass	From Instructional Assistant:SDC, Peterson Elementary School to Preschool Instructional Assistant, Clark Preschool Effective 8/15/2011
Shahnaz Golbad	From Instructional Assistant, Sierra Preschool to Preschool Instructional Assistant, Peterson Elementary School Effective 8/15/2011
Babette Hurley-Milosky	From Instructional Assistant, Givens Elementary School to Health Assistant, Givens Elementary School Effective 8/15/2011

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Roseanne Johnson	From Instructional Assistant: RSP, Tenaya Middle School to Clerk Typist, Gracey Elementary School Effective 8/2/2011
Danette L. Lariosa	From Instructional Assistant, Fremont Charter School to Preschool Instructional Assistant, Chenoweth Elementary School Effective 8/15/2011
Catherine R. Pamer	From Instructional Assistant, Fremont Charter School to Preschool Instructional Assistant, Fremont Charter School Effective 8/15/2011
Tony Pena	From Instructional Assistant: Spanish Bilingual, Clark Preschool to Preschool Instructional Assistant: Spanish Bilingual, Clark Preschool Effective 8/15/2011
Joanna L. Scott	From Instructional Assistant, Clark Preschool to Preschool Instructional Assistant, Clark Preschool Effective 8/15/2011
Irma Valencia	From Instructional Assistant: Spanish Bilingual, Reyes Elementary School to Preschool Instructional Assistant: Spanish Bilingual, Reyes Elementary School Effective 8/15/2011
Maria D. Valencia	From Instructional Assistant: Spanish Bilingual, Peterson Elementary School to Preschool Instructional Assistant: Spanish Bilingual, Clark Preschool Effective 8/15/2011
Aimee M. Vang	From Instructional Assistant, Burbank Elementary School to Preschool Instructional Assistant, Burbank Elementary School Effective 8/15/2011
Maysy Vang	From Instructional Assistant: Hmong Bilingual, Givens Elementary School to Preschool Instructional Assistant: Hmong Bilingual, Givens Elementary School Effective 8/15/2011

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Xiachoua N. Vang

From Instructional Assistant: Hmong Bilingual,
Wright Elementary School to Preschool
Instructional Assistant: Hmong Bilingual, Clark
Preschool
Effective 8/15/2011

Yolanda Villegas

From Instructional Assistant: Spanish Bilingual,
Wright Elementary School to Community
Liaison, Clark Preschool
Effective 8/8/2011

Richard C. Xiong

From Instructional Assistant: Hmong Bilingual,
Sierra Preschool to Preschool Instructional
Assistant: Hmong Bilingual, Clark Preschool
Effective 8/15/2011

Valentin P. Zamarripa

From Bus Driver, Transportation Department to
Custodian, Givens and Sheehy Elementary
Schools
Effective 8/1/2011

C. Resignation

Jessica Costa

Bus Driver
Transportation Department
Effective 8/2/2011

D. Unpaid Leave of Absence

Ana Linares-Hernandez

Instructional Assistant
Gracey Elementary School
Unpaid Leave of Absence from 8/15/2011
through 6/1/2012
Effective 8/15/2011

Fiscal Impact

Revenue: None

Expenditure: None

Budget Category: General Fund

MERCED CITY SCHOOL DISTRICT

TO: RoseMary P. Duran, Ed.D.
District Superintendent

FROM: Greg Spicer
Associate Superintendent

PREPARED BY: Kris Cavallero
Chief Fiscal Officer

DATE: August 23, 2011

SUBJECT: **WARRANTS**

Recommendation

It is recommended that the Board of Education ratify the list of warrants issued in the following consecutively numbered warrant registers:

Warrant Numbers	Dated	Amount
016477-016545	8/5/11	\$ 1,462,491.63
	Total	<hr/> \$ 1,462,491.63

Background

The warrants listed have been issued in accordance with the District's Purchasing Policy (BP 3314).

Fiscal Impact

Revenue: None
Expenditure: \$ 1,462,491.63
Budget Category: Various

Merced City School District
WARRANT REGISTER FOR WARRANTS DATED 08/05/11

APY220ME H.00.02

WARR NUMBER	VENDOR NUMBER	PAYEE NAME	FUND	AMOUNT	WARR NUMBER	VENDOR NUMBER	PAYEE NAME	FUND	AMOUNT
016477	005164	ABS DIRECT	03270	59.68	016478	008470	ACTION COMPUTERS	03270	494.22
016479	012563	AFP INDUSTRIES INC	03270	524.45	016480	012959	CASTILLO'S UPHOLSTERY	03270	250.00
016481	010900	CDW GOVERNMENT INC	03270	3,116.52	016482	000376	CITY OF MERCED	03270	412.53
016483	006677	COMMITTEE FOR CHILDREN	03270	26,749.25	016484	013062	CONTRACT PAPER GROUP INC	03270	24,171.15
016485	009124	CREATIVE ALTERNATIVES INC	03270	1,945.35	016486	005711	D&D PEST CONTROL INC	03270	36.00
016487	008096	DATAWORKS EDUCATIONAL RESEARCH	03270	49,923.50	016488	005917	DEPT OF TOXIC SUBSTANCES CNTRL	03270	265.00
016489	005641	DENISE HERNANDEZ	03270	44.18	016490	013077	ROBIN JONES	03270	816.40
016491	001154	MEADOWBROOK WATER CO OF MERCED	03270	5,382.32	016492	001345	MERCED COUNTY OFFICE OF EDUC	03270	34,578.50
016493	012755	MOUNTAIN VALLEY SEPTIC	03270	1,800.00	016494	003519	OFFICE DEPT INC	03270	476.18
016495	001368	PG&E	03270	56,469.02	016496	008015	PREFERRED ALLIANCE INC	03270	61.00
016497	012163	SCHOOLS INSURANCE AUTHORITY	03270	1,200.50	016498	004517	PERRY SHIMANOFF	03270	600.00
016499	009634	SHRED IT CENTRAL CA INC	03270	83.24	016500	012608	SISC III	03270	858,876.65
016501	001603	SOUTHWEST SCH & OFFICE SUPPLY	03270	21,760.83	016502	012621	STAPLES ADVANTAGE	03270	360.34
016503	011678	TESEI PETROLEUM	03270	107.25	016504	013057	THOMASKELLY SOFTWARE ASSOC	03270	9,500.00
016505	001887	UNISOURCE WORLDWIDE INC	03270	1,308.78	016506	012305	WESTAMERICA BANK	03270	76,507.07
016507	013000	AMERICAN EXPRESS	03270	53,029.36	016508	008470	ACTION COMPUTERS	03271	2,375.89
016509	001345	MERCED COUNTY OFFICE OF EDUC	03271	1,701.00	016510	001368	PG&E	03271	1,119.04
016511	013000	AMERICAN EXPRESS	03271	1,110.12	016512	001368	PG&E	03275	668.03
016513	001770	TERMINIX PROCESSING CENTER	03275	279.36	016514	013000	AMERICAN EXPRESS	03275	516.09
016515	005164	ABS DIRECT	03263	2,814.34	016516	008470	ACTION COMPUTERS	03263	6,378.80
016517	001930	AMERIPRIDE UNIFORM SERVICES	03263	21.80	016518	004128	THE DANIELSEN CO	03263	9,423.79
016519	008861	DAYMARK SAFETY SYSTEMS	03263	124.46	016520	009652	EAST BAY RESTAURANT SUPPLY INC	03263	1,247.75
016521	005432	FORM PLASTICS CO	03263	4,920.84	016522	007428	GOLD STAR FOODS INC	03263	7,555.47
016523	010138	HAGUE QUALITY WATER INC	03263	198.00	016524	011076	LINK SNACKS INC	03263	1,544.40
016525	008331	LUNCHEBYE SYSTEMS INC	03263	4,871.46	016526	011151	MADERA PRODUCE INC	03263	518.75
016527	009224	MERCED COMMERCIAL PEST CONTROL	03263	644.00	016528	001232	MODERN AIR MECHANICAL INC	03263	783.75
016529	004303	NEXTEL COMMUNICATIONS	03263	162.79	016530	001353	ORIENTAL TRADING CO INC	03263	324.65
016531	012913	PURE FORCE	03263	1,107.26	016532	005453	RALEY'S	03263	67.80
016533	012191	SCELZI ENTERPRISES INC	03263	112.87	016534	009919	SCHOOL LUNCH PRODUCTS INC	03263	18,316.48
016535	008494	SCHWAN'S FOODSERVICE INC	03263	39,857.89	016536	000133	SMITH AUTO PARTS INC	03263	23.73
016537	011620	SYSCO FOOD SERV OF CENTRAL CA	03263	17,232.16	016538	010808	TYSON FOODS INC	03263	14,401.60
016539	011779	VALLEY FOOD SERVICE	03263	1,811.94	016540	012596	WALLACE PACKAGING LLC	03263	3,846.40
016541	007241	WAWONA FROZEN FOODS	03263	1,757.71	016542	005517	MURPHY & BLACKWOOD	03276	11,450.00
016543	012170	EAST MERCED COUNTY PUBLIC	03269	37,360.94	016544	011838	NEIL O ANDERSON & ASSOC INC	03265	2,334.00
016545	005241	MERCED CITY SCHOOL DISTRICT	03264	32,597.00					

TOTAL AMOUNT OF ALL WARRANTS \$1,462,491.63***

MERCED CITY SCHOOL DISTRICT

TO: RoseMary P. Duran, Ed.D.
District Superintendent

FROM: Greg Spicer
Associate Superintendent

PREPARED BY: Kris Cavallero
Chief Fiscal Officer

DATE: August 23, 2011

SUBJECT: **BUDGET TRANSFERS**

Recommendation

It is recommended that the Board of Education ratify the list of budget transfers completed during the month of July 1 through July 31, 2011.

Background

Budget transfer transactions have been completed as necessary to permit payment of the obligations incurred by Merced City School District.

The Budget Transfer Transactions list will be provided to the Board for review.

Fiscal Impact

Revenue: N/A
Expenditure: N/A
Budget Category: Various

BOARD ACTION

EDUCATIONAL SERVICES

MERCED CITY SCHOOL DISTRICT

TO: RoseMary Parga Duran, Ed.D.
District Superintendent

FROM: Annie Dossetti.
Assistant Superintendent, Educational Services

PREPARED BY: Melanie Cole
Coordinator, Preschool and Child Development Programs

DATE: August 23, 2011

SUBJECT: **FIRST 5 MERCED COUNTY TEACHER SUPPORT GRANT
ACCEPTANCE**

Recommendation

It is recommended that the Board of Education approve the acceptance of the First 5 Merced County Teacher Support Program Grant in the amount of \$125,000.00 for the 2011-12 school year.

Background

For nearly a decade, First 5 Merced County and Merced City School District (MCSD) Preschool Program have collaborated on enhancing the lives of children 0-5 so they can succeed in school. First 5 funding is provided through Proposition 10 that was passed in 1998. First 5 Merced County has provided support for MCSD with three previous programs: School Readiness, Power of Preschool, and Special Needs Project. The strategic plan for First 5 Merced County includes improving the quality of care provided in out-of-home environments such as preschool, focusing on teacher skills in providing critical elements of quality. The MCSD Teacher Support Program will provide assistance in helping to meet this desired outcome. The funding for this program will be used for a preschool instructional coach and staff development as outlined by the program scope of work.

Fiscal Impact

Revenue: \$125,000.00

Expenditure: \$125,000.00

Budget Category: State Preschool

MERCED CITY SCHOOL DISTRICT

TO: RoseMary Parga Duran, Ed.D.
District Superintendent

FROM: Annie Dossetti.
Assistant Superintendent, Educational Services

PREPARED BY: Melanie Cole
Coordinator, Preschool and Child Development Programs

DATE: August 23, 2011

SUBJECT: **FIRST 5 MERCED COUNTY FAMILY AND CHILDREN
SUPPORT GRANT ACCEPTANCE**

Recommendation

It is recommended that the Board of Education approve the acceptance of the First 5 Merced County Family and Children Support Program Grant in the amount of \$234,000.00 for the 2011-2012 school year.

Background

For nearly a decade, First 5 Merced County and Merced City School District (MCSD) Preschool Program have collaborated on enhancing the lives of children 0-5 so they can succeed in school. First 5 funding is provided through Proposition 10 that was passed in 1998. First 5 Merced County has provided support for MCSD with three previous programs: School Readiness, Power of Preschool, and Special Needs Project. The current strategic plan for First 5 Merced County includes the following desired outcomes: improve parents' capability to spend time with their children through nurturing and engaging relationships; and improve the system for early screening, referral, assessment, and services for children with developmental, health, social, emotional, behavioral, and other special needs. The MCSD Family and Children Support Program will provide assistance in helping to meet these desired outcomes. This program helps to support two Family Specialists, the preschool Positive Behavior Support Specialist, training, and mileage.

Fiscal Impact

Revenue: \$234,000.00

Expenditure: \$234,000.00

Budget Category: State Preschool

MERCED CITY SCHOOL DISTRICT

TO: RoseMary Parga Duran, Ed.D.
District Superintendent

FROM: Annie Dossetti.
Assistant Superintendent, Educational Services

PREPARED BY: Melanie Cole
Coordinator, Preschool and Child Development Programs

DATE: August 23, 2011

SUBJECT: **FIRST 5 MERCED COUNTY COORDINATION AND
TECHNICAL ASSISTANCE FOR THE PARENTS AS TEACHERS
HOME VISITATION PROGRAM GRANT ACCEPTANCE**

Recommendation

It is recommended that the Board of Education approve the acceptance of the First 5 Merced County Coordination and Technical Assistance for the Parents As Teachers Home Visitation Program Grant in the amount of \$38,991.00.

Background

For nearly a decade, First 5 Merced County and Merced City School District (MCSD) Preschool Program have collaborated on enhancing the lives of children 0-5 so they can succeed in school. First 5 funding is provided through Proposition 10 that was passed in 1998. First 5 Merced County has provided support for MCSD with three previous programs: School Readiness, Power of Preschool, and Special Needs Project. The strategic plan for First 5 Merced County includes improving parents' capability to spend time with their children through nurturing and engaging relationships. MCSD has implemented the Parents as Teachers (PAT) Program for several years with funding support from the First 5 Special Needs Project and currently through the Family and Children Support grant. MCSD will provide coordination, technical assistance, and management of the Parents as Teachers program. The funding for this program will provide for a half-time PAT Coordinator and training for the Family Specialists.

Fiscal Impact

Revenue: \$38,991.00

Expenditure: \$38,991.00

Budget Category: State Preschool

ADMINISTRATIVE SERVICES

MERCED CITY SCHOOL DISTRICT

TO: RoseMary Parga Duran, Ed.D.
District Superintendent

FROM: Greg Spicer
Associate Superintendent, Administrative Services

DATE: August 23, 2011

SUBJECT: **JOINT-USE AGREEMENT WITH THE CITY OF MERCED FOR
RIVERA MIDDLE SCHOOL GYMNASIUM**

Recommendation

It is recommended that the Board of Education approve the "First Amendment" to the Joint-Use Agreement with the City of Merced for the new gymnasium facility that is currently being constructed at Rivera Middle School.

Background

The existing Joint-Use Agreement between the City of Merced and Merced City School District states that both parties will meet and negotiate the payment structure for the City of Merced's portion of the project. This First Amendment is the result of that negotiation process and specifies the City of Merced's payment towards the project and their use of the facilities.

Fiscal Impact

Revenue: \$950,000

Expenditure: \$950,000

Budget Category: Fund 41 – Special Reserve for Capital Outlay

**FIRST AMENDMENT TO JOINT USE AGREEMENT
(Gymnasium at Rivera Middle School)**

THIS FIRST AMENDMENT TO JOINT USE AGREEMENT (“First Amendment”) is entered into as of this ____ day of _____, 2011, by and between the Merced City School District, a public school district organized and existing under the laws of the State of California (hereinafter referred to as “District”) and the City of Merced, a California Charter law municipal corporation (hereinafter referred to as “City”), together herein referred to as “Parties.”

RECITALS

WHEREAS, On May 20, 2008, the City and District entered into a Joint Use Agreement for the use of the gymnasium at Rivera Middle School (hereafter, the “Agreement”); and,

WHEREAS, Because of a decrease in the level of City-run park and recreation programs, the City does not have the current need for use of the proposed new gymnasium at Rivera Middle School in the manner originally contemplated by the Agreement or available funding to pay for ongoing operation and maintenance of the proposed new gymnasium; and,

WHEREAS, The City will still provide substantial capital funding to assist the District with the construction of the new gymnasium facility described in the Agreement, and,

WHEREAS, The City and District wish to amend the Agreement to reflect the changes regarding which Parties will pay for the ongoing operation and maintenance of the proposed new gymnasium.

NOW THEREFORE, in consideration of the foregoing Recitals which are hereby incorporated into the operative provisions of this First Amendment by this reference and other good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, the City and the District agree as follows:

TERMS

1. Amendment of Section 4. Section 4 of the Agreement is hereby amended to read as follows:

“4. Construction of Facility. The District shall be fully responsible for the construction of the Facility and for entering into any and all agreements required for, and relating to, the construction of the Facility. The District shall be responsible for complying with all state and local laws relating to the construction of school facilities. The District Superintendent or his/her designee shall monitor the construction of the Facility as well as its ongoing condition and operation and will keep the Parties informed of the status of each.”

2. Amendment of Section 6(c). Section 6(c) of the Agreement is hereby amended to read as follows:

“c. City. Within forty-five (45) days from the date of this Agreement, the City shall pay to the District in immediately available funds the sum of Nine Hundred Fifty Thousand Dollars (\$950,000), which money shall be applied by the District towards the construction of the Facility.”

3. Amendment of Section 7. Section 7 of the Agreement is hereby amended to read as follows:

“7. Use of the Facility. The Parties agree that the District shall have sole and exclusive use of the Facility except when the District allows other or outside groups and organizations to use the Facility. Upon written request from the City to District to activate the joint use of the Facility, the Parties shall enter into good faith negotiations to amend this Agreement to facilitate a joint use of the Facility on mutually acceptable terms.”

4. Amendment of Section 8. Section 8 of the Agreement is hereby amended to read as follows:

“8. Operations of the Facility. The District shall be responsible for the day-to-day operations of the Facility.”

5. Amendment of Section 9. Section 9 of the Agreement is hereby amended to read as follows:

“9. Operational Costs.

a. Responsibility for Costs. The District shall be solely responsible for the operations and utilities costs for the Facility, including water and sewer, electricity, gas, refuse disposal, and custodial maintenance.

b. Charges for Facility Use. Charges for Facility use will be determined by the District and billed to the user group. All charges will be determined in advance of the event or activity and agreed upon by the District and the user group before the date of the event or start of the activity. Charges for City use of the Facility will be determined in accordance with the District’s Master Joint Use Agreement with the City, the Civic Center Act (California Education Code section 38130 *et seq.*) and the District’s policy and regulations implementing the Civic Center Act.

c. City Use of Facility. In consideration of City’s contribution of \$950,000 toward the construction costs of the Facility, District shall provide a credit to the City in the amount of One Hundred Thousand Dollars (\$100,000) (hereafter, the “City Credit”) for City’s use of the Facility. At such times when the City schedules the use of the Facility for City-sponsored activities, the District shall charge City the current charge as determined by Section 9(b) of this Agreement. The amount of such charges for each particular use shall be deducted from the amount of the City Credit until the amount of the City Credit is reduced to zero or until five (5) years from the date of the First Amendment to this Agreement, whichever occurs first.

d. Maintenance. District shall be solely responsible for the safety, security, and operations of the Facility, including the performance of all maintenance to building interiors, custodial services and consumable supplies, floor re-finishing, painting, and maintenance of all electrical, plumbing, and mechanical components of the building.”

6. Amendment of Section 14. Section 14 of the Agreement is hereby amended to read as follows:

“14. Notices and Contacts. All notices, statements, demands, requests, consents, approvals, authorizations, appointments or designations hereunder by either party to the other shall be in writing and shall be sufficiently given and served upon the other party, if sent by United States registered mail, return receipt requested, postage prepaid and addressed as follows:

District: Merced City School District
444 West 23rd Street
Merced, CA 95341

City: City Clerk
City of Merced
678 West 18th Street
Merced, CA 95340

With a copy to: City Attorney
City of Merced
678 18th Street
Merced, CA 95340

Either party may change its address or contact person by giving notice to the other party.”

7. Counterparts. This First Amendment may be executed in one or more counterparts, each of which shall constitute an original, but all of which, when taken together, shall constitute one and the same agreement. No counterpart shall be deemed to be an original or presumed delivered unless and until the counterparts executed by the other parties hereto are in the physical possession of the party or parties seeking enforcement thereof.

8. Section Headings. The section headings contained in this First Amendment are for convenience and identification purposes only and shall not limit or define the contents of the sections to which they relate.

9. Entire Agreement. Except for the Agreement, which this First Amendment amends, this First Amendment represents the entire agreement

between the Parties with respect to the subject matter hereof and supersedes all prior agreements and understandings, whether oral or written, between the Parties with respect to the matters contained in this First Amendment.

10. No Reliance on Other Party. All Parties to this First Amendment declare that, prior to the execution of this First Amendment, they have informed themselves of sufficient relevant data, either through experts or other sources of their own selection, and have sought and obtained legal counsel, in order that they might intelligently exercise their own judgment in evaluating the contents of this First Amendment and making the decision to execute it. The Parties each represent and acknowledge that in executing this First Amendment, they do not rely and have not relied upon any representation or statement not set forth herein made by any other party to this First Amendment or their respective legal counsel with regard to the subject matter, basis or effect of this First Amendment.

11. Construction. The provisions of this First Amendment shall be liberally construed to effectuate its purpose. The language of this First Amendment shall be construed simply according to its plain meaning and shall not be construed for or against any party, as each party has participated in the drafting of this First Amendment and has had its legal counsel review it. Whenever the context and construction so require, all words used in the singular shall be deemed to be used in the plural, and vice versa.

12. Waiver. In the event that either City or the District at any time or times waives any breach of this First Amendment or the Agreement by the other, such waiver shall not constitute a waiver of any other or succeeding breach of this First Amendment or the Agreement, whether of the same or any other covenant, condition or obligation. Waiver shall not be deemed effective until and unless signed by the waiving party.

13. Governing Law. This First Amendment, the Agreement which it amends, and all matters relating to it shall be governed by the laws of the State of California and any action brought relating to this First Amendment or the Agreement which it amends shall be held exclusively in a state court in the County of Merced.

14. Amendments. This First Amendment and the Agreement which it amends shall not be amended, modified, or otherwise changed unless in writing and signed by both Parties hereto.

15. Impact of First Amendment on Agreement. Unless otherwise specifically amended by this First Amendment, all provisions of the Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the Parties have executed this First Amendment as of the date indicated above.

MERCED CITY SCHOOL DISTRICT:

By: _____

Title: Superintendent/Board of Trustee Secretary

CITY OF MERCED
A California Charter Municipal
Corporation

BY: _____
City Manager

ATTEST:
JOHN M. BRAMBLE, CITY CLERK

BY: _____
Assistant/Deputy City Clerk

APPROVED AS TO FORM:

BY: 
City Attorney Date

ACCOUNT DATA:

BY: _____
Verified by Finance Officer

MERCED CITY SCHOOL DISTRICT

TO: RoseMary Parga Duran, Ed.D.
District Superintendent

FROM: Greg Spicer
Associate Superintendent, Administrative Services

PREPARED BY: Kraig Magnussen
Chief Operations Officer

DATE: August 23, 2011

SUBJECT: **RESOLUTION NO. A-11-2011-2012 - AUTHORIZING
RATIFICATION OF NOMINATIONS FOR THE MEASURE S
OVERSIGHT COMMITTEE**

Recommendation

It is recommended that the Board of Education approve Resolution No. A-11-2011-2012 nominating members to the Measure S Citizens' Oversight Committee.

Background

The Board of Education names the following as members to the Measure S Citizens' Oversight Committee:

- Birdi Olivarez-Kidwell – Vice President
- Keith Ensminger – Member
- Jeff Pennington – Member

Fiscal Impact

Revenue: None

Expenditure: None

Budget Category: General Fund

MERCED CITY SCHOOL DISTRICT

RESOLUTION NO. A-11-2011-2012

A RESOLUTION APPOINTING MEMBERS TO MEASURE S CITIZENS' OVERSIGHT COMMITTEE

WHEREAS, the Merced City Elementary School District (the "District"), through the Board of Education (the "Board"), submitted to the voters of the District pursuant to Article XIIA, Section 1(b) of the California Constitution and Chapter 1.5 of Part 10 of Title 1 (commencing with section 15264) of the California Education Code, its general obligation bond proposal in the amount of \$26.5 million for the election that was held on November 4, 2003; and

WHEREAS, the voters of the District approved, by more than a 55% vote, said bond proposal as Measure "S" on the election ballot; and

WHEREAS, Education Code section 15278 provides that if a bond measure such as Measure "S" is approved by the voters, then this Board must establish and appoint members to an independent Citizens' Oversight Committee ("Bond Oversight Committee") as an additional accountability measure for the voter and taxpayers of the District; and

WHEREAS, pursuant to Education Code section 15278, subdivision (b), the purpose of the Bond Oversight Committee is to inform the public concerning the expenditures of bond revenues; and

WHEREAS, the purposes, functions and membership requirements of the Bond Oversight Committee are set forth more fully in the Education Code sections 17278 through 17282, the provisions of which include the requirement that the Bond Oversight Committee's meetings be open to the public and that notice of the meetings be provided in the same manner as notice of the meeting of this Board; and

WHEREAS, other provisions of State law, including the Ralph M. Brown Act, established certain procedures and requirements for open public meetings by local public boards and committees, including the Bond Oversight Committee; and

WHEREAS, this Board has previously established the Measure S Citizens' Oversight Committee pursuant to Section 15282 of the Education Code.

MERCED CITY SCHOOL DISTRICT

NOW, THEREFORE, THE BOARD OF EDUCATION OF THE MERCED CITY SCHOOL DISTRICT HEREBY RESOLVES, FINDS, DETERMINES AND ORDERS, AS FOLLOWS:

- 1. Adopts the foregoing as true and correct.
- 2. Appoints three (3) members, as set forth in Attachment "A" to the Measure S Citizens' Oversight Committee in order to discharge the duties of the Bond Oversight Committee pursuant to Education Code 15282(b) and related applicable law.
- 3. The Members appointed herein shall serve for a term of two (2) years without compensation pursuant to Section 15282(a) of the Education Code.
- 4. This Resolution shall take effect immediately after its adoption.

This Resolution was adopted on this 23rd day of August, 2011, by the following vote:

AYES: _____
 NOES: _____
 ABSENT: _____
 ABSTENTIONS: _____

BOARD OF EDUCATION OF THE MERCED CITY
SCHOOL DISTRICT, COUNTY OF MERCED, STATE
OF CALIFORNIA

BY: _____
 ROSEMARY PARGA DURAN
 District Superintendent

MERCED CITY SCHOOL DISTRICT

CERTIFICATION

State of California)
)
County of Merced) ss.

I, RoseMary Parga Duran, Secretary to the Board of Education of the Merced City School District of Merced County, California, do hereby certify that the foregoing is a full, true, and correct copy of a Resolution duly adopted by said Board at the time and place and by the vote above stated, which Resolution is on file and of record in the office of said Board.

BOARD OF EDUCATION OF THE
MERCED CITY SCHOOL DISTRICT,
COUNTY OF MERCED, STATE OF
CALIFORNIA

BY: _____
 ROSEMARY PARGA DURAN
 District Superintendent

MERCED CITY SCHOOL DISTRICT

ATTACHMENT "A"

Measure S Bond Oversight Committee Members Appointments:

- Birdi Olivarez-Kidwell – (Vice President) Business Organization, Parent Guardian, and Member at Large
- Keith Ensminger – (Member) Community Representative
- Jeff Pennington – (Member) Business Organization and Community Representative

MERCED CITY SCHOOL DISTRICT

TO: RoseMary Parga Duran, Ed.D.
District Superintendent

FROM: Greg Spicer
Associate Superintendent, Administrative Services

PREPARED BY: Kraig Magnussen
Chief Operations Officer

DATE: August 23, 2011

SUBJECT: **AMENDMENT TO LAB TESTING AND OBSERVATION
CONTRACT FOR THE RIVERA JOINT-USE GYM PROJECT**

Recommendation

It is recommended that the Board of Education approve the amendment to the contract with Neil O. Anderson and Associates for lab testing and observation services of the Rivera Joint-Use Gym project.

Background

The original agreement with Neil O. Anderson and Associates was approved at the October 26, 2010 board meeting. The anticipated scope of services for lab testing and observation services included the following:

1. Masonry – 210 hours of testing and observation
2. Structural Steel – 240 hours of testing and observation of which 140 were on site and 100 off site at the welding shop.

Additional hours were incurred in two areas:

1. Actual masonry observation hours exceeded the estimated 210 hours by 50 hours for a total of 260 of which 73 were overtime hours. The overtime hours were incurred for travel time to and from the job site during the performance of the testing.
2. Actual welding shop hours exceeded the original estimate of 240 hours by 130.50 hours. In large part these additional hours were incurred because the weld shop only had one welder on the project and the original estimate was given with the expectation that two welders would be working on the project simultaneously.

MERCED CITY SCHOOL DISTRICT

Original contract was estimated at \$56,234.00. All billing is based on time and material.

Fiscal Impact

Revenue: None

Expenditure: \$22,000.00

Budget Category: Fund 21 – Bond Fund

MERCED CITY SCHOOL DISTRICT

TO: RoseMary Parga Duran, Ed.D.
District Superintendent

FROM: Greg Spicer
Associate Superintendent, Administrative Services

PREPARED BY: Kraig Magnussen
Chief Operations Officer

DATE: August 23, 2011

SUBJECT: **RIVERA JOINT-USE GYM PROJECT- ALLOWANCE CHANGE
ORDER – CATEGORY 1**

Recommendation

It is recommended that the Board of Education accept the Allowance Change Order (ACO 1-1) from Harris Builders, Inc.

Background

It has become necessary to provide and install additional floor tile in rooms 105,106, 117, and 118.

The Original Allowance Sum:	\$ 30,000.00
Net Changes by previously <i>authorized</i> Change Orders:	\$ 0.00
Remaining Allowance Sum prior to Change Order:	\$ 30,000.00
Cost of Change Order:	<u>\$ 14,832.00</u>
Remaining Allowance Sum:	\$ 15,168.00

Fiscal Impact

Revenue: None

Expenditure: No increase to overall planned expenditure(s)

Budget Category: Fund 21 – Bond Fund

MERCED CITY SCHOOL DISTRICT

TO: RoseMary Parga Duran, Ed.D.
District Superintendent

FROM: Greg Spicer
Associate Superintendent, Administrative Services

PREPARED BY: Kraig Magnussen
Chief Operations Officer

DATE: August 23, 2011

SUBJECT: **RIVERA JOINT-USE GYM PROJECT- ALLOWANCE CHANGE ORDER – CATEGORY 3**

Recommendation

It is recommended that the Board of Education accept the Allowance Change Order (ACO 2-3) from Diede Construction, Inc.

Background

It has become necessary to add/change/install the following items:

Item 1: This is a change for the revision of wall footing due to existing electrical conduit being under the planned ramp footing. It became necessary to turn the ramp at the gym wall 90 degrees to miss electrical and fiber lines. Not doing this would have resulted in the relocation of electrical and other lines. The cost would have been significantly more and in reality this 90 degree turn of the ramp looks a lot better than the original design (cost of \$10,535.00).

Item 2: This is an increase due to the increased size of the trash enclosure footing and the addition of rebar to the footing (cost of \$2,069.00).

Item 3: A credit is due because it was not necessary to have a vapor barrier along the concrete flat work due to the soil being treated with lye at the start of the project. It was also agreed to put a 12" thickened edge on the grass side of the concrete walk to stop shallow moisture penetration under the walk (credit of \$5,748.00).

Item 4: Unexpected water/sewer/electrical lines were found while digging the footing for the ramp. It became necessary to work around these buried lines that were not shown on the district as built (cost of \$1,234.00).

The Original Allowance Sum:	\$ 35,000.00
Net Changes by previously <i>authorized</i> Change Orders:	\$ 6,952.00
Remaining Allowance Sum prior to Change Order:	\$ 28,048.00
Cost of Change Order:	<u>\$ 7,908.00</u>
Remaining Allowance Sum:	\$ 20,140.00

MERCED CITY SCHOOL DISTRICT

Fiscal Impact

Revenue: None

Expenditure: No increase to overall planned expenditure(s)

Budget Category: Fund 21 – Bond Fund

MERCED CITY SCHOOL DISTRICT

TO: RoseMary Parga Duran, Ed.D.
District Superintendent

FROM: Greg Spicer
Associate Superintendent, Administrative Services

PREPARED BY: Kraig Magnussen
Chief Operations Officer

DATE: August 23, 2011

SUBJECT: **RIVERA JOINT-USE GYM PROJECT- ALLOWANCE CHANGE
ORDER – CATEGORY 5**

Recommendation

It is recommended that the Board of Education accept the Allowance Change Order (ACO 2-5) from Dorfmeier Masonry, Inc.

Background

It has become necessary to provide and install rebar for a trash enclosure per RFI 79.

The Original Allowance Sum:	\$20,000.00
Net Changes by previously <i>authorized</i> Change Orders:	\$ 305.43
Remaining Allowance Sum prior to Change Order:	\$19,694.57
Cost of Change Order:	<u>\$ 534.00</u>
Remaining Allowance Sum:	\$19,160.57

Fiscal Impact

Revenue: None

Expenditure: No increase to overall planned expenditure(s)

Budget Category: Fund 21 – Bond Fund

MERCED CITY SCHOOL DISTRICT

TO: RoseMary Parga Duran, Ed.D.
District Superintendent

FROM: Greg Spicer
Associate Superintendent, Administrative Services

PREPARED BY: Kraig Magnussen
Chief Operations Officer

DATE: August 23, 2011

SUBJECT: **RIVERA JOINT-USE GYM PROJECT - CHANGE ORDER -
CATEGORY 6**

Recommendation

It is recommended that the Board of Education accept the Change Order (CO 1-6) from San Joaquin Steel, Inc.

Background

It has become necessary to add of new base plate to the northeast column plate per RFI 66. This was due to the column being off center by 1 1/4” of the plan. The mason did rebuild the column to spec, however he has not agreed to pay for modification to the column plate due to the column being off center. This modification will cost \$1,183 of which \$185 will be added to this CO 3/6 and the remainder of the \$998.00 will be added to the San Joaquin Steel, Inc contract.

The Original Contract Sum:	\$398,054.00
Changes by previously <i>authorized</i> Change Orders:	
Contract Sum prior to Change Order:	\$398,054.00
Cost of Change Order:	\$ 998.00
Remaining Allowance Sum:	\$399,052.00

Fiscal Impact

Revenue: None

Expenditure: \$998.00

Budget Category: Fund 21 – Bond Fund

MERCED CITY SCHOOL DISTRICT

TO: RoseMary Parga Duran, Ed.D.
District Superintendent

FROM: Greg Spicer
Associate Superintendent, Administrative Services

PREPARED BY: Kraig Magnussen
Chief Operations Officer

DATE: August 23, 2011

SUBJECT: **RIVERA JOINT-USE GYM PROJECT - ALLOWANCE CHANGE ORDER – CATEGORY 6**

Recommendation

It is recommended that the Board of Education accept the Allowance Change Order (ACO 3-6) from San Joaquin Steel, Inc.

Background

It has become necessary to add/install the following items:

Item 1: Slot column base plates to move bolts to clear rebar and add weld washers at four columns. It has been agreed on by the District and WLC that the District will withhold the amount of \$1,596.00 from retention of the AOR's (Architect of Record) contract at the end of the project.

Item 2: Addition of new base plate to northeast column plate per RFI 66. This was due to the column being off center by 1 1/4" of plan. The mason did rebuild column to spec, however he has not agreed to pay for modification to the column plate due to the column being off center. This will cost \$1,183 of which \$185 will be added to this ACO

The Original Allowance Sum:	\$10,000.00
Net Changes by previously <i>authorized</i> Change Orders:	\$ 8,219.00
Remaining Allowance Sum prior to Change Order:	\$ 1,781.00
Cost of Change Order:	<u>\$ 1,781.00</u>
Remaining Allowance Sum:	\$ 00.00

Fiscal Impact

Revenue: None

Expenditure: No increase to overall planned expenditure(s)

Budget Category: Fund 21 – Bond Fund

MERCED CITY SCHOOL DISTRICT

TO: RoseMary Parga Duran, Ed.D.
District Superintendent

FROM: Greg Spicer
Associate Superintendent, Administrative Services

PREPARED BY: Kraig Magnussen
Chief Operations Officer

DATE: August 23, 2011

SUBJECT: **RIVERA JOINT-USE GYM PROJECT- ALLOWANCE CHANGE
ORDER – CATEGORY 10**

Recommendation

It is recommended that the Board of Education accept the Allowance Change Order (ACO 1-10) from Tarlton & Son, Inc.

Background

It has become necessary to remove and replace the lath on the exterior wall to allow access to install non-shrink grout.

The Original Allowance Sum:	\$ 5,000.00
Net Changes by previously <i>authorized</i> Change Orders:	\$ 0.00
Remaining Allowance Sum prior to Change Order:	\$ 5,000.00
Cost of Change Order:	\$ 1,113.00
Remaining Allowance Sum:	\$ 3,887.00

Fiscal Impact

Revenue: None

Expenditure: No increase to overall planned expenditure(s)

Budget Category: Fund 21 – Bond Fund

MERCED CITY SCHOOL DISTRICT

TO: RoseMary Parga Duran, Ed.D.
District Superintendent

FROM: Greg Spicer
Associate Superintendent, Administrative Services

PREPARED BY: Kraig Magnussen
Chief Operations Officer

DATE: August 23, 2011

SUBJECT: **RIVERA JOINT-USE GYM PROJECT- ALLOWANCE CHANGE
ORDER – CATEGORY 12**

Recommendation

It is recommended that the Board of Education accept the Allowance Change Order (ACO 4-12) from Modern Air Mechanical, Inc.

Background

It became necessary to provide early start-up of the gym mechanical units to provide a conditioned space for the wood floor installation. The cost includes the installation of temporary filters and controls.

The Original Allowance Sum:	\$30,000.00
Net Changes by previously <i>authorized</i> Change Orders:	\$ (8,830.00)
Remaining Allowance Sum prior to Change Order:	\$21,170.00
Cost of Change Order:	<u>\$ 2,342.00</u>
Remaining Allowance Sum:	\$18,828.00

Fiscal Impact

Revenue: None

Expenditure: No increase to overall planned expenditure(s)

Budget Category: Fund 21 – Bond Fund