

MERCED CITY SCHOOL DISTRICT



SCHOOL BOARD AGENDA

February 17, 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

Thursday, February 17, 2011
Tenaya Middle School
760 West 8th Street
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.*

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. STUDENT EXPULSION

- Student Case No. 5-2010-2011
- Student Case No. 6-2010-2011

B. PUBLIC EMPLOYEE: APPOINTMENT/DISCIPLINE/DISMISSAL/RELEASE

C. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION, Significant exposure to litigation, Gov. Code 54956.9(b)

D. CONFERENCE WITH LABOR NEGOTIATOR, Mr. Greg Spicer, pursuant to Education Code Section 54957.6 regarding negotiations with Certificated and Classified Employees

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

E-32-10-11 Student Attendance

**Ms. Dossetti
Mr. Blount**

F-33-10-11 Actuarial Valuation Of Post-Employment Health Benefits

**Mr. Spicer
Ms. Cavallero**

**A-83-10-11 Budget Process And Development Update:
Presentation By District Staff, MCTA And CSEA**

**Mr. Spicer
Ms. Cavallero**

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-24-10-11 Meeting Minutes

Dr. P. Duran

It is recommended that the Board of Education approve the minutes from the special meeting of January 25, 2011 and the regular meeting of February 1, 2011.

b. Administrative Services

A-79-10-11 Employment Transactions - Classified Personnel

Mr. Spicer

Approval is recommended for classified personnel items.

c. Fiscal Services

F-34-10-11 Warrants

**Mr. Spicer
Ms. Cavallero**

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

F-35-10-11 Budget Transfers

**Mr. Spicer
Ms. Cavallero**

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

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. Superintendent

- S-25-10-11 Gifts/Grants And Bequests Dr. P. Duran**
It is recommended that the Board of Education accept the gifts/grants and bequests in the amount of \$5,384.65.
- S-26-10-11 2011 CSBA (California School Boards Association) Dr. P. Duran.**
Delegate Assembly Election Ballot – 1 Vacancy
It is recommended that the Board of Education vote as a whole using the attached (copy) of a ballot for Region 8/subregion D election for candidates running for CSBA's Delegate Assembly. Number of vacancies: 1 Vote for no more than one (1) candidate. The candidate with the most votes will serve a **two**-year term beginning April 1, 2011-March 31, 2013.
- S-27-10-11 Consideration Of Acceptance Of Revised Board Policies Dr. P. Duran**
In The 9000 Series (Bylaws) – First Reading
It is recommended that the Board of Education accept the attached revision to Board Bylaw 9110, Terms of Office, for a first reading.

b. Educational Services

- E-33-10-11 School Accountability Report Cards Ms. Dossetti**
It is recommended that the Board of Education approve the School Accountability Report Cards (SARC).
- E-34-10-11 Student Expulsion Ms. Dossetti**
It is recommended that the Board of Education adopt the findings of fact, rehabilitation plan, and readmission date as set forth in the recommendation of the administrative panel and approve the expulsion of Student Case No. 5-2010-11.
Dr. Testa
- E-35-10-11 Student Expulsion Ms. Dossetti**
It is recommended that the Board of Education adopt the findings of fact, rehabilitation plan, and readmission date as set forth in the recommendation of the administrative panel and approve the expulsion of Student Case No. 6-2010-11.
Dr. Testa

c. Administrative Services

- | | | |
|-------------------|---|---|
| A-80-10-11 | Natural Gas Pipeline Risk Analysis For The Rivera K-8 Project
It is recommended that the Board of Education approve the contract J House Environmental, Inc., to perform a natural gas pipeline risk analysis. | Mr. Spicer
Mr. Magnussen |
| A-81-10-11 | Memorandum Of Understanding (MOU) Between Merced City School District And Merced County Office Of Education
It is recommended that the Board of Education approve the Memorandum of Understanding between Merced City School District and the Merced County Office of Education for use of the boom lift/crane services of the District's Maintenance Department. | Mr. Spicer
Mr. Magnussen |
| A-82-10-11 | Rivera Joint-Use Gym Project Allowance Change Order – Category 12
It is recommended that the Board of Education accept the Allowance Change Order (ACO) from Modern Air Mechanical, Inc. | Mr. Spicer
Mr. Magnussen |
| A-83-10-11 | Rivera Joint-Use Gym Project Allowance Change Order – Category 13
It is recommended that the Board of Education accept the Allowance Change Order (ACO) from Applegate Johnson, 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: February 11, 2011

**Board of Education Meeting Schedule
 2010-2011 School Year**

<u>Date Of Meeting</u>	<u>Time</u>	<u>Location</u>
Tuesday, August 10, 2010	7:00 p.m.	Board Room
Tuesday, August 24, 2010	7:00 p.m.	Board Room
First day of school - (August 16)		
Tuesday, September 14, 2010	7:00 p.m.	Board Room
Tuesday, September 28, 2010	7:00 p.m.	Givens School
Tuesday, October 12, 2010	7:00 p.m.	Board Room
Tuesday, October 26, 2010	7:00 p.m.	Stefani School
Tuesday, November 9, 2010	7:00 p.m.	Rivera School
Nov. 2 – Election Day *Thanksgiving Week - (November 22-26)		
Tuesday, December 14, 2010	7:00 p.m.	Board Room
*Winter Break - (December 20-December 31)		
Tuesday, January 11, 2011	7:00 p.m.	Board Room
Tuesday, February 1, 2011	7:00 p.m.	Board Room
Tuesday, February 17, 2011	7:00 p.m.	Tenaya School
*Presidents' Week - (February 21-25)		
Tuesday, March 8, 2011	7:00 p.m.	Board Room
Tuesday, March 22, 2011	7:00 p.m.	Franklin School
Tuesday, April 12, 2011	7:00 p.m.	Board Room
Tuesday, April 26, 2011	7:00 p.m.	Burbank School
*Spring Break - (April 18 - 25)		
Tuesday, May 10, 2011	7:00 p.m.	Muir School
Tuesday, May 24, 2011	7:00 p.m.	Board Room
Graduation - (June 1)		
Tuesday, June 14, 2011	7:00 p.m.	Board Room
Tuesday, June 28, 2011	7:00 p.m.	Board Room

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

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

Budget Open Forums: January 13 (Tenaya); January 20 (Chenoweth); February 10 (Reyes)
Special Board Meeting: March 1 (Cruickshank)

**MINUTES OF THE SPECIAL MEETING OF THE GOVERNING BOARD OF THE
MERCED CITY SCHOOL DISTRICT
District Office Board Room
January 25, 2011**

CALL TO ORDER: The meeting was called to order by Mr. Gene Stamm at 5:00 p.m.

MEMBERS PRESENT: Mr. Darrell Cherf (arrived 5:03 p.m.), Mr. Adam Cox (arrived 5:23 p.m.), Ms. Jessica Kazakos, Mr. Gene Stamm, Dr. Susan Walsh

STAFF PRESENT: District Superintendent, Dr. RoseMary Parga Duran; Associate Superintendent, Mr. Greg Spicer; Acting Assistant Superintendent, Educational Services, Ms. Annie Dossetti; Administrative Assistant to the Superintendent, Ms. Kathie Kubo; Chief Fiscal Officer, Ms. Kris Cavallero; Chief Operations Officer, Mr. Kraig Magnussen; Director of Special Education and Pupil Services, Dr. Ken Testa; Director of Information Technology/Support Services, Mr. Greg Blount; Curriculum Coordinator, Ms. Lila Lesly

PLEDGE OF ALLEGIANCE: Dr. Susan Walsh

APPROVAL OF AGENDA: It was moved by Dr. Walsh, seconded by Ms. Kazakos, to approve the agenda as presented. Motion carried.

BOARD ACTION

EDUCATIONAL SERVICES:

2010-11 CONSOLIDATED APPLICATION FOR FUNDING CATEGORICAL AID PROGRAMS – PART II

It was moved by Dr. Walsh, seconded by Ms. Kazakos, to approve the Consolidated Application – Part II. Motion carried.

ADMINISTRATIVE SERVICES:

ARCHITECTURAL SERVICE CONTRACTS FOR CHENOWETH PRESCHOOL MODULAR BUILDING PROJECT

It was moved by Dr. Walsh, seconded by Ms. Kazakos, to approve contracts for architectural services to be provided by Taylor Teter Architects, LLP for the Chenoweth Preschool modular building project. Motion carried.

STUDY SESSION:

FACILITIES MASTER PLAN

Associate Superintendent, Mr. Greg Spicer and Chief of Operations, Mr. Kraig Magnussen provided the board members with a historical perspective to date on the District's facilities planning.

EXAMPLE OF A FACILITIES MASTER PLAN

Mr. Paul Bunton, Bunton Clifford & Associates (BCA) Architects presented an example of a step-by-step process to develop a facilities master plan along with a sample timeline.

CLOSED SESSION: The Board met in closed session from 5:59 p.m. to 6:49 p.m. to discuss:

- Public Employee: Appointment/Discipline/Dismissal/Release

OPEN SESSION: The Board reconvened to open session at 6:50 p.m.

REPORT OF ACTION TAKEN IN
CLOSED SESSION: No action was taken.

ADJOURNMENT: The meeting adjourned at 6:50 p.m.

Secretary

Clerk

**MINUTES OF THE REGULAR MEETING OF THE GOVERNING BOARD OF THE
MERCED CITY SCHOOL DISTRICT
Peterson Elementary School
February 1, 2011**

- CALL TO ORDER: The meeting was called to order by President Cherf at 6:00 p.m.
- MEMBERS PRESENT: Mr. Darrell Cherf, Mr. Adam Cox (via telephone conference), Ms. Jessica Kazakos, Mr. Gene Stamm, Dr. Susan Walsh
- CLOSED SESSION: The Board met in closed session from 6:02 p.m. to 7:02 p.m. to discuss:
- Public Employee: Appointment/Discipline/Dismissal/Release
 - Conference with Legal Counsel – Anticipated Litigation, Significant Exposure to litigation, Gov. Code 54956.9(b)
 - Conference with Labor Negotiator, Mr. Greg Spicer, pursuant to Education Code Section 54957.6, regarding negotiations with Certificated and Classified Employees
- OPEN SESSION: The Board reconvened to open session at 7:03 p.m.
- MEMBERS PRESENT: Mr. Darrell Cherf, Mr. Adam Cox (via telephone conference), Ms. Jessica Kazakos, Mr. Gene Stamm, Dr. Susan Walsh
- STAFF PRESENT: District Superintendent, Dr. RoseMary Parga Duran; Associate Superintendent, Mr. Greg Spicer; Acting Assistant Superintendent, Educational Services, Ms. Annie Dossetti; Administrative Assistant to the Superintendent, Ms. Kathie Kubo; Chief Fiscal Officer, Ms. Kris Cavallero; Chief Operations Officer, Mr. Kraig Magnussen; Director of Special Education and Pupil Services, Dr. Ken Testa; Director of Information Technology/Support Services, Mr. Greg Blount; Principal, Ms. Irma Ayala-Olson; Principal, Ms. Tara Bright; Principal, Ms. Elena Bubenchik; Principal, Mr. Brian Ferguson; Principal, Mr. Rojelio Gutierrez; Principal, Mr. Harry Harris; Principal, Mr. Cesar Hernandez; Principal, Mr. Jose Munoz; Principal, Dr. Dalinda Saich; Principal, Ms. Lucrecia Sicairos; Principal, Ms. Trisha Wylie; Assistant Principal, Ms. Juanita Pedrozo; Assistant Principal, Mr. Jared Pierce; Learning Director, Ms. Suzanne Silva-Fagundes; Learning Director, Ms. Jennifer Ferreria; Learning Director, Ms. Catherine Puckett; MCTA President, Mr. Russell Lawrence
- PLEDGE OF ALLEGIANCE: Mr. Darrell Cherf
- MOMENT OF SILENCE: President Cherf asked for a Moment of Silence in honor of Mr. William (Bill) Liege. Mr. Liege retired from the district in 1988 after serving as a district administrator and site principal at Charles Wright and Luther Burbank Elementary Schools.
- REPORT OF ACTION TAKEN IN CLOSED SESSION: No items.
- APPROVAL OF AGENDA: It was moved by Ms. Kazakos, seconded by Dr. Walsh, to approve the agenda as presented. Motion carried.

ITEMS OF INTEREST:

BOARD

- Mr. Cox attended a workshop in Fresno on January 20 with District Superintendent, Dr. Parga Duran.

STAFF

- Acting Assistant Superintendent, Educational Services, Ms. Annie Dossetti shared information on the Spelling Bee being held this week at PDC for district students.

NATIONAL COUNCIL OF NEGRO
WOMEN, MERCED COUNTY SECTION
BOOK PRESENTATION:

Ms. Mary Ellis and Ms. Dorothy Reynolds presented sixteen books, one for each school library, on behalf of Black History Month.

REPORTS:

2009-10 ANNUAL AUDIT REPORT:

Chief Fiscal Officer, Ms. Kris Cavallero introduced Mr. Dave Randall, District Auditor of Record, Vavrinek, Trine, Day & Co., LLP who completed the 2009-10 audit and made the presentation to the Board of Education.

RIVERA JOINT-USE GYM FACILITIES
PROJECT:

Chief Operations Officer, Mr. Kraig Magnussen gave a current report to the Board on the status of the Rivera Joint-Use Gym Facilities Project to date.

BUDGET PROCESS AND
DEVELOPMENT UPDATE:

Chief Fiscal Officer, Ms. Kris Cavallero and Associate Superintendent, Mr. Greg Spicer each provided information to the Board on the Governor's State Budget Proposal and the Merced City School District's Budget Process and Development update.

CONSENT:

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

Superintendent

Meeting Minutes

- Approval of the regular meeting minutes of January 11, 2011.

Administrative Services

Employment Transactions -
Certificated Personnel:

- Approval of the following certificated personnel items:

A. **Unpaid Leave of Absence**

Connie Hadley, Principal, Stefani School, Unpaid Leave of Absence from 1/20/2011 to 2/18/2011, effective 1/20/2011

Employment Transactions -
 Classified Personnel:

- Approval of the following classified personnel items:
 - A. **Employment**
 Louis L. Bertain, Bus Driver, Transportation, effective 1/3/2011
 - B. **Unpaid Leave of Absence**
 Corina Diaz, Detention Supervisor, Hoover Middle School, Unpaid Leave of Absence from 1/18/2011 to 5/20/2011, effective 1/18/2011
 Guadalupe Orozco, Instructional Assistant: Spanish Bilingual, Sierra Preschool, Unpaid Leave of Absence from 1/3/2011 to 1/14/2011, effective 1/3/2011
 - C. **Resignation**
 Acela Middleton, Instructional Assistant: Spanish Bilingual, Sheehy School, effective 1/21/2011
 Margaret V. Salas, Instructional Assistant: Spanish Bilingual, Chenoweth School, effective 1/7/2011
 Martha Soria-Pimentel, Instructional Assistant: Spanish Bilingual, Wright School, effective 1/17/2011
 - D. **Termination**
 Maria L. Bettencourt, Health Assistant, Hoover Middle School, effective 1/7/2011

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>
105723-105725	1/6/11	\$ 40,723.04
106799-106867	1/7/11	\$1,207,654.50
109381-109488	1/14/11	<u>\$ 244,476.23</u>
	Total:	\$1,492,853.77

BOARD ACTION

SUPERINTENDENT

GIFTS/GRANTS AND BEQUESTS

It was moved by Dr. Walsh, seconded by Ms. Kazakos, to accept the gifts/grants and bequests in the total amount of \$562.00. Motion carried.

Cruickshank Middle School, monetary donation, donated by Lifetouch Photography, valued at \$312.00

Tenaya Middle School, monetary donation, donated by Walmart, valued at \$250.00

ADMINISTRATIVE SERVICES:

REVISED CLASSIFIED JOB TITLE
AND JOB DESCRIPTION FOR PC
SUPPORT TECHNICIAN – FIRST
READING

Dr. Walsh requested that this agenda item be pulled from the agenda.

PUBLIC HEARING AND
NEGOTIATIONS BETWEEN
MERCED CITY SCHOOL DISTRICT
AND MERCED CITY TEACHERS'
ASSOCIATION: 2011-2012
REOPENERS

It was moved by Dr. Walsh, seconded by Ms. Kazakos, to hold a public hearing to receive comments concerning the attached proposed issues for contract negotiations between Merced City School District and the Merced City Teachers' Association and to approve the proposed issues. Motion carried.

Public Hearing Opened: 8:14 p.m.
Comments: None
Public Hearing Closed: 8:14 p.m.

PUBLIC HEARING AND
NEGOTIATIONS BETWEEN
MERCED CITY SCHOOL DISTRICT
AND CALIFORNIA SCHOOL
EMPLOYEES' ASSOCIATION,
CHAPTER 530: 2011-2012
REOPENERS

It was moved by Mr. Cox, seconded by Dr. Walsh, to hold a public hearing to receive comments concerning the attached proposed issues for contract negotiations between Merced City School District and the California School Employees' Association, Chapter 530 and approve the proposed issues. Motion carried.

Public Hearing Opened: 8:15 p.m.
Comments: None
Public Hearing Closed: 8:15 p.m.

FISCAL SERVICES:

2009-2010 ANNUAL AUDIT

It was moved by Mr. Stamm, seconded by Ms. Kazakos, to accept the 2009-2010 Audit Report as presented by the District Auditor of Record, Vavrinek, Trine, Day & Co., LLP and to authorize payment of the fee. Motion carried.

AWARD OF COPIER BID #2010-5

It was moved by Mr. Cox, seconded by Ms. Kazakos, to approve the district-wide award of contract to Xerox Corporation for a 5-year period (February 2, 1011 through February 2, 2016). Motion carried.

COMMUNICATIONS:

AUDIENCE

1. Mr. Marcos Alvira, MCTA, spoke on the topic of the budget development process.

ADJOURNMENT:

The meeting adjourned at 8:26 p.m.

Secretary

Clerk

REPORT

MERCED CITY SCHOOL DISTRICT

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

FROM: Annie Dossetti
Acting Assistant Superintendent, Educational Services

PREPARED BY: Greg Blount
Director of Information Technology and Support Services

DATE: February 17, 2011

SUBJECT: **REPORT ON ATTENDANCE**

Background

The District places high importance on daily attendance of our students. Mr. Greg Blount, Director of Information Technology and Support Services, will present a status update on the district attendance and enrollments.

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: February 17, 2011

SUBJECT: **ACTUARIAL VALUATION OF POST-EMPLOYMENT HEALTH
BENEFITS**

Background

A report will be presented to the Board of Education summarizing the actuarial valuation of post-employment health benefits prepared by Nicolay Consulting. This was completed as part of the Governmental Accounting Standards Board (GASB) 45 reporting requirements which states that an actuarial study must be completed every two years.

MERCED CITY SCHOOL DISTRICT

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

FROM: Greg Spicer
Associate Superintendent, Administrative Services

PREPARED BY: Greg Spicer
Associate Superintendent, Administrative Services

Kris Cavallero
Chief Fiscal Officer

DATE: February 17, 2011

SUBJECT: **BUDGET PROCESS AND DEVELOPMENT UPDATE:
PRESENTATION BY DISTRICT STAFF, MCTA AND CSEA**

Background

District staff will provide the Board of Education an update of the District's 2011-2012 budget development.

MCTA and CSEA will also have the opportunity to present their recommendations to the Board at this time.

CONSENT

MERCED CITY SCHOOL DISTRICT

TO: Board of Education

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

DATE: February 17, 2011

SUBJECT: **MEETING MINUTES**

Recommendation

It is recommended that the Board of Education approve the minutes from the special meeting of January 25, 2011 and the regular meeting of February 1, 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: Elsa Arroyo
Personnel Specialist

DATE: February 17, 2011

SUBJECT: **EMPLOYMENT TRANSACTIONS – CLASSIFIED PERSONNEL**

Recommendation

Approval is recommended for the following classified personnel items.

A. Employment

Antonio Y. Garcia Instructional Assistant: Spanish Bilingual
Sheehy Elementary School
Effective 1/24/2011

B. Change of Status

Syliva Larios From Cafeteria Food Packager and Cafeteria
Cook/Baker, Stowell Elementary School to Cafeteria
Cook/Baker, Reyes Elementary School
Effective 2/24/2011

Rosa V. Lopez From Instructional Assistant: Fremont Charter School to
Instructional Assistant: Spanish Bilingual, Sheehy
Elementary School
Effective 2/1/2011

C. Resignation

Michael J. Casias, Jr. Head Custodian
Reyes Elementary School
Effective 2/1/2011

MERCED CITY SCHOOL DISTRICT

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: February 17, 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
116198-116209	1/26/11	\$ 39,565.52
111842-111919	1/21/11	\$ 900,154.32
	Total	\$ 939,719.84

Background

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

Fiscal Impact

Revenue: None
Expenditure: \$939,719.84
Budget Category: Various

Merced City School District
WARRANT REGISTER FOR WARRANTS DATED 01/21/11

APY220ME H.00.02

WARR NUMBER	VENDOR NUMBER	PAYEE NAME	FUND	AMOUNT	WARR NUMBER	VENDOR NUMBER	PAYEE NAME	FUND	AMOUNT
111842	007716	A-Z BUS SALES INC	03270	506.08	111843	005164	ABS DIRECT	03270	529.35
111844	008470	ACTION COMPUTERS	03270	1,033.13	111845	011005	ADI	03270	310.68
111846	010412	AMER.COM	03270	30.65	111847	005331	BANK OF AMERICA	03270	80.12
111848	000167	BARTLETT PETROLEUM PRODUCTS	03270	13,226.17	111849	010483	BARTON OVERHEAD DOOR INC	03270	3,250.00
111850	000183	BETTIS GLASS	03270	752.00	111851	012959	CASTILLO'S UPHOLSTERY	03270	250.00
111852	010900	CDW GOVERNMENT INC	03270	74.46	111853	011010	CORNER STONE STAFFING	03270	584.67
111854	012215	CULVER-MELIN ENTERPRISES INC	03270	1,110.00	111855	012663	DEAF AND HARD OF HEARING	03270	93.00
111856	007697	ENVIROCLEAN	03270	280.58	111857	010132	ETCH THIS! AND THAT...	03270	195.75
111858	003169	W W GRAINGER INC	03270	134.13	111859	010892	HEATING & COOLING SUPPLY INC	03270	425.19
111860	011569	MARK HENDREN	03270	21.96	111861	009170	THE HOME DEPOT	03270	1,899.10
111862	010269	IMAGESTUFF.COM	03270	346.40	111863	000925	INSECT LORE PRODUCTS INC	03270	133.51
111864	012267	JOHNSTONE SUPPLY	03270	3,252.23	111865	009783	LA CROSSE TECHNOLOGY	03270	191.10
111866	012914	LOGICAL CHOICE TECHNOLOGIES	03270	2,196.50	111867	012881	LOWE'S	03270	1,227.91
111868	003784	MADERA COUNTY SUPERINTENDENT	03270	7,500.00	111869	007886	THE MARKERBOARD PEOPLE	03270	748.00
111870	003196	MCGRAW-HILL COMPANIES	03270	198.40	111871	005223	MCGRAW-HILL COMPANIES	03270	524.84
111872	013005	MERCED COLLEGE WPLRC	03270	375.00	111873	009224	MERCED COMMERCIAL PEST CONTROL	03270	100.00
111874	006552	MERCED COUNTY ENVIRONMENTAL	03270	624.00	111875	002212	MERCED IRRIGATION DISTRICT	03270	13,116.90
111876	005572	MERCED TRUCK & TRAILER INC	03270	5,369.43	111877	003519	OFFICE DEPOT INC	03270	2,562.28
111878	002707	JUANITA PEDROZO	03270	215.64	111879	001368	PG&E	03270	43,362.08
111880	004825	FRED PRYOR SEMINAR/CAREERTRACK	03270	99.00	111881	012827	RUSSELL SIGLER INC	03270	217.83
111882	004177	SHANNON PUMP CO INC	03270	630.00	111883	004449	ELIZABETH SLATON	03270	2,081.00
111884	000133	SMITH AUTO PARTS INC	03270	598.16	111885	009084	TRI DIM FILTER CORP	03270	11,590.51
111886	003311	TROXELL COMMUNICATIONS INC	03270	502.76	111887	009908	XEROX CORPORATION	03270	20,089.60
111888	008470	ACTION COMPUTERS	03271	7,286.26	111889	001174	MERCED COUNTY ARTS COUNCIL INC	03271	1,524.50
111890	001368	PG&E	03271	1,632.14	111891	010872	DEPARTMENT OF SOCIAL SERVICES	03275	3,740.00
111892	003519	OFFICE DEPOT INC	03275	119.33	111893	001368	PG&E	03275	598.74
111894	008782	SCHOOL SPECIALTY	03275	1,030.52	111895	013005	MERCED COLLEGE WPLRC	03263	375.00
111896	004128	THE DANIELSEN CO	03263	1,369.96	111897	009605	J M SMUCKERS LLC	03263	6,958.37
111898	005850	LAND O LAKES INC	03263	4,900.30	111899	008331	LUNCHBYTE SYSTEMS INC	03263	271.88
111900	011151	MADERA PRODUCE INC	03263	4,121.50	111901	009224	MERCED COMMERCIAL PEST CONTROL	03263	710.00
111902	005572	MERCED TRUCK & TRAILER INC	03263	1,621.58	111903	005080	PIERRE FROZEN FOODS	03263	8,184.24
111904	008687	PRODUCERS DAIRY FOODS INC	03263	20,446.49	111905	009919	SCHOOL LUNCH PRODUCTS INC	03263	5,768.28
111906	011620	SYSCO FOOD SERV OF CENTRAL CA	03263	4,311.71	111907	012962	APLEGATE JOHNSTON INC	03277	40,882.05
111908	012595	DC GRADING & PAVING INC	03277	3,646.98	111909	012963	DIEDE CONSTRUCTION INC	03277	112,126.50
111910	012988	DORFMEIER MASONRY INC	03277	27,225.00	111911	002557	KLEINFELDER INC	03277	1,374.85
111912	011812	DH WILLIAMS CONSTRUCTION INC	03277	375,000.00	111913	012987	HARRIS BUILDERS INC	03265	17,480.25
111914	001232	MODERN AIR MECHANICAL INC	03265	73,608.30	111915	013010	MCFADDEN CONSTRUCTION INC	03273	4,446.08
111916	013028	MCFADDEN CONSTRUCTION INC	03273	494.01	111917	005201	FOUNDATION FOR MEDICAL CARE	03267	10.00
111918	010918	TERRI PRICHARD	03267	5,300.00	111919	005241	MERCED CITY SCHOOL DISTRICT	03264	20,949.40

TOTAL AMOUNT OF ALL WARRANTS \$900,154.32***

Merced City School District
WARRANT REGISTER FOR WARRANTS DATED 01/26/11

APY220ME H.00.02

WARR NUMBER	VENDOR NUMBER	PAYEE NAME	FUND	AMOUNT	WARR NUMBER	VENDOR NUMBER	PAYEE NAME	FUND	AMOUNT
116198	007931	COMMERCIAL APPLIANCE	03263	73.97	116199	004128	THE DANIELSEN CO	03263	1,096.96
116200	007428	GOLD STAR FOODS	03263	3,897.40	116201	011151	MADERA PRODUCE INC	03263	2,553.90
116202	005572	MERCED TRUCK & TRAILER INC	03263	54.29	116203	012537	PROCLEAN	03263	77.17
116204	012913	PURE FORCE	03263	1,205.49	116205	009919	SCHOOL LUNCH PRODUCTS INC	03263	1,602.50
116206	011620	SYSCO FOOD SERV OF CENTRAL CA	03263	3,565.74	116207	010808	TYSON FOODS INC	03263	20,962.10
116208	012596	WALLACE PACKAGING LLC	03263	3,552.00	116209	011085	TS WOO DISTRIBUTING	03263	924.00

TOTAL AMOUNT OF ALL WARRANTS \$39,565.52***

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: February 17, 2011

SUBJECT: **BUDGET TRANSFERS**

Recommendation

It is recommended that the Board of Education ratify the list of budget transfers completed during the month of January 1 through January 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

SUPERINTENDENT

MERCED CITY SCHOOL DISTRICT

TO: Board of Education
FROM: RoseMary Parga Duran, Ed.D., District Superintendent
DATE: February 17, 2011
SUBJECT: **GIFTS/GRANTS AND BEQUESTS**

Recommendation

It is recommended that the Board of Education accept the gifts/grants and bequests in the amount of \$5,384.65.

<u>School/Department</u>	<u>Description</u>	<u>Donated By</u>	<u>Value</u>
Burbank School	Monetary donation x 3 each at \$123.00	PG&E Corporation on: December 13, 28, 29, 2010	\$ 369.0
Reyes School	Monetary donation	Alicia Reyes School Parent Teacher Club	\$4,881.00
Reyes School	Monetary donation	Save Mart Supermarkets	\$ 134.65

Background: As a result of Board Policy 3290, Gifts/Grants/Bequests, adopted by the Board on October 3, 1989, the items listed above reflect what has been received by a school and/or department in the district.

Fiscal Impact

Revenue: \$5,384.65

Expenditure: None

Budget Category: Instructional Supplies

MERCED CITY SCHOOL DISTRICT

TO: Board of Education

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

DATE: February 15, 2011

SUBJECT: **2011 CSBA (CALIFORNIA SCHOOL BOARDS ASSOCIATION)
DELEGATE ASSEMBLY ELECTION BALLOT - 1 VACANCY**

Recommendation

It is recommended that the Board of Education vote as a whole using the attached (copy) of a ballot for Region 8/subregion D election for candidates running for CSBA's Delegate Assembly. Number of vacancies: 1 (Vote for no more than 1 candidate). The candidate with the most votes will serve a **two**-year term beginning April 1, 2011-March 31, 2013.

Background

The board may vote for up to the number of vacancies in the region or subregion, as indicated on the ballot. For example, if there are three vacancies in the region or subregion, the board may vote for up to three individuals. Regardless of the number of vacancies, each board may cast no more than one vote for any one candidate. The ballot also contains a provision for write-in candidates; their name and district must be clearly printed in the space provided. Envelopes with the ballots must be postmarked by the U.S. post office on or before Tuesday, March 15. *No exceptions allowed.*

Election results will be available no later than Thursday, March 31. If there is a tie vote, a run-off election will be held. All re-elected and newly elected Delegates will serve two-year terms beginning April 1, 2011 – March 31, 2013. The next meeting of the Delegate Assembly is on Saturday, May 14 – Sunday, May 15 at the Hyatt Regency in Sacramento.

The names of the newly elected delegates will be published on CSBA's Web site, no later than Monday, April 4, 2011.

MERCED CITY SCHOOL DISTRICT

This complete, **ORIGINAL** Ballot must be **SIGNED** by the Superintendent or Board Clerk and returned in the enclosed envelope postmarked by the post office No Later Than **TUESDAY, MARCH 15, 2011**. Only ONE Ballot per Board. Be sure to mark your vote "X" in the box.

A PARTIAL, UNSIGNED, PHOTOCOPIED, OR LATE BALLOT WILL NOT BE VALID.

OFFICIAL 2011 DELEGATE ASSEMBLY BALLOT
SUBREGION 8-D
(Merced County)

Number of vacancies: 1 (Vote for no more than 1 candidates)

Delegates will serve two-year terms beginning April 1, 2011 – March 31, 2013

**denotes incumbent*

William "Adam" Cox (Merced City SD)

Robert Rodarte (Delhi USD)*

Provision for Write-in Candidate Name

School District/COE

Provision for Write-in Candidate Name

School District/COE

Signature of Superintendent or Board Clerk

Title

School District/COE Name

Date of Board Action

MERCED CITY SCHOOL DISTRICT

TO: Board of Education

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

DATE: February 17, 2011

SUBJECT: **CONSIDERATION OF ACCEPTANCE OF REVISED BOARD POLICIES
IN THE 9000 SERIES (BYLAWS) - FIRST READING**

Recommendation

It is recommended that the Board of Education accept the attached revision to Board Bylaw 9110, Terms of Office, for a first reading.

Background

Board policies need to be reviewed and revised as needed on an annual basis. Revisions become necessary due to changes in the education code, legislative actions, legal decisions and local situations.

The 9000 series deals with policy statements that concern the Bylaws of the Board of Education.

Fiscal Impact

Revenue: None
Expenditure: None
Budget Category: None

MERCED CITY SCHOOL DISTRICT

The basis for revisions that are recommended for your consideration is the California School Boards Association (CSBA) Board Policy Update Services. CSBA maintains a legal staff that develops and distributes sample policy statements to subscribing member districts.

The 9000 series deals with Board Bylaws.

Policy Number	Title	Recommendation
9110	Terms Of Office	Revision of current policy reflecting elections shall be held in even numbered years.

MERCED CITY SCHOOL DISTRICT

BB 9110
BOARD BYLAWS

TERMS OF OFFICE

The Governing Board shall consist of five members whose terms shall be staggered so that as nearly as practicable, one half of the members shall be elected in each ~~odd~~-even numbered year.

The term of office for members elected in regular elections shall be four years, commencing on the first Friday in December next succeeding their election. (Education Code 5017)

Board member terms expire four years after their initial election on the first Friday in December following the election of new members. (Education Code 5000)

A member whose term has expired shall continue to discharge the duties of the office until his/her successor has qualified by taking the oath of office. (Government Code 1302, 1360; Education Code 5017)

(cf. 9220 - Governing Board Elections)

(cf. 9223 - Filling Vacancies)

(cf. 9224 - Oath or Affirmation)

(cf. 9250 - Remuneration, Reimbursement, and Other Benefits)

Legal Reference:

EDUCATION CODE

5000-5033 Election of school district board members

35010 Control of district

35012 Board members; number, election and terms

35107 Eligibility

GOVERNMENT CODE

1302 Continuance in office until qualification of successor

1303 Exercising functions of office without having qualified

1360 Necessity of taking constitutional oath

Bylaw **MERCED CITY SCHOOL DISTRICT**

Adopted: 9/23/2008 Merced, California

Revised:

EDUCATIONAL SERVICES

MERCED CITY SCHOOL DISTRICT

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

FROM: Annie Dossetti, Ed.D.
Acting Assistant Superintendent, Educational Services

DATE: February 17, 2011

SUBJECT: **SCHOOL ACCOUNTABILITY REPORT CARDS**

Recommendation

It is recommended that the Board of Education approve the School Accountability Report Cards (SARC).

Background

In November 1988, California voters passed Proposition 98 , also known as *The Classroom Instructional Improvement and Accountability Act*. This ballot initiative provides California's public schools with a stable source of funding. In return, all public schools in California are required annually to prepare SARCs and disseminate them to the public. SARCs are intended to provide the public with important information about each public school and to communicate a school's progress in achieving its goals.

In the years since the passage of Proposition 98, additional requirements for school accountability reporting and dissemination have been established through legislation . Most SARC requirements are codified in California *Education Code (EC)* sections 33126 and 33126.1. In addition, similar requirements are contained in the federal No Child Left Behind (NCLB) legislation.

1. *EC* Section 35256 states:

The governing board of each school district maintaining an elementary or secondary school shall by September 30, 1989, or the beginning of the school year develop and cause to be implemented for each school in the school district a School Accountability Report Card.

(a) The School Accountability Report Card shall include, but is not limited to, the conditions listed in Education Code Section 33126.

(b) Not less than triennially, the governing board of each school district shall compare the content of the school district's School Accountability

MERCED CITY SCHOOL DISTRICT

Report Card to the model School Accountability Report Card adopted by the

State Board of Education. Variances among school districts shall be permitted where necessary to account for local needs.

(c) The Governing Board of each school district shall annually issue a School Accountability Report Card for each school in the school district, publicize such reports, and notify parents or guardians of students that a copy will be provided upon request.

Fiscal Impact

Revenue: None

Expenditure: None

Budget Category: Federal and State Categorical

MERCED CITY SCHOOL DISTRICT

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

FROM: Annie Dossetti
Acting Assistant Superintendent, Educational Services

PREPARED BY: Ken Testa, Ed.D.
Director, Special Education and Pupil Services

DATE: February 17, 2011

SUBJECT: **STUDENT EXPULSION**

Recommendation

It is recommended that the Board of Education adopt the findings of fact, rehabilitation plan, and readmission date as set forth in the recommendation of the administrative panel and approve the expulsion of Student # 5/2010-11.

Background

The Board of Education may review and deliberate this item only in closed session. The Board of Education must vote in open session concerning each student.

Fiscal Impact

Revenue: None

Expenditure: None

Budget Category: None

MERCED CITY SCHOOL DISTRICT

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

FROM: Annie Dossetti
Acting Assistant Superintendent, Educational Services

PREPARED BY: Ken Testa, Ed.D.
Director, Special Education and Pupil Services

DATE: February 17, 2011

SUBJECT: **STUDENT EXPULSION**

Recommendation

It is recommended that the Board of Education adopt the findings of fact, rehabilitation plan, and readmission date as set forth in the recommendation of the administrative panel and approve the expulsion of Student # 6/2010-11.

Background

The Board of Education may review and deliberate this item only in closed session. The Board of Education must vote in open session concerning each student.

Fiscal Impact

Revenue: None

Expenditure: None

Budget Category: None

ADMINISTRATIVE SERVICES

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: February 17, 2011

SUBJECT: **NATURAL GAS PIPELINE RISK ANALYSIS FOR THE RIVERA
K-8 PROJECT**

Recommendation

It is recommended that the Board of Education approve the contract with J House Environmental, Inc. to perform a natural gas pipeline risk analysis.

Background

The purpose of the study is to evaluate potential environmental hazards for the site and assist with compliance with the Department of Toxic Substances Control (DTSC). The initial California Environmental Quality Act (CEQA) study discovered a high pressure gas line near the area which initiated this Phase I update. The requirement to perform a natural gas pipeline risk analysis is found in California Code of regulations (CCR), Title 5, Section 14010(h), which stipulates the: (A school) site shall not be located ... within 1500 feet of the easement of an aboveground or underground pipeline that can pose a safety hazard as determined by a risk analysis study, conducted by a competent professional, which may include a certification from a local public utility commission.

Fiscal Impact

Revenue: None

Expenditure: \$5,800.00

Budget Category: Fund 21 – Bond Fund 21

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: February 17, 2011

SUBJECT: **MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN
MERCED CITY SCHOOL DISTRICT AND MERCED COUNTY
OFFICE OF EDUCATION**

Recommendation

It is recommended that the Board of Education approve the Memorandum of Understanding between Merced City School District and the Merced County Office of Education for use of the boom lift/crane services of the District's Maintenance Department.

Background

Merced County Office of Education (MCOE) has requested that the Merced City School District's Maintenance Department perform boom lift/crane services to remove, replace and/or maintain technology devices positioned in elevated areas. The Maintenance Department would provide boom lift/crane services upon the request of MCOE and the availability of boom lift/crane vehicle and staff. This MOU will produce additional revenue to offset the Maintenance Department's expenses.

Fiscal Impact

Revenue: \$200 - \$5,000

Expenditure: None

Budget Category: 01 - General Fund

MERCED CITY SCHOOL DISTRICT

MEMORANDUM OF UNDERSTANDING BETWEEN MERCED CITY SCHOOL DISTRICT AND MERCED COUNTY OFFICE OF EDUCATION

THIS MEMORANDUM OF UNDERSTANDING, is made and entered into this ____ day of _____, 20____, by and between Merced City School District (hereinafter referred to as "MCSD"), and Merced County Office of Education (hereinafter referred to as "MCOE").

WHEREAS, MCOE desires boom lift/crane services to remove; replace; and/or maintain technology devices positioned in elevated areas; and

WHEREAS, MCSD owns and operates boom lift/crane equipment and maintains in its employ a certified operator of such equipment; and

WHEREAS, these agencies believe that an opportunity exists for realizing a synergistic solution to assist with the cost of maintaining their respective boom lift/crane equipment and elevated technology equipment; and

WHEREAS, these agencies desire this Memorandum of Understanding to best implement such a solution.

NOW, THEREFORE, to accomplish this task, the parties hereby agree as follows:

1. RESPONSIBILITIES

The responsibilities of the MCSD shall be that of:

1. providing boom lift/crane services to MCOE for the removal; replacement; and/or maintenance of technology devices positioned in elevated areas.
2. providing MCOE a certificate of insurance, naming MCOE as additional insured in the amounts prescribed by MCOE.

The responsibilities of the MCOE shall be that of:

1. compensating MCSD for said boom lift/crane services at a rate of \$50 per hour (chargeable to various departments in the MCOE).

MCSD and MCOE shall mutually agree upon a determined number of hours for each project prior to beginning any such project.

MERCED CITY SCHOOL DISTRICT

2. TERM

The term of this Agreement shall commence on the _____ day of _____, 20____, and continue until the _____ day of _____, 20____. Each agency specifically agrees that either party without cause or legal excuse may terminate this agreement provided that such agency desiring termination is to provide the other thirty (30) days written notice of its decision to terminate.

3. AGENCY RELATIONSHIP

This Memorandum of Understanding is not intended to, and shall not be, to create the relationship of principal-agent, master-servant, or employer-employee between the respective agencies, nor shall this Memorandum of Understanding create a partnership, joint venture or association between the agencies.

4. TERMINATION FOR CONVENIENCE

This Agreement, notwithstanding anything to the contrary herein above or hereinafter set forth, may be terminated by any either of the participating agencies at any time without cause or legal excuse by providing the other with thirty (30) calendar days written notice of such termination.

5. MODIFICATION OF AGREEMENT

Notwithstanding any of the provisions of this Agreement, the parties hereafter, by mutual consent, may agree to modifications hereof or additions hereto, in writing, which are not forbidden by law.

6. INDEPENDENT CONTRACTOR

It is mutually understood and agreed that MCSD is an independent agency in the performance of the work duties and obligations upon them under this Agreement.

7. NOTICES

Any notices herein provided to be delivered by either party to the other shall be deemed to have been fully delivered when made in writing and deposited in the United States mail, postage prepaid or by giving such notice by personal service addressed as follows:

For MCOE:

For MCSD:

MERCED CITY SCHOOL DISTRICT

8. AGENCY AUTHORITY

All parties agree that this Memorandum of Understanding and all documents issued or executed pursuant hereto and the rights and obligations of the parties hereunder shall be subject to, and compliant with, the policies and regulations of each parties' respective agency and with the laws and regulations of the State of California.

9. WAIVER OF TERMS

No waiver of any term, condition, or covenant of this Agreement, by either party shall be deemed as a waiver of any other term, condition, or covenant herein contained, nor of the strict and prompt performance thereof.

10. CAPTIONS

The captions of each paragraph in the Agreement are inserted as a matter of convenience and reference only, and in no way define, limit, or describe the scope or intent of the Agreement or in any way affect it.

11. COPIES OF AGREEMENT

This Agreement is executed in counterparts, each of which shall be deemed a duplicate original.

For MCSD:

For MCOE:

Signature

Signature

Name

Name

Title

Title

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: February 17, 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) from Modern Air Mechanical, Inc.

Background

There is an existing 2-inch gray water discharge line that is not connected to the school sites sewer main. The cost of this ACO is to reconnect the 2-inch waste line into an existing sewer line on the campus. It appears the waste line was cut during a past construction project at the site and was not reconnected to the sewer system at that time.

The Original Allowance Sum:	\$30,000.00
Net Changes by previously <i>authorized</i> Change Orders:	\$ 4,925.00
Remaining Allowance Sum prior to Change Order:	\$25,075.00
Cost of Change Order:	<u>\$ 3,704.00</u>
Remaining Allowance Sum:	\$21,371.00

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: February 17, 2011

SUBJECT: **RIVERA JOINT-USE GYM PROJECT- ALLOWANCE CHANGE
ORDER – CATEGORY 13**

Recommendation

It is recommended that the Board of Education accept the Allowance Change Order (ACO) from Applegate Johnson, Inc.

Background

It has become necessary to relocate three existing fire alarm conduits located in front of the Rivera administration building. The fire alarm conduits are currently located where the ramp, in compliance with the Americans with Disabilities Act (ADA), will be constructed for this project. To properly construct the ramp, it will require a deep footing trench to be dug where the fire alarm conduit is currently located. Therefore the conduits need to be moved out of the path of the concert footing.

The Original Allowance Sum:	\$45,000.00
Net Changes by previously <i>authorized</i> Change Orders:	\$ 0.00
Remaining Allowance Sum prior to Change Order:	\$45,000.00
Cost of Change Order:	<u>\$ 4,646.70</u>
Remaining Allowance Sum:	\$40,353.30

Fiscal Impact

Revenue: None

Expenditure: No increase to overall planned expenditure(s)

Budget Category: Fund 21 – Bond Fund