

MERCED CITY SCHOOL DISTRICT



SCHOOL BOARD AGENDA

January 17, 2012

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, January 17, 2012
Joe Stefani Elementary School
2768 Ranchero Lane
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 thiab 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. STUDENT EXPULSION
- Student Case No. 7-2011-12
- B. PUBLIC EMPLOYEE: DISCIPLINE/DISMISSAL/RELEASE
- C. CONFERENCE WITH LABOR NEGOTIATOR, Mr. Greg Spicer, pursuant to Education Code Section 54957.6 regarding negotiations with Certificated and Classified Employees
- D. 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. **School Showcase** - Stefani School Interim Principal, Ms. Catherine Puckett
- C. **Written Communications**
- D. **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-30-11-12	California Standards Test (CST) – Certificates Of Achievement	Ms. Dossetti
F-24-11-12	2010-11 Annual Audit Report	Mr. Spicer Ms. Cavallero
F-25-11-12	Highlights Of The Governor’s Proposals For the 2012-13 State Budget And K-12 Education	Mr. Spicer Ms. Cavallero
S-23-11-12	Building Healthy Communities In Beachwood-Franklin Area	Dr. P. Duran Mr. Blount
A-75-11-12	School Bus Safety Program	Mr. Spicer
A-76-11-12	District Warehouse – Preliminary Structural Analysis And Repair	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-24-11-12	Meeting Minutes It is recommended that the Board of Education approve the minutes of the regular meeting of December 13, 2011.	Dr. P. Duran
------------	--	--------------

b. Administrative Services

A-77-11-12	Employment Transactions - Certificated Personnel Approval is recommended for certificated personnel items.	Mr. Spicer
A-78-11-12	Employment Transactions - Classified Personnel Approval is recommended for classified personnel items.	Mr. Spicer

c. **Fiscal Services**

F-26-11-12 Warrants **Mr. Spicer**
It is recommended that the Board of Education ratify the list **Ms. Cavallero**
of warrants issued in the following consecutively numbered
warrant registers.

F-27-11-12 Budget Transfers **Mr. Spicer**
It is recommended that the Board of Education ratify the list **Ms. Cavallero**
of budget transfers completed during the month of
December 1 through December 30, 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-25-11-12 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 \$10,400.73.

b. **Educational Services**

E-31-11-12 Student Expulsion **Ms. Dossetti**
It is recommended that the Board of Education adopt the **Dr. Testa**
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. 7-2011-12.

XI. COMMUNICATIONS

E. 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: January 13, 2012

**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.	Stefani School
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 Board Room

December 13, 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, Ms. Jessica Kazakos, Mr. Gene Stamm, Dr. Susan Walsh
- CLOSED SESSION: The Board met in closed session from 6:02 p.m. to 7:03 p.m. to discuss:
- PUBLIC EMPLOYEE: DISCIPLINE/DISMISSAL/RELEASE
 - STUDENT EXPULSION
 - Student Case No. 5-2011-2012
 - Student Case No. 6-2011-2012
 - CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION, Significant exposure to litigation: Two (2) potential cases, Gov. Code 54956.9(b)
 - PUBLIC EMPLOYEE PERFORMANCE EVALUATION (Gov. Code 54957) Title: Superintendent
- OPEN SESSION: The Board reconvened to open session at 7:04 p.m.
- MEMBERS PRESENT: Mr. Darrell Cherf, Mr. Adam Cox, Ms. Jessica Kazakos, Mr. Gene Stamm, Dr. Susan Walsh
- 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; 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. Teresa S. Morse; Principal, Ms. Irma Ayala-Olson; Principal, Ms. Paula Heupel; Principal, Ms. Trisha Wylie; Principal, Ms. Elena Castro; Principal, Mr. Vance D'Escoto; Assistant Principal/ASA, Ms. Jill Settera; Learning Director, Ms. Lil Ayala; Learning Director, Ms. Donna Grove; Learning Director, Ms. Roxanne Montano; Operations/Grounds Supervisor, Mr. Juan Mendoza; MCTA President, Ms. Dora Crane
- PLEDGE OF ALLEGIANCE: Mr. Adam Cox, clerk
- REPORT OF ACTION TAKEN IN CLOSED SESSION: President Cherf said that the Board would return to Closed Session to finalize the Superintendent's evaluation adjourning the regular meeting session.
- APPROVAL OF AGENDA: President Cherf requested moving agenda item, E-26, Presentation of California Standards Test (CST) Certificates to the first order of business.
- It was moved by Dr. Walsh, seconded by Ms. Kazakos, to approve the amended agenda as requested. Motion carried.

REPORTS:

CALIFORNIA STANDARDS TEST
(CST) CERTIFICATES PERFECT
SCORE OF 600 – PETERSON SCHOOL

Assistant Superintendent, Ms. Annie Dossetti introduced Peterson School Principal, Ms. Teresa Saldivar-Morse who presented certificates of achievement to those students receiving a perfect score of 600 on the California Standards Test (CST) in school year 2010-2011.

2010-11 ACADEMIC ACHIEVEMENT
AWARDS

Assistant Superintendent, Ms. Annie Dossetti introduced Mr. John Magneson, Media & Technology coordinator, Merced County Office of Education who presented awards for Academic Achievement during the 2010-2011 school year for the following schools:

- Chenoweth School
- Cruickshank Middle School
- Franklin School
- Fremont Charter School
- Peterson School
- Reyes School
- Stowell School

ANNUAL ORGANIZATIONAL
MEETING:

It was moved by Dr. Walsh, seconded by Ms. Kazakos, to elect Mr. Cox, Board President. Motion carried by a vote of 3-1-1 with Mr. Cox, Ms. Kazakos and Dr. Walsh voting YES and Mr. Cherf NO, Mr. Stamm ABSTAINED.

It was moved by Mr. Cherf, seconded by Dr. Walsh, to elect Ms. Kazakos, Board Clerk. Motion carried 5-0.

ITEMS OF INTEREST:

BOARD

- Dr. Walsh attended a meeting with administrators from UC Merced, Merced County Office of Education, Merced Union High School District and the Merced City School District on the topic of “Shaping Positive Messages,” a common positive message about the Merced City School District. It was the second in a series of meetings.
- Mr. Cox attended the CSBA Conference November 30 – December 3.

REPORTS (continued):

DISTRICT ATTENDANCE AND ENROLLMENT

Director, Information Technology and Support Services, Mr. Greg Blount presented a routine monthly report on student attendance and enrollment.

RIVERA JOINT-USE GYM FACILITIES PROJECTS

Chief Operations Officer, Mr. Kraig Magnussen presented a final report on the Rivera Joint-Use Gym Facilities Project and the next steps of Phase's II and III.

2011-12 BUDGET AND MULTI-YEAR UPDATE

Chief Fiscal Officer, Ms. Kris Cavallero provided a report on changes and updates to the 2011-12 Budget and Multi-Year Projection.

CONSENT:

It was moved by Dr. Walsh, seconded by Mr. Stamm to approve the Consent Calendar as presented. Motion carried.

Superintendent

Meeting Minutes

- Approval of the regular meeting minutes of November 15, 2011

Administrative Services

Employment Transactions - Certificated Personnel:

- Approval of the following certificated personnel items:

A. Employment

Substitutes:

Steven W. DeVours – 30-Day Sub Permit
 Kelli M. Duncan – 30-Day Sub Permit
 Charlene C. Gallardo – 30-Day Sub Permit
 Meg A Lewis – 30-Day Sub Permit

B. Unpaid Leave of Absence

Dolores Montanez, Classroom Teacher, Reyes School, Unpaid Leave of Absence from 1/3/20012 through 6/30/2012, effective 1/3/2012

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>
061220-061339	11/4/11	\$1,376,633.70
066079-066150	11/10/11	\$ 220,725.36
068099	11/16/11	\$ 2,094.00
069500-069592	11/18/11	\$ <u>522,669.00</u>
	Total:	\$2,122,122.06

Budget Transfers

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

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 amount of \$828.00. Motion carried.

EDUCATIONAL SERVICES:

STUDENT EXPULSION

It was moved by Mr. Stamm, seconded by Mr. Cherf, to accept the Administrative Hearing Panel's finding of fact and recommendations as submitted and that Student Case No. 5-20011-12 be expelled and the conditions of the recommended rehabilitation plan be required prior to reinstatement at a comprehensive school site. Motion carried.

STUDENT EXPULSION

It was moved by Ms. Kazakos, seconded by Dr. Walsh, to accept the Administrative Hearing Panel's finding of fact and recommendations as submitted and that Student Case No. 6-2011-12 be expelled and the conditions of the recommended rehabilitation plan be required prior to reinstatement at a comprehensive school site. Motion carried.

ADMINISTRATIVE SERVICES:

HOOVER KITCHEN
CONSTRUCTION CONTRACT

It was moved by Mr. Cherf, seconded by Ms. Kazakos, to accept the low responsible informal bid from Harris Builders Construction. Motion carried.

GRANDSMASER 5900
(MOWING EQUIPMENT)

It was moved by Dr. Walsh, seconded by Ms. Kazakos, to approve the purchase of a Toro Groundsmaster 5900 mower. Motion carried.

ARCHITECTURAL SERVICE
CONTRACT FOR WAREHOUSE
STRUCTURAL SUPPORT PROJECT

It was moved by Mr. Stamm, seconded by Dr. Walsh, to approve the contract for architectural services to be provided by Taylor Teter Architects, LLP. Motion carried.

ARCHITECTURAL SERVICE
CONTRACT FOR DEPARTMENT
OF STATE ARCHITECT CLOSE
OUT OF PAST PROJECTS

It was moved by Dr. Walsh, seconded by Ms. Kazakos, to approve the contract for architectural services to be provided by Taylor Teter Architects, LLP. Motion carried.

DEVELOPER FEE REPORT FOR
2010-2011

It was moved by Mr. Cherf, seconded by Dr. Walsh, to accept the Developer Fee Report for fiscal year 2010- 2011. Motion carried.

Agenda Items A-61 through A-63, Request For Change Order was passed by one Motion by Mr. Stamm, seconded by Dr. Walsh. Vote: 5-0

RIVERA JOINT-USE GYM
PROJECT REQUEST FOR CHANGE
ORDER – CATEGORY 1

It was moved by Mr. Stamm, seconded by Dr. Walsh, to accept the Request for Change Order (RCO 1-1) from Harris Builders, Inc. Motion carried.

RIVERA JOINT-USE GYM
PROJECT REQUEST FOR CHANGE
ORDER – CATEGORY 13

It was moved by Mr. Stamm, seconded by Dr. Walsh, to accept the Request for Change Order (RCO 1-13) from Applegate Johnston, Inc. Motion carried.

RIVERA JOINT-USE GYM
PROJECT REQUEST FOR CHANGE
ORDER – CATEGORY 12

It was moved by Mr. Stamm, seconded by Dr. Walsh, to accept the Request for Change Order (RCO 1-12) from Modern Air Mechanical, Inc. Motion carried.

Agenda items A-64 through A-74 were passed as one Motion by Dr. Walsh, seconded by Ms. Kazakos. Vote: 5-0

CAPITAL PROJECTS NOTICE OF
COMPLETION

It was moved by Dr. Walsh, seconded by Ms. Kazakos, to accept as complete the Sierra/Chenoweth Preschool Portable Classroom Project and to authorize the filing of the Notice of Completion. Motion carried.

CAPITAL PROJECTS NOTICE OF
COMPLETION

It was moved by Dr. Walsh, seconded by Ms. Kazakos, to accept as complete Category 1 – General Construction of the Rivera Joint-Use Gym project and to authorize the filing of the Notice of Completion. Motion carried.

CAPITAL PROJECTS NOTICE OF
COMPLETION

It was moved by Dr. Walsh, seconded by Ms. Kazakos, to accept as complete Category 2 – Demolition, Earthwork, Grading and Paving of the Rivera Joint-Use Gym project and to authorize the filing of the Notice of Completion. Motion carried.

CAPITAL PROJECTS NOTICE OF
COMPLETION

It was moved by Dr. Walsh, seconded by Ms. Kazakos, to accept as complete Category 3 – Concrete of the Rivera Joint-Use Gym project and authorize the filing of the Notice of Completion. Motion carried.

CAPITAL PROJECTS NOTICE OF
COMPLETION

It was moved by Dr. Walsh, seconded by Ms. Kazakos, to accept as complete Category 5 – Masonry of the Rivera Joint-Use Gym project and to authorize the Notice of Completion. Motion carried.

CAPITAL PROJECTS NOTICE OF
COMPLETION

It was moved by Dr. Walsh, seconded by Ms. Kazakos, to accept as complete Category 6 – Structural Steel of the Rivera Joint-Use Gym project and to authorize the filing of the Notice of Completion. Motion carried.

CAPITAL PROJECTS NOTICE OF
COMPLETION

It was moved by Dr. Walsh, seconded by Ms. Kazakos, to accept as complete Category 8 – Roofing, Sheet Metal and Waterproofing of the Rivera Joint-Use Gym project and to authorize the filing of the Notice of Completion. Motion carried.

CAPITAL PROJECTS NOTICE OF COMPLETION

It was moved by Dr. Walsh, seconded by Ms. Kazakos, to accept as complete Category 9 – Doors, Frames, Glazing and Hardware of the Rivera Joint-Use Gym project and to authorize the filing of the Notice of Completion. Motion carried.

CAPITAL PROJECTS NOTICE OF COMPLETION

It was moved by Dr. Walsh, seconded by Ms. Kazakos, to accept as complete Category 10 – Gypsum Board and Plaster of the Rivera Joint-Use Gym project and to authorize the filing of the Notice of Completion. Motion carried.

CAPITAL PROJECTS NOTICE OF COMPLETION

It was moved by Dr. Walsh, seconded by Ms. Kazakos, to accept as complete Category 12 – Mechanical and Plumbing of the Rivera Joint-Use Gym project and to authorize the filing of the Notice of Completion. Motion carried.

CAPITAL PROJECTS NOTICE OF COMPLETION

It was moved by Dr. Walsh, seconded by Ms. Kazakos, to accept as complete Category 13 – Electrical Systems of the Rivera Joint-Use Gym project and to authorize the filing of the Notice of Completion. Motion carried.

FISCAL SERVICES:

RESOLUTION NO. F-20-2011-12
ADOPTING ANNUAL
RESOLUTIONS AND
AUTHORIZING AND VERIFYING
SIGNATURES FOR WARRANTS
DRAWN ON FUNDS OF THE
MERCED CITY SCHOOL DISTRICT

It was moved by Dr. Walsh, seconded by Ms. Kazakos, to adopt Resolution No. F-20-2011-12. Motion carried.

PUBLIC HEARING
REQUEST TO WAIVE PORTIONS
OF EC 41376, GRADES 4-8
CLASS SIZE PENALTIES AND
APPROVAL TO SUBMIT CLASS
SIZE WAIVER REQUEST

Public Hearing Opened: 8:03 p.m.

Comments: None

Public Hearing Closed: 8:03 p.m.

It was moved by Mr. Stamm, seconded by Dr. Walsh, to hold a public hearing and to approve submitting a request to waive portions of EC 41376, Grades 4-8 Class Size Penalties. Motion carried.

2011-12 FIRST INTERIM REPORT
AND ADOPTION OF RESOLUTION
NO. F-22-2011-12

It was moved by Dr. Walsh, seconded by Ms. Kazakos, to approve the 2011-12 First Interim Certification and to adopt Resolution No. F-22-2011-12 approving the revisions to the 2011-12 budgets. Motion carried.

COMMUNICATIONS:

No items.

RE-ADJOURN TO CLOSED
SESSION:

The Board re-adjourned to closed session at 8:20 p.m.

**REPORT OF ACTION TAKEN IN
CLOSED SESSION:**

President Cox reported that the Board of Education unanimously approved the Superintendent's evaluation as "Exceeds Expectations" and extended Dr. Parga Duran's contract for an additional year.

ADJOURNMENT:

The meeting adjourned at 8:45 p.m.

Secretary

Clerk

REPORT

MERCED CITY SCHOOL DISTRICT

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

FROM: Annie Dossetti
Assistant Superintendent, Educational Services

DATE: January 17, 2012

SUBJECT: **PRESENTATION OF CALIFORNIA STANDARDS TEST (CST)
CERTIFICATES**

Background

Students who received a perfect score of 600 on the 2010-11 CST will be presented certificates of achievement by their principal.

Students at the following school will be honored at the board meeting:

Franklin Elementary School
Stefani Elementary School
Rivera Middle School

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: January 17, 2012

SUBJECT: **2010-11 ANNUAL AUDIT REPORT**

Background

School districts are required to have an independent audit annually to comply with the law and to verify the status of the district.

The District Auditor of Record, Vavrinek, Trine, Day & Co., LLP completed the 2010-11 Audit and will present it to the Board of Education.

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: January 17, 2012

SUBJECT: **HIGHLIGHTS OF THE GOVERNOR'S PROPOSALS FOR THE
2012-13 STATE BUDGET AND K-12 EDUCATION**

Background

District staff attended a workshop presented by School Services of California, Inc. that outlined the budget proposed by Governor Brown.

A report will be presented to the Board of Education outlining those proposals and projections to be utilized in developing the 2012-2013 fiscal year budget.

MERCED CITY SCHOOL DISTRICT

TO: Board of Education

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

PREPARED BY: Greg Blount, Director of Support Services & IT

DATE: January 17, 2012

SUBJECT: **BUILDING HEALTHY COMMUNITIES IN BEACHWOOD-
FRANKLIN AREA**

Background

A report will be presented to the Board of Education on the efforts and activities of the Beachwood Franklin Committee for Improvement in the Beachwood-Franklin area of Merced. This specific area is receiving support from Building Healthy Communities, and Building Healthy Communities grantees Central California Regional Obesity Prevention Program, California Rural Legal Assistance, Merced Organizing Project and other local organizations.

MERCED CITY SCHOOL DISTRICT

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

FROM: Greg Spicer
Associate Superintendent, Administrative Services

PREPARED BY: Louk Markham
Supervisor, Transportation Department

DATE: January 17, 2012

SUBJECT: **SCHOOL BUS SAFETY PROGRAM**

Background

A report will be presented to the Board of Education regarding the School Bus Safety Program. This program was initiated by the transportation department staff which included a poster contest for students and a community donation to the School Bus Safety Program.

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: January 17, 2012

SUBJECT: **PRELIMINARY STRUCTURAL ANALYSIS AND REPAIR**

Background

Mr. Magnussen, Chief Facilities Officer, will present to the Board of Education a PowerPoint presentation regarding the Preliminary Structural Analysis and Repair of the District's Warehouse. The presentation will cover:

- Area of Concern
- Primary Damage
- Secondary Damage
- Recommendations

CONSENT

MERCED CITY SCHOOL DISTRICT

TO: Board of Education

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

DATE: January 17, 2012

SUBJECT: **MEETING MINUTES**

Recommendation

It is recommended that the Board of Education approve the minutes from the regular meeting of December 13, 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

C. Revised Unpaid Leave of Absence

Dolores Montanez

Classroom Teacher

Reyes Elementary School

Unpaid Leave of Absence revised from 1/3/2012 to
6/30/2012 to 1/3/2012 to 5/18/2012

Effective 1/3/2012

D. Retirement

Leslie Hamilton

Classroom Teacher

Gracey Elementary School

Effective 6/1/2012

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: January 17, 2012

SUBJECT: **EMPLOYMENT TRANSACTIONS – CLASSIFIED PERSONNEL**

Recommendation

Approval is recommended for the following classified personnel items.

A. Employment

Tracey L. Barnett	Early Mental Health – Child Aide Franklin Elementary School Effective 12/12/2011
Ahlaam J. Huwich	Early Mental Health – Child Aide Sheehy Elementary School Effective 12/12/2011
Shelly M. Leedoffee	Early Mental Health – Child Aide Burbank Elementary School Effective 12/12/2011
Sandra L. Naranjo	Early Mental Health – Child Aide Givens Elementary School Effective 12/12/2011
Eric Navarro	Custodian Stefani Elementary School Effective 11/28/2011
Lynette C. Nicco	Early Mental Health – Child Aide Burbank Elementary School Effective 12/12/2011

MERCED CITY SCHOOL DISTRICT

Josefina P. Ortega	Early Mental Health – Child Aide Givens Elementary School Effective 12/12/2011
Maria D. Ramirez	Early Mental Health – Child Aide Franklin Elementary School Effective 12/12/2011
Martha Soria-Pimentel	Early Mental Health – Child Aide Sheehy Elementary School Effective 12/12/2011
Mary U. Williams	Accounting Technician School Nutrition Services Effective 12/5/2011
Rhonda D. Wingfield	Early Mental Health – Child Aide Franklin Elementary School Effective 12/12/2011

B. Resignation

Marisela Hernandez	Instructional Assistant Fremont Charter School Effective 12/16/2011
--------------------	---

C. 39-Month Reemployment List

Ruth E. Ortega	Bus Driver Transportation Department Effective 1/4/2012
----------------	---

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: January 17, 2012

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
082725-082801	12/9/11	\$ 1,104,146.19
086280-086390	12/19/11	\$ 341,418.14
	Total	\$ 1,445,564.33

Background

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

Fiscal Impact

Revenue: None
Expenditure: \$ 1,445,564.33
Budget Category: Various

Merced City School District
WARRANT REGISTER FOR WARRANTS DATED 12/09/11

APY220ME H..00.02

WARR NUMBER	VENDOR NUMBER	PAYEE NAME	FUND	AMOUNT	WARR NUMBER	VENDOR NUMBER	PAYEE NAME	FUND	AMOUNT
082725	007716	A-Z BUS SALES INC	03270	1,255.12	082726	013076	ACORN MEDIA	03270	490.95
082727	008470	ACTION COMPUTERS	03270	935.27	082728	010718	AFLAC	03270	5,886.57
082729	013126	AMERICAN FLAGS EXPRESS INC	03270	146.45	082730	001930	AMERIPRIDE UNIFORM SERVICES	03270	1,490.87
082731	000100	APPLE COMPUTER INC	03270	31.25	082732	011791	ATWATER AUTOMOTIVE	03270	259.09
082733	012984	AUTISM AND BEHAVIOR TRAINING	03270	902.55	082734	012847	BILL'S TOW STORAGE AND	03270	125.00
082735	010053	BOWMAC SOFTWARE INC	03270	1,835.00	082736	013081	CALIFORNIA CARTRIDGE COMPANY	03270	428.85
082737	010900	CDW GOVERNMENT INC	03270	132.44	082738	000340	CENTRAL CALIF ELECTRONICS INC	03270	325.00
082739	011374	DOUG COLLINS	03270	350.00	082740	011010	CORNER STONE STAFFING	03270	1,061.44
082741	009124	CREATIVE ALTERNATIVES INC	03270	4,928.22	082742	013046	CREATIVE BUS SALES INC	03270	10.56
082743	008096	DATAWORKS EDUCATIONAL RESEARCH	03270	419.06	082744	000565	DOM'S ELECTRIC MOTOR SHOP	03270	599.24
082745	008042	ERIC ARMIN INC	03270	145.68	082746	007963	FASTENAL COMPANY	03270	49.72
082747	000698	FOLLETT SOFTWARE CO	03270	14,097.60	082748	000026	FOUNDATION FOR EDUCATIONAL	03270	750.00
082749	005201	FOUNDATION FOR MEDICAL CARE	03270	19,301.61	082750	012337	FOUNDATION FOR MEDICAL CARE	03270	538.52
082751	012818	THE HARTFORD	03270	6,436.95	082752	013114	HEWLETT-PACKARD CO	03270	1,610.86
082753	011550	INTERSTATE BATTERIES OF FRESNO	03270	336.02	082754	012853	CASSANDRA KALASHIAN	03270	39.00
082755	007071	LEGAL BOOKS DISTRIBUTING	03270	115.04	082756	011181	LOYAL AMERICAN LIFE INS CO	03270	1,361.12
082757	013096	LOUK MARKHAM	03270	89.27	082758	009224	MERCED COMMERCIAL PEST CONTROL	03270	600.00
082759	000450	MERCED COUNTY HEALTH DEPT	03270	519.20	082760	013105	LAURA MILLER	03270	81.43
082761	012849	MONOPRICE INC	03270	71.28	082762	011986	NIXON EDUCATION SERVICES	03270	396.00
082763	003519	OFFICE DEPOT INC	03270	1,184.73	082764	006816	PARADIGM HEALTHCARE SVCS INC	03270	2,113.24
082765	001368	PKRE	03270	2,022.43	082766	001402	PRAXAIR	03270	62.00
082767	011545	PRO TECH SECURITY	03270	600.00	082768	010753	JENNIFER REEL	03270	107.61
082769	007700	SASE CO INC	03270	332.58	082770	012294	SASS/MESTMAKER INSURANCE	03270	80.64
082771	001505	SCHOOL SVCS OF CALIFORNIA INC	03270	130.00	082772	012608	SISC III	03270	905,478.40
082773	004824	SPURR/REMAC	03270	6,231.26	082774	012362	THE STANDARD	03270	1,367.85
082775	011678	TESEI PETROLEUM	03270	11,657.46	082776	012414	TIGERDIRECT	03270	270.29
082777	008187	TONI'S COURTYARD CAFE	03270	442.00	082778	011373	US BANK	03270	2,650.00
082779	008697	WESTED	03270	34.48	082780	000698	FOLLETT SOFTWARE CO	03271	854.10
082781	004824	SPURR/REMAC	03271	285.75	082782	012558	SILVER CREEK INDUSTRIES INC	03275	11,071.20
082783	004824	SPURR/REMAC	03275	7.84	082784	012573	TAYLOR TETER PARTNERSHIP LLP	03275	233.36
082785	013076	ACORN MEDIA	03263	490.96	082786	009236	CARGILL INCORPORATED	03263	4,583.88
082787	012774	CENTRAL CALIFORNIA SCHOOL	03263	165.00	082788	013082	DOS ROJOS FOOD CO	03263	6,327.00
082789	007428	GOLD STAR FOODS INC	03263	3,488.08	082790	011113	JENNIE-O TURKEY STORE	03263	8,444.80
082791	011151	MADERA PRODUCE INC	03263	3,537.80	082792	009224	MERCED COMMERCIAL PEST CONTROL	03263	679.00
082793	008687	PRODUCERS DAIRY FOODS INC	03263	15,149.09	082794	008695	SA PRODUCTS CO	03263	1,121.32
082795	013084	SMART TEMPS LLC	03263	538.60	082796	012573	TAYLOR TETER PARTNERSHIP LLP	03263	3,066.60
082797	007780	SPORT SUPPLY GROUP INC	03273	2,744.46	082798	012337	FOUNDATION FOR MEDICAL CARE	03267	700.00
082799	012337	FOUNDATION FOR MEDICAL CARE	03264	3,227.00	082800	005241	MERCED CITY SCHOOL DISTRICT	03264	34,288.15
082801	004047	QUINTESENTIAL SCHOOL SYS INC	03264	25.00					

TOTAL AMOUNT OF ALL WARRANTS \$1,104,146.19***

Merced City School District
WARRANT REGISTER FOR WARRANTS DATED 12/19/11

AFY220ME H.00.02

VENDOR NUMBER	VENDOR PAYEE NAME	FUND	AMOUNT	WARRANT NUMBER	VENDOR NUMBER	PAYEE NAME	FUND	AMOUNT
086280	007716 A-Z BUS SALES INC	03270	640.42	086281	005164	ABS DIRECT	03270	290.66
086282	008470 ACTION COMPUTERS	03270	2,252.41	086283	012464	ADVANCED CHEMICAL TRANSPORT	03270	452.55
086284	008564 AG MOBILE TRANSMISSION REPAIR	03270	1,319.81	086285	012906	ALHAMBRA & SIERRA	03270	64.39
086286	000062 ALL-PHASE ELECTRIC SUPPLY	03270	37.00	086287	010812	WM B ALLEN SUPPLY CO	03270	113.15
086288	000082 AMERICAN TIME & SIGNAL CO	03270	269.11	086289	001930	AMERIPRIDE UNIFORM SERVICES	03270	208.40
086290	003140 ASSOCIATES LOCK & SAFE SVC	03270	71.39	086291	005331	BANK OF AMERICA	03270	3,513.73
086292	012314 BEVERLY BARELA	03270	147.91	086293	000183	BETTIS GLASS	03270	44.00
086294	012329 BIG CREEK	03270	243.59	086295	012603	BLACKBOARD CONNECT INC	03270	33,700.00
086296	009225 CALIFORNIA BUSINESS MACHINES	03270	2,270.40	086297	013081	CALIFORNIA CARTRIDGE COMPANY	03270	1,252.06
086298	013091 CAMBIUM LEARNING INC	03270	1,736.82	086299	013134	CAPITOL DIGITAL DOCUMENT	03270	1,858.44
086300	000431 CONSOLIDATED ELECTRICAL DIST	03270	1,129.07	086301	013062	CONTRACT PAPER GROUP INC	03270	30,213.94
086302	006770 COSTCO WHOLESALE 142	03270	104.75	086303	013046	CREATIVE BUS SALES INC	03270	1,319.39
086304	000530 DEMCO INC	03270	190.28	086305	009357	DON'S MOBILE GLASS INC	03270	35.00
086306	012012 EAGLE SOFTWARE	03270	6,650.00	086307	007697	ENVIROCLEAN	03270	6,071.71
086308	008518 EWING IRRIGATION	03270	121.25	086309	000672	FEDEX	03270	21.95
086310	011324 FERGUSON ENTERPRISES INC	03270	503.29	086311	008250	JENNIFER FERRERIA	03270	350.00
086312	003169 W W GRAINGER INC	03270	885.11	086313	009170	HOME DEPOT CREDIT SERVICES	03270	167.58
086314	011005 HONEYWELL INTERNATIONAL - ADI	03270	429.10	086315	009711	HORIZON	03270	84.06
086316	012092 JOHN DEERE FINANCIAL	03270	1,454.59	086317	012267	JOHNSTONE SUPPLY	03270	2,345.78
086318	000977 JORGENSEN CO	03270	2,250.00	086319	012853	CASSANDRA KALASHIAN	03270	367.41
086320	000997 KELLOGG'S SUPPLY	03270	991.75	086321	000999	KELLY MOORE PAINT CO INC	03270	202.47
086322	010681 KIMBALL MIDWEST	03270	398.80	086323	012881	LOWE'S	03270	528.56
086324	008368 LOZANO/SMITH/WOLIVER &	03270	14,750.63	086325	011204	MERCED AREA SPORTS OFFICIALS	03270	3,030.00
086326	009224 MERCED COMMERCIAL FEST CONTROL	03270	1,800.00	086327	001169	MERCED COUNTY REGIONAL WASTE	03270	90.69
086328	011164 MERCED FACULTY ASSOCIATES	03270	85.00	086329	002212	MERCED IRRIGATION DISTRICT	03270	14,662.76
086330	011163 MERCED TRUCK SUPPLY	03270	111.50	086331	001065	MERCED SUN-STAR	03270	74.72
086332	005572 MERCED TRUCK & TRAILER INC	03270	6,393.94	086333	001231	MOBILE COMMUNICATIONS INC	03270	181.14
086334	001232 MODERN AIR MECHANICAL INC	03270	1,198.00	086335	012324	MOOSEHEAD ELECTRONICS	03270	498.49
086336	012688 TERA MONDO	03270	6.96	086337	002256	MOOSEHEAD ELECTRONICS	03270	40.00
086338	008130 GE MOUA	03270	24.98	086339	001271	NASCO MODESTO	03270	602.05
086340	003110 NATIONAL GEOGRAPHIC SCHOOL	03270	324.28	086341	012239	NCS PEARSON INC	03270	242.46
086342	003519 OFFICE DEPOT INC	03270	1,759.24	086343	006816	PARADIGM HEALTHCARE SVCS INC	03270	5,250.00
086344	009702 PARKER'S ACE HARDWARE INC	03270	376.73	086345	007610	PC MALL GOV INC	03270	4,611.70
086346	007345 KATHRYN POWERS	03270	230.38	086347	011545	PRO TECH SECURITY	03270	168.00
086348	005690 RADIO SHACK CORPORATION	03270	68.93	086349	001709	RANCHERS TRACTOR CO	03270	15.77
086350	001711 RANDIK PAPER	03270	1,223.95	086351	004289	RISO PROD OF SACRAMENTO INC	03270	1,831.75
086352	001861 ROTO-ROOTER SEWER SERVICE	03270	150.00	086353	005573	SAN JOAQUIN COUNTY OFFICE	03270	5,000.00
086354	001464 SAVE MART SUPERMARKETS	03270	200.13	086355	010952	SCANTRON CORP	03270	2,394.17
086356	001505 SCHOOL SVCS OF CALIFORNIA INC	03270	65.00	086357	001564	SHERWIN WILLIAMS CO	03270	384.51
086358	009634 SHRED IT - FRESNO	03270	83.24	086359	000133	SMITH AUTO PARTS INC	03270	513.91
086360	011678 TESEI PETROLEUM	03270	7,091.59	086361	011913	TIRE DISTRIBUTION SYSTEMS INC	03270	251.69
086362	005822 TOGO'S	03270	120.00	086363	010873	VALLEY RENTAL CENTERS INC	03270	400.24
086364	013078 WARD BRO'S	03270	900.00	086365	002027	WASTE MANAGEMENT	03270	1,272.42
086366	001368 PG&E	03270	59,132.36	086367	003196	MCGRAW-HILL COMPANIES	03271	661.45
086368	001174 MERCED COUNTY ARTS COUNCIL INC	03271	360.00	086369	001231	MOBILE COMMUNICATIONS INC	03271	320.12
086370	003519 OFFICE DEPOT INC	03271	172.20	086371	001368	PG&E	03271	2,049.28
086372	012369 STEPHANIE AGUILAR	03275	232.21	086373	009225	CALIFORNIA BUSINESS MACHINES	03275	454.08

Merced City School District
WARRANT REGISTER FOR WARRANTS DATED 12/19/11

APY220ME H.00.02

WARR NUMBER	VENDOR NUMBER	PAYEE NAME	FUND	AMOUNT	WARR NUMBER	VENDOR NUMBER	PAYEE NAME	FUND	AMOUNT
086374	013102	GINA GARCIA	03275	47.73	086375	003519	OFFICE DEPOT INC	03275	256.45
086376	001368	PG&E	03275	198.59	086377	001368	PG&E	03275	369.36
086378	004128	THE DANIELSEN CO	03263	9,115.50	086379	000749	GATEWAY FIRE EQUIPEMENT	03263	251.57
086380	010138	HAGUE QUALITY WATER INC	03263	198.00	086381	011151	MADERA PRODUCE INC	03263	3,890.00
086382	001232	MODERN AIR MECHANICAL INC	03263	896.75	086383	012621	STAPLES ADVANTAGE	03263	90.37
086384	011620	SYSCO FOOD SERV OF CENTRAL CA	03263	2,480.16	086385	011779	VALLEY FOOD SERVICE	03263	2,396.98
086386	012197	WESTSIDE WATER CONDITIONING	03263	419.29	086387	000340	CENTRAL CALIF ELECTRONICS INC	03276	9,990.00
086388	012987	HARRIS BUILDERS INC	03265	12,150.00	086389	013053	MARKO CONSTRUCTION GROUP INC	03265	24,456.32
086390	005241	MERCED CITY SCHOOL DISTRICT	03264	25,146.34					

TOTAL AMOUNT OF ALL WARRANTS \$341,418.14***

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: January 17, 2012

SUBJECT: **BUDGET TRANSFERS**

Recommendation

It is recommended that the Board of Education ratify the list of budget transfers completed during the month of December 1 through December 30, 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: January 17, 2012

SUBJECT: **GIFTS/GRANTS AND BEQUESTS**

Recommendation

It is recommended that the Board of Education accept the gifts/grants and bequests in the amount of **\$10,400.73**.

<u>School/Department</u>	<u>Description</u>	<u>Donated By</u>	<u>Value</u>
Peterson School	Monetary donation	Peterson School Parent Teacher Club	\$10,000.00
Preschool	Monetary donation SHARES 1 st Quarter Payment	Save Mart Supermarkets	\$ 200.73
MCSD Transportation Department	Monetary donation for School Bus Safety Program	Riggs Ambulance Service, Inc.	\$ 100.00
MCSD Transportation Department	Monetary donation for School Bus Safety Program	Travis Credit Union	\$ 100.00

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: \$10,400.73

Expenditure: None

Budget Category: Instructional Supplies

EDUCATIONAL SERVICES

MERCED CITY SCHOOL DISTRICT

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

FROM: Annie Dossetti
Assistant Superintendent, Educational Services

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

DATE: January 17, 2012

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 # 7/2011-12.

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

DATE: January 17, 2012

SUBJECT: **CONTRACT AGREEMENT BETWEEN MERCED CITY
TEACHERS' ASSOCIATION AND MERCED CITY SCHOOL
DISTRICT FOR THE 2011-2012 SCHOOL YEAR**

Recommendation

It is recommended that the Board of Education hold a public hearing to receive comments concerning the contract agreement between the Merced City Teachers' Association and Merced City School District for the 2011-2012 school years and approve the collective bargaining agreement.

Background

The negotiation teams for the Merced City Teachers' Association and Merced City School District have successfully concluded a Tentative Agreement for the 2011-2012 school year. The negotiation process concluded on December 5, 2011. The proposed agreement states:

1. Contract Agreement:

Article II (A) Term: This agreement shall remain in full force and effect from July 1, 2011 through June 30, 2012.

2. Article III (A) Reopeners:

For 2012-2013 the parties shall meet and negotiate a successor agreement. All Articles will be open for negotiation.

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: Kraig Magnussen
Chief Operations Officer

DATE: January 17, 2012

SUBJECT: **RESOLUTION NO. A-80-2011-2012 - LABOR COMPLIANCE
ANNUAL REPORT FOR THE RIVERA JOINT-USE GYM**

Recommendation

It is recommended that the Board of Education adopt Resolution No. A-80-2011-2012 - Labor Compliance Annual Report for the Rivera Joint-Use Gym.

Background

An overview of the 2011 Labor Compliance Report for the Merced City School District will be presented below.

On July 27, 2010 the Board of Education approved the contract for third party services provided by Kurey & Associates for the Rivera Joint-Use Gym. Annual reports of labor compliance are required to be presented to public school district's governing boards for compliance with California Code of Regulations Chapter 8, Subchapter 4, Article 3, Section 16431. The annual report submitted to the Department of Industrial Relations was prepared by Kurey & Associates.

A copy of this report is also available in the Facilities Department.

Fiscal Impact

Revenue: None

Expenditure: None

Budget Category: None

MERCED CITY SCHOOL DISTRICT

**RESOLUTION NO. A-80-2011-2012
APPROVAL OF 2011 LABOR COMPLIANCE ANNUAL REPORT
RIVERA JOINT-USE GYM**

WHEREAS, the Merced City School District has hired a third party Labor Compliance Program (“LCP”), Kurey & Associates (“LCO”) in order to meet the legal obligation to manage and oversee state and federally-funded public works contracts and specifically to comply with the provisions of Labor Code section 1771.7 pertaining to the use of funds derived from either the Kindergarten-University Public Facilities Bond Act of 2002 or the Kindergarten- University Public Facilities Bond Act of 2004.

WHEREAS, the California Labor Code Section 1770, et seq., and Education Code Section 39321 require that contractors on public works projects pay their workers based on the prevailing wage rates which are established and issued by the Department of Industrial Relations, Division of Labor Statistics and Research.

WHEREAS, in hiring a third party labor compliance program, the District adheres to the statutory requirements as enunciated in Section 1771.5 of the Labor Code. Further, the LCO actively monitors District construction sites for the express purpose of verifying the payment of prevailing wage rates, and by requiring contractors and subcontractors having workers on District sites to submit copies of certified payroll records demonstrating their compliance with the law.

NOW, THEREFORE, BE IT RESOLVED, the Board of Education approves the Labor Compliance Annual Report to the Department of Industrial Relations.

PASSED AND ADOPTED by the Board of Education on this 17th day of January, 2012, by the following vote:

AYES: _____
NOES: _____
ABSENT: _____
ABSTAIN: _____

I, RoseMary Parga Duran, Secretary of the Board of Education of the Merced City School District, do hereby certify that the foregoing is a full, true and correct copy of a Resolution passed and adopted by the Board at a regularly called and conducted meeting held on said date.

ROSEMARY PARGA DURAN, Ed.D
Secretary to the Governing Board of the Merced
City School District, Merced County, State of
California.

MERCED CITY SCHOOL DISTRICT

Labor Compliance Program

Annual Report

2011

**To the Merced City School District Superintendent and the Merced City School District
Board of Education.**

“Pursuant to the California Code of Regulations Section 16431”

Prepared By:

KUREY & ASSOCIATES
Labor Compliance Management

MERCED CITY SCHOOL DISTRICT

Labor Compliance Program Progress Report 2011

The Merced City School District has hired a third party a Labor Compliance Program (“LCP”), Kurey & Associates (“LCO”) in order to meet the legal obligation to manage and oversee State and Federally-funded public works contracts and specifically to comply with the provisions of Labor Code section 1771.7 pertaining to the use of funds derived from either the Kindergarten-University Public Facilities Bond Act of 2002 or the Kindergarten- University Public Facilities Bond Act of 2004.

The California Labor Code Section 1770, et seq., and Education Code Section 39321 require that contractors on public works projects pay their workers based on the prevailing wage rates which are established and issued by the Department of Industrial Relations, Division of Labor Statistics and Research.

In hiring a third party labor compliance program, the District adheres to the statutory requirements as enunciated in Section 1771.5 of the Labor Code. Further, the LCO actively monitors District construction sites for the expressed purpose of verifying the payment of prevailing wage rates, and by requiring contractors and subcontractors having workers on District sites to submit copies of certified payroll records demonstrating their compliance with the law.

MERCED CITY SCHOOL DISTRICT

Labor Compliance Program Fiscal Year-End Summary 2011

A. Monitoring Activities

Contract Documentation

Kurey & Associates (LCO) is required to review and verify that all bid invitations and contract documents contain appropriate language required by the California Labor Code (Labor Code 1771.5 (b).)

Job Start Meeting

After the District awards the public works contract, and prior to the commencement of work, the LCO conducts a mandatory job start meeting with the contractor. At the meeting, the LCO will discuss the Federal and State Labor Law requirements applicable to the contract including prevailing wage requirements, the respective record keeping responsibilities, the requirement for the submittal of certified payroll records to the District, and the prohibition against discrimination in employment.

The LCO provides each contractor with a checklist of Labor Law Requirements and discusses the following items:

1. The contractor's duty to pay prevailing wages (Labor Code Section 1770 *et seq.*);
2. The contractor's duty to employ registered apprentices on public works projects (Labor Code Section 1777.5);
3. The penalties for failure to pay prevailing wages and to employ apprentices, including forfeitures and debarment (Labor Code Sections 1775, 1777.7, and 1813);
4. The requirement to maintain and submit copies of certified payroll records to the District, on a weekly basis, as required (Labor Code Section 1776), and penalties for failure to do so (Labor Code Section 1776(g)); The requirement includes and applies to all subcontractors performing work on District projects even if their portion of the work is less than one half of one percent of the total amount of the contract;
5. The prohibition against employment discrimination (Labor Code Sections 1735 and 1777.6; the Government Code; and Title VII of the Civil Rights Act of 1964, as amended);
6. The prohibition against taking or receiving a portion of an employee's wages (Labor Code Section 1778) (kickback);
7. The prohibition against accepting fees for registering any person for public works (Labor Code Section 1779) or filing work orders on public works (Labor Code Section 1780);

MERCED CITY SCHOOL DISTRICT

8. The requirement to list all subcontractors that are performing one-half of one percent of the total amount of the contract (Public Contract Code Section 4100 *et seq.*);
9. The requirement to be properly licensed and to require all subcontractors to be properly licensed, and the penalty for employing workers while unlicensed (Labor Code Section 1021 and under California Contractors License Law. Also, see Business and Professions Code Section 7000, *et seq.*);
10. The prohibition against unfair competition (Business and Professions Code Sections 17200-17208);
11. The requirement that the contractor and subcontractor be properly insured for Worker's Compensation (Labor Code Section 1861);
12. The requirement that the contractor abide by the Occupational Safety and Health Laws and regulations that applies to the particular public works project.

The contractors present at the Job Start Meeting are given an opportunity to ask questions of the LCO relative to the items contained in the Labor Law Requirements Checklist. The checklist is signed by the contractor's representative and the LCO.

At the Job Start meeting, the LCO provides the contractor with a copy of the Labor Compliance Program package which includes: a copy of the approved LCP, the checklist of labor law requirements, applicable prevailing wage rate determinations, blank certified payroll records forms, fringe benefit statements, apprenticeship requirements, and a copy of the labor code sections relating to public works and public agencies (Part 7, Chapter 1, Sections 1720-1861).

Review of Certified Payroll Records

The contractor and all subcontractors working on the public works projects shall maintain certified payroll records during the course of their work. The contractor shall provide the records, required under labor code section 1776, to LCO within five (5) days of each payday. Each certified payroll report is reviewed by the LCO for straight time, over time rate of pay, holiday rate of pay, worker classification, apprenticeship ratio and registration, and fringe benefits paid on behalf of the worker. The LCO must confirm that the Statement of Compliance signed under penalty of perjury is attached and that the dates on the Statement of Compliance correspond to the certified payroll reports.

It is the responsibility of the LCO to verify that each individual, laborer or craftsperson working on a public works project must appear on certified payroll reports. This includes individuals working as apprentices in an apprenticeable trade.

The LCO reviews each record, in-order to verify that employees working on the projects receive the correct rate of pay. The worker's rate for straight time hours must equal or exceed the rate specified in the contract by reference to the "Prevailing Wage Determinations" for the class of work actually performed. Any work performed on Saturday, Sunday, and/or on a holiday, or portion thereof, must be paid the prevailing rate established for those days regardless of the fixed workweek. The hourly rate for hours worked in excess of 8 hours in a day and 40 hours in a workweek is considered premium pay. All work performed on Saturday, Sunday and holidays shall be paid pursuant to the Prevailing Wage determination.

MERCED CITY SCHOOL DISTRICT

In the event that there is evidence of non-compliance with prevailing wage laws, the LCO performs an audit to determine the amount of wages and/ or penalties owed. The contractor has ten (10) days in order to respond and correct any violation. If the contractor fails to respond within the ten (10) days, then the LCO will withhold contract payments relative to the violation.

If an investigation reveals that a willful violation of the Labor Code has occurred, the LCO will make a written report to the Labor Commissioner.

On Site Visitations

The LCO periodically conducts random on site visitations for public works projects. The goal of the onsite visitation is to observe the construction activities and to identify possible misclassifications and unreported subcontractor work activity that may lead to prevailing wage violations.

B. Record Keeping Activities

The contractor and each subcontractor shall maintain payrolls and basic records (timecards, canceled checks, cash receipts, trust fund forms, accounting ledgers, tax forms, superintendent and foreman daily logs, etc.) during the course of the work for all trades workers working on District projects, which are subject to the LCP. Such records shall include the name, address, and social security number of each worker, his or her work classification, a general description of the work each employee performed each day, the rate of pay, daily and weekly number of hours worked, and actual wages paid.

The contractor and each subcontractor submit certified payroll records to the LCO as required. The contractor is responsible for the submittal of payroll records of all its subcontractors. All certified payroll records shall be accompanied by a Statement of Compliance signed by the contractor and each subcontractor indicating that the payroll records are correct and complete, that the wage rates contained therein are not less than those determined by the Director of the Department of Industrial Relations, and that the classifications set forth for each employee conform with the work performed.

Time cards, front and back copies of cancelled checks, daily logs, employee sign-in sheets and/ or any other record maintained for the purposes of reporting payroll may be requested by the LCO at any time and shall be provided within 10 days following the receipt of the request.

C. Labor Code Violations Identified and Labor Code Violations Reported to DLSE

The violations that are documented in the Statistical Analysis in "Attachment A" show the violation and the proof of the resolution of the violation (if completed).

MERCED CITY SCHOOL DISTRICT

All violations identified in project reports have been resolved and/ or in the process of being resolved. There have been no violations reported to the Division of Labor Standards and Enforcement to date.

D. Statistical Analysis of Prevailing Wage Violations on District Public Works Projects

Please see attachment A.

E. Summary of Outreach Activities

Any and all third party request for information is fulfilled. All names and social security numbers are obliterated from the certified payroll records as stated in the California Code of Regulations 16403 (b).

Periodic meetings are held with contractor organizations, prime contractors and subcontractors interested in competing for public works contracts with the District. These meetings provide an opportunity for the LCO to disseminate information regarding the LCP format along with the rule and regulations that contractors must adhere to.

Attachment A

Labor Compliance Program Annual Report

**Enforcement Activities- Labor Code § 1771.5
Awarding Body: Merced City School District**

A. List project handled by LCP within the past 12 months

Project Name	Bid Advertisement Date(s)	Prime Contractor	Contract Amount
Rivera Elementary Gymnasium	August 23 rd and 30 th , 2010	Multi-Prime	\$4,500,000
Total	1		\$4,500,000

B. Summary of all wages and penalties assessed and/or recovered.

Project Name	Affected Contractor	Amount Assessed	Amount Recovered	Approval of Forfeiture Requested from Labor Commissioner?	Description of Violation
Rivera Gymnasium	Tarlton & Sons, inc.	\$24.40		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Underpayment of prevailing wage rate
Total					

* If the column states pending, this means that the file is still under investigation and has the possibility of the request of forfeiture from the Labor Commissioner.

C. For any amount identified in item B for which approval of forfeiture not requested from the Labor Commissioner, Please explain below.

Project Name	Amount Assessed	Amount Recovered	Explanation
Total			

Labor Compliance Program Annual Report

D. For any amount identified in Item B for which approval of forfeiture was requested from the Labor Commissioner, please provide the following:

Project Name	Amount Assessed				Amount Recovered					
	LC§ 1776 (g)	LC§ 1775	LC§ 1813	Wages	Total	LC§1776 (g)	LC§1775	LC§1813	Wages	Total
NA										

CC. Identify cases that are or were the subject of LC § 1742 proceedings.

Project Name	Contractor	Nature of Violation	ODL Case #	Current Status
NA	NA	NA	NA	NA

DD. Did you refer any contractor to the Labor Commissioner for debarment per LC § 1777.1?

Yes No

EE. Did you refer any apprenticeship violation to the Division of Apprenticeship Standards (DAS)?

Yes No

If yes, identify affected contractor(s) or subcontractor(s) and date(s) of referral: _____

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: January 17, 2012

SUBJECT: **NAMING OF JOINT-USE GYMNASIUM – RIVERA MIDDLE SCHOOL**

Recommendation

It is recommended that the Board of Education consider the name suggested for the new Joint-Use Gymnasium at Rivera Middle School.

Background

The Board of Education requested District staff to solicit recommendations from the community for naming the new gymnasium at Rivera Middle School. A Citizens' Advisory Committee reviewed the names submitted on criteria based on Board Policy 7310 and is recommending the name "**Joe C. Havel III.**"

Mr. Havel was a teacher, assistant principal and principal in the District from 1990 to 2007. Mr. Havel taught at Rivera from 1991 to 1998. He was Assistant Principal at the school from 1998-2003.

Mr. Havel became the Principal of Rivera Middle School in 2003 and served in that position until his death in 2007. Mr. Havel's dream was to build Rivera Middle School a state-of-the-art gymnasium.

A total of three applications were received for naming of the building.

Fiscal Impact

Revenue: None
Expenditure: None
Budget Category: None

MERCED CITY SCHOOL DISTRICT

Facilities BP 7310

NAMING OF FACILITY

The Governing Board shall use the following criterion for the naming of new and existing facilities.

No facility will be named for a living person

A Citizen Facility Master Planning Committee shall serve as the committee to review all name suggestions and prepare a recommendations for final consideration by the Board.

Legal Reference:

EDUCATION CODE

35160 Authority of governing boards

Policy Adopted: 9/23/2008

FISCAL SERVICES

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: January 17, 2012

SUBJECT: **2010-11 ANNUAL AUDIT**

Recommendation

It is recommended that the Board of Education accept the 2010-11 Audit Report as presented by the District auditor of record, Vavrinek, Trine, Day & Co., LLP and authorize payment of the fee.

Background

School districts are required to have an independent audit annually to comply with the law and to verify the status of the district.

The findings of the audit determined that the general-purpose financial statements present fairly, in all material respects, the financial position of the District as of June 30, 2011.

A copy of the 2010-11 Audit Report has been filed with the Merced County Office of Education, State Department of Education, State Controller's Office and the Federal Clearinghouse.

The final 10% of the auditor's fee is withheld until the State Controller accepts the audit. The total fee is \$38,429.

Fiscal Impact

Revenue: None

Expenditure: \$3,843

Budget Category: Fund 01 – General Fund, Resource 0000 – No Reporting Requirement.