

BOARD OF TRUSTEES
HESPERIA UNIFIED SCHOOL DISTRICT
MINUTES
Board/Facilities Meeting, September 24, 2007
Sultana High School

MEMBERS PRESENT: Bruce Minton, President
Dr. Robert Kirk, Vice President
Hardy Black, Member
Helen Rogers, Member

Mark McKinney, Interim Superintendent

MEMBERS ABSENT: Ella "Lee" Rogers, Clerk

OTHERS IN ATTENDANCE: Olga Savchenko, Vice Principal, Hesperia HS
Rich Stuelke, Principal, DTHS & HCDS
Dennis Eggers, Data System Analyst, I.T.
Dick Gary, Director, M&O
Chris Jennison, Asst. Director, AESC
Donna Minton, Parent/Teacher, Joshua Circle
Larry Porras, Principal, Hesperia HS
Michelle Murphy, Principal, Mission Crest
Teri Green, Principal, Kingston
Tracy Marsh, Principal, Sultana HS
Jose Ramirez, Plant Supervisor, Sultana HS
Lori Nielson, Community Member
Matthew Fedders, Principal, Hollyvale
Jennifer Adams, AP, Mesquite Trails
Vicki Kirk, LSH
Gordon Williamson, Teacher, Maple
Chala Salisbury, Principal/Founder, Crosswalk Charter
Valerie Turpen, Coordinator II, AESC
Jodi Consten, Coordinator II, AESC
Diana Gott, Director, D.O.
Sue Yarbrough, Principal, Lime St.
Carol Tulk, Teacher, Juniper
Kathy Everhart, Risk Mgmt/Benefits Mgr, AESC
Bob Schnebeck, VP, Hesperia HS
Mary Porras, VP, Sultana HS
W. Pittsford, Principal, Canyon Ridge

**OTHERS IN
ATTENDANCE:**

Jacob Burton, Parent
Edie Irwin, Teacher, Oxford
Patti Baer, Principal, Oxford
Nellie Gogley, Community Member
David McLaughlin, Director
Carmen Becker, Director
Janet Brawner, AP, Joshua Circle
Jeanne Triska, Teacher, Kingston
Charles Roedell, Teacher, Lime St.
Tony McGuyer, Teacher, Hesperia HS
Thomas Kernan, Teacher, Hesperia JHS
Richard Spring, Parent, Kingston
Debbie Baker, Exec. Asst., Admin Services
Cathy Gomez, Exec. Asst., Admin Services

Jovy Yankaskas, Asst., Superintendent, Educational Services
George Landon, Asst. Supt., Business Services

CALL TO ORDER:

President Minton called the meeting to order at 4:39 p.m. All Board members were present with the exception of Board Member Lee Rogers who is out due to illness.

**HEARING FROM
THE AUDIENCE:**

President Minton read the statement inviting the general public to address the Board on any closed session item. There were no comments.

**ADJOURNED TO
CLOSED SESSION:**

The Board adjourned to closed session at 4:40 p.m. to discuss the following: 3.1 Conference with Real Property Negotiator; 3.2 Public Employee Appointment; 3.3 Employee Resignation/Retirement; 3.4 Public Employee Discipline/Dismissal/Release/Reassignment/Transfer; 3.5 Conference with Labor Negotiator.

**RECONVENE IN
OPEN SESSION:**

The Board reconvened in open session at 6:13 p.m.

**PLEDGE OF
ALLEGIANCE:**

President Minton led the Pledge of Allegiance to the Flag.

**REPORTING OUT OF
CLOSED SESSION
ACTION:**

Interim Superintendent McKinney reported the following action taken in Closed Session:

On MSC (Kirk, H. Rogers) Vote: 4-0, Personnel Report No. 07/08-5 & 07/08-6 was approved as amended.

On MSC (Kirk, Black) Vote: 3-0, (Ayes: Black, Kirk, Minton; Noes: None; Board Member H. Rogers recused herself) The Board voted to approve Jennifer and William Chaffee as Guest Teachers.

Interim Superintendent McKinney recognized MS. Olga Savchenko as High School Vice Principal at Hesperia HS.

On MSC (Black, H. Rogers) Vote: 4-0, The Board approved HUSD Property Negotiator George Landon to negotiate with Alejandro and Matilda Lipienjko to negotiate price and terms on APN #3046-101-24.

**APPROVAL
OF AGENDA:**

On MSC (H. Rogers, Kirk) Vote: 4-0, The agenda and Consent Agenda was approved as submitted.

**APPROVAL OF
MINUTES:**

President Minton requested that the Minutes of August 20, 2007 be amended as follows: Page 6, Interim Superintendent's Report, to correct "*Montyville*" to "**Monte Bill.**"; Board Member Helen Rogers requested the Minutes be amended on Page 11, Board Member's Report, 2nd paragraph, 1st sentence to correct "*too*" to "*two*" and on Page 14, Student Representatives, changing the introductory statement to lower case; Mrs. Yankaskas, Asst. Supt., Educational Services requested the Minutes be amended on Page 33, last paragraph, to add the header "DISCUSSION/ACTION – ASSISTANT SUPERINTENDENT, CURRICULUM/ SECONDARY;" and delete the statement "*Basically, we have 4 new positions, we have 2 directors; one each for the elementary and secondary, 2 coordinators and 2 Assistant Superintendents*" and replace it with "*One of the proposals included four new positions (i.e. 2 directors; 1 each for elementary and secondary plus 2 coordinators.*" Vice President Kirk requested that the Minutes be amended on Page 41, under Renewal of 2007-08 CALIFORNIA SCHOOL BOARDS ASSOCIATION (CSBA) MEMBERSHIP DUES, 1st paragraph, changing "*works*" to "*work.*"

On MSC (H. Rogers, Kirk) Vote: 4-0, The Minutes of August 20, 2007 were approved as amended.

SPECIAL REPORTS

REQUEST FOR PROPOSALS – CONSTRUCTION MANAGEMENT & PROJECT MANAGE- MENT SERVICES:

Mr. Tristan Pelayes, Legal Counsel with the firm Wagner & Pelayes indicated that several weeks ago, the Board directed his firm to review the District's Request for Proposal packet concerning construction management services. To that end, it was reviewed and they have come up with some refinements to the District's existing packet. He stated that in the presentation, I will be referring to a selection committee or a selection team when it comes down to hiring a construction management firm.

Government Code Section 4526 is the selection procedure policy that public entities must follow. It reads "Notwithstanding any other provision of law, selection by a state or local agency head for professional services of private architectural, landscape architectural, engineering, environmental, land surveying, or construction project management firms shall be on the basis of demonstrated competence and on the professional qualifications necessary for the satisfactory performance of the services required. In order to implement this method of selection, state agency heads contracting for private architectural, landscape architectural, professional engineering, environmental, land surveying, and construction project management services shall adopt by regulation, and local agency heads contracting for private architectural, landscape architectural, professional engineering, environmental, land surveying, and construction project management services may adopt by ordinance, procedures that assure that these services are engaged on the basis of demonstrated competence and qualifications for the types of services to be performed and at fair and reasonable prices to the public agencies." What that means is that at the end of the day, the entity has to pick the lowest, most responsible bidder. Does that mean the cheapest? No, it does not actually mean the cheapest price but it certainly means that it is the Board's duty to pick the best value for your money. Wagner & Pelayes Law firm came up with a Request for Proposal for Construction Management Services Scoring Sheet. This is where the selection team gets together and scores the applicant firms and once they come up with that score that will serve as the basis for selecting the particular firm.

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He referred to two (2) packets that he provided to the Board -- the Request for Proposal for Construction Management Services and the Proposal Evaluation Form. Let's say that you go out and you solicit a Request for Proposal. You solicit all these firms and you invite them to bid on your project. What you do is you give them certain criteria of the project to be had and you invite them to give you their qualifications and certain other information. You may have 3 firms or 4 firms respond or you may have more than that respond. Once you get these, what do you do with them? That's where this comes into play. The first packet is the Proposal Evaluation Form. You are to complete one of these for every participating firm that has submitted or responded to the Request for Proposal. You can see different categories. This is where the selection team then gets together and completes the evaluation form. As an example, *Category 1, Company and Staff Experience*. There are 45 maximum points possible so if a particular firm gives you their best answers and has the most experience and the best value for you, this particular category, the maximum points that they can score is 45. Keep in mind, the higher the number, the higher the score, the better that firm is doing. In this particular category, #1 Number of years performing CM services, you see the scores from 1-5. This particular category is asking the number of years performing construction management services; not the number of years that they have been in business but the number of years that they have actually been in business doing construction management services. The higher that answer is, the higher your going to score them. Number 2. California contractor's license. It means how many people in that firm actually possess a contractor's license. Are there any complaints against that license? Mrs. Waters added that we wanted to know in this particular area if they possess a contractor's license (yes or no), is it a provisional license, is it a license that is newly obtained so your going to score it from 1-5 based on how many people in the firm actually possess a contractor's license.

Mr. Pelayes indicated that he and Mr. Landon spoke on the telephone and the question was raised as to whether we should leave those criteria in there because if you hire a construction management firm, they don't necessarily have to have a contractor's license. They will hire somebody with a license to do the work for them and they will just manage them. Again, at the end of the day its going to be up to the District or the selection team to decide if that's something they want in addition to all of the other qualifications from their management firm.

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Item 4. Availability of experienced employees if the person assigned to this project leaves or perform unsatisfactorily. In your thick packet, there is also an explanation as to what you should be looking for in requiring for that particular firm. If you look at your thick packet, each category that is in these scoring forms specifically coincides with the Request for Proposal packet and it starts on page 10. The main thing is that you do not deviate from the scoring sheet and if you are, you must make sure that there is a criteria that corresponds or exists in the actual RFP packet. I don't know if you want me to go down the line for each category or requirement or you have a specific question about a specific requirement. The reason I'm asking that is for instance in Category 1, item 1. Number of years performing CM services. That was not there before. Previously, it was worded the Number of Years in Business or something to that effect. We've refined that because I know there were some discrepancies in prior selection processes where that created controversy. So, I'm not sure if you want me to go one by one, Mr. Minton. President Minton responded I'm not sure either Mr. Pelayes. I'm not totally familiar with the construction management services industry or RFP's. I know that we have a number of staff that has significant experience with RFPs and construction so I don't know all the specifics that Mr. Landon and his division know about this area. Mr. Pelayes responded let me do this; let me give you a general overview because I think that the most important discussion here tonight is who is going to be charge in making the decision on how to score these folks. That's going to be the most important part I think. Second Category – Finance, Bonding and Insurance. Board Member Black went back to *Category 1, Item 7. Description of projects of similar scope and contract amount in the past 5 years.* I would assume that there should be probably some timeframe tied to some of the items that follow that like #8 or the next page, possibly Category 3 because some firms have been in business a long while and sure they wouldn't want to itemize all their projects that they've had. I believe we should assign a timeframe to those. Mr. Pelayes responded that in Item 7, basically what you're looking for is a firm that's going to meet the needs of your particular proposed project. Board Member Black asked "Does Item 8 have the same timeframe applied to it?" Mr. Pelayes responded Yes. You can tweak this around and make it as specific or as general as you want. We recommend that the more specific you are, the less room for error or ambiguity your going to have in the future especially when your

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selecting these folks or scoring these folks. Board Member Black responded I would suggest on Category 3 past projects under budget, over budget, on schedule, that there be a time period assigned to this as well. Probably a more recent experience would be more applicable. Mr. Pelayes responded that's an excellent suggestion and once you have your selection team in place, depending on the project in the future to be performed, that's where you can actually focus a little more narrowly on the requirements you want. But again, we didn't want to go too restrictive on this thing. It's going to be left up to the team but keep in mind, if you take a look at each of the categories, specifically on Category 3; you want to be very specific in those because you want to make sure your comparing apples to apples and oranges to oranges.

President Minton stated Mr. Pelayes; you have in Category 1, California contractor's license. If they're a corporation, generally there will only be one responsible managing officer, one responsible managing employee so there may actually only be one person who has a license active for that entity but they could have 10 people who weren't licensed contractors. Mr. Pelayes responded that's true in the case of every general contractor. In fact, that's a discussion that we had with Mr. Landon on whether we actually need this particular requirement. That's going to be left up to the District. President Minton asked that on 8. it says the company's role and delivery method (general contractor, multiple prime or designing building). Those all go beyond construction management services that are limited in number 1, don't they. Because somebody could be a general contractor for four years but because of the recent move toward construction management may have only been doing that for eight years Mr. Pelayes responded that's absolutely correct and that's where the ambiguity, one of the factors that came in to play the last time around. Board Member Black referred to number 2. Contractor's license. I don't know if that one needs a ranking. It probably just needs a Yes or No. Mr. Pelayes responded again, you do one of those for each participating firm. Then you move on to the next form. From every category that you have for each firm, you will rank them on the Proposal Ranking Form. If you had 5 companies, the company with the highest score would be ranked "5"; the lowest ranked proposal would receive a "1."

Ms. Waters reviewed the Proposal Scoring Form in detail. Mr. Pelayes stated here's where my job becomes very unpleasant. First of all, let me say that at the oral interview with these companies, one is not to explore areas with the companies that are

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not a category in the RFP packets. If this is done, then the whole purpose of coming up with a scoring system is defeated. Should you want to add a category, please let Wagner & Pelayes know before the RFP is printed and submitted to the companies at large because the minute that you deviate from that form is when you create problems. We can come up with the best scoring system in the world, but if it's not followed, it makes no sense and it makes no difference. In this case, it is our understanding that historically at least, staff of the Hesperia Unified School District actually take care of the scoring system and made a recommendation to the Board, and through a selection process somehow the particular firm gets chosen. What happens then, hypothetically, if you have a dispute between the scores or the way that these companies were scored by staff or the final document that gets presented to the Board and then for whatever reason, the Board goes outside the package and a firm gets selected. Now you have a major conflict and the whole project has to be thrown out because nothing worked. It is imperative for staff to be as accurate as possible when giving the information to the Board so they can make an informed decision. It is also imperative when you're talking about projects that are worth \$200 million plus, that they are given this information in plenty of time for them to digest and make an informed decision. If that doesn't happen for whatever reason, and I'm not saying that it ever did, I'm just telling you why this process is subject to not working. If that doesn't happen, then it really doesn't matter what scoring system you have. It could be the best one in the world, its not going to work. So, if you have a hypothetical school district where staff and the Board are at odds on how to score the particular applicants, how do you come up with a scoring system, how do you come up with consensus, how do you come up with the best choice in the end for the district. He has discussed this at length with his firm and with members of my staff and members of the Board and the only thing that they could come up with is that both the staff and the Board participate in the actual scoring system. You have to be real careful on how you accomplish that because, as you know, the Board and staff have completely different roles to fulfill in the workings of a school district so you do not want to step over each others shoes. At the same time, you have the duty to get the best value for the money that you are about to spend for a particular project. When I spoke about a selection or scoring team, what I meant was staff and the board working together. I do not know what the mechanics of that is going to be (i.e. one board member maybe working hand in hand or there's going to be two working

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hand in hand with staff). Obviously, you cannot have a large amount of Board members wearing two hats (participating in the scoring system and at the end of the day, making the final decision as to who is going to come out on top of the ranking). On the other hand, if the Board is uncomfortable as to how staff historically was conducting the scoring systems, there's going to have to be a way to reconcile the two to bring the two together in order to give the best value to the district that it deserves.

Interim Superintendent McKinney agreed that this is a delicate balance between Board involvement and Board approval. Bottom line, at the end of the day the Board is going to award somebody the project. In the RFP, you've (Mr. Pelayes) talked about an oral interview by the Board and whatever the process is, you narrow it down to the top 3 and the Board then would do an oral interview based on the criteria established but stick to that interview so that they have the final say. Prior to that though is that delicate balance between Board involvement and Board approval and the struggle with that is it a single Board member or maybe it's having legal at that whole scoring process. It could be outside people. Maybe someone from an outside district could come in and be a part of that scoring process to help clarify some of that but that's the dynamic of making sure we don't cross that line because it goes to the county and they're going to sign off based on the criteria that we don't cross the line between involvement and approval for the Board.

Mr. Pelayes indicated that whatever the mechanics are going to be, I'm going to be blunt with you folks, if one side doesn't trust the other, it's not going to work. Whether you want to bring in outside people, members from your own Board, or what have you, I don't know, we can discuss it but unless both sides are on the same sheet of music, you can have the best scoring system in the world and it's not going to work. Staff has to convey and give the Board all the information necessary for them to make an informed decision because you're talking about millions and millions of dollars that if you misspend them and make the wrong choice, now I'm not saying that if you make the wrong choice on purpose, it can happen by mistake. The state will pull the funding that was already in place and that would be devastating to any district. Any questions? I can talk about past RFPs and how they were done. How the system was flawed or how it was perceived

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to be flawed. It's up to you folks or I can leave it at this and suffice it to say that I think we've come up with a pretty good scoring system that is going to take both sides to work hand in hand so that it can be successful.

President Minton responded Tristan, I would like to know what the changes in the past RFP process have been that you have made. You indicated that it's flawed and it's my understanding with a prior telephone conversation with you that the past RFP was not a bad RFP but there were some refinements as you indicated earlier. So, I guess I would like to understand that because I have some real challenges with the concept that you're saying Board members would be involved in the scoring process. I think that crosses over our line. I think that puts us wearing two hats and I do not understand how a Board member can do some of the scoring and then do the awarding. I think that creates a conflict of interest.

Mr. Pelayes responded we looked into that issue as to whether that creates an actual conflict of interest and we don't believe that it creates an actual conflict of interest. President Minton responded that this Board has not been concerned with actual conflicts of interest, Tristan. We have been more concerned with perceived conflicts of interest or something that could give the appearance of a conflict of interest and I think that this does. Mr. Pelayes responded okay; I guess its all in the number of Board members that you put, if at all, on the selection or scoring team. Obviously, the more Board members that are involved in that process, the more of a perceived conflict of interest that you're going to have. Now, Mr. McKinney brought in an excellent suggestion. What if we bring in a third party that is respected by both sides to participate in this system? President Minton responded if that's what we need, why don't we simply fire all of our staff and get staff that we trust. Is that what I'm hearing? I'm confused because the staff works for the Board and if this Board is saying we don't trust our staff, let's just fire them and clean house and then let's get people that we trust and let's hire people from other districts that we feel are competent. Mr. Pelayes responded let me tell you where this perceived issue of mistrust came about. I think it came more as a result of ambiguity with the past RFP packet as opposed to an actual issue of I do not trust you because I think that your going to do favors for a buddy and give them this assignment or give them this project. For instance, it's a real simple example. Let me go back to the first sheet and actually the first square. You have a past RFP that went

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out. *Number of years performing CM services.* That's the way we have it over here. In the past and correct me if I'm wrong, I think that category was worded as number of years in business. So, where that creates the conflict, what if I'm in business for 60 years or 50 years and I apply to your RFP but I've been actually doing construction management services for 10 years. The way it was worded previously, it would have been ambiguous through no fault of anybody but you can see how at the end of the day if somebody went and did a little checking and discovered that you have been in business for x number of years but actually doing construction management work, you were not in business for all those years that you disclosed in that form. That creates an atmosphere of whether that was an innocent mistake or was it something done on purpose. My job as the attorney for the District is not to blame anybody or point fingers but it is to split hairs and get rid of those ambiguities.

President Minton agreed. What type of ambiguities did we have Mr. Pelayes? Mr. Pelayes responded I can tell you you're asking how many ways did you folks make revisions to this form. I'll let Alice; actually, she did the bulk of it. Ms. Waters reviewed the Proposal Scoring form. A lot of the scoring system on this particular form was good. I used a lot of material that was already there. I know Number 1 was a hot item so we changed that one. There was one category that I added (Category 7, Item #2 *Evaluator's overall impression of the company and proposal*). In reading your Minutes, I got the impression that people needed to vote for their favorite basically. After going through the scoring system, it seemed that people wanted to give both their impression of the overall proposal so I added that. The reason that I added that to the category is that it allows people on the team to vote their favorite or vote for the one they like the best even though they scored low in this area or high in this area but it allows them to put in their vote without skewing the overall result. I think that was a problem in the past that perhaps there were those who had a stronger influence perhaps and this allows whenever it doing the evaluating to vote their favorite without skewing the overall outcome, so that was added. I think also *Category 4 – Litigation and License*; I added the category separating the items in terms of judicial litigation versus issues on their licenses. I wanted to separate that out so that we had a history not only of past defaults, terminations, mediations, arbitrations, litigations or judgments, I also thought you might

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want to know about their licenses. Do we have any complaints on the licenses, suspensions, revocations, reinstatements. That tells a lot about a company and about a person in terms of their past work history so I added that. I also added the *Financial Statement in Category 2 – Finance, Bonding and Insurance, Item 1*. We're interested in the financial health of these companies and so asking them to provide a financial statement is not only optional, it is actually required by code so, these financial statements they're not open for public review; that's also code so these companies can feel comfortable submitting these financial statements. You can see based on their financial health if they're going to be able to handle your project. What I did on the scoring system, I tried to come up with a rounded number not coming up with 165. I made enough categories, took some of yours and maybe split them up in two in order to come up with an even 200 points and that just made the calculation a little easier. So, I tried to streamline it in that regard.

President Minton responded "I see in Category 7, Number 1, that a higher score will be given to positive references from the high desert. Is that not a form of discrimination? Mrs. Waters responded I took that, in reading your minutes from prior meetings, I got an impression that the District was interested in supporting local companies and local business and using companies that were familiar with your environment here. That's something you can choose to decide to leave out or include. I don't think it's a discriminatory thing, I believe it's more of a preferring a particular type of company and that's not discriminatory in a sense that you're applying it to everybody. If you do have local experience; if you don't have local experience. If that ties into your particular projects, a particular special nature of your projects up here in the high desert, that's why I added that in there. You can choose to decide to leave it out or not. This RFP is not cast in cement. You can change it, that's why were here. So, if you see something you want to tweak, you want to add or delete, now is the time to do it. Not when you submit it, go through the selection process and then there's a criteria that now comes up and we're going to eliminate somebody based on those criteria that are not here. The main thing that I want to get across tonight is that whatever is in this score system also has to be in your RFP. It has to coincide. It has to be identical because its not fair when you put out an RFP and you put out all these criteria and you asking all these companies to supply information on these criteria and they're going to be selected based on these items but then when you score them, you come up with different

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criteria that maybe you didn't think of before and maybe this is now important to us. It's not fair then to score them differently or to add criteria in.

President Minton asked "Did we do that in the past? Did we add criteria or score them differently from the RFP?" Ms. Waters responded that what she got from reading the minutes was that you had a scoring system in place, you went through that score, you came up with a recommendation and somewhere you fell off the path because somewhere along the way, a selection was made, you have this criteria, you have this company scoring high in this area overall, you have another company scoring low in another area, the overall score being ...this one should have gotten it because he had the best score but this one got it and it was selection criteria that was not in the RFP. It came out in discussion. So, again, you can discuss the criteria all you want but you have to stick with the criteria. If you want to change the criteria, you have to put it into the RFP and into the score system. Like Tristan said, you can't deviate. Mr. Pelayes stated that's why it's very important that whoever is going to make the final decision becomes aware of what the criteria was in the first place. If they were not aware of it and they were left up to their own devices as to make a final decision, that's also unfair and it could derail and skew the system. Now, I told you when I started giving this presentation that it was the unpleasant portion of my job. I hope I didn't offend anybody but my job is to just tell you the way it is basically and provide you with the best advice that I can.

President Minton asked "Tristan, you are a litigator and you appear before a judge and it seems to me that if we, as Board members were to participate in the selection process, are we now putting on the hat of a jury or another participant and then as the final approval person, putting on the hat of a judge. Doesn't that create a conflict?" Mr. Pelayes responded No, because in the selection process, the ultimate selection is going to be done as a whole and that's why I told you the more Board members that you start putting in that selection committee, that's where you are going to cross the line. I don't know what the easy answer is, Mr. Minton. If there's one, two, or again whether there's a third party, I know one thing for sure that in the past, there were issues with the process. We're trying to eliminate those issues.

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President Minton asked “Doesn’t the Government Code say that there should be no contact or communication between a Board member and an applying company prior to the approval?” Mr. Pelayes responded I’m not aware of it Mr. Minton. To be honest with you, if there is such a code, again, you can still use the Board member to make the scoring and perhaps have him or her not participate in the ultimate selection.

Vice President Kirk responded “So Tristan, what I hear you saying is whatever the process we decide on, that everybody knows what it is upfront and that everyone follows that process.” Mr. Pelayes added that was imperative. Vice President Kirk continued “and whether that’s a Board member, two Board members or no Board members, maybe yourself, a legal entity or another neutral party, that’s fine to put on the selection committee or on the evaluation committee to help the process be as open and fair as possible.” Mr. Pelayes responded that’s your goal. Again, everybody has to be participating or they have to have a working knowledge of the process. If you do not have a working knowledge of the process, errors are going to be made and wrong decisions are going to be made.

Vice President Kirk asked Mr. McKinney if it would be fair to have some time to go through the documentation since the Board has just received it. Maybe to talk about this and discuss some of those options that you mentioned and neutral party that Tristan mentioned for the selection committee and give us a little bit of time to assimilate this before the Board makes a decision.

Interim Superintendent McKinney responded that we certainly can do that. This is one of those projects that we’re looking at and we want to make sure you get all the details right. We just got the revision from Tristan tonight and part of the dialogue tonight was really just to initiate the discussion. As Mr. Pelayes shared, how do we avoid any kind of pretense of where that Board role is involved in versus approval and Mr. Pelayes has included it in the big packet. I think there’s some dialogue we can have about how to tweak this to meet the interest of the Board being involved without crossing that perceived line.

Mr. Pelayes responded that it almost seems that you have to have a selection process for the selection process and we can work on that. You are all going to have to decide ultimately what this selection criteria is going to be and again, the more working knowledge that everybody has, the smoother the process is going to be. The Board had no further questions to ask.

**REPORT ON HUSD
FACILITY PROJECTS:**

Mr. George Landon, Asst. Superintendent/Business Services presented a PowerPoint presentation on the District's facility projects as follows:

Enrollment Update
(As of September 14, 2007)

Elementary – 11,398
Secondary – 10,467
Total – 21,865
Projection – 22,278 Difference – (513)

Cedar Middle School

- School opened with 7th graders on August 13, 2007
- Approximate Enrollment – 543
- The school will have on-going construction during the school year
- School will open with 7th and 8th graders in August 2008

Cedar Middle School Staffing Model

2008/09 Additions

- Assistant Principal
- Counselor
- Additional Campus Assistants
- Additional Utility Expenses

Mission Crest Elementary School

- Currently under construction
- Anticipate moving in by March 2008
- Approximate Enrollment (Mission Crest – 746), (Mesquite Trails – 653)

Mission Crest Elementary School Staffing Model

- Staff will move over from Summit Elementary and Mesquite Trails
- Additional utility expenses

Hesperia High School Science Complex

- Currently under construction
- Anticipated completion is March 2008
- Construction will be ongoing during the school year

**REPORT ON HUSD
FACILITY PROJECTS:
(Continued)**

Mojave High School

- Bids are being presented to the Board tonight
- Adding two classrooms, restrooms and parking
- Anticipated completion is December 2007

Canyon Ridge High School

- Temporarily housed at Hesperia HS
- Will be relocated to Summit Elementary School

Canyon Ridge High School Staffing Model

- Principal
- Secretary
- Vice Principal
- Counselor
- Attendance
- Campus Assistants – Will need additional staff when the move is made

Oak Hills High School

- Plans are approved by DSA
- Advertising for bids on September 4 and September 11, 2007
- Anticipate Board approval October 8, 2007
- Goal is to open the school and have the school completed by August 2009

Krystal Elementary School

- Land
 - Currently own 13 acres (Farmdale & Krystal)
 - Resolution adopted by the Board on 9/10/07 to move forward on the eminent domain process for an additional 4.7 acres
 - Submitted to DSA on January 5, 2007
 - Anticipated opening August 2009

Cypress Elementary School

- Plan on adding 10 classrooms and a kindergarten center
- Approximately \$4 million
- This is in preparation to convert Cypress Academy to a K-6 school by August 2009

**REPORT ON HUSD
 FACILITY PROJECTS:
 (Continued)**

Cedar Glen Elementary School

- Land
 - Two willing sellers for approx. 10 acres
 - May need to continue with eminent domain on 5 acres
 - Submitted to DSA and corrections are in process
 - Anticipated opening August 2009

Verano Elementary School

- Land
 - Waiting for developer to sign off on purchase agreement
 - DSA corrections are in process
 - Anticipated opening August 2009

Facilities Need and Growth

- Process
 - October/November – After CBEDS
 - Review history of enrollment
 - Review 08/09 facility needs and enrollment projections

AVAILABLE CLASSROOMS

Carmel 2	Cottonwood 2	Cypress 0
Eucalyptus 0	Hollyvale 2	Joshua Circle 0
Juniper 1	Kingston 1	Lime St. 0
Maple 1	Mesa Grande 1	Mesa Academy 0
Mesquite Trails 0	Mission Crest 0	Oxford 1
Topaz 1	Cedar Middle 1	Hesperia JHS 12
Ranchero MS 1	Hesperia HS 0	Sultana HS 0
Adult Ed 0	DTHS 0	
TOTAL	6	7
TOTAL ALL - 26		13

STAFFING MODELS

- Process
 - Comparing to comparable school sites
 - Enrollment
 - Types of staffing
 - Utility costs
 - Will review in Cabinet as to when staff should be on board for the planning and opening of the school
 - It is desirable to have the principal and secretary hired at last one year in advance

**REPORT ON HUSD
FACILITY PROJECTS:
(Continued)**

- This provides the opportunity for the principal to hire their staff
- Gives the principal the flexibility to determine when staff should begin
- Principal may determine who will be beneficial in the planning process

**REPORT ON PROP.
55 CHARTER
FACILITIES
AGREEMENTS:**

Ms. Chala Salisbury, Director, Crosswalk Charter School gave a report on the Prop. 55 Charter Facilities Agreements. In 2003, the State adopted Prop. 47 which was a pilot program to fund charter schools. After outgrowing various facilities, the possibility of having facilities to house K-12 was a dream. In July 2004, she read about Prop. 55 which was the new and revised Prop. 47. She spent the entire summer of 2004 writing and filling out papers. It was a long process but they got through it. In February 2005, they were awarded a grant for 6 ½ million dollars. They were #3 in a list which was based on a number of preference points as follows: 1) They were in a district that was growing; 2) Had a high number of children that were eligible for free and reduced meals; 3) Had consistently met API growth targets. She reviewed a packet of information with the Board. She reviewed two funding agreements. One of the agreements is between the Charter and the District for the land. The other is the agreement is between the Charter and the State for the final apportionment. She asked the Board to peruse the documents and know that this is a win-win for all of us because you will hold title to this facility. If the Charter school goes away and there are no other charter schools that are fiscally sound that can take over the building, it is yours to do with as you please.

Mr. Landon added that this is one of the first three-way agreements of its kind to be entered between Hesperia Unified School District, Crosswalk Charter and the State.

**INTERIM
SUPERINTENDENT'S
REPORT:**

Interim Superintendent McKinney recognized Juniper Elementary for being highlighted in the publication "Special Edge" a newsletter related to special education. He shared a quote from the newsletter "*School Principal Stephanie Poindexter believes the schools success is a direct result of the District's ExCEL which is a collaborative approach to provide extra support for students in subjects for which they are struggling....teachers collaborate in just about everything they do to support student learning.*" Mr. Fagan and his staff were also recognized as they had an opportunity to host a first time Continuation High School

**INTERIM
SUPERINTENDENT'S
REPORT:
(Continued)**

Collaboration meeting. Mrs. Yankaskas, Assistant Superintendent/Educational Services reported that last Friday, 12 Goodwill HS teachers came to visit Mojave HS. They heard wonderful things about Mojave HS and they look at it as a model. They wanted to see what Mojave HS was doing and what Mojave HS was about. She commended Mr. Fagan and his staff for hosting this. Board Member Lee Rogers was also a part of the team and she also wanted to commend Bill and his staff. Board Member Lee Rogers felt that the teachers who attended gleaned something from the collaboration time together and it was a wonderful experience. According to Mrs. Rogers and I quote "this could truly be a start of a great opportunity for different schools to get together and share ideas, plans, outlooks, academics and help our children all over the valley." Mrs. Yankaskas indicated that a debrief took place after the meeting and overall, they were really pleased. She thinks the next steps are to actually get the teachers to talk together now. They've observed the classrooms; now get the teachers at Mojave HS to work and talk with the teachers at Goodwill and maybe do a visit at Goodwill as well. It was a successful meeting and we hope to see more of those.

Interim Superintendent McKinney reported on a concept that he and Chief Mosley have been working concerning reserve officers. As we continue to grow and looking at all the evening things that happen whether it's a football game or night program, our current officers are stretched pretty thin in trying to cover these events. At the same time, how do we move forward to be able to provide that kind of support for our school sites for things that are happening above and beyond the regular school day. He will be bringing this to the Board at a future meeting for discussion.

**BOARD MEMBER'S
REPORTS:**

Board Member Helen Rogers reported on the following: I don't have a lot to say because of my recent surgery but I would like to thank all of the District staff who sent me get well cards, offered their prayers, phone calls and even brought in meals. I really did appreciate that and a special thanks to my husband who became my nurse, my cook, my chauffer, my housekeeper and all of that so I really appreciate everybody's help. Thank you.

Board Member Lee Rogers was absent.

Board Member Black reported on the following: I was looking over my calendar the last couple of weeks, I didn't think I'd done

**BOARD MEMBER'S
REPORTS:
(Continued)**

much until I started looking at my planner and realized I'd been more places than I thought. On Wednesday, September 12, I had a chance to attend the Tri Agency meeting with the City and Park District and we discussed a number of projects. Particularly, I was interested in a partnership with the Park & Rec District regarding the land on the Cedar MS project. It's basically a drainage area and maybe it could be developed into a park similar to Malibu along with Mission Crest. On September 17, I was able to meet with Mrs. Laura Carevic and gave me a lot more detail on how to read the budget. That's a project in itself and I appreciated that experience. It's quite a learning curve to be on top of the budgets. On Tuesday, September 18, I visited with the Choice Schools Committee and went over the surveys that were returned by parents on choice school selections. We settled down on 4 possible options for choice school recommendations for the next school year. So, we'll see how that progresses. Members of the committee are going back to do more research and go through a process over the next few meetings on how to refine the survey. On September 19, I was able to go up with Mr. McKinney and visit Hollyvale Elementary School. Mr. Fedders shared with us that he change the scaffolding system at Hollyvale therefore allowing the support people to break the students into smaller groups and therefore be more effective. It seemed to be really working and the kids were on task. On Thursday, September 20, I attended the We Really Care luncheon at the Hesperia Golf Country Club. We discussed Mojave HS, Hesperia JHS, Sultana and Hesperia HS with the counselors on some of the problems and how they're going to address the needs. We Really Care is a charitable organization similar to the Clothes Hanger and some of the other organizations here. Also last Thursday, I was able to attend a meeting at Sultana HS and shared some ideas with the people there. Friday, I was also able to do the same thing at Joshua Circle. In the morning I was able to see the new track at Mesquite Trails. The principal Dave Stewart and Jennifer Adams hosted a breakfast for volunteer parents and others. We were able to walk the track and look at the fitness stations that are being installed there. It looks like it will be exciting for the students. They would like to open up that part of the facility kind of like a park for the community as well. I think it will be great. On Saturday, 9/22, I was able to participate with Chief Mosley in the Hesperia Days Parade. I was busier than I thought I was and was able to have a good time seeing the progress being made at the school sites. I appreciate the efforts being put forth by staff in doing this. Thank you.

**BOARD MEMBER'S
REPORTS:
(Continued)**

Vice President Kirk reported on the following: I had a good visit out at Cypress and it was good to see what's going on out there and the excellent efforts that are going on. I also made a trip to Sultana HS to see their new science room that they are converting from a classroom. They're short on science labs so they were converting that. I talked with the teacher who is presumably going in there and he is very excited about that. I talked to Tracy Marsh about the science program and had a good visit there. I also attended the We Really Care Luncheon. Mr. Westerhoff was there from Sultana HS making a request for one of the students so I know they've helped so many students in the past there. I also attended the Mesquite Trails breakfast and visited with parents and staff. I've seen the track before it was finished. The highlight was attending the Pirate Reading Award room where parents have set up an award room with a pirate theme. You get points for the books that you read and go in there and get stickers and trinkets and things and it was exciting to see that. I also went to Crosswalk today. There were students working to modify that facility and staff working to modify it to make it more user friendly and there has just been some remarkable things. I met an exchange student from Norway who speaks three languages and that was exciting. It's good to see our students interacting with other people of other cultures and seeing what their expectations are. She will be here for a year. I also went to the Hesperia Days Parade and had a good time. I had a lot of quality time with Chief Mosley. I have not spent a lot of time with the police in my life so that was a good thing and it was also a good thing to visit with the Chief.

President Minton reported on the following: I attended the last Sultana HS football game which proved to be an interesting game of character. It came down to essentially the last 20 seconds of the game and our Sultana HS team won by one point. They came back from behind and did very well. Then I attended the Hesperia HS Homecoming in which the Hesperia HS football team won 10-0. It was interesting to see the floats and the participation from the kids and the naming of princesses and queens and so forth. The kids had a lot of energy and generally conducted themselves appropriately and I enjoyed visiting and watching that with Mrs. Yankaskas and her husband and Ms. Costa from Rancho. It was an interesting evening. I was able to attend the Sultana HS Cross Country Invitational at Malibu. That Pepperdine University is a real struggle to go down there and be next to the beach. They said it was the greatest cross country course in the nation but that morning they had a very

**BOARD MEMBER'S
REPORTS:
(Continued)**

heavy downpour and there were places on the course that had mud at least eight inches deep. Many of the runners had their shoes sucked off their feet and were running barefoot even as they went over the 3.2 mile course. It had a very challenging hill in it and Brett Walters of the young men's' varsity led the sweepstakes race until the final 200 yards when he was caught from behind and placed second out of what was a very large field and our girls varsity took 5th place in the Varsity Girls competition. So, it was an interesting day and I came back sore without running.

**HEARING FROM THE
AUDIENCE:**

President Minton noted that our first speaker is Lori Nielson. She will be followed by Mr. Gordon Williamson who will be followed by Mr. Norman Martinez.

President Minton again read the statement inviting the general public to address the School Board regarding matters on the agenda and other matters within the jurisdiction of the Board. He deferred from reading the entire statement.

My name is Lori Nielson. I'm here to talk about 9.1 Request for Proposals – Construction Management & Project Management Services but please bear with me; I'm going to start out real quick with a little story. As most of you know, I served on the board for 12 years. Many years ago, we were making a decision to go and contract out transportation and as a board member, I knew nothing about that. I did my homework and talked to staff and even decided that on the 3 bids that they were looking at, even went out and did a visitation to see how clean the facilities were in the buses. I don't remember which one of the visits we were on but we went to lunch. As we were having lunch, they were talking about this rodeo and I listened about these things with a rodeo and somehow Texas came out and I said can you explain why you would bring horses, cows and bulls from Texas to California to be in a rodeo? And it was explained to me that it wasn't like a rodeo with cowboys, it was a bus rodeo. My whole point in telling you this is I knew nothing, absolutely nothing about it. In the 12 years that I served on the Board, I think we built 4 or 5 schools and those 4 or 5 schools went off without a hitch. They are beautiful schools. You have to admit Hesperia has beautiful schools, beautiful grounds. The whole reason I bring this up is when I sat there for 12 years, I did not have a clue about how RFPs worked, how any of the stuff came to be but the one thing I did do is I trusted our staff and if I had

**HEARING FROM THE
AUDIENCE:
(Continued)**

questions, they always made time for me. I made time for them. I went out to the community and made time to make sure that the community understood. And as we sit here and we listen to over a half an hour on RFPs for construction management and project management which I'm sure most of you have not a clue how it works. I would caution you, trust your staff to do their job. You were not elected to sit in and make those decisions. You were not elected to micromanage this district. You were elected, basically, what I feel for three important things (hire a Superintendent, set policy and make sure that this district stays financially solvent) and leave all the others to staff. There's a line and when I was on the board, there's this line. You can be on this side of the line, on the line, you can have one foot on the line or you can be over that line. I am here to tell you there have been many times principals will tell you, staff will tell you, sometimes we step over that line where we weren't supposed to be but we always trusted our staff and I want to thank you Mr. Minton for your comments. If you don't trust your staff, your staff doesn't need to be here. Fire them. You have that right to do it but you need to trust. I love Hesperia School District. My children went through Hesperia School District, graduated from Hesperia. I love this community. My grandchildren attend the schools in this community and I would hope that you would put the children's needs and what needs to be done in the best interest of this community and building schools to the people that you have hired and the people that you should trust and that is your staff. Please ask questions and go on site visits and if you have to take two hours or four hours of their time to understand something, then do that because you are kind of walking a fine line. One person does not have the right to go in and sit on a committee or two people. If you do that, you give the impression that you are representing the whole board and you don't have the right to do that and three of you will then be in violation of a Brown Act. Thank you.

My name is Gordon Williamson. I am Vice President of HTA and a teacher at Maple Elementary. I was a little taken back by Mr. Minton's remark about participating in the selection committee would be an indication of mistrust. My interpretation of Mr. Pelayes saying it was his assumption that trust had already existed and that trust would allow the Board members or representation of the Board and staff to work together. And I think his assumption was that the position of the roles and responsibilities of the staff and the roles and responsibilities of the Board are different, that they would tend to have a different

**HEARING FROM THE
AUDIENCE:
(Continued)**

point of view which might influence the way they score particular parts of the RFP process and that by having a process where a representative of the Board would work together with the staff, those two different points of view could be resolved by people who trust each other reasoning together. Just to give an example of the kind of thing I mean. Last year, Mr. McKinney and I through a series of meetings worked through a grievance. We started from poignant positions. We looked at the evidence, we resolved some of the things we disagreed about and came to understand other things. But whether we didn't agree with them, at least we understood each other's position. Bad faith with that request, grievance is a matter of saying, because of the different roles; we felt that what the contract meant, the situation was different. It was just an honest disagreement between people in good faith. We finally came to an agreement, there wouldn't have been any point in the negotiation at all if HTA couldn't have trusted Mr. McKinney to implement the resolution of the grievance rather than maintain his original position. Likewise, there would be no reason for Mr. McKinney to negotiate with HTA if HTA did not accept the negotiated agreement as a full resolution to the problem and just let it go at that. If we would not have been able to resolve the grievance in that way, it would have gone on to arbitration. Arbitration would have required both parties to present documented facts and conducting reasonable arguments. The fact that a process exists forces people to work in a reasonable way with each other they have opportunity. There is no need to outside the process making accusations. So, my recommendation would be to follow Mr. Pelayes' suggestion, to have the Board represented. The staff is already trustworthy and I would trust the Board to find a way to have a trustworthy person represents their point of view in the selection process. In my mind, it would be a healthy way of keeping the process of having reasonable people who trust each other negotiate and gain clarity on their different points of view which stem from their different positions in the community and in the school district and not from some kind of bad faith. In my mind, it's just the opposite of that. Thank you.

Good evening. My name is Norman Martinez. I am the National Vice President for MAPA (Mexican American Political Association). I've lived in this community for the past 15 years and I choose not to partake in community affairs not for any reason just because I like to see how communities evolve, where we're going and where we're at. And indeed, I see the difference.

**HEARING FROM THE
AUDIENCE:
(Continued)**

I see that this Board is beginning to make a difference; I commend you. As the National Vice President of MAPA, I seek the possibility of working together with mostly all of you in resolve and promise in educating our community. The American name of citizenship means a lot to a lot of us and I pray and hope to my God that in this community and as well as many communities throughout the nation we stop with the degree of ignorance that some folks are being micromanaged or looked into, profiled. Let's put that behind. I guess we all bleed the same. I guess we all have brains. I guess some of us don't but that's nature and instead of being bigheaded about the fact that you're different because you have green hair, I will bring you down. Brother, you're not going to amount to anything and that is stemmed sometimes from the homes, sometimes in our schools and sometimes in our public life and to deny the rights and to be oblivious about the hurt and success of other people is to deny that we are Americans. I posed a question there and the question was what efforts are you making in order to meet/reach the needs of the Hispanic community. You don't have to answer it now. I would hope to have you enable the Hispanic Americans to be part of this community. I think its time to be here. I think its time to sit down with my brothers and sisters; its time to move forward. There are some things that are my concerns. I am concerned with the way discipline is applied and I hope it is applied equally. Lastly, I would also like to ask you to please make it into your plan when you're building these new schools to make them handicap accessible. That will avoid in the long run a lot of lawsuits, potential lawsuits. Handicapped children are not again left over for our society. I'm a teacher for the blind, the blind and handicapped and sometimes my heart cries when I see the disrespect, the lack of fair treatment to some of our handicapped children. It's not that we have to do anything extra. We may treat them exactly how we want to be treated; with honor, dignity and respect. Thank you very much.

President Minton stated that we would take a brief break. He referred Mr. Martinez to speak to Mr. Nickolaisen of our District who might be able to answer some of his questions and concerns and he is here this evening if you would like to meet with him.

RECESS:

The Board took a recess at 8:24 p.m.

RECONVENE:

The Board reconvened the meeting at 8:45 p.m.

**DISCUSSION/ACTION –
REQUEST FOR
PROPOSALS FOR
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SERVICES:**

Vice President Kirk stated in light of our prior discussion, I would like to recommend that we table this so that we have a chance to look at the information that was delivered to us this evening.

President Minton responded “I would like to discuss some of the underlying proposals and foundation for these things and see what we as a Board are really looking at in considering in regards to using them if we do. The reason I bring this up and from everyone that I’ve spoken to and everything I’ve read of these services, it says the most value for having construction management services is if it is implemented at the very beginning of the project when we are doing design and architectural development and so with the projects that are on line already that have been to DSA (Department of State Architect), I think the most valuable portion of construction management services and the most valuable time period has already been passed. It’s my feeling that if we’re going to implement something like this, it needs to be done with completely new projects and not those that are already underway and be done.”

Board Member Black stated “I agree that the most, the most, (emphasis on most), valuable is right, but that’s not to say there can’t be a savings just by the way the process evolves. And number 1, you get some flexibility and choice and you’re over the lowest responsible bidder and number 2, the project is broken into components and bid out over a period of time and especially in the atmosphere which we’re in, where construction costs are dropping. There’s a savings to be made here over the one point in time.”

President Minton responded “if we go with the general contractor, they’re going to take the lowest bids also and we’re going to take the lowest bid. How is that different because you say a savings? We’ve discussed this at three or four prior board meetings and I know at Mesquite Trails it was indicated there would be a savings but then when we met here, it was said that there probably wouldn’t be a savings.” Board Member Black responded “who said that?” President Minton responded “both you and Dr. Kirk. You can look at the minutes and I can go back and pull those. I specifically asked that question. Will we save time and will we save money and the statement was we probably won’t save time, we probably won’t save money and we’re not going to save time. Board Member Black responded “what on earth would I do it for if we’re not going to save time and money. That’s the whole

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idea to save time and money.” President Minton responded “that’s what I thought too but that isn’t what was said and when it came to August 2010 instead of August 2009, clearly, it wasn’t saving time. Board Member Black responded “No, it never was August 2010.” President Minton asked “how do you get that Mr. Black? That was the final completion date.” Board Member Black responded “well, the final completion date is going to be August 2010.” President Minton responded “that’s not the goal of our staff.” Board Member Black responded “that’s the phasing in at least at the last facilities meeting, you can read the minutes, Mr. Landon said we’ll have to have a discussion as to which grades we will be able to open with in August 2009 and the project will be substantially completed, is that correct? In other words, the track and stadium and everything will be done and the gymnasium and all that stuff. I understood that it would not be.” Mr. Landon, Assistant Superintendent/Business Services responded “the bids are being advertised to have the school basically complete by August 2009. If we run into some landscaping or data/phone issues, yes, but its being bid as having to be complete by August 2009. Now, when I made the comment at a previous facilities update that we still need to have a discussion with the Board about what grade levels just as the discussion that happened years ago with Sultana HS, the school was chosen to open with 9th to 11th grade. We’ve never come to the Board to have a grade level configuration as to whether it’s opening with 9th graders only or 9th through 12th and so as we get closer to doing that, we’ll need to have some discussions so we can start communicating to the parents. So, that’s where I was going because we’ve never had a discussion on what grade levels should attend Oak Hills High School.”

Board Member Black responded “my definition of completed is different than your definition of completed then we’d have 9th through 12th. If it’s complete, there’s no reason not to.” President Minton responded “we would never move 12th grade to a new school. They’ve already got letterman’s jackets.” Board Member Black responded “then the school’s not complete.” President Minton responded “No, we’re talking about construction not about students attending.”

Vice President Kirk stated “Mr. Minton, you said this before that I said that we wouldn’t save time and wouldn’t save money and I’ve corrected you before that that’s not what I said. I said that we would save money and we would save time but we won’t know for sure until we do this and I’ve always said that there is the chance that, who knows, we haven’t been through this

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process. So, that is what the experts say that you will save time and you will save money.” President Minton asked “who are those experts, Dr. Kirk?” Vice President Kirk responded “architectural firms I’ve talked to.” President Minton responded “and those are architectural firms who sell construction management services? What about construction contractors?” Vice President Kirk responded “one of them does and one of them doesn’t, I talked with.” President Minton responded “and those who I have talked with and the reports I have read indicate that it is six of one and half a dozen of another if you have the same quality. You save money if you reduce the quality on what is done.” Vice President Kirk responded “that’s not what they told me but obviously who can disagree but the point is don’t tell me what I said. I said we would save money and we would save time.” President Minton responded “I will bring the Minutes next Board meeting and direct your attention to them so that we can go through that because that’s why we have Minutes.” Board Member Black responded “whatever the case, I would never intend on doing this if we didn’t save time and money. It’s ridiculous to do it otherwise.” President Minton responded “and this is what we need to get straightened out and understand and I need to understand how we will save money because... Board Member Black responded “let me explain it to you. Do you want to hear it again?” President Minton responded “you bet.” Board Member Black “ok. Number 1, you’re not locked into those responsibilities; you can pick and choose. There can be some value savings there in time and money.” President Minton asked “How is there value in savings in not taking the lowest responsible bidder? That seems if you’re not paying the lowest responsible bidder you’re paying more money than you otherwise would.” Board Member Black responded “No, the process, your’re locked into the process. The consultant process is different than that. If you’re locked into one process your not locked into the other process, there can be a savings of time and money. You can’t initially measure it as Dr. Kirk is saying; its unknown but the people that are doing this, public agencies all over the state are doing this right now because they’re saving time and money. A good example, I talked with people down at the city hall and library and they used this process to build the library. I talked to the people at the Mojave Sanitation Board that was doing improvements in Oro Grande. They figured they saved \$1.2 million dollars by this process. Hesperia City is planning on building a new police station and they’re going to use the

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process again. In talking to Apple Valley School District, talking to Victor Elementary School District, talking to Adelanto School District, Victor Senior School District they compared what they did in the past with what they're doing now and they say there's a savings of time and money. In the construction industry right now, the general contractor bids the project based on today's construction costs, that's what he does. He'll have to do that if he gives us an overall bid. If we use the construction management route, that person can do the bid in phases as they come up and in the climate that we're in right now, construction costs are dropping there will be a savings. I would anticipate that I mean it's pretty sure that will happen. So, that's how there will be a savings in money." President Minton responded "and I guess this is where minds can differ because I think your speculating here and unless we go down the process and get all the bids with a construction management firm and then go down the process and get all the bids from a contractor, we do not know if we're saving money or not. Very simply put, in this size of project, it is not at all uncommon for a construction company to have approximately a 6% profit. I know its been said that there would be a 10-18% profit at least that's what I've heard from you Mr. Black and you Dr. Kirk." Vice President Kirk responded "I talked to two architectural firms. The lowest number I have is 10% from the architectural firm and the highest I got was 18% so I'm relying on their expertise. I am not in the construction business. I don't know. Using Mr. Black's logic, like Mr. Landon said we're going to bid now. If we had gone to bid several months ago, our bid would probably have been higher than it is now. Using Mr. Black's logic, if you have a construction management firm, they can wait to pull the trigger on whatever bids they want to release for the subcontractors at the optimum time. So, if the economy continued to spiral down, they would wait as long as they could and let the bids and they would save the maximum amount of money. Once they saw that they had hit bottom and started in reverse, then they would go ahead and pull the trigger on the bids so that is the reasonable way to assume that you would save money. So, the only way to make sure would be to do just what you said and some districts have done that. They've let bids on the general contractors and on construction managers and picked the lowest. Now, most people don't want to go through that process but some have but that's the only way to guarantee that you would get the lowest bid." President Minton agreed. Vice President Kirk responded "I'm not the expert. I'm relying on people who are and that's the information they've given me. I

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have no reason to doubt them; I have no reason not to tell what they reported. Do I know beyond a shadow of a doubt? I don't." President Minton responded "I only know what I've talked with architects and I've only spoken to two different architectural firms but I have spoken to at least six different contractors. The lower the project, the higher the profit. The higher the larger size of the project, the lower the profit and generally with a high school and something of that nature, we vary between 5-7% is what the contractors tell me and actually, that was confirmed with the architects that I spoke with also. They indicate that generally the price for the construction management services is 5-7% in that range as well. So, it just seems to me like its six of one half a dozen of another and if we're going to rely on somebody to be able to time the market on commodities, we don't know what concrete is going to do; we don't know what asphalts going to do; we don't know what copper's going to do and neither do the construction management firms and if they did, I need to hire them as financial consultants and we can make lots of money going into the market." Vice President Kirk responded "the difference is that when the general contractor bids, he has a one-time shot at it and then its done but the construction managers can have 20-25 different shots at it and in the critical path that they're following to build the building so that gives them a better opportunity to pick the market and get a better price. That in itself is a significant savings possibility." President Minton responded "and it is a possibility but it isn't a necessity and it isn't a sure thing. One of the concerns that I have about this construction management process is that it really became popular within about the last 8 years from everything I've read. Looking at cycles and the way the pendulum swings, we are now seeing significant lawsuits arise as a result of construction management projects throughout the nation and they are saying that oftentimes it's promoted pointing to the benefits of value engineering and things of that nature but in practice, what generally happens is that it lowers the quality as well as the cost. That is the way they save and there have been a number of schools throughout the nation that have been involved in litigation after the quality of construction was lowered and then they had numerous problems with their schools. One particular school in Texas had to do an entire new roofing system which, with the damage, cost almost as much to do the repairs as it cost to do the original construction of the school because the value engineering done by the architect, produced and recommended a roofing system that did not meet the needs of that school in that area. And, yes we can have a

**DISCUSSION/ACTION –
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lawsuit and we can go forward with that but that isn't what any of us want and so I think we need to be careful when we say we're going to save money because oftentimes when money is saved, the quality is poor." Board Member Black responded "that's why I invite you to walk through at Vanguard, Sitting Bull, Challenger, and Discovery." President Minton responded "I can see Sitting Bull; I've been by there." Board Member Black interjected "I'd like you to go by there and see the kind of construction versus a lot of the buildings we have." President Minton responded "Well, I look at Sitting Bull and they're still going and they've got kids going through construction and I don't see that as a positive example at all. Now, I did go to Temecula Valley which is a beautiful school. It is phenomenal and I thought it was top notch and I think that's a great school that would be very nice to have something like that. So, I have to tell you I'm concerned and I think, as President of this Board, I don't know you'll have to evaluate but it's my understanding that Mrs. Lee Rogers, you Mr. Black and you Dr. Kirk are going to schools and meeting with teachers and I don't mind that but when two of you meet at one meeting and then two of you meet at another meeting that are different, I believe that's called serial and that's a serial communication and again a violation of the Brown Act whether three are there or not." Vice President Kirk responded "how is it a violation of the Brown Act. We're not talking about district business at all. We're talking about something that's personal to us. Now, we're talking about facilities management and if you want to go there Bruce, we can go there but if you don't, I think you better get back on task here." President Minton responded "well, I would like to talk about facilities management because this is a facilities workshop." Vice President Kirk responded "right; but that has nothing to do with what you're getting into." President Minton responded "no; I think it does because when we look at construction management services and we have terms being said that staff has sandbagged the board and that is where I'm coming from. Is this trust? Is that what you... Vice President Kirk interjected "no, you were getting into a Brown Act violation. I'm not the one being convicted of a Brown Act Violation." President Minton responded "I'm not either Dr. Kirk." Vice President Kirk responded "yes, you are." President Minton responded "No, I haven't." Vice President Kirk stated "I'll bring the letter in next time." President Minton responded "bring it in." Vice President Kirk responded "I will." President Minton responded "I will too but it isn't a conviction and you know that." Vice President Kirk responded "that's what it says." President Minton responded "No, it doesn't and I'll be happy to have that here."

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Vice President Kirk responded “Okay.” President Minton added “and as a matter of fact, why don’t we invite Mr. Vanela who’s the District Attorney to come here.” Vice President Kirk responded “that’s fine.” President Minton continued “because I can guarantee you no charges have ever been filed and I have never been convicted.” Vice President Kirk responded “well, he agreed that it was a Brown Act violation.” President Minton continued “he agreed it was a technical violation and it’s interesting that I at least published it for the general public. I did not go and meet and do things behind the public. I was telling the public. I would invite you to do the same thing.” Vice President Kirk responded “what are you talking about?” President Minton responded “I’m talking about you going to union meetings and addressing issues that should be addressed to the people who elected us; the public. Instead, you go to the union and try to address issues and not to the public and that is where it comes into doing business and conducting things that are not in public and to the public.” Vice President Kirk responded “I was invited to a union meeting that’s...I have a right to do that.” President Minton responded “Oh, you do.” Vice President Kirk responded “I do.” President Minton responded “no dispute.” President Minton asked “and do you have a right with three of you going?” Vice President Kirk responded “No.” President Minton continued “and did three of you go to union meetings?” Vice President Kirk responded “Not at the same time.” President Minton responded “agreed; and so I’ll go ahead and call Mr. Vanela and ask him for his opinion.” Vice President Kirk responded “go right ahead.” President Minton responded “o.k. Next, I am concerned about what happens at those meetings that are being portrayed as representation of this board when I was not part of that and .. Vice President Kirk responded “No, I was not representing any board. I go as a.. President Minton asked “you do not go as a board member?” Vice President Kirk responded “No, I don’t go as a board member. I go as an individual.” President Minton responded “well, I believe that in everything that I’ve seen, it said the following board members will be here.” Vice President Kirk responded “well, it may say that but I’m not going as a board member running a meeting, I’m going as an individual who happens to be a board member.” President Minton responded “I think that’s a matter of semantics and I think that we have a duty when we are elected and it’s a fiduciary duty to the public and not to the union and I think that we need to state to the public and I would like to have a report of what you report to the union to the public and to the rest of the board.”

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President Kirk responded “well come to one of the meetings.” President Minton responded “that would be a violation of the Brown Act.” Vice President Kirk responded “not if it’s just you and me.” President Minton responded “well, I’m not going to go because I think that’s a serial violation. I would like to see it and I would like to have that presentation so that the rest of the board knows what’s going on. I don’t know if Mrs. Helen Rogers has any idea. I can only go by what I’ve heard by rumor and I would like to have the rumor done away with and note for a fact and I think that our staff, if the term is being used that staff sandbagged, I think they need to know that and I think it would be fair to tell them and to address this issue and get it resolved.” Vice President Kirk responded “I don’t know where you’re going from our discussion here. Obviously, you’ve come to take this discussion in the direction that you want it to go but this is a nonproductive discussion. I have a right to go to the meetings that I’m invited to be. We’ve asked. It was sent through the District. Mr. McKinney was aware of it.” President Minton responded “hold on. He was not aware of it before it was sent. I know that. Mr. McKinney, were you aware that it was going in boxes before it was sent?” Mr. McKinney responded “I received the flyer. Mr. Pace and I talked about the flyer and the information that was on there and how it was presented. It was in boxes before I saw it. Mr. Pace and I have since talked about it. There has been, my understanding, some minor changes to the flyer itself.” President Minton asked “but it was in boxes before you knew anything about it, right?” Mr. McKinney responded “That is true.” President Minton responded “thank you.” Vice President Kirk responded “I had no knowledge of that at all. I was invited to a meeting and I said I would go. I have a right to defend myself against allegations that are made in the dark by people who will not come out at me openly without identifying themselves. So, I have a right to do that and I’ll continue to do that.” President Minton responded “and I have no objection to that. I simply want to have accurate information. It’s my understanding that it’s been stated that WLC built 21 high schools.” Vice President Kirk responded “they did. Their architectural firm. Go look on their web site.” President Minton responded “Dr. Kirk. Tell me one high school, comprehensive high school, that’s been built.” Vice President Kirk responded “go look at their web site.” President Minton responded “I have looked at their web site and they didn’t build any high schools. They’re in the process of building their first.” Vice President Kirk responded “their web site reports that.” President Minton responded “no, it doesn’t. If you look at the WLC architect web

**DISCUSSION/ACTION –
REQUEST FOR
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site, it says we designed 21 high schools. If you look at the WLC construction management site, it says we are building our first comprehensive that is scheduled to be completed in September 2008 and they have not overseen a single other high school and I guarantee you that is their information and I've verified it and they have not built one comprehensive high school to date." Vice President Kirk responded "that's not what I saw and reported on their web site. That was a long time ago." President Minton responded "I just looked this week."

Mr. Norman Martinez, audience member interjected by saying "gentlemen, can we agree to disagree and move on to the agenda. Please." President Minton responded "sir, I appreciate you being here to witness this in public but this is a meeting of this board. Thank you sir."

Following the above discussion, President Minton made a motion that we not proceed with Requests for Proposals for Construction Management Services and Project Management Services on any of the projects that we have already done. Board Member Helen Rogers seconded the motion. Board Member Black stated that there was already a motion on the table. Vice President Kirk made a motion to table this item. President Minton responded "alright, we have a motion by Dr. Kirk to table. Is there a second." Board Member Black seconded the motion as I would like to review it myself. President Minton asked "and what is it you would like to do Mr. Black?" Mr. Black responded "the proposal, we just barely got this evening and I haven't had a chance to digest it yet." The motion failed on a vote of 2-2.

President Minton renewed his motion that we not use the Requests for Proposals for Construction Management Services and Project Management Services for any project that is currently designed and on the board and if we are going to use these, they only be used for future projects. Board Member Helen Rogers seconded the motion. The motion failed on a vote of 2-2.

**DISCUSSION/ACTION –
INCREASING RESERVE
LEVELS:**

Vice President Kirk indicated this was an item he asked to have put on. I would like to make a recommendation that we increase our reserve in Fund 17. I would like to start the discussion with the recommendation that we put in ½ a percent to raise our reserve to .50 percent.

**DISCUSSION/ACTION –
INCREASING RESERVE
LEVELS:
(Continued)**

President Minton responded “I personally would be in favor of that also. What impact would that have on us Mr. Landon, financially, in your opinion?”

Mr. Landon, Asst. Superintendent/Business Services responded “currently, we’ve set aside $\frac{1}{4}$ percent. Of course, we have not settled with our contract negotiations and I would be a little concerned of going at least that high, Dr. Kirk, but I would suggest maybe adding an additional $\frac{1}{4}$ percent from the beginning of this year. That would give us an additional $\frac{1}{2}$ a percent maybe as we settle through our contract negotiations and see how our revenues come through during the year and maybe take a look at that and maybe towards the end of this year maybe we can add another quarter or at least $\frac{1}{2}$ a percent. Board Member Helen Rogers asked “so you’re recommending .25?” Mr. Landon responded “that would be my recommendation based upon the current situation.” President Minton asked “when could we add the additional $\frac{1}{4}$ percent?” Mr. Landon responded “we could take a look again towards the end of the fiscal year either at the Second Interim or the Estimated Actuals.” Vice President Kirk responded “well, my view is that the county has asked us to put back 5 percent and at this point, correct me if I’m wrong, we haven’t put back anything.” Mr. Landon responded “we’ve set aside the $\frac{1}{4}$ percent. That’s not in there but we’ve set that aside.” Vice President Kirk responded “so, they’ve asked us now for a period of time to do this and so I think we ought to do it and I think we should have already had the .25 in there. We have the money now to do this and I think this needs to be a priority. The county has asked us to do it. I think it’s only fiscally sound to do it and put this as a top priority, even ahead of our negotiations because it’s important to stay fiscally responsible.” Board Member Helen Rogers asked “George, are you saying that we’ve already got .25 percent and this would make it .50 percent?” Mr. Landon responded “we have not made the actual transfer but it’s been set aside. We have $\frac{1}{4}$ percent set aside. My concern is that if we go an additional .50 percent, that may cause some fiscal constraints.” Vice President Kirk indicated “I’m not saying an additional $\frac{1}{2}$ percent, its .25 on top of that for a total of .50 percent.” Mr. Landon responded “I’m sorry Dr. Kirk, I misunderstood you. So, it’s a total of what we have set aside plus an additional $\frac{1}{4}$ percent equal to .50 percent.” Board Member Helen Rogers responded “that makes sense.”

On MSC (Kirk, Black) Vote: 4-0, The Board approved an increase to the Reserve level at .25% and authorized the transfer of this amount to the Special Reserve Fund (Fund 17).

**AWARD OF
CONSTRUCTION
BID FOR SITE WORK
AT MOJAVE HIGH
SCHOOL FOR
THREE (3) MODULAR
BUILDINGS:**

President Minton asked if there were any questions in regard to this item. There being no questions, a motion was made.

On MSC (Kirk, H. Rogers) Vote: 4-0, The construction bid in the amount of \$719,000.00 for Site Work at Mojave High School was awarded to Parkwest Construction as the lowest, responsible, responsive bidder. The Board authorized the Interim Superintendent or Assistant Superintendent of Business Services to enter into an agreement and sign all contracts and documents, including any change orders relating to the Project.

**APPROVAL OF
PROPOSED FORMATION
OF COMMUNITY
FACILITIES DISTRICT
NO. 2006-3:**

President Minton announced that this item was regarding the proposed formation of Community Facilities District No. 2006-3 of the Hesperia Unified School District ("CFD No. 2006-3"). The Board is being asked to consider adopting (5) Resolutions.

On MSC (H. Rogers, Kirk) Vote: 4-0, Resolution No. 2007/08-21 Resolution of the Board of Trustees of the Hesperia Unified School District Approving a Mitigation Agreement and Delegating Authority Related Thereto, was approved as submitted.

Board Member Black asked "has this been on the books for some time?" Mr. Landon, Asst. Superintendent/Business Services responded "yes, this has been in the process and this is just the first step in forming this community facilities district in the Golden Triangle area. It is approximately 212 homes."

On MSC (H. Rogers, Kirk) Vote: 4-0, Resolution No. 2007/08-22 Resolution of Intention of the Board of Trustees of the Hesperia Unified School District to Establish Community Facilities District No. 2006-3 of the Hesperia Unified School District and to Authorize the Levy of a Special Tax Within CFD No. 2006-3, was approved as submitted.

On MSC (H. Rogers, Kirk) Vote: 4-0, Resolution No. 2007/08-23 Resolution of Intention of the Board of Trustees of the Hesperia Unified School District to Incur Bonded Indebtedness in an Aggregate Principal Amount Not To Exceed Six Million Five Hundred Thousand Dollars (\$6,500,000) Within Proposed Community Facilities District No. 2006-3, was approved as submitted.

**APPROVAL OF
PROPOSED FORMATION
OF COMMUNITY
FACILITIES DISTRICT
NO. 2006-3:
(Continued)**

On MSC (H. Rogers, Minton) Vote: 4-0, Resolution No. 2007/08-24 Resolution of the Board of Trustees of the Hesperia Unified School District Approving and Ordering the Recording of a Boundary Map of Proposed Community Facilities District No. 2006-3, was approved as submitted.

On MSC (H. Rogers, Minton) Vote: 4-0, Resolution No. 2007/08-25 Resolution of the Board of Trustees of the Hesperia Unified School District Authorizing the Appointment of Consultants and Counsel Relative to Proceedings for Establishment of Community Facilities District No. 2006-3, was approved as submitted.

**DISCUSSION/ACTION –
PROPOSED BOARD
GOALS:**

Interim Superintendent McKinney indicated that the Board received in their packets, a draft of the Hesperia Unified School District Board Goals for 2007-08. We took the input from each of you and in doing so, looked for some common themes and direction from what you shared and from all of that, we broke them down into six major Goals. For the benefit of the community, we have placed copies at the back table. As you look at these and looking at the difference between a goal and an objective and my thought in sharing with the Board is establish those Board Goals are truly the broad goal of here's the direction we'd like to go. One of the thoughts that I'd like to share with the Board is to allow staff then to tie objectives to each one of these goals meaning here are the six goals, and then direct staff to say what are the objectives we can do to help reach those goals. What kind of measurable objectives can we put in place to help reach those goals." He reviewed the following six (6) Goals:

- 1. Continue to develop and implement a long-range Facilities Master Plan that includes the timely completion of new schools and appropriate utilization of facilities at existing sites.*
- 2. Continue district-wide instructional strategies to address the needs of all learners, and progress toward our district goal of all schools reaching an API of 800 by the year 2010.*
- 3. Closely monitor enrollment and budget so that timely adjustments to staffing, services, and programs can be accomplished to keep the district solvent and operating efficiently. Develop and implement a district plan to increase ADA.*

**DISCUSSION/ACTION –
PROPOSED BOARD
GOALS:
(Continued)**

4. *Maintain the highest standards for all district employees. Recruit and retain quality staff members who demonstrate competence, caring, positive enthusiasm and the ability to collaborate.*
5. *Improve communication about our Core Values, programs, activities and achievements to parents and our community. Encourage parent involvement in order to build strong working home/school partnerships. These partnerships should promote healthy children who are ready to learn, stronger families and safe homes.*
6. *Ensure a safe and clean environment for all students and staff.*

Interim Superintendent McKinney would also like the opportunity for staff to bring back some objectives to address each of these goals.

Vice President Kirk responded “I appreciate the hard work you did in putting all of these things together. I think you and staff did an excellent job in putting our general goals together and I think it’s a great idea to do the objectives. I think you’ve captured the essence here of all the different points that we’ve been wanting to put together for a period of months so thank you for the opportunity to do that.”

Board Member Black added “I would echo those sentiments also. I would like to see some of your nuts and bolts so to speak of the goals. I would like to have a goal relating to K-3 level and do something with the choice schools and also the site-based management model. As I thought about this when I first became aware of the Good to Great Model introduced by Richard Bray, about three years ago I read the book and then we don’t seem to get ahead. We pat ourselves in the back for the things we’re doing but we really don’t seem to get ahead until we turn over the rocks and look at the squiggly things underneath as it says in the book, and see where our weaknesses are and work on them. As I was perusing Mr. Bird’s presentation at the last Board meeting, I was perusing the county API scores and looking at the elementary levels and I noticed the scores from surrounding districts. Apple Valley has 50% of their schools over 800. Victor Elementary has about 37% of their schools over 800. Snowline has 67% of their schools over 800 and Adelanto has about 11% over 800 and we’re about 13%. I think we can look and see what we can do

**DISCUSSION/ACTION –
PROPOSED BOARD
GOALS:
(Continued)**

and some of our schools are fairly close in getting just over that line. We need to maybe take a look and see what they're doing to see if we can emulate that or something. I don't know but if we're going to make 800 by 2010 we got to get on the stick so to speak. We better get moving."

Interim Superintendent McKinney responded "those are the kinds of objectives Mr. Black that I'd like to give to Mrs. Yankaskas and working with site principals on how we can put together some measurable objectives to reach that goal. We're looking at increased student achievement as measured many ways but as the goal here the API of 800 by 2010."

President Minton asked the Board if we would like to adopt these goals and give staff further directive to develop the objectives under those goals. Board Member Black responded "I think as Mr. McKinney explained, we pretty much covered the whole spectrum of what we need to do."

Board Member Helen Rogers asked "Do we need to make a motion to do this..accept it? Interim Superintendent McKinney responded "it's on the agenda as a discussion/action. Certainly a motion if the Board chooses to adopt these and these will be published and put out and the nuts and bolts (I've heard that term used tonight), the objectives and we'll develop those to support these goals.

President Minton responded "I am in agreement with these goals and the Board is in agreement with these goals. I would entertain a motion.

Vice President Kirk made a motion that we adopt the Goals as submitted. Mr. McKinney and his staff were given the directive to develop the objectives for each of the goals and will bring them back for board adoption at a future meeting. The motion was seconded by Board Member Helen Rogers. The motion carried on a vote of 4-0.

**DISCUSSION/ACTION –
APPROVAL OF
SAN BERNARDINO
COUNTY SUPERIN-
TENDENT OF SCHOOLS
(SBCSS) WORKFORCE
POSITIVE ATTENDANCE
SYSTEM:**

President Minton indicated that this was discussed at the last board meeting. The Board requested that this item be tabled and brought back to the September 24 meeting after having received input from CSEA and HTA.

Interim Superintendent McKinney that this item was placed on the agenda as an amended agenda item. I appreciate Ms. Carevic and

**DISCUSSION/ACTION –
APPROVAL OF
SAN BERNARDINO
COUNTY SUPERIN-
TENDENT OF SCHOOLS
(SBCSS) WORKFORCE
POSITIVE ATTENDANCE
SYSTEM:
(Continued)**

Mr. McLaughlin who pulled together the county folks to come and meet with Jim Pace and Jake Anderson (HTA) and Jean Campbell (CSEA) from the bargaining perspectives to look at this. We went through a nice presentation, gave the background and additional contacts of districts that have implemented this and are committed to this process in terms of the pilot program to allow them from the bargaining perspective to have that dialogue.

In the meeting, we really didn't get a thumbs down or thumbs up, just the dynamics on the certificated side, its not going to be significantly different from the existing AESOP system. On the classified side, there is a difference because there would be a process of checking in and so we did share the information as we committed to do that. We came back to the Board tonight really to take direction. One of the significant discussions has been relating to the cost and understanding that the cost, in terms of pilot program and whatever the direction the board wants to go tonight, we just need to be able to tell the county whether we're in or out. That's kind of the direction we simply need tonight understanding there's that cost aspect of it. Is this a pilot program? How soon is it going to come? Inevitably, it will come. What we're seeing with the Federal audit from Etiwanda School District, this is now on the radar so it's going to come our way. Is it next year? We don't know. Is it the year after that? We just don't know. It's going to come sooner or later. The question really was being a part of the pilot program and having input. We need direction tonight from the board as to whether this is the direction we want to go. If not, we can support that and let the county know we're not interested at this time or tell the county we're in and work the process through.

President Minton responded "I know the concern we expressed last time was \$400,000 dollars and is that going to give us the value. As we asked Ms. Carevic and Mr. McLaughlin, it is my understanding that they felt to be involved in the pilot program as our I.T. person and accounting person and they thought it would."

Interim Superintendent McKinney responded "that is the concern and I think it boils down to, I think we can get past some of the bargaining issue. We had the discussion; certainly there's room for more discussion but getting past that, it's kind of the cost aspect of that and not to lessen the work that Mr. McLaughlin and Ms. Carevic have done because it really has been valuable but are we in a position to invest at this time.

**DISCUSSION/ACTION –
APPROVAL OF
SAN BERNARDINO
COUNTY SUPERIN-
TENDENT OF SCHOOLS
(SBCSS) WORKFORCE
POSITIVE ATTENDANCE
SYSTEM:
(Continued)**

President Minton responded “I would like to support Mr. McLaughlin and Ms. Carevic but I’m hesitant to spend this kind of money when we are in negotiations and dealing with financial issues and trying to build schools.”

Board Member Helen Rogers asked Mr. McKinney “this will come whether we want it to or not. Am I correct? I mean its going to come sooner or later. Is it going to be any more expensive later than sooner?”

Interim Superintendent McKinney responded “I don’t know Mrs. Rogers whether it will be or not. There are some hardware/software things that will have to come and when there are more districts that have to do it by virtue of more being involved. Is it going to be less? There is that possibility; I just don’t know that.”

Mr. Landon, Asst. Superintendent/Business Services responded “Mrs. Rogers, it does say down at the bottom of the fee sheet that if more districts do participate, it’s hopeful that the fees will be less. As anything, when you’re in the implementation process in dealing with software, there is the huge upfront cost and I understand the Board’s concern. I also have a concern with having to shell out that large amount of money especially when we’re still in the negotiations process with our bargaining units. Staff is ok if you don’t want to go down this process. We have very innovative staff that like to be at the forefront and be leaders when things like this come along because we do get to have a say in the programs but just know that it will come eventually and although some of the districts out there will work through those bugs, we may need to work out some different bugs to make it work for our district also.”

Board Member Black responded “the way I see it if it comes we’ll be putting the expense out in a year or so. Right now, the way the proposal was, Mrs. Helen Rogers wasn’t here last meeting but we’ll be charged based for implementing it based on our full staff when, in actuality, its really the guest teachers and classified subs who would benefit at this point. So, the only benefit for the district at this point would be the fact that we’re in on the formation of it and maybe have some say so on how it would go and I don’t know if it’s really worth \$400,000 to do that. I don’t think so especially in the financial condition that we’re in. We could use that money to boost our reserves up or it may go for bargaining. I don’t know.

**DISCUSSION/ACTION –
APPROVAL OF
SAN BERNARDINO
COUNTY SUPERIN-
TENDENT OF SCHOOLS
(SBCSS) WORKFORCE
POSITIVE ATTENDANCE
SYSTEM:
(Continued)**

Vice President Kirk responded “I appreciate the work that Ms. Carevic and Mr. McLaughlin put into this. I trust their judgment but I also agree the \$400,000 price tag is huge at this time given the constraints that were mentioned so I too, would like to wait on this until its no longer a pilot but its something that the county says that we need to get into it and then we would adjust our budget because of their requirement for us to do that.”

President Minton asked “do we need a motion not to adopt this?” Interim Superintendent McKinney responded “I think we need to give staff the direction not to do this so we can let the county know that we’re not interested at this time.”

Following considerable discussion, Board Member Black made a motion that we not get involved at this point in the San Bernardino County Superintendent of Schools (SBCSS) Workforce Positive Attendance System. The motion was seconded by Vice President Kirk and carried on a vote of 4-0.

**APPROVAL OF
CONFERENCE
REPORT:**

On MSC (H. Rogers, Kirk) Vote: 4-0, Conference Report No. 07/08-4 was approved as submitted.

**APPROVAL OF
2007/08 MORGAN-
HART PROGRAM/
NINTH GRADE
CLASS SIZE
REDUCTION (SB 12):**

On MSC (H. Rogers, Kirk) Vote: 4-0, The Application for the 2007/08 Morgan-Hart Program to reduce Class Size in Grade 9, was approved as submitted.

SURPLUS PROPERTY:

On MSC (H. Rogers, Kirk) Vote: 4-0, The listing of certain items of District property with an estimated value under \$2,500.00 was declared as surplus. The Board authorized Carmen Becker, Don Creason, Dick Gary and/or Dennis Ebert to dispose of said items in an appropriate manner in accordance with E.C. 17545-17555.

**SECOND READING
AND ADOPTION OF
ADMINISTRATIVE
REGULATION 6184 –
INSTRUCTION;
INVOLUNTARY
TRANSFER TO A
CONTINUATION
SCHOOL:**

On MSC (H. Rogers, Kirk) Vote: 4-0, Proposed Administrative Regulation 6184(a-b) Involuntary Transfer to a Continuation School, was approved as submitted.

**APPROVAL OF NEW
CLASSIFIED SENIOR
MAINTENANCE
WORKER POSITION:**

On MSC (H. Rogers, Kirk) Vote: 4-0, The creation of a new Senior Maintenance Worker position with a work year of 12 months, 247 days, 8.00 hours daily, funding from General Funds, was approved as submitted.

**REQUEST FOR NEW
CUSTODIAL
POSITION:**

On MSC (H. Rogers, Kirk) Vote: 4-0, The creation of a new Custodian at Cottonwood Elementary School with a work year of 180 days, 3.75 hours daily, funding from General Funds, was approved as submitted.

**CREATION OF NEW
PARENT COMMUNITY
LIAISON POSITION –
SPLIT SITES:**

On MSC (H. Rogers, Kirk) Vote: 4-0, The creation of a Parent Community Liaison with a work year of 10 months, 182 days, 6.00 hours daily, to be split between Maple and Cypress Academy, Funding from EIA Funds, was approved as submitted.

**ADOPTION OF
RESOLUTION
#2007/08-31
RESOLUTION
AUTHORIZING
BOARD STIPEND TO
BOARD MEMBER
HELEN ROGERS FOR
ABSENCE DUE TO
ILLNESS:**

On MSC (H. Rogers, Kirk) Vote: 4-0, Resolution #2007/08-31 Resolution Authorizing Board Stipend to Board Member Helen Rogers for absence due to illness, was approved as submitted.

**ITEMS FOR FUTURE
BOARD MEETINGS:**

The Board requested no item(s) for future Board meetings.

NEXT MEETING DATE:

The next meeting of the Hesperia Unified School District Board of Trustees will be held on October 8, 2007 at the Hesperia Administration & Educational Support Center (Annex), 15576 Main Street, Hesperia.

ADJOURNMENT:

The Board adjourned at 9:25 p.m.

APPROVED AS AMENDED: November 5, 2007