

BOARD OF TRUSTEES  
HESPERIA UNIFIED SCHOOL DISTRICT  
MINUTES

**Board Meeting**  
**January 11, 2010**

Hesperia Administration & Educational Support Center (Annex)

**MEMBERS PRESENT:** Hardy Black, President  
Anthony Riley, Vice President  
Dr. Robert Kirk, Clerk  
Chris Bentley, Member  
Ella "Lee" Rogers, Member  
  
Mark McKinney, Superintendent

**MEMBERS ABSENT:** None

**OTHERS IN ATTENDANCE:** Carl Kirby, Teacher, Mojave HS  
Dick Gary, Director, M&O  
Pat Martin O'Reilly, Retired  
Mike Graham, Police Chief, HUSD Police Dept.  
Yolette Rios, HTA Director-at-Large, Cypress  
Gordon Williamson, Teacher, Maple  
Patrick Buzzard, Parent  
Bob Schnebeck, Principal, HHS  
Bill Pittsford, Principal, CR/SR  
Margaret Snyder, Director, AESC  
Roman Aguilar  
Lesly Hess, Teacher, SHS  
Nate Lambdin, Principal, MHS/Sunset Point  
Anthony Jacobs, Student, MHS  
Theresa Reinhardt, Teacher, Cypress  
Russell Reinhardt, Teacher, Cypress  
Barbara Jacobs, Teacher, SHS  
Brandie Miller, Teacher, Lime St.  
Teri Green, Principal, Kingston  
Siobhan Weston, AP, Carmel  
Alyx Yankaskas, Student Rep, SHS  
Christin Yankaskas, Student Rep, SHS  
Hunter Schneider, Student Rep, SHS  
Valerie Turpen, Coordinator, AESC  
Sue Knuth, Principal, Cottonwood

**OTHERS IN  
ATTENDANCE:  
(Continued)**

Nancy Sumpter, Teacher, Lime St.  
Debra Peters, Teacher, Cottonwood  
Carmen Becker, Director, D.O.  
Mary Hammill, Teacher, Krystal  
Joanna Flores, ASB, HHS  
Cecilia Flores, ASB President, HHS  
Gwyneth Morin, Teacher, Mission Crest  
Christine Pierce, Teacher, MC  
Greg Shugard, Teacher, Mojave HS  
Deborah Barbour, Teacher, Eucalyptus  
Virginia Gutierrez, Accountant, Facilities  
Phoebe Gutierrez, Teacher, Eucalyptus  
Tony McGuyer, Teacher, HHS  
Diane Warner, Teacher, Juniper  
Pam Seeger, Principal, Mesa  
Vicki Kirk, Community Member  
Joan Case, Teacher, AESC  
Mary Porras, AP, CR/SR  
Alice Smith, Teacher, Lime St.  
Elizabeth de los Santos, Teacher, HV  
Harvey Miller, Parent, Teacher, Resident, SHS  
Candice K. Salser, Teacher, Mojave HS  
Greg Shugard, Teacher, Mojave HS  
Carol Miller, Teacher/Parent, SHS  
Jennifer Adams, AP, MT  
Maryanne Servizio, Teacher, Eucalyptus  
Kelly Ford, Teacher, SRLF  
Betsy Patridge, Teacher, HJH  
Marcia Rhodes, Teacher, Topaz  
Peter Dippeu, Teacher, HJH  
Todd O'Neal, Teacher Kingston  
Dick Westerhoff, Teacher, SHS  
Jeanne Triska, Teacher, Kingston  
Mike Egan, Teacher, SHS  
Debra Hoggatt, Teacher, Lime St.  
Kelly Hoggatt, Guest Teacher, Lime St.  
Nancy McHenry, Retired Teacher  
Jamie Van Hill, Teacher, Cedar Middle  
Claudia Morrison, Teacher, HV  
Libby Biskeborn, Teacher, HJH  
Shea M. Boone, Student, VVC  
Linda Mulhern  
Wendy Ness, School Psychologist, HUSD

**OTHERS IN  
ATTENDANCE:  
(Continued)**

Kathleen Lee, Teacher, Juniper  
Elisa Gusdal, CTA Staff  
Darrel Nickolaisen, Coordinator, AESC  
Cleone Black  
Larry Bird, Director, D.O.  
Lisa Bloom  
Lois Reaber, Principal, JC  
Tracy Marsh, Principal, SHS  
Judy A. Baker, Paraprofessional, Eucalyptus  
Lori Whitmer, Teacher, Cottonwood  
Dan Whitmer, Teacher, MHS  
Kathleen Turner, Teacher, Juniper  
Shane Holderman, Teacher, SHS  
Kathy Miller, AP, Lime St.  
Tom Kerman, Teacher, HJH  
Kathleen Kerman SCTA  
Evlyn Ramirez-Puentes, Teacher, MHS  
Bob Sprague, Teacher, Cypress  
Jim Kutch, Teacher, SHS  
1SG Wayne Howard, Teacher, OHHS  
C/SFP Amelia Negroni, Student, OHHS  
C/PVT Raven Randall, Student, OHHS  
C/ILT James Christiansen, Student, OHHS  
C/ILT Christopher Watson, Student, OHHS  
Ben Skinner, AP, Mesa/Krystal  
Cindy Berfield, Career Center Clerk, HHS  
Diane Sochor, Counselor, SHS  
Mark Mulhern, Teacher, SHS  
Karen Prestwood, Principal, Topaz  
Tom Kirk, Principal, Krystal  
Leticia Farrell, Teacher, Cypress School of the Arts  
Kathleen Bird, Teacher, AESC  
Gabriel Ludi, Teacher, HJH  
David Ludi, Teacher, Cedar  
Kathryn Mustain, Teacher, Hollyvale  
Tina Viayra, Teacher, HHS  
Craig Gunter, Principal, Eucalyptus  
Jennifer Lundemo, Teacher, Lime St.  
Lisa Palti, Teacher, Lime St.  
Chala Salisbury, Exec. Director, Crosswalk  
Kathy Everhart, Risk Mgmt/Benefits, AESC  
Scott Johnson, Teacher, MHS  
Dave Stewart, Principal, Mesquite Trails

**OTHERS IN  
ATTENDANCE:  
(Continued)**

Debbie Baker, Exec. Asst., Admin Services  
Cathy Gomez, Exec. Asst., Admin Services  
David McLaughlin, Asst. Supt., Business  
Jovy Yankaskas, Asst. Supt., Educational Services

**CALL TO ORDER:**

President Black called the meeting to order at 4:00 p.m. All Board members were present.

**HEARING FROM  
THE AUDIENCE:**

President Black deferred from reading the entire statement inviting the general public to address the Board on any closed session item. He stated that the statement was listed on the back of the Speaker's Card.

There were no comments from the audience.

**ADJOURNED TO  
CLOSED SESSION:**

Pursuant to Government Code Section 54957, the Board may adjourn to Closed Session at any time during the meeting to discuss staff/student personnel matters, negotiations, litigation, and/or the acquisition of land or facilities.

The Board adjourned to closed session at 4:03 p.m. to discuss the following:

- 3.1 Conference with Legal Counsel-Existing Litigation ~ 2 cases*
- 3.2 Public Employee Appointment*
- 3.3 Employee Resignation/Retirement*
- 3.4 Public Employee Discipline/Dismissal/Release/Reassignment/Transfer*
- 3.5 Pupil Personnel*
- 3.6 Public Employee Performance Evaluation ~ Superintendent*
- 3.7 Conference with Labor Negotiator*

**RECONVENE IN  
OPEN SESSION:**

The Board reconvened in open session at 6:28 p.m.

**PLEDGE OF  
ALLEGIANCE:**

The Oak Hills High School Junior Army ROTC performed the flag salute and opening ceremonies.

**REPORTING OUT OF  
CLOSED SESSION  
ACTION:**

Superintendent McKinney reported the following action taken in closed session:

On MSC (Riley, Kirk) Vote: 5-0, Certificated Personnel Report 09/10-7 was approved as amended.

On MSC (Rogers, Riley) Vote: 5-0, Classified Personnel Report 09/10-7 was approved as amended.

**REPORTING OUT OF  
CLOSED SESSION  
ACTION:  
(Continued)**

On MSC (Kirk, Rogers) Vote: 5-0, The Board directed the Superintendent to accept the HTA Grievance Resolution for Employee #CT09/10-24.

On MSC (Kirk, Riley) Vote: 5-0, Pupil Personnel Report 09/10-7 was approved as amended.

**SPECIAL REPORTS**

**STUDENT  
REPRESENTATIVES:**

The student representatives from Hesperia HS, Oak Hills HS, Sultana HS, Mojave HS and Canyon Ridge HS each reported on activities and sports events being held at each of their respective schools.

**SUPERINTENDENT'S  
REPORT:**

Superintendent McKinney informed the Board and the public of his upcoming State of the District address. Two sessions will be held. The first will be held on Tuesday, February 2<sup>nd</sup> at Sultana High School from 6:00-7:30 p.m. The second will be held on Thurs., February 11 in the Hesperia High School cafeteria from 6:00-7:30 p.m. This event will also be podcast and placed on the District website. According to Superintendent McKinney, his intent is to share where we are in relation to where the State is and how the District is dealing with that aspect and its impact to the Hesperia Unified School District.

Superintendent McKinney mentioned that the Board is attending a session this week put on by School Services of California as the Governor releases his Proposed Budget.

**BOARD MEMBER'S  
REPORT:**

Individual Board members were asked to share information on school visitations, comments, and other activities they attended.

**APPROVAL  
OF AGENDA:**

Staff requested Consent List Item #13.12 Approval of Letter of Engagement for Non-Auditing Services with Eric Hall & Associates, LLC be pulled from the agenda. Additionally, Consent List Items #13.6 Approval of Deductive Change Order #01 for Addition to Cypress Ave School (aka Cypress School of the Arts); #13.7 Approval of Resolution No. 2009/10-21 Approving Annual and Five Year Report of School Facilities Fees for 2007/08; #13.8 Approval of Resolution No. 2009/10-22 Approving Annual and Five Year Report of School Facilities Fees for 2008/09 were pulled from the agenda.

On MSC (Kirk, Riley) Vote: 5-0, The agenda was approved as amended.

**APPROVAL OF  
MINUTES:**

On MSC (Riley, Kirk) Vote: 5-0, The Minutes of December 7, 2009 were approved as submitted.

**HEARING FROM THE  
AUDIENCE:**

President Black invited the general public to address the School Board regarding matters on the agenda and other matters within the jurisdiction of the Board. The following addressed the Board:

1. Gordon Williamson, resident. Topic: State Budget Games
2. Phoebe Gutierrez, resident. Topic: Bargaining Units/HTA/Solutions
3. Thomas Kerman, Oak Hills. Topic: Negotiations
4. Mark Mulhern, Victorville. Topic: Teacher Buyout-Negotiations-Budget
5. Jim Kutch, resident. Topic: Goals
6. Patrick Buzzard, resident. Topic: Classroom Sizes
7. Debra Hoggatt, resident. Topic: Class Size

**CONSENT LIST:**

***(Consent Items approved  
in one motion)***

On MSC (Kirk, Riley) Vote: 5-0, The Board approved the following items on the Consent list excluding Items #13.6; #13.7; #13.8; and #13.12.

- 13.1 *Ratified the Accounts Payable Warrant Register Report 09/10-7*
- 13.2 *Approved Conference Report 09/10-6*
- 13.3 *Approved Off-Campus Activities*
- 13.4 *Approved the surplus of District Property*
- 13.5 *Approved the Increase in Hours to an Existing Classified Position – Bilingual Assistant @ Mission Crest*
- 13.9 *Approved the Notice of Completion of Work at Cypress Avenue School (aka Cypress School of the Arts), ASR Constructors*
- 13.10 *Accepted the Summary and Disposition of the Williams' Uniform Complaints for the Quarter Ending December 31, 2009*
- 13.11 *Approved the California Department of Education Secondary District Plan and Application for Work Experience Education Program*

**13.6**

**APPROVAL OF  
DEDUCTIVE CHANGE  
ORDER #01 FOR  
ADDITION TO  
CYPRESS AVE SCHOOL  
(AKA CYPRESS SCHOOL  
OF THE ARTS):**

President Black requested that this item be pulled from the agenda. According to President Black, due to the conversion from a 6<sup>th</sup> grade academy to a K-6 school, a bid was let in the amount of \$2,680,242.01. A construction allowance of \$250,000 for unforeseen changes to the scope of work was built into the budget. Because the contractor only used \$3,242.00, the District is being refunded \$246,757.99.

Due to the upgrade, Cypress School of the Arts received 10 classrooms; moved 2 classrooms to another location within that site and 2 kindergarten classrooms were added along with a play area. He would like to see the southeast corner of the site landscaped with the little remaining funds if possible.

**13.6**

**APPROVAL OF  
DEDUCTIVE CHANGE  
ORDER #01 FOR  
ADDITION TO  
CYPRESS AVE SCHOOL  
(AKA CYPRESS SCHOOL  
OF THE ARTS):  
(Continued)**

On MSC (Black, Riley) Vote: 5-0, Deductive Change Order #01 for addition to Cypress Avenue School (aka Cypress School of the Arts) in the amount of \$246,757.99, was approved as submitted.

**13.7**

**APPROVAL OF  
RESOLUTION NO.  
2009/10-21 APPROVING  
ANNUAL AND FIVE  
YEAR REPORT OF  
SCHOOL FACILITIES  
FEES FOR 2007/08:**

Board Member Bentley requested that this item be pulled from the agenda. He expressed concern due to the placement of this item on the Consent Agenda because these were annual reports. He questioned why the 2007/08 report is not being done until now. David McLaughlin, Asst. Superintendent, Business responded that the 07/08 report was done on time; however, during the transition of the department, it was overlooked by staff. To rectify this, staff has brought forward the 07/08 report as well as this 08/09 (Consent Item #13.8).

On MSC (Rogers, Riley) Vote: 5-0, Resolution No. 2009/10-21 Resolution of the Board of Trustees of the Hesperia Unified School District relating to information made available to the public in the form of a statutory school facility fees including alternative school facility fees report for FY 2007/08 in compliance with Government Code Section 66006, was approved as submitted.

**13.8**

**APPROVAL OF  
RESOLUTION NO.  
2009/10-22 APPROVING  
ANNUAL AND FIVE  
YEAR REPORT OF  
SCHOOL FACILITIES  
FEES FOR 2008/09:**

Board Member Bentley requested that this item be pulled from the agenda. He noted the same issues as stated earlier on Consent Item #13.7.

On MSC (Rogers, Riley) Vote: 5-0, Resolution No. 2009/10-22 Resolution of the Board of Trustees of the Hesperia Unified School District relating to information made available to the public in the form of a statutory school facility fees including alternative school facility fees report for fiscal year 2008/09 in compliance with Government Code Section 66006, was approved as submitted.

**13.12  
APPROVAL OF  
LETTER OF  
ENGAGEMENT FOR  
NON-AUDITING  
SERVICES WITH  
ERIC HALL &  
ASSOCIATES, LLC:**

Staff requested that this item be pulled and tabled to the February meeting due to changes in the scope of work.

**RECESS:**

The Board took a recess at 7:50 p.m.

**RECONVENE:**

The Board reconvened the meeting at 8:00 p.m.

**SPECIAL REPORTS**

**14.1  
DISTRICT  
ACCOUNTABILITY:**

Larry Bird, Director, gave a PowerPoint report on District accountability.

**14.2  
FACILITIES MASTER  
PLAN STATUS &  
UPDATE:**

Ken Reynolds, President of SchoolWorks, Inc., gave a PowerPoint summary on the scope and work of the Facilities Master Plan.

**14.3  
HUSD POLICE  
DEPARTMENT  
UPDATE:**

Chief Graham gave a PowerPoint update on the HUSD School Police Department services and scheduling.

**ACTION:**

**15.1  
DISCUSSION/ACTION –  
ELECTION OF VOTING  
REPRESENTATIVE AT  
ANNUAL ELECTION OF  
MEMBERS TO THE  
COUNTY COMMITTEE  
ON SCHOOL DISTRICT  
ORGANIZATION AND  
TRI-AGENCY  
COMMITTEE:**

The Board was asked to elect a Board Representative (elector at annual election of County Committee members to the County Committee on School District Organization) and two Representatives and Alternates to the Tri-Agency Committee through November 2010.

- 1) Nomination of Board Representative (elector at annual election of County Committee members to the County Committee on School District Organization):

Board Member Kirk made a motion to nominate Board Member Riley as Board Representative (elector at annual election of County Committee members to the County Committee on School District Organization) through November 2010. Board Member Black seconded the motion.

**15.1**

**DISCUSSION/ACTION –  
ELECTION OF VOTING  
REPRESENTATIVE AT  
ANNUAL ELECTION OF  
MEMBERS TO THE  
COUNTY COMMITTEE  
ON SCHOOL DISTRICT  
ORGANIZATION AND  
TRI-AGENCY  
COMMITTEE:  
(Continued)**

The floor was open for discussion. Board Member Bentley referenced letter dated November 4, 2009 from Dr. Gary Thomas, County Superintendent of Schools regarding reorganization and the Minutes of December 7, 2009, wherein newly elected President Black requested that the nomination of Board Representative to the San Bernardino County Committee on School District Organization and Tri-Agency Committee representative and alternate, be re-agendized in January both of which are seemingly in violation of our policy that does exist in terms of having an annual meeting and doing this.

President Black felt that since this was not done last meeting, the logical thing is that it be done this meeting. According to President Black, we're technically in violation of the statute but he sees no other alternatives.

Board Member Rogers questioned whether the Board would still be in violation if the people who were elected to these positions last year, remained in those positions.

Following considerable discussion, due to the fact that there was a motion and second on the floor for the nomination of Board Representative to the County Committee on School District Organization, the Board would take a vote, however, it was determined that since the Tri-Agency Committee nomination does not apply to the reorganization, voting could continue.

The motion made by Board Member Kirk, seconded by Board Member Black, to nominate Board Member Riley as Board Representative (elector at annual election of County Committee members to the County Committee on School District Organization) through November 2010 failed on a vote of 2-2-1 (Ayes: Kirk, Riley; Noes: Bentley, Rogers; Abstain: Black).

2) Nomination of Board Representatives and Two Alternates to the Tri-Agency Committee:

Vice President Riley made a motion to nominate Board Member Ella "Lee" Rogers and President Black as representatives to the Tri-Agency Committee and Board Member Kirk as alternate through November 2010. Board Member Kirk seconded the motion.

**15.1**

**DISCUSSION/ACTION –  
ELECTION OF VOTING  
REPRESENTATIVE AT  
ANNUAL ELECTION OF  
MEMBERS TO THE  
COUNTY COMMITTEE  
ON SCHOOL DISTRICT  
ORGANIZATION AND  
TRI-AGENCY  
COMMITTEE:  
(Continued)**

- 3) Nomination of Board Representatives and Two Alternates to the Tri-Agency Committee: (Continued)

Vice President Riley amended his motion to nominate Board Member Ella “Lee” Rogers and President Black as representatives to the Tri-Agency and Board Member Kirk and Board Member Bentley as alternates to the Tri-Agency Committee. Board Member Kirk seconded the motion. The motion carried on a vote of 4-1 (Ayes: Black, Kirk, Riley Rogers; Noes: Bentley).

The Board asked that Superintendent McKinney contact Dr. Gary Thomas, County Superintendent of Schools in regards to following through on the election of the County Committee on School District representative since it did not occur during the reorganization meeting.

**15.2**

**DISCUSSION/ACTION –  
ADOPTION OF  
HESPERIA UNIFIED  
SCHOOL DISTRICT’S  
INITIAL PROPOSAL TO  
THE HESPERIA  
TEACHER’S ASSN.  
AND CSEA CHAPTER  
#684 FOR THE 2010/11  
COLLECTIVE  
BARGAINING AGREE-  
MENTS:**

Superintendent McKinney stated that this was the second opportunity for the Board to hear comments from the public on the District’s Initial Proposal to HTA and CSEA Chapter #684 for the 2010/11 Collective Bargaining Agreements.

There were no comments from the public.

On MSC (Riley, Black) Vote: 5-0, The Hesperia Unified School District’s Initial Proposal to the Hesperia Teachers Association and CSEA Chapter #684 for the 2010/11 Collective Bargaining Agreements, was adopted as submitted.

**15.3**

**DISCUSSION/ACTION –  
CREATION OF TWO  
NEW SPECIAL  
EDUCATION ASSISTANT  
POSITIONS AT OAK  
HILLS HS:**

On MSC (Kirk, Rogers) Vote: 5-0, The creation of two (2) Special Education Assistants for Oak Hills High School with a work year of 10 months, 181 days, 6.00 hours daily, funding from Special Education, was approved as submitted.

**15.4**

**DISCUSSION/ACTION –  
CREATION OF NEW  
FOOD SERVICE  
WORKER POSITION  
AT EUCALYPTUS  
ELEMENTARY:**

On MSC (Rogers, Riley) Vote: 5-0, The creation of a 2.00 hour Food Service Worker position at Eucalyptus Elementary with a work year of 185 days (10 months), funding from Nutritional Services, was approved as submitted.

**15.5**

**DISCUSSION/ACTION –  
CREATION OF NEW  
PARENT COMMUNITY  
LIAISON POSITION  
AT TOPAZ PREPARATORY  
ACADEMY:**

On MSC (Rogers, Riley) Vote: 5-0, The creation of a 3.00 hour per day Parent Community Liaison position at Topaz Preparatory Academy with a work year of 182 days (10 months), funding from Title I/EIA Funds, was approved as submitted.

**15.6**

**DISCUSSION/ACTION –  
FIRST READING AND  
POSSIBLE ADOPTION  
OF PROPOSED  
REVISION TO BOARD  
BYLAW 9323.1 –  
BYLAWS OF THE  
BOARD; INVOCATIONS:**

Vice President Riley requested that Action Item #15.6 and #15.7 be pulled for additional clarification and review from our legal counsel.

Vice President Riley clarified that he is pulling until he submits a request to bring this back.

**15.7**

**DISCUSSION/ACTION –  
FIRST READING AND  
POSSIBLE ADOPTION  
OF PROPOSED  
ADMINISTRATIVE  
REGULATION 1270 –  
COMMUNITY  
RELATIONS;  
INVOCATIONS:**

Pulled for additional clarification and review from our legal counsel.

**15.8**

**PUBLIC HEARING ON  
THE HESPERIA  
TEACHERS ASSN.  
INITIAL PROPOSAL  
FOR NEGOTIATIONS  
WITH THE HESPERIA  
UNIFIED SCHOOL  
DISTRICT:**

Pursuant to Government Code Section 3547 et. Seq., the Governing Board will conduct a public hearing on HTA's Initial Proposal for negotiations with the Hesperia Unified School District for 2010/2011.

President Black opened the public hearing at 9:24 p.m. There were no comments from the public.

President Black closed the public hearing at 9:25 p.m.

**15.9**

**DISCUSSION/ACTION –  
SELECTION/PROCESS  
FOR DETERMINING  
LEGAL FIRMS AS  
PER 12/8/09 BOARD  
ACTION REGARDING  
LEGAL RFP:**

Board Member Kirk believes this is something that needs to be done and he appreciates the hard work that staff did in putting together the RFP and presenting the different options to the Board, however, because of multiple critical events that are going to be occurring within the next two months, events that our current law firm has seen us through the last two years, he does not believe it would be wise to change legal leadership in the middle of this critical time of the year.

**15.9**

**DISCUSSION/ACTION –  
SELECTION/PROCESS  
FOR DETERMINING  
LEGAL FIRMS AS  
PER 12/8/09 BOARD  
ACTION REGARDING  
LEGAL RFP:  
(Continued)**

Board Member Kirk made a motion to defer the planning on the interviews until April after some of our March deadlines have been taken care of. Vice President Riley seconded the motion.

Mr. David McLaughlin, Asst. Superintendent, Business expressed two concerns with the motion. First, there are several issues related to facilities that are coming on line related to school fees, master plan, bond issues and he would respectfully ask the Board to consider and at least allow us to do an interim contract with Bowie, Arneson, Wiles & Giannone for those issues even if the Board is not able to interview tonight. The District currently has an agreement with them specifically related to bond counsel for CFD's, however; we have no useable contract for the issues mentioned including the issue with the COPs coming up.

According to Board Member Kirk, he thought that the Board has always had the understanding that those unique areas like COPs and CFDs; we would use those firms because the current firm does not have the expertise. We have historically used those firms that Mr. McLaughlin talked about for those specialties.

Superintendent McKinney indicated that the Board has the flexibility tonight based on the agenda item to make recommendations and take action. Based on the legal RFP process, the Board has the option of choosing any of the recommendations before the Board or do nothing at all. In reference to the March 15 layoff process, there may be other legal counsel needed in other complicated kind of issues tied to that layoff process as well.

Mr. McLaughlin reviewed the following staff recommendations for its law firm:

- Bowie Arneson ~ Facilities/Business
- Fagen, Friedman & Fulfrost and/or Lozano Smith ~ General Counsel
- Atkinson, Andelson ~ Expertise in the timelines discussed earlier in Closed Session that School Services shared

Board Member Kirk amended his motion to delay Discussion/Action – Selection/Process for Determining Legal Firms as per December 7, 2009 Board Action regarding Legal RFP, to the April meeting. Vice President Riley seconded the motion. The motion carried on a vote of 4-1 (Ayes: Black, Kirk, Riley, Rogers; Noes: Bentley).

**15.10**

**DISCUSSION/ACTION –  
FIRST READING AND  
ADOPTION OF  
PROPOSED REVISION  
TO BOARD BYLAW  
9120; BOARD  
MEMBERS:**

The Board is being asked to waive the Second Reading and adopt at First Reading. This revision would place a yearly dollar amount cap on legal charges incurred by Board Members.

Pursuant to Board Bylaw 9311, before adoption, policies shall normally be given two readings by the Board. At its second reading, the policy may be adopted by a majority vote of all members of the Board. The Board may waive the second reading or may require additional readings.

Board Member Bentley expressed concern with the policy as it was brought forth. The specific limits are contrary to Government Code. Board Member Rogers also had concerns with the policy.

Board Member Kirk explained that this policy was brought forward because of the disparity of charges incurred by board members. While we give individuals access, it is prudent we also put a limit on the costs.

On MSC (Kirk, Riley) Vote: 3-2 (Ayes: Black, Kirk, Riley; Noes: Bentley, Rogers) The Board waived the Second Reading of Proposed Revision to Board Bylaw 9120 – Board Members and adopts at First Reading.

**15.11**

**DISCUSSION/ACTION –  
FIRST READING AND  
ADOPTION OF  
PROPOSED REVISION  
TO BOARD BYLAW  
9124; ATTORNEY:**

The Board is being asked to waive the Second Reading and adopt at First Reading. This revision would allow Board members to consult legal counsel concerning appropriate school district matters.

Pursuant to Board Bylaw 9311, before adoption, policies shall normally be given two readings by the Board. At its second reading, the policy may be adopted by a majority vote of all members of the Board. The Board may waive the second reading or may require additional readings.

Superintendent McKinney noted that the change to Board Bylaw 9124 - Attorney would be in alignment with Board Bylaw 9120 – Board Members.

Board Member Bentley stated that five (5) board policies were brought back in this kind of fashion. There is a process and he would particularly like to see staff if they are going to be asking the Board to do things, that they would comply with the policies as they exist rather than waving the readings particularly when

**15.11**  
**DISCUSSION/ACTION –**  
**FIRST READING AND**  
**ADOPTION OF**  
**PROPOSED REVISION**  
**TO BOARD BYLAW**  
**9124; ATTORNEY:**  
**(Continued)**

there are legal opinions questioning the practice. Board Member Rogers also expressed concern with waving the second readings specifically dealing with the process.

Board President Black indicated that technically we have not had the second reading practically we have in the sense they've been on the agenda for more than one meeting. It is his understanding that the readings are for the public to be informed as to what's coming up. They have been on the agenda and the fact that it is there but haven't gotten to them because the meeting ended before we got to them. They have been publicized in advance so technically, it is not a second reading but practically, in his sense of the word, it is; so, he would say that is the difference to Board Member Rogers concern.

On MSC (Riley, Kirk) Vote: 3-2 (Ayes: Black, Kirk, Riley; Noes: Bentley, Rogers) The Board waived the Second Reading of Proposed Revision to Board Bylaw 9124 – Attorney, and adopts at First Reading.

**15.12**  
**DISCUSSION/ACTION –**  
**FIRST READING AND**  
**ADOPTION OF**  
**PROPOSED REVISION**  
**TO BOARD BYLAW**  
**9140.1 – LABOR**  
**RELATIONS**  
**NEGOTIATORS:**

The Board is being asked to waive the Second Reading and adopt at First Reading. This revision includes language to keep the Board apprised of negotiations so that they may consider how proposed contract provisions would affect the District's short and long term fiscal, programmatic, instructional and personal goals through weekly updates and time in closed session.

Pursuant to Board Bylaw 9311, before adoption, policies shall normally be given two readings by the Board. At its second reading, the policy may be adopted by a majority vote of all members of the Board. The Board may waive the second reading or may require additional readings.

Board Member Rogers again expressed concern with the process. Board Member Bentley expressed concerns with some of the language on the policy. Board Member Kirk noted that the Board worked on this policy in closed session and it was a collective process that every one of the Board members had input on.

On MSC (Riley, Kirk) Vote: 4-1 (Ayes: Black, Kirk, Riley, Rogers; Noes: Bentley) The Board waived the Second Reading of Proposed Revision to Board Bylaw 9140.1 – Labor Relations Negotiators, and adopts at First Reading.

**INFORMATION ITEMS**

**16.1  
ENROLLMENT  
UPDATE:**

The Board received a Projection Compared to Actual Enrollment as of January 4, 2010. According to David McLaughlin, Asst. Superintendent, Business, enrollment remains relatively steady.

**ITEMS FOR FUTURE  
BOARD MEETINGS:**

The Board requested the following item(s) for future Board meetings:

- INFORMATION: CLASS SIZE ENROLLMENT BY CLASS, BY TEACHER, AND COMBINATION CLASSES PER SCHOOL) ~ Board Member Bentley
- PRESENTATION/STAFF REPORT THAT CLEARLY OUTLINES AND DEFINES THIS BEING THE THIRD YEAR, WHAT BROUGHT US TO THIS MOMENT (NEED TO GET THE MESSAGE OUT TO OUR STAFF MEMBERS AND THE PUBLIC) ~ Board Member Kirk

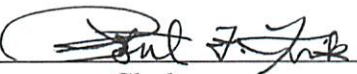
**NEXT MEETING  
DATE:**

The next meeting of the Hesperia Unified School District Board of Trustees will be held on February 8, 2010 at the Hesperia Administration & Educational Support Center (AESC) Annex, 15576 Main Street, Hesperia.

**ADJOURNMENT:**

The Board adjourned at 10:20 p.m.

Submitted by:   
Secretary

Approved by:   
Clerk