

BOARD OF TRUSTEES
Minutes
Thursday, December 13, 2012

1. CALL TO ORDER–ROLL CALL

President Anna L. Piercy called the meeting of the Anaheim Union High School District Board of Trustees to order at 3:30 p.m.

Present: Anna L. Piercy, president; Brian O’Neal, clerk; Annemarie Randle-Trejo, assistant clerk; Katherine H. Smith, member; Elizabeth I. Novack, superintendent; Dianne Poore, and Paul Sevillano, assistant superintendents; and Jeff Riel, District counsel.

2. ADOPTION OF AGENDA

On the motion of Mr. O’Neal, duly seconded and unanimously carried, the Board of Trustees adopted the agenda.

3. PUBLIC COMMENTS, CLOSED SESSION ITEMS

There were no requests to speak.

4. CLOSED SESSION

The Board of Trustees entered closed session at 3:32 p.m.

Russell Lee-Sung, assistant superintendent, entered the meeting at 3:58 p.m.

5. RECONVENE MEETING, PLEDGE OF ALLEGIANCE, AND REPORT OUT

5.1 Reconvene Meeting

The Board of Trustees reconvened into open session at 6:00 p.m.

5.2 Pledge of Allegiance

Cypress High School Student Ambassador Daisy Resendiz led the Pledge of Allegiance to the Flag of the United States of America and the moment of silence.

5.3 Closed Session

Board Clerk Brian O’Neal reported the following actions taken during closed session.

5.3.1 No reportable action taken regarding negotiations.

5.3.2 No reportable action taken regarding personnel.

5.3.3 Pursuant to Government Code section 54956.9 (a), the Board of Trustees unanimously voted to approve the settlement agreement in OAH Case No. 2012090490 resolving all outstanding issues by changing student’s non-public school placement and reimbursing petitioner \$6,000 in unilaterally obtained educationally-related fees and costs.

6. **INTRODUCTION OF GUESTS**

Introductions

Mrs. Piercy introduced Joanne Fawley, ASTA president; Sharon Yager, CSEA president; Jordan Brandman, Anaheim City Council member; and Steve Hwangbo, Mayor of La Palma.

7. **REPORTS**

Reports of Associations

Joanne Fawley, ASTA president, congratulated the Board members who won re-election and she wished everyone a Merry Christmas and a Happy New Year.

Sharon Yager, CSEA president, also wished everyone a Merry Christmas and a Happy New Year. She discussed the vacant Board position and said CSEA requests that the Board appoint the next highest vote getter from the recent election to the vacant Board position.

8. **PUBLIC COMMENTS, OPEN SESSION ITEMS**

There were no requests to speak.

9. **OATH OF OFFICE**

La Palma Mayor Steve Hwangbo administered the Oath of Office to re-elected Trustee Brian O'Neal.

Mr. O'Neal thanked his wife, ASTA members, voters, Board members, and staff for their support.

The Oath of Office was administered to re-elected Trustee Katherine H. Smith by her granddaughter, Eva Smith. Mrs. Smith thanked the people of the District for their continuing support.

Senator Lou Correa administered the Oath of Office to newly elected Trustee Annemarie Randle-Trejo. Mrs. Randle-Trejo thanked everyone for their contributions to her election. She thanked her family and the Board members for their support, and she thanked Senator Lou Correa for administering the oath to her.

Board President Anna L. Piercy called a recess at 6:20 p.m. and reconvened the meeting at 6:37 p.m.

10. **ELECTION OF OFFICERS**

The Board of Trustees held a brief discussion on the election process prior to the nomination and selection of Trustees for the listed positions.

On the motion of Mr. O'Neal, duly seconded and unanimously carried, items 10.1 through 10.3 were opened for discussion and nominations.

10.1 **President of the Board of Trustees**

Mrs. Randle-Trejo nominated Mr. O'Neal for president.

Action:

The Board of Trustees nominated and selected Mr. O'Neal, for the position of president of the Board of Trustees.

The roll call vote follows.

Ayes: Trustees Smith, Randle-Trejo, O'Neal, and Piercy

Mrs. Piercy handed the gavel over to Mr. O'Neal, who conducted the remainder of the meeting.

10.2 **Clerk of the Board of Trustees**

Mrs. Piercy nominated Mrs. Randle-Trejo for clerk of the Board of Trustees.

Action:

On the motion of Mr. O'Neal, duly seconded and unanimously carried, the Board of Trustees nominated and selected Mrs. Randle-Trejo for the position of clerk of the Board of Trustees.

The roll call vote follows.

Ayes: Trustees Smith, Randle-Trejo, Piercy, and O'Neal

10.3 **Assistant Clerk of the Board of Trustees**

Mrs. Randle-Trejo nominated Mrs. Piercy for assistant clerk of the Board of Trustees.

Action:

On the motion of Mr. O'Neal, duly seconded and unanimously carried, the Board of Trustees nominated and selected Mrs. Piercy for the position of assistant clerk of the Board of Trustees.

The roll call vote follows.

Ayes: Trustees Smith, Randle-Trejo, Piercy, and O'Neal

11. **APPOINTMENTS TO THE BOARD OF TRUSTEES**

11.1 **Secretary**

Action:

On the motion of Mrs. Piercy, duly seconded and unanimously carried, the Board of Trustees re-appointed Superintendent Elizabeth I. Novack, Ph.D., as the secretary of the Board of Trustees.

11.2 **Assistant Secretary**

Action:

On the motion of Mrs. Piercy, duly seconded and unanimously carried, the Board of Trustees re-appointed Assistant Superintendent, Business Services, Dianne Poore, as the assistant secretary of the Board of Trustees.

11.3 **Parliamentarian**

Action:

On the motion of Mrs. Piercy, duly seconded and unanimously carried, the Board of Trustees re-appointed District Counsel Jeff Riel as the parliamentarian of the Board of Trustees.

11.4 **Chief Negotiator**

Action:

On the motion of Mrs. Piercy, duly seconded and unanimously carried, the Board of Trustees re-appointed Assistant Superintendent, Human Resources, Russell Lee-Sung as the chief negotiator of the Board of Trustees.

12. **BOARD OF TRUSTEES' APPOINTMENTS TO COMMITTEES**

Action:

On the motion of Mrs. Piercy, duly seconded and unanimously carried, following discussion, the Board of Trustees reviewed the various committees and reached a consensus on which Trustees would represent the District on the various committees.

13. **ESTABLISH DAY AND HOUR FOR REGULAR SCHOOL BOARD MEETINGS**

Action:

On the motion of Mrs. Smith, duly seconded and unanimously carried, the Board of Trustees reviewed the dates provided and established the schedule for the 2013 regular and special school Board of Trustees' meetings.

Mrs. Smith stated she cannot attend the March 28 Board meeting. The 2013 meeting calendar was adopted as presented.

14. **ROBERT'S RULES OF ORDER NEWLY REVISED, 11th EDITION**

Action:

On the motion of Ms. Randle-Trejo, duly seconded and unanimously carried, the Board of Trustees adopted *Robert's Rules of Order Newly Revised, 11th Edition* for conducting the business of the District.

15. **ITEMS OF BUSINESS**

BUSINESS SERVICES DIVISION

15.1 **Resolution No. 2012/13-B-08, Adjustments to Income and Expenditures, General Funds, Resolution No. 2012/13-B-09, Adjustments to Income and Expenditures, Various Funds, and the 2012-13 First Interim Report**

Background Information:

Education Code Section 42131 (a) (1) states that pursuant to the reports required by Section 42130, the governing board of each school district shall certify, in writing, within 45 days after the close of the period being reported, whether the school district is able to meet its financial obligations for the remainder of the fiscal year and, based on current forecasts, for the subsequent fiscal year. These certifications shall be based upon the board's assessment, on the basis of standards and criteria for fiscal stability adopted by the State Board of Education pursuant to Section 33127, of the district budget, as revised to reflect current information regarding the adopted State Budget, district property tax revenues pursuant to Sections 95 to 100, inclusive, of the Revenue and Taxation Code, and ending balances for the preceding fiscal year as reported pursuant to Section 42100. The certifications shall be classified as positive, qualified, or negative, as prescribed by the Superintendent of Public Instruction for the purposes of determining subsequent actions by the Superintendent of Public Instruction, the Controller, or the county superintendent of schools, pursuant to subdivisions (b) and (c). These certifications shall be based upon the financial and budgetary reports required by Section 42130 but may include additional financial information known by the governing board to exist at the time of each certification.

For purposes of this subdivision, a negative certification shall be assigned to any school district that, based upon current projections, will be unable to meet its financial obligations for the remainder of the fiscal year or the subsequent fiscal year. A qualified certification shall be assigned to any school district that, based upon current projections, may not meet its financial obligations for the current fiscal year, or two (2) subsequent fiscal years. A positive certification shall be assigned to any school district that, based upon current projections, will meet its financial obligations for the current fiscal year and subsequent two (2) fiscal years.

Current Considerations:

In certifying the 2012-13 First Interim Report as positive, the Board of Trustees understands its fiduciary responsibility to maintain fiscal solvency for the current and subsequent two (2) fiscal years. Due to the depletion of one-time revenue in 2012-13 and the volatility of California's economic recovery and uncertainty with education funding, the District will implement in 2013-14 approximately \$14 million in ongoing budget reductions and an additional \$6 million in reductions in 2014-15 to maintain a positive certification. It is further recognized that the District will submit a detailed list of Board approved ongoing budget reductions, revisions, and/or fund transfers, with the 2012-13 Second Interim Report.

Budget Implication:

As part of the interim reporting process, budget adjustments are made to income, expenditures, and fund balances. Resolution No. 2012/13-B-08, Adjustments to Income and Expenditures, General Funds, and Resolution No. 2012/13-B-09, Adjustments to Income and Expenditures, Various Funds, authorizes budget adjustments per Education Code Sections 42602 and 42610.

Action:

On the motion of Ms. Randle-Trejo and duly seconded, following discussion, the Board of Trustees took the action listed below:

The roll call vote follows:

Ayes: Trustees Smith, Randle-Trejo, Piercy, and O'Neal

1. The Board of Trustees adopted Resolution No. 2012/13-B-08 and Resolution No. 2012/13-B-09.
2. The Board of Trustees approved the positive certification of the First Interim Report that the District will meet its financial obligations.

15.2 **Resolution No. 2012/13-B-07, Fund Balance Budget Adjustments**

Background Information:

When the 2012-13 budget was developed the beginning fund balance was an estimated amount. This is because the 2011-12 fiscal year was not over, and the actual fund balance was not known. The ending fund balance for 2011-12 becomes the beginning fund balance for 2012-13. After the 2011-12 fiscal year is closed and the actual ending fund balance is known, then the 2012-13 beginning fund balance must be adjusted to match the 2011-12 actual ending fund balance amount. This resolution makes that adjustment.

Current Consideration:

This resolution makes adjustments to the 2012-13 budgets for the difference between the estimated 2012-13 beginning fund balances and the 2011-12 unaudited actual ending fund balances. This resolution affects all funds requiring an adjustment.

Budget Implication:

Budget impact varies depending on the fund and is shown within the resolution.

Action:

On the motion of Mrs. Piercy and duly seconded, the Board of Trustees adopted Resolution No. 2012/13-B-07.

The roll call vote follows:

Ayes: Trustees Smith, Randle-Trejo, Piercy, and O'Neal

15.3 **Resolution No. 2011/12-B-06, Accounting of Developer Fees Report for 2011-12**

Background Information:

Government Code Sections 66001(d) and 66006(b) require the District to make an annual accounting of the developer fees available to the public, and be reviewed by the Board of Trustees. These fees are recorded in the Capital Facilities Fund and are received from new residential and commercial/industrial development to mitigate the impact of new development on school facilities of the District. The District is required to provide the following information for the prior fiscal year:

1. Amounts collected
2. Amounts of interest earned
3. Amount spent on projects to accommodate additional enrollment from new residential and commercial/industrial projects

Pursuant to statutory requirements, the District made the report available to the public not less than 15 days prior to the District's Board meeting. It is available in the Accounting Department.

Current Consideration:

The attached financial report is for the 2011-12 fiscal year Developer Fee activity that is to be made public and be approved by the Board of Trustees.

Budget Implication:

There are no budget implications to this resolution. This is a reporting of the developer fee financial information only.

Action:

On the motion of Mrs. Smith and duly seconded, the Board of Trustees adopted Resolution No. 2012/13-B-06.

The roll call vote follows:

Ayes: Trustees Smith, Randle-Trejo, Piercy, and O'Neal

SUPERINTENDENT'S OFFICE

15.4 **CSBA Delegate Assembly Nominations**

Background Information:

CSBA's Delegate Assembly is a vital link in the association's governance structure. Working with local districts, county offices, the Board of Directors and Executive Committee,

Delegates ensure that the association reflects the interests of school districts and county offices of education throughout the state.

Current Consideration:

The Board of Trustees is requested to consider nominations for representatives to the California School Boards Association (CSBA) Delegate Assembly. Due to the size of the Anaheim Union High School District, one (1) of its Board members is selected annually, at the organizational meeting in December, to serve on the CSBA Delegate Assembly.

This item is to consider nominating an additional Board member, or members, from the District, and/or from another district within Region 15, to run for election to the CSBA Delegate Assembly. The term of office is April 1, 2013, through March 31, 2015. The Board may nominate as many individuals as it chooses, but must submit a letter of nomination, or a nomination form for each. In addition, all nominees must submit a required biographical sketch and nomination form. Nominations must be postmarked by Monday, January 7, 2013.

Budget Implication:

There is no impact to the budget.

Action:

It was the consensus of the Board that this was a duplicate item (as on the assignment to committees); therefore, no action was taken.

15.5 **Procedure for Filling Vacant Board Position**

Background Information:

On November 6, 2012, Trustee Jordan Brandman was elected as a member of the Anaheim City Council. As anticipated Trustee Brandman will be sworn in to the city council on Tuesday, December 11, 2012, and as a result Trustee Brandman has resigned as Trustee of the Anaheim Union High School District. Trustee Brandman's resignation has created a vacancy on the Board of Trustees. The term Trustee Brandman was elected to does not expire until December 2014. The Board of Trustees will need to fill the vacancy created by Trustee Brandman's resignation.

Current Consideration:

Pursuant to Education Code Section 5091 and Board Policy 10221, the Board of Trustees is required to fill any vacancy by making a provisional appointment, or calling for a special election. The Board of Trustees must complete this process within 60 days of the vacancy. If the Board of Trustees does not make a provisional appointment, or order an election within 60 days, the county superintendent of schools will call for an election to fill the vacancy. Board Policies 10111 and 10221 and Education Code Section 5091(a) outline other procedural information on the filling of a Board vacancy.

Budget Implication:

A provisional appointment to fill the vacancy has no budget impact. A special election to fill the vacancy will require the District to fund the cost of a special election.

Action:

On the motion of Mrs. Piercy, duly seconded and unanimously carried, following discussion, it was the consensus of the Board to fill the vacant seat with a provisional appointment.

16. **CONSENT CALENDAR**

The Board will list consent calendar items that they wish to pull for discussion.

On the motion of Mrs. Piercy, duly seconded and unanimously carried, following discussion, the Board of Trustees approved/ratified the following Consent Calendar.

BUSINESS SERVICES DIVISION

16.1 **Agreement, American Municipal Tax-Exempt Compliance Corporation (AMTEC)**

Background Information:

Internal Revenue Regulations require arbitrage rebate computations to be completed no later than five years from the date of a bond issuance, and every five years thereafter. An arbitrage computation is also required to be done after a bond refunding is done.

Current Consideration:

The District just completed a GO Bond refunding in October. This arbitrage study will bring the District current with all GO Bond arbitrage requirements. The Board of Trustees is requested to approve the agreement with American Municipal Tax-Exempt Compliance Corporation (AMTEC).

Budget Implication:

The cost of the computation is \$7,500. (Special Reserve for Capital Outlay Fund)

Action:

The Board of Trustees approved the agreement with AMTEC.

SUPERINTENDENT'S OFFICE

16.2 **Institutional Membership**

Anaheim Chamber of Commerce, December 1, 2012, through November 30, 2013, \$200. President and CEO Todd Ament has approved a reduction for the past three (3) years. This is the last year of the reduced rate. (General Funds)

Action:

The Board of Trustees ratified the membership with the Anaheim Chamber of Commerce.

17. **SUPERINTENDENT AND STAFF REPORT**

Dr. Novack congratulated the Board members on their newly elected positions. She thanked Mrs. Dominguez for taking the minutes. She also reminded everyone that AUHSD does not have a community service requirement, yet she noted the various schools and the District Campus staff who are actively participating in food and toy drives for needy families in the community. Dr. Novack wished everyone a safe and happy holiday.

Dr. Sevillano wished everyone a restful and fantastic holiday.

Russell Lee-Sung also wished everyone a happy holiday.

18. **BOARD OF TRUSTEES' REPORT**

Mrs. Smith commended everyone who is participating in the food and gift drives. She wished everyone a happy holiday.

Ms. Randle-Trejo noted her attendance at the Health and Welfare Fair at Ball Junior High School, swearing in ceremony at the Anaheim City School District, and the Anaheim City Council meeting where Jordan Brandman took his Oath of Office.

Mrs. Piercy reported on her attendance at the GASELPA meeting and wished everyone a happy holiday.

Mr. O'Neal commented on the Anaheim City Council swearing in ceremony for Jordan Brandman, as well as the celebration of life for Lexington Junior High School teacher Richard Barrington.

19. **ADVANCE PLANNING**

19.1 **Future Meeting Date**

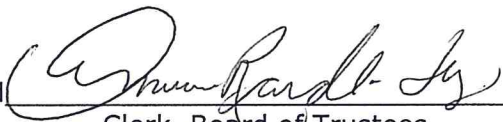
The next regular meeting of the Board of Trustees will be held on Thursday, January 24, 2013, at 6:00 p.m.

19.2 **Suggested Agenda Items**

There were no requested agenda items.

20. **ADJOURNMENT**

On the motion of Mrs. Piercy, duly seconded and unanimously carried, the Board of Trustees adjourned the meeting at 7:44 p.m.

Approved 
Clerk, Board of Trustees