

Fountain Valley School District
Superintendent's Office

REGULAR MEETING OF THE BOARD OF TRUSTEES

10055 Slater Avenue
Fountain Valley, CA 92708

April 16, 2013

MINUTES

President Crandall called the regular meeting of the Board of Trustees to order at 6:30pm.

CALL TO ORDER

The following board members were present:

ROLL CALL

Sandra Crandall	President
Jimmy Templin	President Pro Tem
Judith Edwards	Clerk
Ian Collins	Member
Jeanne Galindo	Member

Motion: Mr. Collins moved to approve the meeting agenda.

AGENDA APPROVAL

Second: Mrs. Edwards

Vote: 5-0

There were no requests to address the Board prior to closed session.

PUBLIC COMMENTS

Mrs. Crandall announced that the Board would retire into Closed Session. No action was anticipated. The following would be addressed:

CLOSED SESSION

- Personnel Matters: *Government Code 54957 and 54957.1*
Appointment/Assignment/Promotion of employees; employee discipline/dismissal/release; evaluation of employee performance; complaints/charges against an employee; other personnel matters.
- Public Employee Performance Evaluation: *Government Code Section 54957 & 54957.1*
The board will meet in closed session to discuss the annual performance evaluation of the superintendent.

The public portion of the meeting resumed at 7:00pm

Members of Cub Scout Bear Dens 791,792 & 297 led the Pledge of Allegiance.

PLEDGE OF ALLEGIANCE

SPECIAL PRESENTATIONS

It is an interest of the Board of Trustees to recognize students who display high achievement, improvement or extraordinary effort. The Board recognized six outstanding students from Tamura School. From Tamura School, the Board recognized Reese Proli (K), Emma Valenzuela (1st), Audrey Rush (2nd), Jack Falkenstien (3rd), Mindy Doan (4th), and Taylor Tran (5th). Principal Jay Adams joined parents and staff members in celebrating these students and their accomplishments this year.

RECOGNITION OF TAMURA STUDENTS

It is an interest of the Board of Trustees to recognize outstanding parent volunteers who give generously of their time and talents to our schools. From Tamura School, the Board recognized and thanked Marina Hernandez and Yolanda Mathey-Chavez. Principal Jay Adams joined staff and members of the PTO in thanking these parents for all that they do for Tamura School.

RECOGNITION OF TAMURA PARENT VOLUNTEERS

Each year, the Board of Trustees honors those volunteers who have made an outstanding contribution to education in the Fountain Valley School District. The Outstanding Service Award is based on service and leadership given beyond the local school and includes participation on district committees, councils, task forces, as well as local school service. Board President Sandra Crandall and board representative to the Outstanding Service Award Jimmy Templin presented the 2012-13 Outstanding Service Award to Lisa Schultz and thanked her for her ongoing commitment to all of the students of the Fountain Valley School District.

OUTSTANDING SERVICE AWARDS PRESENTATION

STAFF REPORTS AND PRESENTATIONS

Orange County Department of Education Counsel Ron Wenkart presented a review of the Brown Act for the Board of Trustees. He reviewed the purpose and scope of the Brown Act including the definition of meetings subject to the Brown Act. He reviewed prohibited communication examples and exceptions to the definition of a meeting. He reviewed the requirements of open meetings including teleconferencing. He reviewed attendance at meetings and the requirements for accommodations for public attendance. In addition, he explained the requirements surrounding notices, location of meetings, and agendas. He explained special meetings and the requirements of special

BROWN ACT PRESENTATION

meetings. He also reviewed closed sessions and authorized closed session topics including personnel matters, salary negotiations, and sample language for closed session items. He explained public reporting of closed session action and disclosure of confidential information. He reviewed participation in public meetings, including public record requests and disorderly conduct during board meetings. And lastly, he reviewed penalties for violation of the Brown Act and actions to prevent violations and actions alleging past violations of the Brown Act.

Mr. Collins asked if texting between board members during a board meeting is a violation. Mr. Wenkart explained that while it may or may not be a violation depending on whether or not it is a serial communication involving more than two board members, it does give the impression that there could be a violation.

Mrs. Crandall asked regarding public reports of closed session action if the public can request copies of the paperwork. Mr. Wenkart explained that they can and so if possible, the Board should take a break between closed session and open session to let the individual involved know what action will be taken by the Board prior to reporting it out to the public. He explained that in this way we try to plan ahead and while we want to comply with the Brown Act we don't want to cause any embarrassment for the employee involved. Mrs. Crandall also asked how many board members should be touring a school together. Mr. Wenkart explained that there should be no more than two, as any additional would be a violation of the Brown Act unless a special meeting is called and it is noticed and the general public can then go along. Mrs. Edwards thanked Mr. Wenkart for his presentation this evening. Dr. Ecker joined Mrs. Edwards and Mrs. Crandall in thanking Mr. Wenkart for his presentation and of his leadership of the Orange County Department of Education's legal team.

Assistant Superintendent, Business, Stephen McMahon presented and reviewed with the Board of Trustees an update of the Energy Savings Program with Chevron Energy Solutions. He explained that since the last meeting, a letter went to homes that may be visually impacted by the solar installations, information was posted to the district web site including renderings of each site and the proposed location of solar installations. He reviewed the major elements of the proposed plan and the program costs and options. He detailed the pros of the program including that it is fiscally sound with rebates, lowers rates, the ability to take advantage of Prop. 39 funds and cheap borrowing and provides a positive net cash flow; it is environmentally prudent and sends a visual message to our community, showing that we are forward thinking and creative and use our resources wisely; and lastly it is

ENERGY SAVINGS
PROGRAM
PRESENTATION
(WRITTEN AND ORAL)

synergistically motivated in that it combines all of the above with educational opportunities for our students. He also noted the cons in that some may not like the visual changes and may be skeptical of the information provided.

Mr. Templin requested an email of the pros and cons from Mr. McMahon. He noted that he has been discussing this with families in the community. He noted their question of whether or not the panels could be placed on the roofs instead. A representative from Chevron explained that when doing this you must take into consideration the age of the roof system, explaining that while the solar systems last 20-25 years, roofs cannot be expected to last this long. This necessitates placing a rack on the roofs and then installing the panels to the rack. He explained that if then repairs are to be made to roof, it will then involve removing the racking systems in order to reroof. He explained that while it can be done, it is not something they do often as you will inevitably need to replace the roof prior to the end of the life of the solar systems. He noted however though that the approval process through DSA will be much longer given the use of the facilities as classrooms for roof installations. Mr. Templin noted that every person he talked to asked about the roofs. He explained that most families that he spoke to do not want the parking lot. Their concerns led him to ask how creative we can be, including using solar panels to replace current shade structures, etc. Ms. Gentilini explained that the elements to consider when thinking of placement include proximity to electrical, fire lanes, etc., placements that can maximize return on investment and cost. Mr. Templin thanked Chevron for their patience and work.

Mrs. Edwards noted that she only received one email from the community noting that they did not care for the panels, based upon aesthetics.

In response to Mr. Collins' question, Mr. McMahon explained that the panels would supply 50% of the energy for the district annually. Mr. Collins noted his feeling that the parking lots do seem to be the most practical of locations and there are some advantages to this, including protection for cars and being away from the sites in terms of earthquakes and access to the energy spots on campus.

Mrs. Galindo reiterated some of Mr. Templin's comments and stated her impression that Chevron would be willing to work with those neighborhoods most highly impacted by the aesthetics of the parking lots. She noted understanding considerations like distances to the generators, etc. She noted that she wants to be assured that those people in those neighborhoods would have more than just input but agreement from Chevron to put those

solar panels where they would not impact their property value. She explained that if she were living across the street in a two-story home and a master bedroom were upstairs and she looked out and she saw solar panels; she thinks that this person needs to be given a lot of consideration in making the decision because it is their home and they need to provide input and we need to find another place to put them in those locations. She noted that she is in favor of the project in terms of the savings, the use of solar energy, noting it is something that she is comfortable with but, she is not hearing tonight what she thought she would hear: that our citizens would get final approval. Ms. Gentillini explained that the idea is to do a community outreach, showing where the solar is going and why these locations were chosen and also have the opportunity to hear what the community has to say. She noted the success of the project at Sea Cliff Elementary with several very expensive homes that look down on the solar panels and not one person had anything but positive remarks to say, noting the excitement about having shade for the cars and students. Ms. Gentillini noted the importance of having the community outreach and taking all the comments in to then bring back to the board for them to make the decision as to move them or not. She noted that Chevron is definitely open to hearing all of the comments and feedback that the community has to offer as well as the opportunity to share with them what they plan on doing and the positive impacts that the project will have for the District in terms of financial savings, environmental impact, and STEM involvement. She explained that the board is still hearing the same thing that Chevron explained last time in that they will do the community outreach and hear what the community has to say and will then bring this back to the board for them to make the decision as to how to proceed. She explained that ultimately the decision will be the Board's and Chevron will support whatever decision the board makes. Mrs. Galindo explained that her decision would be based upon what the citizens in that neighborhood have to say about it, noting that she wants our citizens to feel empowered.

Mrs. Crandall asked Ms. Gentillini to review the guaranteed savings, noting the concern that if over a certain period of time we did not save enough we would have to go into our General Budget. Ms. Gentillini explained that the savings are guaranteed by Chevron. Annually Chevron will review the production for the year and if there is a shortfall between what is projected as savings for the district and what is actually produced and saved for the district, Chevron will write a check to the district for the difference.

Mr. McMahon addressed the tradesman working on these projects

when we have open bids going out. He explained that these will be typical construction bids in that anyone who is a qualified bidder can submit a bid as we are not limited to only one type of group, union or nonunion, etc. Mr. McMahon confirmed for Mrs. Crandall that this is consistent with how the district has always dealt with these types of projects.

Mrs. Crandall asked if the community outreach will occur prior to shovels going into the ground. Ms. Gentillini confirmed this, noting the various ideas that Chevron has developed and the marketing team excited to work with whoever would like to step up and be a part of planning the outreach. She reiterated that this is not about Chevron but about the district and Chevron is not successful unless the district is successful in achieving their mission.

Mrs. Crandall noted her visits to Dwyer and Smith Schools. She noted that at Smith she had trouble finding the solar panels as it became a shade cover internally for the lunch area, very unobtrusive. At Dwyer School, she noted that the two structures are set at least 150 yards back and there is no one looking down on them at all. She noted that the visit did give her a good understanding of the massiveness of the structures. She explained that like those that Mr. Templin spoke with, no one that she spoke with wants these in the parking lots. She noted that as Chevron has been to two of our meetings, the public is invited to attend but they do not and for two reasons being that this is a well-run and well managed district and they have a high regard in their elected, knowing that the board will make the right decision for the right reasons. She noted that if the decision to vote on the five schools with solar systems proposed for the parking lots was presented as a standalone decision, she would vote no based upon the community's input. She noted her agreement with her fellow board members that this is a forward thinking project; she appreciates the savings and agrees with option A-.

Dr. Ecker noted that the program makes common sense for a district desperately in need of money with programs having been severely cut. He confirmed that following the community outreach, Chevron will be bringing back all of the community input for the board to receive prior to making their decision.

Mr. Templin asked if we will be buying or leasing the panels.

Mr. McMahon explained that it is a leased purchase, meaning that at the end of the lease they are ours. Ms. Gentillini explained that unlike a power purchase agreement, in this situation we are leasing to own where all of the power produced, the savings and the incentives all belong to the district. Once the lease is paid off, it just becomes free energy that is produced year after year.

STUDY SESSION

President Crandall began the study session on Board Interests by reviewing the interests for 2012-13. Regarding the current Interest 1, Mrs. Edwards expressed interest in moving this interest forward. The Board agreed to carry this forward as is.

Regarding current Interest 2, Mrs. Crandall noted that this has been an interest for the past 3 years, this being the 4th year. It was decided to leave this for a moment to be discussed further. Mrs. Galindo asked if there can only be 5 board interests. Mrs. Crandall explained that yes this is true.

Mrs. Crandall noted that interest 3 has been pretty much institutionalized and as such can come off. Mrs. Edwards noted her feeling that it is institutionalized; Mr. Templin agreed noting that it has become a part of our culture. Mr. Collins explained his thought that we need to tap our business community within Fountain Valley. Dr. Ecker noted as well that is institutionalized and as some interests before the board have been, it can be taken off the list for now. Based on Board consensus, Interest 3 was taken off the list.

Mrs. Crandall noted that Interest 4 needs to be addressed in terms of viability, noting that we always want to make sure that interests align in viability. It was agreed to remove Interest 4 as this is already a best practice in our district.

Regarding Interest 5, Mr. Collins noted that this is valuable. Mrs. Crandall noted the great deal of reading involved. Mrs. Edwards noted that in truth we have huge agendas that prevent us from doing fun things. Based on Board consensus, it was decided to keep Interest 5 on the list.

Mrs. Galindo asked whether or not the development of a Saturday School program similar to that currently in place in Ocean View would be considered a board interest. Mrs. Crandall noted that it would fall within the realm of board interests and noted that she did pass on the contact information from the presentation to the surrounding board presidents to Mr. McMahon. She noted that while she had thought that this program came about to address excessive absences, although this is not the case. She explained that Ocean View mirrors our attendance at 97.4 percent and they have found it highly successful. She noted that this could be a board interest but it would take a lot of staff time and resources. Dr. Ecker noted that while he has heard some mixed feelings about the program, he is interested in learning more of the cost and staff requirements necessary to produce such a program. Mr. McMahon explained that generally the purpose of these programs is to make up for lost attendance although it is not entirely this way at Ocean View. He said that this program will involve some

**BOARD INTERESTS
STUDY SESSION**

additional research. Mrs. Crandall noted that depending on the wording, we could explore this as a revenue generator and the opportunity for backfill for some of the teachers for lost furlough days.

Mr. Collins noted his interest in seeing the district increase their profile within the community. He explained that it could be on several levels including an educational and publicity level and may involve hiring a consultant for several months to advise us. He noted that we have developed quite a few educational strategies and we know our district does well and yet there are quite a few people that live in our community and do not know about our district. Mr. Collins noted that there are far too many members of the community that do not know about us and the value that we bring to the community. The other members of the Board were not opposed to this idea.

Mr. Templin noted that he did not have anything new to add and he is excited about the current ideas. Mrs. Edwards noted the same.

Mrs. Crandall noted her concern with the music program looking different, noting the research on the benefit of music in terms of brain development and the tie-in to math. She noted that the one instrument all students come to school with is their voice. She expressed her interest in having some sort of board interest to see how we can plug the hole in vocal music, perhaps like adding the ST Math program's music component. She noted her feeling that this is a void that will be there yet the benefits of music are so high. Mr. Templin noted his agreement. He noted that when we found out recently that the non-profit we were looking to use fell through he did not look at it as a board interest but would like to be very proactive in plugging this hole. He explained that he has reached out to other entities that may be able to have the capacity to do this and he noted his plan to include this as a new business item once he has more information. He explained that anything that we can do to keep this on the forefront he agrees with.

Ms. Silavs explained that we were considering working with the Youth Center for our elementary, grades 3-5, instrumental music education. Due to internal changes, they have agreed not to reach out and partner with other districts except for Los Alamitos at this time. Consequently, Ms. Silavs reached out to the OCDE who provided two leads. She was able to make contact with the Arts and Learning Conservatory that does this sort of program and may be a better fit for us in terms of 2 classes, 30 minutes a week, similar to the current program with a similar price point. She noted a meeting scheduled this month with this group and Mr. Irons from FVHS and noted her hope that this will be a viable alternative for us. Ms. Silavs also mentioned the desire for a

vocal program similar to Mr. Tison's, which the Arts and Learning Conservatory director seemed open to and it will be a part of the discussion as well this month. In summary the discussion with the conservatory later this month will include an instrumental program for grades 3-5, as well as a vocal program, all after school programs, conducted by the conservatory. Given this, Mrs. Crandall noted that this will come up under Ms. Silavs' goals instead of board interests.

Regarding Interest 2, Mr. Collins noted his desire to eliminate this based on money and resources. He explained that perhaps this would work better at a unified or high school district. Mr. Templin noted his agreement with Mr. Collins that at this time it may not be viable and that perhaps with all of the technology we are doing we can become a technology magnet. Mrs. Edwards agreed based on the number of programs going on. Mrs. Galindo agreed. It was agreed to take Interest 2 off the list.

Mrs. Crandall requested that Dr. Ecker work up some language regarding exploring the possibility of a Saturday School program as a fiscal revenue generator as well as wording on increasing the profile of the district.

BOARD REPORTS AND COMMUNICATIONS

Mrs. Galindo congratulated Fulton on their recognition as a California Distinguished School. She noted that she also researched more on Common Core Curriculum. She met with Mr. McMahon regarding the Chevron project and she congratulated Franck Bideau and the FVEF on winning the Mr. Fountain Valley pageant, an event she enjoyed attending.

BOARD REPORTS AND COMMUNICATIONS

Mrs. Edwards noted that the Mr. Fountain Valley pageant was a memorable event that she enjoyed. She also attended with Dr. Ecker and Mrs. Crandall meetings with Assemblyman Travis Allen and Senator Lou Correa.

Mr. Templin attended the State SELPA meeting, noting he will be on the new State Technology Committee. He enjoyed the Mr. Fountain Valley pageant as well as the FVEF meeting. He researched the Chevron project and solar panels and received feedback from the community on this project. He thanked Dr. Ecker for connecting him with Brian Rechsteiner from HBCSD who spoke highly of Chevron.

Mr. Collins attended the ACE meeting and enjoyed the China delegation where they visited three schools, noting it was a wonderful trip with two principals who did a wonderful job in

showing how we do instruction here to our hosts. He thanked Ms. Silavs for her organization for the delegation.

Mrs. Crandall congratulated Fulton School for their California Distinguished School award. She met with both legislators, both new to their areas, noting they were excellent listeners. She attended the Rotary Most Improved Student breakfast, as well as the FVEF fundraiser, the March FVEF meeting, and the monthly meeting with the 6 surrounding board presidents. She thanked the board for their service this month.

PUBLIC COMMENTS

There were 2 requests to address the Board. One member of the community addressed the Board regarding CAC meeting minutes. Member of the Surplus Property Committee, Tony McCombs addressed the Board regarding the recommendation of the committee. Mr. McMahon also added information regarding the work of the committee and noted the next steps for the Board if the property is declared surplus.

PUBLIC COMMENTS

LEGISLATIVE SESSION

Motion: Mr. Collins moved to adopt the Resolution 2013-20 to Adopt Required Findings and Approve Energy Service Contract with Chevron Energy Solutions Company.

Second: Mrs. Edwards

Mr. Templin asked if the Board is now deciding which option to choose. Mr. McMahon explained that the proposed amount is for option A-.

Vote: 5-0

**RESOLUTION 2013-20
TO ADOPT
REQUIRED FINDINGS
AND APPROVE
ENERGY SERVICE
CONTRACT WITH
CHEVRON ENERGY
SOLUTIONS
COMPANY**

Motion: Mrs. Edwards moved to adopt Resolution 2013-21 to Authorize the Execution and Delivery of a Lease/Purchase Agreement Regarding the Acquisition, Purchase, Financing and Leasing of Certain Equipment for the Public; Authorizing the Execution and Delivery of Documents Required in Connection Therewith; and Authorizing the Taking of All Other Actions Necessary to the Consummation of the Transactions Contemplated by this Resolution.

**APPROVE
RESOLUTION 2013-21
TO AUTHORIZE THE
EXECUTION AND
DELIVERY OF A
LEASE/PURCHASE
AGREEMENT
REGARDING THE
ACQUISITION,
PURCHASE,**

Second: Mrs. Galindo

Vote: 5-0

FINANCING AND
LEASING OF
CERTAIN
EQUIPMENT FOR
THE PUBLIC
BENEFIT;
AUTHORIZING THE
EXECUTION AND
DELIVERY OF
DOCUMENTS
REQUIRED IN
CONNECTION
THEREWITH; AND
AUTHORIZING THE
TAKING OF ALL
OTHER ACTIONS
NECESSARY TO THE
CONSUMMATION OF
THE TRANSACTIONS
CONTEMPLATED BY
THIS RESOLUTION

Motion: Mr. Collins moved to approve the Recommendation of the Surplus Property Committee.

Second: Mr. Templin

RECOMMENDATION
OF SURPLUS
PROPERTY
COMMITTEE

Mr. Collins thanked the committee and Mr. McCombs for his leadership.

Vote: 5-0

Motion: Mrs. Edwards moved to approve the Consent Calendar.

Second: Mrs. Galindo

CONSENT
CALENDAR/
ROUTINE ITEMS OF
BUSINESS

Vote: 5-0

The Consent Calendar included:

- Board Meeting Minutes from the March 28th meeting
- Personnel Items (Employment Functions, Workshops/Conferences, and Consultants)
- Donations
- Warrants
- Purchase Order Listing

- Budget Adjustments
- Resolution 2013-12: In Celebration of May 8, 2013 as California's Day of the Teacher and May 6-10, 2013 as Teacher Appreciation Week
- Resolution 2013-13: Fountain Valley School District's Classified Employee Week: May 20-24, 2013
- Resolution 2013-14: Resolution of Appreciation to Our School Nurses on National School Nurse Day, May 8, 2013
- Proclamation of Appreciation to Our Speech/Language Pathologists During May 2013: Better Speech and Hearing Month
- Williams Quarterly Report for Third Quarter 2012-13
- Approval of Retainer Agreement for Legal Services with Margaret A. Chidester & Associates
- Single Plans for Student Achievement
- Notice of Layoff for Classified Positions

NEW ITEMS OF BUSINESS

- Dr. Ecker Thanked the Board for their support of the delegation going to China.
- Dr. Ecker Thanked Mr. Hastie, Mr. Millett, Mr. McMahon and the Chevron team and all who did the work since the last board meeting to get all of the information out to the community and on the web site. He noted he is excited to hear the results of the community outreach.
- Dr. Ecker Thanked Mr. McCombs for his attendance this evening and his service on committee.
- Dr. Ecker Thanked Mrs. Crandall for her leadership on the interest discussion this evening.

ADJOURNMENT

- Motion:** Mr. Templin moved to adjourn the meeting at 10:52pm.
- Second:** Mrs. Edwards
- Vote:** Unanimously approved

/rl