

NEVADA COUNTY BOARD OF EDUCATION
Regular Meeting
Wednesday, November 9, 2011
2:00 p.m.

Nevada County Superintendent of Schools
Houser Conference Room
112 Nevada City Highway, Nevada City, CA 95959

Minutes

I. Meeting called to order at 2:00 PM. By Altieri

II. Established quorum

Altieri	present
Meeks	present
Slade-Troutman	present
Michael	present
Voss	present

III. Salute to the flag was led by Michael.

IV. Additions to the Agenda - none

V. Adoption of the Agenda

**On a motion by Slade-Troutman and seconded by Voss, the agenda was adopted as presented.
The Motion passed unanimously.**

VI. Closed Session at 2:01 PM

A. Pending Litigation, Conference with Legal Counsel (Govt. Code §54956.9 (b))

VII. Open Session

A. Announcement from closed session

i. A discussion was held regarding the pending litigation; no action was taken.

VIII. Opened public forum – Recognition of members of the audience wishing to address the board:

A. Don Herrmann wished to reserve his comment later during the meeting.

B. Annette Goodly, Beale AFB School Liaison Officer, offered a flyer for their new 'Exceptional Family Program', which Sue Nichols will be heading up.

IX. Closed public forum

X. Approval of the Consent Agenda

These items are expected to be routine and non-controversial. They will be acted upon by the Board at one time without discussion, unless a trustee or citizen requests that an item be removed for discussion and separate consideration. In that case the designated item(s) will be considered following approval of the remaining items.

A. Approval of minutes of the Regular meeting of October 12, 2011

**On a motion by Voss and seconded by Slade-Troutman, the agenda was adopted as presented.
The Motion passed unanimously.**

XI. Action Items - none

XII. Discussion Items

A. NCSOS Facilities Discussion

Supt. Hermansen handed out a memo regarding NCSOS Facilities. NCE's facility availability was the origin of our recent facility discussions. When it was realized that NCE would not be available, it opened up the question of 'What if there was a facility available?' Supt. Hermansen thought it best to present a summary to the Board.

Slade-Troutman presented a memo clarifying her position in regards to facilities and discussed Ed. Code 1040 and 1042. Slade-Troutman is concerned that they have not sat down as a board and agreed that we need to look.

Meeks was concerned about squeezing our current 24,000 sq. ft. of facilities into 12,000 sq. ft. Meeks stated that we have a responsibility to the public to explore options.

Michael summarized his view of facilities concerns. The Superintendent is informing the Board that the needs of the SOS are changing, and is requiring improvements, which puts us at the discussion phase now. We should center the discussion around a strategy of movement of space and look at cost. Can we better our current costs? Annex's lease is currently up for renewal; cost of lease may be improved now; it doesn't make sense to lock into the current price. Slade-Troutman agreed with Michael's points, and agrees this should be negotiated in closed session.

Altieri advised that we have a duty to the public to investigate possibilities for cost savings options.

It was also agreed to wait one month; if the CDE's response was not favorable to the Crown Pont Circle and Whispering Pines facilities, we would move forward with lease negotiations.

Brown Act allows for Lease Negotiations to be done in closed session to protect all parties involved until all conditions of the lease are finalized. At which time it is announced in public session.

No other comments.

XIII. Information Items

A. Assignment Monitoring Report – Regina Reno presented her report.

XIV. Reports

A. Board member reports

1. *SARB*, Meeks – There were no cases to be heard this month.
2. *Budget Review Committee*, Slade-Troutman/Meeks – Slade-Troutman complimented Fitting on the surplus and passed around the graph created by Fitting. An Agenda sent out previous to the Committee meeting would be appreciated.
3. *Legislative*, Voss – SB 857 was signed by the Governor which forbids PERB from awarding an employer damages suffered because of an unlawful strike.
4. *NCSBA*, Michael – Michael attended the November 3rd meeting. Teacher of the Year dinner was held. Financial results are positive, \$1075 currently in the bank with some surplus spent down. NCSBA is working with CSBA to offer training in Effective Governance and Brown Act. Next meeting is set for January 5, 2012.
5. *Individual Board member reports* – Slade Troutman brought up Senator Simitian's request for school boards to adopt a sample resolution for the constitutional amendment he introduced that would allow parcel taxes sought by school districts to be approved by a 55-percent margin, rather than a two-thirds vote. The Board agreed to place item on hold before taking any action.

B. Superintendent's Report

1. Countywide Emergency Planning – Two meetings have been held, Board members are welcome to join in. Important to have a consistent plan across our schools. Currently a comprehensive countywide plan is being worked on.

2. Holiday Party – December 16 at Stonehouse in Nevada City. Event will be a potluck; flyer to follow.
3. School Food Update - There is interest in moving forward. Locally grown healthy foods which are less prepackaged and are prepared on-site. They are looking for available funding. Slade-Troutman is interested in helping.
4. TDAP – School Nurses were recognized by Nevada County Health & Human Services – At last months Annual Awards event, our nurses were recognized for their efforts in making sure every 7th-12th grade child is immunized for pertussis (whooping cough)
5. NCSOS Photo ID – Most school districts and COE's currently have a photo ID. ID's are important to have, especially if working or visiting a school site. We are currently making ID's for staff.

C. Staff Reports

1. *Curriculum and Instruction* – Miller explained we are continuing with Staff Development for the districts.
 - a. Transitional Kindergarten (TK) begins September 2012. We are hosting a workshop for principals and administrators on curriculum to help them develop a TK Program.
 - b. Toddler Program at Sierra College received a \$1000 donation from Briar Patch for landscaping.
2. *Business Services* – Fitting reported that the audit is complete and went well; there were no significant findings.

Business Services is working on the Charter Schools 1st Interim; cash flow continues to be an issue.

Fitting had an encouraging meeting with the County Treasurer discussing short term financing.

XV. Future agenda items

- A. Approval of Annual Calendar
- B. Audit Report
- C. Organizational Meeting
- D. First Interim Fiscal Report of 2011-12 Budget
- E. Facilities

XVI. Correspondence

- F. CSBA Call for County Nominations for CSBA Delegate Assembly

XVII. Adjournment at 4:30 PM

Next Meeting Date: Wednesday, December 14, 2011, 2:00 p.m., 112 Nevada City Highway, Nevada City

Approved: _____

Robert Altieri, President

Date: December 14, 2011

To: Nevada County Board of Education

From: Marianne Slade-Troutman and Jack Meeks

Date: October 12, 2011

Re: Building Visitations

Jack and I went to visit our two other office sites on Wednesday, October 5th. We did this as it is the board's responsibility to house the County Superintendent and her staff. This is our report.

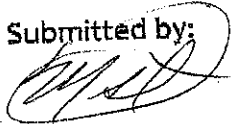
We paid a visit to the NCSOS Annex located at 117 New Mohawk Road, Nevada City. The building is 2944 square feet and houses the Charter Business Services and some other specialized services (Indian Education, Foster Youth Services, etc). NCSOS leases this building for \$44,000 annually (\$1.25 per square foot). The staff were very friendly and eager to tell us about their services and their enjoyment of being housed in the Annex. They don't feel removed from the NCSOS Main Office as they are less than 5 minutes by car and can perform most other functions by either email, or fax. They believe their office is very efficient and are happy at the current location.

We then went to the Terence K. McAteer Family Resource Center located at 400 Hoover Lane, Nevada City. This building is 14, 557 square feet. If you eliminate the pool complex, the Team 3 Counseling Center, First Five Commission and the CCS room, the building is about 9,000 square feet of which is occupied by many NCSOS special education personnel. Each of these entities is paying a monthly portion of the gas, electric, garbage and maintenance costs. The facility is also less than 3 minutes away from the Main Office. In talking to the many staff members, they were very happy with their current offices and felt the building suited their needs. Jack walked the back playground area and found it plenty large enough to accommodate three portables which could be used to house the Annex staff. Obviously, the \$44,000 in lease payment could be used to afford the purchase payments and upgrades needed for these portables at this solar generated facility.

November 9, 2011

- Education code 1042 c puts the responsibility to house the county superintendent with the board of education. Prior to the 1980's our office was a fiscally dependent agency of the County of Nevada. They housed us and oversaw our budget. I was on the Board of Education at the time that we became fiscally independent from the County of Nevada. It became the County Board of Education's responsibility then and it continues now, under Education Code 1042c, to house the offices of the County Superintendent. Furthermore, it became our responsibility, under Education Code 1040, to oversee and approve the budget of the County Superintendent. Our role and responsibilities, as a Board of Education, are clearly defined and detailed.
- Under Education 1040d, the County Board is also provided the ability to contract for services in the areas of legal, fiscal and facilities expertise. For example, the Board is able to contract with our own attorney to discuss legal matter or contract with a CPA to discuss and review fiscal matter relating to the budget of the County Office or contract with facilities expert to assist us regarding housing the offices of the County Superintendent. I bring this to my fellow board members so that we better understand our roles and responsibilities.
- Jack Meeks and I toured the existing buildings (Annex and TKM Center) and found the staff to be happy and efficient at their current sites and not wanting to move.
- Many county offices and school districts throughout California have multiple sites some at great distances apart with efficient and productive staffs. Our current sites are only 3-5 minutes apart. Due to modern technology through the use of email, fax, videoconferencing and conference calling making the staffs in these different locations as close as if they were in the next room.
- Currently, we are in a secure economic position—we own our two buildings free and clear with room for expansion at our current sites.
- The board and superintendent are in the business of education not property management.
- During these uncertain times of pink slips, staff and program cutbacks, we need to enhance our focus on student programs.
- Rather than looking for a new facility, that may not be needed, the discussion should be centered around using our current sites to their highest and best use.
- Further cuts are coming from the state due to the unstable and erratic economy. Working as a team to save jobs, assist our districts, keep youth programs and put children first should be our first priority.

Submitted by:



Marianne Slade-Troutman

ARTICLE 2. DUTIES AND RESPONSIBILITIES

Section

- 1040. Duties of boards.
- 1041. Powers of boards.
- 1042. Additional powers.
- 1043. Transfer of functions from county board of supervisors to county board of education.
- 1044. Copyrights.
- 1045. Sale and use of published and copyrighted material.
- 1046. Handicapped persons' dormitories.
- 1047. Eminent domain.

§ 1040. Duties of boards

County boards of education shall:

- (a) Adopt rules and regulations not inconsistent with the laws of this state, for their own government.
- (b) Keep a record of their proceedings.
- (c) Approve the annual budget of the county superintendent of schools before its submission to the county board of supervisors.
- (d) Approve the annual county school service fund budget of the county superintendent of schools before its submission to the Superintendent of Public Instruction.
- (e) Review, as a scheduled agenda item at a regularly scheduled public meeting held pursuant to Article 1 (commencing with Section 1000) of this chapter, the report of the annual audit provided for by the county superintendent of schools under Section 41020. (Stats.1976, c. 1010, § 2, operative April 30, 1977. Amended by Stats.1985, c. 741, § 2.)

§ 1041. Powers of boards

County boards of education may:

- (a) Adopt and use an official seal in authentication of their acts.
- (b) Have such printing done as may be necessary. (Stats.1976, c. 1010, § 2, operative April 30, 1977.)

§ 1042. Additional powers

County boards of education may:

- (a) Adopt rules and regulations governing the administration of the office of the county superintendent of schools.
- (b) Review the county superintendent of schools annual itemized estimate of anticipated revenue and expenditures before the annual itemized estimate is filed with the auditor as required by Section 29040 of the Government Code, and make any revisions, reductions, or additions therein it deems advisable and proper. No itemized estimate shall be filed by the county superintendent of schools or be approved by the board of supervisors until it has first been so reviewed and approved by the county board of education.
- (c) In the name by which the board of education is designated, acquire, lease, lease-purchase, hold and convey real property for the purpose of housing the offices and the services of the county superintendent of schools, except that this subdivision shall only apply to the county boards of education to which all or a portion of the duties and functions of the county board of supervisors specified in subdivision (b) of Section 1080 have been transferred, with the exception of the recreational duties and recreational functions specified in subdivisions (c) and (e) of Section 1080.
- (d) Contract with and employ any persons for the furnishing to the board of special services and advice in financial, economic, accounting, engineering, legal, or administrative matters, if these persons are specially trained and experienced and competent to perform the special services required. The board may pay from any available funds such compensation to these persons as it deems proper for the services rendered.

(e) Notwithstanding Section 25304 of the Government Code, the county board of education may fill by appointment any vacancy that occurs during the term of the office of the county superintendent of schools. In any county in which the superintendent is elected, the appointee shall hold office until the office is filled by election at the next gubernatorial election.

The authority described in this subdivision shall be vested in the county board of education only upon its adoption by the board at a public meeting held pursuant to Article 1 (commencing with Section 1000) of Chapter 1 of Part 2. (Stats.1976, c. 1010, § 2, operative April 30, 1977. Amended by Stats.1977, c. 36, § 2, operative April 29, 1977; Stats.1977, c. 313, § 1, eff. July 11, 1977; Stats.1977, c. 401, p. 1270, § 1; Stats.1983, c. 1122, § 1, eff. Sept. 28, 1983; Stats.1985, c. 1487, § 1, eff. Oct. 2, 1985.)

§ 1043. Transfer of functions from county board of supervisors to county board of education

Upon the adoption of a resolution by the board of supervisors of the county consenting to the transfer of the functions specified in this section, the functions specified in this section shall be transferred from the county board of supervisors to the county board of education. The functions, including, but not limited to, the receipt of petition and reports and other papers, are those specified in Sections 35001, 35002, 35676, 35698, 35699, 35703, 35704, 35705, 35722, 35723, 35724, 74100, 74104, 74131, 74132, 74134, 74151, 74153, 74156, 74250, 74251, and 74295.¹

Upon the adoption of the resolution, any reference, with respect to that county, in those sections to the board of supervisors shall be deemed to be a reference to the county board of education of that county and any reference to the clerk of the county board of supervisors shall be deemed to be a reference to the secretary of the county board of education of that county. (Stats.1976, c. 1010, § 2, operative April 30, 1977. Amended by Stats.1982, c. 1214, p. 4482, § 1, eff. Sept. 22, 1982; Stats.1990, c. 1372 (S.B.1854), § 11.)

¹ Sections 35002, 35676, 35698, 35699 and 74295 are repealed.

§ 1044. Copyrights

Any county board of education may secure copyrights, in the name of the board, to all copyrightable works developed by the board, and royalties or revenue from such copyrights are to be for the benefit of the board securing such copyrights. (Stats.1976, c. 1010, § 2, operative April 30, 1977.)

§ 1045. Sale and use of published and copyrighted material

Any county board of education may, in accordance with regulations adopted by the board and for educational use, sell, give, or exchange for similar published materials, published materials prepared by the board in connection with the curricular and special services that the board is authorized to perform. Unless restricted by the regulations of the board, the sale or gift may be made to, and the exchange may be made with, any person, political subdivision, public officer or agency, or educational institution. The distribution of the published material in accordance with this section is declared to be a public purpose and in furtherance of Section 1 of Article IX of the California Constitution.

Any county board of education may also license the use of copyrights held by the board, to the same persons or entities and for the same purposes as provided in the prior paragraph.

The board shall grant such a license to any public agency organized under the authority of this state, unless an exclusive license has previously been granted a private publisher.

Any charge which may be assessed such a public agency for the license to use the copyright or for materials, to which the board holds the copyright, shall not exceed the cost to the board of the preparation and reproduction of the materials.

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