

**Nevada County Board of Education  
Regular Meeting  
Wednesday, March 14, 2012  
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 PM by Voss

II. **Established quorum**

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

III. **Salute to the flag**

IV. **Additions to the Agenda** – none.

V. **Adoption of the Agenda**

Slade-Troutman requested the Budget Committee Report be moved and heard before Agenda Item *XII. Action Items*.

**On a motion by Slade-Troutman and seconded by Meeks, the agenda was adopted, moving the Budget Committee Report ahead of Agenda Item *XII. Action Items*. The motion carries unanimously.**

VI. **Opened public forum** – Recognition of members of the audience wishing to address an agenda item may do so at this time or at the time the agenda item is heard.

VII. **Closed public forum**

VIII. **Presentation**

Marina Bernheimer, Safe Schools / Healthy Students Project Director provided an update highlighting significant outcomes they have achieved in multiple areas.

The grant has also provided funding to Behavioral Health for Therapists, reaching out to 389 students. Olweus Bullying Prevention Program is in 7 out of 9 districts; NJUHSO will be trained in 2012/13. Second Step Curriculum is in every district in Western Nevada County.

Three Family Resource Centers have served over 2900 people, and a fourth FRC has just opened their doors. Volunteers are a huge part of the FRC's.

Working in partnership with Nevada County Behavioral Health they have been able to offer a Promotora Program, increasing access to mental health services for our Latino families; and Columbia Teen Screen, depression screening for high school students.

IX. **Approval of the Consent Agenda**

A. Approval of minutes of the Regular meeting of February 8, 2012

B. Approval of minutes of the Special meeting of February 15, 2012

**On a motion by Altieri and seconded by Michael, the consent agenda was approved. The motion carries unanimously.**

## X. Charter Appeal

### A. Twin Ridges Home Study Charter School Petition on Appeal

Supt. Hermansen referred the Board to summary of petition and appeal requirements submitted. TRHSC is coming to us on Appeal after being denied by CPSD. This is a unique opportunity to approve a charter school which we can attest to their success, as they had been sponsored by NCSOS this past 5 years. Their budget is sound; they may experience cash flow issues, however the TTUSD settlement will assist in mitigating a shortfall of cash.

### B. Opened Public Hearing regarding the Appeal Petition for Twin Ridges Home Study Charter School (EC §47605(b))

Jenny Travers, Director of TRHSC, appreciates the incredible support from NCSOS

### C. Closed Public Hearing

### D. Shall the Nevada County Board of Education Approve the Petition for the Charter for Twin Ridges Home Study Charter School on appeal for a period of 5 years?

**On a motion by Altieri and seconded by Slade-Troutman, the Nevada County Board of Education Approved the Appeal Petition for Twin Ridges Home Study Charter School for a period of 5 years. The motion carries unanimously.**

## XI. Charter Appeal

### A. Forest Charter School Petition on Appeal

Supt. Hermansen referred the Board to summary of petition and appeal requirements submitted. Forest Charter is coming to us on Appeal after being denied by CPSD. Just as with TRHSC, this is a unique opportunity to approve a charter school which we can attest to their success, as they had been sponsored by NCSOS this past 5 years. Their budget is sound; and they are not experiencing a cash flow shortage at this point in time.

### B. Opened Public Hearing regarding the Appeal Petition for Forest Charter School (EC §47605(b))

### C. Closed Public Hearing

### D. Shall the Nevada County Board of Education Approve the Petition for the Charter for Forest Charter School on appeal for a period of 5 years?

**On a motion by Altieri and seconded by Slade-Troutman, the Nevada County Board of Education Approved the Appeal Petition for Forest Charter School for a period of 5 years. The motion carries unanimously.**

## XII. Reports

### A. Budget Review Committee, Slade-Troutman/Meeks

The Budget Review Committee's report is hereby incorporated by reference, per Slade-Troutman's request.

Board discussion ensued. Slade-Troutman and Meeks wish to table approval of the Second Interim report; and the budget revision until a 'line-by-line' review can be done. Slade-Troutman wants something presented prior to the May 2012 Budget Meeting. Slade-Troutman feels she may be able to trim the budget. Deferred Maintenance was questioned.

Meeks received summarized budgets and wants to see next year's 2012/13 line-by-line item budget in production stages.

Fitting advised creating a 200+ page line-by-line draft budget would take valuable time away from staff of which they don't have. However, Slade-Troutman is welcome to call anytime and come into the office with the Budget Review Committee's questions. The budget changes constantly and to create a line-by-line *draft* budget in just weeks is an unreasonable request.

Michael advised approval of the Second Interim needn't be delayed based on the report presented by the Budget Review Committee. It appears the focus of the report is on the Superintendents'

expense report and reminded the board that Supt. Hermansen was asked to obtain a legal opinion at our last meeting. Supt. Hermansen passed out the legal opinion.

Regarding the Second Interim, Michael questioned the 12 items which were noted as 'Not Met Requirements'. Fitting was able to speak to each item.

We need to define the Budget Review Committees role and focus. Voss advised reviewing the budget line-by-line has historically never been done. We have a level of trust with the business office and audits in place. Altieri concurred and further stated we shouldn't burden NCSOS with creating a line-by-line budget; that Supt. Hermansen is greatly respected and competency is well known at the State level.

Supt. Hermansen advised we have 2 school districts in qualified status; and 1 school district in negative status, all of which our staff provides support to. These are unprecedented times and we need to focus on saving our school districts. We can't pull business office staff to create a line-by-line item draft budget by May; have them help the school districts; and complete their every day work as well.

We will look at May 9<sup>th</sup> for a Budget Committee Meeting.

**On a motion by Slade-Troutman and seconded by Meeks, do we want to table approval of Agenda Item XIII. A – Certification of the Second Interim Report; and Agenda Item XIII. B – Resolution 12-02, Budget Revision to the FY2011-12 Budget? The motion failed (2-3)**

### XIII. Action Items

A. Following review of the Second Interim Fiscal Report of 2011-12, shall the Nevada County Board of Education approve certification of the Second Interim Report?

**On a motion by Altieri and seconded by Michael, the Nevada County Board of Education Approved the Certification of the Second Interim Fiscal Report of 2011-12. The motion carries (3-1-1).**

B. Shall the Nevada County Board of Education approve Resolution 12-02, Budget Revision to the FY2011-12 Budget?

**On a motion by Michael and seconded by Altieri, the Nevada County Board of Education Approved resolution 12-02, Budget Revision to the FY2011-12 Budget, on a Roll Call Vote, the Motion carries with Altieri, Michael and Voss voting Yay; Slade-Troutman voting Nay; and Meeks abstaining (3-1-1).**

C. Shall the Nevada County Board of Education accept the Lease/Rental offer of Thomsen Properties LLC dated 10 Nov 2011 for the 117 New Mohawk Rd., Nevada City CA office space?

Supt Hermansen referred the board to Proposal Number 2 in Mr. Thomsen's letter of November 10, 2011; noting that Meeks' motion took away any negotiation possibilities. Fitting concurred. We do need to consider that Charter Business Services are not the most stable, and our largest clients Muir and LAEC have the option anytime to go elsewhere. The stability of operations are not guaranteed, and we are not comfortable with a 5 year lease.

Mr. Thomsen was present in the audience and advised he would freeze the rent for 3 years on all the options. Discussion followed regarding the addendum which overrides the lease. Clarification of the current Lease Addendum with regards to the early termination clause is needed.

The Board questioned what the threshold is to support funding if we loose dedicated funds, how will we pay? If state funding changes, we may need to eliminate programs and move.

Michael noted from a financial standpoint, we should capitalize on rent and asses the risk of accepting the current offer.

Altieri advised it is not the role of the board to negotiate a lease; their role is to approve. Slade-Troutman pointed out EC 17403 and 17575.

**On a motion by Slade-Troutman and seconded by Meeks, for the Nevada County Board of Education to accept the Superintendents Recommendation Option #2 Lease/Rental offer of**

Thomsen Properties LLC letter dated 10 November 2011 for the 117 New Mohawk Road, Nevada City California office space. The motion was defeated (2-3).

On a motion by Altieri and seconded by Michael, without the interference of the Board, the Superintendent shall enter into negotiations with Jeff Thomsen; solicit comps; determine improvement costs; and report back to the Board as time permits. The motion carries (3-2).

D. Shall the County Board of Education seek a legal opinion, from their own legal counsel pursuant to Ed. Code §1042d, to assist in defining Ed Code §1209?

As previously directed by the Board, Supt. Hermansen obtained a legal opinion; letter was handed out to the Board. Slade-Troutman would like the Board to seek a legal opinion.

On a motion by Slade-Troutman and seconded by Meeks, shall the County Board of Education seek a legal opinion, from their own legal counsel pursuant to Ed. Code §1042d, to assist in defining Ed Code §1209? The motion was defeated (2-3).

#### XIV. Information Items

A. Redistricting: Rearranging Trustee Areas Based on Federal Decennial Census

Supt. Hermansen referred the Board to the summary included in the Board packet.

B. California Voting Rights Act

Supt. Hermansen referred the Board to the summary included in the Board packet.

#### XV. Reports

A. Board member reports

1. SARB, Meeks – Meeks reported that SARB met last Monday.

2. Budget Review Committee, Slade-Troutman/Meeks

Item moved to XII. Per adoption of Agenda

3. Legislative, Voss – No report.

4. NCSBA, Michael – March meeting was canceled due to snow.

5. Individual Board member reports – none.

B. Superintendent's Report – none

C. Staff Reports

1. Business Services, Fitting – none

2. Educational Services, Miller – none

D. Future agenda items - none

XVI. Correspondence – none

XVII. Adjournment

Next Meeting Date: April 11, 2012, 2:00 p.m., 112 Nevada City Highway, Nevada City

Approved: \_\_\_\_\_

James Voss, President

Date: April 11, 2012

6

On page 37 in the budget code of 5200, you will note an item entitled "Misc Supt Workshop/Travel" for \$5,500. This was never brought before this Board for approval. Also on page 37, budget code 5300 you will note the semi-annual Rotary Dues which the Budget Committee brought up last meeting. These expenditures were never discussed nor approved by the Board. While the Rotary Club is one of the many fine civic organizations in Nevada County, former County Superintendent's Houser and McAteer used their own personal funds to pay for their Lions and Kiwanis dues and did not rely on the taxpayers to fund their personal club dues and meals. Rather the Board chose to become members in all five Chamber or Commerce organizations in the county, at a cost of less than \$500 per year, as the means to promote our partnerships between the business community and the schools. Furthermore, the Board also developed PIE (Partners in Education), a non-profit to promote our business-school partnerships.

Under that same 5300 budget code on page 37, you will see an item entitled "ACSA Dues—Supt." This budget item, without board approval, is providing Superintendent Hermansen a personal membership in the Association of California School Administrators at the cost of \$1,338 a year. In the past 30 years, the budget has never contained the paying of personal ACSA dues for the Nevada County Superintendent of Schools.

In reference to an email from Superintendent Hermansen, dated March 3, 2010, wherein the Superintendent wants the taxpayers to pay for another employee's ACSA dues. The taxpayers are already paying the personal ACSA dues for five people in the budget to the tune of over \$5,000 per year regardless of declining enrollment, teachers being given pink slips, children's programs being eliminated, schools closing, state funding cuts and cutting staff time. How can the Board justify this unnecessary spending?

Rotary breakfasts at \$800 per year, Rotary dues at \$110 per year, ACSA membership at \$1338 per year, Blackberry expenses at \$900 a year, an open expense account for travel and conferences at \$5,500 a year and \$1,500 a year for miscellaneous lunches and dinners which were never approved by this Board. This Board was not aware of these travel and conference funds being inserted into the budget by Superintendent Hermansen.

The Budget Committee recommends that we table the Second Interim Budget and immediately schedule a line item Budget Workshop to familiarize ourselves with the budget and address the issues raised by the Committee and by members of the Board.

(Note: Attach Budget Committee Report of 3/14/2012 to the minutes)

Please note that the Budget Committee was not contacted this month to discuss and review the Second Interim Budget. Therefore, no member of this Board has had a chance to review the Second Interim Budget for more than three days.

The Budget Committee would like to refer you to Education Code 1042 (page 250 of our agenda).

The Budget Committee would now like to refer you to Education Code 1043.

At the February Board meeting, the Budget Committee presented an item regarding Education Code 1209 about the Superintendent's compensation. Ed Code 1209 is reinforced further by Ed Codes 1080(b) and 1081.

Education Code 1080b states, "The county board of supervisors, by resolution, may transfer all of the following duties and functions of the county board of education: (b) Allowance of the actual and necessary travel expenses, the expenses of the office of the county superintendent of schools, and the expenses of providing housing for the services of the county superintendent of schools pursuant to Sections 1200, 1201, 1202 and 1203."

Education Code 1081 further states: "Upon the transfer of duties and functions to the county board of education pursuant to Section 1080, the county superintendent of schools may, with the approval of the county board of education, pay actual and necessary travel expenses incurred by the county superintendent of schools or by his designated staff members in accordance with regulations established by the county board of education. The board may authorize an advance of funds to cover such necessary traveling expenses. Such advance shall be repaid or adjusted upon the filing of a regular claim for the actual and necessary traveling expenses incurred. Superintendent Hermansen has never provided any monthly conference or travel requests or reimbursement forms for Board approval in violation of Education Codes 1209, 1080(b), 1081 and Board of Supervisors Resolution 79137 #4 dated July 1, 1979.

For example, on page 32, budget code 5800, at the bottom of that budget category you will notice the line "est Supt misc mtg lunches/dinner" in the amount of \$1,500. This was never brought before this Board for approval.

On page 36 of the budget, under budget code 3901, you will see the \$6,000 Board approved auto and travel stipend list as a benefit. Below that line item you will note the taxpayers are paying \$900 a year, also listed as a benefit, for Superintendent Hermansen's Blackberry without Board approval.