

DRAFT Minutes

AMPHITHEATER PUBLIC SCHOOLS Tucson, Arizona

MINUTES OF SPECIAL PUBLIC MEETING OF THE GOVERNING BOARD

Place, Date and Time of Meeting

Wetmore Center, 701 West Wetmore Road, October 26, 2010, 6:00 p.m.

Board Members Present

Mr. Jeff Grant, President
Mrs. Diana Boros, Vice President
Dr. Kent Paul Barrabee, Member
Mrs. Patricia Clymer, Member
Dr. Linda Loomis, Member

Central Administrators Present

Dr. Vicki McLeod Balentine, Superintendent
Todd A. Jaeger, J.D., Associate to Superintendent and General Counsel
Patrick Nelson, Associate Superintendent
Scott Little, Chief Financial Officer

OPENING OF MEETING

Call to Order and Signing of Visitors' Register

Mr. Grant called the meeting to order at 6:01 p.m. and invited members of the audience to sign the visitors' register.

Pledge of Allegiance

Dr. Balentine led the Pledge of Allegiance.

Announcement of Date and Place of Next Regular Governing Board Meeting:

Mr. Grant announced the next regular meeting of the Governing Board: Tuesday, October 5, 2010, 7:00 p.m., at the Wetmore Center, 701 W. Wetmore Road.

PUBLIC COMMENT

There were no public comments.

1. CONSENT AGENDA

Mr. Grant asked if there were Board member requests to have any items addressed separately; Mrs. Boros requested that items I and M be heard separately. A motion was made by Mrs. Clymer to approve consent agenda items A-H, J-L, N and O. The motion was seconded by Mrs. Boros and passed unanimously, 5-0. Appointment of personnel is effective, provided all district, state, and federal requirements are met. (See detail related to items I and M below.)

A. Approval of Minutes of Previous Meeting

The minutes of the October 5, 2010, Regular Governing Board were approved, as submitted.

B. Appointment of Personnel

Certified and classified personnel were appointed, as listed in Exhibit 1.

C. Personnel Changes

Certified and classified personnel were appointed, as listed in Exhibit 2.

D. Leave(s) of Absence

Leaves of Absence requests were approved for certified and classified personnel, as listed in Exhibit 3.

E. Separation(s) and Termination(s)

Certified and classified personnel separations were approved, as listed in Exhibit 4.

F. Approval of Vouchers Totaling and Not Exceeding Approximately \$3,679,839.67 (Final Total)

The following vouchers were approved as presented and payment authorized:

Vo. 136	\$ 174,313.74	Vo. 137	\$199,091.25	Vo. 138	\$ 25,204.43
Vo. 139	\$2,064,132.97	Vo. 140	\$834,175.63	Vo. 141	\$339,936.70
Vo. 142	\$ 42,984.95				

G. Receipt of Monthly Status Report for the Fiscal Year 2010-2011

A summary of comparative totals as of September 2009 is as follows:

Budget Capacity	\$ 91,468,587.00	Expenditures & Encumbrances	\$ 91,468,587.00
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Totals' Comparisons:

Expenditures as of 9/30/09	\$ 16,313,679.12	M & O Budget Capacity for 2009-2010.....	\$90,463,293.00
Expenditures as of 9/30/10.....	\$ 13,654,385.10	M & O Budget Capacity for 2010-2011.....	\$91,468,587.00

Bond Balance Outstanding: \$59,870,000.00

Tax Rates: Primary – 3.1469; Secondary – 1.4643

H. Receipt of August 2010 Report on School Auxiliary and Club Balances

Board Book information: *Arizona Revised Statutes §15-1121 and 15-1125 provide for the operation of Student Activity and Auxiliary Operations funds, respectively. The Uniform System of Financial Records for Arizona School Districts (USFR) outlines procedures to be followed by school districts in the disbursements of monies from either of these funds. One requirement for the operational compliance is to provide a report to the Governing Board summarizing the transactions for the month.*

The Governing Board received the Monthly Report on School Auxiliary and Club Balances for month-end August 31, 2010, as submitted (Exhibit 5, pp. 1-8).

H. Out of State Travel

Out of state travel was approved for students and staff (source of funding indicated): from Wilson K-8 School to take 85 students to the National Choral and Band Festival in Anaheim, California, March 10-12, 2011 (tax credits and auxiliary funds); from Cross Middle School to take 125 students from band and choir to a performance and workshop in Anaheim, California, March 18-21, 2011 (tax credits, auxiliary funds, and student activity funds); from Cross Middle School to take 60 students from orchestra and musical theater to the Forum Music Festival in Anaheim, California, May 5-8, 2011 (tax credits and auxiliary funds). Travel was previously approved at the September 21, 2010 Board meeting to take 24 students from Ironwood Ridge High School and 1 from Canyon del Oro High School to Pomona, California, October 22-24, 2010 to participate in the Mt. Sac Cross Country Invitational; a change in chaperones was approved, as submitted.

Out of state travel was approved for staff (source of funding indicated): from Cross Middle School to attend the National Association of School Psychologists Annual Convention in San Francisco, California, February 22-23, 2011 (no cost to the District); from the District Office to attend the round table/panel discussion for the National Institute in Excellence in Teaching in Washington, D.C., November 15-17, 2010 (no cost to the District).

I. Authorization for Governing Board President to Sign a Request for Advanced State Aid

Board Book information: *The Arizona Department of Education allows school districts to request an advance of state aid. The purpose of the advance of state aid is to alleviate the potential of a cash deficit for the school district when spending requirements temporarily outpace the inflow of cash from the State and the collection of property tax revenues. The District does not anticipate being approved for advanced state aid revenues. However, the application, even if denied, is required in order to add any borrowing costs to the district budget capacity in future years.*

Mrs. Boros asked to have this item heard separately in order to ask Mr. Little for clarification. Administration anticipates the District will experience cash flow issues in SY 2010-2011 and this is the protocol that must be followed pursuant to A.R.S. §15-973.C. A letter, addressed to Mr. Tom Horne, Superintendent of Public

Instruction, has been drafted and requests an advance of state aid in the amount of \$10,350,000.; administration is seeking a signature by the Governing Board President. The letter will accompany the Cash Flow Analysis form FY 2011 also being submitted.

Mrs. Boros moved approval of the submission of the letter and analysis form, as submitted. Mrs. Clymer seconded the motion and it passed unanimously, 5-0 (Exhibits 6a, 6b, pp. 1-2).

K. Approval of Grants

The Governing Board approved receipt of two grants: (1) \$2,000 from Target to Donaldson Elementary School to be used towards the purchase of African drums and training for students; and (2) \$1,000 from the Oro Valley Community Foundation to Canyon del Oro High School to be used towards the purchase of supplies for the LRE Forensics program.

L. Approval of Career Ladder Reapplication for 2011-2012

Board Book information: *Each year during the month of November, the State of Arizona requires all Career Ladder districts to submit a reapplication for the following school year and to provide a Statement of Action Taken signed by the Clerk of the Governing Board which establishes and confirms 5% is calculated in the district base level for the Career Ladder Program for the current fiscal year.*

The Governing Board affirmed and approved the 5% district base level that is calculated for the Career Ladder Program for the current fiscal year, and further approved the Career Ladder Reapplication for the 2011-2012 academic year (Exhibit 7).

M. Award of Contract(s) for an Online Retail Store Based Upon Responses to Request for Proposal (RFP)10-0018

Board Book information: *Request for Proposal (RFP) 10-0018 for an online retail store was mailed to seven vendors; 3 responses were received; and, 1 response was determined to be non-responsive.*

Vendors offering online spirit-wear apparel host secure websites, each unique to a particular school; spirit wear garments include: baseball caps, fleece jackets, mesh polos, T-shirts, running shorts, etc. Orders are placed online to the vendor and paid for by the purchaser. Rebates on each sale are returned to the school. Responding vendors were evaluated based on their spirit wear merchandise, website provided, cost of product, rebates and special incentives. The contract award is for the 2010/2011 fiscal year ending June 30, 2011 and may be renewed for up to four additional one-year periods ending June 30, 2015. [Board Book holders were provided with a spreadsheet of comparative data.]

Mrs. Boros asked to have this item heard separately in order to ask Mr. Little for clarification. This process is being utilized to allow the District better controls in the merchandizing of products currently being sold. The school will benefit in the form of rebates via these online purchases.

Mrs. Boros moved approval of the award of contract for an online retail store to *Turfer Athletic* based upon their responses to RFP 10-0018. Dr. Barrabee seconded the motion and it passed unanimously, 5-0.

N. Approval of Revisions to Governing Board Policies BBBB (Board Member Oath of Office); BE (School Board Meetings); BEC (Executive Sessions/Open Meetings); BEDA (Notification of Board Meetings); BEDG (Minutes) and its accompanying Regulation, BEDG-R

Board Book information: *The Governing Board policies (B series) were studied at the Board's October 5, 2010 meeting. No further revisions were suggested and the policies are presented for the Board's approval. [Board Book holders were provided with a packet summarizing the recommended changes; and, only applies to the policies concerning School Board Governance and Operation.]*

The Governing Board approved the revisions to Governing Board Policies BBBB, BE, BEC, BEDA, BEDG and its accompanying Regulation, BEDG-R, as submitted.

O. Approval of Foreign Trade Zone Agreement with Ventana Medical Systems, Inc., Pima County, Pima County Community College District, Pima County Joint Technological Education District, and Golder Ranch Fire District

Board Book information: *Federal law, via the Foreign-Trade Zones Act (19 U.S.C. § 81a-81u), authorizes the formation of foreign-trade zones and subzones (FTZ) to encourage commercial and industrial businesses to operate in the United States, rather than abroad. State law (A.R.S. § 44-6501) authorizes the State and any county, city, town, and any public or private corporation, to apply to the U.S. Foreign-Trade Zone Board to establish and operate foreign-trade zones and subzones within Arizona.*

An Arizona nonprofit corporation, Tucson Regional Economic Opportunities, Inc. (TREO), operates in Pima County. TREO has asked public entities within Pima County, including the District, to support its foreign-trade zone/subzone application.

Arizona law provides for a 21% assessed valuation for a manufacturing facility. However, real and personal property located within the area of an activated foreign-trade zone or subzone is classified as Class Six property for purposes of taxation. The assessed valuation for Class Six property is only 5% of the full cash value or limited valuation. This reduction results in significantly lower primary and secondary property taxes for public entities which rely heavily on property tax revenues for their operations. Also impacted would be the amount of state equalization assistance property tax that is levied by the County pursuant to A.R.S. § 15-994 and distributed to school districts throughout the County.

The attached Agreement addresses the taxation disparity. It provides for Payment in Lieu of Tax (PILOT) that would permanently compensate the District for all revenue lost in the FTZ property reclassification.

The Governing Board approved the foreign trade zone agreement with Ventana Medical Systems, Inc., Pima County, Pima County Community College District, Pima County Joint Technological Education District (JTED), and Golder Ranch Fire District, as submitted (Exhibit 8, pp. 1-10).

2. EXECUTIVE SESSION

A. Motion to Recess Open Meeting and Hold an Executive Session for:

1. Determination of Whether to Hold an Expulsion Hearing and Designate a Hearing Officer to Hear Evidence, Prepare a Record and Bring a Recommendation to the Board, Pursuant to A.R.S. §15-843(F)(2), Regarding:
 - a. Student # 30024948;
 - b. Student # 30032280;
 - c. Student # 30007326;
 - d. Student # 30013306;
 - e. Student # 30007568;
 - f. Student # 30028491;
 - g. Student # 30034836;
 - h. Student # 30010933;
 - i. Student # 30023685;
 - j. Student # 30015331;
 - k. Student # 30036940;
 - l. Student # 30010025;
 - m. Student # 30005837;
 - n. Student # 30035375; and
 - o. Student # 11506665.
2. Consideration and Decision Upon Expulsion Hearing Officer's Recommendation, Pursuant to A.R.S. §15-843(F)(2), Regarding:
 - a. Student # 11107128;
 - b. Student # 30020982; and
 - c. Student # 30019896.
3. Consideration and Determination of Appeal of Long-term Suspension Hearing Officer's Decision, Pursuant to A.R.S. §15-843(A); and Determination of Whether to Hold an Expulsion Hearing and Designate a

Hearing Officer to Hear Evidence, Prepare a Record and Bring a Recommendation to the Board, Pursuant to A.R.S. §15-843(F)(2), Regarding:

- a. Student # 11507101.
4. Discussion and Consultation with Representatives of the Governing Board In Order to Consider Its Position and Instruct Its Representatives in the Meet and Confer Process with Employee Organizations, Pursuant to A.R.S. §38-431.03(A)(5).

A motion was made by Dr. Loomis that the Board recess into Executive Session pursuant to A.R.S. §15-843(F)(2) A.R.S. §15-843(A), and A.R.S. §15-38-431.03(A)(5) , as presented. Mrs. Clymer seconded the motion and it passed unanimously, 5-0. Mr. Grant called a recess at 6:10 p.m. for the purpose of holding Executive Session for student disciplinary action and consultation with Board representatives regarding negotiations with employee organizations.

B. Motion to Close Executive Session and Reconvene Open Meeting

Upon return to the Board Room, Mrs. Clymer moved to reconvene the meeting into open session. Dr. Barrabee seconded the motion and it passed, unanimously, 5-0. The time was 9:26 p.m. Mr. Grant declared the meeting in open session.

BOARD MEMBER REQUESTS FOR FUTURE AGENDA ITEMS

There were no Board Member requests.

PUBLIC COMMENT

There were no public comments.

ADJOURNMENT

A motion was made by Mrs. Clymer, seconded by Mrs. Boros, and passed unanimously, 5-0 that the meeting be adjourned. Mr. Grant declared the meeting adjourned at 9:27 p.m.

Respectfully submitted,
Margaret Harris

Mr. Jeff Grant, President

Date