

Oakland Unified School District

Board of Education
Paul Robeson Building
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Minutes (Long)

Tuesday, February 03, 2009

6:30 PM

**Board Room, Paul Robeson Building, 1025 2nd Avenue, Oakland, CA
94606-2212**

Rules and Ethics Committee

**Noel Gallo, Chairperson
Gary Yee, Member
Christopher Dobbins, Member**

A. Call to Order

Chair Noel Gallo called the meeting to order at 6:40 P.M.

B. Roll Call

Roll Call: Present: Gary Yee, Christopher Dobbins and Noel Gallo

C. Modification(s) To Agenda

There were no modifications to the agenda.

C1. Organization of the Rules and Ethics Committee

09-0367 Organization of the Rules and Ethics Committee

Adoption by Committee of regular meeting date and time as 6:30 p.m., First Tuesday monthly or as published [in the Future Legislative Meeting Calendar Board's web site] by Secretary of Board, pursuant to Board Resolution No. 0809-0077.

A motion was made by Christopher Dobbins, seconded by Gary Yee, that this matter be Adopted. The motion carried by the following vote:

Votes: Adv Aye: 0
Adv Nay: 0
Adv Abstain: 0
Aye: 3 - Gary Yee, Christopher Dobbins and Noel Gallo
Nay: 0
Recused: 0
Preferential Aye: 0
Preferential Abstention: 0
Preferential Nay: 0

D. Adoption of the Committee General Consent Report

None.

E. Unfinished Business

None.

F. New Business



[09-0369](#)

Amendment of Board Bylaw 9100 (In Part) - Organization - Election of Officers - President and Vice President

Public Hearing on potential Amendment of Board of Education Board Bylaw 9100 -Annual Organizational Meeting - Election of Officers - President and Vice President - requiring rotation of the Office of President and Vice President annually until all members of the body have served a term based on member seniority on the Board or other means to be applied.

Board

Attachments: [09-0369 - Amendment of Board Bylaw 9110 - Term of Office - President, Vice President.pdf](#)

Chairperson Noel Gallo opened the public hearing at 6:42 P.M.

Director Gallo said he plans to amend board policy so that the office of President changes each year in order to allow all Board Members an opportunity to hold the office of Board President. He said there are political reasons that certain members get second terms as Board President. Every board member should be given an opportunity to have a leadership role on the Board.

Director Yee said he is opposed to the amendment. The position should be requiring certain traits of leadership. It should not be at the discretion of our members of the Board. If the current Board President does an excellent job, she should be able to get a second term as President of the Board.

Director Dobbins said David Kakishiba did a great job and we elected him for two terms. It is up to the Board to have discussion and to amend policy, if needed.

Director Yee asked about the specific parameters of this committee and he is unsure the protocol for this request and how it moves forward from the committee. District Secretary Edgar Rakestraw stated he would draft language for the proposed amendment. He said any member can challenge an issue under the jurisdiction of a committee and that the dispute would have to be resolved by the whole Board.

Chairperson Noel Gallo closed the public hearing at 6:51 P.M.

Hearing Held and Closed



[09-0370](#)

Amendment of Board Bylaw 9322 (In Part) - Agenda/Meeting Materials: Order of Business; Adoption of General Consent Report

Public Hearing on potential Amendment of Board of Education Board Bylaw 9322 - Agenda/Meeting Materials - Order of Buisness - setting time certain for the end of meeting, unless extended by majority vote of the Board, and reordering the Order of Business, among other potential changes, so that Closed Session is the last or nearly the last order of business at a Regular Meeting.

Attachments: [09-0370 - Amendment of Board Bylaw 9322 - Agenda/Meeting Materials - Adoption of General Consent Report/Order of Buisness.pdf](#)

Chairperson Gallo stated he E-Mailed his proposed structure of our regular Board Meetings. His proposal is to include a Pledge of Allegiance and Recognition of School(s) at the beginning of the meeting. Public Comment would commence at 6:00 P.M., and each speaker would be allotted three minutes each. Public Hearings would start at 6:30 P.M. The Closed Session would begin at 8:30 P.M., reconvene into regular session to report out, and then adjourn. Chairperson Gallo said the reason for his proposal is to include the public right up front and deal with closed session items at the end of the agenda.

Director Yee said he supports the idea of school's showcase. Director Dobbins said he is in favor of putting the proposed policy in action.

Chairperson Noel Gallo closed the public hearing at 7:01 P.M.

Hearing Held and Closed

09-0374 Measure "B" Independent Citizens' School Facilities Bond Oversight Committee

Public Hearing, including staff update, on potential revisions of the Bylaws of the Measure "B" Independent Citizens' School Facilities Bond Oversight Committee.

Chairperson Noel Gallo opened the public hearing at 7:01 P.M.

Chairperson Gallo noted a problem with establishing a quorum at Measure B Committee meetings. Cate Boskoff, Facilities Counsel, distributed a report to the committee related to the functioning of the committee and how to make the committee work more effectively. There is a problem of establishing a quorum, the committee members are no longer actually seated because of the two year term as expired. There is one member who is resigning. We need to reappoint the committee. The committee will be meeting less frequently and she will be giving guidance to the committee as to what their role is. It is going to be a policy decision. In the past, Measure B Committee Members have been given greater authority than contemplated under Prop 39. She said the prior committee completely downwashed its charge and got sidetracked.

Director Gallo said this item should be presented to the Facilities Committee first and she needs time to discuss the issue with Tim White if it is the way to go.

Director Yee said that the general policies are not in place. The committee's function is to put out an annual report, but we have them doing more than that. Director Gallo said we are required to have an annual meeting. We are not required to staff their meetings- nothing except what is necessary for them to put together their report. Ms. Boskoff said there is a recommendation for the committee to have quarterly meetings. She said the committee scheduled biweekly site visits and it tended to get overwhelming because it was an overabundance of information. The committee was not doing its charge of how projects were progressing. The Committee was trying to approve projects and how they were implemented instead of overseeing how the money was spent. Superintendent Mayor said the committee's function is to serve as oversight and take a look at the financial audit and performance audits and prepare an annual report that the District did not use money for administrative purposes.

Ms. Boskoff said she would prepare and come back to the Facilities Committee with amendment of Board Bylaw and the plan for advertising for the positions to see if we can get greater interest in the committee.

Chairperson Noel Gallo closed the public hearing at 7:16 P.M.

Hearing Held and Closed

09-0375 Measure "G" Parcel Tax Oversight Committee

Public Hearing, including staff update, on the prospective development of the Bylaws for the Oakland Unified School District Measure G Parcel Tax Oversight Committee effective July 1, 2009.

Chairperson Noel Gallo opened the public hearing at 7:16 P.M.

Chairperson Gallo said there is ongoing concern by members of the current Measure E Committee. The Board approved a resolution regarding the appointment of new Measure G Committee Members. District Secretary Rakestraw said the Measure E people was composed of former DBAC members and they met about three times during the budget development period. There is a need to reappoint the oversight committee. The committee becomes effective July 1, 2009, and each Board Member may submit a name for appointment.

Chairperson Gallo asked about the current structure and the frequency of committee meetings.

Director Yee spoke of a joint meeting on the budget development procedure before the budget is finalized and invite them in once the superintendent identifies areas to be funded by the parcel tax. He would favor the scheduling of a retreat with the committee.

Superintendent Mayor noted the committee has oversight over the establishment of priorities for spending and the committee vets whether the Board took action to spend money the way it was intended to be spent. Secretary Rakestraw explained function of the Measure E Committee. He said he would collaborate with the Superintendent on a resolution to be presented to committee in the near future.

Chairperson Noel Gallo closed the public hearing at 7:30 P.M.

Hearing Held and Closed

G. Public Comments on All Non-Agenda Items Within the Subject Matter Jurisdiction of the Committee

There were no public comments.

H. Chairperson's Statement Disclosing Item(s) to be Discussed in Closed Session Today

N/A

I. Closed Session Item(s):

N/A

J. Recess to Closed Session

N/A

K. Reconvene to Public Session

N/A

L. Second Roll Call

N/A

M. Chairperson's Statement of Reportable Action Taken in Closed Session and the Vote or Abstention of Members Present, if any.

N/A

N. Introduction of New Legislative Matter

Director Yee asked District Secretary Edgar Rakestraw to draft language regarding his request relating to Coherence Governance to be presented at a Special Rules and Ethics Committee to be held on Tuesday, February 17, 2009 at 6:30 P.M.

O. Adjournment

Chairperson Noel Gallo adjourned the meeting at 7:39 P.M.

Prepared By: _____

Approved By: _____