

Rochester Board of Education  
Special Meeting  
March 28, 2007  
6 p.m.

Minutes

Attendance: President Garcia, Commissioners Brennan, Elliott, Evans, Thompson, Powell, and White.

President Garcia convened the meeting at 6:02 p.m.

Resolution 2006-07: 588. (tabled from March 15 Business Meeting for corrections)  
Motion to approve by Commissioner Evans. Second by Commissioner Powell. Adopted 5-2 with Commissioners Elliott and Thompson dissenting.

Resolution 2006-07: 626 Board of Education Non-Teaching Employees contract

Commissioner Thompson made a motion that the resolution be pulled for further discussion. Second by Commissioner Elliott.

Roll call vote:

Commissioner Brennan:	No
Commissioner Elliott:	Yes
Commissioner Evans:	No
Commissioner Powell:	No
Commissioner Thompson:	Yes
Commissioner White:	Yes
President Garcia:	No

Motion defeated 4-3.

Motion to approve Resolution 2006-07: 626 by Commissioner Evans. Second by Commissioner Powell.

Discussion:

Commissioner Thompson raised the issue of the arbitrator's role as delineated in the contract and how it has been handled.

Commissioner Powell called a Point of Order that the issue was not pertinent because it was not part of the resolution.

President Garcia agreed with Commissioner Powell and said the Board is voting on the financial element of the contract only; he asked if there were questions regarding that issue.

Commissioner Thompson said the arbitration issue was raised during previous Board dialogue and thus it was appropriate.

**DRAFT -- NOT APPROVED BY THE BOARD**

Chief of Human Resources Joanne Giuffrida was asked to respond. She said information regarding the role of the arbitrator was conveyed via a Memo of Understanding rather than within the contract language. The information regarding the role of the arbitrator was provided as an information item in Executive Session and the resolution being voted on does not reference it.

Commissioner Elliott asked when it is appropriate to discuss elements other than finances in a proposed contract and President Garcia said during Executive Session.

Commissioner Elliott responded that she had thought the contract would be discussed in public too as there are serious issues that should be discussed with the unions and she is not backing down from them.

Commissioner White said the Board approves all elements of a contract, not just the economics, and all elements should be discussed prior to ratification.

Commissioner Evans said Executive Session was the time to discuss those elements; if commissioners were not comfortable with other parts of the contract, then Human Resources should not have been given the green light to move forward with negotiations.

Commissioner Thompson iterated that she does not agree with the Board condoning what she believes is an underhanded action and that not approving the contract would send a message that the Board does not give its stamp of approval to deceitful tactics.

Commissioner White said it was not his position that there were deceitful and deceptive tactics involved, but rather that a deliberative democratic process with additional time to consider issues is only good public service.

Commissioner Evans said those discussions must take place in Executive Session.

Commissioner Brennan said the Board has a fiduciary responsibility to act within the restraints of its role in contract negotiations. He does not believe the Board should inject itself gratuitously into the responsibilities of the union leadership. He does not believe that underhanded tactics were involved in negotiations.

Commissioner Elliott said she would vote no. If she were on the Board when the RTA contract was voted on she also would have voted no. The District has to be financially responsible. Everyone has to take some of the responsibility to be financially responsible and that includes the unions. The District cannot continue to give raises at the expense of children. Two-thirds of the budget goes to salaries and I would venture to say that not many of you live in the City. Three-fourths of that money goes out into the County. If we're always coming here being selfish, somebody's going to lose overall in the long run. We all have to begin to look at 'what can I do' as opposed to taking. What can I do for the students that live in this community. I'm not willing to support this contract until I know what kind of funding we're going to receive from the Governor.

Commissioner Powell offered her thanks to BENTE for its conscientious bargaining and concessions regarding healthcare, which will more than offset the raises and are a fair trade.

Roll call vote:

Commissioner White:	Yes
Commissioner Thompson:	No
Commissioner Powell:	Yes

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Commissioner Evans:	Yes
Commissioner Brennan:	Yes
Commissioner Elliott:	No
President Garcia:	Yes

Resolution adopted 5-2.

Motion to adjourn by Commissioner Evans. Second by Commissioner Thompson. Adopted 7-0 at 6:20 p.m