

ROCHESTER BOARD OF EDUCATION
Regular Business Meeting
August 18, 2005

Minutes

Attendance:

Commissioners Bowers, Brown, Evans, Garcia, Porter, Powell and Thompson; Superintendent Dr. Rivera

Vice President convened the meeting at 6:11 p.m.
Act of Reverence led by Commissioner Thompson
President Porter arrived at 6:12 p.m.

Discussion:

Motion by Commissioner Thompson to accept minutes of July 21, 2005. Seconded by Commissioner Evans. Adopted 7-0.

Speakers on an Agenda Item:

See List

Superintendent's Report:

Dr. Rivera's report included: comments regarding the proposed food services contract. He stated that he respects the comments of staff. He has done some further investigation into the contract recommended. Contract being advanced is for management services, not to replace BENTE employees and services they would provide. He does not foresee any layoffs for food service workers. If we were to experience an unexpected phenomena then we would need to address it. It is not a five-year contract; rather one-year that is renewable with a termination clause. I have been concerned about nutrition and the quality of food in our cafeterias for a number of years. As I have talked with the Director from Chartwells's and his comments regarding more onsite cooking with warm meals students are more likely to eat; along with higher quality options. I am convinced that bringing this service and individual in will be good for the District and our students, particularly regarding the quality of food served to our students, and with their national buying power may save us money. I am doubly convinced that this is the right thing to do and am asking you to support it this evening.

Commissioner Thompson asked about layoffs of BENTE employees.

Dr. Rivera stated that his previous comment is without regard to who is managing the department.

Commissioner Bowers stated that if understood correctly, Chartwells is to manage the product not the service. Only the District could make a decision to layoff or terminate.

Dr. Rivera confirmed.

Commissioner Thompson sought clarification on involvement with personnel – Chartwells is not involved with personnel.

Dr. Rivera stated that they are providing services related to purchasing, suggestions for changes going forward.

Mr. Connors clarified that the individual would function as the director and oversee day to day operations of and personnel in the program. However, all decisions related to staffing levels, discipline, etc would be in accordance with RCSD contract with BENTE. Management services would be an overall, larger umbrella of management.

Commissioner Thompson – will they have responsibility for evaluation?

Mr. Connors stipulated again that everything would be done in accordance with existing BENTE contract and HR procedures. One person cannot review hundreds of employees. Reviews would continue to be done at the building levels and flow up to the central management.

Commissioner Garcia stated that anything that involves RCSD funds, we should try as much as possible to get local vendors to do. There are circumstances when outside people or consultants are needed to do a much better job. I did do a lot of questioning about this contract. My final question was to Mr. DiClemente, the President of BENTE, as to whether he had any concerns with the contract and he stated no, so I am probably going to vote Yes on this contract.

Commissioner Porter asked for explanation on the termination clause 60-day provision. How quickly can we terminate.

Ms. Cottrell stated that one of the things can negotiate into the contract, but looking for BOE to authorize negotiation, standard inclusion would be 60-day, however the details of the contract still have to be worked out. We will obviously forward the terms most favorable to the District in that process. We include a termination provision in every contract we enter into.

Commissioner Thompson asked how Chartwells would make use of local individuals that produce food that could be used in our food service? Apparently some funds make be available through DOD. Dr. Rivera stated that there is some concern regarding safety because there are very few regulations for certain kinds of growers, which indicated to me it is better to stick with approved produce.

Mr. Connors stipulated there are ways for local growers to be certified. Chartwells will look at this and all opportunities. Looking to get the best products at the best price for our students. The ultimate barometer of success is whether students participate, meet the Federal nutrition guidelines, and is it satisfying to our students.

Dr. Rivera stipulated that they are very aware that they work for us, so if this is a direction we want them to go down, we can do that.

Commissioner Powell asked where we get the current produce and was told we have contracts through December. She stated that we may want to consider including local RFPs be a recruitment, in addition to national RFP.

Mr. Connors stipulated that utilize regional and national companies, but certainly seek out local companies, remembering that their goal is to maximize participation and satisfaction.

Committee Reports:

Finance Committee, Commissioner Powell, no report.

Motion to accept the 2004-05 year end Student Activity Fund Report made by Commissioner Brown, seconded by Commissioner Evans. Adopted 7-0.

Policy Committee, Commissioner Brown, the committee is sharing recommended policy and amendment with the Board as an information item shortly, having met earlier this evening and will seek discussion at the next Business meeting. The amendment to the Ethics policy is to require distribution of the policy to new employees, and require employees to sign off at annual review that they have reviewed the policy. The committee is reporting out a new Whistleblower policy. Intention

is to ensure a proper balance between effective operations and that people are encouraged to report things they believe to be remiss, along with ensuring people are responsible in reporting. We believe it contributes to the District's integrity, and mirrors other policies found in state and private corporations. I would request that resolution 179 be severed and voted separately because due to a change in state law recently signed by the Governor, we need to have a floor amendment. It will make the policy comply with new state law. We feel our policy should be conformed with state law.

Board Governance Committee, Commissioner Bowers, no report. The committee will meet on August 24, 2005 at 5:30 p.m.

Quality Assurance Committee, Commissioner Thompson, noted that she attended the invitation to attend the school administrators retreat at Beaver Hollow this afternoon. She noted that based on speakers comments at previous meetings, the QA committee is examining the JROTC program to ensure it meets the needs of students. A timeline has been proposed and the committee anticipates a fall completion. She stated that the Superintendent has supported a review of personnel procedures by the QA committee including recruitment, hiring, evaluation, etc. so the Board can say with confidence we support the recommendations advanced by the Superintendent.

Community and Intergovernmental Relations Committee, Commissioner Bowers, no report. The committee will meet on September 12th, and the committee looks forward to working with the Superintendent and state delegation in finding a permanent funding solution and authority on school health. The veto by the Governor last week brings us back to square one, but that will not stop nurses being in schools in September. The Governor has assured the Superintendent that he will work with us to do so.

Dr. Rivera added that he did receive a call from the Deputy Commissioner yesterday; they are meeting Monday morning specifically to deal with this and will follow up with us later. They are clearly very sensitive and aware of the situation. BOCES has hired nurses for our schools for September and isn't going to back off that.

Commissioner Powell asked to sever and vote by roll call Resolution 2005-06: 163 and 178.

Consideration of Resolutions:

President Porter asked for a motion to adopt Resolution No 2005-06: 115-152. Motion made by Commissioner Brown, Seconded by Commissioner Garcia.

Commissioner Thompson noted that she will vote No on Resolution 2005-06: 120.

Adopted 7-0 except Resolution 120 which is adopted 6-1 with Commissioner Thompson dissenting.

President Porter asked for a motion to adopt Resolution No 2005-06: 153-179. Motion made by Commissioner Evans, Seconded by Commissioner Bowers.

Commissioner Evans sought to make an amendment to resolutions 168 and 169 to make the effective date August 18, 2005. Motion by Commissioner Evans, seconded by Commissioner Garcia.

Amendment adopted 7-0.

Commissioner Bowers made a technical note on 168, 169 and 173, while he appreciates the technical amendment to 168 and 169, this is again a situation in which work began before the resolution was approved. For that reason I will be voting no.

Adopted 7-0, except for resolution 161 adopted 6-0 with Commissioner Bowers abstaining due to a professional relationship, resolutions 167 and 172 adopted 6-0 with Commissioner Brown abstaining due to a professional relationship, and resolutions 168 and 169 adopted 6-1 with Commissioner Bowers dissenting.

Motion to adopt Resolution 2005-06: 163 made by Commissioner Bowers, Seconded by Commissioner Brown.

Commissioner Bowers stated that this resolution has brought about some conflict internally, but he does trust the Superintendent on this, but the deciding factor was the leadership that the President of BENTE has shown on this. They have been vigilant on protecting the interests of their workers, but also because the union officers participated in this process. BENTE is now at the table and that is due to the leadership of Mr. DiClemente and other members.

Commissioner Garcia echoed Commissioner Bowers statements. He added that when he joined the school board, one of the things he wanted to change was the quality of food kids receive in schools. He thinks this is a beginning toward doing that. I would support the decision that leads to increase quality in the food so that our kids eat it.

Commissioner Thompson noted that the majority of BENTE leadership support that.

She offered an amendment to the resolution following the date to include “and pending satisfactory evaluations be considered for contract extension. Motion made by Commissioner Thompson, Seconded by Commissioner Powell. Adopted 6-1 with Commissioner Bowers dissenting.

Roll Call Vote:

Commissioner Thompson – no	Commissioner Powell – yes
Commissioner Bowers – yes	Commissioner Brown – yes
Commissioner Evans – yes	Commissioner Garcia – yes
Commissioner Porter – yes	

Resolution adopted 6-1 with Commissioner Thompson dissenting.

Motion to adopt Resolution 2005-06: 178 made by Commissioner Powell, Seconded by Commissioner Bowers.

Commissioner Powell encouraged all to vote yes on this and support our belief as a district.

Commissioner Porter stated that he will not vote for anything that leaves the possibility of millions of dollars in funding be taken from this district. We cannot afford to put our programs and educational system at risk.

Roll Call Vote:

Commissioner Thompson – yes	Commissioner Powell – yes
Commissioner Bowers – yes	Commissioner Brown – yes
Commissioner Evans – yes	Commissioner Garcia – yes
Commissioner Porter - no	

Adopted 6-1 with Commissioner Porter dissenting.

Motion to adopt Resolution 2005-06: 179 made by Commissioner Brown, Seconded by Commissioner Powell.

Roll Call Vote:

Commissioner Thompson – yes	Commissioner Powell – yes
Commissioner Bowers – yes	Commissioner Brown – yes
Commissioner Evans – yes	Commissioner Garcia – yes
Commissioner Porter - yes	

Commissioner Powell offered a technical amendment to the policy for consideration to comply with State law regarding the definition of school function: “including any activity that may take place in another state”. Seconded by Commissioner Garcia. Adopted 7-0.

Adopted 7-0.

Unfinished Business:

None

New Business:

Vote on Area 2 Delegate to NYSSBA

Motion by Commissioner Brown, Seconded by Commissioner Evans to support Tom Nespeca as the Area 2 Delegate. Adopted 7-0.

Dr. Rivera acknowledged several administrative personnel appointments.

Speakers on Other Than an Agenda Item:

See list

Adjournment:

President Porter called for a motion to adjourn into Executive Session for the purpose of discussing personnel matters related to specific individuals. Made by Commissioner Evans, Seconded by Commissioner Powell. Adopted 7-0 at 7:48 p.m.

Commissioner Bowers departed at 7:49 p.m.

Commissioner Porter departed at 8:00 p.m. and asked Commissioner Garcia to chair.

Vice President Garcia called for a motion to adjourn. Made by Commissioner Brown, Seconded by Commissioner Powell. Adopted 5-0 at 8:17 p.m. with Commissioners Bowers and Porter absent.