

## **Governing Board of Trustees Regular Meeting Wednesday, August 14, 2024**

### **Members present**

Doug Rafner, Erica Halpern, Katherine Fitzpatrick, Gee Wah Mok, Alan Kholos

### **Meeting called to order at 4:45 PM**

#### **1. CALL TO ORDER OPEN SESSION**

##### **Procedural: 1.1 CALL TO ORDER OPEN SESSION**

Governing Board President Mok called the Governing Board of Trustees Regular Meeting to order at 4:45pm.

##### **Procedural: 1.2 PUBLIC INPUT CONCERNING ITEMS ON THE CLOSED SESSION AGENDA**

No public requests to address the Governing Board of Trustees regarding Closed Session items.

##### **Procedural: 1.3 ADJOURNMENT INTO CLOSED SESSION**

Governing Board President Mok adjourned into Closed Session at 4:46pm.

#### **2. CLOSED SESSION**

**Discussion: 2.1 CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (Gov. Code section 54956.9) Cissna v. Elite Modular Leasing & Sales, Inc. et al. San Diego Superior Court Case No.: 37-2022-00049194**

**Discussion: 2.2 CONFERENCE WITH REAL PROPERTY NEGOTIATORS (Government Code Section 54956.8); District Office, 11232 El Camino Real, San Diego, CA; Assistant Superintendent, Business Services, Chris Delehanty for the District (Lessor); AT&T (Lessee); Terms for potential modification of lease for cell tower space on the District Office property**

**Discussion: 2.3 CONFERENCE WITH REAL PROPERTY NEGOTIATORS (Government Code Section 54956.8); District Office, 11232 El Camino Real, San Diego, CA; Assistant Superintendent, Business Services, Chris Delehanty for the District (Lessor); T-Mobile (Lessee); Terms for potential modification of lease for cell tower space on the District Office property**

**Discussion: 2.4 EVALUATION OF EMPLOYEE: Evaluation of performance of a public employee – 54957(b)(1). Evaluation of performance of Holly McClurg, Ph.D., Superintendent, in accordance with the contractual obligation for evaluation**

#### **3. RECONVENE OPEN SESSION**

##### **Procedural: 3.1 CALL TO ORDER OPEN SESSION**

Governing Board President Mok reconvened Open Session at 5:54pm.

##### **Procedural, Report: 3.2 REPORT OF ACTION TAKEN IN CLOSED SESSION**

The Governing Board of Trustees met in Closed Session and no action was taken.

##### **Procedural: 3.3 PLEDGE OF ALLEGIANCE & WELCOME**

Superintendent McClurg led the Pledge of Allegiance.

##### **Action: 3.4 APPROVAL OF THE AGENDA**

Approve agenda for the August 14, 2024 Regular Meeting of the Governing Board of Trustees.

Motion by Alan Kholos, second by Doug Rafner.

Final Resolution: Motion Carries

Aye: Doug Rafner, Erica Halpern, Katherine Fitzpatrick, Gee Wah Mok, Alan Kholos

4. CORRESPONDENCE/COMMUNICATIONS

Report: 4.1 CORRESPONDENCE

Superintendent's Office received the following correspondence regarding District business:

Commendations for Staff

Procedural: 4.2 HEARING OF THE PUBLIC REGARDING NON-AGENDA ITEMS

Concerned Parent, Safety at Del Mar Heights School and Safety Plans

Evan Soren, SpEd Litigation Policies

Monica Sorenson, Thank You for Professional Development at Nueva to Learn About Design Thinking Integration

5. REPORTS, RECOGNITIONS AND HEARINGS

Information, Report: 5.1 BOARD REPORT: DEL MAR CALIFORNIA TEACHERS ASSOCIATION (DMCTA)

Monica Sorenson, Vice President of DMCTA, gave a report to the Board regarding District/DMCTA relations.

Report: 5.2 BOARD REPORT: DEL MAR SCHOOLS EDUCATION FOUNDATION (DMSEF)

DMSEF President, Sheena Sahni, gave a report to the Board regarding DMSEF updates.

Report: 5.3 BOARD REPORT: GOVERNING BOARD OF TRUSTEES MEMBERS

Member Mok: Attended DMUSD Great Beginnings New Hire Event. Celebrated the opening of Del Mar Heights.

Member Kholos: Attended DMUSD Welcome Back Event. Met with Dr. Alan Daly regarding Better Together. Attended DMUSD Great Beginnings New Hire Event.

Member Rafner: Met with Dr. Alan Daly regarding Better Together. Visited Del Mar Heights School.

Member Halpern: Visited Del Mar Heights School.

Member Fitzpatrick: Excited that DMUSD started school this week. It's going to be a great school year.

Report: 5.4 BOARD REPORT: SUPERINTENDENT

Superintendent McClurg reported on current District activities, including:

Great Beginnings for New Certificated Staff

Welcome Back Event

Start of School

Child Nutrition Services Recognition

Ryan Stanley, Assistant Superintendent of Human Resources, introduced Leslie Montoro, DMUSD's new Executive Director of Student Services; Sarah Smart, DMUSD's new Director of Fiscal Services; and Abby Domingo, DMUSD's new Principal on Special Assignment for Instructional Services.

Procedural: 5.5 HEARING OF THE PUBLIC REGARDING AGENDA ITEMS

No public requests to address the Governing Board of Trustees regarding agenda items.

Action, Minutes, Procedural: 5.6 BOARD APPROVAL OF MINUTES

Approve Minutes:

July 24, 2024

Motion by Alan Kholos, second by Doug Rafner.

Final Resolution: Motion Carries

Aye: Doug Rafner, Erica Halpern, Katherine Fitzpatrick, Gee Wah Mok, Alan Kholos

Action, Procedural: 5.7 PUBLIC HEARING REGARDING INCREASE IN STATUTORY SCHOOL FEES IMPOSED ON NEW RESIDENTIAL AND COMMERCIAL/INDUSTRIAL CONSTRUCTION PURSUANT TO EDUCATION CODE SECTION 17620

AND GOVERNMENT CODE SECTION 65995

Board President Mok opened the public hearing at 6:19 PM.

There were no written comments received regarding the Increase in Statutory School Fees Imposed on New Residential and Commercial/Industrial Construction by mail or email.

There were no public comments.

Board President Mok closed the public hearing at 6:19 PM.

Chris Delehanty, Assistant Superintendent of Business Services, introduced Doug Floyd with Koppel and Gruber to explain item 5.7

Motion by Alan Kholos, second by Doug Rafner.

Final Resolution: Motion Carries

Aye: Doug Rafner, Erica Halpern, Katherine Fitzpatrick, Gee Wah Mok, Alan Kholos

Procedural: 5.8 6:15 PM TIME CERTAIN / ITEM 10.1: BOARD APPROVAL RESOLUTION 2024-12 TO INCREASE STATUTORY SCHOOL FEES IMPOSED ON NEW RESIDENTIAL AND COMMERCIAL/INDUSTRIAL DEVELOPMENT PROJECTS

6. CONSENT

Action (Consent): 6.1 BOARD APPROVAL AND RATIFICATION, DEL MAR UNION SCHOOL DISTRICT AGREEMENTS AND AMENDMENTS

Resolution: Approve and ratify Del Mar Union School District agreements and amendments

Approve Consent Items 6.1 - 6.11.

Motion by Alan Kholos, second by Doug Rafner.

Final Resolution: Motion Carries

Aye: Doug Rafner, Erica Halpern, Katherine Fitzpatrick, Gee Wah Mok, Alan Kholos

Action (Consent): 6.2 BOARD APPROVAL AND RATIFICATION OF PURCHASE ORDERS, COMMERCIAL WARRANT PAYMENTS, REVOLVING CASH DISBURSEMENTS AND PURCHASE CARD TRANSACTIONS

Resolution: APPROVE PURCHASE ORDERS AND RATIFICATION OF COMMERCIAL WARRANT PAYMENTS, REVOLVING CASH DISBURSEMENTS AND PURCHASE CARD TRANSACTIONS

Approve Consent Items 6.1 - 6.11.

Motion by Alan Kholos, second by Doug Rafner.

Final Resolution: Motion Carries

Aye: Doug Rafner, Erica Halpern, Gee Wah Mok, Alan Kholos

Nay: Katherine Fitzpatrick

Action (Consent): 6.3 BOARD APPROVAL, ACTION TO DECLARE DISTRICT PERSONAL PROPERTY AS OBSOLETE AND SURPLUS AND TO DISPOSE PER EDUCATION CODE 17540 and 17546(a)(b)(c)

Resolution: Approve action to declare District personal property as obsolete and surplus and to dispose per Education Code 17540 and 17546(a)(b)(c).

Approve Consent Items 6.1 - 6.11.

Motion by Alan Kholos, second by Doug Rafner.

Final Resolution: Motion Carries

Aye: Doug Rafner, Erica Halpern, Katherine Fitzpatrick, Gee Wah Mok, Alan Kholos

Action (Consent): 6.4 BOARD APPROVAL AND ACCEPTANCE OF DONATIONS TO THE DEL MAR UNION SCHOOL DISTRICT

Resolution: Approve and accept donations to the Del Mar Union School District

Approve Consent Items 6.1 - 6.11.

Motion by Alan Kholos, second by Doug Rafner.

Final Resolution: Motion Carries

Aye: Doug Rafner, Erica Halpern, Katherine Fitzpatrick, Gee Wah Mok, Alan Kholos

Action (Consent): 6.5 BOARD APPROVAL, ATTENDANCE AT 2024 CALIFORNIA SCHOOL NUTRITION ASSOCIATION ANNUAL CONFERENCE

Resolution: Approve attendance at the 2024 California School Nutrition Association Annual Conference

Approve Consent Items 6.1 - 6.11.

Motion by Alan Kholos, second by Doug Rafner.

Final Resolution: Motion Carries

Aye: Doug Rafner, Erica Halpern, Gee Wah Mok, Alan Kholos

Nay: Katherine Fitzpatrick

Action (Consent): 6.6 BOARD APPROVAL, REVISION OF BOARD 9012 – BOARD MEMBER ELECTRONIC COMMUNICATIONS

Resolution: Approve revision of Board Policy 9012 – Board Member Electronic Communications.

Approve Consent Items 6.1 - 6.11.

Motion by Alan Kholos, second by Doug Rafner.

Final Resolution: Motion Carries

Aye: Doug Rafner, Erica Halpern, Katherine Fitzpatrick, Gee Wah Mok, Alan Kholos

Action (Consent): 6.7 BOARD APPROVAL, REVISION OF BOARD 9121 - PRESIDENT

Resolution: Approve revision of Board Policy 9121 – President.

Approve Consent Items 6.1 - 6.11.

Motion by Alan Kholos, second by Doug Rafner.

Final Resolution: Motion Carries

Aye: Doug Rafner, Erica Halpern, Katherine Fitzpatrick, Gee Wah Mok, Alan Kholos

Action (Consent): 6.8 BOARD APPROVAL, REVISION OF BOARD 9124 – ATTORNEY

Resolution: Approve revision of Board Policy 9124 - Attorney.

Approve Consent Items 6.1 - 6.11.

Motion by Alan Kholos, second by Doug Rafner.

Final Resolution: Motion Carries

Aye: Doug Rafner, Erica Halpern, Katherine Fitzpatrick, Gee Wah Mok, Alan Kholos

Action (Consent): 6.9 BOARD APPROVAL, REVISION OF BOARD 9220 – GOVERNING BOARD ELECTIONS

Resolution: Approve revision of Board Policy 9220 – Governing Board Elections.

Approve Consent Items 6.1 - 6.11.

Motion by Alan Kholos, second by Doug Rafner.

Final Resolution: Motion Carries

Aye: Doug Rafner, Erica Halpern, Katherine Fitzpatrick, Gee Wah Mok, Alan Kholos

Action (Consent): 6.10 BOARD APPROVAL, REVISION OF BOARD 9223 – FILLING VACANCIES

Resolution: Approve revision of Board Policy 9223 – Filling Vacancies.

Approve Consent Items 6.1 - 6.11.

Motion by Alan Kholos, second by Doug Rafner.

Final Resolution: Motion Carries

Aye: Doug Rafner, Erica Halpern, Katherine Fitzpatrick, Gee Wah Mok, Alan Kholos

Action (Consent): 6.11 BOARD APPROVAL, RECOMMENDED PERSONNEL ACTIONS: EMPLOYMENT, RESIGNATIONS, DISMISSALS, LEAVES OF ABSENCE, AND CHANGE OF STATUS

Resolution: Approve recommended Personnel actions: employment, resignations, dismissals, leaves of absence, and change of status.

Approve Consent Items 6.1 - 6.11.

Motion by Alan Kholos, second by Doug Rafner.

Final Resolution: Motion Carries

Aye: Doug Rafner, Erica Halpern, Katherine Fitzpatrick, Gee Wah Mok, Alan Kholos

Action (Consent): 6.12 BOARD APPROVAL, CONSENT CALENDAR

Board Member Fitzpatrick requested items 6.2 and 6.5 to be voted on separately and not with the consent agenda. Staff responded to clarifying questions about these items.

Resolution: Approve Consent Items 6.1 - 6.11.

Approve Consent Items 6.1 - 6.11.

Motion by Alan Kholos, second by Doug Rafner.

Final Resolution: Motion Carries

Aye: Doug Rafner, Erica Halpern, Katherine Fitzpatrick, Gee Wah Mok, Alan Kholos

7. CURRICULUM AND INSTRUCTION

Report: 7.1 BOARD REPORT, SUMMER CAMP AND AFTER SCHOOL PROGRAMS

Alison Fieberg, Assistant Superintendent of Instructional Services, shared a report with Board regarding DMUSD Summer Camp and After School Program, including:

- Summer Camp 2024
- Summer Camp Meals
- The Best Adventures Begin After School
- Our Goal
- Current Enrollment
- After School Snacks
- Expanded Learning Opportunities Program (ELOP)
- Enrichment

Staff responded to questions from the Board.

## 8. ADMINISTRATION AND POLICY

### Information: 8.1 BOARD REPORT, BETTER TOGETHER

Alan Daly, PhD, Professor and Director of Educational Leadership Joint Doctoral Program for the Department of Education Studies at UCSD, gave a report to the board regarding Better Together, including:

Purpose of Better Together  
Overview Data Collection  
Key Takeaways and Preliminary Results per Stakeholder Group  
High Impact Domains  
Next Steps

Alan Daly responded to questions from the Board.

### Information: 8.2 BOARD INFORMATION, LOCAL CONTROL AND ACCOUNTABILITY PLAN (LCAP)

Chris Delehanty, Assistant Superintendent of Business Services, provided information to the Board regarding small adjustments to the LCAP.

### Action: 8.3 BOARD APPROVAL, RESOLUTION NO. 2024-16 OF THE BOARD OF TRUSTEES OF THE DEL MAR UNION SCHOOL DISTRICT ADOPTING AN AMENDED APPENDIX OF THE CONFLICT OF INTEREST CODE PURSUANT TO THE POLITICAL REFORM ACT OF 1974

Approve Resolution No. 2024-16 of the Board of Trustees of the Del Mar Union School District adopting an amended appendix of the Conflict of Interest Code pursuant to the Political Reform Act of 1974.

Motion by Alan Kholos, second by Erica Halpern.

Final Resolution: Motion Carries

Aye: Doug Rafner, Erica Halpern, Katherine Fitzpatrick, Gee Wah Mok, Alan Kholos

## 9. MAINTENANCE, OPERATIONS AND FACILITIES

### Report: 9.1 BOARD REPORT, FACILITIES UPDATE

Chris Delehanty, Assistant Superintendent of Business Services, shared a report with Board regarding Facilities Updates, including:

Del Mar Hills Academy Modernization  
Del Mar Heights School Rebuild  
Budget Workshops - Fall 2024

Staff responded to questions from the Board.

## 10. BUSINESS AND FINANCE

### Action: 10.1 6:15 PM TIME CERTAIN: BOARD APPROVAL RESOLUTION 2024-12 TO INCREASE STATUTORY SCHOOL FEES IMPOSED ON NEW RESIDENTIAL AND COMMERCIAL/INDUSTRIAL DEVELOPMENT PROJECTS

Approve Resolution 2024-12 to Increase Statutory School Fees Imposed on New Residential and Commercial/Industrial Development Projects Pursuant to Education Code Section 17623.

Motion by Doug Rafner, second by Alan Kholos.

Final Resolution: Motion Carries

Aye: Doug Rafner, Erica Halpern, Katherine Fitzpatrick, Gee Wah Mok, Alan Kholos

### Report: 10.2 BOARD INFORMATION, MEASURE MM AND MUNICIPAL MARKET UPDATE

Chris Delehanty, Assistant Superintendent of Business Services, shared a report with Board regarding Measure MM and Municipal Market Update, including:

Summary of Municipal Market Conditions  
Historical Assessed Value  
Measure MM Issuance Projection

Good Faith Estimates  
Potential Next Steps

Staff responded to questions from the Board.

## 11. PERSONNEL

Report: 11.1 BOARD INFORMATION, STAFFING/ENROLLMENT UPDATE

Ryan Stanley, Assistant Superintendent of Human Resources, shared a report with board regarding Staffing and Enrollment Updates, including:

Districtwide Enrollment  
Enrollment by School Site  
Staffing

Staff responded to questions from the Board.

## 12. CLOSING ITEMS

Information: 12.1 BOARD REVIEW, REMINDER OF UPCOMING DMUSD EVENTS

Information: 12.2 BOARD REVIEW, REMINDER OF UPCOMING DMSEF AND PTA EVENTS

Information: 12.3 PRELIMINARY ITEMS FOR THE SEPTEMBER REGULAR BOARD MEETING

## 13. CLOSED SESSION

Discussion: 13.1 CONFERENCE WITH NEGOTIATORS per Gov. Code section 54957.6 Agency Designated Representatives: Gee Wah Mok, Board President and Peter Fagen, Unrepresented Employees: Assistant Superintendent, Business Services - Chris Delehanty; Assistant Superintendent, Human Resources - Ryan Stanley; Assistant Superintendent, Instructional Services - Alison Fieberg; Superintendent - Holly McClurg, Ph.D.

## 14. RECONVENE OPEN SESSION

Action: 14.3 BOARD APPROVAL, SUPERINTENDENT'S EMPLOYMENT AGREEMENT

The Brown Act was amended, effective January 1, 2017, to require the Governing Board, prior to taking final action on an employment agreement, to orally report a summary of a recommendation for the salaries, salary schedules, or compensation paid in the form of fringe benefits for local agency executives. The Superintendent is a local agency executive and a proposed contract amendment is before us this evening.

The proposed agreement is for a four-year period, expiring on June 30, 2028. The agreement also states that the Superintendent will receive an annual salary of \$309,804.00 for the 2024-2025 school year. The Superintendent is eligible to receive a stipend of \$10,000 for each earned Doctoral degree, if applicable. In addition, the Superintendent will receive the health and welfare benefits which are provided to the District's management employees at an annual cost to the District of \$14,500. Other fringe benefits included within the Superintendent's agreement include 12 sick days, 25 vacation days per year, monthly payments of \$833 into a 401(a) account, an 8% longevity stipend, if applicable/eligible that are available to other similarly situated employees, provide for the cost of membership in ACSA and other professional or community organizations as approved by the Board, security in the event of public controversy or threats, and reimbursement for travel and actual and necessary expenses while performing day-to-day duties for the District in accordance with Board Policy.

Approve Superintendent's Employment Agreement.

Motion by Alan Kholos, second by Erica Halpern.

Final Resolution: Motion Carries

Aye: Doug Rafner, Erica Halpern, Gee Wah Mok, Alan Kholos

Nay: Katherine Fitzpatrick

Action: 14.4 BOARD APPROVAL, ASSISTANT SUPERINTENDENTS' EMPLOYMENT AGREEMENTS

The Brown Act was amended, effective January 1, 2017, to require the Governing Board, prior to taking final action on an employment agreement, to orally report a summary of a recommendation for the salaries, salary schedules, or compensation paid in the form of fringe benefits for local agency executives.

The Assistant Superintendent of Business Services is a local agency executive and a proposed contract amendment is before us this evening. The proposed agreement is for a four-year period, expiring on June 30, 2028. The agreement also states that the Assistant Superintendent of Business Services will receive an annual salary of \$220,362.00 for the 2024-2025 school year. The Assistant Superintendent of Business Services is eligible to receive a stipend of \$5,000 for each earned Doctoral degree, if applicable. In addition, the Assistant Superintendent of Business Services will receive the health and welfare benefits which are provided to the District's management employees at an annual cost to the District of \$14,500. Other fringe benefits included within the Assistant Superintendent of Business Services' agreement include 12 sick days, 25 vacation days per year, longevity stipends, if applicable/eligible that are available to other similarly situated employees, and reimbursement for travel and actual and necessary expenses while performing day-to-day duties for the District in accordance with Board Policy.

Approve Assistant Superintendent of Business Services Employment Agreement.

Motion by Erica Halpern, second by Doug Rafner.

Final Resolution: Motion Carries

Aye: Doug Rafner, Erica Halpern, Gee Wah Mok, Alan Kholos

Nay: Katherine Fitzpatrick

The Assistant Superintendent of Human Resources is a local agency executive and a proposed contract amendment is before us this evening. The proposed agreement is for a four-year period, expiring on June 30, 2028. The agreement also states that the Assistant Superintendent of Human Resources will receive an annual salary of \$214,616.00 for the 2024-2025 school year. The Assistant Superintendent of Human Resources is eligible to receive a stipend of \$5,000 for each earned Doctoral degree, if applicable. In addition, the Assistant Superintendent of Human Resources will receive the health and welfare benefits which are provided to the District's management employees at an annual cost to the District of \$14,500. Other fringe benefits included within the Assistant Superintendent of Human Resources' agreement include 12 sick days, 25 vacation days per year, longevity stipends, if applicable/eligible that are available to other similarly situated employees, and reimbursement for travel and actual and necessary expenses while performing day-to-day duties for the District in accordance with Board Policy.

Approve Assistant Superintendent of Human Resources Employment Agreement.

Motion by Erica Halpern, second by Doug Rafner.

Final Resolution: Motion Carries

Aye: Doug Rafner, Erica Halpern, Gee Wah Mok, Alan Kholos

Nay: Katherine Fitzpatrick

The Assistant Superintendent of Instructional Services is a local agency executive and a proposed contract amendment is before us this evening. The proposed agreement is for a four-year period, expiring on June 30, 2028. The agreement also states that the Assistant Superintendent of Instructional Services will receive an annual salary of \$200,550.00 for the 2024-2025 school year. The Assistant Superintendent of Instructional Services is eligible to receive a stipend of \$5,000 for each earned Doctoral degree, if applicable. In addition, the Assistant Superintendent of Instructional Services will receive the health and welfare benefits which are provided to the District's management employees at an annual cost to the District of \$14,500. Other fringe benefits included within the Assistant Superintendent of Instructional Services' agreement include 12 sick days, 25 vacation days per year, longevity stipends, if applicable/eligible that are available to other similarly situated employees, and reimbursement for travel and actual and necessary expenses while performing day-to-day duties for the District in accordance with Board Policy.



Approve Assistant Superintendent of Instructional Services Employment Agreement.

Motion by Erica Halpern, second by Doug Rafner.

Final Resolution: Motion Carries

Aye: Doug Rafner, Erica Halpern, Gee Wah Mok, Alan Kholos

Nay: Katherine Fitzpatrick

15. ADJOURNMENT OF MEETING

Action: 15.1 ADJOURNMENT OF MEETING

Governing Board President Mok adjourned the meeting at 9:53 PM.

Motion to Adjourn meeting.

Motion by Doug Rafner, second by Alan Kholos.

Final Resolution: Motion Carries

Aye: Doug Rafner, Erica Halpern, Katherine Fitzpatrick, Gee Wah Mok, Alan Kholos

Signature of Governing Board Clerk.

Alan Kholos, Esq.

09/11/24

Date

Signature of Superintendent:

Holly McClurg, Ph.D.

09/11/24

Date

Generated by Molly McGregor on Tuesday, August 20, 2024