

**MALIBU UNIFICATION NEGOTIATIONS COMMITTEE
PRE-NEGOTIATIONS FOLLOW-UP MEETING AGENDA**

**Tuesday, March 29, 2016
Malibu City Hall
23825 Stuart Ranch Road, Malibu, CA**

- I. Call to Order / Roll Call
- II. Approve 3/16/16 Meeting Minutes
 - Attachment:*
 - *3/16/16 meeting minutes*
- III. Common Ground Rules for Negotiations Process
 - *Facilitator: Karen Orlansky*
- IV. Revised Agreement
 - Attachment:*
 - *The revised agreement will be provided at the meeting.*
- V. Retention of Education / Financial Consultant
 - *School Services of California*
 - *Capital Advisors*
- VI. Retention of Legal Consultant
 - *Report on reference checks re: Procopio*
 - *Proposal can be found starting on page 30 at this link:*
http://www.smmusd.org/superintendent/MalibuUnification/pdf/Agenda_031616.pdf
- VII. Discussion re: CEQA Issues
- VIII. Public Comments
- IX. Topics for Next Agenda
- X. Adjournment

Upcoming Meeting Dates:

- *Tues., April 5 at the district office*
- *Thurs., April 14 at Malibu City Hall*
- *Tues., April 19 at location TBD*

ATTACHMENTS FOR:

II. APPROVE 3/16/16 MEETING MINUTES

**MALIBU UNIFICATION NEGOTIATIONS COMMITTEE
PRE-NEGOTIATIONS FOLLOW-UP MEETING MINUTES**

**Monday, March 16, 2016
District Office Conference Room
1651 16th St., Santa Monica, CA 90404**

- XI. Call to Order / Roll Call
- *The committee called the meeting to order at 7:05pm. All committee members were present:*

<i>Tom Larmore</i>	<i>Laura Rosenthal</i>
<i>Debbie Mulvaney</i>	<i>Kevin Shenkman</i>
<i>Paul Silvern</i>	<i>Manel Sweetmore</i>
- XII. Approve 3/7/16 Meeting Minutes
- *It was moved by Mr. Shenkman, seconded by Ms. Rosenthal, and voted 6/0 to approve the 3/7/16 meeting minutes.*
- XIII. New Composite Draft Agreement
- *The committee analyzed a red-line version of the agreement created by Shenkman with input from Larmore (attached to these minutes).*
 - *The committee discussed the following: whether or not the recitals should be included in the agreement; whether or not AMPS would pay for independent legal counsel for the district during the negotiations process or after the committee makes its final report to the board; and the board's intent as expressed in the resolution.*
 - *The committee agreed to the following language changes to the red-line version of the agreement:*
 - *Changes to intro paragraph and Section B: accepted*
 - *Changes to Section I.C: accepted, but remove "concluded"*
 - *Changes to Sections I.D, E, F, and G: accepted*
 - *Section I.H: accepted, but remove "Notwithstanding... deliberations above,"*
 - *Sections I.H1 and H2: accepted (fix typo in H2)*
 - *Section I.I: accepted with addition of, "as it can be accomplished in a manner that does not have a negative effect on the fiscal status of a new Malibu Unified School District ("MUSD") or SMMUSD, then operating as Santa Monica Unified School District ("SMUSD")."*
 - *Section II.A: accepted*
 - *Section II.B: accepted, but remove, "... to assist... available to..."*
 - *Section II.C.1: Keep last sentence*
 - *Section II.C.2: accepted, but keep, "The legal consultant... negotiation process."*
 - *Signature blocks: accepted*
 - *Shenkman will make the updated corrections to the agreement based on tonight's discussion.*
 - *Larmore will provide Shenkman and Sweetmore with language regarding the points on which the committee needed clarification from the board.*
- XIV. Retention of Facilitator
- *Karen Orlansky explained the facilitation services she can provide. She explained her process, including the committee's ground rules for the process of negotiations would be discussed and agreed upon.*

- *It was clarified that while SMMUSD would retain Orlansky's services, the invoices would be split 50/50 between SMMUSD and AMPS.*
- *Rosenthal asked Wahrenbrock (recording secretary for this pre-negotiations meeting) to work with the Malibu City Manager's office to get a link on the Malibu City website to the committee's webpage.*
- *The committee was in unanimous consensus regarding the retention of Karen Orlansky as the facilitator for the committee's meetings.*

XV. Retention of Education and Legal Consultants

- *Discussion re: Legal Consultant*
 - *John Lemmo from Procopio outlined his firm's experience with unifications and other such reorganizations.*
 - *The committee explained, among a list of topics, the need for legal counsel to help the committee develop recommendations regarding bond indebtedness, environmental concerns, and to develop a mechanism for an MUSD to pay an SMUSD to make up for the loss in ADA.*
 - *Mulvaney suggested that the committee could use Procopio for legal opinions, while SMMUSD could use DWK for the independent review of the committee's work.*
 - *Shenkman will conduct a reference check on Procopio. Mulvaney suggested that the superintendent also conduct a reference check.*
 - *Barring anything resulting from the reference checks, the committee was in unanimous consensus regarding the retention of Procopio as the legal consultant for the committee. Larmore clarified that he would still like to examine other firms to handle the environmental component. The committee agreed to that caveat.*
- *Discussion re: Educational/Financial Consultant*
 - *Silvern will speak with SMMUSD's CFO and ask her to introduce Sweetmore and Silvern to contacts at both Capital Advisors and School Services of California. Silvern will then ask the organizations for proposals and if they can call in to the committee meeting on March 29.*

XVI. Confirm Tentative Meetings Dates, Locations, and Topics

- *Tuesday, March 29, 2016, at Malibu City Hall from 7:00-9:00pm*
- *Tues., April 5, 2016, at the district office from 7:00-9:00pm*
- *Thursday, April 14, 2016, at Malibu City Hall from 7:00-9:00pm*
- *Tuesday, April 19, 2016, in either Santa Monica or Malibu*

XVII. Public Comments

- *Seth Jacobson addressed the committee regarding CEQA concerns. The committee will investigate if Procopio could answer the CEQA question or if a separate CEQA consultant should be retained and Procopio could provide legal advice on that consultant's work product.*
- *Craig Foster recommended that the committee keep open communication with not only the consultants, but LACOE as well, during the negotiations process.*

XVIII. Adjournment

- *The committee adjourned the meeting at 9:30pm.*