

Board Agenda Backup

Item No: 20.5

Date: December 13, 2011

Item: Report, Discussion and Possible Action to Approve Resolution No. 2011-12.15 – Waive Board Policy 3130 and Accept Conditional Gift by Pleasanton Schools Educational Enrichment (PSEE) Foundation

Overview: Board Policy 3130 states that "gifts to the District will not be accepted by the Board with any conditions of use attached." PSEE has offered to make a gift to the District of approximately \$800,000. The gift is subject to certain conditions of use which are embodied within a letter from PSEE. The conditions of use are not overly burdensome and the gift amount may be substantial enough that the Board wishes to accept the conditional gift. Resolution No. 2011-12.15 would waive the application of Board Policy 3130 for this particular gift and permit the District to accept the gift subject to the conditions of use in PSEE's letter

Recommendation: That the Board approve Resolution No. 2011-12.15 –Waive Board Policy 3130 and Accept Conditional Gift by Pleasanton Schools Education Enrichment (PSEE) Foundation.

Budget Considerations:

Funding Source: Various

Budgeted: Yes: No:

Amount:

Reviewed by: Luz T. Cázares, Assistant Superintendent of Business Services

Reviewed by: Parvin Ahmadi, Superintendent

PLEASANTON UNIFIED SCHOOL DISTRICT

RESOLUTION NO. 2011-12.15

**WAIVE BOARD POLICY 3130 AND ACCEPT
CONDITIONAL GIFT BY PLEASANTON SCHOOLS EDUCATION
ENRICHMENT (PSEE) FOUNDATION**

RECITALS

WHEREAS, Pleasanton Board Policy No. 3130 prohibits the District from accepting a gift that is subject to conditions;

WHEREAS, the Pleasanton Schools Educational Enrichment Foundation ("PSEE") has offered to give the District the approximate sum of Eight Hundred Thousand Dollars (\$800,000.00) subject to certain conditions;

WHEREAS, the gift will benefit the students of the District by supplementing funding for programs in the categories of music, arts, science and performing arts. The proposed conditions do not interfere with the gift's purpose of benefitting students;

WHEREAS, the terms of the gift, including the conditions, are set forth in Attachment A to this Resolution;

WHEREAS, the District may, in the exercise of its discretion, waive application of a Board Policy as to a particular factual situation;

BOARD ACTION

NOW THEREFORE, be it resolved by this Governing Board that:

1. Each of the foregoing recitals is incorporated herein with the same force and effect as though fully reproduced.
2. It is in the best interests of students to accept this gift subject to the conditions requested by PSEE.
3. The District waives application of Board Policy No. 3130 as it relates to this transaction.
4. The District accepts the gift subject to the conditions that are set forth in Attachment A.

5. The Superintendent is authorized and directed to thank PSEE for the gift and provide notice of the District's acceptance of the gift.

THE FOREGOING RESOLUTION was duly passed and adopted by the Board of Education of the Pleasanton Unified School District at a regular meeting held on the 13th day of December, by the following roll call vote:

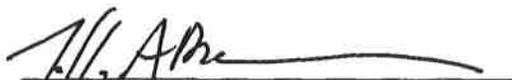
	Ayes	Nos	Abstain	Absent
Arkin	✓	—	—	—
Bowser	✓	—	—	—
Grant	✓	—	—	—
Hintzke	✓	—	—	—
Laursen	✓	—	—	—

Signed and approved by me after its passage.



 President of the Board of Education

ATTEST:



 Clerk of the Board of Education

ATTACHMENT A

November 15, 2011

Luz Cázares
Assistant Superintendent, Business Services
Pleasanton Unified School District
4665 Bernal Avenue
Pleasanton, CA 94566-7498

Re: Confidential Gift Offer

The Pleasanton Schools Educational Enrichment foundation ("PSEE") offers to give the Pleasanton Unified School District ("PUSD"), subject to the conditions set forth below, the sum of approximately eight hundred thousand dollars (\$800,000).

The gift is expressly conditioned upon PUSD's agreement to comply with the following terms:

1. PUSD shall establish a restricted fund (the "Restricted Fund") that is "titled" PSEE Gift.
2. PSEE shall deliver a check payable to PUSD, for approximately eight hundred thousand dollars (\$800,000.00).
3. PUSD shall deposit the entire balance of the gift check into the Restricted Fund.
4. PUSD may make annual disbursements from the Restricted Fund.
 - a. Disbursements may be made from interest earned on the Restricted Fund as well as the principal of the Restricted Fund.
 - b. PUSD shall not make total disbursements in any one calendar year which exceed seventy-five thousand dollars (\$75,000.00) from the Restricted Fund.
 - c. PUSD may continue to make annual disbursements until the Restricted Fund has been exhausted.
 - d. Any disbursement from the Restricted Fund is restricted to expenditures on a PUSD program that directly benefits one or more of the following categories: music, arts, science and/or performing arts.
5. Each year, the PSEE Advisory Board (which consists of representatives from each school, PUSD personnel and the PSEE Board) may convene to make recommendations concerning PUSD's use of the annual distribution from the Restricted Fund.

- a. These recommendations will be provided to the Superintendent and the PUSD Board of Trustees not later than August 30.
 - b. The Parties acknowledge that final approval regarding the use of the annual disbursement rests with the PUSD Board of Trustees, provided the dollars are used to benefit one of the specified program categories (*see* 4.d. above).
6. PUSD shall supply to PSEE, upon written request:
- a. a recap and short accounting of annual disbursements that have been made from the Restricted Fund;
 - b. a summary of the program that benefited by the disbursement.

If these conditions are acceptable to PUSD, please provide notice of formal acceptance by the Governing Board.

Very truly yours,
Pleasanton Schools Educational Enrichment Foundation

Denise Watkins
President and Board Member

Michael Faber
Board Member