

**WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT  
BOARD OF EDUCATION  
MEETING AGENDA  
SEPTEMBER 16, 2009**

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**BOARD AGENDA PACKETS AND INFORMATION:**

Complete Board meeting packets are available for review at the Administration Building, the District's six high schools, and at public libraries throughout West County.

Complete Board agendas and packets are available online at: [http://www.wccusd.net/board/APM\\_index.shtml](http://www.wccusd.net/board/APM_index.shtml)

Any writings or documents that are public records and are provided to a majority of the governing board regarding an open session item on this agenda will be made available for public inspection in the District office located at 1108 Bissell Avenue, Richmond, CA 94801 during normal business hours. In addition, such writings and documents may be posted on the District's website as noted above.

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**VIEWING AND LISTENING TO THE BOARD MEETINGS:**

**Television:**

Live television broadcast of regularly scheduled Board meetings is temporarily suspended due to construction at the Richmond Civic Center. Board meetings will be rebroadcast by the City of Pinole on PCTV Channel 26/28, the City of Richmond KCRT Channel 28 and the City of Hercules Cable Channel 28. Please check the city websites for local listings of rebroadcast schedules.

You may also find the complete meeting available on a tape-delay basis through the Richmond City Web Page at: <http://www.kcrt.com> within a few days of the recording date.

**Radio:**

Radio broadcast of regularly scheduled Board meetings is temporarily suspended.

Audio tapes of Board meetings are kept on file in the Communications Office, Room 215, 1108 Bissell Avenue, Richmond, CA 94801 (510-231-1132). The Board of Education would like to acknowledge the cities of Pinole and Richmond for their generosity in helping to televise WCCUSD Board of Education meetings.

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**ATTENDING BOARD MEETINGS:**

The public is warmly invited to attend and participate in all WCCUSD Board of Education meetings.

**Location:**      **LOVONYA DEJEAN MIDDLE SCHOOL  
3400 MACDONALD AVENUE  
RICHMOND, CA 94805**

**Time:**            The **Board of Education's Open Session meeting will begin at 6:30 PM.** The Board will convene at **5:30 PM** in the Multi-Purpose Room to receive comments from anyone wishing to address the Board regarding closed session items (Exhibit A). The Board will then adjourn to closed session and reconvene in open session to address the regular agenda (Exhibits B-G) at 6:30 PM.

**Special Accommodations:** Upon written request to the District, disability-related modifications or accommodations, including auxiliary aids or services, will be provided. Please contact the Superintendent's Office at 510-231-1101 at least 48 hours in advance of meetings.

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"of children be more careful than anything."  
e.e. cummings

**B. OPENING PROCEDURES**

**B.1 Pledge of Allegiance**

**B.2 Welcome and Meeting Procedures**

**B.3 Roll Call**

**B.4 Presentation of Student Board Representative Imaobong (Ima) Etim, DeAnza High School**

Comment: Student Board Representative Imaobong (Ima) Etim will be representing DeAnza High School at the Board of Education meeting on September 16, 2009. We would like to recognize and commend her participation.

Recommendation: For Information Only

Fiscal: None

**B.5 Report/Ratification of Closed Session**

\* **B.6 Agenda Review and Adoption (Public Comment)**

\* **B.7 Minutes: September 2, 2009**

**C. BUSINESS ITEMS**

**CONSENT ITEMS (Routine Matters)**

Consent Calendar Items designated by “CI” are considered routine and will be enacted, approved and adopted by one motion, unless a request for removal, discussion or explanation is received from any Board member or member of the public in attendance. Items the Board pulls for discussion or explanation will be addressed following Section E.

\*CI **C.1 Approval of Fund-Raising Activities**

Comment:

The planned fund-raising events for the 2009-10 school year are summarized dated September 16, 2009.

Recommendation: Recommend Approval

Fiscal Impact: Additional revenue for schools

\*CI **C.2 Grants/Awards/Agreements**

Comment:

Formal acceptance is requested from the Board of Education to accept the grants/awards/agreements, as detailed dated September 16, 2009.

Recommendation: Recommend Approval

Fiscal Impact: As noted per grants summary

**\*CI C.3 Acceptance of Donations**

Comment: The District has received donations as summarized dated September 16, 2009. The estimated values for any non-cash donations (as indicated by an asterisk) are those provided by the donor.

Recommendation: Recommend Approval

Fiscal Impact: As noted per donations summary

**\*CI C.4 Summary of Payroll and Vendor Warrant Reports**

Comment: Payroll and Vendor Warrants issued during the month of August, 2009 are summarized.

Total of payroll warrants: \$ 5,219,765  
Total of vendor warrants: \$ 11,925,531

Recommendation: Recommend approval of the payroll and vendor warrant reports

Fiscal Impact: As noted above

**\*CI C.5 Notice of Completions: Bid J068161 Pinole Middle Demolition-Hazmat, J068115 Pinole Middle Utility Installation of Interim Kitchen, J068113 DeAnza HS Utilities, Gymnasium, And Site Work, J068124 Kennedy HS Painting of Exterior Walls, J068151 Dover Elementary, Site Work Phase II, E068178 Coronado Elementary Plumbing / Countertops, E068169 Coronado Fence & Gate Replacement, E068175 Coronado Elementary Ceiling Tile Replacement, E068153 Coronado Elementary Portable Replacement, J06810 Montalvin Elementary Trash Enclosure, J068118 Mira Vista Elementary Lower Play yard Repair**

Comment: A substantial Completion Notice has been received for:

Bid J068161, J068115, J068113, J068124, J068151, E068178, E068169, E068175, E068153, J06810, J068118.

Major construction projects are subject to acceptance by the governing board before a Notice of Completion can be processed, and final payment of the contract made. (BP 7470)

Staff recommends acceptance of the work completed by the following contractors:

Demo Masters, J068161 Pinole Middle Demolition-Hazmat  
A&E Emaar, J068115 Pinole Middle Utility Installation of Interim Kitchen  
Bay Cities Paving & Grading, J068113 DeAnza HS Utilities, Gymnasium, And Site Work  
Ionian Construction Inc. J068124 Kennedy HS Painting of Exterior Walls  
Trinet Construction, J068151 Dover ES Site Work Phase II  
ERA Construction, E068178 Coronado Elementary Plumbing / Countertops  
Chain Link Fence & Supply, Inc., E068169 Coronado Fence & Gate Replacement  
Streamline Builders, E068175 Coronado Elementary Ceiling Tile Replacement  
WR Forde Associates, E068153 Coronado Elementary Portable Replacement

Rosas Brothers Construction, J06810 Montalvin Elementary Trash Enclosure  
Ghilotti Bros., J068118 Mira Vista Elementary Lower Play yard Repair

Recommendation: Recommend approval of these notices of completions

Fiscal Impact: None

**\*CI C.6 Award of Contract for Kennedy High School Gym Locker Hot Water System**

Comment: The District received a Williams Complaint regarding the lack of hot water for cleanliness in the Kennedy High School Gym locker building. The hot water system at this building has been shut down for many years and is an antiquated, highly inefficient system with a size far beyond current needs in the building. The District retained SJ Engineers to design a replacement system. During the design, and with the review and input from Kennedy staff, it was determined to include a reduction in student showers as a part of this project. Very few students currently use the showers, and reduction in the number of showers will allow for a more appropriately sized system. The plans and specifications for the project include demolition and hazardous materials abatement of the existing system, installation of the new system including piping, valves, wiring, and controls.

The plans and specifications have been approved by the Division of State Architect. The District conducted a public bid process for the project. Bids were opened on September 3, 2009. Four contractors submitted bids. They are as follows: Dowdle and Sons \$209,000; NS Construction \$195,500; Sonomarin Inc. \$184,818; and ERA Construction \$171,544. The lowest responsive, responsible bidder is ERA Construction at \$171,544.

Recommendation: Award contract to lowest responsive, responsible bidder

Fiscal Impact: \$171,544. Funded by the Measure J Bond.

**\*CI C.7 Kennedy High School Restroom Renovations Project Award of Contract**

Comment: The student and staff restrooms at Kennedy High School have not been upgraded since the original construction of the school. The existing restrooms do not meet current code requirements for access compliance. In addition, many of the restrooms are seriously deteriorated after years of use. The Restroom Renovations Project includes demolition of all existing finishes, fixtures, and equipment in each restroom. New exhaust fans, wiring, lighting, drains, water supply lines, plumbing fixtures, partitions, tile surfaces, and other finishes will be installed. The scope includes abatement of hazardous materials, monitoring, and air testing/clearance for occupancy. The work will be phased so that only one group of restrooms in an area will be renovated at any given time. The work will extend over a year to allow this phasing.

HMC Architects prepared plans and specifications for the Kennedy High School Restroom Renovations project. The project has been approved by the Division of State Architect.

The District conducted a public bid process for the project. Bids were opened on September 1, 2009. Thirteen contractors submitted bids. They are as follows: IMR Contractors \$2,025,501; Eternal Construction \$1,998,600; JW and Sons \$1,936,900; Alten Construction \$1,826,955; John Plane Construction \$1,725,000; Albay Construction \$1,697,000; BHM Construction \$1,686,524; Cal-Pacific

\$1,676,000; Bay Construction \$1,675,000; BRCO Constructors \$1,659,000; DL Falk Construction \$1,609,000; Evra Construction \$1,570,000; and, JDS Builders Group \$1,570,000. There are two bidders tied as lowest responsive, responsible bidders. They are Evra Construction and JDS Builders Group at \$1,570,000.

Subsequent to the bids, and within the timeframe allowed in the contract documents, a bid protest was received from the second low bidder. The protest raised an issue related to subcontractor listings by the low bidder and alleged that the bid was non-responsive. The District received a response to the allegations from the low bidder. The protest and response, along with all bid documents, were reviewed by legal counsel and it was determined that none of the allegations constituted grounds to declare the low bidder non-responsive.

In accordance with Public Contract Code Section 20117 the District's Board approved a coin toss to determine "by lot which bid shall be accepted." The coin toss was held on September 9, 2009. The lowest responsive, responsible bidder as determined by the coin toss is JDS Builders Group at \$1,570,000.

Recommendation: Award contract to the lowest responsive, responsible bidder.

Fiscal Impact: \$1,570,000. Funded from the Measure J Bond.

**\*CI C.8 Award of Contract for Ford Elementary School New Campus Project**

Comment: Ford Elementary School has been relocated to the temporary campus at the Downer site. Hazardous materials abatement, demolition of existing buildings, utility work and building pad preparation has been completed. The next step in the project is to complete the construction of the new campus buildings and grounds. Sally Swanson Architects has prepared construction documents for the New Campus project. The project has been approved by the Division of State Architect.

The District conducted a public bid process for this project. Bids were received on September 3, 2009. Fifteen Contractors submitted bids. They are as follows: John Plane Construction \$18,559,569; West Coast Contractors \$18,371,000; S.J. Amoroso \$18,367,000; BRCO Constructors \$18,175,000; W.A. Thomas \$17,882,938; Jeff Lucheti Construction \$17,839,000; C. Overaa \$17,796,000; Zovich and Sons \$17,775,000; Roebelen \$17,704,000; Midstate Construction \$17,695,000; West Bay Builders \$17,628,000; Lathrop \$17,485,000; Cal-Pacific \$17,343,000; Wright Contracting \$17,189,000; and Alten Construction \$16,734,206. The lowest responsive, responsible bidder is Alten Construction at \$16,734,206. This cost is substantially below the estimated construction cost and budgeted amount for this work.

Recommendation: Award contract to the lowest responsive, responsible bidder

Fiscal Impact: \$16,734,206. Funded by the Measure J Bond

**\*CI C.9 Ratification of Staff Action Amending Approved Contract for Construction to Award Bid Alternate #1**

Comment: The contract for construction for the Crespi Middle School Paving Emergency Repair Program was awarded by the Board at its regular meeting of July 29, 2009, to O.C. Jones, Inc., the lowest responsive, responsible bidder. The award was for the Base Bid work in the Contract Documents. The Base Bid for the project included limited removal of old asphalt and overlay of

existing paving. The bid documents also included Bid Alternate #1 for the full removal and replacement of all asphalt at the site. Alternate #1 will provide the district with a far superior surface and will more than double the useable life of the playground. The bid analysis proved that the contractor bid amount, which reflects the scope of work represented in the said Bid Alternate, would still be deemed the lowest responsive bid. Staff subsequently directed the Contractor to proceed with the Bid Alternate #1 work. Given the very rapid time frame of the project, it was not possible for staff to return to the Board for a prior approval of this action. By approval of this item, the Board ratifies staff's action to award Bid Alternate #1 and adjusts the contract with O.C Jones, Inc. in the net amount of \$92,000.

Recommendation: Ratify staff action amending approved contract for construction to award Bid Alternate #1

Fiscal Impact: \$92,000. Funded by the Emergency Repair Program.

**\*CI C.10 Kennedy High School Fire Alarm Project Award of Contract**

Comment: The fire alarm system at Kennedy High School has not been upgraded since the original construction of the school. The existing system does not meet current code requirements and lacks a number of important features. The upgrade to the system includes a new head end, heat and smoke detectors, pull stations, and horn/strobe devices. The work involves extensive rewiring which will penetrate existing walls and ceilings where hazardous materials may be present. The scope includes abatement of hazardous materials, monitoring, and air testing/clearance for occupancy.

Powell and Partners Architects prepared plans and specifications for the Kennedy High School Fire Alarm project. The project has been approved by the Division of State Architect. This project has been previously bid; however, due to irregularities, the Board rejected all bids at its meeting on July 29, 2009, and authorized staff to rebid the project.

The District has conducted a new public bid process for the project. Bids were received on August 25, 2009. Five contractors submitted bids. They are as follows: Gold Spring Construction \$810,642; Mike Brown Electric \$717,044; R.A.N. Electric \$688,000; ERA Construction \$637,000; and Emard Electric \$516,500. The lowest responsive, responsible bidder is Emard Electric at \$516,500.

Subsequent to the bids, and within the timeframe allowed in the contract documents, a bid protest was received from the second low bidder. The protest raised an issue related to subcontractor listings by the low bidder and alleged that the bid was non-responsive. The District received a response to the allegations from the low bidder. The protest and response, along with all bid documents, were reviewed by legal counsel and it was determined that none of the allegations constituted grounds to declare the low bidder non-responsive. The protesting bidder has agreed not to press the protest further. Therefore the lowest responsive, responsible bidder remains Emard Electric at \$516,500.

Recommendation: Award contract to the lowest responsive, responsible bidder

Fiscal Impact: \$516,500. Funded from the Measure J Bond.

**\*CI C.11 Pinole Middle School Building A Modernization Project Award of Contract**

Comment: The next step in completing the full renovation of Pinole Middle School, in accordance with the Board's approved Master Plan, is to begin renovations and modernization of the original main

building. The building has already been prepared for the work with the completion of the contract for hazardous materials abatement and “soft” demolition—including removal of all finishes and systems.

Powell and Partners Architects has completed plans and specifications for the work. The project has been approved by the Division of State Architect.

The District conducted a public bid process for the project. Bids were opened on August 25, 2009. Seventeen contractors submitted bids. They are as follows: Best Contracting \$13,835,000; Albay Construction \$11,165,000; West Coast Contractors \$10,866,000; Jeff Luchetti \$10,799,000; Ralph Larson \$10,724,000; WA Thomas \$10,722,000; Cal Pacific \$10,767,000; JW and Sons \$10,521,000; BRCO Constructors \$10,487,000; John Plane Construction \$10,456,000; Bollo Construction \$10,356,850; West Bay Builders \$10,365,000; Midstate Construction \$10,295,000; Zovich and Sons \$10,099,000; Wright Contracting \$9,769,000; Alten Construction \$9,743,000; and, Alpha Bay Builders \$9,570,735. The lowest responsive, responsible bidder is Alpha Bay Builders at \$9,570,735.

Subsequent to the bids, and within the timeframe allowed in the contract documents, a bid protest was received from the second low bidder. The protest raised issues related to subcontractor listings by the low bidder and alleged that the bid was non-responsive. The District received a response to the allegations from the low bidder. The protest and response, along with all bid documents, were reviewed by legal counsel and it was determined that none of the allegations constituted grounds to declare the low bidder non-responsive. The protesting bidder has agreed not to press the protest further. Therefore the lowest responsive, responsible bidder remains Alpha Bay Builders at \$9,570,735.

Recommendation: Award contract to the lowest responsive, responsible bidder

Fiscal Impact: \$9,570,735. Funded from the Measure J Bond

#### **\*CI C.12 Ratification and Approval of Negotiated Change Orders**

Comment: Staff is seeking ratification of Change Orders on the following current District construction projects: Pinole Valley High School Communications System; Dover Elementary New Campus; Ford Elementary Demo and Sitework; Coronado Elementary Ceiling Tiles; Verde Elementary Sitework Playground; and Pinole Middle Temporary Kitchen. Change Orders are fully executed by the District upon signature by the Superintendent’s designee. Board ratification is the final step required under state law in order to complete payment and contract adjustment.

In addition to normal ratification, approval of the noted Change Orders for Dover Elementary Sitework Ph. II, Coronado Elementary Plumbing/Countertops, Coronado Elementary Modulars, and Richmond High Restroom Renovations is required by the Board, with special findings as noted below, because these are in excess of the Public Contract Code limit of 10% of the original contract value. In accordance with Public Contract Code 20118.4, the Board, by approving and ratifying these Change Orders, finds that it would have been futile to publicly bid the work in question because of the tight time frames to complete this work without affecting the operations of the District, and that the public is best served by having this work completed by the contractor on the project.

Recommendation: Ratify and approve negotiated Change Orders as noted

Fiscal Impact: Total ratification and approval by this action: \$327,809.

**\*CI C.13 Ratification and Approval of Engineering Services Contracts**

Comment: Contracts have been initiated by staff using previously qualified consulting, engineering, architectural, or landscape architectural firms to assist in completion of the referenced projects. Many of the firms are already under contract and the staff-initiated work may be an extension of the firm's existing contract with the District. Public contracting laws have been followed in initially qualifying and selecting these professionals.

Recommendation: Ratify and approve contracts as noted

Fiscal Impact: Total for this action: \$364,974. Funding sources as noted.

**\*CI C.14 Addendum to the School Resource Officer Agreement**

Comment: The addendum will provide clarification on the roles, primary duties and responsibilities of School Resource Officers and provide guidelines for conduct and information sharing.

Recommendation: Recommend Approval

Fiscal Impact: None

**\*CI C.15 Agreement with Bay Area Community Resources, YMCA of the East Bay and Contra Costa County Health Services for School Based Health Center Coordinator Services**

Comment: The District has finalized individual agreements with Bay Area Community Resources to continue providing coordination and services at DeAnza High School and Hercules High School. The YMCA of the East Bay will continue providing coordination and health services at Pinole Valley High School, Kennedy High School and El Cerrito High School. Contra Costa County Health Services will provide services at Richmond High School.

Recommendation: Recommend Approval

Fiscal Impact: \$ 360,000.00

**D. AWARDS, RECOGNITIONS, AND REPORTS**

**\* D.1 Mexican Independence Day 2009**

Comment: Mexican Independence Day, September 16, celebrates the events and people that eventually resulted in Mexico's independence from Spanish rule.

A few of our schools will share presentations that showcase and celebrate some of the cultural traditions of Mexico.

Recommendation: For Information Only

Fiscal Impact: None



## **D.2 Standing Reports**

Representatives of the following committees and employee unions are invited to provide a brief update to the Board. Representatives from these groups need to sign up to speak prior to the beginning of this item on the agenda by submitting a “Request to Address the Board” form. Five minutes may be allowed for each subcommittee or group listed below:

Academic Subcommittee	Public Employees Local 1
Bayside Parent Teacher Association	School Supervisors Association
Citizens’ Bond Oversight Committee	United Teachers of Richmond
Community Budget Advisory Committee	West Contra Costa Administrators Association
Facilities Subcommittee	
Ivy League Connection	
Safety Committee	
Special Education Citizens Advisory Committee	
Youth Commission	

## \* **D.3 Report on School Based Health Centers**

Comment: In an ongoing effort to provide health education and services to the students of West Contra Costa Unified School District, Health Center coordinators will report on the programs and services that are currently being offered.

Recommendation: Report Only

Fiscal Services: None

## \* **D.4 Report on the Advanced Placement program in West Contra Costa Unified School District**

Comment: The District is in the sixth year of the increased implementation of Advanced Placement (AP) courses and materials via the AP Grant. A report will be given on the status of the AP program.

Recommendation: Report Only

Fiscal Impact: None

## \* **D.5 In Memory of Members of the School Community**

Comment:

The District would like to take time to recognize the contributions of members of our school community who have passed away. The District requests the community to submit names to be reported as a regular part of each agenda.

Yukiko “Kiko” Inouye passed away on August 22, 2009. Ms. Inouye was a long time Richmond Unified School District employee and worked as school secretary at Lincoln Elementary and Gompers High School. She retired in 1991.

Carolyn Wright passed away on September 5, 2009. Ms. Wright began teaching in the school district in 1993 and taught most recently at Adams and Portola Middle Schools.

Our thoughts go out to the family and friends in the loss of their loved one.

Recommendation: For Information Only

Fiscal Impact: None

**E. PUBLIC AND COMMITTEE COMMUNICATIONS**

(Education Code 35145.5; Government Code 54950 et seq.)

\* **E.1 Superintendent’s Report**

\* **E.2 WCCUSD Public Comment**

Members of the public are invited to speak to the Board about any matter that is not otherwise on the agenda and is related to issues affecting public education in the WCCUSD. **Approximately 30 minutes will be allocated for this item.** If there are more requests to speak than can be heard within this time limit, “WCCUSD Public Comment” will continue after Item G. Individuals wishing to speak must submit a “WCCUSD Public Comment” form prior to the beginning of this item on the agenda.

Depending on the number of persons who wish to speak, from one to three minutes will be allocated to each speaker at the discretion of the President of the Board in order to accommodate as many speakers as possible. The Board cannot dialogue on any issues brought before it by the public that have not been previously agendized, but may refer these to staff for response and/or placement on future agendas.

**E.3 Request to Address the Board – Hagit Habash, M.D.**

Comment: Dr. Habash has requested to speak about rights for children in special education.

Recommendation: For Informaiton Only

Fiscal Impact: None

**F. ACTION ITEMS**

\* **F.1 Approval of the 2008-09 Unaudited Actuals Financial Report**

Comment: By September 15 of each year, the district must file the Unaudited Actuals Financial Report for the prior year with the Contra Costa County Office of Education and the California Department of Education. This report reflects the financial activities of the District by major object of revenue and expense for each fund operated in the district.

Staff will present an overview of the financial activity and its impact on the ending balance.

Included is the Unaudited Actuals Summary of the General Fund and all Funds. The complete Unaudited Actuals Financial Report will be delivered under separate cover.

Recommendation: Staff requests approval to file this report with the county superintendent.

Fiscal Impact: None

\* **F.2 Resolution No. 29-0910, Adoption of Gann Limit, 2008-09 and 2009-10**

Comment: Education Code Section 42132 specifies that school district governing boards shall adopt a resolution identifying their annual appropriations limit for the preceding fiscal year, known as the Gann Limit. It establishes limits on allowable growth in government spending.

Recommendation: Staff requests board adoption of the 2008-09 and 2009-10 annual appropriations.

Fiscal Impact: None

\* **F.3 Approval of Agreement with School Supervisors Association SSA / AB1200 Public Disclosure of Collective Bargaining Agreement with the SSA**

Comment: District and SSA Collective bargaining proposals were sunshined for the 2008-09 year. Tentative Agreement has been reached with representatives of the SSA. A copy of the Tentative Agreement is provided. The SSA has ratified the Agreement. It is now presented to the Board of Education for ratification.

School districts are required to publicly disclose the provisions of all collective bargaining agreements before they ratify an agreement. This ensures that the public is aware of the details associated with a tentative collective bargaining agreement before it becomes binding on the district. A summary of the savings associated with the agreement is provided. This summary has also been provided to the County Office of Education.

The Board will receive public comment on the proposed contract changes and salary adjustments before the Board votes to ratify the Agreement.

We want to take this occasion to thank the representatives of both groups for their time and effort in reaching this accord.

Recommendation: Recommend that the Board of Education ratify the Tentative Agreement between the West Contra Costa Unified School District and the SSA

Fiscal Impact: Savings of \$263,631 estimated for the 2009-10 budget

\* **F.4 Approval of Agreement with West Contra Costa Administrator's Association WCCAA / AB1200 Public Disclosure of Collective Bargaining Agreement with the WCCAA**

Comment: District and WCCAA Collective bargaining proposals were sunshined for the 2008-09 year. Tentative Agreement has been reached with representatives of the WCCAA. A copy of the Tentative Agreement is provided. The WCCAA has ratified the Agreement. It is now presented to the Board of Education for ratification.

School districts are required to publicly disclose the provisions of all collective bargaining agreements before they ratify an agreement. This ensures that the public is aware of the details associated with a tentative collective bargaining agreement before it becomes binding on the district. A summary of the

savings associated with the agreement is provided. This summary has also been provided to the County Office of Education.

The Board will receive public comment on the proposed contract changes and salary adjustments before the Board votes to ratify the Agreement.

We want to take this occasion to thank the representatives of both groups for their time and effort in reaching this accord.

Recommendation: Recommend that the Board of Education ratify the Tentative Agreement between the West Contra Costa Unified School District and the WCCAA

Fiscal Impact: Savings of \$447,309 estimated for the 2009-10 budget

#### **F.5 Reduced Work Year for Unrepresented Management, Cabinet and Confidential Employees**

Comment: The underlying premise to the fiscal recovery plan is that the employee groups would make concessions to provide an avenue for fiscal recovery.

In keeping with the Multi-Year Recovery Plan, the District seeks to eliminate the structural deficit in part by reducing the work year for its employees. The work year for unrepresented management, cabinet and confidential employees shall be reduced by six work days, with a corresponding reduction of salary equivalent to those six days. The reduced work year will remain in effect for the 2009-2010, 2010-2011 and 2011-2012 school years. Beginning in 2012-2013, the six days set forth above and corresponding salary shall be restored.

In addition, unrepresented management, cabinet and confidential employees will adhere to the benefits and retiree programs agreed upon with the School Supervisors Association (SSA) and West Contra Costa Administrator's Association (WCCAA). Classified will align with SSA and certificated will align with WCCAA.

Recommendation: Recommend Approval

Fiscal Impact: Savings of \$167,767 for 2009-10

#### **\* F.6 Benefit Cap for Board Members**

Comment: Although the Board had capped the benefits that Board members received in 2008-09, the Board needs to reduce the level of District payment of benefits to the level approved by both the School Supervisors Association (SSA) and the West Contra Costa Administrators Association (WCCAA). This is the same cap as is being applied to the non-represented managers and confidential employees. Since this cap was accomplished in combination with a reduced work-year and elimination of the vision program the Board should also take a compensation reduction corresponding to the compensation and work year reduction taken by WCCAA and SSA and eliminate the vision program.

Recommendation: That the Board adopt the same maximum contribution to benefits, including eliminating VSP, at the same levels as SSA, WCCAA and the non-represented managers for 2009-10,

2010-11 and 2011-12 and reduced compensation corresponding to the work year reduction taken by WCCAA and SSA.

Fiscal Impact: Savings of \$6,400 for the 2009-10 Fiscal Year

**G. DISCUSSION ITEMS**

**H. UNFINISHED REQUESTS TO ADDRESS THE BOARD** (continued from Item E)

**I. COMMENTS OF THE BOARD OF EDUCATION AND SUPERINTENDENT**

**J. THE NEXT SCHEDULED BOARD OF EDUCATION MEETING**

Lovonya DeJean Middle School – October 7, 2009

**K. ADJOURNMENT**

At 10:00 PM, any items remaining on the agenda that require immediate attention will be moved to this time. All other items will be tabled to another or the following Board meeting in order to make fair and attentive decisions. The meeting will adjourn at 10:30 PM. The meeting may be extended by a majority vote of the Board of Education.

The public may address items which are marked with an asterisk (\*).

**A. CLOSED SESSION**

**A.1 CALL TO ORDER**

**A.2 DISCLOSURE OF ITEMS TO BE DISCUSSED IN CLOSED SESSION**  
(Government Code 54957.7)

**A.3 RECESS TO CLOSED SESSION AS SCHEDULED**

**See Exhibit A**

(Government Code Section 54954.5)

The **Open Session** will resume at the end of the **Closed Session** in the Multi-Purpose Room at approximately **6:30 PM**.

**EXHIBIT A**

(Government Code Section 54954.5)

**CLOSED SESSION AGENDA**

**September 16, 2009**

**1. CONFERENCE WITH REAL PROPERTY NEGOTIATOR**

**2. CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION**  
[Government Code Section 54956.9(a)]

1. WCCUSD v. RDS Architects
2. Srago v. WCCUSD

**3. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED/POTENTIAL LITIGATION**  
[Government Code Section 54956.9(b)]

Four cases

**4. LIABILITY CLAIMS** (Government Code Section 54956.95)

**5. CONFERENCE WITH LABOR NEGOTIATORS**

- a. Superintendent/Dr. Bruce Harter
- b. Employee Organizations
  - UTR
  - Local One
  - School Supervisors Association
  - WCCAA

- c. Unrepresented Employees
  - Confidential and Management

**6. PUBLIC EMPLOYEE APPOINTMENT**

**7. PUBLIC EMPLOYEE PERFORMANCE EVALUATION** (Government Code Section 54957)

**8. STUDENT DISCIPLINE** (Education Code Section 35146)

- a. Expulsions

**9. PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE/COMPLAINT**  
(Government Code Section 54957)

**10. REPORT OF CLOSED SESSION ACTIONS**