

**WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT
BOARD OF EDUCATION
MEETING AGENDA
JULY 8, 2009**

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

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.

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.

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 **5:00 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.

"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 Report/Ratification of Closed Session

* **B.5 Agenda Review and Adoption (Public Comment)**

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 Grants/Awards/Agreements**

Comment:

Formal Acceptance is requested of the Board of Education to accept the grants/awards/agreements as detailed dated July 8, 2009.

Recommendation: Recommend Approval

Fiscal Impact: As noted per grants summary

*CI **C.2 Acceptance of Donations**

Comment:

The District has received donations as summarized dated July 8, 2009. The estimated values for any non-cash donations are those provided by the donor. Staff recommends acceptance of these donations.

Recommendation: Recommend Approval

Fiscal Impact: As noted per donations summary

*CI **C.3 Approval of Fund-Raising Activities**

Comment:

The planned fund-raising events for the 2008-09 school year are summarized dated July 8, 2009.

Recommendation: Recommend Approval

Fiscal Impact: Additional revenue for schools

***CI C.4 Notification of Claim Rejected**

Comment:

The District has received a claim requesting compensation for personal injury. The District's risk management firm has investigated the claim and is requesting the School Board to ratify the authorized claim rejection.

Recommendation: Ratify the rejection of claim

Fiscal Impact: None

***CI C.5 Notification of Claim Approval and Settlement Payment**

Comment:

The District has received a claim requesting compensation for personal injury. The District's risk management firm has investigated the claim and is requesting the School Board to ratify the authorized settlement payment.

Recommendation: Ratify the authorized approval of claim and payment for personal injury

Fiscal Impact: Self-Insurance Program

***CI C.6 Notice of Completions: D06081 El Cerrito HS Administration / Theater Building**

Comment:

A substantial Completion Notice has been received for Bid D06081 El Cerrito HS Administration / Theater Building.

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:

Lathrop Construction Bid D06081 El Cerrito HS Administration / Theater Building

Recommendation: Recommend approval of this notice of completion

Fiscal Impact: None

***CI C.7 Resolutions 01-0910 through 12-0910: Board of Education Annual Resolutions for the 2009-2010 School Year**

Comment:

Approval is recommended of the Board of Education Annual Resolutions 01-0910 through 12-0910, for the 2009-2010 school year.

Recommendation: Approval

Fiscal Impact: None

***CI C.8 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

Fiscal Impact: Total for this action: \$236,672. Funding sources as noted.

***CI C.9 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 and Coronado Elementary Modular Buildings. 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 Order for Coronado Modular Buildings is required by the Board, with special findings as noted below, because this is 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: \$40,607.20.

***CI C.10 Chavez Elementary Waterproofing & Windows Repair Project Award of Contract**

Comment:

Chavez Elementary School was completed in 1995 as a replacement for the Belding school. The original design for an open exterior walkway in the inner, circular courtyard was changed during construction to an enclosed interior space at the hallway and adjacent to the stairs. Unfortunately, the wall and window details executed during construction have developed significant leaking over time. For the past few years water intrusion has been an issue at the main hallway. The District received a Williams Complaint regarding the water intrusion. After receiving the complaint staff retained a waterproofing specialist, Grossman Design Group, to investigate the leaks and propose solutions. After reviewing the poorly designed and executed details at the exterior envelope, staff proceeded to develop a project to upgrade the building waterproofing, window details, flashings, and exterior wall assemblies.

Grossman Design Group prepared plans and specifications for the Chavez Waterproofing and Windows Repair project. The District conducted a public bid of the project. Bids were opened on June 23, 2009.

One Contractor submitted a bid. The bid was received from Streamline Builders for \$258,000. The lowest responsive, responsible bidder is Streamline Builders at \$258,000.

The District, after properly conducting a compliant public bid process, may award a contract after receiving only one bid. The bid received is very close to the estimated cost of the project--\$250,000. Staff recommends proceeding with the award.

Recommendation: Award contract to lowest responsive, responsible bidder

Fiscal Impact: \$258,000. Funded from the Capital Facilities Fund.

***CI C.11 Coronado Elementary Plumbing & Countertops Contract Award**

Comment:

The District has received funding from the state Emergency Repair Program (“ERP”) to replace damaged plumbing and countertops in classrooms at the Coronado Elementary site.

Seville Group (“SGI”) prepared bid documents for the state-approved project. A public bid process was conducted. Bids were opened on June 25, 2009. Two Contractors submitted bids. They are as follows: G.F. Watson Construction \$29,430; and ERA Construction \$22,800. ERA Construction is the lowest responsive, responsible bidder at \$22,800.

Recommendation: Award contract to lowest responsive, responsible bidder

Fiscal Impact: \$22,800. Funded from the Emergency Repair Program (“ERP”).

***CI C.12 Coronado Elementary Ceiling Tiles Replacement Contract Award**

Comment:

The District has received funding from the state Emergency Repair Program (“ERP”) to replace damaged, missing ceiling tiles in classrooms and hallways at the Coronado Elementary site.

Seville Group (“SGI”) prepared bid documents for the state-approved project. A public bid process was conducted. Bids were opened on June 16, 2009. Three Contractors submitted bids. They are as follows: Pinguelo Construction \$89,295; A.E. Nelson \$85,615; and Streamline Builders \$55,000. Streamline Builders is the lowest responsive, responsible bidder at \$55,000.

Recommendation: Award contract to lowest responsive, responsible bidder

Fiscal Impact: \$55,000. Funded from the Emergency Repair Program (“ERP”).

***CI C.13 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 & 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 District conducted a public bid of the project. Bids were opened on June 30, 2009. Six Contractors submitted bids. They are as follows: Mike Brown Electric \$863,574; Kudsk Construction \$814,000; Vanden Bros. Electric \$787,648; Del Monte Electric \$692,500; and Nema Construction \$675,000. The lowest responsive, responsible bidder is Nema Construction at \$675,000.

Recommendation: Award contract to lowest responsive, responsible bidder.

Fiscal Impact: \$675,000. Funded from the Measure J Bond.

***CI C.14 Multi-Site Painting Project Award of Contract**

Comment:

The District has a number of Bond Program projects which need additional painting and coatings. There are three sites which have been identified for additional work to complete original projects. First, at DeAnza High School the recently completed Fieldhouse needs to have anti-graffiti coating applied to the brick veneer surfaces and to have a paint coating over the color-coat stucco. Second, at Sheldon Elementary the original coatings applied to the south and west facing gutters and fascia were not correctly specified for the intense solar exposure. They need revised special coatings and preparation prior to recoating. Third, at Kennedy High School the originally specified painting of the lockers was deleted from the original painting contract for the site due to a need to revise the specification.

DLM Architects provided new anti-graffiti coating specifications for the DeAnza Fieldhouse. Grossman Design Group prepared plans and specifications for the Sheldon project. The District conducted a public bid of the project. HMC Architects provided revised specifications for the Kennedy HS project. Bids were opened on June 16, 2009. Five Contractors submitted bids. They are as follows: Rico's Construction \$150,000; Newmark Builders \$104,085; Hasan Painting \$62,890; ERA Construction \$57,262; and Color Chart, Inc. \$49,220. The District conducted a post-bid interview with the low bidder and confirmed that the proper scope was provided. The lowest responsive, responsible bidder is Color Chart at \$49,220.

Recommendation: Award contract to lowest responsive, responsible bidder.

Fiscal Impact: \$49,220. Funded from the Measure J Bond.

***CI C.15 Pinole Middle School Temporary Housing Lunch Shelter Project Award of Contract**

Comment:

During the renovation of the original main building at Pinole Middle School, there will be a significant shortage of space for students to eat on in the area of the site adjacent to the temporary kitchen. The site will be without a multi-purpose/cafeteria space for a year or more. It is proposed to provide a temporary lunch shelter using a modular, pre-approved system with fabric coverings on the playground area adjacent to Appian Way. This will provide both sun and rain protection. It is proposed to install a 3 module system totaling 30' wide x 60' long.

The District has received a "piggyback" contract price for providing and installing the shade structure. The piggyback contract is an award from the San Joaquin County Office of Education dated October 23,

2007 to USA Shade & Fabric Structures, Inc. The pricing for the product and installation is in accordance with this contract. The West Contra Costa Unified School District is a named additional district in the piggyback contract. The total cost for providing and installing the 3 module system is \$88,697.42.

Recommendation: Award contract to USA Shade & Fabric Structures, Inc. under the terms and conditions of the San Joaquin County Office of Education piggyback contract.

Fiscal Impact: \$88,697.42. Funded from the Measure J Bond.

***CI C.16 Multi-Site Playstructures & Surfaces Project Award of Contract**

Comment:

The District has a number of sites which are in need of upgrades to playstructure safety surfacing and require safety-related repairs. Ten sites are included in this project. They are: Collins, Coronado, Ellerhorst, Grant, Hanna Ranch, Highland, Peres, Stege, Valley View, and Wilson. The work at each site typically involves removal and replacement of “fibar,” bark-type safety surface with new rubberized matting surfaces. There is associated work regarding access issues, curbs, drainage, and fencing/gates. In addition, there is work on replacement of some playstructures which have safety issues or are severely deteriorated.

Keller Mitchell Landscape Architects prepared construction documents for the project. The District is conducting a public bid process for the project. Bids are set to be opened on July 2, 2009. Staff will bring a recommendation for award to the meeting July 8, 2009.

Recommendation: Award contract to lowest responsive, responsible bidder.

Fiscal Impact: \$_____. Funded from MRAD.

***CI C.17 2009-10 Consolidated Application for Funding Categorical Aid Programs, Part I**

Comment:

The Consolidated Application is the vehicle used by the California Department of Education to gather routine data regarding categorical programs and compliance with NCLB requirements.

Part I is submitted each June and serves as the District’s application for categorical funding for the following academic year for both public and non-public schools. This report includes information about Title I Program Improvement schools. Expulsion, suspension and truancy data are also included.

A copy of the 260 page document is available at the front desk of the Administration Building, 1108 Bissell Avenue, Richmond, CA 94801 for review.

Recommendation: Recommend Approval

Fiscal Impact: Categorical Revenue

***CI C.18 Revision of Board Policy 5131 Students – Conduct – Possession of Cellular Phones and Other Mobile Communications Devices**

Comment:

Under the current policy, Students – Conduct – Possession of Cellular Phones and Other Mobile Communications Devices, the use of electronic signaling devices is restricted to health related issues and emergencies. The revised policy will allow the use of electronic signaling devices in the event of a school emergency when directed by site administration.

Recommendation: Recommend Approval

Fiscal Impact: None

***CI C.19 Board Meeting Dates January to July 2010**

Comment:

Board Policy 9100 requires that the Board set the calendar of meetings for the calendar year at its December organizational meeting. Yet for planning and communication purposes, it would be unwise to wait until December each year to set the meeting dates for the first few months of the new calendar year. While the Board would certainly have the authority to change meeting dates, as it does at any time, it is important to establish dates six months in advance.

The recommended dates are as follows:

January 6, 20	May 12
February 10	June 2, 23
March 3, 24	July 7, 21
April 14, 28	

Recommendation: Approval

Fiscal Impact: None

D. AWARDS, RECOGNITIONS, AND REPORTS

D.1 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. Three 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.2 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.

Barbara Amantea, retired Behavioral Technician at TLC and active member of the PTA, recently passed away.

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.

F. ACTION ITEMS

* **F.1 Resolution 13-0910 Temporary Borrowing Between Funds**

Comment:

Due to concerns regarding the status of cash at the State level and the possibility that the normal flow of State deposits will be delayed, staff is recommending that the District set in place a contingency plan for cash flow purposes at the local level. Should the need arise, this resolution permits the District to temporarily borrow cash between funds at the County Treasurer in order to insure that a particular fund does not carry a negative cash balance.

The State Controller will defer the July and August deposits for our District, an estimated 40% and 45% respectively. The deposits would then be restored in October. The District has implemented cost containment measures in an effort to preserve cash and avoid the need for temporary borrowing. In the event that temporary borrowing is needed, staff will provide the Board with a report with detailed information on the transaction.

Education Code Section 42603 permits the Governing Board of any school district to allow for temporary borrowing. This resolution sets forth permission for temporary borrowing for the 2009-10 fiscal year.

Recommendation: Approve Resolution 13-0910 for Temporary Borrowing Between Funds

Fiscal Impact: No fiscal impact

* **F.2 Resolution No. 14-0910 - Approving Engineer's Report, Confirming Diagram and Ordering Levy of Assessment for Fiscal Year 2009-10**

Comment:

The Board will hold a public meeting and hear any public comments with regard to the Maintenance and Recreation Assessment District for 2009-10. Staff and the engineer will be available to answer questions on the Maintenance and Recreation Assessment District.

After the public hearing the board may adopt "A Resolution Approving Engineer's Report, Confirming Diagram and Assessment and Ordering Levy of Assessment for Fiscal Year 2009-10." The resolution gives final approval to the engineer's report and directs that the assessment diagram and assessments be filed with the county. The district will receive funds at the time it receives property tax payments. Proceeds of the MRAD will be deposited in a separate fund.

This is the third and final resolution in the process of levying an annual assessment. On March 18, the board adopted a resolution ordering the preparation of the engineer's report and then on June 3, adopted a resolution calling a public meeting for July 8, and causing notice of that meeting to be published.

Recommendation: Recommend approval of this resolution for MRAD

Fiscal Impact: \$5,500,000 Revenue for MRAD Fund

* **F.3 Resolution No. 15-0910 Measure "J" Series "C" Bond Issuance**

Comment:

The Board is requested to approve Resolution 15-0910 authorizing the issuance of not to exceed \$160,000,000 of the District's general obligation bonds, and requesting the Contra Costa County Board of Supervisors to issue the bonds on behalf of the District.

The Resolution authorizes the issuance of up to \$160,000,000 of bonds approved by the District's voters at the November 8, 2005, bond election. Pursuant to the Education Code, the bonds will be sold on behalf of the District by the County Treasurer and issued by the Board of Supervisors. The bonds will be sold by negotiated sale to Piper Jaffray & Co., as senior managing underwriter, and Siebert Brandford Shank & Co., LLC and Stone & Youngberg, as co-managers. The Resolution authorizes staff to determine the most beneficial financing structure, which may include Build America Bonds as permitted under the American Reinvestment and Recovery Act of 2009. The sale is tentatively scheduled for August 11, 2009, and funds will become available when the bonds are delivered, currently scheduled for August 25, 2009. The Resolution requests the Board of Supervisors to take the necessary actions, and approves the form of documents to be used in marketing and issuing the bonds:

1. the Official Statement, describing the security for and repayment provisions of the bonds and giving financial and operating information about the District;
2. the Continuing Disclosure Certificate;
3. the Bond Purchase Contract, among the District, County and underwriter; and
4. the Paying Agent Agreement for the Build America Bonds.

The Resolution will enable the District to issue the series “C” of bonds in an amount not to exceed \$160,000,000.

The Preliminary Official Statement is available for review at the Administration Building, Fiscal Services Office, Room 106, and on the website at www.wccusd.net.

Recommendation: Adopt the Resolution

Fiscal Impact: Up to \$160,000,000 Revenue for Bond Fund

* **F.4 Resolution No. 16-0910: Resolution to Implement Contract Changes in United Teachers of Richmond Collective Bargaining Agreement**

Comment:

The District and the United Teachers of Richmond commenced full contract negotiations on May 20, 2008 on eleven articles in the UTR Agreement. Impasse in negotiations was declared by the Public Employment Relations Board on January 23, 2009. The parties engaged in mediation between March 26, 2009 and April 6, 2009 but were unable to reach agreement. The state appointed mediator certified the parties to fact-finding on April 20, 2009.

The Public Employment Relations Board appointed a neutral panel member and a fact-finding hearing was conducted on June 1, 2009. United Teachers of Richmond did not participate. A final fact-finding report was issued on June 15, 2009. The District invited United Teachers of Richmond to participate in post fact-finding negotiations but UTR declined to do so. Thus, the parties have reached second impasse which concludes the impasse process. This allows the District to implement all or part of its last, best and final offer. Staff is recommending implementation of changes which directly impact the fiscal solvency of the District and those necessary for accountability under the federally mandated No Child Left Behind.

Staff is recommending the Board implement the contract changes listed below for the 2008-2009 school year from the last, best and final offer. The District is facing an estimated \$18 million budgetary shortfall for the 2009-2010 school year. Closing part of that gap is dependent on the Board imposing some of the items that were part of the District’s last best and final offer to the United Teachers of Richmond. Staff is not recommending implementation of all of its proposals but is also not recommending that those proposals be dropped. Those proposals would be held in abeyance until the parties return to negotiation. In particular, staff is recommending implementing changes to (1) Article 10: Hours of Employment; (2) Article 12: Class Size; (3) Article 14: Transfer and Reassignment; and (4) Article 25: Benefits.

1. Article 10: Hours of Employment

A. Kindergarten Workday

Staff is recommending changes which align the kindergarten workday with that of Grades 1-6. Under the new language, instructional time for kindergarten teachers shall be limited to no more than 1415 minutes per week including recess. Preparation time shall be 100 minutes per week.

Implementation of changes to this Article will result in savings to the District of approximately \$1.4 million dollars.

2. Article 12: Class Size

- (a) Staff is recommending implementation of contractual language setting forth staffing ratios at Grades K-6. The recommendation includes a staffing allocation of 1 F.T.E for every thirty-one (31) students at K-3 and 1 F.T.E. for every thirty-three students at grades 4-6 at the elementary schools.

Implementation of this language allows the Board flexibility to increase class size. However, at this time, staff is not recommending changes to the Board adopted Class Size Reduction program previously approved for the 2009-2010 school year. The budget that the Board approved on June 24, 2009 includes the staffing ratios for 2009-10 that had been approved by the Board with Kindergarten at 24, 1st and 2nd grades at 20 and 3rd grade at 28.

- (b) Staff is recommending implementation of contractual language of a staffing allocation of 1 F.T.E. for every thirty-two (32) students at middle and high school.

Implementation of changes to this article will result in savings to the District of approximately \$3.4 million dollars.

3. Article 14: Transfer & Reassignment

It is in the public interest to implement contractual changes to allow the District to comply with state and federal accountability requirements of No Child Left Behind. Staff is recommending contractual changes to allow the District to meet requirements of the DAIT team which is required for significant improvement in student academic progress.

The contractual changes include allowing reassignment of teachers to meet the educational needs of the students and to allow seniority in the District to account for one factor, but not the only factor, in determining transfers of teachers from one school to another. The change allows the District to look at the educational needs of the students. Finally, the contract change would prohibit teachers with pending disciplinary action or unsatisfactory evaluations to transfer from one school to another.

4. Article 25: Benefits

- (a) Current Employees: The current contract provides for the District to fully pay the Kaiser premium for all UTR members and their dependents. There is no hard cap. Staff is recommending the Board implement a district contribution of \$508.30 per month per employee

effective January 1, 2009. However, staff is recommending that the Board waive the January 1, 2009 date and extend it to January 1, 2010 to eliminate a retroactive impact. This allows employees to make changes during the open enrollment period should they choose to do so.

Implementation of this contract change will result in savings to the District of \$4.6 million for one-half of the plan year.

- (b) **Retiree Benefits:** The current contract language provides for coverage for retirees at fully paid Kaiser Health benefits for employees and their dependents. As the health premium increases, the District is obligated to pay the increased cost. Staff is recommending the Board implement a district contribution cap of \$450.00 per month for those retiring after January 1, 2009. However, staff is recommending that the Board waive the January 1, 2009 date and extend it to January 1, 2010 to eliminate a retroactive impact and allow employees the opportunity to retire if they choose to do so.

Implementation of this contract change will result in savings to the District's liability for post retirement health benefits from an estimated \$2 billion to \$374 million. It will also reduce the annual amount that the district pays for post retirement health benefits over time but not for 2009-10.

The Board of Education must take action to implement contractual changes to insure the fiscal solvency of the District as well as contractual changes that will allow the District to comply with state and federal accountability requirements of No Child Left Behind.

Recommendation: Recommend Approval of Resolution

Fiscal Impact: Additional Savings of \$9.4 Million

* **F.5 Compliance with the California Environmental Quality Act: Adopt Resolution No. 18-0910 Authorizing Adoption of a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan for and Approval of the Fairmont Elementary School Expansion Project**

Comment:

District staff retained PMC to prepare a study under the California Environmental Quality Act ("CEQA") to evaluate the possible environmental impact of the proposed Fairmont Elementary School Expansion Project. PMC prepared and issued an Initial Study in May 2009. As part of the Initial Study the consultants completed a traffic study, acoustic study, and air quality analysis. The District also met with the City of El Cerrito. The District has thoroughly analyzed the environmental checklist to determine that the potential impacts from the Project could be mitigated to less than significant. The District issued the Notice of Intent to Adopt a Mitigated Negative Declaration and to hold a public hearing on May 21, 2009. The 30 day Public Comment period ended on June 19, 2009. The District has received seven (7) written comments to date; three from public agencies, the Department of Toxics Substances Control ("DTSC"), City of El Cerrito, and the East Bay Municipal Utility District ("EBMUD"); and four from private citizens. The District has provided written responses to the comments received during the public comment period. These responses are included in the record. In the event that the District receives any further written comments, the written comments and District's written responses to the comments, if any, will be made a part of the record at the Board meeting.

The Mitigated Negative Declaration is attached to the proposed resolution along with proposed mitigation measures which will mitigate any environmental impacts from the Project to a level of insignificance. The Board recommendation includes the Initial Study, the Mitigated Negative Declaration, the responses to comments, and project Errata. Together these documents form the final Mitigated Negative Declaration.

Recommendation: Adopt Resolution No.18-0910, Authorizing Adoption of a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan for and Approval of the Fairmont Elementary School Expansion Project.

Fiscal Impact: Full fiscal impact not known. Future projects will be presented for award. Projects will be funded from the Special Reserve for Capital Facilities Fund 40.

* **F.6 Fairmont Elementary School Consolidation Utilities & Sitework Project Award of Contract**

Comment:

As part of the school consolidation process the District has closed Castro Elementary School. The largest number of students from that site will be going to Fairmont Elementary. This includes students from the Full Inclusion Special Education program. In order to accommodate the additional students the District is planning for the installation of modular classroom buildings at the playground area along Kearny St. This project includes site preparation, grading, drainage, and all of the utilities—electrical and low-voltage systems for the buildings. In addition, the project includes modifications to the playground and reconstruction of the existing playstructures to accommodate District and City After School program use. The work will be phased, with the modular classrooms to be ready for occupancy by August, while the playstructure/playground work will extend into the fall.

WLC Architects prepared plans and specifications for the Fairmont Utilities & Sitework project. The District is conducting a public bid of the project. Bids are set to be opened on July 7, 2009. Staff will bring a recommendation for award to the meeting of July 8, 2009.

This item is being presented prior to the expiration of the 5 working day Bid Protest period. In consideration of this timing, and in order to expedite the project, the Board's action will be to authorize staff to issue the Notice of Award effective at the end of the Bid Protest period to the lowest responsive, responsible bidder. This award by staff will then be brought back for ratification at a future meeting.

Recommendation: Authorize staff to issue the Notice of Award, at the end of the bid protest period, to the lowest responsive, responsible bidder.

Fiscal Impact: \$_____. Funded from the Special Reserve for Capital Outlay Fund 40.

* **F.7 Agreement with the Cities of Richmond, El Cerrito, Pinole and Hercules and the Office of the Sheriff-Coroner to provide School Resource Officer (SRO) Services to District Campuses**

Comment:

The district is finalizing individual agreements with the Cities of Richmond, El Cerrito, Pinole and Hercules and the Office of the Sheriff-Coroner to provide a total of seventeen, full-time School Resource Officers (SRO) to the district.

Recommendation: Recommend Approval

Fiscal Impact: \$2,289,000

G. DISCUSSION ITEMS

*** G.1 Status Reports – Facilities Planning and Construction**

Comment:

The following are provided for review of Facilities Planning and Construction in the District's Bond Program and for information regarding individual projects:

- Engineering Officer's Report—Verbal Presentation
- Construction Status Reports—Current Construction Projects

Recommendation: For Information Only

Fiscal Impact: None

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 – July 29, 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

July 8, 2009

1. CONFERENCE WITH REAL PROPERTY NEGOTIATOR

1. Negotiator: Superintendent / Dr. Bruce Harter
2. Property: Land located on either side of Lexington Avenue between Stockton Avenue and Eureka Street in El Cerrito, CA. Price and all terms of agreement.
3. Property: 1021 Navellier Street, El Cerrito, CA. Price and all terms of agreement.

2. CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION

[Government Code Section 54956.9(a)]

1. WCCUSD v. RDS Architects
2. Lumagbas et al. v. WCCUSD et al.
3. 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

The following administrative appointments will be reported for the 2009-2010 school year:

High School Assistant Principal
K-12 Instructional Specialists

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