West Contra Costa Unified School District
Board of Education
Meeting Agenda
July 27, 2011

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: www.wccusd.net.

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 the Board Meetings:

Television:
Live television broadcast of regularly scheduled Board meetings is available 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 broadcast 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.

Audio tapes of Board meetings are kept on file at the Administration Building, 1108 Bissell Avenue, Richmond, CA 94801 (510-231-1101).

The Board of Education would like to acknowledge Comcast, the cities of Pinole and Richmond, and WCCUSD staff for their generosity and efforts 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 **6:00 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.

Order of Business: **ORDER OF BUSINESS MAY BE CHANGED WITHOUT NOTICE**

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)
* **B.6 Minutes:** July 13, 2011

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 Acceptance of Donations

Comment:
The District has received donations as summarized, dated July 27, 2011.

Recommendation:
Recommend Approval

Fiscal Impact:
As noted per donations summary

*CI C.2 Contracted Services

Comment:
Permission is requested of the Board of Education to approve contracts for services as detailed, dated July 27, 2011.

Recommendation:
Recommend Approval

Fiscal Impact:
As noted per contracts summary

*CI C.3 Procurement Contracts for the School Year 2011-12

Comment:
Under Public Contract Code Section 20118 (K-12) our District is able to utilize the following procurement contracts which have been publicly bid, or negotiated for the use by other public entities. These contracts will be utilized during the school year 2011-12. The contracts will allow the District to procure classroom and teacher materials and supplies, along with computers, equipment, and services at a discounted rate saving the District time and money.

Alameda County Corporate Purchasing Agreement
Alameda County Office of Education Cooperative Purchasing Program
Apple Computer, Inc
AUSD – Bid #2005-110 (Southwest School and Office Supplies)
California Multiple Award Schedules (CMAS)
CalSave
County of Los Angeles #43469
Microsoft Academic SLP #SLP-07-70-0025G
National Joint Powers Alliance (NJPA)
NJPA Emergency Response Equipment #032509-CDWG
School Specialty California Educational Resource Program Contract #V-4
Toshiba America Business Solutions, Inc. (TABS) Glendale USD Contract #P-12
The Cooperative Purchasing Network (TCPN)
US Communities Government Purchasing Alliance
Western States Contracting Alliance (WSCA) Master Agreement #A63307 (Dell)
Western States Contracting Alliance (WSCA) Agreement #7-08-70-13 (Cisco)
Western States Contracting Alliance (WSCA) Agreement #S1523 (Sprint)

Recommendation:
Recommend approval to utilize the above contracts

Fiscal Impact:
None

***CI C.4 Notice of Completions: Bid J068221 Helms Middle School Building Demolition and General Site Work, Bid J068217 Kennedy High School Security Fencing Project**

Comment:
Substantial completion notices has been received for: Bid J068221 and Bid J068217.

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:

Evans Brothers Inc. Bid J068221 Helms Building Demolition and General Site Work
Crusader Fence Co. Bid J068217 Kennedy Security Fencing Project

Recommendation:
Recommend approval of these notices of completion

Fiscal Impact:
None

***CI C.5 Disposal of Obsolete and Damaged District Personal Property for the School Year 2011-12**

Comment:
Per Board Policy BP 3279 Sale and Disposal of Books, Equipment and Supplies (Personal Property) and Administrative Regulation AR 3270 the Governing Board recognizes that the District may own personal property which is unusable, obsolete, or no longer needed by the district. The Purchasing Department shall arrange for the sale, or donation or disposal of District personal property in accordance with Board policy and the requirements of state law.

Recommendation:
Recommend Approval

Fiscal Impact:
No cost to the District

***CI C.6 Certificated Board Authorization - Education Code 44285.3**

Comment:
Ed Code 44285.3 allows the Governing Board of a school district to authorize the holder of a multiple subject, standard elementary, single subject or standard secondary, credential with his or her consent, to teach departmental classes in grades K-12 provided the teacher has adequate knowledge of subject matter.

Recommendation:
Recommend Approval

Fiscal Impact:
None

***CI C.7 Routine Personnel Changes - Certificated**

Comment:
Routine personnel changes include actions to hire, promote, or terminate certificated employees in accord with appropriate laws, established policies and procedures.

Recommendation:
For Information Only

Fiscal Impact:
None

***CI C.8 Certificated Provisional Internship Permit (PIP) Request(s)**

Comment:
The Provisional Internship Permit (PIP) was created in response to the phasing out of emergency permits and became effective on July 1, 2005. It allows an employing agency to hire an individual who has not yet met the subject matter competence requirement needed to enter an internship program. Prior to requesting a PIP, the employing agency must verify that a diligent search has been made, and a fully

credentialed teacher cannot be found. The PIP is issued for one (1) year and is renewable one time only provided the teacher has taken all appropriate subject matter examinations, but has not yet passed those tests.

Recommendation**:**
Recommend Approval

Fiscal Impact:
None

***CI C.9 Revised School Calendar for 2011-2012**

Comment:
Reflecting the change to Back to School Night for High School from September 29 to October 6, 2011.

Recommendation:
Recommend Approval

Fiscal Impact:
None

***CI C.10 Ratification of Negotiated Change Orders**

Comment:
Staff is seeking ratification of change orders on the following current District construction projects: Nystrom Elementary Multipurpose Building; Kennedy High School Concession Stand and Lighting; El Cerrito High Multi-Use Sports Field; and, Kennedy High School Security Fencing Project. 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.

Recommendation:
Ratify negotiated change orders as noted

Fiscal Impact:
Total ratification and approval by this action: $171,101.45

***CI C.11 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: $638,566.50. Funding sources as noted.

***CI C.12 Inspector of Record Contracts for Bond Program Projects 2011-2012**

Comment:
Every construction project in the District approved by the Division of State Architect ("DSA") is required to have on-site, continuous inspection in order to ensure compliance with the approved plans and specifications. These inspectors are certified by DSA, approved by the Architect of Record, and are hired by the District. The District currently has 5 Inspectors under contract. In addition to our regular inspection team, the District has a Master Inspector, Steve Cayson/Production Technical Services who coordinates all of the work of the project inspectors, coordinates District inspection needs with DSA, and is responsible for coordination of District utilities for the projects. In addition, staffing for individual projects may include more than one inspector or a Class 1 with full responsibility supervising a Class 2 or 3 inspector. It is appropriate to approve contracts with these individuals for the upcoming year in order to ensure continuity on the projects. These costs are budgeted for each project in the District's Bond Program. The inspectors, project assignments, and contract amounts are as follows:

Mark Eriksen, Class 1: Ford, King, Ohlone Reconstruction Projects. $16,466/month. $197,600/year.
Kris Gilbert, Class 1: Dover, Pinole Middle, ECHS Fields, Portola Middle. $16,466/month. $197,000/year.
A.J. Washington, Class3 w/Welding Certifications: DeAnza Main Campus. $15,650/month. $176,800/year.
Brad Williamson, Class 3: Nystrom Multi-Purpose & Classrooms, Kennedy HS projects, Coronado. $13,416/month. $161,000/year.
Steve Cayson, Class 1, Master Inspector, Coordination with DSA on all project, Supervision of all inspectors: DeAnza Main Campus. Utilities and services coordination with PG&E, EBMUD, Sanitary Districts for all projects. $22,708/month. $$272,500/year.

Recommendation:
Approve Inspector of Record Contracts

Fiscal Impact:
$1,016,500. Funded by the Measure J Bond, from individual project budgets as noted above. Measure D 2010 Projects will be funded from that source when those funds are available.

***CI C.13 El Cerrito High School Photovoltaic System Repairs, Maintenance and Monitoring Award of Contract**

Comment:
The Photovoltaic ("PV") system installed at El Cerrito High School sustained damage during construction to a number of the panels and the system is in need of repair. The contractor on the original project as agreed to pay for the costs of the damage. In addition to the required repairs, the original vendor is out of business and it is required that the District have an Operations and Maintenance contract for the system. Finally, the on-line monitoring system which was provided by the original vendor needs to be replaced in order to be coordinated with other District PV monitoring systems. The District has

completed a study of the issues and it is recommended to proceed as follows in order to ensure that the system is fully operational, maintained and monitored.

1. Repair all damaged modules and cells
2. Replace any affected PV capacity with new add-on PV system components.
3. Replace current monitoring system and provider Operation and Maintenance services for 5 years.

The District has received a proposal for these specialized services from Optony Solutions Group. The costs are as follows: Repairs $6,500; Capacity Replacement $11,500; New Monitoring System $4,900; and, Operations & Maintenance 5-year contract $12,500.

Recommendation:
Approve Contract for El Cerrito High School Photovoltaic System Repairs, Maintenance, and Monitoring

Fiscal Impact:
$35,400. Funding provided from retention funds assigned by original Contractor.

***CI C.14 Collins Elementary Modulars Replacement Project Award of Contract**

Comment:
Several of the existing modular classroom buildings at Collins Elementary School were seriously deteriorated. The District has replaced these buildings with District-owned modulars from other sites such as Ohlone Elementary School where they are scheduled to be removed to make way for new construction. The District needs to complete site work and utilities connections to these buildings in order to have fully functional classrooms. This project includes all of the remaining work to complete the installation.

AE3 Architects has prepared plans and specifications for the project. The District conducted a public bid process for the project. Bids were opened on July 19, 2011. Four Contractors submitted bids. They are as follows: WR Forde $456,000; Rom Kon $382,000; Nema Construction $360,000; Michael G. Kim. $321,250; and ERA Construction $222,176.

The apparent lowest responsive, responsible bidder is ERA Construction, at **$**222,176.

Recommendation:
Authorize staff to issue the Notice of Award for this contract, upon determination of lowest responsive, responsible bidder after Bid protest period.

Fiscal Impact:
Funded by the Special Reserve for Capital Facilities, Fund 40.

***CI C.15 Approval of the relocation of the Coronado ES to the temporary location at Kennedy HS**

Comment:
The first step in the reconstruction of Coronado Elementary School is the construction of a temporary campus to house the school during construction. Coronado Elementary School is one of the smallest District elementary school sites and it will not be possible to construct the new school while maintaining

the existing school on site. Therefore, the school is proposed to be relocated on a field at the Kennedy High School campus for the duration of the project.

Coronado Elementary School is one of the approved projects in the Measure D 2010 Bond. In order to develop the scope of work for this temporary campus, the District has engaged in a Master Planning process to determine project priorities and configuration of a replacement school on the Kennedy High School campus. This process included numerous meetings with Coronado Elementary School staff and teachers.

WLC Architects is the Master Plan Architect for Coronado Elementary School.

Stege Elementary School is also one of the listed projects in the Measure D 2010 Bond and staff believe this to be beneficial to purchase refurbished classrooms for the temporary campus at Kennedy High School as housing for the Stege Elementary School project as well, after the completion of Coronado Elementary School construction to share the overall cost of the temporary housing and reduce the burden on the bond funds.

The Facilities Subcommittee of the Board is meeting on July 26, 2011 and is scheduled to review the Master Plan and may make a recommendation for approval by the full Board.

Recommendation:
If recommended by the Facilities Subcommittee, approve the plans to relocate the Coronado campus to a temporary housing on the Kennedy High School campus.

Fiscal Impact:
$3,000,000 funded by Measure J for Measure D 2010

***CI C.16 Citizens' Bond Oversight Committee (CBOC) Appointments by the City of Hercules**

Comment:
The Hercules City Council has forwarded a recommendation that Mr. Anton Jungherr be appointed to serve as the representative of the City of Hercules. Additionally, Hercules resident Hector Rubio was recommended to serve as the City's alternate and would attend and participate in meetings of the CBOC that Mr. Jungherr is unable to attend.

Recommendation:
Approve appointments as noted

Fiscal Impact:
None

***CI C.17 Interdistrict Attendance Agreement**

Comment:
The eighteen school districts in Contra Costa County will enter into an Interdistrict Attendance Agreement with the approval of the Governing Boards of each district for students seeking transfers to another district. This agreement will provide uniform guidelines across the county.

Recommendation:
Recommend Approval

Fiscal Impact:
None

D. AWARDS, RECOGNITIONS, AND REPORTS

* D.1 Budget Update

Comment:
Associate Superintendent Business Services will provide an update on the budget.

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

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 No. 14-1112: 2002 Measure D and 2000 Measure M Bond Refunding

Comment:
The Board has provided direction that, under certain savings thresholds, staff should seek to refund existing bonds (refinance bond debt) in order to lower tax rates for taxpayers within the District and to save taxpayers money. The initial parameter of savings discussed and directed by the Board at the June 28, 2011 Board Meeting was a 4% present value savings.

Recent information received on the estimated Assessed Valuation of the District indicates that 2002 Measure D will have a tax rate of between $69 and $73. Therefore staff is recommending that a bond sale be authorized for a refunding that meets the requirement of over-all real taxpayer present value savings of 4% and brings the tax rates for 2011 and 2012 as close to the $60 per $100,000 targeted rate as possible without increasing future payments.

This Resolution authorizes the refunding of up to $205,000,000 of General Obligation (GO) bonds pursuant to the terms and conditions of sale agreed upon by the Board of Education. The sale may be set as early as for August 4, 2011, or thereafter when the savings targeted can be realized. The Resolution approves the form of documents to be used in marketing and issuing bonds.

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:
Recommend Approval to Adopt the Resolution

Fiscal Impact:
GO Bond Debt – refunding for tax payer savings

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 – August 17, 2011

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 (*).

Agenda Item: A

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 27, 2011

1. CONFERENCE WITH REAL PROPERTY NEGOTIATOR

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

WCCUSD v. Orrick

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 2011-2012 school year:

Principal, Elementary School
Vice Principal, Middle School
Assistant Principal, High School
K-12 Instructional Specialist
Vice Principal, Adult Education
Principal, Alternative Education
Coordinator of Education Services

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

8. STUDENT DISCIPLINE (Education Code Section 35146)

Expulsions

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

Certificated / Classified Employee Dismissal

10. REPORT OF CLOSED SESSION ACTIONS