

**West Contra Costa Unified School District
Minutes of the Board of Education Meeting
Lovonya DeJean Middle School
3400 Macdonald Avenue
Richmond, CA 94805**

April 22, 2009

A. CLOSED SESSION

B. OPENING PROCEDURES

President Audrey Miles called the meeting to order at 5:00 PM. The Board recessed into Closed Session. President Miles called the Public Session to order at 6:38 PM.

B.1 Pledge of Allegiance

President Miles led those in attendance in the pledge of allegiance.

B.2 Welcome and Meeting Procedures

President Miles offered welcome and instructions to the public regarding the meeting.

B.3 Roll Call

Board Members Present: Madeline Kronenberg, Antonio Medrano, Audrey Miles, Charles Ramsey, Tony Thurmond

Staff Present: Andre Bell, Executive Director Business Services; Pat Calvert, Director Certificated Personnel; Martin Coyne, Director Accounting/Audits; Lisa Erwin, Executive Director Business Services; Bill Fay, Associate Superintendent for Operations; Erin Fleming, Director Human Resources, Luis Freese, Director Maintenance and Operations; Sheri Gamba, Associate Superintendent for Business Services; Wendell Greer, Associate Superintendent K-Adult; Bruce Harter, Superintendent; David Johnston, Director General Services; Joe Mayes, Maintenance Supervisor; Ken McDaniel, Electronics Supervisor; Nia Rashidchi, Assistant Superintendent Educational Services; Vince Rhea, Executive Director; Jessica Romeo, Assistant Superintendent for Human Resources; Phyllis Rosen, Legal Assistant; Bill Savidge, District Engineering Officer; Marin Trujillo, Coordinator Community Engagement.

B.4 Presentation of Student Board Representative Cari Tam, Middle College High School

Ms. Tam spoke about activities at Middle College and how the students are working towards saving energy and going green.

B.5 Report/Ratification of Closed Session

Superintendent Harter asked the Board to ratify the vote taken in Closed Session to expel one (1) student and suspend that expulsion for placement within the West Contra Costa Unified School District.

MOTION: Ms. Kronenberg moved to ratify the vote taken in Closed Session to expel one (1) student and suspend that expulsion for placement within the West Contra Costa Unified School District. Mr. Medrano seconded. Ms. Kronenberg, Mr. Medrano, Mr. Thurmond and President Miles voted yes, with Mr. Ramsey abstaining and no absences. Motion carried 4-0-1-0.

B.6 Agenda Review and Adoption

Public Comment: Jill Wolkenfeld commented on Item C.9. President Miles responded that the item would be pulled. Ms. Wolkenfeld requested to speak on Item C.11. President Miles indicated the item would be pulled for discussion and moved to follow Section E.

MOTION: Mr. Ramsey moved approval of the agenda, with Items C.9 and C.11 moved to follow Section E. Mr. Medrano seconded. Ms. Kronenberg, Mr. Medrano, Mr. Ramsey, Mr. Thurmond, Student Representative Tam (advisory vote only) and President Miles voted yes, with no abstentions and no absences. Motion carried 5-0-0-0.

B.7 Minutes: April 1, 2009; April 4, 2009; April 6, 2009

MOTION: Mr. Ramsey moved approval of the minutes of April 1, 2009; April 4, 2009; and April 6, 2009. Ms. Kronenberg seconded. Ms. Kronenberg, Mr. Medrano, Mr. Ramsey, Mr. Thurmond, Student Representative Tam (advisory vote only) and President Miles voted yes, with no abstentions and no absences. Motion carried 5-0-0-0.

C. BUSINESS ITEMS

- C.1 Contracted Services
- C.2 Grants/Awards/Agreements
- C.3 Acceptance of Donations
- C.4 Approval of Fund-Raising Activities
- C.5 Notification of Claim Approvals and Settlement Payments
- C.6 Summary of Payroll and Vendor Warrant Reports
- C.7 Notice of Completions: Bid J068111 Dover Demolition and Site work, J068112 King Demolition Site work and Temporary Playground, E068142 Pinole Valley HS Exterior Lighting
- C.8 Resolution No. 80-0809: Credential Assignment Options
- C.9 Resolution No. 79-0809: Declaration to Hire 30-Day Substitutes on CBEST Waivers
This item was tabled.
- C.10 Employment of Retired Administrator for 2008-2009
- C.11 Approval of Sabbatical Leave Requests for 2009-2010
This item was pulled for discussion and moved to follow Section E.
- C.12 Resolution No. 81-0809: National “Day of the School Nurse”
- C.13 Ratification and Approval of Engineering Services Contracts
- C.14 Ratification and Approval of Negotiated Change Orders
- C.15 Montalvin Manor Elementary Trash Enclosure Project Award of Contract
- C.16 Pinole Middle School Building A Demolition Project Award of Contract
This item was pulled for discussion and moved to follow Section E.
- C.17 Dover Elementary New Campus Construction Project Award of Contract
This item was tabled.
- C.18 Citizens’ Bond Oversight Committee Member Appointments
- C.19 Williams Lawsuit Complaints Quarterly Report
- C.20 Resolution No. 83-0809, Child Nutrition Employee Appreciation Week, May 4-8, 2009
- C.21 Offering of Work Experience Education (WEE) Program in the West Contra Costa Unified School District
- C.22 Resolution No. 82-0809: SB 810 – California Universal Healthcare Act
- C.23 Resolution No. 84-0809: In Support of May 19 Ballot Measures
This item was pulled for discussion and moved to follow Section E.

MOTION: Mr. Ramsey moved approval of the remainder of the Consent Calendar, except Items C.9, C.11, C.16, C.17 and C.23. Mr. Thurmond seconded. Ms. Kronenberg, Mr. Medrano, Mr. Ramsey, Mr. Thurmond, Student Representative Tam (advisory vote only) and President Miles voted yes, with no abstentions and no absences. Motion carried 5-0-0-0.

D. AWARDS, RECOGNITIONS, AND REPORTS

D.1 Recognition of Middle College High School as a 2009 California Distinguished School

Mr. Greer thanked and congratulated Cari Tam and the 307 students and 17 certificated and classified employees at Middle College, which he said was the only secondary site in our district and one of five in the county that received the California Distinguished School Award. He thanked Contra Costa College for their support and contribution.

Board Comment:

Mr. Ramsey said he was proud and excited that the school is being recognized. He acknowledged Principal Hattie Smith for her excellent work.

Mr. Medrano commended the students and praised their self motivation and quality of their work.

Ms. Kronenberg spoke about her recent visit to Middle College saying it is a spectacular operation with very high level curriculum. She wished congratulations to all.

Mr. Thurmond said the Board is very proud of all the students, staff and families. He said that Middle College is one of the District’s greatest assets.

President Miles expressed congratulations to Middle College and noted that some of her former students have graduated from the school.

D.2 Grand Jury Report No. 0907

Ms. Gamba introduced this item saying that in 2008-09 the Contra Costa County Grand Jury conducted an inquiry regarding health care benefits with different types of districts throughout Contra Costa County. She said that the findings made it clear that governmental agencies, including West Contra Costa USD, do not and will not have the financial ability to sustain the plans that are currently in place. She said that the Government Code requires a response which is due June 1, 2009. Ms. Gamba said she is preparing a response for Board approval at the May 20 Board meeting.

Board Comment:

Mr. Medrano spoke about his service on the Contra Costa County Grand Jury six years ago when they faced the same issue all over the state and said the time has come to address the problem.

Ms. Kronenberg said the issue has grown to such an enormous size and this report underscores how this is a statewide issue that every governing board must address.

Mr. Thurmond inquired about the actuarial estimates and how the actual costs are determined.

Ms. Gamba responded and explained that the Governmental Accounting Standards Board adopted a standard for all governmental agencies which requires the District to put this liability before the public.

Mr. Thurmond inquired about the number of years of service required for eligibility for retiree benefits and how the benefits work with other programs like Medicare.

Superintendent Harter responded that the District is part of CalPERS and pays the costs of health benefits for retired employees plus their dependents up to age 65 when Medicare begins and the District pays a supplement. He continued that employees hired before January 1, 2007 require five years of service and those employed subsequently require 10 years of service for eligibility.

D.3 Budget Report Updates

Superintendent Harter provided an introduction to the budget report and said the situation is tenuous and complex and includes many significant unknowns about the budgeting process and our financial situation. He provided a brief overview of estimates. He stressed that California is underfunding schools.

Ms. Gamba provided a brief budget update and indicated she will do so at each Board meeting as the information is updated. She announced a budget town hall meeting at DeJean Middle School, Saturday April 25. She spoke about the May 19 ballot initiatives which, if they fail, would leave the budget subject to major revisions in June. She said support for ballot initiatives is not strong at this time, and the legislative analyst office predicts even lower revenues.

Public Comment: Mike Wasilchin said that Local One members have taken less money in salary each year to maintain retiree health benefits that were negotiated with the District. He asked to be copied on the response to the Grand Jury report.

Board Comment: None

D.4 Standing Reports

Committee Reports:

Mr. Ramsey reported on the Facilities Subcommittee, and said the district will receive funding for El Cerrito High School earlier than anticipated. He added that the Bond program is healthy and thriving and that the Dover project came in lower than projected, potentially providing revenue to add a substantial amount of work.

Mr. Ramsey reported on the Ivy League Connection and provided an update on activities with Yale University and recognition from the City of Hercules.

Richard Leung reported on Local One and commented on classified salaries in comparison to other districts and taking cuts in wages in exchange for benefits. He spoke about substitutes who are ineligible for benefits and being fair and equitable when it comes to management.

Charles Cowens reported on the Community Budget Advisory Committee. He said the next meeting is April 23 and that the discussion will include the presentation style for the actual budget, expenditures at the site level and improving student tracking systems vs. random sampling.

Mr. Thurmond reported on the District Safety Committee. He said a benchmark will be set to create a plan for reducing safety incidents on a year to year basis and to provide annual reporting to set goals for reducing safety and violence incidents throughout the District. He also spoke about plans to provide more support for students experiencing mental health challenges or who might be around violent situations as a way of preventing safety

incidents from occurring. He said at the next meeting on May 13 the focus will be around helping students find summer jobs.

Mr. Medrano provided a summary of the Facilities Subcommittee Meeting that occurred on April 8 which included discussion about project schedule, concerns of equity throughout the District, security fencing, the emergency repair program, traffic concerns in El Cerrito and anti-graffiti coating.

D.5 In Memory of Members of the School Community

Superintendent Harter recognized community members who recently passed away.

Public Comment:

Robert Studdiford spoke in remembrance of Don Lewis.

Mike Wasilchin spoke in remembrance of Don Lewis and Bill Young.

Board Comment:

Mr. Ramsey spoke on behalf of Don Lewis and Mike Cornell and their major contributions to the District.

Mr. Medrano spoke in remembrance of Don Lewis and his concern for social justice.

President Miles spoke about Don Lewis and Bill Young and thanked the families of all the lost loved ones.

Ms. Kronenberg spoke of Don Lewis and his service to the community.

E. PUBLIC AND COMMITTEE COMMUNICATIONS

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

E.1 Superintendent's Report

Superintendent Harter provided a report of activities in the District.

Public Comment:

Mike Wasilchin spoke about recognizing classified employees in future presentations.

E.2 Request to Address the Board on Growing West County School Gardens

Ms. Miles indicated this item is being pulled.

Ms. Romeo said this item was not acknowledged in the agenda readjustment so there should be a motion and second to pull the item.

MOTION: Mr. Ramsey moved to pull Item E.2 from the agenda. Mr. Medrano seconded. Ms. Kronenberg, Mr. Medrano, Mr. Ramsey, Mr. Thurmond, Student Representative Tam (Advisory Vote Only) and President Miles voted yes, with no abstentions and no absences. Motion carried 5-0-0-0.

E.3 Request to Address the Board on the Gooden Family Scholarship Fund Scholar Project Recipients

Ruth Kleinman of the Gooden Family Scholarship Fund described the Fund's mission to assist low income high school students in the WCCUSD who demonstrated academic success to be accepted into four year colleges. She described how the scholar program works. Five of the seven students who successfully completed the program introduced themselves, announcing the colleges they were accepted to and financial aid they received.

Board Comment:

Mr. Thurmond congratulated all the students on their accomplishments. He thanked Ms. Kleinman and Mr. Gooden for their support of district students.

Mr. Ramsey congratulated the students and recognized one student who is also part of the Ivy League Connection program. He thanked Mr. Gooden for his work.

Mr. Medrano congratulated the students and Mr. Gooden, saying he is very proud of the students and their successes.

Ms. Kronenberg congratulated the students and praised Mr. Gooden and his approach.

President Miles congratulated the students and thanked Mr. Gooden and Ms. Kleinman for their support. She encouraged others to provide support and funding of scholarships within the District.

E.4 WCCUSD Public Comment

Susan Billings, Christina Slamon, Marta Nieto, Diane Brown, Margaret Browne, Charles Rachlis, Mike Wasilchin, Patti Shannon, Jill Wolkenfeld, Sarah Creeley, JJ Thorp, Kristin Pursley, Monica Cervantes, Inocencia Dacumos, Cathy Garza, Nelda Welten, Linda Salinas, Carlos Cevallos

C.9 Resolution No. 79-0809: Declaration to Hire 30-Day Substitutes on CBEST Waivers

Ms. Romeo recommended tabling the item and bringing it back at the next Board meeting for placement on the action calendar.

MOTION: Mr. Medrano moved to table Item C.9 and bring it back to the next Board meeting for placement on the action calendar. Mr. Ramsey seconded. Ms. Kronenberg, Mr. Medrano, Mr. Ramsey, Mr. Thurmond, Student Representative Tam (Advisory Vote Only) and President Miles voted yes, with no abstentions and no absences. Motion carried 5-0-0-0.

C.11 Approval of Sabbatical Leave Requests for 2009-2010

Public Comment: Jill Wolkenfeld

At the request of President Miles, Ms. Romeo explained that contract provisions provide for up to ten sabbaticals per year and require the teacher to submit a proposal for either one half or a full year. During the sabbatical a teacher is entitled to one half their salary plus paid benefits.

MOTION: Mr. Ramsey moved approval of Item C.11. Mr. Thurmond seconded. Ms. Kronenberg, Mr. Medrano, Mr. Ramsey, Mr. Thurmond, Student Representative Tam (Advisory Vote Only) and President Miles voted yes, with no abstentions and no absences. Motion carried 5-0-0-0.

C.16 Pinole Middle School Building A Demolition Project Award of Contract

Public Comment:

Brent Bates of Asbestos Management Group of California, Inc. said he was the lowest bidder on this project, but his bid was rejected as non-responsive for failure to sign the bid form. He asked that the Board to allow him to correct the form and accept his bid, rather than staff's recommendation. He cited California case law that supported the Board's discretion to accept his bid, even though it was not signed.

Mr. Fay commented that the bid protest time period passed.

Mr. Bates responded he only learned this morning that staff declared his bid non-responsive.

President Miles asked Ms. Romeo what options the Board has regarding this item. Ms. Romero said the Board could make a motion to approve or disapprove, or someone could make a motion with a second and a vote to put it on a future agenda.

Mr. Ramsey spoke in favor of staff's recommendation and said it was not wise to wait on a coordinated project. He said this had been a fair and open process and spoke against setting a precedent of making exceptions.

Mr. Savidge provided clarification and said staff's recommendation is consistent with past practice. He cautioned against waiving the defect.

Mr. Thurmond requested discussion on the motion. He asked for clarity on what the lack of signature truly means and whether the bid could be valid if signed at a later time?

Deidre Sakai, the District's Legal Counsel, responded 'no' and offered clarification.

Mr. Thurmond inquired further about the significance of the unsigned bid. Ms. Sakai responded and expressed concern about waiving a defect and the effect that would have on future bidding processes.

Mr. Thurmond inquired about the case law raised by Mr. Bates. Ms. Sakai spoke of another case which indicated that no one case could force a Board to make a waiver.

Ms. Kronenberg inquired about the consequences of re-bidding and the timeframes involved.

Mr. Savidge responded there would be an approximate delay time of one month and stressed the fact this project was sequenced with other projects.

Mr. Thurmond inquired about the quality of work promised and how that ranked to other bids. He also inquired about the involvement of local firms in this work.

Mr. Savidge said the bid documents did not address the quality of work. He said the District's local hiring consultant indicated all bidders completed a good faith hiring effort in the local hiring process.

MOTION: Mr. Medrano moved to approve Item C.16 Pinole Middle School Building A Demolition Project Award of Contract (Demo Masters). Mr. Ramsey seconded. A roll call vote was taken. Ms. Kronenberg, Mr. Medrano, Mr. Ramsey, Student Representative Tam (Advisory Vote Only) and President Miles voted yes, Mr. Thurmond voted no, with no abstentions and no absences. Motion carried 4-1-0-0.

C.23 Resolution No. 84-0809: In Support of May 19 Ballot Measures

Public Comment: Charles Rachlis, Susan Billings

Board Comment:

Mr. Thurmond inquired whether the vote would be on the entire resolution or portions. Superintendent Harter responded.

Ms. Kronenberg spoke about the need to support this resolution because she did not see any other options.

Mr. Medrano spoke in favor of all items referring to support by Richmond Vision and other community organizations and moving approval.

Mr. Ramsey seconded.

Mr. Thurmond spoke of making a motion to vote on measures individually and said he opposes 1D and 1E. He asked for more discussion about what each item means prior to endorsing them.

Mr. Ramsey said he agrees with Mr. Medrano, that this is a process and not about piecemeal. He said the Board has to work as a collective voice with constituent groups to make an impact.

Ms. Romeo said there is a motion on the table to accept the resolution before going to another motion.

MOTION: Mr. Medrano moved to approve Item C.23. Mr. Ramsey seconded. A roll call vote was taken. Ms. Kronenberg, Mr. Medrano, Mr. Ramsey and President Miles voted yes, Mr. Thurmond voted yes on 1A, 1B, 1C and 1F and abstained on 1D and 1E (no vote), Student Representative Tam (Advisory Vote Only) abstained and no absences. Motion carried 4-1-0-0.

F. ACTION ITEMS

F.1 Resolution No. 78-0809: Authorization to Eliminate Classified Positions and Layoff Classified Employees

Ms. Romeo asked the Board to adopt this resolution to eliminate classified positions due to lack of funding and/or lack of work. She explained that the layoffs were in primarily four categories related to: school closures the Board previously took action on; categorically funded positions which ties into Tiered III flexibility; some general fund reductions; and collapsing of classes related to special education.

Public Comment: Charles Rachlis, Rick Alexander, Margaret Browne, Marcus Mitchell, Joan Strasser, Robert Studdiford, Michael Wasilchin, Jill Wolkenfeld, Richard Leung

Board Comment:

Mr. Thurmond said he continues to support cuts straight across the board.

Ms. Kronenberg said she would support a motion to eliminate the positions listed except for the four community outreach positions.

Ms. Romeo advised that the Board could approve the motion as stated by Ms. Kronenberg.

MOTION: Ms. Kronenberg moved approval of Item F.1 absent the four School Community Outreach positions. Mr. Medrano seconded. A roll call vote was taken. Ms. Kronenberg, Mr. Medrano, Student Representative Tam (advisory vote only) and President Miles voted yes, Mr. Ramsey and Mr. Thurmond voted no, with no abstentions and no absences. Motion carried 3-2-0-0.

F.2 K-3 Class Size Reduction Program (CSR)

Ms. Gamba said that this item is being brought back before the Board with an additional option for consideration. She said staff is recommending a savings of \$4 million.

Public Comment: Eric Swabeck, Rachel McLachlan, Rick Willis, Pixie Hayward Schickele, Will Muller, Doug Marques, Jill Wolkenfeld, Joan Strasser, Tova Halpern, Lily Chang Wong, Linda Lambie, Eduardo Martinez, Charles Cowens, Madison Crocker

Board Comment: None

MOTION: Mr. Medrano moved approval of Item F.2, adopting Option 3. President Miles seconded. A roll call vote was taken. Ms. Kronenberg, Mr. Medrano, Student Representative Tam (advisory vote only) and President Miles voted yes, Mr. Ramsey and Mr. Thurmond voted no, with no abstentions and no absences. Motion carried 3-2-0-0.

F.3 Contract for Commercial Real Estate and Consulting Services

Public Comment: Jill Wolkenfeld

Board Comment:

Mr. Ramsey offered reasons to use caution and wait on this decision.

Ms. Miles asked about the timing of this item.

Superintendent Harter responded and spoke about having a long term plan.

Mr. Ramsey spoke about preserving the \$26,000 for other use, perhaps preserving positions.

Ms. Kronenberg raised the issue that the property would need to be appraised again.

Mr. Medrano suggested waiting until the market improved.

Mr. Thurmond agreed the Board should not make this expenditure at this time.

Mr. Fay commented that the consultants were retained for alternative programs and use of property, creative ways to pay down debt.

Mr. Ramsey suggested that entrepreneurs would likely seek out the District with ideas.

MOTION: Mr. Ramsey moved to table Item F.3. Mr. Medrano seconded. Ms. Kronenberg, Mr. Medrano, Mr. Ramsey, Mr. Thurmond, Student Representative Tam (advisory vote only) and President Miles voted yes, with no abstentions and no absences. Motion carried 5-0-0-0.

G. DISCUSSION ITEMS

None

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

I. COMMENTS OF THE BOARD OF EDUCATION AND SUPERINTENDENT

Mr. Medrano spoke about his recent visit to schools. At Chavez Elementary School he spoke to the students about knowing César Chávez personally. He spoke about the Rosie the Riveter function and the Arts and Meaning Project.

Mr. Ramsey spoke about the college fair at St. Mary’s College and thanked Mr. Greer for promoting the event.

Ms. Tam thanked the Board for the opportunity to attend the meeting and said it was very interesting.

Ms. Kronenberg spoke about her visit to Portola PTA and building synergy between Portola and El Cerrito High School.

Mr. Thurmond thanked Ms. Tam for participating. He reminded everyone that today is Earth Day and encouraged all to support the Ed. Fund banquet on May 15.

President Miles thanked the staff and spoke about the difficult decisions made at this meeting that will benefit the District as a whole now and for the future. She announced a special Board meeting May 11 following a decision from the administrative law judge regarding teacher layoffs.

President Miles said that Mr. Ramsey accepted an appointment to the safety committee.

Mr. Ramsey closed the meeting in recognition of student Brandon Mills who in the 9th grade was adopted and mentored by the El Cerrito High School Architect. He said that Mr. Mills was committed, motivated and stayed positive despite many challenges, and today was admitted to Arizona State University.

J. THE NEXT SCHEDULED BOARD OF EDUCATION MEETING

Lovonya DeJean Middle School – May 6, 2009

Lovonya DeJean Middle School – Special Meeting, May 11, 2009.

K. ADJOURNMENT

President Miles adjourned the meeting at 10:49 PM.

Motion vote count order: Yes-No-Abstain-Absent

BH:pr

<u>AAM</u> Approved 5-6-09
