

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

December 3, 2014

A. CLOSED SESSION

B. OPENING PROCEDURES

President Ramsey called the meeting to order at 5:45 P.M. The Board recessed into Closed Session. President Ramsey called the Public Session to order at 6:30 P.M.

B.1 Pledge of Allegiance

President Ramsey led the Pledge of Allegiance.

B.2 Welcome and Meeting Procedures

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

B.3 Roll Call

Board Members Present: Randall Enos, Todd Groves, Madeline Kronenberg, Elaine Merriweather, Charles Ramsey

Staff Present: Denise Cifelli, Confidential Secretary; Steve Collins, SELPA Director; Linda Delgado, Coordinator Charter Schools; Cliff Dorton Electronics Technician; Luis Freese, District Engineer; Sheri Gamba, Associate Superintendent Business Services; Wendell Greer, Associate Superintendent K-Adult Schools; Bruce Harter, Superintendent; Keith Holtslander, Director Facilities & Construction; Lisa LeBlanc, Associate Superintendent M & O/Bond Program; Mary Phillips, Chief Technology Officer; Nia Rashidchi, Assistant Superintendent Educational Services; Reyna Touriel, Translator; Marcus Walton, Communications Director; Ken Whittemore, Assistant Superintendent Human Resources

B.4 Report/Ratification of Closed Session

None

B.5 Agenda Review and Adoption

President Ramsey asked the Board to consider reordering the agenda by moving items F.6, D.1, and D.2 to follow F. 2.

Board Comment:

None

MOTION: Mr. Groves moved approval of the agenda as modified. Mr. Enos seconded. Mr. Enos, Mr. Groves, Ms. Kronenberg, Ms. Merriweather, and President Ramsey voted yes, with no abstentions and no absences. Motion carried 5-0-0-0.

Public Comment:

Anton Jungherr, Steven Chamberlain

MOTION: President Ramsey asked for a vote to reaffirm approval of the agenda as modified following public comment. Mr. Groves moved to affirm his original motion approval of the agenda as modified. Mr. Enos seconded. A roll call vote was taken with Mr. Enos, Mr. Groves, Ms. Kronenberg, and President Ramsey voting yes, with Ms. Merriweather abstaining and no absences. Motion carried 4-0-1-0.

A brief recess was taken at this time due to technical difficulties.

F. ACTION ITEMS

F.1 Resolution No. 43-1415: Requesting BAAQMD Reconsider Permit

Mr. Andres Soto addressed the Board regarding a resolution to consider requesting the Bay Area Quality Management District to reverse its decision to grant a permit to Kinder Morgan Richmond to transport crude oil products by railway through the community.

Public Comment:

Janet Johnson, Sylvia Hopkins, Peter Chau, Tim Layton

Board Comment:

President Ramsey said that Mr. Soto and the speakers had outlined the situation and felt it important to ask the Bay Area Quality Management District to reconsider its decision.

MOTION: Ms. Kronenberg moved approval of Resolution No. 43-1415: Requesting BAAQMD Reconsider Permit. Mr. Enos seconded. A roll call vote was taken with Mr. Enos, Mr. Groves, Ms. Kronenberg, Ms. Merriweather, and President Ramsey voting yes, with no abstentions and no absences. Motion carried 5-0-0-0.

F.2 Revision to Board Bylaw 9260 Legal Protection

Superintendent Harter explained the modification to a Board Bylaw that would add a single paragraph to provide legal counsel to board members and staff if called upon during an administrative proceeding, action or other inquiry of the District by a Local, State or Federal Agency or Court of Law to the extent allowed by Government Code. Counsel selection shall be at the discretion of the Board.

Public Comment:

Steven Chamberlain, Anton Jungherr, Maria Montes, Tana Montero, Tom Panas, Don Gosney, Ben Steinberg, Lorraine Humes, Alex Aliferis, Judy Bendix, Robert Studdiford

Board Comment:

President Ramsey thanked the speakers and asked Superintendent Harter to restate the matter. Superintendent spoke of the practice of the Board to bring policy revisions forward on a single reading and to bring new policies with a first reading and a final vote at a subsequent meeting.

President Ramsey spoke about review of this item and recommendations from legal counsel with Mr. Groves at agenda setting. He spoke about the need for previous, current, as well as future Board Members having the assurance that performance of the scope of duties is protected with remedies that can be taken against those members when not acting within that scope.

Mr. Groves asked whether the practices were in conflict with bylaws. Superintendent Harter said that the Board could always revisit a previous action at a subsequent meeting. Mr. Groves continued with comments about legal protection and liability.

Ms. Gamba explained the process for engaging any attorney services and appropriation of funds to which invoices are applied.

Mr. Groves continued with discussion regarding the legal consultation he sought regarding the matter as the appropriate course of action.

Ms. Merriweather said that she felt the community concern was that the issue was being rushed. She recommended postponing action to a future meeting.

Ms. Gamba reiterated the District's practice as well as the language in Board Bylaw 9310 being permissive about second readings for policy revisions. She said it specifically allows the Board to waive the second reading if it chooses to do so. She felt that because it has been a practice of the Board over time to approve an amendment to an existing policy once and hear new policies twice, that the action on this item could go forward.

MOTION: Ms. Kronenberg moved approval of the Revision to Board Bylaw 9260. Mr. Enos seconded. A roll call vote was taken with Mr. Enos, Mr. Groves, Ms. Kronenberg, and President Ramsey voting yes, Ms. Merriweather abstaining and no absences. Motion carried 4-0-1-0.

F.6 Contracts

President Ramsey said he would separate the contracts under this item into two separate votes. He asked the Board to approve the first five contracts having to do with general district business.

Public Comment:
None

Board Comment:
None

MOTION: Mr. Groves moved approval of the five contracts regarding Curriculum, Business Services and Special Education. Ms. Kronenberg seconded. Mr. Enos, Mr. Groves, Ms. Kronenberg, Ms. Merriweather, and President Ramsey voted yes, with no abstentions and no absences. Motion carried 5-0-0.

President Ramsey asked for a separate vote regarding the group of contracts for Business Services having to do with the Securities and Exchange Commission matter. President Ramsey recused himself and left the meeting at this time. Mr. Groves assumed the gavel and continued the meeting.

Public Comment:
Yolanda Lopez, Anton Jungherr, Steven Chamberlain, Don Gosney, Ben Steinberg, Lorraine Humes, Robert Studdiford, Christina Slamon, Alex Aliferis, Eric Allam, Mike Ali Kenny

Board Comment:
Ms. Merriweather asked Mr. Groves about the decision to return this item to the agenda for action. Mr. Groves responded with information about revisiting costs to cover the scope of the investigation. Ms. Gamba provided details about the initial fund authorizations by the Board and actual billing, as well as costs of continuing legal services. Discussion continued.

MOTION: Ms. Kronenberg moved approval of the four contracts regarding the Securities and Exchange Commission investigation. Mr. Enos seconded. A roll call vote was taken with Mr. Enos, Ms. Kronenberg, and Clerk Groves voting yes, Ms. Merriweather voting no, with no abstentions and President Ramsey absent as a result of recusing himself. Motion carried 3-1-0-1.

President Ramsey returned to the meeting and resumed the gavel. He recognized Board members elect Valerie Cuevas and Elizabeth Block in the audience as well as other dignitaries.

D.1 Resolution No. 41-1415: Resolution of Commendation to Elaine Merriweather for Dedicated Service to Students, Staff and the Community, December 3, 2014

Superintendent Harter read the resolution commending Ms. Merriweather for her service to the District and Board since 2010.

Public Comment:
Peter Chau

Board Comment:
Mr. Enos spoke of his appreciation of Ms. Merriweather and her service to benefit students.

Mr. Groves said the Board owed a debt of gratitude for championing important issues on behalf of the most vulnerable and at risk students in the District. He commended her work and said he was honored to have served with her.

Ms. Kronenberg spoke of the pleasure and honor to serve with her. She recalled attending the Full Services Schools conference in Cincinnati together and its implementation as one of the biggest successes in Ms. Merriweather's career. She said changing the service system in schools will be a bonus to children in schools.

President Ramsey recalled her efforts to support the parcel tax and bond measures. He spoke of her trust and the different and new things that she brought to the Board and the District.

Ms. Merriweather spoke of her continued efforts to advocate for children at the state and national levels.

Superintendent Harter presented a plaque to commend Ms. Merriweather's service.

D.2 Resolution No. 39-1415: Resolution of Commendation to Charles Ramsey for Dedicated Service to Students, Staff and the Community, December 3, 2014

Superintendent Harter read the resolution commending Mr. Ramsey for his services to the Board and District since 1993.

Public Comment:

Bobbie Dowling, Felicia Robertson, Diane Brown, Romy Douglas, Jose Vilar, Karen Leong Fenton, Donna Powers, Bob Lily, Don Gosney, Peter Hanley, Kevin Van Buskirk, Nancy Schiff, Ben Hamburg, Kevin MacQuarrie, Robert Studdiford, Greg Harper, Christina Slamon, Karen Pfeiffer, Linda Cohen, Youra Peppas, Michael Terry, Gboyedga Aladegbami, Sally Swanson, Sarah Marsh, Wally Gordon, Fred Powell, Reginald Terrell, Jim Rogers

Superintendent Harter presented a gavel and plaque to commend Mr. Ramsey’s service to the District.

Board Comment:

President Ramsey recalled many people that he had worked with over the years and the sense of team work and collaboration. He thanked the community for the opportunity to serve.

F.3 Aspire Richmond Technology Academy Charter School Staff and Counsel Findings of Fact, and Board Decision

Superintendent Harter spoke of the recent public hearing as well as staff review of the charter petition. He said that staff recommended approval of the petition for a five year term, without conditions beginning with the 2015-2016 school year. He said that staff had prepared a separate memorandum of understanding addressing concerns regarding the petition to be negotiated and brought for Board consideration at the January 21, 2015 meeting.

Aspire representatives spoke in appreciation of the feedback and consideration.

Public Comment:

None

Board Comment:

None

MOTION: Ms. Kronenberg moved approval of Aspire Richmond Technology Academy Charter School. Mr. Groves seconded. A roll call vote was taken with Mr. Enos, Mr. Groves, Ms. Kronenberg, Ms. Merriweather, and President Ramsey voting yes, with no abstentions and no absences. Motion carried 5-0-0-0.

F.4 Aspire Richmond California College Preparatory Academy Charter School Staff and Counsel Findings of Fact, and Board Decision

Superintendent Harter spoke of the staff recommendation to approve the petition for a five year term without conditions beginning with the 2015-2016 school year. Staff further recommended that a separate memorandum of understanding addressing concerns with the petition be negotiated for consideration by the Board at the January 21, 2015 meeting.

Public Comment:

None

Board Comment:

None

MOTION: Mr. Groves moved approval of Aspire Richmond California College Preparatory Academy Charter School. Mr. Enos seconded. A roll call vote was taken with Mr. Enos, Mr. Groves, Ms. Kronenberg, Ms. Merriweather, and President Ramsey voting yes, with no abstentions and no absences. Motion carried 5-0-0-0.

F.5 John Henry High School Staff and Counsel Findings of Fact, and Board Decision

Superintendent Harter spoke of the staff recommendation to approve the petition for a five year term without conditions beginning with the 2015-2016 school year. Staff further recommended that a separate memorandum of understanding addressing concerns with the petition be negotiated for consideration by the Board at the January 21, 2015 meeting.

Public Comment:

Jorge Lopez

Board Comment:

None

MOTION: Mr. Enos moved approval of John Henry High School Charter School. Ms. Kronenberg seconded. A roll call vote was taken with Mr. Enos, Mr. Groves, Ms. Kronenberg, Ms. Merriweather, and President Ramsey voting yes, with no abstentions and no absences. Motion carried 5-0-0-0.

F.6 Contracts

This item was moved to follow item F.2.

C. BUSINESS ITEM

C.1 Grants/Awards/Agreements

C.2 Acceptance of Donations

C.3 Approval of Fund-Raising Activities

C.4 Adoption of Resolution No. 44-1415: Replacement of Outdated Warrant

This item was tabled from the agenda.

C.5 Routine Personnel Changes – Classified

C.6 Approval of District Local Control Accountability Plan Parent Committee Nominees

MOTION: Mr. Enos moved Approval of Consent Items C. 1 – C.3, C.5 and C.6. Ms. Kronenberg seconded. Mr. Enos, Mr. Groves, Ms. Kronenberg, Ms. Merriweather, and President Ramsey voted yes, with no abstentions and no absences. Motion carried 5-0-0-0.

F.7 Approval of Additional Architectural Services

Superintendent Harter provided information regarding additional architectural services for the Pinole Valley High School site. Mr. Kevin MacQuarrie with WLC Architects provided a presentation with background.

Public Comment:

Susan Chamberlain, Ivette Ricco, Tom Panas, Alex Aliferis, Jeff Rubin

Board Comment:

President Ramsey remarked about public concern for construction costs and the community involvement.

Mr. Groves spoke about the need to pay for services that have been delivered. Ms. LeBlanc provided clarification regarding industry standards. Ms. LeBlanc also spoke about the phases, increase of project planning and scope.

Ms. Merriweather asked about the length of time for the Pinole project as compared to other schools. President Ramsey provided information with comparisons to El Cerrito and DeAnza High School construction.

MOTION: Mr. Enos moved approval of Additional Architectural Services. Ms. Kronenberg seconded. A roll call vote was taken with Mr. Enos, Mr. Groves, Ms. Kronenberg, Ms. Merriweather, and President Ramsey voting yes, with no abstentions and no absences. Motion carried 5-0-0-0.

E. COMMITTEE COMMUNICATIONS

E.1 In Memory of Members of the School Community

Superintendent Harter recognized the contributions of members of the community who have passed away. President Ramsey asked for a moment of silence.

Public Comment:

None

Board Comment:

None

B. OPENING PROCEDURES - CONTINUED

B.6 Minutes: November 6, 2014; November 12, 2014

MOTION: Ms. Kronenberg moved approval of the Minutes of November 6, 2014 and November 12, 2014. Mr. Enos seconded. Mr. Enos, Mr. Groves, Ms. Kronenberg, Ms. Merriweather, and President Ramsey voted yes, with no abstentions and no absences. Motion carried 5-0-0-0.

B.7 Public Comment:

Michael Ali Kenny, Liz Block

F.8 Presentation of the Initial Bargaining Proposal from West Contra Costa Unified School District to the United Teachers of Richmond (UTR)

Mr. Whittemore explained the sunshining process as bargaining begins with each bargaining unit. At this time, he requested the Board accept the initial bargaining proposal of the District to United Teachers of Richmond.

Public Comment:

None

Board Comment:

None

MOTION: Mr. Groves moved to receive the Initial Bargaining Proposal from West Contra Costa Unified School District to the United Teachers of Richmond (UTR). Ms. Kronenberg seconded. Mr. Enos, Mr. Groves, Ms. Kronenberg, Ms. Merriweather, and President Ramsey voted yes, with no abstentions and no absences. Motion carried 5-0-0-0.

F.9 Initial Bargaining Proposal from United Teachers of Richmond (UTR) to the West Contra Costa Unified School District

Superintendent Harter spoke about the initial bargaining proposal from United Teachers of Richmond to the District.

Public Comment:

None

Board Comment:

None

MOTION: Mr. Groves moved to receive the Initial Bargaining Proposal from United Teachers of Richmond (UTR) to the West Contra Costa Unified School District. Ms. Kronenberg seconded. Mr. Enos, Mr. Groves, Ms. Kronenberg, Ms. Merriweather, and President Ramsey voted yes, with no abstentions and no absences. Motion carried 5-0-0-0.

F.10 Joint Initial Bargaining Proposal – with West Contra Costa Unified School District and West Contra Costa Administrators Association (WCCAA)

Superintendent Harter spoke about the joint bargaining proposal between WCCAA and the District.

Public Comment:

None

Board Comment:

None

MOTION: Mr. Groves moved to receive the Joint Initial Bargaining Proposal with West Contra Costa Unified School District and West Contra Costa Administrators Association (WCCAA). Ms. Kronenberg seconded. Mr. Enos, Mr. Groves, Ms. Kronenberg, Ms. Merriweather, and President Ramsey voted yes, with no abstentions and no absences. Motion carried 5-0-0-0.

F.11 Resolution 42-1415: In Support of Richmond Plan to Keep Doctors Medical Center Open

Superintendent Harter provided information about the County's intent to forgive the debt of Doctors Medical Center in order to keep the facility open. He said the resolution of support came from the West County Mayors Association.

Public Comment:

None

Board Comment:

None

MOTION: Mr. Groves moved approval of Resolution 42-1415: In Support of Richmond Plan to Keep Doctors Medical Center Open. Mr. Enos seconded. Mr. Enos, Mr. Groves, Ms. Kronenberg, Ms. Merriweather, and President Ramsey voted yes, with no abstentions and no absences. Motion carried 5-0-0-0.

D. AWARDS, RECOGNITIONS, AND REPORTS

D.1 Resolution No. 41-1415: Resolution of Commendation to Elaine Merriweather for Dedicated Service to Students, Staff and the Community, December 3, 2014

This item was moved to follow item F.6.

D.2 Resolution No. 39-1415: Resolution of Commendation to Charles Ramsey for Dedicated Service to Students, Staff and the Community, December 3, 2014

This item was moved earlier on the agenda.

G. DISCUSSION ITEMS

None

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

None

I. COMMENTS OF THE BOARD OF EDUCATION AND SUPERINTENDENT

Mr. Enos spoke of the work ahead for the Board and the involvement of the public. He commended the students and teachers for their hard work through the year.

Ms. Kronenberg said goodbye to Mr. Ramsey and spoke of him as a warrior for the children of the District. She commended him as an historian and the tone he set for Board members to follow.

Mr. Groves said that he will miss Mr. Ramsey and Ms. Merriweather and their leadership styles. They have added a great deal to the District.

Ms. Merriweather gave her thanks to Mr. Ramsey for his leadership and the vision of having high standard schools for the students in the community. She said she was proud of his leadership. She thanked her family as well as her supporters. She offered congratulations to newly elected Board members Liz Block and Valerie Cuevas, as well as reelected member Madeline Kronenberg. She said that while she is still a parent of the District, she planed to remain involved.

President Ramsey spoke about the principles that should guide the community including patience, persistence, and perseverance. He reminded his colleagues of the importance of people of the community as he ended his twenty-one years as a Board member.

J. THE NEXT SCHEDULED BOARD OF EDUCATION MEETING

Lovonya DeJean Middle School – December 10, 2014

K. ADJOURNMENT

President Ramsey adjourned the meeting at 10:53 PM.

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

BH:dh

<p><u>R. Enos</u> Approved 1/7/15</p>
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