

**WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT  
BOARD OF EDUCATION  
MEETING AGENDA  
SEPTEMBER 1, 2010**

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**BOARD AGENDA PACKETS AND INFORMATION:**

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

Complete Board agendas and packets are available online at: [www.wccusd.net/Documents/Board/boardinformation.aspx](http://www.wccusd.net/Documents/Board/boardinformation.aspx)

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

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**VIEWING 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.

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**ATTENDING BOARD MEETINGS:**

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

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

**Time:**            The **Board of Education's Open Session meeting will begin at 6:30 PM.** The Board will convene at **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.

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

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

**B. OPENING PROCEDURES**

- B.1 Pledge of Allegiance**
- B.2 Welcome and Meeting Procedures**
- B.3 Roll Call**
- B.4 Presentation of Student Board Representative Middle College High School**

Comment:

A Student Board Representative from Middle College High School will attend the Board of Education meeting on September 1, 2010. We would like to recognize and commend their participation.

Recommendation:

For Information Only

Fiscal Impact:

None

- B.5 Report/Ratification of Closed Session**
- \* **B.6 Agenda Review and Adoption (Public Comment)**
- \* **B.7 Minutes: August 18, 2010**

**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 from the Board of Education to accept the grants/awards/agreements as detailed, dated September 1, 2010.

Recommendation:

Recommend Approval

Fiscal Impact:

As noted per grants summary

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

Comment:

The District has received donations as detailed, dated September 1, 2010. 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 2010-11 school year are detailed, dated September 1, 2010.

Recommendation:  
Recommend Approval

Fiscal Impact:  
Additional revenue for schools

**\*CI C.4 Contracted Services**

Comment:  
Permission is requested of the Board of Education to approve the following contracts for services as detailed on the attached sheets dated September 1, 2010.

Recommendation:  
Recommend Approval

Fiscal Impact:  
As noted per contracts summary

**\*CI C.5 Notification of Claims Approval and Settlement Payments**

Comment:  
The District has received claims regarding compensation for personal injury. The District's risk management firm has investigated the claims and is requesting the School Board to ratify the authorized settlement payments.

Recommendation:  
Ratify the authorized approval of claims and payments for personal injury.

Fiscal Impact:  
Self-Insurance Program

**\*CI C.6 Notification of Claim Approval and Settlement Payment**

Comment:  
The District received a claim regarding compensation for property damage. 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 property damage.

Fiscal Impact:

Self-Insurance Program

**\*CI C.7 Certificated Personnel Changes**

Comment:

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

Recommendation:

Recommend Approval

Fiscal Impact:

None

**\*CI C.8 Citizens' Bond Oversight Committee (CBOC) Appointment: Wayne Ellis representing Contra Costa County, Supervisor John Gioia**

Comment:

Wayne Ellis has been recommended for appointment to the Citizens' Bond Oversight Committee by Supervisor John Gioia, representing the unincorporated areas of Contra Costa County.

Recommendation:

Recommend Approval

Fiscal Impact:

None

**\*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: King Elementary School Construction and Demolition; Ford Elementary New Campus; El Cerrito Portable Utility Removal; Richmond College Prep Modularity Utility Project; and Pinole Middle School Building A Renovations. 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: \$186,385.54.

**\*CI C.10 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: \$250,190. Funding sources as noted

**\*CI C.11 Richmond High School Fence and Gates Project Change Order Approval**

Comment:

The Richmond High fence and gates project is nearing completion. CF Contracting is the contractor. This project includes a full fence and gate replacement around the campus perimeter. In addition, the project includes full reconfiguration of the front parking lot with replacement of the asphalt, new concrete and new driveway to allow circulation for drop-off. During the course of the work, there have been a significant number of unforeseen conditions which have resulted in changed scope of work and increased costs. For example, the soils at the site are contaminated and required special handling and disposal. The City of Richmond has also requested additional work in the public right of way. In addition, the timeframe for completion of the work on the front parking lot was limited to the summer break, and it has been necessary to approve overtime and weekend work for the contractor in order to complete the parking lot prior to the opening of school. The combination of the substantial unforeseen conditions and the need to approve off hours work has resulted in potential change orders in excess of Public Contract Code 10% limit. Staff is requesting Board approval of Change Orders, with the findings as noted below, on the project as follows:

Original Contract	\$ 308,988.00
<u>Previous Change Order #1 Adj.</u>	<u>\$ 25,632.00</u>
<b><u>Current Adjusted Contract</u></b>	<b><u>\$ 334,620.00</u></b>
<u>Proposed Change Order #2 Adj.</u>	<u>\$ 223,155.00</u>
<b>New Total project cost</b>	<b>\$ 557,775.00</b>

Approval is required by the Board, with special findings, 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 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:

Adopt findings of futility and approve Change Order to CF Contracting.

Fiscal Impact:

Total for this action: \$223,155. Funded by the Measure J Bond, Richmond HS Fence and Gates project.

**\*CI C.12 Ohlone Elementary School Temporary Roofing Repairs Contract Award Ratification**

Comment:

The first phase of the Ohlone Elementary School reconstruction project is set to begin construction on June 2011. The construction documents, prepared by Powell & Partners Architects, are currently being reviewed by Division of State Architect. The plan for the work is to build new classroom buildings on the existing playground areas. The school will stay in the current buildings through the full construction of the first phase, which is projected to be approximately 24-30 months from now. The existing building roofs have a number of deficiencies which have resulted in moisture intrusion and rot damage. In order to maintain the buildings for the period of construction it is necessary to complete temporary repairs to the existing school roofs. Allana Buick & Bers Roofing, and Waterproofing Consultants prepared plans and specifications for the project.

The District conducted a public bid process for the project. Bids were opened on August 8, 2010. Five Contractors submitted bids. They are as follows: Pioneer Contractors \$246,000; IMR Contractors \$220,000; Jeffco Roofing \$209,000; Solano County Roofing \$203,223; and, Western Roofing \$169,800. The lowest responsive, responsible bidder is Western Roofing at \$169,800.

Due to the nature of the work and the need to complete this project in an abbreviated timeframe, the Superintendent's Designee awarded the contract administratively. This action by the Board will ratify staff's action awarding the contract.

Recommendation:

Ratify staff's action to award contract to lowest responsive, responsible bidder.

Fiscal Impact:

\$169,800. Funded from the Measure J Bond.

**\*CI C.13 Approval of Construction Management Services for additional project and Design Phase Management component of Program Management Services**

Comment:

The District's bond program is managed primarily by Seville Group ("SGI"). This includes individual project construction management and program management services. Not all projects in the Measure J program are currently under contract and it is appropriate at this time to approve construction management services for one project which is beginning construction. For the Gompers High School Demolition project the services are through February 2011 and include one full time on-site construction manager.

In addition, SGI will be assuming Design Phase Management Services for current and future projects as a part of the firm's program management. The proposed Design Phase Management services and personnel costs are for the 2010/2011 fiscal year. The Design Phase Management component of the program management budget is included in the overall District budget for the program and each project budget carries a share of the program management costs.

There are two specific proposals recommended for approval under this action:

Gompers High School Demolition Project:	\$428,188
Design Phase Management Services:	\$320,602

Recommendation:

Approve contracts for construction management on additional project as noted and for Design Phase Management component of Program Management staffing as noted.

Fiscal Impact:

\$748,790. Funded by the Measure J Bond and the Measure D (2010) Bond, from individual project budgets.

**\*CI C.14 Resolution No. 19-1011: In Appreciation of the Cities of Richmond and San Pablo**

Comment:

Four schools are open for the 2010-11 school year as a result of the commitment and generosity of the cities of Richmond and San Pablo. The Richmond City Council authorized the payment of \$1.5 million to offset the operating expenses of three schools that would have been closed without this contribution. The Council action allowed the District to keep Kennedy High School, Grant Elementary and Olinda Elementary open for 2010-11. The San Pablo City Council approved a joint-use agreement with the District that provided the city use of schools and fields in exchange for \$600,000 over two years that has been used to keep Lake Elementary open for 2009-10 and 2010-11.

Recommendation:

That the Board Approve Resolution No. 19-1011

Fiscal Impact:

Contribution of \$2.1 million

**\*CI C.15 Approval for Board Travel**

Comment:

Mr. Medrano has expressed interest in attending the California Latino School Board Association conference Oct, 1 - 2 in Los Angeles. CLSBA is a non-profit organization dedicated to empowering trustees to drive educational policy for P-12 success. The estimated cost for the travel and conference fees is estimated to be \$900.

Recommendation:

That the Board approve the request from Mr. Medrano to attend the California Latino Board Association Conference.

Fiscal Impact:

Unknown at this time

**\*CI C.16 Resolution No. 18-1011: Hispanic Heritage Month, September 15, 2010 – October 15, 2010**

Comment:

The West Contra Costa Unified School District applauds the many contributions made by the Hispanic population and recognizes September 15 – October 15, 2010 as Hispanic Heritage Month.

Recommendation:

Recommend 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. Five minutes may be allowed for each subcommittee or group listed below:

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

**\* D.2 Report on the Teach for American History (TAH) Grant Award by the Department of Education**

Comment:

West Contra Costa Unified School District Teach for American History grant will provide intensive professional development to enhance teachers’ content knowledge, teaching skills and understanding of *traditional American History* thus improving student achievement. We are targeting 3<sup>rd</sup>, 8<sup>th</sup> and 11<sup>th</sup> grade teachers. Two three-year cohorts will serve 34 teachers each and a Historian Lecture Series will include 50 teachers. Over five years, 118 teachers will be served. This three-year intensive professional development program for teachers includes an optional MA in Education in Teaching American History.

Support will be offered at monthly meetings, with opportunities provided for teachers to collaborate, share lesson plans, and discuss problems and successes using a Lesson Study approach. Teachers will (a) meet regularly throughout the grant period; (b) collaborate online through message-boards and list serves, and (c) share questions, resources, student work and teaching strategies.

The TAH is partnering with two Institutions of Higher Education (IHE), Sonoma State University (SSU) and Temple University, Philadelphia, two local museums, the Richmond Historical Museum and the



Rosie the Riveter Home Front National Historic Park and three historical organizations, Organization of American Historians, the Constitutional Rights Foundation and Out of the Box Consultants.

Recommendation:

For Information Only

Fiscal Impact:

None

\* **D.3 Expulsion Process**

Comment:

The Director of Adult and Alternative Educations will report on the process of expulsion and how it works in West Contra Costa Unified School District.

Recommendation:

Report Only

Fiscal Impact:

None

\* **D.4 Budget Update for 2010-11**

Comment:

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

Recommendation:

For Information Only

Fiscal Impact:

None

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

Comment:

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

Guillermina Bernal, School Lunch Worker at Central Kitchen, passed away in August of this year after working for the District for nearly ten years.

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 Request to Address the Board - Campaign Contribution Limitations**

Comment:

Mr. Jungherr, a resident of the West Contra Costa Unified School District, has requested an opportunity to address the Board of Education on the topic of campaign contribution limits related to ballot initiatives and trustee elections.

Mr. Jungherr has been notified that he will be allotted 10 minutes to make his presentation to the Board.

Recommendation:

For Information Only

Fiscal Impact:

None

\* **E.2 Superintendent's Report**

\* **E.3 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**

**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 – September 15, 2010

**K. ADJOURNMENT**

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

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

**A. CLOSED SESSION**

**A.1 CALL TO ORDER**

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

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

**See Exhibit A**

(Government Code Section 54954.5)

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

**EXHIBIT A**

(Government Code Section 54954.5)

**CLOSED SESSION AGENDA**

**September 1, 2010**

**1. CONFERENCE WITH REAL PROPERTY NEGOTIATOR**

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

1. Srago v. WCCUSD
2. 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**

a. Administrative Appointments for 2010-2011 School Year

**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**