

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

January 4, 2012

A. CLOSED SESSION

B. OPENING PROCEDURES

President Charles Ramsey called the meeting to order at 5:30 P.M. The Board recessed into Closed Session. President Ramsey passed the gavel to Clerk Antonio Medrano in order to call the Public Session to order at 6:35 P.M.

B.1 Pledge of Allegiance

Clerk Medrano led the pledge of allegiance.

B.2 Welcome and Meeting Procedures

Clerk Medrano offered welcome and instructions to the public regarding the meeting.

B.3 Roll Call

Board Members Present: Madeline Kronenberg, Antonio Medrano, Elaine Merriweather, Charles Ramsey, Tony Thurmond

Staff Present: Magdy Abdalla, Director Facilities Construction; Steve Collins SELPA Director; Susan Dunlap, Coordinator Education Services; Bill Fay, Associate Superintendent for Operations; Luis Freese, Executive Director Maintenance and Operations; Sheri Gamba, Associate Superintendent for Business Services; Wendell Greer, Associate Superintendent K-Adult Schools; Bruce Harter, Superintendent; Debbie Haynie, Executive Secretary; Joshua Herrera, Electronics Technician; Charles Johnson, Campus Security Officer; Liz Lonsdale, Principal Ohlone Elementary; Joe Mayes, Maintenance Manager; Reyna Ortiz de Toureil, Translator; Lyn Potter, Director Categorical and Instructional Support Services; Nia Rashidchi, Assistant Superintendent Educational Services; Ann Reinhagen, Assistant Superintendent Human Resources; Vince Rhea, Executive Director; Mike Wasilchin, Coordinator Disaster Preparedness and Safety

B.4 Presentation of Student Board Representative from Hercules School

None

President Ramsey assumed the gavel and continued the meeting.

B.6 Report/Ratification of Closed Session

Superintendent Harter asked the Board to ratify the action taken in Closed Session regarding the appointment of Keith Holtslander as Director of Facilities.

Motion: Mr. Medrano moved to ratify the action taken in Closed Session regarding the appointment of Mr. Keith Holtslander as Director of Facilities. Ms. Kronenberg seconded. Ms. Kronenberg, Mr. Medrano, Tony Thurmond and President Ramsey voted yes, with Ms. Merriweather abstaining and no absences. Motion carried 4-0-1-0.

B.7 Agenda Review and Adoption

MOTION: Mr. Medrano moved approval of the agenda and moving items F. 1 and F.2 to follow item D.1. Mr. Thurmond seconded. Ms. Kronenberg, Mr. Medrano, Ms. Merriweather, Tony Thurmond, and President Ramsey voted yes with no abstentions and no absences. Motion carried 5-0-0-0.

B.8 Minutes: December 7, 2011; December 12, 2011

MOTION: Ms. Kronenberg moved approval of the Minutes of December 7, 2011 and December 12, 2011. Mr. Medrano seconded. Ms. Kronenberg, Mr. Medrano, Ms. Merriweather, Mr. Thurmond and President Ramsey voted yes with no abstentions and no absences. Motion carried 5-0-0-0.

C. BUSINESS ITEMS

- C.1 Grants/Awards/Agreements**
- C.2 Acceptance of Donations**
- C.3 Approval of Fund-Raising Activities**
- C.4 Summary of Payroll and Vendor Warrant Reports**
- C.5 Contracted Services**
- C.6 Notice of Completions: Bid J068299 Hanna Ranch Elementary School Roof Repairs Phase I, Bid J068270 Portola Middle School Temp Campus Site Work**
- C.7 Notification of Claims Rejected**
- C.8 Certificated Board Authorization - Education Code 44285.3**
- C.9 Routine Personnel Changes – Certificated**
- C.10 Routine Personnel Changes – Classified**
- C.11 Approval of Board Members Attending 2012 Conferences**
- C.12 Ratification and Approval of Engineering Services Contracts**
- C.13 Ratification and Approval of Negotiated Change Orders**
- C.14 Joint Use Agreement between the District and the City of El Cerrito for the use of Recreational Facilities for Portola Middle School**
- C.15 Nystrom Elementary School Temporary Campus Modularity Award of Contract**
- C.16 Pinole Middle School Interim Housing Demolition Project**
- C.17 Richmond High School Fiber Optics Project**
- C.18 Approval of Increase in District Allocation for Maritime Center Renovations Project**

MOTION: Ms. Merriweather moved approval of Consent Items C.1 – C.18. Ms. Kronenberg seconded. Ms. Kronenberg, Mr. Medrano, Ms. Merriweather, Tony Thurmond, and President Ramsey voted yes with no abstentions and no absences. Motion carried 5-0-0-0.

D. AWARDS, RECOGNITIONS, AND REPORTS

President Ramsey acknowledged former State Superintendent Jack O’Connell who was in the audience.

D.1 Report on the Advanced Placement program in West Contra Costa Unified School District

Mr. Wendell Greer provided background about the Advanced Placement program including the requirements for course development and teacher training. He spoke about the various designations for student achievement; the National AP Scholar, Scholar with Honor, Scholar with Distinction, and Scholar. He said that 105 students received these distinctions having taken exams over the past year. Sixty-six teachers currently teach 76 sections of AP courses with a college level curriculum. Mr. Rhea individually acknowledged the teachers and students who were in attendance. Certificates of acknowledgement will be provided to all. Mr. Greer continued to speak about the commitment required of teachers and students.

Public Comment:

None

Board Comment:

Mr. Medrano commended the teachers for the work put into the classes and the exam preparation. He also acknowledged the students. Mr. Ramsey thanked the teachers for setting the standard and said that the District will continue to seek funding for exam fee waivers.

F.1 Fiscal Systems Sufficiency Audit - Conditions for State Loan Payoff

Ms. Gamba introduced Auditor Caroline Larson of Vavrinek, Trine, Day & Co., LLP, who provided a report on her findings. Ms. Gamba spoke about the requirement of the Ed Code to determine adequate fiscal systems and controls in place. She said that this report will be delivered to the State Superintendent of Schools, requesting relinquishment of oversight. Ms. Gamba will also notify the I-Bank of the District’s intent to prepay the state loan.

Public Comment:

Robert Studdiford

Board Comment:

Ms. Kronenberg thanked Ms. Larson for her presentation and its positive tone, and spoke about the trustee's guidance over the last twenty years. Ms. Kronenberg said she hoped the report will be communicated with the positive tone of Ms. Larson's oral report.

Mr. Medrano asked about next steps. Ms. Gamba responded that the next step is to ask the State Superintendent to relinquish the authority of state oversight. The District also will notify the I-Bank of the intent to pay off the loan. She said that ultimately the decision to accept the payoff rests with State Superintendent Torlakson. Mr. Medrano continued to commend Ms. Larson for her comments about the leadership over the years and making tough decisions for better management.

Mr. Thurmond said the report gives outside validation of the District's ability to take back control of leadership of its affairs and the negative image that has been prevalent. He said he sees this as an opportunity to tell the story and organize a celebration to thank those who stood beside the District.

Ms. Merriweather said she agreed with Mr. Thurmond that this is an historical event. She commented on the challenges for the future and the funds that will be available for other needs. She asked Ms. Larson to elaborate on her recommendation about upgrading the information systems. Ms. Larson responded. Ms. Merriweather further thanked the community and students for their patience with the process.

President Ramsey spoke in support of upgrading the District data systems in order to better assist staff. He continued to speak about the District being a very different place now than twenty years ago with the many changes. He said that employee benefit costs will continue to go forward even with the loan payoff. He also said that he was glad that Ms. Larson came to speak to publicly in the effort to accomplish the loan payoff.

MOTION: Mr. Medrano moved approval of the Fiscal Systems Sufficiency Audit - Conditions for State Loan Payoff. Ms. Kronenberg seconded. A roll call vote was taken with Ms. Kronenberg, Mr. Medrano, Ms. Merriweather, Tony Thurmond, and President Ramsey voting yes, with no abstentions and no absences. Motion carried 5-0-0-0.

F.2 Public Hearing for Resolution No. 74-1112 for SB 293

Mr. Fay introduced the team of Mark Kelley, Marcus Hibser of HY Architects, Kevin MacQuarrie of WLC Architects, and Lance Jackson of SGI, who introduced the concept and support for the passage of this resolution. Mr. Kelley of the law firm Dannis, Woliver, Kelley, spoke about the new law coming into effect and retention of funds from construction project payments with the statewide standard of 10% held until the completion of the project and then released to the contractor. The reason for the holdback of funds is to protect the District from any problems of performance by the contractor if the project is not finished on time or incorrectly. The change in statute as of January 1, 2012 will limit the amount to 5% for retention for public works projects but allows the Board to determine that the nature of school construction projects is sufficiently complex such that the Board can determine a higher level of retention. Mr. Kelley explained that an increase to 10% can be taken into consideration for substantially complex construction projects.

Mr. Hibser spoke in detail about school construction projects and said the size and complexity of the current bond program suggests that the projects could be considered substantially complex projects.

Mr. MacQuarrie spoke about stringent state requirements for public schools construction. He also spoke of the retention as leverage for finishing projects to satisfaction.

Mr. Lance Jackson, construction program manager, talked about the project manager's task of keeping all players engaged. He reiterated the difficulty of keeping contractors engaged for the completion of projects and mitigating exposure.

Mr. Kelley concluded with the basis of the recommendation for adopting the findings in the resolution.

Public Comment:

None

Board Comment:

President Ramsey asked about the legislative intent behind SB293. Mr. Kelley said that his understanding about this item dealt with allowing some projects to go outside the reduction and retention. Mr. Ramsey asked about other districts that have taken this step. Mr. Kelley responded with information about Evergreen School District in the South Bay Area. Mr. Ramsey asked about challenges to this resolution. Mr. Kelley responded said that in his opinion nearly every project of any substantial size would be deemed substantially complex.

Ms. Kronenberg asked about the finding and designation process. Mr. Kelley clarified.

Mr. Ramsey asked Mr. Abdalla about projects that would be determined substantially complex. Mr. Ramsey also asked about consideration of the Peres dental clinic coming up soon, as well as others. Mr. Abdalla responded.

Mr. Thurmond reiterated that most projects would be determined complex. He asked about a builder's rebuttal about the determining criteria. Mr. Fay responded that maintenance or roofing projects are the kind of projects that would not go through the Department of State Architecture and would not be considered complex. Ms. Merriweather asked about current projects in the 10% status. Mr. Fay responded that it is the current practice. President Ramsey asked what rate cities and counties hold for retention. Mr. Kelley said that he understands that the industry standard is still 10%.

President Ramsey opened the public hearing. Hearing no public comment, President Ramsey closed the public hearing.

MOTION: Mr. Medrano moved approval of Resolution No. 74-1112 for SB 293. Ms. Kronenberg seconded. Ms. Kronenberg, Mr. Medrano, Ms. Merriweather, Tony Thurmond, and President Ramsey voted yes, with no abstentions and no absences. Motion carried 5-0-0-0.

D.2 Report on District Safety / REMS Update

Mr. Wasilchin spoke about the strides in the District's safety plan. He talked about the connection with local law enforcement, county services, charter schools, and other entities in coordinating the plans. Mr. Wasilchin acknowledged Ohlone Principal Liz Lonsdale, who spoke about the accomplishments and challenges at her school site. Campus Security Officer Charles Johnson gave an update on the recent mandated training for school security officers. He said there are now three roving Campus Safety Officers in the District, available to be dispatched as needed, as well as regular staff that provides security, perimeter checks, and insight at campuses.

Public Comment:

None

Board Comment:

President Ramsey thanked staff for the presentation.
Ms. Kronenberg thanked Mr. Wasilchin for his leadership.

President Ramsey asked the Board to consider amending the agenda by moving items E. 2 and F.4 up on the agenda.

MOTION: Mr. Medrano moved approval of moving items E.2 and F. 4 up on the agenda. Ms. Kronenberg seconded. Ms. Kronenberg, Mr. Medrano, Ms. Merriweather, Tony Thurmond, and President Ramsey voted yes, with no abstentions and no absences. Motion carried 5-0-0-0.

E.2 WCCUSD Public Comment

Joanna Pace, Karen Stout, Maria Balmori, Bea Lieberman, Diane Brown, Blanca Ramirez, Patricia Rojas, Sylvia Sandoval

F.4 Presentation and Public Hearing of Initial Bargaining Proposal – United Teachers of Richmond

Ms. Reinhagen provided background regarding the initial bargaining proposal of UTR and then requested holding a public hearing.

President Ramsey opened public hearing.

Public Comment:

Diane Brown, Miesha Gash, Margaret Browne, Mary Flanagan, Kristen Cason, Keith Burton Hall, Jr.

President Ramsey closed public hearing.

Board Comment:

None

MOTION: Mr. Medrano moved approval of the Initial Bargaining Proposal – United Teachers of Richmond. Ms. Kronenberg seconded. Ms. Kronenberg, Mr. Medrano, Ms. Merriweather, Tony Thurmond, and President Ramsey voted yes, with no abstentions and no absences. Motion carried 5-0-0-0.

D.3 Standing Reports

Safety Committee. Mr. Thurmond announced the next meeting to be held at Pinole Valley High School on Wednesday, January 11, 6:00 p.m. Discussion items will include safety concerns, emergency preparedness, and school attendance.

High School Select Committee. President Ramsey spoke about the upcoming meeting to be held at Richmond High. Mr. Medrano announced that the meeting will begin at 6:00 PM, on Thursday, January 12 at Richmond High.

Academic Subcommittee. Ms. Rashidchi talked about the last meeting held on December 13 where math services and results of the academic town hall meetings were discussed. The next meeting is planned for January 10th.

Ivy League Connection. Don Gosney spoke about recent presentations at local high schools for the coming summer programs. He said that interviews will begin in late January and hopes to offer 40 scholarships. He asked the public to take a look at the new website, www.ivyleagueconnection.org. He continued to speak about school site and district support for the program. Mr. Ramsey said the committee is compiling a database for college campuses that ILC students are applying to in order to track the impact and diversity in their college choices.

United Teachers of Richmond. Diane Brown spoke about data regarding the number of students in PE classes and the concern for safety.

Community Budget Advisory Committee. Ms. Gamba said the next meeting is planned for January 19 and is waiting for members to respond in order to determine a quorum.

Facilities Subcommittee. Mr. Medrano announced the next meeting for Wednesday, January 11, 4:00 p.m. at the Facilities Operations Center.

D.4 Budget Update for 2011-2012

Ms. Gamba spoke about the State's recent announcement regarding mid-year triggers and their impact to the District's finances.

Public Comment:
None

Board Comment:
None

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 events in the District.

E.2 WCCUSD Public Comment
This item was moved to follow item D.2.

F. ACTION ITEMS

F.1 Fiscal Systems Sufficiency Audit - Conditions for State Loan Payoff
This item was moved to follow item D.1.

F.2 Public Hearing for Resolution No. 74-1112 for SB 293
This item was moved to follow item F.1.

F.3 Presentation and Public Hearing of Initial Bargaining Proposal – Public Employees Union, Local One
Ms. Reinhagen asked the Board to accept the District's proposal for negotiations with Public Employees Union, Local One.

President Ramsey opened public hearing.

Public Comment:

None

President Ramsey closed the public hearing.

Board Comment:

None

MOTION: Mr. Medrano moved approval of the Initial Bargaining Proposal – Public Employees Union, Local One. Ms. Kronenberg seconded. Ms. Kronenberg, Mr. Medrano, Ms. Merriweather, Tony Thurmond, and President Ramsey voted yes, with no abstentions and no absences. Motion carried 5-0-0-0.

F.4 Presentation and Public Hearing of Initial Bargaining Proposal – United Teachers of Richmond

This item was moved to follow item E.2.

F.5 Presentation and Public Hearing of Initial Bargaining Proposal for WCCUSD to UTR

President Ramsey opened public hearing.

Public Comment:

None

President Ramsey closed public hearing.

Board Comment:

None

MOTION: Mr. Medrano moved approval of the Initial Bargaining Proposal for WCCUSD to UTR. Ms. Kronenberg seconded. Ms. Kronenberg, Mr. Medrano, Ms. Merriweather, Tony Thurmond, and President Ramsey voted yes, with no abstentions and no absences. Motion carried 5-0-0-0.

F.6 Presentation and Public Hearing of Initial Bargaining Proposal of West Contra Costa Administrators Association

President Ramsey opened public hearing.

Public Comment:

None

President Ramsey closed public hearing.

Board Comment:

None

MOTION: Mr. Medrano moved approval of the Initial Bargaining Proposal of West Contra Costa Administrators Association. Mr. Thurmond seconded. Ms. Kronenberg, Mr. Medrano, Ms. Merriweather, Tony Thurmond, and President Ramsey voted yes, with no abstentions and no absences. Motion carried 5-0-0-0.

F.7 Presentation and Public Hearing of Initial Bargaining Proposal – West Contra Costa Administrators Association

President Ramsey opened public hearing.

Public Comment:

None

President Ramsey closed public hearing.

Board Comment:

None

MOTION: Mr. Medrano moved approval of the Initial Bargaining Proposal – West Contra Costa Administrators Association. Ms. Kronenberg seconded. Ms. Kronenberg, Mr. Medrano, Ms. Merriweather, Tony Thurmond, and President Ramsey voted yes, with no abstentions and no absences. Motion carried 5-0-0.

G. DISCUSSION ITEMS

G.1 Project Status Report – Facilities Planning and Construction

Mr. Abdalla provided an update of the facilities and construction projects in the district.

Public Comment:

None

Board Comment:

Mr. Ramsey asked Mr. Fay to bring back a proposed staffing plan for the Facilities Construction Department. He also asked for schedules for several projects including the Peres dental project, Helms field, El Cerrito stadiums, and Montalvin. Discussion continued about the construction timeline for Montalvin.

Mr. Medrano asked for a date for the Ford move in to the new facility. Mr. Fay said that the proposed date is set for the February Presidents Week recess.

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

None

I. COMMENTS OF THE BOARD OF EDUCATION AND SUPERINTENDENT

Mr. Thurmond wished the audience a Happy New Year.

Ms. Merriweather spoke of the rewards and challenges of the past year. She thanked her colleagues for the challenges.

Ms. Kronenberg spoke about attending the Tara Hills Nutcracker presentation in December and how wonderful it was. She said she also attended the 180 Degrees facilitator program. She said it was a very interesting experience.

Mr. Medrano wished everyone a Happy New Year saying he attended the Lake Elementary holiday performance by the children. He also plans to attend tomorrow's community meeting at the West County Times.

President Ramsey said he is glad to be back after a good holiday break and looks forward to the partnerships with the community engaged in education. He urged Board members to engage constituents in conversation regarding funding for schools.

J. THE NEXT SCHEDULED BOARD OF EDUCATION MEETING

Lovonya DeJean Middle School – January 18, 2012

K. ADJOURNMENT

President Ramsey adjourned the meeting in memory of Dr. Martin Luther King, Jr. and President Barack Obama at 9:44 P.M.

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

BH:dh

AAM Approved 1/18/12
