

# **WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT**

## **BOARD OF TRUSTEES**



### **MISSION STATEMENT**

We provide the highest quality education to enable all students to make positive life choices, strengthen our community, and successfully participate in a diverse and global society.

We provide excellent learning and teaching experiences; safe, student-centered learning environments; and support for all students and employees. We develop and maintain productive community partnerships and individual and collective accountability.

**MEETING OF**  
December 10, 2008

**WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT  
BOARD OF EDUCATION  
MEETING AGENDA  
DECEMBER 10, 2008**

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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:

[http://www.wccusd.net/board/APM\\_index.shtml](http://www.wccusd.net/board/APM_index.shtml)

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 AND LISTENING TO THE BOARD MEETINGS:**

**Radio:** Regularly scheduled Board meetings are broadcast live over Radio Station KECG 88.1 and 97.7 FM.

**Television:** Regular Board meetings are also broadcast by the City of Pinole on PCTV Channel 26 and HCTV Channel 25, and the Hercules city cable channel 28.

Audio tapes of Board meetings are kept on file in the Communications Office, Room 215, 1108 Bissell Avenue, Richmond, CA 94801 (510-231-1132). The Board of Education would like to acknowledge the City of Pinole for their generosity 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 **5:15 PM** in the Multi-Purpose Room to receive comments from anyone wishing to address the Board regarding closed session items (see Exhibit A). New Board members will be sworn in prior to convening to closed session. The Board will then adjourn to closed session in the Faculty Lounge and reconvene in open session to address the regular agenda (Exhibits B-G) at 6:30 PM.

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

**B. OPENING PROCEDURES**

- B.1 Swearing In of New Board Members**
- B.2 Pledge of Allegiance**
- B.3 Welcome and Meeting Procedures**
- B.4 Annual Organization Meeting**

Comment:

Board Bylaw 9100 governs the dimensions of the annual organization meeting. At this meeting the Board shall:

1. Elect a president and a clerk from its members.
2. Appoint a secretary to the Board.
3. Authorize signatures.
4. Develop a schedule of regular meetings for the year.
5. Develop a Board calendar for the year.
6. Designate Board representatives.

Board policy does not detail procedure for nomination and election of Officers. The Brown Act precludes board members from discussing their vote outside of board meetings with more than one other board member. Nominations for the office of President will be made by any board member without requiring a second after which a roll call vote will be taken. Tie votes will be resolved by a run-off vote. Following the election of the President, the same procedure will be repeated for the office of Clerk.

Recommendation: That the Board:

1. Elect a president and clerk;
2. Appoint the Superintendent as Secretary to the Board as prescribed by law;
3. Authorize the President of the Board to sign documents for the Board and for the Clerk to sign documents in the absence of the President;
4.
  - a. Affirm previously adopted schedule of regular meetings in 2009 including: January 7, January 21, February 4, March 4, March 18, April 1, April 22, May 6, May 20, June 3, June 17; and
  - b. Adopt the following additional dates for meetings in 2009: July 8, July 29, August 19, September 2, September 16, October 7, October 21, November 4, November 18, December 9.
5. Establish a Board calendar for 2009 that includes:
  - a. Budget Hearing, June 3
  - b. Budget Adoption, June 17
  - c. Superintendent Evaluation, October 21
  - d. Annual Organization Meeting, December 9
6. Designate representatives for the following entities / groups:
  - a. Board Facilities Subcommittee
  - b. Board Academic Subcommittee
  - c. Citizens Budget Advisory Committee
  - d. Citizens Bond Oversight Committee
  - e. District Safety Committee

**B.5 Roll Call**

- \* **B.6 Presentation of Student Board Representative Cindy Pineda, North Campus Continuation High School**

Comment:

Student Board Representative Cindy Pineda will be representing North Campus Continuation High School at the Board of Education on December 10, 2008. We would like to recognize and commend her participation.

Recommendation: For Information Only

Fiscal Impact: None

**B.7 Report/Ratification of Closed Session**

- \* **B.8 Agenda Review and Adoption** (Public Comment)
- \* **B.9 Board Minutes:** November 12, 2008; November 19, 2008

**C. AWARDS, RECOGNITIONS, AND REPORTS**

- \* **C.1 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.

Marjorie Abraham passed away November 9, 2008. Ms. Abraham worked as a teacher at El Portal and Highland Elementary from 1979 through 1996.

Joyce Seelinger, Antioch Unified School District Board of Education Trustee, passed away Sunday, November 30, 2008, following a brief illness.

Our thoughts go out to the family and friends in the loss of their loved ones.

Recommendation: For Information Only

Fiscal Impact: None

**D. PUBLIC AND COMMITTEE COMMUNICATIONS**  
(Education Code 35145.5; Government Code 54950 et seq.)

- \* **D.1 Superintendent's Report**
- \* **D.2 Request to Address the Board - Pixie Hayward Schickele, United Teachers of Richmond**

Comment:

Pixie Hayward Schickele of United Teachers of Richmond will address the Board about the State Budget.



Recommendation: For Information Only

Fiscal Impact: None

\* **D.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.

**E. ACTION ITEMS**

\* **E.1 Compliance with the California Environmental Quality Act: Adopt Resolution 45-0809 Authorizing Adoption of the Final Environmental Impact Report for the Construction and Renovation of Castro Elementary School to Replace Portola Middle School Project.**

Comment:

The Board has designated the Castro Elementary site as the preferred option for the relocation of the students from the Portola Middle School site. The next step in the process is to complete the environmental reviews and approve the project. District staff retained Pacific Municipal Consultants (“PMC”) to prepare a study under the California Environmental Quality Act (“CEQA”) to evaluate the possible environmental impacts of the proposed Construction and Renovation of Castro Elementary School to Replace Portola Middle School Project. After extensive analysis, PMC prepared and issued a Draft Environmental Impact Report (“EIR”) in September 2008. As part of the EIR, the consultants completed a traffic analysis, historical resources analysis, and other reviews of potential environmental impacts. The 45 day Public Comment period ended on October 28, 2008. The District has received numerous written comments to date. In addition, a public meeting was held to solicit comments from residents. Responses to these comments are included in the Final Environmental Impact Report set for adoption by the Board.

The Final Environmental Impact Report is provided under separate cover. The Resolution authorizing adoption of the Final Environmental Impact Report is included with the Board materials.

Recommendation: Adopt Resolution 45-0809 Authorizing Adoption of the Final Environmental Impact Report for the Construction and Renovation of Castro Elementary School to Replace Portola Middle School Project

Fiscal Impact: Full fiscal impact not known. Future projects will be bid. Projects will be funded from the Measure J Bond.

\* **E.2 School Consolidation / Closure - Criteria & Process**

Comment:

The district enrollment has declined from 34,940 to 30,113 over the past six years. As enrollment has decreased, operating costs have continued to increase. Over the past three years, the Board has discussed the need to close schools at several meetings. In approving the 2008-09 budget in June 2008, the Board committed to closing schools for both the 2009-10 and 2010-11 school years and reducing operating costs as a result of those closures by at least \$3 million. Each elementary school that is closed is estimated to save \$300,000 in annual operating costs. A secondary school is estimated to reduce annual operating expenditures by \$800,000.

In a special workshop meeting on November 12, 2008, the Board discussed possible criteria and a process for arriving at a decision about which schools to consolidate or close.

Recommendation: That the Board approve the school consolidation criteria and the process that will be used to identify which schools will be closed.

Fiscal Impact: None

\* **E.3 First Interim Report, 2008-2009**

Comment:

Enclosed is the District's First Interim Report for 2008-09, which covers the financial and budgetary status of the district for the period ended October 31, 2008.

Education Code Section 42130 requires school districts to prepare interim financial reports each year. The First Interim Report covers the period ending October 31; the Second Interim Report covers the period ending January 31. These financial reports are subject to standards and criteria adopted by the State Board of Education to monitor the fiscal stability of local educational agencies.

The District shall certify whether it is able to meet its financial obligations for the current fiscal year and, based on current forecasts, for the two subsequent fiscal years. A positive certification shall be assigned when a district will meet its financial obligations for the current fiscal year and subsequent two fiscal years. A qualified certification shall be assigned when a district may not meet its financial obligations for the current fiscal year and subsequent two fiscal years. A negative certification shall be assigned when a district will be unable to meet its financial obligations for the remainder of the fiscal year.

The District will meet its financial obligations for the current year. However; due to the Governor's proposed State budget, the District anticipates it may not meet its financial obligations for the subsequent two fiscal years. Therefore, staff recommends approval of the Second Interim Report with a Qualified Certification.

Recommendation: Recommend approval of the First Interim Report for 2008-09

Fiscal Impact: Qualified Budget Certification.

\* **E.4 Public Hearing – Resolution No. 48-0809, Level II Developer Fees**

Comment:

A public hearing must be conducted prior to the adoption of West Contra Costa Unified School District Resolution No. 48-0809, at which time individuals who wish to address the Board on matters pertaining to the Level II Developer Fees are allowed to speak.

Recommendation: To receive public comment and to duly consider any and all comments made at this hearing.

Fiscal Impact: None

\* **E.5 Resolution No. 48-0809, Level II and Level III Developer Fees**

Comment:

Government Code Sections 65995.5, 65995.6, 65995.7 regarding school facilities fees requires that a School Facilities Needs Analysis be conducted yearly to determine the amount to be charged for developer fees for Level II and Level III residential construction. Due to student generation factors and site acquisition costs, the Level II fee will increase from \$3.48 per square foot to \$4.44 per square foot for residential construction. The new fee will go into effect December 11, 2008, if approved by the Board. If not approved by the Board, the District would not be eligible to collect Level II fees, and the Level I fee of \$2.97 would be charged for residential construction as well as for construction of additions. This analysis was conducted according to state guidelines.

A copy of the School Facilities Analysis is available for review by the public in the Facilities Planning and Construction Department.

Recommendation: Recommend approval of Resolution No. 48-0809

Fiscal Impact: Increase in Level II Developer Fees of \$.96 cents per square foot

**F. DISCUSSION ITEMS**

\* **F.1 Establishment of a WCCUSD Youth Commission**

Comment:

The Board and District could gain a great deal of insight into how to improve school operations, create better learning environments and get valuable feedback from high school students by creating a Youth Commission. A Youth Commission could mirror the role of the Board and provide leadership opportunities and training for WCCUSD students.

Recommendation: That the Board discuss the viability of establishing a Youth Commission.

Fiscal Impact: None

**G. 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.

**\*CI G.1 Contracted Services**

Comment:

Permission is requested of the Board of Education to approve the contracts for services as detailed dated December 10, 2008.

Recommendation: Recommend Approval

Fiscal Impact: As noted per contracts summary

**\*CI G.2 Grants/Awards/Agreements**

Comment:

Formal acceptance is requested from the Board of Education to accept the grants/awards/agreements, as detailed dated December 10, 2008.

Recommendation: Recommend Approval

Fiscal Impact: As noted per grants summary

**\*CI G.3 Acceptance of Donations**

Comment:

The District has received donations as summarized dated December 10, 2008. The estimated values for any non-cash donations are those provided by the donor. Staff recommends acceptance of these donations.

Recommendation: Recommend Approval

Fiscal Impact: As noted per donations summary

**\*CI G.4 Approval of Fund-Raising Activities**

Comment:

The planned fund-raising events for the 2008-09 school year are summarized dated December 10, 2008.

Recommendation: Recommend Approval

Fiscal Impact: Additional revenue for schools

- \*CI G.5 Notice of Completions: Bid W068098 Cameron Re-Roof Project, D068088 De Anza HS Track & Field Project, J068122 Pinole Valley HS Site Work Project, E068126 Pinole Valley HS Parking Lot Paving Project, J068120 Lupine Hills, Harding, Tara Hills Roof Repair Projects.**

Comment:

A substantial Completion Notice has been received for:

Bid W068098 Cameron Re-Roof Project  
Bid D068088 De Anza HS Track & Field Project  
Bid J068122 Pinole Valley HS Site Work Project  
Bid E068126 Pinole Valley HS Parking Lot Paving Project  
Bid J068120 Lupine Hills, Harding, Tara Hills Roof Repair Projects

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:

IMR Contractor Corporation W068098 Cameron Re-Roof Project  
Bay Cities Paving & Grading D068088 De Anza HS Track & Field Project  
Bruce Carone Grading & Paving J068122 Pinole Valley HS Site Work Project  
Galedrige Construction E068126 Pinole Valley HS Parking Lot Paving Project  
IMR Contractor Corporation J068120 Lupine Hills, Harding, Tara Hills Roof Repair Projects

Recommendation: Recommend approval of these notices of completions

Fiscal Impact: None

- \*CI G.6 Resolution No. 49-0809: California Public Employer “Pick-Up” Plan; Resolution No. 50-0809: California State Teachers Retirement System Employer “Pick-Up” Plan; Resolution No. 51-0809: Employer Paid Contributions**

Comment:

The Internal Revenue Service (IRS) issued Revenue Ruling 2006-43 giving government employers until January 1, 2009 to demonstrate “formal authorization” of their pick-up plans. A pick-up plan allows CalSTRS and CalPERS member contributions to be treated on a pre-tax basis.

At this time the district is formally reaffirming the pick-up plan to meet the requirements of the new ruling. Such a reaffirmation will ensure that all employers have an executed resolution on file.

Recommendation: Recommend Approval

Fiscal Impact: None

**\*CI G.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 G.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 G.9 Notification of Claims Rejected**

Comment:

The District has received claims requesting compensation for personal injury. The District's risk management firm has investigated the claims and is requesting the School Board to ratify the authorized claim rejections.

Recommendation: Ratify the rejection of claims

Fiscal Impact: None

**\*CI G.10 Ratification and Approval of Engineering Services Contracts**

Comment:

Contracts have been initiated by staff using previously qualified 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

Fiscal Impact: Total for this action: \$350,077. Funding sources as noted.

**\*CI G.11 Ratification and Approval of Negotiated Change Orders**

Comment:

Staff is seeking ratification of Change Orders on the following current District construction projects: Richmond HS Renovations Ph. II; Mira Vista Lower Playground Repair; El Cerrito HS New Campus; Ford Temporary Campus Modulares; and, El Cerrito HS Theater Admin Building. 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.

In addition to normal ratification, approval of the noted Change Orders for the Richmond College Prep and Leadership Public Schools Modulares projects are required by the Board, with special findings as noted below, because these are 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 and ratifying 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: Ratify negotiated Change Orders as noted

Fiscal Impact: Total ratification and approval by this action: \$446,044.15

**\*CI G.12 Dover Elementary Sitework Phase II Contract for Construction**

Comment:

Construction is currently underway on the first phase of work on the reconstruction of Dover Elementary School. The District is currently under contract for temporary playground work, site preparation and limited utilities in the area of the new 2-story classroom/Administration building. Work is nearly complete on this project; however, due to delays in final approval for the main construction contract documents, it is necessary to add scope to the current contract which will allow the site to drain and remain accessible during potential inclement weather. The proposed scope of work in this Phase II Sitework contract is well beyond the 10% current contract change order level and is a cardinal change to the work, which makes a separate bid and award appropriate. The work in this second phase sitework has been prepared by HY Architects and their Civil Engineering consultants to provide for drainage improvements and paving in the two parking areas adjacent to the proposed new building.

The District is currently conducting a public bid for this project. Bids are due to be opened on December 9, 2008. Staff will bring a recommendation to the Board meeting of December 10, 2008.

This item is being presented prior to the expiration of the 5 working day Bid Protest period. In consideration of this timing and in order to expedite the project, the Board's action will be to authorize staff to issue the Notice of Award effective at the end of the Bid Protest period to the lowest responsive, responsible bidder. This award by staff will then be brought back for ratification at a future meeting.

Recommendation: Authorize staff to issue Notice of Award at the end of the bid protest period to the lowest responsive, responsible bidder.

Fiscal Impact: Total for this action: \$ \_\_\_\_\_. Measure J Bond funds.

**\*CI G.13 Student Shuttle Bus Service for Ford Elementary Temporary Campus**

Comment:

The reconstruction of Ford Elementary requires the relocation of the school to a temporary campus at the Downer Elementary site. The temporary campus is currently completing construction and relocation of the Ford campus will take place over the Christmas break. As required by the Mitigated Negative Declaration (“MND”) adopted by the Board under the guidelines of the California Environmental Quality Act (“CEQA”), the District must provide shuttle bus service from the Ford site to the temporary campus. This mitigation is required to keep parent drop-off traffic down by providing alternate transportation options for families. The District has previously provided temporary bus transportation services during campus relocations required by the Bond Construction program.

District staff has worked with the site and the District’s current transportation provider, First Student (formerly Laidlaw), to provide an appropriate schedule with multiple trips in the morning, mid-day, and afternoon. It is anticipated that once the levels of interest are clear, that there may be changes in the schedule of service. First Student has provided costs for the services which are in accordance with the District’s current contract. The service is based upon the use of a 66 passenger bus.

Recommendation: Award Contract to First Student Transportation for Shuttle Bus Service Ford Temporary Campus

Fiscal Impact: Total for this action: \$41,600. Measure J Bond funds.

**\*CI G.14 Contract Award: RF#0809-06 District Assistance and Intervention Team (DAIT)**

Comment:

West Contra Costa Unified School District (WCCUSD) is a NCLB Program Improvement Year III Corrective Action district. Corrective Action is the name given to the collective steps that the State Board of Education (SBE) imposes on a district in the areas of instruction, management, and organization in order to increase student achievement in ELA and mathematics.

The SBE mandates that WCCUSD contracts with one of the 38 state-approved District Assistance and Intervention Teams (DAITs) to receive targeted support in improving student performance. A Request for Proposals (RFP) was sent out to the 38 State-approved District Assistance and Intervention Team (DAIT) provider list. Five potential DAIT providers went through an interview process: Total Educational Systems Support, Action Learning Systems, Public Works, Total School Solutions, and Education Consultants. Staff is recommending award of contract for RFP #0809-06 to the firm Education Consultants.

Recommendation: Board Approval

Fiscal Impact: \$170,400 Categorical Revenue



**\*CI G.15 Resolution No. 52-0809: Certificate of Signatures**

Comment:

School districts are required to hold an annual organizational meeting in December to adopt a new Certification of Signatures. The effective period of the resolution should be the date of the organizational meeting per Educational Code Sections: K-12 Districts 42632, 42633, and 44843.

Recommendation: Recommend Approval

Fiscal Impact: None

**\*CI G.16 Citizens' Bond Oversight Committee Appointment**

Comment:

The following appointment has been made to the Citizens' Bond Oversight Committee: Paul Gilbert–Snyder as El Cerrito's primary representative to the West Contra Costa Unified School District Bond Oversight Committee.

Recommendation: Recommend approval of this appointment

Fiscal Impact: None

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

**I. COMMENTS OF THE BOARD OF EDUCATION AND SUPERINTENDENT**

**J. THE NEXT SCHEDULED BOARD OF EDUCATION MEETING**

Lovonya DeJean Middle School – January 7, 2009

**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**

**December 10, 2008**

**1. CONFERENCE WITH REAL PROPERTY NEGOTIATOR**

1. Negotiator: Superintendent / Dr. Bruce Harter
2. Property: Land located on either side of Lexington Avenue between Stockton Avenue and Eureka Street in El Cerrito, CA. Price and all terms of agreement.
3. Property: 1021 Navellier Street, El Cerrito, CA. Price and all terms of agreement.

**2. CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION**

[Government Code Section 54956.9(a)]

1. WCCUSD v. Charles T. Bryant & Associates (CTBA)
2. WCCUSD v. RDS Architects
3. Lumagbas et al. v. WCCUSD et al.
2. S.H. v. WCCUSD

**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 2008-2009 school year:

K-12 Instructional Specialist

**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)**

Teacher Dismissal

**10. REPORT OF CLOSED SESSION ACTIONS**

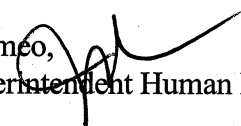
West Contra Costa Unified School District  
1108 Bissell Avenue  
Richmond, California 94801  
Office of the Superintendent

**ITEM REQUIRING ATTENTION—BOARD OF EDUCATION**

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**To:** Board of Education

**Meeting Date:** December 10, 2008

**From:** Jessica R. Romeo,   
Assistant Superintendent Human Resources

**Agenda Item:** A.6

**Subject:** Administrative Appointments for the 2008-2009 School Year

**Background Information:**

The following administrative appointments will be reported for the 2008-2009 school year:

K-12 Instructional Specialist

**Recommendation:** Recommend Approval

**Fiscal Impact:** None

**DISPOSITION BY BOARD OF EDUCATION**

Motion by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

Approved \_\_\_\_\_

Not Approved \_\_\_\_\_

Tabled \_\_\_\_\_

West Contra Costa Unified School District  
1108 Bissell Avenue  
Richmond, California 94801  
Office of the Superintendent

**ITEM REQUIRING ATTENTION---BOARD OF EDUCATION**

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**To:** Board of Education

**Meeting Date:** December 10, 2008

**From:** Bruce Harter

**Agenda Item:** B.4

**Subject:** Annual Organization Meeting

**Background Information:**

Board Bylaw 9100 governs the dimensions of the annual organization meeting. At this meeting the Board shall:

1. Elect a president and a clerk from its members.
2. Appoint a secretary to the Board.
3. Authorize signatures.
4. Develop a schedule of regular meetings for the year.
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6. Designate Board representatives.

Board policy does not detail procedure for nomination and election of Officers. The Brown Act precludes board members from discussing their vote outside of board meetings with more than one other board member.

Nominations for the office of President will be made by any board member without requiring a second after which a roll call vote will be taken. Tie votes will be resolved by a run-off vote. Following the election of the President, the same procedure will be repeated for the office of Clerk.

**Recommendation:** That the Board:

1. Elect a president and clerk;
2. Appoint the Superintendent as Secretary to the Board as prescribed by law;
3. Authorize the President of the Board to sign documents for the Board and for the Clerk to sign documents in the absence of the President;
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  - a. Affirm previously adopted schedule of regular meetings in 2009 including: January 7, January 21, February 4, March 4, March 18, April 1, April 22, May 6, May 20, June 3, June 17; and
  - b. Adopt the following additional dates for meetings in 2009: July 8, July 29, August 19, September 2, September 16, October 7, October 21, November 4, November 18, December 9.
5. Establish a Board calendar for 2009 that includes:
  - a. Budget Hearing, June 3
  - b. Budget Adoption, June 17
  - c. Superintendent Evaluation, October 21
  - d. Annual Organization Meeting, December 9, 2009

**Subject:** Annual Organization Meeting

Recommendation: (continued)

6. Designate representatives for the following entities / groups:
- a. Board Facilities Subcommittee
  - b. Board Academic Subcommittee
  - c. Citizens Budget Advisory Committee
  - d. Citizens Bond Oversight Committee
  - e. District Safety Committee

**Fiscal Impact:** None

DISPOSITION BY BOARD OF EDUCATION

Motion by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

Approved \_\_\_\_\_

Not Approved \_\_\_\_\_ Tabled \_\_\_\_\_

**WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT  
DECEMBER 10, 2008**

**PLEASE POST**

**BOARD OF EDUCATION SCHEDULE  
2009 CALENDAR YEAR**

**Meetings are normally scheduled to be held at *Lovonya DeJean Middle School, 3400 Macdonald Avenue, Richmond, CA*, on the first and third Wednesdays of each month at 6:30 PM. Dates and location are subject to change to accommodate holidays and other conflicts in scheduling. Notification of any changes in dates, times, or location will be publicized.**

**2009**

<b>JANUARY</b>	<b>7</b>	<b>21</b>
<b>FEBRUARY</b>	<b>4</b>	<b>--</b>
<b>MARCH</b>	<b>4</b>	<b>18</b>
<b>APRIL</b>	<b>1</b>	<b>22</b>
<b>MAY</b>	<b>6</b>	<b>20</b>
<b>JUNE</b>	<b>3</b>	<b>17</b>
<b>JULY</b>	<b>8</b>	<b>29</b>
<b>AUGUST</b>		<b>19</b>
<b>SEPTEMBER</b>	<b>2</b>	<b>16</b>
<b>OCTOBER</b>	<b>7</b>	<b>21</b>
<b>NOVEMBER</b>	<b>4</b>	<b>18</b>
<b>DECEMBER</b>	<b>9</b>	

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**BRUCE HARTER**

**Superintendent**

BH:pr

West Contra Costa Unified School District  
1108 Bissell Avenue  
Richmond, California 94801  
Office of the Superintendent

**ITEM REQUIRING ATTENTION---BOARD OF EDUCATION**

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**To:** Board of Education

**Meeting Date:** December 10, 2008

**From:** Wendell C. Greer   
Associate Superintendent, K – Adult Operations

**Agenda Item:** B.6

**Subject:** Presentation of Student Board Representative Cindy Pineda, North Campus Continuation High School

**Background Information:**

Student Board Representative Cindy Pineda will be representing North Campus Continuation High School at the Board of Education on December 10, 2008. We would like to recognize and commend her participation.

**Recommendation:** For Information Only

**Fiscal Impact:** None

DISPOSITION BY BOARD OF EDUCATION

Motion by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

Approved \_\_\_\_\_

Not Approved \_\_\_\_\_

Tabled \_\_\_\_\_



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

Agenda Item B.9

**November 12, 2008**

**A. OPENING PROCEDURES**

Clerk Madeline Kronenberg called the meeting to order at 6:32 PM.

**A.1 Pledge of Allegiance**

Clerk Kronenberg led those in attendance in the pledge of allegiance.

**A.2 Roll Call**

**Board Members Present:** Madeline Kronenberg, Audrey Miles, Charles Ramsey

**Board Members Absent:** Dave Brown, President Karen Pfeifer

**Staff Present:** Adrienne Blalock, Director of Bond Facilities; Steve Collins, SELPA Director; Paul Ehara, Director of Communications; Sheri Gamba, Associate Superintendent for Business Services; Wendell Greer, Associate Superintendent for K-Adult Schools; Bruce Harter, Superintendent; Debbie Haynie, Executive Secretary to the Superintendent; Joe Mayes, Maintenance Manager; Ken McDaniel, Interim Electronics Supervisor; Elmer Meredith, Electronics Technician; Nia Rashidchi, Assistant Superintendent for Educational Services; Jessica Romeo, Assistant Superintendent for Human Resources; Bill Savidge, District Engineering Officer.

Clerk Kronenberg said the purpose of the meeting was to discuss criteria for decision making and development of the process for use of the criteria as it pertains to school closures. She invited Board Members Elect Tony Thurmond and Antonio Medrano to participate in the discussion.

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

**B. School Closure Process**

**Staff Report**

Superintendent Harter provided a presentation about declining enrollment and demographic shifts within the school district and projections over the next ten years, showing comparisons to other similarly sized school districts. He indicated that the planned budgets for 2008-09 to 2010-11 are affected by projected state budget allocation reductions, and that the approved budget was based on the state legislature's adoptions in September 2008 to include school closures. The County Office of Education approved the budget while expressing areas of concern that require addressing at the second interim reporting period, January 31, 2009. He said the Board is required to submit to the County Office of Education a list of permanent budget reductions to correct the structural deficit for the current and future years including a list of schools to consolidate for the 2009-2010 fiscal year, and a plan to address the rising cost of current and retiree health benefits.

Superintendent Harter said the District budget for 2008-09 includes a deficit of \$7.9 million. Deficit spending of \$12 million is projected for 2009-2010 and another \$10 million in deficit for 2010-2011 which would put the district in the negative category. Given the magnitude of dealing with these issues, the District must propose a balanced approach to include school closure, property sale for debt elimination, benefit cost containment, and service reductions.

Superintendent Harter clarified that this meeting was intended to focus discussion and gain public input on setting criteria and looking at the process for school closure. He discussed projected savings from school consolidation by closing combinations of elementary and/or secondary schools to reach \$3 million in annual operational savings by 2010-11. Suggested criteria for determining possible school consolidation include facility conditions, enrollment and enrollment projections, utilization, available capacity, special programs, and geographic equity.

Superintendent Harter explained that the essential assumptions to consider for the process included redistricting and consolidating schools simultaneously. These include a strict timeline for decision making, sale of closed property to pay down debt, the uncertainty of the state budget could push closures toward a maximum number, that school closure

is categorically exempt from CEQA, and the potential to increase school size averages to add capacity for student enrollment. In order to prepare for all the changes he said that February 11, 2008 will be a deadline for Board approval.

A suggested timeline for the process was presented to include community involvement in public meetings.

**C. Public Comment**

Naomi Williams wanted to know how long the Board knew about this issue before Measure D came to public attention. She urged no closure of Richmond schools and limiting charter schools.

Robert Brower recommended using the MGT study proposal for the school closure procedure. He suggested objective criteria such as maintaining schools with API scores of 800 or higher and avoiding the appearance of subjective criteria. He also urged consideration of K-8 schools in selected situations to maintain ADA (Average Daily Attendance).

Debbie Long, Pinole City Council member, said she heard from constituents who feel betrayed that the district waited until after an election to disclose the issues of school consolidation. She requested a decision making process based on a community based process with a board established commission to review and study closures district wide.

Terra Smith expressed concerns of safety for children due to school closures.

Chester Murry and Nathan Murry said they want to feel safe at school.

Ralston Soong, Kennedy teacher, asked Board members to think about funds that could be lost if schools closed.

Erin Calentine, Kennedy teacher, said that the community needs to be involved in the short timeline. She would like to see parents, students, and teachers involved to obtain objective results.

Karley Nuzman, Castro teacher, urged the district to look at historical issues resulting in declining enrollment due to change of school boundaries. She asked the Board to consider schools that are making academic growth, geographical equity to avoid unfair balance, and K-8 schools.

Kathy Nuzman said she is concerned about changing enrollment and would like the Board to look at variables involved in the change and also consider successful programs in school communities.

Tammy Campbell, Pinole Valley High Site Council Chair, thanked the community for the passage of Measure D and asked the public to be involved in this process. She continued to say that she does not support community decisions, rather district wide-decision making, suggesting a panel of school Board members, two city council members, two community members appointed by the superintendent, key students, parents and teachers. She concluded by inviting the public to the next Budget Advisory Committee meeting.

Mary Schmida asked the Board to consider schools that house special programs and continue to serve the English language and low income population.

Greg Whaling, a home owner and Kennedy teacher, urged that geographic equity be considered important. He urged consideration of the capacity of each school and how it might be accomplished as well as the strengths of the community, staff, parents and alumni.

Al Kirkman reminded the Board of a promise two years ago not to close schools. He said he feels that neighborhood schools are very important.

Alexander Ponce, fifth grader, spoke about a reduction in administration in order to save schools.

Kathleen Casey recalled the closure of Seaview Elementary school and administration moving in. She urged cuts in administrators rather than closing schools and cutting staff.

Tigran Johnson, Valley View parent, asked that rebuilt schools be considered for closure. He would like to see other criteria rank higher in the determination of closure.

Martin Snider spoke about the process to overlook conflicting agendas. He suggested involving outside impartial experts rather than more community input because of the emotional impact. He urged the preservation of elementary schools within walking distance for students.

Sharon Farrell spoke about a format with transparent results and a transparent process accessible, inclusive of community input, with support from objective professionals who could discuss technical components to allow the community to be better informed in assisting with the decision making process.

Elizabeth Hirshfeld, Kappa teacher, said she was concerned about continuing education schools which are a last chance for many students.

Robert Studdiford, member of the Citizens' Budget Advisory Committee, suggested looking at feeder patterns and the financial impact to schools to being spread evenly across a base, maintaining best programs, and collaboration between administration and teaching staff to deal with consolidations. He suggested that the Board keep future capacity expansion in mind rather than lose all real estate assets. He also asked that a comparison of K-8 services be offered.

Mine Ternar Kal said she would like to bring back K-8 as a possible solution to maintain programs. She appreciated the open and frank discussion of school closure and asked for involvement of the community and due process before considering closing programs.

Ann Palmer, Olinda parent, said not to use facilities as criteria, but evaluate high performing under enrolled schools, high parent involvement, and K-8 options, and suggested independent informed technical expertise in the process.

Joanna Pace, Portola parent, said she agreed that schools have to be closed and it will be painful to have a long process. She suggested criteria of looking at geographic equity for 11 to 14 year olds, and involving school staffs jointly to plan the consolidation of their schools.

Kendys Nam, teacher, spoke about the economic benefits of any property sale that may not bring much monetary gain. She said she would like to see more development of the proposal to explain potential benefits.

Charles Cowens, Community Budget Committee Chair, invited the community to give input at its November 20, 2008 meeting.

Michelle Gutierrez said she felt the district is turning children into victims and that closures will put children at risk with greater walking distances.

Robyn Dixon, Kennedy parent, said that closing schools kills children's dreams for their goals.

Leonard McNeil, incoming San Pablo Mayor and member of the Bond Oversight Committee, spoke about each criteria being made a committee, holding meetings at the comprehensive high schools, ways to reduce administration, fund raising strategies, and community resources to mitigate issues.

Buford Irvin asked about the rationale in closing a minority school.

Samara Aguilar said she graduated from a school of over 5000 students, but that today's district children have the benefit of small class sizes. She asked the district to consider every child in the process.

**Board Comment:**

Tony Thurmond thanked those who spoke tonight and shared in the difficult decisions. He said public input is of utmost importance and he would like to see a committee with broad representation. He said he felt that all schools should be considered, along with K-8 possibilities, preserving high performing schools, and giving students at low performing school opportunity for quality education.

Antonio Medrano urged this discussion to take place in community centers at all levels. He suggested a look at population trends, guarding high performing schools, and a review of the drop out problem.

Ms. Miles said that the community will be part of the process. Board members live and are employed in the community and are committed to work through this situation together. She continued to say that the current economic situation affects everyone as families struggle, but the solution will be found by people working together with a positive attitude.

Mr. Ramsey thanked the public and community for providing comment and feedback. He offered congratulations to Mr. Thurmond and Mr. Medrano. He said he experienced the closure of Seaview and cautioned the Board members to be thoughtful when they hear from public. He said he advocates maintaining reconstructed facilities because programs can be transferred to updated, safer facilities. He said he would suggest a blue ribbon commission process and welcome additional meetings set up with the ability for schools to have same level of involvement. He concluded by saying that a moratorium on school construction should not be a criterion and that this process will require involvement by every constituent group.

Mr. Thurmond offered clarification about comments regarding construction decisions. He said he recognized the Board's preference in maintaining rebuilt schools, while he does not want to be locked into a statement if a scenario might make sense for closure. He continued by saying he thought a blue ribbon committee should be balanced with a facilitator to move the process forward and invite schools, PTAs, parent clubs, and students to send delegates.

Mr. Ramsey said he would like to hear the opinions of Board members about rebuilt sites.

Ms. Miles said she would like to look at the MGT report and its school closure proposal. She said that if the emphasis for decisions is to be financially feasible, maintaining reconstructed schools should be a criterion.

Ms. Kronenberg said that reconstructed schools were built under a promise to voters and must be kept. She liked the wisdom of putting staffs together as high performance teams for a discussion among schools. She would like to find a way to incorporate as much participation as possible to include students, teachers, parents, and community. She said she also supports a facilitator to enable participants to listen to each other, with technical experts on an objective panel.

Mr. Medrano said that same data should be presented to all community meetings.

Mr. Ramsey asked Superintendent Harter to summarize what was heard tonight.

Superintendent Harter said he heard direction about a broad scale involvement with a series of community meetings to disseminate data and a call for experts to analyze the data and criteria. He said he heard disagreement about whether to consider newly renovated schools, but he sensed that cost benefit would need to be considered in property values. He said he will bring a recommendation to the Board for a parallel process in December.

Mr. Medrano urged experts to walk through neighborhoods to know the areas they are considering.

Mr. Thurmond clarified that on December 10, 2008 the Board will vote on criteria and a process for school closure. He asked that there be a way for the public to send recommendations through a link on the district website.

Mr. Medrano suggested that this financial problem and process might be a service learning project for high school seniors as an economic exercise.

**D. ADJOURNMENT**

Clerk Kronenberg adjourned the meeting at 8:42 PM.

BH:dh

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

Agenda Item B.9

**November 19, 2008**

**A. CLOSED SESSION**

**B. OPENING PROCEDURES**

Clerk Madeline Kronenberg called the meeting to order at 5:30 PM. The Board recessed into Closed Session. Clerk Kronenberg called the Public Session to order at 6:33 PM.

**B.1 Pledge of Allegiance**

Clerk Kronenberg led those in attendance in the pledge of allegiance.

**B.2 Welcome and Meeting Procedures**

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

**B.3 Roll Call**

**Board Members Present:** Dave Brown, Madeline Kronenberg, Audrey Miles, Charles Ramsey

**Board Members Elect Present:** Antonio Medrano, Tony Thurmond

**Board Members Absent:** President Karen Pfeifer

**Staff Present:** Alejandro Alonso, Interpreter; Andre Bell, Executive Director Business Services; Adrienne Blalock, Director of Bond Facilities; Steve Collins, SELPA Director; Paul Ehara, Director of Communications; Randy Enos, Principal Gompers Continuation High School; Luis Freese, Executive Director Maintenance and Operations; Sheri Gamba, Associate Superintendent for Business Services; Wendell Greer, Associate Superintendent K-Adult; Bruce Harter, Superintendent; Linda Jackson, Executive Director; Joe Mayes, Maintenance Manager; Ken McDaniel, Interim Electronics Supervisor; Nia Rashidchi, Assistant Superintendent Educational Services; Jessica Romeo, Assistant Superintendent for Human Resources; Phyllis Rosen, Legal Assistant; Bill Savidge, District Engineering Officer.

Clerk Kronenberg recognized Mr. Ramsey who apologized to the Board for disrespectful behavior at the Board Study Session on November 12, 2008.

**B.4 Presentation of Student Board Representative Stephanie Canillo, Gompers Continuation High School**

Ms. Canillo spoke about the experience and perception of students at Gompers. She discussed recent activities and upcoming events and expressed appreciation for the opportunities provided to students at Gompers.

**B.5 Report/Ratification of Closed Session**

Superintendent Harter asked the Board to ratify the vote taken in Closed Session to expel seven (7) students and suspend those expulsions for placement in the Community Day School and district programs.

**MOTION: Mr. Brown moved to ratify the vote taken in Closed Session to expel seven (7) students and suspend those expulsions for placement in the Community Day School and district programs. Ms. Miles seconded. Mr. Brown, Ms. Kronenberg, Ms. Miles, and Mr. Ramsey voted yes, with President Pfeifer absent and no abstentions. Motion carried 4-0-0-1.**

Superintendent Harter asked that the Board ratify the vote taken in Closed Session to appoint Nia Rashidchi to the position of Assistant Superintendent of Educational Services, a role which she has held as interim for the past several months.

**MOTION: Mr. Brown moved to ratify the vote taken in Closed Session to appoint Nia Rashidchi to the position of Assistant Superintendent for Educational Services. Ms. Miles seconded. Mr. Brown, Ms. Kronenberg, Ms. Miles, and Mr. Ramsey voted yes, with President Pfeifer absent and no abstentions. Motion carried 4-0-0-1.**

**B.6 Agenda Review and Adoption**

**MOTION:** Ms. Miles moved approval of the agenda. Mr. Ramsey seconded. Mr. Brown, Ms. Kronenberg, Ms. Miles, Mr. Ramsey and Student Representative Canillo (advisory vote only) voted yes, with President Pfeifer absent and no abstentions. Motion carried 4-0-0-1.

**B.7 Minutes:** November 5, 2008

**MOTION:** Mr. Ramsey moved approval of the minutes of November 5, 2008. Ms. Miles seconded. Mr. Brown, Ms. Kronenberg, Ms. Miles, Mr. Ramsey and Student Representative Canillo (advisory vote only) voted yes, with President Pfeifer absent and no abstentions. Motion carried 4-0-0-1.

**C. AWARDS, RECOGNITIONS, AND REPORTS**

**C.1 Resolution No. 46-0809: Honoring Dave Brown for Four Years of Service on the Board of Education**

Clerk Kronenberg read Resolution 46-0809 into the record in honor of departing Board Member Dave Brown, and presented him with a plaque in recognition of his service.

**Board Comment:**

Mr. Ramsey said it was an honor to recognize Mr. Brown for his contributions. He specifically noted Mr. Brown's work as a liaison to Community Advisory Committee for Special Education, his dedication to passing Measure J, the search for Superintendent, and his work around the exit exam. He congratulated Mr. Brown for his contribution toward passing Measure D.

Ms. Miles recognized Mr. Brown for his passion for the children and specifically noted his work around safety at schools and encouraging students to pass CAHSEE. She said Mr. Brown was an advocate for children and parents and thanked him for the support he gave to her as a new Board member.

Ms. Kronenberg said that being on the Board is a "tough gig" that takes intellectual capacity and enormous heart, and that Mr. Brown has both. She thanked Mr. Brown for his service and wished him great success.

Mr. Brown expressed appreciation for the comments and thanked the voters and community members for the opportunity to serve the district. He said the district is home to him, that his connection with the district goes back 41 years, and he will continue to help whenever he can.

**C.2 Resolution No. 47-0809: Honoring Karen Pfeifer for Four Years of Service on the Board of Education**

Clerk Kronenberg read Resolution 47-0809 into the record in honor of departing Board President Karen Pfeifer. A plaque in recognition of her service was presented.

**Board Comment:**

Mr. Ramsey spoke about President Pfeifer's dedication and service to the children in the district, her support of teachers and staff, and the development of school based health plans and the district safety plan. He thanked her for her passion, advocacy and overall dedication and sacrifice.

Ms. Miles recognized President Pfeifer's work on the Academic Subcommittee and her tireless effort to improve academics last year at all secondary schools. She thanked President Pfeifer for her service and for initiating the health centers.

Mr. Brown said President Pfeifer did tremendous work and that he believes her legacy in the areas of health and safety will live on for quite some time.

Ms. Kronenberg said President Pfeifer did her job as a Board member incredibly well and that she had a long list of accomplishments. She said Ms. Pfeifer will be remembered as a major contributor who played a big role in the district's progress.

**C.3 Citizens' Bond Oversight Committee Report**

Sue Pricco, Chairperson, announced the next CBOC meeting – December 3 at El Cerrito High School. She invited the public to participate in the meeting and the tour of the rebuilt high school which begins at 5:00 PM.

**C.4 In Memory of Members of the School Community**

Superintendent Harter acknowledged the contributions of members of our school community who have passed away and shared in a moment of silence.

**D. PUBLIC AND COMMITTEE COMMUNICATIONS**

**D.1 Superintendent's Report**

Superintendent Harter provided a report of events in district schools.

**D.2 WCCUSD Public Comment**

**Public Comment:**

Ty' Renee Bovian and Lonnea Wilcox, representing Richmond High Black Student Union, said they came to introduce the organization and express their interest in working collaboratively with the School Board. They spoke in support of Richmond, Kennedy and Pinole Valley High Schools staying open.

Antonio Medrano, speaking as a community resident, announced the East Bay Career Advancement Academy, a one semester basic skills program in reading, writing and math for adults ages 18 – 30 given at Contra Costa College.

Robert Brower proposed that in addition to considering school sites for closure the Board the district should consider all parcels it owns and, for example, mentioned a parcel which he described as Hilltop Park.

Ken Lindgren, Kennedy teacher and School Site Council Chair, voiced his concern about closing Kennedy in light of the Quality Education Investment Act (QEIA) money currently allocated to the school, and because of the opportunity that exists to turn the school around academically and socially.

Crisanta Villalobos, representing parents at Coronado, spoke in favor of keeping the school open and the importance of safety in the criteria. She noted that many parents walk their children to school who would rather home school them before walking to another school.

Adrienne Kimball spoke in favor of keeping Lake School open which she said was a true “community school.” She asked the Board to open the school closure process to community members and parents and consider enrollment, safety and the relationship of overcrowding and school conditions to increased violence.

Pastor Hector Hernandez, parent at Lake School, spoke against closing Lake Elementary.

Harry Campbell spoke against closing Kennedy High School which has improved in areas of safety, enrollment and test scores. He proposed closing Richmond High School and sending the students to El Cerrito High School.

Jennifer Hansen, Kennedy teacher, spoke about the ongoing promise of funding for Kennedy facilities and the need for equity in the district to help the students at Kennedy succeed.

Catherine Floresca, Kennedy teacher, spoke about the need for equity when using academic criteria for school closures and cautioned the Board to compare test scores among similar subgroups.

Audra Williams, Coronado parent, asked the Board to consider safety (which she said is related to attendance) and academic performance when considering school closures, not whether a school is to receive funding for facilities. She added that Coronado is a successful partner with the community.

Sharron Dennis, Coronado teacher, spoke about the importance of academic success as criteria for school closures and said that Coronado is a model for achievement for students of color.

Patricia Poncé, spoke against closing Lake Elementary. She spoke against using test scores as criteria at schools where a large portion of students are bilingual and talked about the many parents who walk their children to school.

Nina Turner, DeAnza High School student, read a letter from Karen Mason, a current substitute at De Anza and spoke about the lack of a permanent teacher in her algebra class and her concern about graduating.

Marc Tafolla Young, attorney for the Lawyers Committee for Civil Rights, spoke about the Williams v. California complaint process and the need for permanent teachers. He praised Ms. Turner for demonstrating leadership and spoke on her behalf.

Diane Brown, DeJean teacher, spoke against using “one size fits all” criteria that would systematically dismantle services and classes and deprive students in special education.

Cecilia Sotelo, Coronado parent, spoke in favor of saving Coronado because of the schools the high attendance, good culture, special programs, after school programs and high test scores. She favors adding a 6<sup>th</sup> grade or making the school K-8.

Ralston Soong, Kennedy teacher, expressed concerns about transportation and the opportunities, such as the IT and Construction and Architecture academies, that would be lost if Kennedy were closed.

Simms Thompson, Richmond resident, spoke about the challenges faced by students raised by their grandparents and said no school should be closed and suggested opening a trade school.

Wendy Gonzalez, Ford teacher, spoke against any school closure.

Mark Moran asked the board to first consider geographical equity, which he said was more important for district students many of whom walk to school, and to consider the financial benefit of any outside funding source, community support, the professional community and the two academies at Kennedy.

## **E. ACTION ITEMS**

### **E.1 Call for Nominations for California School Board Association (CSBA) Delegate Assembly**

#### **Board Comment:**

Mr. Ramsey spoke about the two incumbent representatives in Region 7-A, the obligations of delegates and the need for increased representation from urban districts. He recognized Mr. Medrano who indicated that he would be interested in being a member of the Delegate Assembly.

**MOTION: Mr. Ramsey nominated Antonio Medrano for the CSBA Delegate Assembly. Ms. Miles seconded. Mr. Brown, Ms. Kronenberg, Ms. Miles, Mr. Ramsey and Student Representative Canillo (advisory vote only) voted yes, with President Pfeifer absent and no abstentions. Motion carried 4-0-0-1.**

## **F. DISCUSSION ITEMS**

None

## **G. BUSINESS ITEMS**

### **Consent Items**

- G.1 Grants/Awards/Agreements**
- G.2 Acceptance of Donations**
- G.3 Approval of Fund-Raising Activities**
- G.4 Summary of Payroll and Vendor Warrant Reports**
- G.5 Certificated Provisional Internship Permit (PIP) Request(s)**
- G.6 Ratification and Approval of Engineering Services Contracts**

#### **Public Comment:**

Robert Brower spoke about ongoing construction issues at Riverside Elementary and repeated requests to obtain information on this project. He expressed concern that the district has been drawn into a ‘money pit’ using Measure J dollars.

#### **Board Comment:**

Mr. Ramsey asked Mr. Savidge for information.  
Mr. Savidge provided an update on the status of the project.



## **G.7 Ratification and Approval of Negotiated Change Orders**

### **Public Comment:**

Robert Brower commented on the backup material and requested a font size that is easier to read. He inquired about two change orders and asked that in the future changes 10% or higher include an explanation.

### **Board Comment:**

Ms. Miles asked Mr. Savidge to comment.

Mr. Savidge discussed reformatting the backup. He explained that the increase in the two change orders referenced by Mr. Brower were due to vandalism of items in storage.

Mr. Ramsey commented on putting certain change orders in perspective and noted, for example, one such change order where the percentage increase was high but the dollar amount was only \$1,600.

Ms. Miles asked for clarification regarding insurance.

Mr. Savidge discussed the relevant insurance policy deductible.

## **G.8 Emergency Repair Program (ERP) – Pinole Valley High School – Exterior Lighting Contract**

## **G.9 Emergency Repair Program (ERP) – Pinole Valley High School – Communication System Replacement Contract**

Ms. Gamba read a revision to this item into the record as follows (*changes in italics*):

**Background information:** The State Allocation Board has approved the Communication System Replacement at Pinole Valley High School under the Emergency Repair Program application. The scope of work is: furnish and install materials and equipment required to provide a new operational IP Clock, Intercom and Public Address system. The work will include new wiring and conduit. Specifications have been prepared by the Seville Group (SGI).

*The District conducted a public bid for this project. Bids were received on November 18, 2008. Two Contractors submitted bids. The two responsive bids were as follows: ERA Construction \$275,000; A&E Emaar \$245,000. The lowest responsive, responsible bidder is A&E Emaar at \$245,000.*

**Recommendation:** Award contract to the lowest responsive, responsible bidder

**Fiscal Impact:** \$245,000.00. Emergency Repair Program Funds

## **G.10 Approval of WCCUSD Dell Technology Refresh Lease/Purchase Plan Agreement**

## **G.11 Ratification of Contract with Pearson for PowerSchool Student Information System (SIS)**

## **G.12 Special Education (SPED) SIS & Services, Public Contract code 20118, Mt. Diablo RFP 1454**

## **G.13 Local Hiring and Local Business Participation Goals in Measure J Projects**

### **Public Comment:**

Rhonda Harris, President of Contractor Alliance of Richmond, asked for additional information including percentages of local contractors and hires on construction projects within Richmond and the criteria used to make decisions and set policy.

### **Board Comment:**

Mr. Ramsey spoke about establishing a board policy to hire local vendors for direct professional services such as legal, purchasing supplies and goods and insurance, areas which are not bound by the complexities of the public contracting code.

Ms. Miles agreed that the report should show the information that Ms. Harris requested.

Mr. Ramsey agreed and suggested that Lance Jackson provide updated information.

## **G.14 Board Approval of Single Plans for Student Achievement (SPSAs) November 2008 – November 2009**

## **G.15 Certification of Athletic Coaches – Fall Sports**

**MOTION:** Mr. Ramsey moved approval of the Consent Items. Ms. Miles seconded. Mr. Brown, Ms. Kronenberg, Ms. Miles, Mr. Ramsey and Student Representative Canillo (advisory vote only) voted yes, with President Pfeifer absent and no abstentions. Motion carried 4-0-0-1.

## **H. UNFINISHED REQUESTS TO ADDRESS THE BOARD**

None

**I. COMMENTS OF THE BOARD OF EDUCATION AND SUPERINTENDENT**

Ms. Canillo spoke about the difficulties the Gompers students have sharing their facility with Leadership and County Day schools. She also spoke about student success at Gompers and the need to treat students fairly and respectfully.

Mr. Ramsey congratulated and thanked President Pfeifer and Mr. Brown for their service. He provided a brief update on the Ivy League program and reminded all high school principals to provide new applicant names for the upcoming year. He wished everyone a good Thanksgiving.

Ms. Miles wished everyone a Happy Thanksgiving and asked that we reach out to the community to support families in need.

Mr. Brown thanked Board Members, Dr. Harter, Cabinet, staff, teachers and students and said it was an honor to serve everyone.

Ms. Kronenberg said she was struck by the passion and eloquence of many of tonight's speakers who spoke about being grateful for and connected to their schools. She said in light of the difficult decisions ahead we need to consider the "culture of getting along" as one speaker phrased it, and we have to have find a way to adapt to and live within the shrinking set of numbers for the upcoming year.

**J. THE NEXT SCHEDULED BOARD OF EDUCATION MEETING**

Lovonya DeJean Middle School – December 10, 2008

**K. ADJOURNMENT**

Clerk Kronenberg adjourned the meeting at 8:43 PM.

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

BH:pr

Approved

West Contra Costa Unified School District  
1108 Bissell Avenue  
Richmond, California 94801-3135  
Office of Superintendent of Schools

**ITEM REQUIRING ATTENTION---BOARD OF EDUCATION**

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**To:** Board of Education **Meeting Date:** December 10, 2008  
**From:** Bruce Harter **Agenda Item:** C.1  
**Subject:** In Memory of Members of the School Community

**Background Information:**

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.

Marjorie Abraham passed away November 9, 2008. Ms. Abraham worked as a teacher at El Portal and Highland Elementary from 1979 through 1996.

Joyce Seelinger, Antioch Unified School District Board of Education Trustee, passed away Sunday, November 30, 2008, following a brief illness.

Our thoughts go out to the family and friends in the loss of their loved ones.

**Recommendation:** For Information Only

**Fiscal Impact:** None

DISPOSITION BY BOARD OF EDUCATION

Motion by: \_\_\_\_\_ Seconded by: \_\_\_\_\_

Approved \_\_\_\_\_ Not Approved \_\_\_\_\_ Tabled \_\_\_\_\_

West Contra Costa Unified School District  
1108 Bissell Avenue  
Richmond, California 94801  
Office of the Superintendent

**ITEM REQUIRING ATTENTION----BOARD OF EDUCATION**

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**To:** Board of Education

**Meeting Date:** December 10, 2008

**From:** Bruce Harter

**Agenda Item:** D.2

**Subject:** Request to Address the Board - Pixie Hayward Schickele, United Teachers of Richmond

**Background Information:**

Comment:

Pixie Hayward Schickele of United Teachers of Richmond will address the Board about the State Budget.

**Recommendation:** For Information Only

**Fiscal Impact:** None

**DISPOSITION BY BOARD OF EDUCATION**

Motion by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

Approved \_\_\_\_\_

Not Approved \_\_\_\_\_

Tabled \_\_\_\_\_

West Contra Costa Unified School District  
1108 Bissell Avenue  
Richmond, California 94801  
Office of the Superintendent

**ITEM REQUIRING ATTENTION---BOARD OF EDUCATION**

**To:** Board of Education

**Meeting Date:** December 10, 2008

**From:** Bill Fay  
Associate Superintendent for Operations

**Agenda Item:** E.1

**Subject:** Compliance with the California Environmental Quality Act: Adopt Resolution 45-0809  
Authorizing Adoption of the Final Environmental Impact Report for the Construction and  
Renovation of Castro Elementary School to Replace Portola Middle School Project.

**Background Information:**

The Board has designated the Castro Elementary site as the preferred option for the relocation of the students from the Portola Middle School site. The next step in the process is to complete the environmental reviews and approve the project. District staff retained Pacific Municipal Consultants ("PMC") to prepare a study under the California Environmental Quality Act ("CEQA") to evaluate the possible environmental impacts of the proposed Construction and Renovation of Castro Elementary School to Replace Portola Middle School Project. After extensive analysis, PMC prepared and issued a Draft Environmental Impact Report ("EIR") in September 2008.

As part of the EIR, the consultants completed a traffic analysis, historical resources analysis, and other reviews of potential environmental impacts. The 45 day Public Comment period ended on October 28, 2008. The District has received numerous written comments to date. In addition, a public meeting was held to solicit comments from residents. Responses to these comments are included in the Final Environmental Impact Report set for adoption by the Board.

The Final Environmental Impact Report is provided under separate cover. The Resolution authorizing adoption of the Final Environmental Impact Report is included with the Board materials.

**Recommendation:** Adopt Resolution 45-0809 Authorizing Adoption of the Final Environmental Impact Report for the Construction and Renovation of Castro Elementary School to Replace Portola Middle School Project

**Fiscal Impact:** Full fiscal impact not known. Future projects will be bid. Projects will be funded from the Measure J Bond.

**DISPOSITION BY BOARD OF EDUCATION**

Motion by: \_\_\_\_\_ Seconded by: \_\_\_\_\_

Approved \_\_\_\_\_ Not Approved \_\_\_\_\_ Tabled \_\_\_\_\_

**RESOLUTION NO. 45-0809**

**RESOLUTION OF THE BOARD OF EDUCATION OF THE WEST  
CONTRA COSTA UNIFIED SCHOOL DISTRICT  
CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT FOR  
AND APPROVING THE CONSTRUCTION AND RENOVATION OF THE  
CASTRO ELEMENTARY SCHOOL TO REPLACE PORTOLA MIDDLE  
SCHOOL PROJECT,  
ADOPTING ENVIRONMENTAL FINDINGS PURSUANT TO THE  
CALIFORNIA ENVIRONMENTAL QUALITY ACT,  
STATEMENT OF OVERRIDING CONSIDERATIONS, AND  
MITIGATION MONITORING AND REPORTING PROGRAM**

**WHEREAS**, the West Contra Costa Unified School District (“District”) has identified, through exhaustive geotechnical and structural engineering analysis, that there is a seismically-induced landslide geo-hazard at the Portola Middle School site; and

**WHEREAS**, the Division of State Architect (“DSA”), which has structural safety responsibility for schools in the State of California, has concurred that the “...safety of the students is at risk and must be corrected;” and

**WHEREAS**, the District has thoroughly reviewed any possible site mitigations of the geo-hazard at the Portola, concluding that such mitigation is not feasible; and

**WHEREAS**, the District has conducted a comprehensive study of possible relocation options to maintain a middle school in El Cerrito, including appointing a Middle School Site Selection Committee to investigate options and make recommendations to the Board of Education; and

**WHEREAS**, the Board of Education, after consideration of options and upon recommendation from the Middle School Site Selection Committee, has designated the Castro Elementary School site as the preferred option for relocation of the Portola Middle School; and

**WHEREAS**, the District proposes to begin construction and renovations at the Castro Elementary School site in order to accommodate the relocation of Portola Middle School, as more fully set forth in the Final Environmental Impact Report “Construction and Renovation of Castro Elementary School to Replace Portola Middle School Project (“Project”); and

**WHEREAS**, the District is the lead agency for the Project and has caused to be prepared an Initial Study in February 2008 pursuant to the California Environmental Quality Act (Public Resources Code, § 21000 *et seq.*, “CEQA”) and the Guidelines for Implementation of the California Environmental Quality Act (Title 14, Cal. Code of Regs., § 15000 *et seq.*, the CEQA “Guidelines”); and

**WHEREAS**, the District then has caused to be prepared the Draft Environmental Impact Report (“Draft EIR,” SCH No. 2008022111) for the Project, including a Notice of Preparation, issued February 22, 2008; and

**WHEREAS**, the District held a public Scoping Meeting on March 10, 2008 to solicit oral and written comments from the public; and

**WHEREAS**, the Draft EIR for the Project which was completed after all required environmental analysis was made available for agency and public review from September 12, 2008 to October 28, 2008; and

**WHEREAS**, the Draft EIR for the Project was prepared pursuant to and in accordance with CEQA and the Guidelines; and

**WHEREAS**, the District posted a Notice of Availability of the Draft EIR at the School District Facilities Operations Center at 1300 Potrero Avenue, Richmond, CA 94804 at the School District Administration Building at 1108 Bissell Ave., Richmond, CA 94801, and at the office of the Contra Costa County Clerk-Recorder; and

**WHEREAS**, the District caused the Notice of Availability to be posted on its website; and to be mailed to the owners and occupants of contiguous property and to any other persons who filed a request for notice; and

**WHEREAS**, pursuant to California Public Resources Code Section 21082.1, the Board of Education of the District ("Board") has independently reviewed and analyzed the information contained in the Draft EIR which contains the Technical Appendices and the Final Environmental Impact Report which includes the Staff Initiated Text Changes, Comments, Responses to Comments, and Mitigation Monitoring/Reporting Program ("MMRP"), ("Final EIR," SCH No. 2008022111), and the conclusions of the Final EIR reflect the independent judgment of the Board; and

**WHEREAS**, numerous written comments on the Draft EIR were received from the public and reviewing public agencies before and during the 45-day public review period from September 12, 2008, through October 28, 2008; and

**WHEREAS**, Public Resources Code Section 21092.5(a) requires that the District provide a proposed written response to any public agency that commented on the Draft EIR, and the Responses to Comments are included in the Final EIR; and

**WHEREAS**, all actions required to be taken by applicable law related to the preparation, circulation, and review of the Draft and Final EIR and approval of the Project have been taken, and

**WHEREAS**, the CEQA Findings of Fact included in as Exhibit "A," attached hereto and incorporated herein, identify the following impacts: the Project will result in significant and unavoidable effects to Historic Resources and Geology and Soils, the Project will not result in any significant impacts for the topical areas of Land Use and Planning, Aesthetics, Biological Resources, Human Health/Risk of Upset, Hydrology and Water Quality, Traffic and Circulation, Air Quality, Noise, and Public Services and Utilities; therefore no mitigation is required for this areas; some potentially significant impacts will be reduced to less than significant levels with incorporation of mitigation measures for some of the effects in Aesthetics, Biological Resources, Cultural and Paleontological Resources, Geology and Soils, Human Health/Risk of Upset,

Hydrology and Water Quality, Traffic and Circulation, Air Quality, Noise, Public Services and Utilities, significant impacts will be reduced to a less than significant level with incorporation of mitigation measures for some of the effects in Biological Resources and the mitigation measures for this area is set forth in Exhibit "B"; and some significant impacts will be unavoidable for the topical areas of Cultural and Paleontological Resources, and Geology and Soils, and a Statement of Overriding Considerations is included in Exhibit "A"; and

**WHEREAS**, the Board has reviewed and considered the Final EIR and MMRP with respect to the Project, including all comments and responses thereto.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Education of the West Contra Costa Unified School District at the meeting held on December 10, 2008, the following:

SECTION 1:

That the above recitals are true and correct.

SECTION 2:

The Draft and Final Environmental Impact Report for the Project is an adequate and complete document completed in accordance with CEQA and the CEQA Guidelines.

SECTION 3:

The Board of Education hereby certifies that a full and fair public hearing has been held on the Draft EIR, that all comments received thereon and responses thereto have been considered by the Board, which comments and responses are included in the Final EIR; that the District is the lead agency for the Project; that the Board, as the governing board of the lead agency, has reviewed and considered the Final EIR and the information contained therein prior to deciding whether to approve the proposed Project, including all comments received thereon and responses thereto; and the Board finds that the Final EIR reflects the independent judgment and analysis of the Board of Education.

SECTION 4:

The Board of Education hereby makes and adopts the CEQA Findings of Fact and mitigation measures set forth in the Final EIR.

SECTION 5:

The project will have significant, unavoidable impacts in the area of Cultural and Paleontological Resources and Geology and Soils as described in detail in the Final EIR and Findings of Fact. As a result, the Board must make a statement of overriding considerations pursuant to State CEQA Guidelines Sections 15043 and 15093. This statement allows a lead agency to cite a Project's general economic, legal, social, technological or other benefits as a justification for choosing to allow the occurrence of specified significant environmental effects that have not been avoided. The Board of Education hereby makes and adopts the Statement of Overriding Considerations as set forth in Exhibit "A."



#### SECTION 6:

A mitigation monitoring and reporting program (“MMRP”) has been prepared to meet the requirements of Public Resources Code Section 21081.6. This program is designed to ensure compliance with project changes and mitigation measures imposed to avoid or substantially lessen the significant effects identified in the Final EIR. The Board of Education hereby makes and adopts the MMRP as set forth in the Final EIR.

#### SECTION 7:

The Board of Education finds that the Project alternatives identified in the Draft EIR would not achieve the primary objectives of the Project. Accordingly, and for reasons set forth herein, in the Final EIR and the Findings of Fact in Exhibit “A,” the Board of Education hereby rejects such alternatives and finds that the Project is the only alternative that meets the project objectives.

#### SECTION 8:

These actions having been taken and findings having been made, the Board of Education of the West Contra Costa Unified School District hereby approves, certifies, and adopts the Final EIR for the Project.

#### SECTION 9:

The Final Environmental Impact Report, is on file and available at the administrative office of the West Contra Costa Unified School District, 1300 Potrero Avenue, Richmond, California.

#### SECTION 10:

The Board of Education hereby authorizes the President of the Board of Education to execute this resolution and a Notice of Determination, and the Secretary to attest and certify to the passage and adoption thereof and those officers and the District’s Superintendent and the Superintendent’s designees to execute all documents and perform all actions necessary to carry out the intent of this resolution.

#### SECTION 11:

The Board of Education hereby approves the Project as identified and evaluated in the Final EIR.

#### SECTION 12:

The Board of Education directs District staff to file with the Contra Costa County Clerk-Recorder a Notice of Determination pursuant to CEQA Guidelines, Section 15094.

**APPROVED, PASSED AND ADOPTED** by the Board of Education of the West Contra Costa Unified School District on this 10<sup>th</sup> day of December, by the following vote:

AYES: \_\_\_\_\_

NOES: \_\_\_\_\_

ABSTENTIONS: \_\_\_\_\_

ABSENT: \_\_\_\_\_

\_\_\_\_\_  
President of the Board of Education of  
West Contra Costa Unified School District

Attested to this 10<sup>th</sup> day of December, 2008

\_\_\_\_\_  
Secretary of the Board of Education of  
West Contra Costa Unified School District

**CEQA FINDINGS**

*WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT  
RICHMOND, CALIFORNIA*

**Facts, Findings, and Statement of Overriding Considerations Related to the  
West Contra Costa Unified School District Construction and Renovation of the Castro  
Elementary School to Replace Portola Middle School Project  
Final Environmental Impact Report in Compliance with the  
California Environmental Quality Act (CEQA)  
(SCH #2008022111)**

**Proposed Adoption December 10, 2008**

**EXHIBIT "A" TO RESOLUTION OF THE BOARD OF EDUCATION OF THE  
WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT CERTIFYING THE  
FINAL ENVIRONMENTAL IMPACT REPORT FOR AND APPROVING THE  
CONSTRUCTION AND RENOVATION OF THE CASTRO ELEMENTARY  
SCHOOL TO REPLACE PORTOLA MIDDLE SCHOOL PROJECT, ADOPTING  
ENVIRONMENTAL FINDINGS PURSUANT TO THE CALIFORNIA  
ENVIRONMENTAL QUALITY ACT, STATEMENT OF OVERRIDING  
CONSIDERATIONS, AND MITIGATION MONITORING AND REPORTING  
PROGRAM**

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**FACTS, FINDINGS, AND STATEMENT OF OVERRIDING CONSIDERATIONS  
REGARDING THE ENVIRONMENTAL EFFECTS FROM THE WEST CONTRA  
COSTA UNIFIED SCHOOL DISTRICT'S CONSTRUCTION AND RENOVATION OF  
THE CASTRO ELEMENTARY SCHOOL TO REPLACE PORTOLA MIDDLE  
SCHOOL PROJECT  
CITY OF RICHMOND, COUNTY OF CONTRA COSTA  
(SCH #2008022111)**

**A. INTRODUCTION**

The West Contra Costa Unified School District governing board ("Board") in certifying the Final Environmental Impact Report for the Construction and Renovation of the Castro Elementary School to Replace Portola Middle School Project makes the Findings described below and adopts the Statement of Overriding Considerations presented at the end of the Findings. These Findings are based on the entire record before this Board, including the Notice of Preparation, Draft EIR, Technical Appendices, the Final EIR containing revisions to the Draft EIR, Response to Comments, and the Draft EIR Errata ("EIR."). The EIR was prepared by the West Contra Costa Unified School District ("District") acting under the California Environmental Quality Act ("CEQA").

**B. PROJECT SUMMARY**

The proposed project is the approval of the Construction and Renovation of Castro Elementary School to Replace Portola Middle School Project. Based upon the project plans developed by WCCUSD, the project would construct, modernize, and renovate a 4.887-acre elementary school campus at Castro School to relocate the Portola Middle School. The proposed project includes demolition and construction of a new Portola Middle School campus at the existing Castro Elementary School site within the City of El Cerrito.

**B.1 PROJECT OBJECTIVES**

The District has identified the following project objectives:

- (1) To create a world-class middle school within the City of El Cerrito with a capacity for 600 students to meet future projections for Grades 6-8;
- (2) To provide a cost-effective, feasible solution [to the existing Portola Middle School campus location issues];
- (3) To develop a project that minimizes impacts to WCCUSD educational programs;
- (4) To develop a project that respects community patterns of use and mitigates potential impacts;
- (5) To construct and/or renovate a middle school campus that would result in a seismically safe project that meets the DSA criteria for schools and is consistent with the Bond Program and educational goals of WCCUSD; and

- (6) To keep the Castro Elementary School Full Inclusion Program as intact as possible.

## **B.2 PROJECT DESCRIPTION**

The existing Castro Elementary School campus is expected to close school operations at the end of the 2008-2009 school year (Murphy, 2008). Current community meetings and other uses at the location would end as required in 2009. All campus systems would remain functional in the event of an emergency, including alarm systems, electricity and lighting, and water pressure. WCCUSD would continue to own and maintain the campus location until commencement of project construction. On-site security will be provided during project construction during evenings and weekends (Savidge, 2008c).

The proposed site work at the existing Castro Elementary School campus entails the following actions:

- Modernization of the existing Kindergarten Administration/Classroom Building (closest street – Donal)
- Modernization of the existing Addition #1 Building (north of Kindergarten Administration/Classroom Building)
- Demolition of the existing Addition #2 Building (closest street – Donal)
- Demolition of the existing Multipurpose Room/Meeting Room Building (closest street – Lawrence)
- Demolition of the existing portables (closest street – Lawrence)
- Demolition of the existing portables (located in the middle of the project site)
- Removal of some existing trees
- Removal of the existing play structures on the Castro Elementary School campus (not Castro Park)
- Site work, including grading, drainage improvements, and various utility connections
- Construction of a new Multipurpose Building
- Construction of a new Library/2-story Classroom Building
- Construction of a new Gymnasium/Administration Building
- Installation of a new PE hardcourt
- Installation of a new staff parking lot

- Installation of a new visitor/staff parking lot
- Installation of a new play area

## **C. ENVIRONMENTAL REVIEW AND PUBLIC PARTICIPATION**

The District conducted an extensive environmental review for this project that included a Draft EIR, Final EIR, appendices, attachments, and referenced reports and documents, along with public review and comment periods.

The implementation of the EIR scoping and review process is described in the Draft EIR. The following is a summary of the District's environmental review for this project.

- *The Draft EIR was distributed for a 45-day public review and comment period on September 12 through October 28*

### **C.1 CUSTODIAN AND LOCATION OF THE RECORD**

#### **Findings:**

*The documents and other materials which constitute the record of proceedings for the District Board's approval of this project are located at the West Contra Costa Unified School District Office, 1300 Potrero, Richmond, CA. The District is the custodian of all documents.*

### **C.2 INDEPENDENT JUDGMENT**

The District solicited proposals from independent consultants to prepare the CEQA documents. A decision was made to retain Benson Lee, Consulting, to prepare the documents. A contract was executed between the District and the EIR consultant. The EIR was prepared under the supervision and direction of Bill Savidge, Engineering Officer for the West Contra Costa Unified School District.

#### **Findings:**

*Based on a review of the entire record, the Board finds that the Draft and Final EIR reflect the independent judgment of the Board and the District. The District has exercised independent judgment in accordance with CEQA Section 21082.1(c)(3) in retaining its own environmental consultant, directing the consultant in preparing the EIR, and reviewing, analyzing, and revising material prepared by the consultant.*

## **D. ENVIRONMENTAL IMPACTS**

The Draft and Final EIR, written testimony, and these facts and findings, statement of overriding considerations and other information in the administrative record serve as the basis for the District's environmental determination. The Final EIR includes revisions to the Draft EIR, public comments and the District's responses, and the Errata. The detailed analyses of potential

environmental impacts and proposed mitigation measures for the Project are presented in Chapter 4.0 of the Draft EIR.

Presented below are the environmental findings made on behalf of this Board after its review of the documents referenced above, as well as the written comments and responses thereto on the Project presented to the Board prior to the Board meeting of September 3, 2008. Factual discussion in this document summarizes the information contained in the Draft and Final EIR and the administrative record upon which this Board bases its decision to approve the Project.

The Draft EIR evaluated eleven major environmental categories that had potential significant adverse impacts. Both project specific and cumulative impacts were evaluated and some of the categories contained several sub-issues, which are summarized below. Of these eleven major environmental categories, the Board concurs with the conclusions in the EIR that the issues and sub-issues discussed below can be mitigated below a significant impact threshold. For those issues that cannot be mitigated below a level that is less than significant, overriding considerations exist which make impacts acceptable.

#### **D.1 FINDINGS REGARDING IMPACTS ANALYZED IN THE EIR AND DETERMINED TO BE MITIGATED TO LESS THAN SIGNIFICANT**

This section includes findings for Project impacts which are potentially significant, but can be mitigated to a less than significant level with the implementation of mitigation measures. This Board finds that all potentially significant impacts of this project listed below can and will be mitigated, reduced or avoided by implementation of mitigation measures. Specific findings of this Board for each category of such impacts are set forth below in this section.

CEQA Section 21081 states that no public agency shall approve or carry out a project for which an environmental impact report has been completed which identifies one or more significant effects unless the public agency makes one or more of the following findings:

- a. Changes or alterations have been required in or will be incorporated into the project, which will mitigate or avoid the significant environmental effects thereof as identified in the completed environmental impact report.*
- b. Such changes or alterations are within the responsibility and jurisdiction of another public agency and such changes have been adopted by such agency or can and should be adopted by such other agency*
- c. Specific economic, social or other considerations make infeasible the mitigation measures or project alternatives identified in the environmental impact report.*

This Board hereby finds, pursuant to CEQA Section 21081, that the following potential environmental impacts can and will be mitigated to below a level of significance, based upon the implementation of the mitigation measures recommended in the EIR.



Each proposed mitigation measure discussed in this section of the findings is assigned a title correlating it with the environmental category used in the Mitigation Monitoring and Reporting Program included in the Final EIR.

The following abbreviations are used throughout these Findings: LS – less than significant, LCC – less than cumulatively considerable, CC – cumulatively considerable, PS – potentially significant and SU-significant and unavoidable.

## **4.2 AESTHETICS**

**Impact 4.2.6** The renovations and modernizations associated with implementation of the new Portola Middle School campus would alter the existing visual character and aesthetic quality of the existing Castro Elementary School site.

**Impact 4.2.7** Closure and vacation of the existing Portola Middle School campus would change the existing visual character of this facility.

**Impact 4.2.11** Implementation of the proposed project would result in additional light sources at the new Portola Middle School campus.

**Impact 4.2.19** The renovations and modernizations associated with implementation of the new Portola Middle School campus would alter the existing visual character and aesthetic quality of the existing Castro Elementary School site.

### **Findings:**

Based on the whole record, this Board finds that implementation of the mitigation measures set forth in the MMRP will reduce any impacts on Aesthetics to less-than-significant levels. (LS)

## **4.3 BIOLOGICAL RESOURCES**

**Impact 4.3.2** The proposed project could result in the loss of populations or essential habitat for special-status avian species through tree removal and other construction activities.

**Impact 4.3.3** The proposed project could result in the loss of populations or essential habitat for special-status bat species through tree removal, building demolition, or other construction activities.

**Impact 4.3.8** The proposed project would result in the removal of or damage to some existing tree species during construction.

**Impact 4.3.10** The proposed project, in combination with other reasonably foreseeable projects, would result in direct mortality and loss of habitat for special-status species.

**Findings:**

Based on the whole record, this Board finds that implementation of the mitigation measures set forth in the MMRP will reduce any impacts on Biological Resources to less-than-significant levels. (LS)

**4.4 CULTURAL AND PALEONTOLOGICAL RESOURCES**

**Impact 4.4.2** The existing Castro Elementary School campus would be closed as part of the proposed project, and some existing structures would be demolished and others would be renovated. There will also be site work associated with the project that could result in the potential disturbance of previously undiscovered prehistoric resources, historic resources, and human remains.

**Impact 4.4.3** The existing Castro Elementary School campus would be closed as part of the proposed project, and some existing structures would be demolished and others would be renovated. There will also be site work associated with the project that could result in the potential disturbance of previously undiscovered paleontological resources.

**Impact 4.4.4** The Portola Middle School campus will be closed as part of the proposed project. Closure of the school could result in neglect and deterioration of the property. While the campus will be maintained, specific maintenance policies that will protect the historic integrity of the buildings and campus have not yet been identified.

**Impact 4.4.6** The demolition of the Portola Middle School Campus could result in the potential disturbance of previously undiscovered prehistoric resources, historic resources, and human remains.

**Impact 4.4.7** Demolition of the Portola School Campus could result in the potential disturbance of previously undiscovered paleontological resources.

**Impact 4.4.11** Implementation of the proposed project along with foreseeable development in the City of El Cerrito, City of Richmond, and Contra Costa County could result in the disturbance of cultural resources (i.e., prehistoric sites, historic sites, and isolated artifacts and features), human remains, and paleontological resources.

**Impact 4.4.12** Implementation of the proposed project along with foreseeable development in the City of El Cerrito, City of Richmond, and Contra Costa County could result in the disturbance of prehistoric resources, human remains, and paleontological resources.

**Findings:**

Based on the whole record, this Board finds that implementation of the mitigation measures set forth in the MMRP will reduce any impacts on these Cultural Resources to less-than-significant levels. (LS)

## **4.5 GEOLOGY AND SOILS**

**Impact 4.5.4** The new Portola Middle School site is located in a seismically active area and would be subject to ground shaking in the event of an earthquake during construction and operation.

**Impact 4.5.16** The new Portola Middle School project site may contain soils which are prone to expansion.

**Impact 4.5.17** The existing Portola Middle School site may contain soils which are prone to expansion. This impact is considered potentially significant. However, the campus will be closed and vacated so that students will not be exposed to potential risks associated with expansive soils.

### **Findings:**

Based on the whole record, this Board finds that implementation of the mitigation measures set forth in the MMRP will reduce any impacts on Geology and Soils to less-than-significant levels. (LS)

## **4.6 HUMAN HEALTH/RISK OF UPSET**

**Impact 4.6.1** Some potential construction-related hazards could be created during the course of project construction, given that construction activities involve the use of heavy equipment, which uses small amounts of oils and fuels and other potentially flammable substances.

**Impact 4.6.2** No confirmation has been made that any portion of the existing 10.08-acre parcel was used as a landfill or dumping area. However, if any portion of the parcel was historically utilized in this manner, discovery of materials during project construction of the new Portola Middle School campus is considered potentially significant.

**Impact 4.6.3** Project construction could expose humans to hazardous materials present or potentially present on the existing Castro Elementary School campus.

**Impact 4.6.5** No confirmation has been made that any portion of the existing 10.08-acre parcel was used as a landfill or dumping area. However, if any portion of the parcel was historically utilized in this manner, discovery of materials during routine utilization of Castro Park is considered potentially significant.

**Impact 4.6.7** Routine building and site maintenance will still be provided after the closure and vacation of Portola Middle School. This will have a potentially significant impact upon disturbance of potential asbestos and other potentially hazardous materials used in the construction and maintenance of the existing Portola Middle School over time. Additionally, existing wastewater lines will require maintenance or closure according to Stege Sanitary District requirements.

**Findings:**

Based on the whole record, this Board finds that implementation of the mitigation measures set forth in the MMRP will reduce any impacts on Human Health/Risk of Upset to less-than-significant levels. (LS)

**4.7 HYDROLOGY AND WATER QUALITY**

**Impact 4.7.5** Operation of the new Portola Middle School campus could potentially degrade water quality if typical urban pollutants generated on the site were mobilized by stormwater and transported off-site.

**Impact 4.7.7** Implementation of the proposed project would cause changes to the amount of impervious surfaces, drainage rates, and runoff from the new Portola Middle School campus.

**Findings:**

Based on the whole record, this Board finds that implementation of the mitigation measures set forth in the MMRP will reduce any impacts on Hydrology and Water Quality to less-than-significant levels. (LS)

**4.8 TRAFFIC AND CIRCULATION**

**Impact 4.8.1** Demolition and construction activities associated with the proposed project would result in increased construction-related traffic to and from the site and could lead to unsafe conditions near the project site.

**Impact 4.8.2** The design of the new Portola Middle School campus circulation, emergency access, location of buildings, and other site features could affect the operations on adjacent streets during school drop-off and pick-up periods.

**Impact 4.8.4** WCCUSD may decide to demolish the existing Portola Middle School buildings and perform some site stabilization work prior to sale of the property. Demolition or other construction activities at the Portola School site could result in an increase in traffic to and from the site and could lead to unsafe conditions near the project site.

**Findings:**

Based on the whole record, this Board finds that implementation of the mitigation measures set forth in the MMRP will reduce any impacts on Traffic and Circulation to less-than-significant levels. (LS)

## **4.9 AIR QUALITY**

**Impact 4.9.1** Construction and demolition activities necessary for the new Portola Middle School campus would generate increased emissions that would temporarily affect local air quality for adjacent land uses. The proposed project does not include BAAQMD-recommended mitigation measures.

**Impact 4.9.2** If demolition activities were ever to occur at the existing Portola Middle School campus, these activities would generate increased emissions that would temporarily affect local air quality for adjacent land uses. If there were demolition activities, these activities would be considered potentially significant if they did not incorporate BAAQMD-recommended mitigation measures.

**Impact 4.9.12** Construction emissions generated from the construction of the new Portola Middle School campus could contribute, on a cumulative basis, to existing and future non-attainment conditions and localized concentrations of PM.

### **Findings:**

Based on the whole record, this Board finds that implementation of the mitigation measures set forth in the MMRP will reduce any impacts on Air Quality to less-than-significant levels. (LS)

## **4.10 NOISE**

**Impact 4.10.1** Short-term construction-generated noise levels associated with construction on the New Portola Middle School Campus could result in a substantial increase in ambient noise levels at nearby noise-sensitive land uses.

**Impact 4.10.2** If demolition activities were ever to occur at the existing Portola Middle School campus, these activities could result in short-term substantial increases in ambient noise levels at nearby noise-sensitive land uses.

**Impact 4.10.4** Operation of the new Portola Middle School could result in substantial increases in non-transportation source noise levels that could exceed the City's applicable noise standards.

### **Findings:**

Based on the whole record, this Board finds that implementation of the mitigation measures set forth in the MMRP will reduce any impacts on Noise to less-than-significant levels. (LS)

## **4.11 PUBLIC SERVICES AND UTILITIES**

**Impact 4.11.1.1** Project construction could affect El Cerrito Fire Department level of service and response times with a temporary increase in calls to the El Cerrito Fire Department

for service in the vicinity of the new Portola Middle School campus, as well as with temporary congestion associated with delivery of construction equipment and materials.

**Impact 4.11.1.2** The design of the new Portola Middle School campus landscaping, circulation and emergency access, buildings, and other site features could affect the El Cerrito Fire Department level of service and response times.

**Impact 4.11.1.3** Operation of the new Portola Middle School campus could affect the El Cerrito Fire Department level of service and response times by causing congestion along emergency response routes and in the vicinity of the new Portola Middle School campus associated with student transport.

**Impact 4.11.1.5** The need for fire and other life safety systems to remain in operation at the existing Portola Middle School campus could affect fire protection services at the site. Closure of the campus may have a potentially significant impact on fire protection and emergency response.

**Impact 4.11.1.6** WCCUSD may decide to demolish the existing Portola Middle School buildings prior to sale of the property. This could have a potentially significant impact on fire protection and emergency response.

**Impact 4.11.2.1** Project construction could affect El Cerrito Police Department level of service and response times by causing a temporary increase in calls to the El Cerrito Police Department for service in the vicinity of the new Portola Middle School campus, as well as temporary congestion associated with delivery of construction equipment and materials.

**Impact 4.11.2.2** The design of the new Portola Middle School campus landscaping, circulation and emergency access, buildings, and other site features could affect the El Cerrito Police Department level of service and response times.

**Impact 4.11.2.3** Operation of the new Portola Middle School campus could affect El Cerrito Police Department level of service and response times by causing congestion along emergency response routes and in the vicinity of the new Portola Middle School campus associated with student transport.

**Impact 4.11.2.4** Operation of the new Portola Middle School campus could potentially shift the nature of and location of the demand for law enforcement, circulation/access (including traffic monitoring), police protection, and emergency services and reduce the level of service currently being provided in the vicinity of the new Portola Middle School campus.

**Impact 4.11.2.5** All fire and other life safety systems will remain in operation at the existing Portola Middle School campus. Closure of the campus will have a potentially significant impact on law enforcement, police protection, and emergency response

**Impact 4.11.2.7** WCCUSD may decide to demolish the existing Portola Middle School buildings and perform some site stabilization work prior to sale of the property.

**Impact 4.11.3.2** Cameron School would remain fully operational in its existing capacity during all aspects of the proposed project, including closure of Castro Elementary School, student reassignment, project construction, and occupancy of the new Portola Middle School campus. Commencement of the proposed project without explicit notification to Cameron School students and parents of all proposed project phases and the operation of the new Portola Middle School campus is considered potentially significant.

**Impact 4.11.3.6** Closure of the existing Castro Elementary School would occur after the completion of the 2008-2009 school year with student reassignment beginning the 2009-2010 school year.

**Impact 4.11.3.7** The Portola Aces After School Program would require modification upon occupancy of the new Portola Middle School campus beginning with the 2010-2011 school year.

**Impact 4.11.3.8** Closure of the existing Castro After School Program would occur after the completion of the 2008-2009 school year, with student reassignment beginning in the 2009-2010 school year.

**Impact 4.11.4.4** The construction of updated outdoor recreation areas and indoor recreation and meeting facilities at the new Portola Middle School campus could result in impacts to the surrounding neighborhood and to public services.

**Impact 4.11.4.5** The proposed project would cause an increase in the utilization of Castro Park, potential deterioration of facilities, the potential need for increased maintenance, and the potential displacement of previous park users.

**Impact 4.11.4.8** The proposed project could have a significant cumulative impact on park, public facilities, and recreation service ratios.

**Impact 4.11.5.1** The new Portola Middle School campus would incorporate water demand reduction and water conservation strategies outlined in the CHPS standards and would demonstrate increased efficiency; however, implementation of the proposed project could result in increased demand on existing water supplies, treatment, and distribution infrastructure. More water and upgraded infrastructure could be necessary to service the project.

**Impact 4.11.5.2** EBMUD could require specific requirements associated with campus closure.

**Impact 4.11.5.3** After occupancy of the new Portola Middle School campus and at some time in the future, WCCUSD may decide to demolish the existing Portola Middle School buildings and perform site stabilization work. EBMUD may have specific requirements associated with building demolition.

**Impact 4.11.6.1** The proposed project would incorporate wastewater demand reduction and water conservation strategies outlined in the CHPS standards and would demonstrate increased

efficiency; however implementation of the proposed project could result in increased wastewater collection and treatment demand or require upgrades to the existing wastewater collection system.

**Impact 4.11.6.2** The proposed project could be required to comply with Stege Sanitary District specific requirements related to the closure of the Portola school.

**Impact 4.11.6.3** After occupancy of the new Portola Middle School campus and at some time in the future, WCCUSD may decide to demolish the existing Portola Middle School buildings and perform site stabilization work. Stege Sanitary District may have specific requirements associated with building demolition and site stabilization.

**Impact 4.11.7.1** Solid waste hauling from construction activities could cause pick-up and loading impacts upon surrounding streets.

**Impact 4.11.7.2** The new Portola Middle School campus would generate solid waste to be disposed of by a solid waste service provider. Increased use of Castro Park facilities could result in an increased demand of solid waste and recycling services provided by the City of El Cerrito.

**Impact 4.11.8.1** Implementation of the proposed project may require new electrical, natural gas, and telephone infrastructure to connect to existing infrastructure. Although the service providers for electricity, natural gas, and telephone service are currently servicing the existing Castro Elementary School campus, the design of the new Portola Middle School campus could require modifications to the existing utility connections and require work within streets adjacent to the campus. There may be a need to obtain utility connection approvals from the City of El Cerrito.

#### **Findings:**

Based on the whole record, this Board finds that implementation of the mitigation measures set forth in the MMRP will reduce any impacts on Public Services and Utilities to less-than-significant levels. (LS)

## **D.2 IMPACTS ANALYZED IN THE DRAFT EIR AND DETERMINED TO BE SIGNIFICANT AND UNAVOIDABLE**

After careful analysis and consideration, it has been determined that the following impacts cannot be mitigated by the District to less-than-significant and therefore will be **significant and unavoidable**:

### **4.4 Cultural and Paleontological Resources**

**Impact 4.4.5** Subsequent to closure of the Portola Middle School campus WCCUSD will dispose of the property either by selling or demolishing the campus. The demolition of the Portola Middle School would likely be a significant and unavoidable impact.



- Impact 4.4.13 Implementation of the proposed project could result in the demolition of the Portola Middle School. This impact along with other potential impacts to historic resources associated with foreseeable development in the City of El Cerrito, City of Richmond, and Contra Costa County is considered cumulatively considerable and significant and unavoidable.

#### **4.5 Geology and Soils**

- Impact 4.5.5 The existing Portola Middle School is located in a seismically active area and could be subject to ground shaking in the event of an earthquake. This impact is considered potentially significant.
- Impact 4.5.11 The existing Portola Middle School site is located on a site that is underlain by landslide debris. Therefore, landslide impacts at this site are considered potentially significant.
- Impact 4.5.14 The existing Portola Middle School is located on geologic materials that are unstable and prone to landslide. The presence of these materials has resulted in the need to close the campus. This impact is considered potentially significant.

### **D.3 CUMULATIVE IMPACTS ANALYZED IN THE DRAFT EIR**

CEQA Guidelines state that an EIR shall discuss cumulative impacts of a project when its incremental effect is cumulatively considerable (CEQA Guidelines section 15355(b)). A cumulative impact from several projects is a change in the environment that results from the incremental impact of a project when added to other related projects.

According to CEQA Guidelines Section 15130(b)(1) an adequate discussion of cumulative impacts should be based on either 1) a list of relevant past, present and reasonably anticipated future projects that would produce related or cumulative impacts or 2) a summary of projections contained in a General Plan.

#### **Facts:**

The District undertook a Draft and Final EIR that together assembled and analyzed the potential cumulative environmental impacts, if any, of the Project, which analysis is set forth more fully in Chapter 5.0 of the DEIR.

#### **Findings:**

*Based on the entire record, the Board finds that, by undertaking the EIR, the District analyzed reasonably anticipated future projects that may produce related or cumulative impacts, which will be lessened to less-than-significant levels, except for any that have been identified as*

*significant and unavoidable. The Board further finds that a Statement of Overriding Considerations will be adopted for the latter category of impacts.*

#### **E. PROJECT BENEFITS**

In addition to the site-specific objectives identified above, the Project will also have the following significant benefits:

- (1) A new middle school for students within the neighboring communities;
- (2) Functional instructional and administrative space to meet the District's educational program needs and requirements;
- (3) Adequate classrooms, laboratories, and libraries to meet contemporary standards of education;
- (4) New and modern recreational facilities that can be used by members of the public; and
- (5) Participation in a collaborative partnership with other educational providers, the business community, and local government to better serve the community.

#### **F. ALTERNATIVES TO THE PROJECT**

The California Environmental Quality Act (CEQA) requires discussion of a reasonable range of project alternatives that could feasibly attain the project's objectives (CEQA Guidelines section 15126.6(a)). An EIR must evaluate a reasonable range of alternatives to the project or to the location of the project that: (1) offers substantial environmental advantages over the proposed project, and (2) may be feasibly accomplished in a successful manner and within a reasonable period of time considering the economic, environmental, legal, social and technological factors involved.

The selection of alternatives for analysis is described in Chapter 6.0 of the Draft EIR. Each alternative to the proposed project was evaluated for its ability to reduce or eliminate impacts. Four alternatives are evaluated in this section:

- **Alternative 1 – No Project/No Relocation to Castro**
- **Alternative 2 – Relocation of Portola Students to Fairmont Elementary Campus:**
- **Alternative 3 – Relocation of Portola Students to El Cerrito High School**
- **Alternative 4 – Alternative (non-District-owned) Site**
- **Alternative 5 – Alternative to the Reassignment Plan**

The purpose in analyzing alternatives to a proposed project is to determine if an alternative is capable of eliminating or reducing potential significant adverse environmental effects, "even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly" (CEQA Guidelines section 15126.6[b]). The following discussion sets forth the District's evaluation of each of the alternatives to determine whether there are feasible

alternatives to the proposed action (CEQA Guidelines section 15126.6[b]) and whether the alternative can eliminate or substantially lessen significant impacts previously described in the document for the proposed action.

## **F.1 SELECTION OF ALTERNATIVES TO BE CONSIDERED IN THE EIR**

The selection of alternatives for analysis is described in Chapter 6.0 of the Draft EIR. Each alternative to the proposed project was evaluated for its ability to reduce or eliminate impacts. The purpose in analyzing alternatives to a proposed project is to determine if an alternative is capable of eliminating or reducing potential significant adverse environmental effects, "even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly" (CEQA Guidelines section 15126.6[b]). The following discussion set forth provides the District's evaluation of each of the alternatives to determine whether there are feasible alternatives to the proposed action (CEQA Guidelines section 15126.6[b]) and whether the alternative can eliminate or substantially lessen significant impacts previously described in the document for the proposed action. A discussion of those off-site and on-site alternatives eliminated from further consideration is also provided.

The DEIR assesses five alternatives to the proposed project including a "no project" alternative in which no development occurs on the project site and development alternatives as described below. The reader is also referred to Section 6.0, Alternatives to the Project, of the DEIR for a full description of the project alternatives and a comparative analysis between the proposed project and the alternatives. Please note that the text of the alternatives shown below reflects revisions made as the result of comments received during the public review period.

**Alternative 1 – No Project/No Relocation to Castro.** Under this alternative, no relocation of Portola students to the Castro campus would occur. The Castro project site would remain in its existing physical condition, and operations at the project site would remain as they are. Students from the Castro Elementary School would not be reassigned as noted under the proposed project. The Portola students would be relocated within one of the other middle schools within the District.

**Alternative 2 – Relocation of Portola Students to Fairmont Elementary Campus.** This alternative would build a new 600 student middle school on the 4.6 acres at the Fairmont Campus site located between Stockton Avenue and Eureka Street and between Kearney Street and Lexington Avenue. Additionally nine parcels would be acquired to create a new site the size of 6.6 acres. The Fairmont Elementary school students would then move to the Alvarado site in the City of Richmond. This alternative would allow for the primary project objective to retain the middle school in El Cerrito. This alternative would potentially reduce impacts associated with aesthetics, biological resources, safety, traffic, and noise relative to the proposed project; however, it would require the acquisition/condemnation of several private properties in the project area.

**Alternative 3 – Relocation of Portola Students to El Cerrito High School.** This alternative would use the available unused capacity in new buildings at El Cerrito High School and allow for the construction of new middle school buildings adjacent to the high

school, essentially creating a 7-12 middle/high school combination and making use of available unused capacity in new buildings (WCCUSD, 2007a). Under this alternative, no relocation of Portola Middle School students to the Castro Elementary School campus would occur. This alternative would allow for the primary project objective to retain the middle school in El Cerrito. In particular, this alternative would potentially reduce impacts associated with biological resources, cultural resources, geology and soils, human health/risk of upset, noise, schools, and parks relative to the proposed project; however, other impacts still remain such as site safety issues and future growth limitations. The primary reason this alternative was deemed infeasible by the District was that the site was only 80,000 square feet and would essentially have eliminated the existing soccer field for El Cerrito High School use making the relocation to that site too intrusive.

**Alternative 4 – Alternative (non-District-owned) Site.** This alternative would focus on the largest potential site available in the City of El Cerrito (and partially Richmond). The 2.58-acre Dolan Lumber site is located along Central Avenue between San Mateo Street and Belmont Avenue and has the potential to expand to 7.4 acres by adding several properties. This alternative would allow for the primary project objective to retain the middle school mostly within El Cerrito. The site is currently largely undeveloped, but occupied partially by a commercial tenant. Up to 20 parcels would need to be acquired by the District to expand the site to 7.4 acres. Under this alternative, no relocation of Portola Middle School students to the Castro Elementary School campus would occur. In particular, this alternative is considered in regard to potentially reducing impacts associated with aesthetics, biological resources, air quality, noise, traffic and parking, schools and parks relative to the proposed project; however, other impacts are noted as to traffic and pedestrian access on Central Avenue, hydrological impacts to a concrete-lined open water channel and concerns regarding safety of students in an area that was formerly predominated by industrial section of the City.”

**Alternative 5 – Alternative to the Reassignment Plan.** This alternative involves reassigning students to schools that share a common boundary with Castro Elementary School. These include Fairmont Elementary School, Harding Elementary School, Madera Elementary School and Stege Elementary School. Regular education students would be assigned to these schools. Special needs students would be reassigned to several different schools within the District, including Fairmont Elementary, Harding Elementary or Murphy Elementary. This alternative would result in separating special education students among several campuses rather than keeping them together as is currently the case at the Castro campus.<sup>1</sup>

## **F.2 FINDINGS REGARDING ALTERNATIVES**

### **Alternative 1: No Project/No Relocation to Castro**

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<sup>1</sup> The description of the Alternative to the Reassignment Plan is a summary based on the "Castro Student Reassignment" Board Presentation, May 21, 2008. For a detailed description of each Possible Reassignment Option, refer to the entire presentation contained in **Appendix I**.

### **Ability to Meet Project Objectives**

As discussed more fully in the Chapter 6.0 of the DEIR, Alternative 1 would not meet all Project Objectives.

### **Alternative 2: Relocation of Portola Students to Fairmont Elementary Campus:**

#### **Ability to Meet Project Objectives**

As discussed more fully in the Chapter 6.0 of the DEIR, although Alternative 2 would meet most of the objective of the Project, it will not meet all Project Objectives.

### **Alternative 3: Relocation of Portola Students to El Cerrito High School**

#### **Ability to Meet Project Objectives**

As discussed more fully in the Chapter 6.0 of the DEIR, although Alternative 3 would meet most of the objective of the Project, it will not meet all Project Objectives.

### **Alternative 4: Alternative (non-District-owned) Site**

#### **Ability to Meet Project Objectives**

As discussed more fully in the Chapter 6.0 of the DEIR, although Alternative 4 would meet most of the objective of the Project, it will not meet all Project Objectives. .

### **Alternative 5: Alternative to the Reassignment Plan**

#### **Ability to Meet Project Objectives**

As discussed more fully in the Chapter 6.0 of the DEIR, although Alternative 4 would meet most of the objective of the Project, it will not meet all Project Objectives. .

### **Findings:**

1. *Based on the whole record, this Board finds that the No Project Alternative would be the environmentally superior alternative because there would be no change to the existing physical characteristic of the project area as contemplated by construction of the Project. However, this alternative would not achieve the major objectives of the Project*
2. *Under CEQA Guidelines Section 15126.6(e)(2), if the environmentally superior alternative is the No Project/No Relocation to Castro Alternative (Alternative 1), then another environmentally superior alternative must be identified. Based on the whole records, the District finds that Alternative 3 would be considered the environmentally superior alternative, second to the No Project Alternative (Alternative 1), as this option would meet most of the goals of the project and provide for some level of impact*

*reduction. Co-locating the proposed Portola Middle School on the newly renovated El Cerrito High School campus would utilize unused areas on the site and take advantage of classroom space currently available to house middle school students. Alternative 2 would involve moving the existing Portola Campus and the Fairmont Campus. While this alternative would result in the least impact to the full inclusion program, it would result in four impacts worse than the proposed project relative to land use, cultural resources, air quality and public services (electricity, natural gas and telephone). Alternative 4 would require extensive land acquisition and site preparation in order to convert the site from its previous use as the Dolan Lumber yard. The site would be partially in Richmond rather than entirely in the City of El Cerrito. As a result, this alternative had the least benefits relative to the proposed project. Lastly, Alternative 5 was the most similar to the proposed project with only one impact that was better. Therefore, overall, Alternative 3 is considered the environmentally superior alternative.*

3. *Based on the whole record, the Board finds that the Project as described in the EIR will provide the best opportunity to carry out the Project Objectives with most environmental impacts mitigated to less-than-significant levels, except as described herein.*

#### **G. STATEMENT OF OVERRIDING CONSIDERATIONS**

This section of the Findings addresses the requirements in CEQA Guidelines Section 15093. It requires the lead agency to balance the benefits of a proposed project against its unavoidable significant impacts and to determine whether the impacts are acceptably overridden by the project benefits (outlined in Section E). As described above, the Project would produce project specific unavoidable significant impacts.

#### **Findings:**

1. *The Board finds that the previously stated major benefits of the Project as contained in the proposed action and described in Section E outweigh the unavoidable significant adverse environmental impacts noted herein. Each of the separate benefits of the Project cited in Section E is hereby determined to be, in itself and independently of the other project benefits, a basis for overriding all unavoidable environmental impacts identified in the EIR and in these findings.*
2. *The Board finds that the findings set forth in the preceding sections have identified all of the adverse environmental impacts and the feasible mitigation measures which can reduce impacts to insignificant levels where feasible, or to the lowest feasible achievable levels where significant impacts remain. The findings have also analyzed alternatives to the project (Section F) to determine whether they are reasonable or feasible alternatives to the proposed action or whether they might reduce or eliminate the significant impacts of the proposed action. The Draft and Final EIR present evidence that implementing the Project will cause twelve significant adverse impacts, which cannot be substantially mitigated to a less than significant level. These significant impacts have been outlined above and the Board finds that all feasible alternatives and mitigation measures have been adopted or identified for implementation by the District or other responsible agencies.*

3. *The Board finds that the project's benefits are substantial and override the following unavoidable impacts set forth in Section D above.*
4. The Board finds that, as the CEQA lead agency for the proposed action, the District has reviewed the project description in the EIR and Section A of this document and fully understands the Project. Further, the Board finds that all potential adverse environmental impacts and all feasible mitigation measures to reduce these impacts have been identified in the Draft EIR, and the Final EIR (the EIR) and public comments. These impacts and mitigation measures are discussed in Section D. The Board also finds that a reasonable range of alternatives was considered in the EIR and this document (Section F) and that no feasible alternatives that substantially lessen project impacts that are significant and unavoidable are available for adoption.
5. *The Board finds that the District has identified benefits and objectives (Section E), which will result from implementing the proposed project and that the District has balanced these benefits against the unavoidable significant adverse effects of the proposed project.*
6. *The Board finds that the benefits identified herein override the unavoidable environmental effects in light of the substantial social and economic benefits that will accrue to the community from the Project.*

## 5.0 FINAL MITIGATION MONITORING AND REPORTING PROGRAM

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### 5.1 INTRODUCTION

This document is the Final Mitigation Monitoring and Reporting Program (MMRP) for the Construction and Renovation of Castro Elementary School to Replace Portola Middle School Project (Project) Environmental Impact Report. This MMRP has been prepared pursuant to Section 21081.6 of the California Public Resources Code, which requires public agencies to "adopt a reporting and monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment." An MMRP is required for the proposed project because the EIR has identified significant adverse impacts, and measures have been identified to mitigate those impacts.

The numbering of the individual mitigation measures follows the numbering sequence as found in the EIR.

### 5.2 MITIGATION MONITORING AND REPORTING PROGRAM

The MMRP, as outlined in the following table, describes mitigation timing, monitoring responsibilities, and compliance verification responsibility for all mitigation measures identified in this Final EIR.

West Contra Costa Unified School District (WCCUSD) will be the primary agency, but not the only agency, responsible for implementing the mitigation measures. In some cases, WCCUSD or other public agencies will implement measures. WCCUSD will continue to monitor mitigation measures that are required to be implemented during the operation of the project.

The MMRP is presented in tabular form on the following pages. The components of the MMRP are described briefly below:

- **Mitigation Measures:** The mitigation measures are taken from the Draft EIR, in the same order that they appear in the Draft EIR. No revisions were necessary to the mitigation measures included in the Draft EIR.
- **Mitigation Timing:** Identifies at which stage of the project mitigation must be completed.
- **Monitoring Responsibility:** Identifies the party that is responsible for mitigation monitoring.
- **Compliance Verification Responsibility:** Identifies the party that is responsible for verifying compliance with the mitigation. In some cases, verification will include contact with responsible state and federal agencies.



## 5.0 FINAL MITIGATION MONITORING AND REPORTING PROGRAM

**TABLE 5.0-1  
MITIGATION MONITORING AND REPORTING PROGRAM**

Proposed Mitigation	Summary of Measure	Monitoring Responsibility	Mitigation Timing	Verification (Date and Initials)
<b>4.2 Aesthetics</b>				
<b>MM 4.2.6</b>	The project applicant shall prepare a landscape plan for the project site identifying trees and shrubs that will provide adequate screening for the perimeter of the site. The plan shall be prepared by a qualified landscape architect and shall specify the types of species to be used, height, and water requirements. Drought-tolerant species shall be incorporated to minimize water usage. The landscape plan shall be consistent with CDFG requirements for trees and the City of El Cerrito master street tree list.	WCCUSD in consultation with CDFG and the City of El Cerrito	Prior to project approval	
<b>MM 4.2.7</b>	The District shall prepare a maintenance plan to provide for upkeep of the grounds of the existing Portola Middle School following its closure and vacation. Fencing shall be installed to secure the campus and reduce the potential for vandalism. Perimeter landscaping including lawns and shrubs shall be maintained to avoid overgrowth or dry vegetation which would be unsightly and potentially present a fire hazard.	WCCUSD	A site maintenance plan prepared prior to closure of Portola Middle School and implemented following closure and vacation of campus	
<b>MM 4.2.11a</b>	A security lighting plan shall be submitted for the new Portola Middle School campus. The plan shall be prepared by a lighting expert and shall minimize the number and height of light poles to adequately light the campus. The lighting expert shall be either a California Registered Electrical Engineer or a Lighting Designer certified by the National Council on Qualifications for the Lighting Professions (NCQLP). Light shields shall be used whenever feasible to prevent light spillage onto adjacent properties. Light wattage shall be minimized to sufficiently provide campus security lighting.	WCCUSD	As part of final design plans	
<b>MM 4.2.11b</b>	The District shall include in the new Portola school design plans non-metal roofs and non-reflective materials to reduce glare.	WCCUSD	As part of final design plans	
<b>4.3 Biological Resources</b>				
<b>MM 4.3.2</b>	If site disturbance and construction activities are planned to occur during the nesting season for local avian species (typically March 1 through August 31), WCCUSD shall retain a qualified biologist to	WCCUSD and the CDFG and/or USFWS	Prior to site disturbance and project construction	

## 5.0 FINAL MITIGATION MONITORING AND REPORTING PROGRAM

Proposed Mitigation	Summary of Measure	Monitoring Responsibility	Mitigation Timing	Verification (Date and Initials)
	<p>conduct a focused survey for active nests of special-status birds within and in the vicinity of (no less than 250 feet outside project boundaries, where possible) the disturbance and construction area no more than 30 days prior to ground disturbance or tree removal. Surveys will focus on American peregrine falcon, osprey, loggerhead shrike, and other species protected under the MBTA, in all areas that may provide suitable nesting habitat.</p> <p>If active nests are found, trees with nesting birds shall not be disturbed until abandoned by the birds (normally after 1st of September) or a qualified biologist deems disturbance potential to be minimal (in consultation with USFWS and/or CDFG). Tree removal shall be restricted to a period following fledging of chicks, which typically occurs between late July and early August. If an active nest is located within the 250-foot survey area, other restrictions may include establishment of exclusion zones (no ingress of personnel or equipment at a minimum radius of 250 feet around the nest as confirmed by the appropriate resource agency) or alteration of the construction schedule. Reference to this requirement and the MBTA shall be included in the construction specifications.</p> <p>No action is necessary if construction will occur during the non-breeding season (generally September 1 through February 28).</p>			
MM 4.3.3	<p>To ensure that there will be no adverse impacts to roosting special-status bat species, a survey shall be conducted by a qualified biologist no more than 30 days prior to the removal of any trees, demolition of any existing structures, or building structural support work that occurs within the study area. If no bat roosts are detected, then no further action is required if the trees or buildings are removed or if the structural work is conducted prior to the next breeding season. If such work is delayed, then an additional pre-construction survey shall be conducted 30 days prior to removal of any trees or structures or conducting structural work to ensure that a new colony has not established itself. If bats are found roosting within the study area, then the following mitigation will be implemented to reduce the potential disturbance:</p> <p>While unlikely, if a female or maternity colony of bats is found within the PSA, and the project can be constructed without the elimination or disturbance of the roosting colony (e.g., if the</p>	WCCUSD and CDFG	Prior to site disturbance and project construction	

## 5.0 FINAL MITIGATION MONITORING AND REPORTING PROGRAM

Proposed Mitigation	Summary of Measure	Monitoring Responsibility	Mitigation Timing	Verification (Date and Initials)
	<p>colony roosts in a large tree not planned for removal), a qualified biologist shall determine what physical and time-limited buffer zones shall be employed to ensure the continued success of the colony. Such buffer zones may include a construction-free barrier of 200 feet from the roost and/or the timing of the construction activities outside of the maternity roosting season (after July 31 and before March 1).</p> <p>If an active nursery roost is known to occur within the study area and the project cannot be conducted outside of the maternity roosting season, consultation shall be initiated with CDFG to determine appropriate exclusionary or removal methods. The bats shall be excluded from the roosting site after July 31 and before March 1 to prevent the formation of maternity colonies. Non-breeding bats shall be safely evicted, under the direction of a qualified biologist.</p>			
<b>MM 4.3.8</b>	<p>If the District decides to demolish structures prior to the sale of the property or creation of additional facilities requires removal of trees, then the District shall (in a good faith effort) conduct a tree survey and prepare a plan to mitigate for impacts to this valuable resource. In consultation with the City staff, the tree plan shall indicate the species and size to be located within the study area prior to the completion of project plans. The tree survey shall indicate the health of the tree and whether or not it is planned for removal. For all existing trees to be retained, the tree plan shall require methods for tree protection from damage during construction. For all existing trees proposed for removal, the tree plan shall require and show the species and locations of the replacement trees at an appropriate ratio and size to mitigate for the tree loss. If trees cannot be replaced on-site, then the District shall coordinate with the City to determine an appropriate off-site location (such as the Hillside Natural Area) for mitigation replacement.</p> <p>For impacts to oak trees and other trees of interest (i.e., eucalyptus trees that provide habitat for nesting birds) (Gilmore, 2008) consultation shall be initiated with CDFG to determine appropriate mitigation. CDFG may require up to a replacement ratio of 3:1 for impacts to oak trees, but no less than a 2:1 ratio, as a result of project implementation.</p>	WCCUSD in consultation with CDFG and the City of El Cerrito Planning Department	Prior to completion of project plans	

## 5.0 FINAL MITIGATION MONITORING AND REPORTING PROGRAM

Proposed Mitigation	Summary of Measure	Monitoring Responsibility	Mitigation Timing	Verification (Date and Initials)
<b>4.4 Cultural Resources</b>				
<b>MM 4.4.2a</b>	Demolition plans and the grading plans shall include protocols and disclosures associated with the protection of inadvertently discovered cultural resources (i.e., prehistoric and historic resources). If cultural resources are discovered during project construction, work shall be halted immediately within 50 feet of the discovery. WCCUSD shall be immediately notified and a professional archaeologist that meets the Secretary of the Interior's Standards and Guidelines for Professional Qualifications in archaeology and/or history shall be retained to determine the significance of the discovery. WCCUSD shall review and implement the mitigation measures presented by the professional archaeologist. Such measures may include avoidance, preservation in place, excavation, documentation, curation, data recovery, or other appropriate measures. Construction personnel shall be informed about the type of cultural resources which could be encountered during grading activities. Project personnel shall not collect cultural resources found. Prehistoric cultural materials includes, but is not limited to, chert or obsidian flakes, projectile points, mortars, and pestles, dark friable soil that contains shell and bone dietary debris, heat-affected rock, human burials, shell midden deposits, hearth remains, and stone or shell artifacts. Historic material, including but not limited to, stone or adobe foundations or walls, structures and remains with square nails, whole or fragmentary ceramic, glass or metal objects, wood, nails, brick, or other materials may occur within the project area in deposits such as old privies or dumps.	WCCUSD	As a condition of project approval; During project construction	
<b>MM 4.4.2b</b>	Demolition plans and the grading plans shall include protocols and disclosures associated with the protection of inadvertently discovered human remains. If human remains are discovered during project construction, work shall be halted immediately within 50 feet of the discovery. WCCUSD shall be immediately notified and the County Coroner must be notified according to Section 5097.98 of the State PRC and Section 7050.5 of California's Health and Safety Code. If the remains are determined to be Native American, the coroner will notify the Native American Heritage Commission, and the procedures outlined in CEQA Section 15064.5(d) and (e) shall be followed.	WCCUSD	As a condition of project approval; During project construction	

## 5.0 FINAL MITIGATION MONITORING AND REPORTING PROGRAM

Proposed Mitigation	Summary of Measure	Monitoring Responsibility	Mitigation Timing	Verification (Date and Initials)
<b>MM 4.4.3</b>	Demolition plans and the grading plans shall include protocols and disclosures associated with the protection of inadvertently discovered paleontological resources. If paleontological resources (e.g., fossils) are discovered during project construction, work shall be halted immediately within 50 feet of the discovery. WCCUSD shall be immediately notified and WCCUSD shall coordinate any necessary investigation of the discovery with a qualified paleontologist. WCCUSD shall consider the mitigation recommendations of the qualified paleontologist for any unanticipated discoveries of paleontological resources. WCCUSD shall implement the measure or measures that are feasible and appropriate. Such measures may include avoidance, preservation in place, excavation, documentation, curation, or data recovery. WCCUSD shall be required to implement any mitigation necessary for the protection of paleontological resources. Construction personnel shall be informed about the type of paleontological resources which could be encountered during grading activities. Project personnel shall not collect paleontological resources found.	WCCUSD	As a condition of project approval; During project construction	
<b>MM 4.4.4a</b>	WCCUSD District shall consider appropriate means (e.g., signage) for identifying Portola Middle School as an historical resource.	WCCUSD	Prior to approval of project plans	
<b>MM 4.4.4b</b>	WCCUSD shall maintain the Portola Middle School buildings and campus at a level that will negate the potential for deterioration through neglect of any interior and exterior elements, including the campus landscaping, until the event when the campus would be sold or demolished.	WCCUSD	Ongoing	
<b>MM 4.4.5</b>	<p>Prior to the future disposition (i.e., sale or demolition) of Portola Middle School the following shall be completed by WCCUSD:</p> <ul style="list-style-type: none"> <li>Documentation of the Portola Middle School campus following Historic American Building Survey (HABS) and Historic American Engineering Record (HAER) guidelines by an architectural historian that meets Secretary of Interior's Standards and Guidelines for Professional Qualifications in architectural history and a photographer experienced in HABS/HAER documentation.</li> <li>Appropriate geotechnical and engineering studies to identify all feasible means of stabilizing Portola Middle School.</li> </ul>	WCCUSD	Prior to sale or demolition of Portola Middle School	

## 5.0 FINAL MITIGATION MONITORING AND REPORTING PROGRAM

Proposed Mitigation	Summary of Measure	Monitoring Responsibility	Mitigation Timing	Verification (Date and Initials)
	<ul style="list-style-type: none"> <li>Economic feasibility studies to identify costs associated with the potential stabilization and/or adaptive reuse of the school campus. The economic feasibility study should include use of the State Historic Building Code for adaptive reuse of the school.</li> </ul> <p>If geotechnical and engineering studies and economic feasibility studies determine that the campus is a candidate for adaptive reuse, WCCUSD shall consider its reuse and/or investigate the sale of the property to all potential buyers, including private and public entities and non-profit organizations using an appropriate real estate agency for a reasonable amount of time prior to consideration of demolition of the property.</p> <p>If demolition of the Portola Middle School is identified as the only feasible means of disposing of the school, appropriate documentation (i.e., HABS/HAER documents and a Historic Structure Report) shall be submitted to the State Historic Preservation Officer for review and concurrence with the identification of demolition as the only feasible means of disposing of the property. Within a timeframe feasible to the District, after closure and vacation of Portola Middle School campus, the buildings shall be demolished or stabilized to preclude a seismically induced collapse or partial collapse of the subject buildings, as determined by a qualified geotechnical engineer, geologist or other appropriately qualified expert.</p>			
<b>MM 4.4.6a</b>	<p>Demolition plans shall include protocols and disclosures associated with the protection of inadvertently discovered cultural resources (i.e., prehistoric and historic resources). If cultural resources are discovered during project construction, work shall be halted immediately within 50 feet of the discovery. WCCUSD shall be immediately notified and a professional archaeologist that meets the Secretary of the Interior's Standards and Guidelines for Professional Qualifications in archaeology and/or history shall be retained to determine the significance of the discovery. WCCUSD shall review and implement the mitigation measures.</p> <p>Construction personnel shall be informed about the type of cultural resources which could be encountered during grading activities. Project personnel shall not collect cultural resources found. Prehistoric cultural materials includes, but is not limited to, chert or</p>	WCCUSD	As a condition of project approval; During project construction	

## 5.0 FINAL MITIGATION MONITORING AND REPORTING PROGRAM

Proposed Mitigation	Summary of Measure	Monitoring Responsibility	Mitigation Timing	Verification (Date and Initials)
	obsidian flakes, projectile points, mortars, and pestles, dark friable soil that contains shell and bone dietary debris, heat-affected rock, human burials, shell midden deposits, hearth remains, and stone or shell artifacts. Historic material, including but not limited to, stone or adobe foundations or walls, structures and remains with square nails, whole or fragmentary ceramic, glass or metal objects, wood, nails, brick, or other materials may occur within the project area in deposits such as old privies or dumps.			
<b>MM 4.4.6b</b>	Demolition plans shall include protocols and disclosures associated with the protection of inadvertently discovered human remains. If human remains are discovered during project construction, work shall be halted immediately within 50 feet of the discovery. WCCUSD shall be immediately notified and the County Coroner must be notified according to Section 5097.98 of the State PRC and Section 7050.5 of California's Health and Safety Code. If the remains are determined to be Native American, the coroner will notify the Native American Heritage Commission, and the procedures outlined in CEQA Section 15064.5(d) and (e) shall be followed.	WCCUSD	As a condition of project approval; During project construction	
<b>MM 4.4.7</b>	Demolition plans shall include protocols and disclosures associated with the protection of inadvertently discovered paleontological resources. If paleontological resources (e.g., fossils) are discovered during project construction, work shall be halted immediately within 50 feet of the discovery. WCCUSD shall be immediately notified and WCCUSD shall coordinate any necessary investigation of the discovery with a qualified paleontologist. WCCUSD shall consider the mitigation recommendations of the qualified paleontologist for any unanticipated discoveries of paleontological resources. WCCUSD shall implement the measure or measures that are feasible and appropriate. Such measures may include avoidance, preservation in place, excavation, documentation, curation, or data recovery. WCCUSD shall be required to implement any mitigation necessary for the protection of paleontological resources. Construction personnel shall be informed about the type of paleontological resources which could be encountered during grading activities. Project personnel shall not collect paleontological resources found.	WCCUSD	As a condition of project approval; During project construction	

## 5.0 FINAL MITIGATION MONITORING AND REPORTING PROGRAM

Proposed Mitigation	Summary of Measure	Monitoring Responsibility	Mitigation Timing	Verification (Date and Initials)
<b>MM 4.4.11</b>	Implement mitigation measures MM 4.4.2a, 4.4.2b, and 4.4.3.	WCCUSD	Prior to approval of project plans; Ongoing; During project construction; Prior to sale or determination of disposition of Portola Middle School	
<b>MM 4.4.12</b>	Implement mitigation measures MM 4.4.6a, 4.4.6b, and 4.4.7.	WCCUSD	Prior to approval of demolition plans; Ongoing; During demolition of Portola Middle School	
<b>MM 4.4.13</b>	Implement mitigation measure MM 4.4.5.	WCCUSD	Prior to sale or demolition of Portola Middle School	
<b>4.5 Geology and Soils</b>				
<b>MM 4.5.4</b>	The proposed project shall comply with the recommendations of all geotechnical engineering reports and geologic and seismic hazard evaluations prepared for the proposed project.	Division of State Architect	On building plans and specifications prior to start of construction activities	
<b>MM 4.5.5</b>	The District shall consider demolition or stabilization of existing structures to prevent damage and/or danger associated with building collapse should a seismic event occur. Within a timeframe feasible to the District, after closure and vacation of Portola Middle School campus, the buildings shall be demolished or stabilized to preclude a seismically induced collapse or partial collapse of the subject buildings, as determined by a qualified geotechnical engineer, geologist or other appropriately qualified expert.	WCCUSD	After closure and vacation of Portola Middle School	
<b>MM 4.5.16a</b>	For preliminary design, footings shall be bottomed in native soils or re-compacted fill shall be designed for a dead plus live load bearing pressure of 3,000 pounds per square foot.	WCCUSD and Division of the State Architect's review of plans and specifications	As part of preliminary design, plans and specifications	
<b>MM 4.5.16b</b>	If isolated areas of loose or soft fill are encountered during construction, they shall be removed and replaced with compacted, engineered fill. New buildings shall have foundations placed in bedrock (where possible) or shallow fills and shall avoid spanning across deep differential fill transitions. Deeper fills and slopes shall be avoided.	WCCUSD	As a condition of project approval/during construction	



## 5.0 FINAL MITIGATION MONITORING AND REPORTING PROGRAM

Proposed Mitigation	Summary of Measure	Monitoring Responsibility	Mitigation Timing	Verification (Date and Initials)
<b>MM 4.5.16c</b>	Footings shall be founded a minimum of 18 inches below lowest adjacent grade.	WCCUSD	As a condition of project approval/during construction	
<b>4.6 Human Health/Risk of Upset</b>				
<b>MM 4.6.1</b>	The staging areas for each phase of the proposed project shall be identified on the project plans, including the area that will be used for storing materials and equipment. Where feasible, storage areas shall be located away from sensitive uses (nearby residents, park areas, drainages, etc.). During project construction, the staging area shall be fenced, secured, and have access restricted.	WCCUSD	Prior to approval of project plans; installation must occur prior to project construction	
<b>MM 4.6.2</b>	Demolition plans and the grading plans shall include protocols and disclosures addressing potential discovery of hazardous materials, clearly stating stop work policies associated with any materials discovery, the associated agencies with jurisdictional responsibility for the materials, contact information for the City of El Cerrito and County Health Services Department and any other agency to be notified, and the required methods of disposal for materials. If materials are encountered, the area shall be fenced.	WCCUSD	Prior to approval of project plans	
<b>MM 4.6.3a</b>	All required hazard reviews, studies, and risk assessments and WCCUSD Board certifications shall be completed prior to the commencement of project construction. This includes, but is not limited to, the required form, report, project plans, and Board certification submittals to Department of Toxic Substances Control (DTSC) and California Department of Education/School Facilities Planning Department (CDE/SFPD). As part of the required CDE/SFPD approvals, any necessary hazard abatement plans and safety plans shall be prepared and documented, such as for naturally occurring asbestos, asbestos-containing materials, PCBs, lead, organochlorines, and other hazardous materials. All worker safety protocols shall be outlined in the project plans as outlined by the U.S. EPA, federal Occupational Safety and Health Administration (OSHA), CalOSHA, Bay Area Air Quality Management District (BAAQMD), and other regulatory agencies with related jurisdiction.	WCCUSD, DTSC, and CDE/SFPD	Prior to site disturbance activities	

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Proposed Mitigation	Summary of Measure	Monitoring Responsibility	Mitigation Timing	Verification (Date and Initials)
<b>MM 4.6.3b</b>	If project plans require trenching and installation of water pipelines in areas of the project site identified as containing contaminated soil or contaminated groundwater, these hazards shall be remediated in coordination with East Bay Municipal Utility District (EBMUD) policies so as to limit worker exposure to hazards.	WCCUSD and EBMUD	Prior to site disturbance activities	
<b>MM 4.6.3c</b>	Prior to completion of project plans and commencement of project construction, the campus shall be tested for the potential for construction worker and future occupant exposure to radon gas. Protocols for addressing any radon presence shall be incorporated into the project plans.	WCCUSD	Prior to completion of project plans; prior to site disturbance activities	
<b>MM 4.6.5a</b>	Prior to the undertaking of grading or other site work as part of maintenance or capital improvement projects at Castro Park, demolition and grading plans shall include protocols and disclosures associated with grading or site work at the project site, clearly stating stop work policies associated with any materials discovery, the associated agencies with jurisdictional responsibility for the materials, contact information for the City of El Cerrito and County Health Services Department and any other agency to be notified, and required methods of disposal for materials. If materials are encountered, the area shall be fenced, secured, and have access restricted.	WCCUSD	Prior to site disturbance activities at Castro Park	
<b>MM 4.6.5b</b>	WCCUSD shall coordinate the update of any Joint-Use Agreement with the City of El Cerrito to specifically include the protocols and disclosures required for any WCCUSD and/or City-initiated maintenance or capital improvement projects to be undertaken at Castro Park.	WCCUSD and City of El Cerrito	Incorporation into Joint-Use Agreement	
<b>MM 4.6.7a</b>	In the event that project plans are required for any building or campus maintenance work at Portola Middle School, WCCUSD shall incorporate the disclosures, protocols, and other requirements of DTSC, OSHA, and associated agencies with jurisdiction into the project plans.	WCCUSD	Prior to approval of any required project plans for any building maintenance work	
<b>MM 4.6.7b</b>	WCCUSD shall coordinate with Stege Sanitary District to determine and implement any specific requirements associated with campus closure, including any need to address existing wastewater lines.	WCCUSD and Stege Sanitary District	Prior to approval of project plans	

## 5.0 FINAL MITIGATION MONITORING AND REPORTING PROGRAM

Proposed Mitigation	Summary of Measure	Monitoring Responsibility	Mitigation Timing	Verification (Date and Initials)
<b>4.7 Hydrology and Water Quality</b>				
<b>MM 4.7.5a</b>	<p>Best management practices (BMPs) for post-construction project operation shall be implemented and maintained throughout the life of the project and shall include, at a minimum, the following:</p> <p>At least 85 to 90 percent of annual average stormwater runoff from the site shall be treated per the standards in the 2003 California Stormwater Best Management Practices and Redevelopment Handbook (updated September 2004). Drainage from all paved surfaces, including the parking lots, driveways, and roofs, would be routed either through swales, buffer strips, or sand filters or treated with a filtering system prior to discharge to the storm drain system. Landscaping shall be designed to effect some treatment, if feasible, along with the use of a stormwater management filter to permanently sequester hydrocarbons. The specifications of the StormFilter® by Stormwater Management, Inc. adequately meets the requirements of the Regional Water Quality Control Board for a "box-in-ground" filtering system. A filtering system with similar specifications may be used based on the size of the project site, if landscape-based stormwater treatment measures cannot effect the required level of treatment. Roofs shall be designed with down spouting into landscaped areas, bubbleups, or trenches. Permeable pavers and pavement shall be utilized in construction of the project, where appropriate.</p> <p>When feasible, stormwater treatment controls should be integrated into the site design (e.g., porous pavement, modular pavers, biofilters) rather than manufactured treatment controls.</p> <p>The project shall prepare a Stormwater Control Plan (SCP) in accordance with the Contra Costa Clean Water Program Stormwater C.3 Guidebook. The SCP must be developed simultaneously with the preliminary project site, drainage and landscaping plans.</p>	WCCUSD in cooperation with the El Cerrito Community Development Building Division, and San Francisco Bay Regional Water Quality Control Board	Plans and specifications for the project shall incorporate appropriate design standards prior to approval of grading and/or improvement plans	
<b>MM 4.7.5b</b>	<p>Drainage facilities and other stormwater treatment systems, for purposes of collecting and treating runoff, shall be designed in accordance with the requirements of the City of El Cerrito and Contra Costa Countywide Clean Water Program Guidelines that are in effect at the time of submittal, to the satisfaction of the El Cerrito Community Development Department, Building Division.</p>	WCCUSD in cooperation with the El Cerrito Public Works Department and San Francisco Bay Regional Water Quality Control Board	Plans and specifications for the project shall incorporate appropriate design standards prior to approval of grading and/or improvement plans.	

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Proposed Mitigation	Summary of Measure	Monitoring Responsibility	Mitigation Timing	Verification (Date and Initials)
<b>MM 4.7.5c</b>	The WCCUSD shall prepare and submit final drainage plans to the City for review prior to approval of the proposed project. The plans shall provide design details regarding pervious and impervious surfaces on the project site as well as bioswales and other drainage features proposed to convey stormwater flows from the project site. The drainage plans shall demonstrate that the project achieves a 25 percent or greater reduction in surface runoff in accordance with CHPS standards.	WCCUSD in cooperation with City of El Cerrito Community Development Department, Building Division	Prior to approval of improvement plans	
<b>MM 4.7.7</b>	As part of the submittal of Improvement Plans for the project, the WCCUSD shall submit and obtain approval of a hydrology study and drainage plan in conformance with the requirements of the City of El Cerrito Public Works Department, the Contra Costa Clean Water Program Stormwater Quality Management Plan C.3 stormwater quality control provisions, and NPDES requirements that are in effect at the time of submittal. The report shall be prepared by a Registered Civil Engineer and shall, at a minimum, include the following:  Written text addressing existing conditions, the effects of project improvements, all appropriate calculations, a watershed map, increases in downstream flows (if applicable), details of proposed on- and off-site improvements (e.g., bioswales), features to protect downstream uses, and property and drainage easements to accommodate downstream flows from this project.	WCCUSD in cooperation with the El Cerrito Public Works Department, and San Francisco Bay Regional Water Quality Control Board	Prior to approval of improvement plans	
<b>4.8 Traffic and Circulation</b>				
<b>MM 4.8.1</b>	As a condition of project approval, the project applicant shall submit a Traffic Control Plan for the City's approval prior to issuance of the grading and building permits. The Traffic Control Plan shall specifically designate travel routes for large vehicles and also stipulate that site access points be monitored and controlled by flaggers for large construction vehicle ingress and egress. Furthermore, the plan shall include provisions for regular street sweeping near the site and require that construction employee parking be provided on the project site to eliminate conflicts with nearby residential parking areas. The plan shall indicate how parking for construction workers will be provided during construction. The following recommendations shall be considered	WCCUSD and City of El Cerrito Public Works Department and Police Department	Prior to approval of project plans	

## 5.0 FINAL MITIGATION MONITORING AND REPORTING PROGRAM

Proposed Mitigation	Summary of Measure	Monitoring Responsibility	Mitigation Timing	Verification (Date and Initials)
	<p>in the plan:</p> <ul style="list-style-type: none"> <li>Heavy equipment transport to and from the site shall not occur between the hours of 7:00 a.m. and 9:00 a.m. or 4:30 p.m. and 6:00 p.m. on weekdays.</li> <li>Material importation or exportation shall not occur between the hours of 7:00 a.m. and 9:00 a.m. or 4:30 p.m. and 6:00 p.m. on weekdays.</li> <li>Large truck and construction equipment ingress and egress to the site shall be limited to no more than 15 trucks per hour and shall not occur between the hours of 7:00 a.m. and 9:00 a.m. or 4:30 p.m. and 6:00 p.m. on weekdays.</li> <li>Specified locations for construction worker parking and storage of construction equipment and materials.</li> <li>Warning signs indicating frequent truck entry and exit should be posted adjacent to the project.</li> <li>Debris and mud on nearby streets caused by trucks shall be monitored daily and a street cleaning program shall be instituted.</li> <li>Truck drivers shall be notified of and required to use the most direct route between the site and the freeway as specified by the City.</li> </ul>			
<b>MM 4.8.2a</b>	The existing AC Transit bus routes that serve the existing Portola Middle School campus shall be re-routed to adequately serve the new Portola Middle School campus. Route changes will be coordinated in conjunction with the City of El Cerrito and AC Transit.	WCCUSD, City of El Cerrito, & AC Transit	Prior to approval of project plans	
<b>MM 4.8.2b</b>	The proposed bus turnout area on Donal Avenue shall be widened by a minimum of two feet to improve traffic operations and ensure the ability of vehicles to bypass parked buses.	WCCUSD, City of El Cerrito, & AC Transit	Prior to approval of project plans	
<b>MM 4.8.2c</b>	A WCCUSD staff monitor shall be present, if feasible, to assist in student drop-off and pick-up before school starts in the morning and after school lets out in the afternoon.	WCCUSD	Ongoing during Portola Middle School operation	

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Proposed Mitigation	Summary of Measure	Monitoring Responsibility	Mitigation Timing	Verification (Date and Initials)
MM 4.8.4	<p>As a condition of project approval, the project applicant shall submit a Traffic Control Plan for the City's approval prior to issuance of the grading or demolition permits for the existing Portola Middle School. The Traffic Control Plan shall specifically designate travel routes for large vehicles and also stipulate that site access points be monitored and controlled by flaggers for large construction vehicle ingress and egress. Furthermore, the plan shall include provisions for regular street sweeping near the site and require that construction employee parking be provided on the project site to eliminate conflicts with nearby residential parking areas. The plan shall indicate how parking for construction workers will be provided during construction. The following recommendations shall be considered in the plan:</p> <ul style="list-style-type: none"> <li>• Heavy equipment transport to and from the site shall not occur between the hours of 7:00 a.m. and 9:00 a.m. or 4:30 p.m. and 6:00 p.m. on weekdays.</li> <li>• Material importation or exportation shall not occur between the hours of 7:00 a.m. and 9:00 a.m. or 4:30 p.m. and 6:00 p.m. on weekdays.</li> <li>• Large truck and construction equipment ingress and egress to the site shall be limited to no more than 15 trucks per hour and shall not occur between the hours of 7:00 a.m. and 9:00 a.m. or 4:30 p.m. and 6:00 p.m. on weekdays.</li> <li>• Specified locations for construction worker parking and storage of construction equipment and materials.</li> <li>• Warning signs indicating frequent truck entry and exit should be posted adjacent to the project.</li> <li>• Debris and mud on nearby streets caused by trucks shall be monitored daily and a street cleaning program shall be instituted.</li> <li>• Truck drivers shall be notified of and required to use the most direct route between the site and the freeway as specified by the City.</li> </ul>	WCCUSD and City of El Cerrito Public Works Department and Police	Prior to approval of project plans	
<b>4.9 Air Quality</b>				
MM 4.9.1	BAAQMD-recommended mitigation measures for the control of	WCCUSD, City of El Cerrito	Prior to and during	

## 5.0 FINAL MITIGATION MONITORING AND REPORTING PROGRAM

Proposed Mitigation	Summary of Measure	Monitoring Responsibility	Mitigation Timing	Verification (Date and Initials)
	<p>short-term demolition and construction-generated emissions shall be implemented. These measures include, but are not limited to, the following:</p> <ul style="list-style-type: none"> <li>• Water all active construction areas at least twice daily.</li> <li>• Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard.</li> <li>• Pave, apply water three times daily, or apply non-toxic soil stabilizers on all unpaved access roads, parking areas, and staging areas at the construction sites.</li> <li>• Sweep (with water sweepers) all paved access roads, parking areas, and staging areas at the construction site on an as needed basis.</li> <li>• Sweep (with water sweepers) public streets adjacent to construction sites if visible soil material is carried onto the streets on an as needed basis.</li> <li>• Hydroseed or apply non-toxic soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more).</li> <li>• Enclose, cover, water twice daily, or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.).</li> <li>• Limit traffic speeds on unpaved roads to 15 miles per hour.</li> <li>• Install sandbags or other erosion control measures to prevent silt runoff to public roadways.</li> <li>• Install wheel washers for all exiting trucks or wash off the tires or tracks of all trucks and equipment leaving the construction site.</li> <li>• Install wind breaks at the windward sides of the construction areas.</li> <li>• Suspend excavation and grading activities when wind (as instantaneous gusts) exceeds 25 miles per hour.</li> <li>• Demolition activities shall comply with BAAQMD Regulation 11, Hazardous Pollutants, Rule 2, Asbestos Demolition, Renovation and Manufacturing.</li> </ul>	Public Works Department, and BAAQMD	construction and demolition and be written in contract specifications.	

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Proposed Mitigation	Summary of Measure	Monitoring Responsibility	Mitigation Timing	Verification (Date and Initials)
MM 4.9.2	<p>BAAQMD-recommended mitigation measures for the control of short-term demolition and construction-generated emissions shall be implemented. These measures include, but are not limited to, the following:</p> <ul style="list-style-type: none"> <li>• Water all active construction areas at least twice daily.</li> <li>• Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard.</li> <li>• Pave, apply water three times daily, or apply non-toxic soil stabilizers on all unpaved access roads, parking areas, and staging areas at the construction sites.</li> <li>• Sweep (with water sweepers) all paved access roads, parking areas, and staging areas at the construction site as needed.</li> <li>• Sweep (with water sweepers) public streets adjacent to construction sites if visible soil material is carried onto the streets as needed.</li> <li>• Hydroseed or apply non-toxic soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more).</li> <li>• Enclose, cover, water twice daily, or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.).</li> <li>• Limit traffic speeds on unpaved roads to 15 miles per hour.</li> <li>• Install sandbags or other erosion control measures to prevent silt runoff to public roadways.</li> <li>• Install wheel washers for all exiting trucks or wash off the tires or tracks of all trucks and equipment leaving the construction site.</li> <li>• Install wind breaks at the windward sides of the construction areas.</li> <li>• Suspend excavation and grading activities when wind (as instantaneous gusts) exceeds 25 miles per hour.</li> <li>• Demolition activities shall comply with BAAQMD Regulation 11, Hazardous Pollutants, Rule 2, Asbestos Demolition, Renovation and Manufacturing.</li> </ul>	WCCUSD, City of El Cerrito Public Works Department, and BAAQMD	Prior to and during any potential demolition and be written in contract specifications.	



## 5.0 FINAL MITIGATION MONITORING AND REPORTING PROGRAM

Proposed Mitigation	Summary of Measure	Monitoring Responsibility	Mitigation Timing	Verification (Date and Initials)
<b>4.10 Noise</b>				
<b>MM 4.10.1</b>	<p>The following measures shall be implemented to reduce construction-generated noise levels:</p> <ul style="list-style-type: none"> <li>Construction and demolition activities (excluding activities that would result in a safety concern to the public or construction workers) shall be limited to between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday, and between the hours of 8:00 a.m. and 5:00 p.m. on Saturdays. Construction activities shall be prohibited on Sundays and legal holidays.</li> <li>Construction and demolition equipment shall be properly maintained and equipped with noise-reduction intake and exhaust mufflers and engine shrouds, in accordance with manufacturers' recommendations. Equipment engine shrouds shall be closed during equipment operation.</li> <li>All equipment shall be turned off if not in use for more than 10 minutes.</li> <li>Temporary barriers shall be constructed along the northern boundary of the construction site sufficient to interrupt the line of sight between onsite construction activities and Cameron School. Barriers shall be constructed to a minimum height of eight feet above ground surface. Barrier construction materials may consist of, but are not necessarily limited to, the use of sound-rated curtains and/or wood panels and constructed with no visible air gaps between panels or at the ground surface.</li> <li>Prior to issuance of a building permit, the applicant shall provide the City with the name and telephone number of the individual empowered to manage construction noise from the project. An information sign shall be posted at the construction site entrance that identifies the permitted construction hours and provides a telephone number to call and receive information about the construction project or to report complaints regarding excessive noise levels. The designated construction contact shall record all noise complaints received and actions taken in response, and this record shall be submitted to the project planner and</li> </ul>	WCCUSD in coordination with the City of El Cerrito	Prior to and during construction and demolition and be written into contract specifications.	

## 5.0 FINAL MITIGATION MONITORING AND REPORTING PROGRAM

Proposed Mitigation	Summary of Measure	Monitoring Responsibility	Mitigation Timing	Verification (Date and Initials)
	<p>enforcement and monitoring personnel upon request.</p> <ul style="list-style-type: none"> <li>Written notification shall be provided to Cameron School a minimum of one week prior to commencing onsite construction activities so that any necessary precautions (such as rescheduling or relocation of interior noise-sensitive activities) can be implemented. The written notice shall include the name and telephone number of the individual empowered to manage construction noise from the project.</li> </ul>			
<b>MM 4.10.2</b>	<p>The following measures shall be implemented to reduce construction-generated noise levels:</p> <ul style="list-style-type: none"> <li>Construction and demolition activities (excluding activities that would result in a safety concern to the public or construction workers) shall be limited to between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday, and between the hours of 8:00 a.m. and 5:00 p.m. on Saturdays. Construction activities shall be prohibited on Sundays and legal holidays.</li> <li>Construction and demolition equipment shall be properly maintained and equipped with noise-reduction intake and exhaust mufflers and engine shrouds, in accordance with manufacturers' recommendations. Equipment engine shrouds shall be closed during equipment operation.</li> <li>All equipment shall be turned off if not in use for more than 10 minutes.</li> <li>Prior to issuance of a building permit, the applicant shall provide the City with the name and telephone number of the individual empowered to manage construction noise from the project. An information sign shall be posted at the construction site entrance that identifies the permitted construction hours and provides a telephone number to call and receive information about the construction project or to report complaints regarding excessive noise levels. The designated construction contact shall record all noise complaints received and actions taken in response, and this record shall be submitted to the project planner and enforcement and monitoring personnel upon request.</li> </ul>	WCCUSD in coordination with the City of El Cerrito.	Prior to and during construction and demolition and be written into contract specifications.	

## 5.0 FINAL MITIGATION MONITORING AND REPORTING PROGRAM

Proposed Mitigation	Summary of Measure	Monitoring Responsibility	Mitigation Timing	Verification (Date and Initials)
<b>MM 4.10.4</b>	<p>The following measures shall be implemented to reduce non-stationary source noise levels attributable to the proposed project:</p> <ul style="list-style-type: none"> <li>Landscape maintenance activities shall be limited to between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday, and between the hours of 8:00 a.m. and 5:00 p.m. on Saturdays. Landscape maintenance activities shall be prohibited on Sundays and legal holidays.</li> <li>The operation of onsite building mechanical equipment (i.e., HVAC systems, boilers, etc.) shall be designed to achieve the City's noise standards, as specified in Table 4.10.3 of this report. An engineer or architect with experience in noise mitigation of stationary sources shall be consulted prior to final approval of proposed building designs to ensure that resultant noise levels at nearby noise-sensitive receptors would comply with the City's applicable noise standards.</li> </ul>	WCCUSD.	Prior to issuance of construction permits.	
<b>4.11 Public Services and Utilities</b>				
<b>MM 4.11.1.1a</b>	<p>The project plans shall include a detailed construction staging and phasing plan that is reviewed and approved by the El Cerrito Fire Department, Police Department, and Public Works Department. The construction staging and phasing plan shall include access routes and timing for the transport of construction equipment and materials to the project site.</p>	WCCUSD and City of El Cerrito Fire Department, Police Department, and Public Works Department	Prior to approval of project plans	
<b>MM 4.11.1.1b</b>	<p>In order to ensure that the implementation of the construction staging and phasing plan will not impact El Cerrito Fire Department, Police Department, and Public Works Department level of service and response times, WCCUSD shall notify the El Cerrito Fire Department, Police Department, and Public Works Department two weeks prior to the commencement of project construction.</p>	WCCUSD and City of El Cerrito Fire Department, Police Department, and Public Works Department	Prior to project construction	
<b>MM 4.11.1.1c</b>	<p>An "Opti-com" traffic light pre-emption device shall be installed at the intersection of Potrero Avenue and Richmond Street in order to prevent any delay in emergency response to the vicinity of the new Portola Middle School campus. This device shall be fully operational prior to project construction and shall remain in operation after project completion.</p>	WCCUSD and City of El Cerrito Fire Department, Police Department, and Public Works Department	Installed prior to project construction activities	

## 5.0 FINAL MITIGATION MONITORING AND REPORTING PROGRAM

Proposed Mitigation	Summary of Measure	Monitoring Responsibility	Mitigation Timing	Verification (Date and Initials)
<b>MM 4.11.1.2</b>	The project plans shall include all information requested by the El Cerrito Fire Department and Police Department to ensure conformance with applicable codes and the City's Fire Hazard Reduction Program and emergency response plans, including a detailed landscaping and vegetation management plan and locations of emergency access, utility access, painted curbs, and traffic-related signage. In order to further reduce potential fire hazards, the project plans shall demonstrate to the greatest extent possible the use of fire resistive construction techniques, automatic fire sprinklers, automatic fire alarm systems, and a Knox entry system. The project plans shall be reviewed and approved by the required state agencies, with additional review and collaboration with the El Cerrito Fire Department and Police Department as required.	WCCUSD and City of El Cerrito Fire Department and Police Department	Prior to approval of project plans	
<b>MM 4.11.1.3</b>	WCCUSD shall update the safety and disaster preparedness plan for the new Portola Middle School campus in collaboration with the School Safety Committee, the El Cerrito Fire Department, and the Student Resource Officer(s) provided by the El Cerrito Police Department.	WCCUSD and City of El Cerrito Fire Department and Police Department	Prior to occupancy	
<b>MM 4.11.1.5</b>	Upon closure of the existing Portola Middle School, the WCCUSD shall provide onsite fire protection and security measures, such as lighting, and vandalism protection in coordination with the El Cerrito Police and Fire Chiefs. Existing fire and other life safety systems at the school shall remain functional and in effect upon closure, including alarm systems, electricity, lighting and water supply.	WCCUSD in cooperation with the El Cerrito Fire and Police Departments	After closure of Portola Middle School	
<b>MM 4.11.1.6a</b>	The project plans shall include a detailed demolition and site stabilization staging and phasing plan that is reviewed and approved by the El Cerrito Fire Department, Police Department, and Public Works Department. The demolition and site stabilization staging and phasing plan shall include access routes and timing for the transport of demolition and site work equipment and materials to and from the project site.	WCCUSD and City of El Cerrito Fire Department, Police Department, and Public Works Department	Prior to finalization of project plans	
<b>MM 4.11.1.6b</b>	In order to ensure that the implementation of the demolition and site stabilization staging and phasing plan will not impact El Cerrito Fire Department, Police Department, and Public Works	WCCUSD and City of El Cerrito Fire Department, Police Department, and Public	Prior to site demolition activities	

## 5.0 FINAL MITIGATION MONITORING AND REPORTING PROGRAM

Proposed Mitigation	Summary of Measure	Monitoring Responsibility	Mitigation Timing	Verification (Date and Initials)
	Department level of service and response times, WCCUSD shall notify the El Cerrito Fire Department, Police Department, and Public Works Department two weeks prior to the commencement of project demolition and site work.	Works Department		
<b>MM 4.11.1.6c</b>	The project plans shall include all information requested by the El Cerrito Fire Department and Police Department to ensure conformance with applicable codes and the City's Fire Hazard Reduction Program and emergency response plans, including a detailed landscaping and vegetation management plan and locations of emergency access, utility access, painted curbs, and traffic-related signage. The project plans shall be reviewed and approved by the required State agencies, with additional review and collaboration with the El Cerrito Fire Department and Police Department.	WCCUSD and City of El Cerrito Fire Department and Police Department	Prior to finalization of project plans	
<b>MM 4.11.2.2a</b>	A Crime Prevention through Environmental Design (CPTED) review shall be conducted prior to completion of the project plans.	WCCUSD and City of El Cerrito Police Department	Prior to finalization of improvement plans	
<b>MM 4.11.2.2b</b>	A fencing plan shall be explicitly incorporated into the project plans for review by the El Cerrito Police Department to address safety and security for all the students and faculty.	WCCUSD and City of El Cerrito Police Department	Prior to finalization of project plans	
<b>MM 4.11.2.2c</b>	The vegetation and lighting shall be installed and maintained in accordance with the recommended CPTED guidelines. These items shall be explicitly incorporated into the project plans. For example, maintenance of vegetation shall incorporate safety precautions, including limiting shrub/plant heights to 2 feet off the ground and pruning mature trees to ensure that the lowest branches are at least 6 feet from the ground. The lighting around the project sites must be within the city standards and provide illumination for the parking lots areas as well as the exterior of the facilities.	WCCUSD and City of El Cerrito Police Department	Prior to finalization of project plans	
<b>MM 4.11.2.4a</b>	WCCUSD shall provide the resources for a dedicated student resource officer (SRO) for the new Portola Middle School campus. This officer shall have all equipment necessary to perform SRO duties, including a vehicle, vehicle equipment, computer, printer and the like. The District shall fund this SRO and the related equipment at the level required to maintain order for the new Portola Middle School. If one SRO is deemed insufficient by the	WCCUSD and City of El Cerrito Police Department	Prior to occupancy and ongoing during school operations	

## 5.0 FINAL MITIGATION MONITORING AND REPORTING PROGRAM

Proposed Mitigation	Summary of Measure	Monitoring Responsibility	Mitigation Timing	Verification (Date and Initials)
	City and the District, then a second SRO shall be considered necessary for the new Portola Middle School.			
<b>MM 4.11.2.4b</b>	In addition to the Joint Use Agreement for Castro Park, all agreements between the El Cerrito Police Department, El Cerrito Public Works Department, and El Cerrito Recreation Department and WCCUSD shall include updated provisions and clarifications of the need for traffic monitoring/enforcement, school safety, neighborhood safety/crime prevention, litter and graffiti abatement, Castro Park maintenance and operations, and safe student passage to and from school during the course of project construction and after the occupancy of the new Portola Middle School campus. Careful consideration of a Castro Park supervision program that addresses neighborhood concerns for elderly residents, young children, and other sensitive receptors should also be included.	WCCUSD and City of El Cerrito Police Department, Public Works Department, Recreation Department	Prior to finalization of project plans	
<b>MM 4.11.2.4c</b>	The agreement between Alameda-Contra Costa Transit and WCCUSD shall incorporate provisions to ensure Portola Middle School student supervision and safe passage prior to and after pick-up and drop-off of students, respectively.	WCCUSD and AC Transit	Prior to finalization of project plans	
<b>MM 4.11.2.4d</b>	In order to promote clear communication, responsiveness, and coordination, WCCUSD shall appoint a specific staff member and/or a WCCUSD committee that shall be the ongoing contact person/entity to receive neighborhood, parent, and student feedback regarding the operation of the new Portola Middle School campus and student behavior to/from school. Notification of this contact person/entity shall be given to neighbors within 500 feet of the new Portola Middle School campus, shall be given to all residences that front the route to and from the location where buses will pick up the students of the new Portola Middle School campus, and shall be given to additional interested parties that requested notification as part of the CEQA environmental review process.	WCCUSD	Prior to occupancy	
<b>MM 4.11.2.4e</b>	WCCUSD shall provide crossing guards at appropriate neighborhood intersections during times of student commute in order to help maintain student and neighborhood safety and at other locations as deemed appropriate based on the protocol of other WCCUSD schools.	WCCUSD	Prior to occupancy and ongoing during school operations	

## 5.0 FINAL MITIGATION MONITORING AND REPORTING PROGRAM

Proposed Mitigation	Summary of Measure	Monitoring Responsibility	Mitigation Timing	Verification (Date and Initials)
<b>MM 4.11.2.5</b>	Upon closure of the existing Portola Middle School, the WCCUSD shall provide onsite fire protection and security measures, such as, lighting, and vandalism protection in coordination with the El Cerrito Police and Fire Chiefs. Existing fire and other life safety systems at the school shall remain functional and in effect upon closure, including alarm systems, electricity, lighting and water supply.	WCCUSD in cooperation with the El Cerrito Fire and Police Departments	After closure of Portola Middle School	
<b>MM 4.11.3.2</b>	WCCUSD shall coordinate with the Administrator of Cameron School during project construction and operation regarding alternative emergency, pedestrian, vehicular, and bicycle access to the Cameron School, if access is affected by construction. All Cameron School students and parents shall be notified of all the proposed project phases and operation of the new Portola Middle School campus prior to the closure of Castro Elementary School.	WCCUSD	Prior to the closure of Castro Elementary School	
<b>MM 4.11.3.6a</b>	Counseling and other appropriate transition support services shall be provided by WCCUSD to parents of Castro Elementary School and other schools that will be involved in the student reassignment, at minimum prior to Castro Elementary School closure and for the 2009-2010 school year. The Castro Elementary School Full Inclusion Program students shall be moved together to preserve as feasible the present student and parent support network that has developed at Castro Elementary School.	WCCUSD	Prior to the closure of Castro Elementary School	
<b>MM 4.11.3.6b</b>	WCCUSD shall continue the planning and program development process in consultation with teachers, staff, parents, and students to continue to achieve the presence of an award-winning full inclusion program within the District. Specifications for this planning and program development process shall be included within the student reassignment plan brought for approval before the District's Board.	WCCUSD	Prior to project construction	
<b>MM 4.11.3.6c</b>	The proposed student reassignment plan shall also include the plan for the reassignment of Castro Elementary School teachers, administrators, and other staff so as to address the retention of the experience collectively held and gained from the implementation of the Castro Elementary School Full Inclusion Program.	WCCUSD	Prior to project construction	

## 5.0 FINAL MITIGATION MONITORING AND REPORTING PROGRAM

Proposed Mitigation	Summary of Measure	Monitoring Responsibility	Mitigation Timing	Verification (Date and Initials)
<b>MM 4.11.3.6d</b>	The proposed student reassignment plan shall include concepts to create synergy between the Cameron School's Early Intervention Program and the schools involved in the proposed student reassignment.	WCCUSD	Prior to project construction	
<b>MM 4.11.3.6e</b>	The proposed student reassignment shall be approved by WCCUSD prior to commencement of project construction and as early as after the 2008-2009 school year to ensure that students and parents know where to enroll for the 2009-2010 school year.	WCCUSD	Prior to project construction	
<b>MM 4.11.3.7</b>	The current Portola Aces After School Program utilizes various grants and other resources, and utilizes City facilities for program activities. Coordination with the City of El Cerrito and other service providers for the provision of middle school after school programs shall commence prior to closure of Portola Middle School. Allocations of grants, resources, and use of facilities shall be clarified for middle school after school program usage prior to closure of Portola Middle School.	WCCUSD	Prior to the closure of Portola Middle School	
<b>MM 4.11.3.8</b>	The District will coordinate with the City of El Cerrito and other service providers for the provision of daycare, preschool, and after school program activities prior to closure of Castro Elementary School. Allocations of grants, resources, and use of facilities shall be clarified for elementary after school program usage prior to closure of Castro Elementary School.	WCCUSD	Prior to the closure of Castro Elementary School	
<b>MM 4.11.4.4</b>	Agreements between the El Cerrito Public Works Department, Recreation Department, and Police Department shall address operation of the new Portola Middle School campus outdoor recreation and indoor recreation and meeting facilities as it relates to potential neighborhood impacts (e.g., noise, traffic) and impacts to public services (e.g., police protection, garbage collection).	WCCUSD in coordination with El Cerrito Public Works Department, Recreation Department, and Police Department	Prior to finalization of project plans	
<b>MM 4.11.4.5</b>	The WCCUSD shall re-negotiate the terms of the Joint Use Agreement for Castro Park and the new Portola Middle School facilities in cooperation with the City of El Cerrito to ensure that impacts due to the increase in park usage are mitigated to the satisfaction of both parties. Implement mitigation measure MM 4.11.4.5, MM 4.11.2.4a through 4.11.2.4c and 4.11.2.4e.	WCCUSD in coordination with El Cerrito	Prior to the start of operations for the new Portola Middle School	



## 5.0 FINAL MITIGATION MONITORING AND REPORTING PROGRAM

Proposed Mitigation	Summary of Measure	Monitoring Responsibility	Mitigation Timing	Verification (Date and Initials)
<b>MM 4.11.5.1a</b>	<p>Methods for implementing water conservation shall be explicitly incorporated into the project plans for the new Portola Middle School campus to reduce water demand and shall be documented as required by the project architect and team via the CHPS scorecard for credit. The methods that shall be utilized include those that are discussed in the CHPS Best Practices Manual:</p> <ul style="list-style-type: none"> <li>• Create a water use budget to prevent excessive water use for irrigation utilizing any relevant local water efficiency or the California Department of Water Resources Model Water Efficient Landscape ordinances.</li> <li>• Reduce the amount of potable water used for landscape irrigation.</li> <li>• Reduce the amount of potable water used for sewage conveyance through use of water-efficient toilet and urinal fixtures and/or by using reclaimed or recycled water.</li> <li>• Reduce the use of indoor potable water use overall by using additional water-efficient fixtures.</li> </ul>	WCCUSD	Prior to finalization of project plans	
<b>MM 4.11.5.1b</b>	An EBMUD water service estimate shall be requested prior to finalization of the project plans for the new Portola Middle School campus in order to determine costs and conditions for providing water service to the project sites.	WCCUSD	Prior to finalization of project plans	
<b>MM 4.11.5.1c</b>	All proposed water service connections and sizing requirements shall be provided to the El Cerrito Public Works Department if any installation of equipment or trenching in the right-of-way is necessary. WCCUSD shall work with the City to obtain any approvals.	WCCUSD	Prior to finalization of project plans	
<b>MM 4.11.5.2</b>	WCCUSD shall coordinate with EBMUD to determine and implement any specific requirements associated with closure of the Portola campus.	WCCUSD and EBMUD	Prior to approval of project plans	
<b>MM 4.11.5.3</b>	WCCUSD shall coordinate with EBMUD to determine and implement specific requirements associated with any demolition work at the Portola property.	WCCUSD and EBMUD	Prior to approval of project plans	

## 5.0 FINAL MITIGATION MONITORING AND REPORTING PROGRAM

Proposed Mitigation	Summary of Measure	Monitoring Responsibility	Mitigation Timing	Verification (Date and Initials)
<b>MM 4.11.6.1a</b>	Methods for reducing demand for wastewater collection and treatment shall be explicitly incorporated into the project plans for the new Portola Middle School campus and shall be documented as required by the project architect and team via the CHPS scorecard for credit.	WCCUSD	Prior to finalization of project plans	
<b>MM 4.11.6.1b</b>	Coordination with Stege Sanitary District shall occur prior to the finalization of the project plans in order to determine costs and conditions for providing wastewater collection and treatment to the new Portola Middle School campus. This includes completion of a Sanitary Sewer Capacity Study and confirmation from Stege Sanitary District that there is available capacity within the subbasin flow allocation for the new Portola Middle School campus. In particular, the projected peak wet weather wastewater flows are necessary as a basis for determining if there is available capacity. Additionally, coordination with Stege Sanitary District is necessary to determine if there is a need to replace or rehabilitate the existing sanitary sewer collection system to prevent an increase in I/I flows.	WCCUSD and Stege Sanitary District	Prior to finalization of project plans	
<b>MM 4.11.6.1c</b>	All proposed wastewater service connections and sizing requirements shall be provided to the El Cerrito Public Works Department if any installation of equipment or trenching in the right of way is necessary. WCCUSD shall work with the City to obtain any required approvals for ROW work.	WCCUSD	Prior to finalization of project plans	
<b>MM 4.11.6.2</b>	WCCUSD shall coordinate with Stege Sanitary District to determine and implement any specific requirements associated with closure of the Portola school, including any need to address existing wastewater lines.	WCCUSD and Stege Sanitary District	Prior to approval of project plans	
<b>MM 4.11.6.3</b>	WCCUSD shall coordinate with Stege Sanitary District to determine and implement any specific requirements associated with building demolition and site stabilization work, including any need to address existing wastewater lines.	WCCUSD and Stege Sanitary District	Prior to finalization of project plans	
<b>MM 4.11.7.1</b>	Project plans showing project phasing and construction staging areas shall identify the location for solid waste collection during project construction. If this location is required in the public right-of way, appropriate encroachment permits shall be obtained from the City of El Cerrito.	WCCUSD and City of El Cerrito Public Works Department	Prior to completion of project plans	

## 5.0 FINAL MITIGATION MONITORING AND REPORTING PROGRAM

Proposed Mitigation	Summary of Measure	Monitoring Responsibility	Mitigation Timing	Verification (Date and Initials)
<b>MM 4.11.7.2</b>	Contracting agreements between WCCUSD and the El Cerrito Public Works Department shall include provisions for addressing any increased solid waste and recycling service due to the increased use of Castro Park by Portola students.	WCCUSD and City of El Cerrito Public Works Department	Prior to completion of project plans	
<b>MM 4.11.8.1a</b>	All proposed electricity, natural gas, telephone, and other telecommunications connections and sizing requirements shall be provided to the El Cerrito Public Works Department if any installation of equipment, trenching, or connections to above-ground utilities in the right-of-way is necessary. WCCUSD shall work with the City to obtain any approvals.	WCCUSD	Prior to finalization of project plans	
<b>MM 4.11.8.1b</b>	WCCUSD shall coordinate with PG&E and AT&T to receive approval of all transformers and other utility boxes and an access plan to facilitate adequate maintenance.	WCCUSD	Prior to finalization of project plans	
<b>MM 4.11.8.3</b>	WCCUSD shall coordinate with PG&E and AT&T to determine any specific requirements associated with campus closure that may be required prior to sale of the property.	WCCUSD in coordination with PG&E and AT&T	Prior to finalization of project plans	

West Contra Costa Unified School District  
1108 Bissell Avenue  
Richmond, California 94801  
Office of the Superintendent

**ITEM REQUIRING ATTENTION----BOARD OF EDUCATION**

**To:** Board of Education

**Meeting Date:** December 10, 2008

**From:** Bruce Harter, Superintendent

**Agenda Item:** E.2

**Subject:** School Consolidation / Closure – Criteria & Process

**Background Information:**

The district enrollment has declined from 34,940 to 30,113 over the past six years. As enrollment has decreased, operating costs have continued to increase. Over the past three years, the Board has discussed the need to close schools at several meetings. In approving the 2008-09 budget in June 2008, the Board committed to closing schools for both the 2009-10 and 2010-11 school years and reducing operating costs as a result of those closures by at least \$3 million. Each elementary school that is closed is estimated to save \$300,000 in annual operating costs. A secondary school is estimated to reduce annual operating expenditures by \$800,000.

In a special workshop meeting on November 12, 2008, the Board discussed possible criteria and a process for arriving at a decision about which schools to consolidate or close.

**Recommendation:**

That the Board approve the school consolidation criteria and the process that will be used to identify which schools will be closed.

**Fiscal Impact:** None

**DISPOSITION BY BOARD OF EDUCATION**

Motion by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

Approved \_\_\_\_\_

Not Approved \_\_\_\_\_

Tabled \_\_\_\_\_

# West Contra Costa Unified School District

December 10, 2008

## Recommended School Consolidation Criteria

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### Essential Assumptions about School Consolidation in WCCUSD

- A. Student redistricting will be included in scenarios and if logistically possible will be adopted by the Board at the time of approving the closure plan.
- B. The timeline for decision-making cannot be extended.
- C. Closed facilities will be placed on the market for sale to pay off the District's debts dating back to the early 1990's – state loan, COPS loan, voluntary integration, IBM.
- D. State Budget crisis will push closures toward maximum number.
- E. School closure is Categorically Exempt from CEQA. But CEQA studies must be completed when, as a result of enrollment shifts, a school needs to add 10 classrooms or increases capacity by 25% - whichever is less.
- F. The District must add student enrollment capacity in order to close other schools – i.e. district must increase school size averages.

The criteria below are factors that the community committees and the expert group will use to evaluate proposals for consolidating and / or closing schools.

- 1. **Facility Condition.** Conditions include all items of the physical plant, playgrounds, accessibility and grounds. Only school facilities not previously modernized or recently constructed will be considered for closure. This would include the facilities in the various planning stages of Measure J.
- 2. **Enrollment.** School enrollment, current and projected, will serve one criteria. Board Policy 5116 establishes guidelines for school sizes below. Schools that are larger than minimum size at each level may be considered for consolidation / closure.
  - a. Elementary: 450-800
  - b. Middle: 900-1200
  - c. High School: 1200-1800
- 3. **Low Capacity Utilization.** Site enrollment, current and projected, below optimal utilization will be one criterion for consolidation / closure. Schools considered for consolidation will be ranked using enrollment as a percent of student capacity of the facility.
- 4. **Available Capacity Within Family or Adjacent Family.** Schools considered for consolidation should be adjacent to other sites with available capacity. Adjacent sites must be expandable (have available land / space for classrooms), using modular building installations.

5. **Special Schools / Programs.** Where possible, special programs or schools will be consolidated into regular schools, program, or classes. For special education, this means moving more rapidly toward more inclusive practices. Alternative programs such as continuation schools, necessary small schools, pre-school and adult education will be considered for consolidation into other buildings. Funding for QEIA and the transferability of those funds will also be a consideration.
6. **Grade Configurations.** In order to maximize the number of consolidations / closures, alternate grade configurations in addition to current grade configurations will be considered including K-8 and 6-12. Configuration changes must be cost neutral to the operating budget.
7. **Geographic Equity.** To the degree possible, consolidation / closure proposals will allow the district to operate schools / programs to serve the geographic areas of the district. Equity considerations include the distance from school, geographical limitations and safe paths to schools.
8. **Academic Performance.** Academic performance including API Scores and API Growth will be criteria in the consolidation / closure process. The faculty / staff of a high performing school that was closed could replace or augment the staff at a low performing school that remained open (subject to statute and collective bargaining agreement limitations). These decisions for school reconstitution would follow the decision of which school would be closed.
9. **Improved Conditions for Students / Student Mobility.** To the degree possible, school closure plans will include moving students from non-renovated to new or recently renovated facilities. Plans will be evaluated for the number of students moved.

# **West Contra Costa Unified School District**

## **District-wide School Consolidation / Closure Process**

**Proposal December 10, 2008**

Goal: Prepare a recommendation for a public hearing at the Board of Education meeting on February 4, 2009 that meets the requirements for school closure from the adopted budget and as required by the Contra Costa County Office of Education and the California Department of Education.

*November 12, 2008*

Board and Board members elect discussed possible consolidation / closure criteria.

*December 10, 2008*

Board adopts criteria for consolidation / closure and approves the process for community and expert input. The Board authorizes the Superintendent to contract with an independent expert firm or group to review the data on enrollment, enrollment projections, school capacity, school site capacity, constraints for forming student attendance areas (railroad tracks, etc). This firm or group will provide a report including findings and recommendation on schools to be consolidated / closed by January 27, 2009. The Board also authorizes the Superintendent to contract with facilitator to lead the community meetings associated with the process.

*December 11, 2008*

The District will provide a community presentation on the background factors including enrollment information, projections, capacity analysis, and financial background. The meeting will include gathering community input and questions.

*December 18, 2008*

The District will, at a public meeting, present two consolidation / closure scenarios. The agenda for the meeting will include gathering community input and questions.

*January 8, 12, 13, 14, 15, & 20* High School Attendance Area Meetings (see locations below)

Using an external facilitator, the District will present the two scenarios at public meetings at each of the six high school attendance areas to a committee (see below) representing the various interest groups in that high school attendance area. Each member of the committee would attend only one of the community meetings in the designated high school attendance area. The design for those meetings includes:

- Presentation of a summary of the school consolidation / closure background information
- Large group discussion of possible modifications
- Public Comment – time would be set aside in each meeting for public comment from community members not appointed to one of the groups.
- Each member (see membership list below) ranks each proposal based on Board adopted criteria.

*January 27, 2008*

Public presentation of data collected from community as well as expert panel findings / recommendations.

*January 29, 2009*

Public presentation of recommendations that will go to the Board for a Board hearing on February 4.

*February 4, 2009*

As part of the regular meeting, the Board holds a hearing on the recommendation for consolidation / closures.

*February 11, 2009*

Board approval of consolidation / closure plan for 2009-10 and 2010-11.

### **Board Charge to the Committee Members**

1. Attend the meeting to which the member is appointed or make arrangements to attend an alternative meeting. Each appointee will act in the capacity of a committee member at one and only one meeting. Committee members are, of course, welcome to attend any or all of the other meetings but will participate as part of the committee only in one.
2. Review materials provided on the web site in advance of the meeting including the two scenarios for school consolidation / closure as well as the underlying enrollment projections, financial information, school capacity report, and the projection of attendance areas for each potential closure scenario.
3. Discuss possible alternative consolidation / closure scenarios that meet the requirements for financial savings for 2009-10 and 2010-11.
4. Based on the Board adopted criteria, complete the rating process to evaluate each of the two proposals and rank the order in which the schools will be closed. Only appointed committee members will complete the ratings and rankings during the meeting at which the appointed member was seated as a member of the committee.

### **Meeting Dates / Locations – all meetings 6:30 to 9:00 PM**

January 8 – Hercules High School Cafeteria

January 12 – Pinole Valley High Cafeteria

January 13 – Crespi Middle School Multipurpose Room

January 14 – Helms Middle School Multipurpose Room

January 15 – Kennedy High School Cafeteria

January 20 – Portola Middle School Gymnasium



## Proposed School Closure Committee Membership

- 5 high school students appointed by the ASB or Student Leadership who live in that attendance area
  - 1 parent appointed by the PTA or a parent representative on the site council from each elementary, middle and high school in the high school attendance area
  - 1 certificated staff appointed by the United Teachers of Richmond from each elementary, middle and high school in the high school attendance area
  - 2 members for Hercules group only appointed by Hercules Mayor
  - 2 members for Pinole Valley group only appointed by Pinole Mayor
  - 2 members for Richmond group only appointed by San Pablo Mayor
  - 2 members for El Cerrito group only appointed by El Cerrito Mayor
  - 2 members each for DeAnza, Richmond, Kennedy, Pinole Valley & El Cerrito appointed by the Richmond Mayor
  - 3 members to represent the County Supervisor (1 for each of three meetings)
  - 3 classified employees who work in the high school attendance area appointed by Local 1
  - 1 member appointed by the Special Education CAC
  - 1 member appointed by the District GATE Advisory Council
  - 1 member appointed by the Multilingual District Advisory Committee
  - 1 member of SSA appointed by SSA
  - 1 non school-based member of WCCAA appointed by WCCAA
  - 1 principal, (AP,VP or IS if principal not available) from each school in the high school attendance area
- Alternative schools (e.g. North Campus, Gompers, Vista High, Adult Education) will send a representative, either the principal or designee, to any *one* of the meetings *or* to the high school attendance area in which the alternative program is located)

## Summary Committee Membership Table

Members	DeAnza	El Cerrito	Hercules	Kennedy	Pinole	Richmond	Total
Students	5	5	5	5	5	5	30
Parents	8	8	5	10	8	12	51
Teachers	8	8	5	10	8	12	51
Classified	3	3	3	3	3	3	18
Community Reps (includes representatives appointed by the Mayors and Supervisor)	4	5	3	4	5	6	27
Sp Ed CAC	1	1	1	1	1	1	6
MDAC	1	1	1	1	1	1	6
GATE	1	1	1	1	1	1	6
SSA	1	1	1	1	1	1	6
WCCAA	1	1	1	1	1	1	6
Principals	8	8	4	10	8	12	50
Alternative Schools	1	0	0	2	1	0	4
Total	42	43	30	48	43	55	261

WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT  
1108 Bissell Avenue  
Richmond, California 94801-3135  
Office of Superintendent of Schools

**ITEM REQUIRING ATTENTION---BOARD OF EDUCATION**

**To:** Board of Education

**Meeting Date:** December 10, 2008

**From:** Sheri Gamba, Associate Supt., Business Services

**Agenda Item:** E.3

**Subject:** First Interim Report, 2008-09

**Background Information:** Enclosed is the District's First Interim Report for 2008-09, which covers the financial and budgetary status of the district for the period ended October 31, 2008.

Education Code Section 42130 requires school districts to prepare interim financial reports each year. The First Interim Report covers the period ending October 31; the Second Interim Report covers the period ending January 31. These financial reports are subject to standards and criteria adopted by the State Board of Education to monitor the fiscal stability of local educational agencies.

The District shall certify whether it is able to meet its financial obligations for the current fiscal year and, based on current forecasts, for the two subsequent fiscal years. A positive certification shall be assigned when a district will meet its financial obligations for the current fiscal year and subsequent two fiscal years. A qualified certification shall be assigned when a district may not meet its financial obligations for the current fiscal year and subsequent two fiscal years. A negative certification shall be assigned when a district will be unable to meet its financial obligations for the remainder of the fiscal year.

The District will meet its financial obligations for the current year. However; due to the Governor's proposed State budget, the District anticipates it may not meet its financial obligations for the subsequent two fiscal years. Therefore, staff recommends approval of the Second Interim Report with a Qualified Certification.

**Recommendation:** Recommend approval of the First Interim Report for 2008-09

**Fiscal Impact:** Qualified Budget Certification.

DISPOSITION BY BOARD OF EDUCATION

Motion by: \_\_\_\_\_ Seconded by: \_\_\_\_\_

Approved \_\_\_\_\_ Not Approved \_\_\_\_\_ Tabled \_\_\_\_\_

# West Contra Costa Unified School District



## 2008-09 First Interim Report Executive Summary

Prepared by: Sheri Gamba, Associate Superintendent, Business Services

# **West Contra Costa Unified School District 2008-09 First Interim Report Executive Summary**

## **Introduction**

This year the District is facing enormous financial challenges brought on by both internal and external factors. The adopted budget for the 2008-09 year included a structural deficit of \$7.7 million. Since that time the State has enacted a budget that increases that deficit to \$7.9 million and has proposals on the table to enact mid-year reductions. Our local situation is complicated by the rising cost of employee and retiree benefits and a decline in student enrollment.

Our health care expenditures have increased by more than 125 percent over the past seven years, but our general fund revenues have gone up only 19 percent. Health benefits consume \$45.6 million dollars or 14.5% of the district general fund. In general, the cost of doing business rises while revenues continue to decline.

Exacerbating the internal issues is the State budget shortfalls which have a direct impact on the District. The Governor's proposal, which is currently under consideration by the legislature, would reduce the revenue of the District this year by an estimated \$10 million. The proposal also contains an offset provision, allowing the District to utilize restricted funds to back fill these mid-year cuts. These are funds that would normally be utilized at school sites for special programs. Because of this proposal, the carry over of restricted State funds from 2007-08 have been frozen in order that they may be used to back fill the mid-year revenue shortfall. The District must retain these funds in order to meet it's obligations for the school year should the mid-year cuts come to pass. In addition, the State outlook for the next two budget years has dramatically worsened.

As a District, we must close the structural deficit in order to remain financially viable, and that means we are faced with tough decisions that will affect the students and employees of the District. There is no "one solution" to solving the budget problems we face. These are the areas that will be addressed as we work to close the deficit.

- School Consolidation/Closure
- Sale of property to pay off the debts from the 1990's
- Contain the rising cost of health benefits for current employees and retirees

- Pursue other cost savings through service reductions and contract negotiations

Negotiations have begun with our bargaining units and the proposals we must make will not be popular. The bottom line is that we are spending more than we are earning, and it cannot continue. The District must face these tough economic times with a resolve to continue to serve students as well as we possibly can and to make the tough decisions required for a balanced budget and financial survival.

## Financial Report Information

The Executive Summary is an overview of the financial data reported in the SACS First Interim Report. It is provided to assist the reader in understanding the information being reported on the SACS forms.

Two Interim Financial Reports are routinely required by the California Department of Education each year. Districts must submit the completed reports for review to the County Office of Education who then submits them to the State.

California school district revenues and expenditures are subject to constant change. School district budgets are not static documents, but instead are constantly being revised to respond to decisions at the state and federal level, as well as to the expenditure needs of the local agency. The First Interim Report's financial projections have been updated to reflect new information received and board action taken since the original budget adoption on June 30, 2008.

With each report the District is asked to project the general fund financial status through year-end, June 30, 2009. A multi-year projection is also required to determine if the District will be financially solvent for two subsequent years.

The First Interim Report also includes supporting reports such as the Revenue Limit Funding calculation, Average Daily Attendance estimates, and the Criteria and Standards report.

The next financial report will be the Second Interim Report for the period ending January 31, 2009, and will be presented at a March board meeting.

# **General Fund Unrestricted**

## **Revenue Summary**

### **Revenue Limit**

Revenue Limit funding is based mainly upon student attendance. Revenue Limit funding is the dollar amount for each student that is in attendance on average during the course of the school or fiscal year. Revenue limits are the prime component of every school district's budget.

The Average Daily Attendance (ADA) funding or "Revenue Limit" is reported in both the restricted and unrestricted revenues of the District because certain ADA, such as for students in Special Education, are earned by the ADA generated in restricted programs.

The West Contra Costa Unified School District is currently considered a declining enrollment district. As such the Revenue Limit funding is based mainly on the prior year 07/08 Average Daily Attendance. This provision is considered a "hold harmless" for districts as they adjust to the decline. However, charter school attendance is an exception to this rule. In the case of charter schools, district revenues are deducted for the net loss of attendance to all charter schools within the District in the year it occurs. For West Contra Costa Unified School District, an estimated 204 ADA will be lost this year corresponding to a loss of \$1.1 million for the District.

Student attendance is estimated to generate \$166,677,697 of which \$9,026,043 is restricted. The balance of \$157,651,654 is 84.8% of the District's General Fund unrestricted revenues for the 2008/09 fiscal year.

### **Other State Revenue**

Other State Revenue includes K-3 Class Size Reduction, State Lottery, and Supplemental Instruction. A slight increase in these funds is anticipated in the amount of \$110,302.

### **Other Local Revenue**

Local Revenue consists of the local parcel tax, interest earnings and other miscellaneous revenues. Thanks to our voters who renewed the parcel tax in November to continue for the next five years, the projection for Local Revenue remains the same as the adopted budget for 2008-09.

## **Expenditure Summary**

The projections reflected in the First Interim Report are a result of the analysis of year-to-date expenditures against the adopted budget. This includes a review of expenditure trends for all major categories within the budget. There are no major changes since the budget was adopted by the Board in June.

### **Unrestricted Ending Fund Balance**

The District's 2008/09 projected unrestricted ending fund balance is \$13,585,492. Since one month's payroll exceeds \$10,000,000, this is indeed a very small amount. This balance has certain required funding designations including the State required designation for economic uncertainty.

Designations	
Revolving Cash	\$ 70,000
Stores	\$ 300,000
Parcel Tax	\$ 895,480
Economic Uncertainty 3%	<u>\$ 9,457,854</u>
Total Designations	\$10,723,334

Unappropriated Balance	<u>\$ 2,862,158</u>
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## **General Fund Restricted**

The General Fund is the general operating fund of the District. It is used to account for the day-to-day operations of the District. It is used for all financial resources except those required to be accounted for in another fund. The fund is divided into two sections, unrestricted and restricted. Restricted funds are monies received by the District that are categorical in nature, i.e., they can only be used for the purposes allowed by the funding agency.

Restricted revenue funding is recognized in two different ways. For funding subject to deferred revenue, the revenue is only recognized once it is spent. This means that any funds received and not spent, with carryover provisions, are deferred into the next fiscal year. For funding subject to ending fund balance, the revenue is recognized in the year received and any funds remaining at the end of the year are recorded as a restricted ending fund balance.

The First Interim Report demonstrates the carry over of prior year funds through the update in restricted fund balance and the posting of deferred revenue from 07/08 into the books for 08/09. In most years this carry over is then appropriated to the expenditure accounts according to grant guidelines and school site plans. However, this year the State is facing an unprecedented fiscal crisis. The

Governor's proposal indicates that mid-year cuts will be implemented and that districts may offset the revenue losses by utilizing prior year State carryover. Therefore, the District has frozen all State categorical carry over pending the State legislative action.

## Multi Year Projection

The multi-year projection for the First Interim Report utilizes the recommended assumptions published by School Services of California for the development of revenue projections. Expenditure projections include estimated step and column increases as well as health benefit increases. Supply and service expenditures utilize the California Consumer Price Index as an estimate for cost increases.

The following are the specific assumptions used for the development of the multi-year projections.

### 2009-10 Assumptions

- Funded ADA: 27,557
- Revenue Limit COLA: 5.6%
- Revenue Limit Deficit: 9.76%
- California CPI: 2.8%
- Restricted Lottery: \$19.00 per ADA
- Unrestricted Lottery: \$118.00 per ADA
- Reserve for Economic Uncertainty: 3% (unable to fund)
- Step and Column: 1.02%
- Health Benefits: 9%
- School Consolidation Operating Savings: \$1.5 million

### 2010-11 Assumptions

- Funded ADA: 27,372
- Revenue Limit COLA: 3.5%
- Revenue Limit Deficit: 9.76%
- California CPI: 2.5%
- Restricted Lottery: \$19.25 per ADA
- Unrestricted Lottery: \$118.00 per ADA
- Reserve for Economic Uncertainty: 3 % (unable to fund)
- Step and Column: 1.02%
- Health Benefits: 9%
- School Consolidation Operating Savings: \$1.5 million

The Multi-Year Projection using the current assumptions for 2009-10 indicates that the District will be deficit spending in the amount of \$13.4 million dollars. Based upon this information the ending fund balance would be \$174,238. This is not a sufficient fund balance to meet the 3% reserve requirement. Furthermore,



the District may face a cash shortfall in June 2010, due to the scheduled deferral of State revenue.

The Multi-Year Projection using the current assumptions for 2010-11 indicates that the District will be deficit spending in the amount of \$11 million dollars. Based upon this information the ending fund balance would be a negative \$10.8 million dollars.

## Final Notes

It is imperative that the Board move forward with planned reductions through school closure and to continue to seek cost containment through collective bargaining. In the mean time staff will plan a report to the Board and a study session following the January Governor's budget announcement or following the outcome of the special legislative session. At that time it will be necessary to consider reductions for the 2009-10 year. The amount of the reduction needed will be dependent upon the outcome of the Governor's announcement or legislative actions.

The recommendation to the Board is to adopt a qualified certification for the current financial statements. This certification reflects the fact that in spite of the deficit spending this year, the District will end the year with a positive ending fund balance but that in subsequent years it may not meet its financial obligations. The multi year projection indicates that we will not meet our obligations in the 2009-10 year; however given the uncertainty of the State budget the recommendation is qualified at this time.

**WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT**  
**2008-09 FIRST INTERIM**  
**STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCE**

	GENERAL FUND		SPECIAL REVENUE FUNDS Schedule 2	CAPITAL OUTLAY FUNDS Schedule 3	OTHER FUNDS Schedule 4	DISTRICT TOTALS
	UNRESTRICTED	RESTRICTED				
<b>REVENUES</b>						
Revenue Limit Sources	\$ 157,651,654	\$ 9,026,043	\$ 166,677,697	\$ -	\$ -	\$ 166,677,697
Federal Revenues	0	29,950,858	29,950,858	-	-	39,176,251
Other State Revenues	14,875,476	54,374,190	69,249,666	20,715,384	-	97,248,182
Other Local Revenues	13,294,270	8,241,160	21,535,430	6,593,000	30,361,000	61,112,831
Total Revenues	185,821,400	101,592,251	287,413,651	27,308,384	30,361,000	364,214,961
<b>EXPENDITURES</b>						
Certificated Salaries	87,066,419	39,239,791	126,306,210	-	-	129,459,962
Classified Salaries	21,205,657	20,621,746	41,827,403	760,000	-	48,339,039
Employee Benefits	45,778,479	25,739,675	71,518,154	316,000	-	75,221,560
Books and Supplies	1,720,743	21,791,485	23,512,228	3,168,761	-	31,623,835
Services and Other Operating Expenditures	8,475,195	36,124,717	44,599,912	14,038,657	28,718,053	89,194,468
Capital Outlay	31,200	5,148,011	5,179,211	158,557,683	-	164,380,349
Other Outgo	985,000	-	985,000	-	2,208,962	3,291,962
Direct/Indirect Support Costs	(3,926,164)	3,053,911	(872,253)	-	-	-
Total Expenditures	161,336,529	151,719,336	313,055,865	176,841,101	30,927,015	541,511,175
<b>INCREASE OF (DECREASE) IN FUND BALANCE RESULTING FROM OPERATIONS</b>	24,484,871	(50,127,085)	(25,642,214)	(149,532,717)	(566,015)	(177,296,214)
<b>OTHER FINANCING SOURCES AND (USES)</b>						
Interfund Transfers In	1,418,583	-	1,418,583	17,136,000	787,360	20,760,526
Interfund Transfers Out	(787,360)	(1,418,583)	(2,205,943)	(18,554,583)	-	(20,760,526)
Other Sources	-	-	-	120,000,000	-	120,000,000
Other Uses	-	-	-	-	-	-
Contributions To Restricted Programs	(33,097,681)	33,097,681	-	-	-	-
Total Other Financing Sources and Uses	(32,466,458)	31,679,098	(787,360)	118,581,417	787,360	120,000,000
<b>NET CHANGE IN FUND BALANCE</b>	(7,981,587)	(18,447,987)	(26,429,574)	(30,951,300)	221,345	(57,296,214)
<b>BEGINNING FUND BALANCE, JULY 1, 2008</b>	21,567,078	24,272,690	45,839,768	80,456,513	22,468,974	158,599,877
<b>PROJECTED ENDING FUND BALANCE JUNE 30, 2009</b>	\$ 13,585,491	\$ 5,824,703	\$ 19,410,194	\$ 49,505,213	\$ 22,690,319	\$ 101,303,663

# WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT

Schedule 2

## 2008-09 FIRST INTERIM

### STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCE

#### SPECIAL REVENUE FUNDS

	ADULT EDUCATION	CHILD DEVELOPMENT	CAFETERIA	DEFERRED MAINTENANCE	SPECIAL RESERVE	TOTAL SPECIAL REVENUE FUNDS
\$	\$	\$	\$	\$	\$	\$
Revenue Limit Sources	415,329.00	287,197.00	8,522,867.00	-	-	9,225,393.00
Federal Revenues	4,013,342	2,508,025	761,765	-	-	7,283,132
Other State Revenues	395,000	275,015	1,913,386	30,000	10,000	2,623,401
Other Local Revenues	4,823,671	3,070,237	11,198,018	30,000	10,000	19,131,926
Total Revenues						

#### EXPENDITURES

Certificated Salaries	2,022,853	1,130,899	-	-	-	3,153,752
Classified Salaries	855,177	909,574	3,986,885	-	-	5,751,636
Employee Benefits	822,505	700,631	1,864,270	-	-	3,387,406
Books and Supplies	459,356	122,392	4,361,098	-	-	4,942,846
Services and Other Operating Expenditures	546,447	114,128	437,947	739,324	-	1,837,846
Capital Outlay	-	-	100,000	543,455	-	643,455
Other Outgo	-	98,000	-	-	-	98,000
Direct/Indirect Support Costs	210,568	193,685	468,000	-	-	872,253
Total Expenditures	4,916,906	3,269,309	11,218,200	1,282,779	-	20,687,194

#### INCREASE OF (DECREASE) IN FUND BALANCE RESULTING FROM OPERATIONS

(93,235)	(199,072)	(20,182)	(1,252,779)	10,000	(1,555,268)
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#### OTHER FINANCING SOURCES AND (USES)

Interfund Transfers In	-	-	-	1,418,583	-	1,418,583
Interfund Transfers Out	-	-	-	-	-	-
Other Sources	-	-	-	-	-	-
Other Uses	-	-	-	-	-	-
Contributions To Restricted Programs	-	-	-	-	-	-
Total Other Financing Sources and Uses	-	-	-	1,418,583	-	1,418,583

#### NET CHANGE IN FUND BALANCE

(93,235)	(199,072)	(20,182)	165,804	10,000	(136,685)
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#### BEGINNING FUND BALANCE, JULY 1, 2008

3,737,177	219,072	1,061,984	4,524,588	291,802	9,834,623
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#### PROJECTED ENDING FUND BALANCE JUNE 30, 2009

\$	3,643,942	\$	20,000	\$	1,041,802	\$	4,690,392	\$	301,802	\$	9,697,938
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# WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT

Schedule 3

## 2008-09 FIRST INTERIM

### STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCE

#### CAPITAL OUTLAY FUNDS

	BUILDING	CAPITAL FACILITIES	COUNTY SCHOOL FACILITIES	SPECIAL RESERVE FOR CAPITAL OUTLAY	TOTAL CAPITAL OUTLAY FUNDS
\$	-	\$	-	\$	-
Revenue Limit Sources	-	-	-	-	-
Federal Revenues	-	-	-	-	-
Other State Revenues	-	-	17,136,000	3,579,384	20,715,384
Other Local Revenues	2,300,000	2,153,000	300,000	1,840,000	6,593,000
Total Revenues	2,300,000	2,153,000	17,436,000	5,419,384	27,308,384

#### EXPENDITURES

Certificated Salaries	-	-	-	-	-
Classified Salaries	760,000	-	-	-	760,000
Employee Benefits	316,000	-	-	-	316,000
Books and Supplies	3,158,261	10,500	-	-	3,168,761
Services and Other Operating Expenditures	9,337,496	1,114,277	-	3,586,884	14,038,657
Capital Outlay	123,398,717	636,966	34,272,000	250,000	158,557,683
Other Outgo	-	-	-	-	-
Direct/Indirect Support Costs	-	-	-	-	-
Total Expenditures	136,970,474	1,761,743	34,272,000	3,836,884	176,841,101

#### INCREASE OF (DECREASE) IN FUND BALANCE RESULTING FROM OPERATIONS

	(134,670,474)	391,257	(16,836,000)	1,582,500	(149,532,717)
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#### OTHER FINANCING SOURCES AND (USES)

Interfund Transfers In	-	-	17,136,000	-	17,136,000
Interfund Transfers Out	(18,554,583)	-	-	-	(18,554,583)
Other Sources	120,000,000	-	-	-	120,000,000
Other Uses	-	-	-	-	-
Contributions To Restricted Programs	-	-	-	-	-
Total Other Financing Sources and Uses	101,445,417	-	17,136,000	-	118,581,417

#### NET CHANGE IN FUND BALANCE

	(33,225,057)	391,257	300,000	1,582,500	(30,951,300)
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#### BEGINNING FUND BALANCE, JULY 1, 2008

	66,850,137	4,909,599	5,064,185	3,632,591	80,456,513
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#### PROJECTED ENDING FUND BALANCE

JUNE 30, 2009	\$ 33,625,080	\$ 5,300,856	\$ 5,364,185	\$ 5,215,091	\$ 49,505,213
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# WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT

Schedule 4

## 2008-09 FIRST INTERIM

### STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCE

#### OTHER FUNDS

	CORPORATION DEBT SERVICE	DEBT SERVICE	SELF INSURANCE	RETIREE BENEFITS	TOTAL OTHER FUNDS
\$	-	\$	-	\$	-
Revenue Limit Sources	-	-	-	-	-
Federal Revenues	-	-	-	-	-
Other State Revenues	-	-	-	-	-
Other Local Revenues	40,000	320,000	13,701,000	16,300,000	30,361,000
Total Revenues	40,000	320,000	13,701,000	16,300,000	30,361,000

#### EXPENDITURES

Certificated Salaries	-	-	-	-	-
Classified Salaries	-	-	-	-	-
Employee Benefits	-	-	-	-	-
Books and Supplies	-	-	-	-	-
Services and Other Operating Expenditures	-	-	12,958,183	15,759,870	28,718,053
Capital Outlay	-	-	-	-	-
Other Outgo	787,360	1,421,602	-	-	2,208,962
Direct/Indirect Support Costs	-	-	-	-	-
Total Expenditures	787,360	1,421,602	12,958,183	15,759,870	30,927,015

#### INCREASE OF (DECREASE) IN FUND BALANCE RESULTING FROM OPERATIONS

(747,360)	(1,101,602)	742,817	540,130	(566,015)
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#### OTHER FINANCING SOURCES AND (USES)

Interfund Transfers In	787,360	-	-	-	787,360
Interfund Transfers Out	-	-	-	-	-
Other Sources	-	-	-	-	-
Other Uses	-	-	-	-	-
Contributions To Restricted Programs	-	-	-	-	-
Total Other Financing Sources and Uses	787,360	-	-	-	787,360

#### NET CHANGE IN FUND BALANCE

40,000	(1,101,602)	742,817	540,130	221,345
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#### BEGINNING FUND BALANCE, JULY 1, 2008

1,289,460	10,186,201	1,429,025	9,564,288	22,468,974
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#### PROJECTED ENDING FUND BALANCE JUNE 30, 2009

\$	1,329,460	\$	9,084,599	\$	2,171,842	\$	10,104,418	\$	22,690,319
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West Contra Costa Unified School District  
1108 Bissell Avenue  
Richmond, California 94801  
Office of the Superintendent

**ITEM REQUIRING ATTENTION---BOARD OF EDUCATION**

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**To:** Board of Education **Meeting Date:** December 10, 2008  
**From:** Bill Fay **Agenda Item:** E.4  
Associate Superintendent for Operations  
**Subject:** Public Hearing - Resolution No. 48-0809, Level II Developer Fees

**Background Information:**

A public hearing must be conducted prior to the adoption of West Contra Costa Unified School District Resolution No.48-0809, at which time individuals who wish to address the Board on matters pertaining to the Level II Developer Fees are allowed to speak.

**Recommendation:** To receive public comment and to duly consider any and all comments made at this hearing.

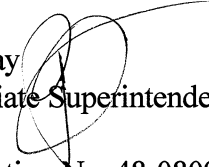
**Fiscal Impact:** None

**DISPOSITION BY BOARD OF EDUCATION**

Motion by: \_\_\_\_\_ Seconded by: \_\_\_\_\_  
Approved \_\_\_\_\_ Not Approved \_\_\_\_\_ Tabled \_\_\_\_\_

West Contra Costa Unified School District  
1108 Bissell Avenue  
Richmond, California 94801  
Office of the Superintendent

**ITEM REQUIRING ATTENTION---BOARD OF EDUCATION**

**To:** Board of Education **Meeting Date:** December 10, 2008  
**From:** Bill Fay  **Agenda Item:** E.5  
Associate Superintendent for Operations  
**Subject:** Resolution No. 48-0809, Level II and Level III Developer Fees

**Background Information:**

Government Code Sections 65995.5, 65995.6, 65995.7 regarding school facilities fees requires that a School Facilities Needs Analysis be conducted yearly to determine the amount to be charged for developer fees for Level II and Level III residential construction. Due to student generation factors and site acquisition costs, the Level II fee will increase from \$3.48 per square foot to \$4.44 per square foot for residential construction. The new fee will go into effect December 11, 2008, if approved by the Board. If not approved by the Board, the District would not be eligible to collect Level II fees, and the Level I fee of \$2.97 would be charged for residential construction as well as for construction of additions. This analysis was conducted according to state guidelines.

A copy of the School Facilities Analysis is available for review by the public in the Facilities Planning and Construction Department.

**Recommendation:** Recommend approval of Resolution No. 48-0809

**Fiscal Impact:** Increase in Level II Developer Fees of \$.96 cents per square foot

**DISPOSITION BY BOARD OF EDUCATION**

Motion by: \_\_\_\_\_ Seconded by: \_\_\_\_\_

Approved \_\_\_\_\_ Not Approved \_\_\_\_\_ Tabled \_\_\_\_\_

## **RESOLUTION NO 48-0809**

### **RESOLUTION OF THE BOARD OF TRUSTEES OF THE WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT APPROVING A SCHOOL FACILITIES NEEDS ANALYSIS, ADOPTING ALTERNATIVE SCHOOL FACILITY FEES IN COMPLIANCE WITH GOVERNMENT CODE SECTIONS 65995.5, 65995.6 AND 65995.7 AND MAKING RELATED FINDINGS AND DETERMINATIONS**

WHEREAS, the Board of Trustees ("Board") of the West Contra Costa Unified West Contra Costa Unified School District ("District") provides for the educational needs for Grade K - 12 students within the Cities of El Cerrito, Hercules, Pinole, Richmond and San Pablo ("Cities") and the County of Contra Costa ("County"); and

WHEREAS, the Board of the District, has adopted and imposed statutory school facility fees ("Statutory School Facility Fees") pursuant to Education Code Section 17620 presently in the amounts of \$2.97 per square foot of assessable space of new residential construction in the District as defined in Government Code Section 65995(b)(1) ("Assessable space"), and \$0.47 per square foot of chargeable covered and enclosed space for all categories of new commercial/industrial development in the District ("Commercial/Industrial Fees") as defined in Government Code Section 65995(b)(2); and

WHEREAS, the Board of the District heretofore has elected to participate in the school facilities funding program established pursuant to the Leroy F. Greene School Facilities Act of 1998 ("SFP") for both modernization and new construction projects and appointed a representative ("District Representative") for such purposes and for the purpose of requesting an Eligibility Determination relative to considering the adoption of alternative school facility fees and amounts pursuant to Government Code Sections 65995.5 ("ASF/Level 2 Fees") and 65996.7 ("ASF/Level 3 Fees") (and collectively, "Alternative School Facility Fees"); and

WHEREAS, the District Representative has caused the completion and certification of Form SAB 50-01, the Enrollment Certification/Projection ("ECP"), form SAB 50-02, the Existing School Building Capacity ("ESBC") and Form SAB 50-03, the Eligibility Determination ("ED"), and has submitted the ECP, ESBC and ED to the State Allocation Board ("SAB") for approval pursuant to the SFP; and

WHEREAS, the District has met the requirements established by Government Code Section 65995.5; and

WHEREAS, new residential construction continues to generate additional students for the District's schools and the District is required to provide K - 12 (grade level) school facilities ("School Facilities") to accommodate those students; and

WHEREAS, overcrowded schools within the District have an impact on the District's ability to provide an adequate quality education and negatively impact the educational opportunities for the District's students; and



WHEREAS, the District does not have sufficient funds available for the construction of the School Facilities, including acquisition of sites, construction of permanent School Facilities, and acquisition of interim School Facilities, to accommodate students from new residential construction; and

WHEREAS, the Board caused to be prepared a report entitled, "Facilities Needs Analysis for the West Contra Costa Unified West Contra Costa Unified School District" dated November 5, 2008 pursuant to applicable law including, but not by way of limitation, Government Code Section 65996.6 prior to the adoption of Alternative School Facility Fees; and

WHEREAS, the Board has received and considered the WCCUSD-2008/SFNA which includes all matters required by applicable law, including an analysis of (a) the purpose of the Alternative School Facility Fees, (b) the use to which the Alternative School Facility Fees are to be put, (c) the nexus (roughly proportional and reasonable relationship) between the residential construction and (1) the facilities for which the Alternative School Facility Fees are to be used, (2) the need for School Facilities, (3) the cost of School Facilities and the amount of Alternative School Facility Fees from new residential construction, (d) an evaluation and projection of the number of students that will be generated by new residential construction by grade levels of the District as described by Government Code Section 65995.6, (e) a description of the new School Facilities that will be required to serve such students and (f) the present estimated cost of such School Facilities; and

WHEREAS, the WCCUSD-2008/SFNA in its final form has been available to the public, for at least thirty (30) days before the Board considered at a public hearing the adoption of the Alternative School Facility Fees; and

WHEREAS, all notices of the WCCUSD-2008/SFNA and adoption of Alternative School Facility Fees have been given in accordance with applicable law and copies of the WCCUSD-2008/SFNA have been provided thirty (30) days prior to all written requests filed with the District forty-five (45) days prior to a public hearing which was held in a manner required by law at a meeting of the Board of the District relating to the proposed adoption of the WCCUSD-2008/SFNA and Alternative School Facility Fees; and

WHEREAS, the WCCUSD-2008/SFNA has been provided to all local agencies responsible for land use planning for review and comment in compliance with Government Code Section 65995.6(c); and

WHEREAS, as to the approval of the WCCUSD-2008/SFNA and Alternative School Facility Fees, Government Code Section 65995.6(g) provides that the California Environmental Quality Act, Division 13 (commencing with Section 21000) of the Public Resources Code may not apply to the preparation, adoption, or update of the WCCUSD-2008/SFNA or adoption of this Resolution; and

WHEREAS, the District desires to approve the WCCUSD-2008/SFNA and adopt Alternative School Facility Fees pursuant to Government Code Sections 65995.5 and 65995.7 for the purpose of establishing Alternative School Facility Fees that may be

imposed on residential construction calculated pursuant to Government Code Section 65995(b);

NOW THEREFORE, THE BOARD OF TRUSTEES OF THE WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT DOES HEREBY RESOLVE, DETERMINE, AND ORDER AS FOLLOWS:

1. That the Board does hereby find and determine that the foregoing recitals and determinations are true and correct and that the WCCUSD-2008/SFNA meets all applicable legal requirements.
2. That the District has met the requirements established by Government Code Section 65995.5.
3. That the District has cause to prepare the WCCUSD-2008/SFNA which is on file at the District office address and is incorporated herein by this reference, which complies with all applicable statutory requirements, including the provisions of Government Code Section 65995.6.
4. That the Board hereby approves and adopts the WCCUSD-2008/SFNA for the purpose of establishing Alternative School Facility Fees as to future residential construction within the District.
5. That the Board finds that the purpose of the Alternative School Facility Fees imposed upon residential construction are to fund the additional School Facilities to serve the students generated by the residential construction upon which the Alternative School Facility Fees are imposed as provided in the WCCUS -2008/SFNA and applicable law.
6. That the Board finds the Alternative School Facility Fees are hereby established as applicable and will be used to fund those School Facilities described in the WCCUSD-2008/SFNA and that these School Facilities are to serve the students generated by the residential construction within the District as provided in the WCCUSD-2008/SFNA.
7. That the Board finds that there is a roughly proportional reasonable relationship between the use of the Alternative School Facility Fees and the new residential construction within the District because the Alternative School Facility Fees imposed on new residential construction by this resolution will be used to fund School Facilities which will be used to serve the students generated by such new residential construction in accordance with applicable law set forth in the WCCUSD-2008/SFNA and on less than an estimated actual cost of the School Facilities estimated to result from additional residential construction as set forth in the WCCUSD-2008/SFNA.
8. That the Board finds that there is a roughly proportional reasonable relationship between the new residential construction upon which the Alternative School Facility Fees are imposed and the need for additional School Facilities in the District because new students will be generated from new residential construction

within the District and the District does not have students capacity in the existing School Facilities to accommodate these students.

9. That the Board finds that the amount of the Alternative School Facility Fees imposed on new residential construction as set forth in this Resolution is roughly proportional and reasonably related to, and does not exceed the cost of, providing the School Facilities required to serve the students generated by such new residential construction within the District.

10. That the Board finds that a separate fund ("Fund") of the District and two or more sub-funds ("Sub-Funds") have been created or are authorized to be established for all Statutory School Facility Fees received by the District for the deposit of Statutory School Facility Fees, ASF/Level 2 Fees and ASF/Level 3 Fees, Commercial/Industrial Fees and mitigation payments ("Mitigation Payments") imposed on residential construction within the District and that said Fund and Sub-Funds at all times have been separately maintained, except for temporary investments, with other funds of the District as authorized by law.

11. That the Board finds that the monies of the separate Fund or the separate Sub-Funds, described in Section 12, consisting of the proceeds of Statutory School Facility Fees, ASF/Level 2 Fees, and ASF/Level 3 Fees, Commercial/Industrial Fees and Mitigation Payments have been imposed for the purposes of constructing those School Facilities necessitated by new residential construction as further set forth in the WCCUSD-2008/SFNA, and thus these monies may be expended for all those purposes permitted by applicable law.

12. That the WCCUSD-2008/SFNA determine the need for new School Facilities for unhoused pupils that are attributable to projected enrollment growth from the construction of new residential units over the next five years, based on relevant planning agency information and the historical generation rates of new residential units constructed during the previous five years that are of a similar type of unit to those anticipated to be constructed within the District, the Cities, or the County.

13. That the Board has identified and considered, and/or subtracted, as set forth in the WCCUSD-2008/SFNA, the following information in determining amounts of the ASF/Level 2 Fees and ASF/Level 3 Fees:

- (i) any surplus property owned by the District that can be used as a school site or that is available for sale to finance school facilities pursuant to Government Code Section 65995.6(b)(1);
- (ii) the extent to which projected enrollment growth may be accommodated by excess capacity in existing facilities pursuant to Government Code Section 65995.6(b)(2);
- (iii) local sources other than fees, charges, dedications, or other requirements imposed on residential construction available to finance the construction of school facilities needed to accommodate any growth in enrollment attributable to the construction of new residential units pursuant to Government Code Section 65995.6(b)(3);

- (iv) the full amount of local funds the Board has dedicated to facilities necessitated by new construction, including fees, charges, dedications or other requirements imposed on commercial or industrial construction pursuant to Government Code Section 65995.5(c)(2).

14. That the Board has calculated, as set forth in the WCCUSD-2008/SFNA, the maximum square foot fees, charges, or dedications to be established as Alternative School Facility Fees that may be collected in accordance with the provisions of Government Code Sections 65995.5(c) and 65995.7(a).

15. That the WCCUSD-2008/SFNA in its final form has been made available to the public for a period of not less than thirty (30) days.

16. That the public has had the opportunity to review and comment on the WCCUSD-2008/SFNA and the Board has responded to written comments it has received regarding the WCCUSD-2008/SFNA.

17. That notice of the time and place of the public hearing to adopt the WCCUSD-2008/SFNA ("Hearing"), including the location and procedure for viewing or requesting a copy of the proposed WCCUSD-2008/SFNA and any proposed revision therefore has been published in at least one newspaper of general circulation within the jurisdiction of the District at least thirty (30) days prior to the Hearing.

18. That the Board has mailed a copy of the WCCUSD-2008/SFNA no less than thirty (30) days prior to the Hearing to any person who made a written request forty-five (45) days prior to the Hearing.

19. That the WCCUSD-2008/SFNA has been provided to all local agencies responsible for land use planning for review and comment in compliance with Government Code Section 65995.6(c).

20. That the Board conducted the required Hearing on December 10, 2008 prior to the adoption of the WCCUSD-2008/SFNA and the Alternative School Facility Fees, at which time all persons desiring to be heard on all matters pertaining to the WCCUSD-2008/SFNA were heard and all information presented was duly considered.

21. That the Board hereby adopts Alternative School Facility Fees and establishes the Alternative School Facility Fees on new residential construction projects within the district in the following amounts:

A. Pursuant to Government Code Section 65995.6, ASF/Level 2 Fees in the amount of \$4.44 per square foot of Assessable Space for new residential construction, including new residential projects, manufactured homes and mobile homes as authorized under Education Code Section 17625. However, this amount shall not be imposed on any construction project used exclusively for housing senior citizens, as described in Civil Code Section 51.3, or as described in subsection (k) of Section 1569.2 of the Health and Safety Code or paragraph 9 of subdivision (d) of Section 15432 of the Government Code or any mobile home or manufactured home that is located within a mobile home park, subdivision, cooperative or condominium for

mobile homes limited to older persons as defined by the Federal Fair Housing Amendments of 1988.

B. Pursuant to Government Code Section 65995.7, ASF/Level 3 Fees in the amount of \$8.88 per square foot of Assessable Space for new residential construction, including new residential projects, manufactured homes and mobile homes as authorized under Education Code Section 17625. However, this amount shall not be imposed on any construction project used exclusively for housing senior citizens, as described in Civil Code Section 51.3, or as described in subsection (k) of Section 1569.2 of the Health and Safety Code or paragraph 9 or subdivision (d) of Section 15432 of the Government Code or any mobile home or manufactured home that is located within a mobile home park, subdivision, cooperative or condominium for mobile homes limited to older persons as defined by the Federal Fair Housing Amendments of 1988.

22. That the proceeds of the Alternative School Facility Fees increased and established pursuant to this Resolution shall continue to be deposited into those Sub-Funds of the Funds identified in Section 12 of this Resolution, the proceeds of which shall be used exclusively for the purpose for which the Alternative School Facility Fees are to be collected.

23. That the Superintendent, or his/her designee, is directed to cause a copy of this Resolution to be delivered to the building of the Cities within the District's boundaries and the County along with a copy of all supporting documentation referenced herein and a map of the District clearly indicating the boundaries thereof, advising the Cities and County that the new residential construction is subject to the Alternative School Facility Fees increased pursuant to this Resolution and requesting that no building permit or approval for occupancy be issued by any of these entities for any new residential construction project, mobile home or manufactured home subject to the Alternative School Facility Fees absent a certificate of compliance ("Certificate of Compliance") from the District demonstrating compliance of such project with the requirements of the Alternative School Facility Fees, not that any building permit be issued for any non-residential construction absent a certification from this District of compliance with the requirements of the applicable Alternative School Facility Fees.

24. That the Superintendent is authorized to cause a Certificate of Compliance to be issued for each construction project, mobile home and manufactured home for which there is compliance with the requirement for payment of the Alternative School Facility Fee in the amount specified by this Resolution. In the event a Certificate of Compliance is issued for the payment of Alternative School Facility Fees for a construction project, mobile home or manufactured home and it is later determined that the statement or other representation made by an authorized party concerning the construction project as to square footage is untrue or in the event the zoning is declared invalid, then such Certificate of Compliance shall automatically terminate, and the appropriate City(ies) or County shall be so notified.

25. That regarding the timely provision of a Certificate Compliance by the District for residential construction, although not required by applicable law, the Board hereby determines that the WCCUSD-2008/SFNA is a proposed construction

plan for purposes of requiring payment of Alternative School Facility Fees prior to the issuance of any building permit for residential construction in accordance with Government Code Section 66007 and that all Alternative School Facility Fees are appropriated for the purpose of accomplishing such construction plan.

26. That no statement or provision set forth in this Resolution, or referred to therein shall be construed to repeal any preexisting fee or mitigation amount previously imposed by the District on any residential or non-residential construction.

27. That if any portion or provision hereof is held invalid, the remainder hereof is intended to be and shall remain valid.

28. That the Alternative School Facility Fees shall take effect immediately after adoption of this Resolution and shall be in effect for one year.

APPROVED, ADOPTED, AND SIGNED ON December 10, 2008.

AYES	_____
NOES	_____
ABSENT	_____
ABSTENSIONS	_____

BOARD OF TRUSTEES OF THE WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT

\_\_\_\_\_  
President of the Board of Trustees of the  
West Contra Costa Unified School District

West Contra Costa Unified School District  
1108 Bissell Avenue  
Richmond, California 94801  
Office of the Superintendent

**ITEM REQUIRING ATTENTION---BOARD OF EDUCATION**

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**To:** Board of Education

**Meeting Date:** December 10, 2008

**From:** Tony Thurmond, Board Member

**Agenda Item:** F.1

**Subject:** Establishment of a WCCUSD Youth Commission

**Background Information:**

The Board and District could gain a great deal of insight into how to improve school operations, create better learning environments and get valuable feedback from high school students by creating a Youth Commission. A Youth Commission could mirror the role of the Board and provide leadership opportunities and training for WCCUSD students.

**Recommendation:**

That the Board discuss the viability of establishing a Youth Commission.

**Fiscal Impact:** None

**DISPOSITION BY BOARD OF EDUCATION**

Motion by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

Approved \_\_\_\_\_

Not Approved \_\_\_\_\_

Tabled \_\_\_\_\_

WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT  
1108 Bissell Avenue  
Richmond, California 94801-3135  
Office of Superintendent of Schools

ITEM REQUIRING ATTENTION----BOARD OF EDUCATION

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**To:** Board of Education

**Meeting Date:** December 10, 2008

**From:** Sheri Gamba, Assoc. Supt., Business Services

**Agenda Item:** CI G.1

**Subject:** Contracted Services

**Background Information:** Permission is requested of the Board of Education to approve the following contracts for services as detailed on the attached sheets dated December 10, 2008.

**Recommendation:** Recommend Approval

**Fiscal Impact:** As noted per contracts summary.

DISPOSITION BY BOARD OF EDUCATION

Motion by: \_\_\_\_\_ Seconded by: \_\_\_\_\_

Approved \_\_\_\_\_ Not Approved \_\_\_\_\_ Tabled \_\_\_\_\_



## CONTRACTED SERVICES

The following professional consultant services are recommended for approval.

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<u>DEPARTMENT</u>	<u>DATE OF SERVICE</u>	<u>CONSULTANT NAME</u>	<u>COST &amp; FUNDING</u>	<u>PURPOSE</u>
Associate Superintendent, Operations	12/11/08 thru 6/30/09	Integra Realty Resources R10153	\$49,500 Central Support Services	Land valuation, with preliminary overview discussion/consideration of potential for probable facility re-use where applicable. Analyses of eleven properties. Scope of work to include neighborhood, site, market, improvement analyses; highest and best use analysis of land if vacant; highest and best use-as improved; and land valuation.
Information Technology	7/5/08 thru 6/30/09	CSM Consulting R09553	\$73,000 Data Processing Services	Shall provide completed forms and processes related to all priority one and priority two applications of the FCC e-rate filings with the schools and library division for filing year 2009 also known as year twelve (12). Will assess and process for district all issues with all prior e-rate applications, spin changes, and other applicable processes, meet with district to assess technology and telecommunications needs as they relate to the upcoming application period. File all telecommunications needs as they relate to the upcoming application period. File all required FCC forms for services district has requested including but not limited to forms 470, 471, and 486. act as main point of contact with the SLD.

WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT  
1108 Bissell Avenue  
Richmond, California 94801-3135  
Office of Superintendent of Schools

**ITEM REQUIRING ATTENTION----BOARD OF EDUCATION**

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**To:** Board of Education

**Meeting Date:** December 10, 2008

**From:** Sheri Gamba, Assoc. Supt., Business Services

**Agenda Item:** CI G.2

**Subject:** Grants/Awards/Agreements

**Background Information:** Formal acceptance is requested from the Board of Education to accept the grants/awards/agreements, as detailed on the attached sheets dated December 10, 2008.

**Recommendation:** Recommend Approval

**Fiscal Impact:** As noted per grants summary.

DISPOSITION BY BOARD OF EDUCATION

Motion by: \_\_\_\_\_ Seconded by: \_\_\_\_\_

Approved \_\_\_\_\_ Not Approved \_\_\_\_\_ Tabled \_\_\_\_\_

GRANT / AWARD / AGREEMENT NOTIFICATIONS

Project Name	Project Amount for Budget Period	Funding Agency	Comments
08-09 Local Assistance Entitlements	\$5,678,987	California Department of Education - Special Education Division, Grants	08-09 Local Assistance Entitlements Special Ed
Resource # 3310	7/1/08 - 9/30/09		PCA # 13379-01
08-09 Preschool Local Entitlements	\$514,474	California Department of Education - Special Education Division, Grants	08-09 Preschool Local Entitlements Special Ed
Resource # 3320	7/1/08 - 9/30/09		PCA # 13682-01
08-09 Low Incidence Entitlements	\$11,191	California Department of Education - Special Education Division, Grants	08-09 Low Incidence Entitlements Special Education
Resource # 6530	7/1/08 - 9/30/09		
CPA - Mentee Grant/ Technology and New Media Academy ECHS	\$10,000	California Department of Education - Secondary, Postsecondary and Adult Leadership Division	To help support the Information Technology and New Media Academy at ECHS
Resource # 7220	11/1/08 - 6/30/09		Riverside Community College (RCC) - 00
CPA - Mentee Grant/ ACET Academy at JFKHS	\$10,000	California Department of Education - Secondary, Postsecondary and Adult Leadership Division	To help support the Architecture/ Construction/Engineering/Technology Academy at JFKHS
Resource 7220	11/1/08 - 6/30/09		Riverside Community College (RCC) - 01
CPA - Mentee Grant/ Information Technology Academy JFKHS	\$10,000	California Department of Education - Secondary, Postsecondary and Adult Leadership Division	To help support the Information Technology Academy at JFKHS
Resource # 7220	11/1/08 - 6/30/09		Riverside Community College (RCC) - 02
CPA - Mentee Grant/ Law and Justice Academy PVHS	\$10,000	California Department of Education - Secondary, Postsecondary and Adult Leadership Division	To help support the Law and Justice Academy at PVHS
Resource # 7220	11/1/08 - 6/30/09		Riverside Community College (RCC) - 03
CPA - Mentee Grant/ Law Academy at RHS	\$10,000	California Department of Education - Secondary, Postsecondary and Adult Leadership Division	To help support the Law Academy at RHS
Resource # 7220	11/1/08 - 6/30/09		Riverside Community College (RCC) - 04

WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT  
1108 Bissell Avenue  
Richmond, California 94801-3135  
Office of Superintendent of Schools

**ITEM REQUIRING ATTENTION----BOARD OF EDUCATION**

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**To:** Board of Education

**Meeting Date:** December 10, 2008

**From:** Sheri Gamba, Assoc. Supt., Business Services

**Agenda Item:** CI G.3

**Subject:** Acceptance of Donations

**Background Information:** The District has received donations as summarized on the attached sheet dated December 10, 2008. The estimated values for any non-cash donations (as indicated by an asterisk) are those provided by the donor. Staff recommends acceptance of these donations.

**Recommendation:** Recommend Approval

**Fiscal Impact:** As noted per donations summary.

**DISPOSITION BY BOARD OF EDUCATION**

Motion by: \_\_\_\_\_ Seconded by: \_\_\_\_\_

Approved \_\_\_\_\_ Not Approved \_\_\_\_\_ Tabled \_\_\_\_\_

West Contra Costa Unified School District  
December 10, 2008 Board Meeting

ACCEPTANCE OF DONATIONS

<u>Donor Name</u>	<u>Description or Purpose</u>	<u>Estimated Value</u>	<u>Receiving School or Department</u>
Matthew Sunberg	Golf equipment	\$450 *	De Anza High School
PG&E Corp. Foundation	For school use	\$144	Ford Elementary School
Wells Fargo Foundation	For school use	\$231	Hanna Ranch Elementary School
Target Take Charge of Education	For school use	\$237	Hercules Middle School
Mr. Marco Gonzales	For Close Up	\$150	Kennedy High School
Mr & Mrs. Jeffrey Tom	For Close Up	\$100	Kennedy High School
Mrs. Dolores Monismith	For Close Up	\$200	Kennedy High School
Mr. John Mengel	For Close Up	\$25	Kennedy High School
Ohiopyle Prints Inc.	For Athletics Dept.	\$34	Kennedy High School
Ms. Adeline Miller	For Close Up	\$25	Kennedy High School
Ms. Marcella McKillican	For Close Up	\$25	Kennedy High School
Mr & Mrs. Jeffrey Ward	For Close Up	\$30	Kennedy High School
Ms. Mary Lou Schriner	For Close Up	\$100	Kennedy High School
BP Lubricants	For classroom supplies	\$3,000	Lake Elementary School
Wells Fargo	For school use	\$150	Pinole Valley High School
Wells Fargo Community Support Campaign	For school use	\$120	North Campus High School
Ohiopyle Prints Inc.	For athletics	\$34	Richmond High School
Shannon School PTA	For study trip	\$773	Shannon Elementary School
Mark Spellman	Paper and envelopes	\$500 *	Sheldon Elementary School
Longs Drugs	Gift certificates for conflict mediators	\$500	Sheldon Elementary School
Ron & Ashley Latteri	Patio furniture and miscellaneous	\$935 *	Sheldon Elementary School

\* Estimated values for non-cash donations are provided by the donor.  
Donations 121008.doc et

WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT  
1108 Bissell Avenue  
Richmond, California 94801-3135  
Office of Superintendent of Schools

**ITEM REQUIRING ATTENTION---BOARD OF EDUCATION**

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**To:** Board of Education

**Meeting Date:** December 10, 2008

**From:** Sheri Gamba, Assoc. Supt., Business Services

**Agenda Item:** CI G.4

**Subject:** Approval of Fund-Raising Activities

**Background Information:** The planned fund-raising events for the 2008-09 school year are summarized on the attached sheet dated December 10, 2008.

**Recommendation:** Recommend Approval

**Fiscal Impact:** Additional revenue for schools.

**DISPOSITION BY BOARD OF EDUCATION**

Motion by: \_\_\_\_\_ Seconded by: \_\_\_\_\_

Approved \_\_\_\_\_ Not Approved \_\_\_\_\_ Tabled \_\_\_\_\_

APPROVAL OF FUND-RAISERS

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<u>School</u>	<u>Fund-raising Activity</u>	<u>Activity Sponsor</u>
Crespi Middle School	Candy cane grams sales, bunny sale grams	Leadership and staff and students
Kennedy High School	Discount coupon sales	Softball team, staff and students
Kensington Elementary School	Holiday cake sales	Kensington Education Foundation
Madera Elementary School	Candy sales	Staff and 5 <sup>th</sup> grade students
Pinole Valley High School	Variety show	Interact Club, Rotary Club
Washington Elementary School	Penny drive	Staff and students

WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT  
1108 Bissell Avenue  
Richmond, California 94801-3135  
Office of Superintendent of Schools

**ITEM REQUIRING ATTENTION----BOARD OF EDUCATION**

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**To:** Board of Education

**Meeting Date:** December 10, 2008

**From:** Sheri Gamba, Assoc. Supt., Business Services

**Agenda Item:** CI G.5

**Subject:** Notice of Completions: Bid W068098 Cameron Re-Roof Project, D068088 De Anza HS Track & Field Project, J068122 Pinole Valley HS Site Work Project, E068126 Pinole Valley HS Parking Lot Paving Project, J068120 Lupine Hills, Harding, Tara Hills Roof Repair Projects.

**Background Information:** A substantial Completion Notice has been received for:

Bid W068098 Cameron Re-Roof Project  
Bid D068088 De Anza HS Track & Field Project  
Bid J068122 Pinole Valley HS Site Work Project  
Bid E068126 Pinole Valley HS Parking Lot Paving Project  
Bid J068120 Lupine Hills, Harding, Tara Hills Roof Repair Projects

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:

IMR Contractor Corporation W068098 Cameron Re-Roof Project  
Bay Cities Paving & Grading D068088 De Anza HS Track & Field Project  
Bruce Carone Grading & Paving J068122 Pinole Valley HS Site Work Project  
Galedrige Construction E068126 Pinole Valley HS Parking Lot Paving Project  
IMR Contractor Corporation J068120 Lupine Hills, Harding, Tara Hills Roof Repair Projects

**Recommendation:** Recommend approval of these notices of completions

**Fiscal Impact:** None

DISPOSITION BY BOARD OF EDUCATION

Motion by: \_\_\_\_\_ Seconded by: \_\_\_\_\_

Approved \_\_\_\_\_ Not Approved \_\_\_\_\_ Tabled \_\_\_\_\_



RECORDING REQUESTED BY  
AND WHEN RECORDED MAIL TO  
NAME WEST CONTRA COSTA  
UNIFIED SCHOOL DISTRICT  
STREET  
ADDRESS 1108 BISSELL AVENUE  
CITY &  
STATE RICHMOND, CALIF 94801

SPACE ABOVE THIS LINE FOR RECORDER'S USE

### NOTICE OF COMPLETION

Notice pursuant to Civil Code Section 3093, must be filed within 10 days after completion. The completion of work is deemed to be the date of such acceptance by the Governing Board of the District (civil code 3086)

Notice is hereby given that:

1. The undersigned is owner of the property hereinafter described:
2. The full name of the owner is: Governing Board, West Contra Costa Unified School District.
3. The full address of the owner is: 1108 Bissell Avenue, Richmond, Calif. 94801.
4. A work of improvement on the property hereinafter described was completed and accepted on 12/10/08.
5. The work done was: Project W068098 Cameron Re-Roof
6. The name and address of the contractor for such work of improvement was IMR Contractor Corporation 3254 19<sup>th</sup> Street Ste 200, San Francisco, CA 94110 Date of Contract: 11/08/07
7. The name of the Bonding Company that provided Surety for said contractor relative to work to be performed is: First National Insurance Company of America
8. The property on which said work of improvement was completed is located within the West Contra Costa Unified School District, County of Contra Costa, State of California, and is described and located as follows: Cameron, 7140 Gladys Avenue, El Cerrito, CA 94530.

Dated: December 10, 2008

\_\_\_\_\_  
Director, General Services  
West Contra Costa USD

### VERIFICATION

I, the undersigned, say: I am the Director, General Services the declarant of the foregoing notice of completion; I have read said notice of completion and know the contents thereof; the same is true of my own knowledge.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on December 10, 2008, at Richmond, California.

\_\_\_\_\_  
Director, General Services  
West Contra Costa USD

RECORDING REQUESTED BY  
AND WHEN RECORDED MAIL TO  
NAME WEST CONTRA COSTA  
UNIFIED SCHOOL DISTRICT  
STREET  
ADDRESS 1108 BISSELL AVENUE  
CITY &  
STATE RICHMOND, CALIF 94801

SPACE ABOVE THIS LINE FOR RECORDER'S USE

### NOTICE OF COMPLETION

Notice pursuant to Civil Code Section 3093, must be filed within 10 days after completion. The completion of work is deemed to be the date of such acceptance by the Governing Board of the District (civil code 3086)

Notice is hereby given that:

4. The undersigned is owner of the property hereinafter described:
5. The full name of the owner is: Governing Board, West Contra Costa Unified School District.
6. The full address of the owner is: 1108 Bissell Avenue, Richmond, Calif. 94801.
6. A work of improvement on the property hereinafter described was completed and accepted on 12/10/08.
7. The work done was: Project D068088 De Anza High School Track & Field
7. The name and address of the contractor for such work of improvement was Bay Cities Paving & Grading 5029 Forni Drive Concord, CA 94520 Date of Contract: 06/08/07
7. The name of the Bonding Company that provided Surety for said contractor relative to work to be performed is: Safeco Insurance Co. of America
8. The property on which said work of improvement was completed is located within the West Contra Costa Unified School District, County of Contra Costa, State of California, and is described and located as follows: De Anza High School 5000 Valley View Rd. Richmond, CA 94803.

Dated: December 10, 2008

\_\_\_\_\_  
Director, General Services  
West Contra Costa USD

### VERIFICATION

I, the undersigned, say: I am the Director, General Services the declarant of the foregoing notice of completion; I have read said notice of completion and know the contents thereof; the same is true of my own knowledge.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on December 10, 2008, at Richmond, California.

\_\_\_\_\_  
Director, General Services  
West Contra Costa USD

RECORDING REQUESTED BY  
AND WHEN RECORDED MAIL TO  
NAME WEST CONTRA COSTA  
UNIFIED SCHOOL DISTRICT  
STREET  
ADDRESS 1108 BISSELL AVENUE  
CITY &  
STATE RICHMOND, CALIF 94801

SPACE ABOVE THIS LINE FOR RECORDER'S USE

### NOTICE OF COMPLETION

Notice pursuant to Civil Code Section 3093, must be filed within 10 days after completion. The completion of work is deemed to be the date of such acceptance by the Governing Board of the District (civil code 3086)

Notice is hereby given that:

7. The undersigned is owner of the property hereinafter described:
8. The full name of the owner is: Governing Board, West Contra Costa Unified School District.
9. The full address of the owner is: 1108 Bissell Avenue, Richmond, Calif. 94801.
8. A work of improvement on the property hereinafter described was completed and accepted on 12/10/08.
9. The work done was: Project J068122 Pinole Valley High School Site Work
8. The name and address of the contractor for such work of improvement was Bruce Carone Grading & Paving PO Box 5427 Concord, CA 94524 Date of Contract: 07/11/08
7. The name of the Bonding Company that provided Surety for said contractor relative to work to be performed is: Indemnity Company of California
8. The property on which said work of improvement was completed is located within the West Contra Costa Unified School District, County of Contra Costa, State of California, and is described and located as follows: Pinole Valley High School 2900 Pinole Valley Rd. Pinole, CA 94564.

Dated: December 10, 2008

\_\_\_\_\_  
Director, General Services  
West Contra Costa USD

### VERIFICATION

I, the undersigned, say: I am the Director, General Services the declarant of the foregoing notice of completion; I have read said notice of completion and know the contents thereof; the same is true of my own knowledge.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on December 10, 2008, at Richmond, California.

\_\_\_\_\_  
Director, General Services  
West Contra Costa USD

RECORDING REQUESTED BY  
AND WHEN RECORDED MAIL TO  
NAME WEST CONTRA COSTA  
UNIFIED SCHOOL DISTRICT  
STREET  
ADDRESS 1108 BISSELL AVENUE  
CITY &  
STATE RICHMOND, CALIF 94801

SPACE ABOVE THIS LINE FOR RECORDER'S USE

### NOTICE OF COMPLETION

Notice pursuant to Civil Code Section 3093, must be filed within 10 days after completion. The completion of work is deemed to be the date of such acceptance by the Governing Board of the District (civil code 3086)

Notice is hereby given that:

10. The undersigned is owner of the property hereinafter described:

11. The full name of the owner is: Governing Board, West Contra Costa Unified School District.

12. The full address of the owner is: 1108 Bissell Avenue, Richmond, Calif. 94801.

10. A work of improvement on the property hereinafter described was completed and accepted on 12/10/08.

11. The work done was: Project E068126 Pinole Valley High School Parking Lot Paving

9. The name and address of the contractor for such work of improvement was Galedrige Construction P.O. Box 427 Alviso, CA 95002 Date of Contract: 08/06/08

7. The name of the Bonding Company that provided Surety for said contractor relative to work to be performed is: International Fidelity Insurance Company

8. The property on which said work of improvement was completed is located within the West Contra Costa Unified School District, County of Contra Costa, State of California, and is described and located as follows: Pinole Valley High School 2900 Pinole Valley Rd. Pinole, CA 94564.

Dated: December 10, 2008

\_\_\_\_\_  
Director, General Services  
West Contra Costa USD

### VERIFICATION

I, the undersigned, say: I am the Director, General Services the declarant of the foregoing notice of completion; I have read said notice of completion and know the contents thereof; the same is true of my own knowledge.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on December 10, 2008, at Richmond, California.

\_\_\_\_\_  
Director, General Services  
West Contra Costa USD

RECORDING REQUESTED BY  
AND WHEN RECORDED MAIL TO  
NAME WEST CONTRA COSTA  
UNIFIED SCHOOL DISTRICT  
STREET  
ADDRESS 1108 BISSELL AVENUE  
CITY &  
STATE RICHMOND, CALIF 94801

SPACE ABOVE THIS LINE FOR RECORDER'S USE

## NOTICE OF COMPLETION

Notice pursuant to Civil Code Section 3093, must be filed within 10 days after completion. The completion of work is deemed to be the date of such acceptance by the Governing Board of the District (civil code 3086)

Notice is hereby given that:

13. The undersigned is owner of the property hereinafter described:

14. The full name of the owner is: Governing Board, West Contra Costa Unified School District.

15. The full address of the owner is: 1108 Bissell Avenue, Richmond, Calif. 94801.

12. A work of improvement on the property hereinafter described was completed and accepted on 12/10/08.

13. The work done was: Project J068120 Lupine Hills, Harding, Tara Hills Roof

10. The name and address of the contractor for such work of improvement was IMR Contractor Corporation 3254 19<sup>th</sup> Street Ste 200 San Francisco, CA 94110 Date of Contract: 06/19/08

7. The name of the Bonding Company that provided Surety for said contractor relative to work to be performed is: International Fidelity Insurance Company

8. The property on which said work of improvement was completed is located within the West Contra Costa Unified School District, County of Contra Costa, State of California, and is described and located as follows: Lupine Hills Elementary, 1919 Lupine Rd Hercules, CA 94547, Harding Elementary, 7230 Fairmont Ave El Cerrito, CA 94530, Tara Hills Elementary, 2300 Dolan Way San Pablo, CA 94806.

Dated: December 10, 2008

\_\_\_\_\_  
Director, General Services  
West Contra Costa USD

## VERIFICATION

I, the undersigned, say: I am the Director, General Services the declarant of the foregoing notice of completion; I have read said notice of completion and know the contents thereof; the same is true of my own knowledge.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on December 10, 2008, at Richmond, California.

\_\_\_\_\_  
Director, General Services  
West Contra Costa USD

WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT  
1108 Bissell Avenue  
Richmond, California 94801-3135  
Office of Superintendent of Schools

**ITEM REQUIRING ATTENTION---BOARD OF EDUCATION**

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**To:** Board of Education

**Meeting Date:** December 10, 2008

**From:** Sheri Gamba, Assoc. Supt., Business Services *pg*

**Agenda Item:** CI G.6

**Subject:** Resolution No. 49-0809 California Public Employer "Pick-Up" Plan  
Resolution No. 50-0809 California State Teachers Retirement System Employer "Pick-Up" Plan  
Resolution No. 51-0809 Employer Paid Member Contributions

**Background Information:** The Internal Revenue Service (IRS) issued Revenue Ruling 2006-43 giving government employers until January 1, 2009 to demonstrate "formal authorization" of their pick-up plans. A pick-up plan allows CalSTRS and CalPERS member contributions to be treated on a pre-tax basis.

At this time the district is formally reaffirming the pick-up plan to meet the requirements of the new ruling. Such a reaffirmation will ensure that all employers have an executed resolution on file.

**Recommendation:** Recommend Approval

**Fiscal Impact:** None.

DISPOSITION BY BOARD OF EDUCATION

Motion by: \_\_\_\_\_ Seconded by: \_\_\_\_\_

Approved \_\_\_\_\_ Not Approved \_\_\_\_\_ Tabled \_\_\_\_\_

**BOARD OF EDUCATION  
WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT  
RESOLUTION NO. 49-0809  
FOR EMPLOYER PICK-UP  
CALIFORNIA PUBLIC EMPLOYEES RETIREMENT SYSTEM  
DECEMBER 10, 2008**

WHEREAS, West Contra Costa Unified School District has the authority to implement the provisions of section 414(h)(2) of the Internal Revenue Code (IRC); and

WHEREAS, the Board of Administration of the Public Employees' Retirement System adopted its resolution re section 414(h)(2) IRC on September 18, 1985; and

WHEREAS, the Internal Revenue Service has stated in December 1985, that the implementation of the provisions of section 414(h)(2) IRC pursuant to the Resolution of the Board of Administration would satisfy the legal requirements of section 414(h)(2) IRC; and

WHEREAS, West Contra Costa Unified School District has determined that even though the implementation of the provisions of section 414(h)(2) IRC is not required by law, the tax benefit offered by section 414(h)(2) IRC should be provided to its employees who are members of the Public Employees' Retirement System:

NOW, THEREFORE, BE IT RESOLVED:

- I. That the West Contra Costa Unified School District will implement the provisions of section 414(h)(2) Internal Revenue Code by making employee contributions pursuant to California Government Code section 20691 to the Public Employees' Retirement System on behalf of its employees who are members of the Public Employees' Retirement System. "Employee contributions" shall mean those contributions to the Public Employees' Retirement System which are deducted from the salary of employees and are credited to the individual employee's accounts pursuant to California Government Code section 20691.
- II. That the contributions made by the West Contra Costa Unified School District to the Public Employees' Retirement System, although designated as employee contributions, are being paid by the West Contra Costa Unified School District in lieu of contributions by the employees who are members of the Public Employees' Retirement System.
- III. That employees shall not have the option of choosing to receive the contributed amounts directly instead of having them paid by the West Contra Costa Unified School District to the Public Employees' Retirement System.
- IV. That the West Contra Costa Unified School District shall pay to the Public Employees' Retirement System the contributions designated as employee contributions from the same source of funds as used in paying salary.

- V. That the amount of the contributions designated as employee contributions and paid by the West Contra Costa Unified School District to the Public Employees' Retirement System on behalf of the employee shall be the entire contribution required of the employee by the Public Employees' Retirement Law (California Government Code Sections 20000, et seq.).
- VI. That the contributions designated as employee contributions made by West Contra Costa Unified School District to the Public Employees' Retirement System shall be treated for all purposes, other than taxation, in the same way that member contributions are treated by the Public Employees' Retirement System.

PASSED AND ADOPTED on the 10th day of December, 2008, at a regular meeting of the Board of Education by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

I, the Secretary of the West Contra Costa Unified School District, do hereby certify that the foregoing resolution was duly and regularly adopted by the Board of Education of the West Contra Costa Unified School District.

---

Dr. Bruce Harter  
Secretary, Board of Education



**BOARD OF EDUCATION  
WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT  
RESOLUTION NO. 50-0809  
FOR CALIFORNIA STATE TEACHERS  
RETIREMENT SYSTEM "PICK-UP" PLAN  
DECEMBER 10, 2008**

WHEREAS, West Contra Costa Unified School District has the authority to implement the provisions of section 414(h)(2) of the Internal Revenue Code (IRC); and

WHEREAS, the Teachers' Retirement Board of the State Teachers' Retirement System adopted its resolution re section 414(h)(2) IRC on May 17, 1985; and

WHEREAS, the Internal Revenue Service has stated in August 27, 1985, that the implementation of the provisions of section 414(h)(2) IRC pursuant to the Resolution of the Teachers' Retirement Board would satisfy the legal requirements of section 414(h)(2) IRC; and

WHEREAS, West Contra Costa Unified School District has determined that even though the implementation of the provisions of section 414(h)(2) IRC is not required by law, the tax benefit offered by section 414(h)(2) IRC should be provided to its employees who are members of the State Teachers' Retirement System:

NOW, THEREFORE, BE IT RESOLVED:

- I. That the West Contra Costa Unified School District will implement the provisions of section 414(h)(2) Internal Revenue Code by making employee contributions to the State Teachers' Retirement System on behalf of its employees who are members of the State Teachers' Retirement System. "Employee contributions" shall mean those contributions to the State Teachers' Retirement System which are deducted from the salary of employees and are credited to the individual employee accounts.
- II. That the contributions made by the West Contra Costa Unified School District to the State Teachers' Retirement System, although designated as employee contributions, are being paid by the West Contra Costa Unified School District in lieu of contributions by the employees who are members of the State Teachers' Retirement System.
- III. That employees shall not have the option of choosing to receive the contributed amounts directly instead of having them paid by the West Contra Costa Unified School District to the State Teachers' Retirement System.
- IV. That the West Contra Costa Unified School District shall pay to the State Teachers' Retirement System the contributions designated as employee contributions from the same source of funds as used in paying salary.

- V. That the amount of the contributions designated as employee contributions and paid by the West Contra Costa Unified School District to the State Teachers' Retirement System on behalf of the employee shall be the entire contribution required of the employee by the Teachers' Retirement Law (California Government Code Sections 22000, et seq.).
- VI. That the contributions designated as employee contributions made by West Contra Costa Unified School District to the State Teachers' Retirement system shall be treated for all purposes, other than taxation, in the same way that member contributions are treated by the State Teachers' Retirement System.
- VII. That the West Contra Costa Unified School District shall make no contributions designated as employee contributions until the State Teachers' Retirement System has developed and implemented procedures for administering the provisions of section 414(h)(2) Internal Revenue code and until the State Teachers' Retirement System has officially notified the West Contra Costa Unified School District that it will accept contributions pursuant to section 414(h)(2) Internal Revenue Code.

PASSED AND ADOPTED on the 10th day of December, 2008, at a regular meeting of the Board of Education by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

I, the Secretary of the West Contra Costa Unified School District, do hereby certify that the foregoing resolution is a full, true, and correct copy of a resolution adopted by the Board of Education of the West Contra Costa Unified School District at a regular meeting thereof held at its regular place of meeting at the time and by the vote above stated, which resolution is on file in the office of the said Board.

---

Dr. Bruce Harter  
Secretary, Board of Education

**BOARD OF EDUCATION  
WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT  
RESOLUTION NO. 51-0809  
FOR EMPLOYER PAID MEMBER CONTRIBUTIONS  
DECEMBER 10, 2008**

WHEREAS, the governing body of the West Contra Costa Unified School District has the authority to implement Government Code Section 20691;

WHEREAS, the governing body of the West Contra Costa Unified School District has written agreements which specifically provide for the normal member contributions to be paid by the employer;

WHEREAS, one of the steps in the procedures to implement Section 20691 is the adoption by the governing body of the West Contra Costa Unified School District of a Resolution to commence said Employer Paid Member Contributions (EPMC);

WHEREAS, the following governing body of the West Contra Costa Unified School District has identified the following conditions for the purpose of its election to pay EPMC:

- This benefit shall apply to the Superintendent and Cabinet.
- This benefit shall consist of paying 100 percent of the normal member contribution as EPMC.

NOW, THEREFORE, BE IT RESOLVED that the governing body of the West Contra Costa Unified School District elects to pay EPMC, as set forth above.

PASSED AND ADOPTED on the 10th day of December, 2008, at a regular meeting of the Board of Education by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

I, the Secretary of the West Contra Costa Unified School District, do hereby certify that the foregoing resolution was duly and regularly adopted by the Board of Education of the West Contra Costa Unified School District.

---

Dr. Bruce Harter  
Secretary, Board of Education

West Contra Costa Unified School District  
1108 Bissell Avenue  
Richmond, California 94801  
Office of the Superintendent

**ITEM REQUIRING ATTENTION---BOARD OF EDUCATION**

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**To:** Board of Education

**Meeting Date:** December 10, 2008

**From:** Jessica R. Romeo,   
Assistant Superintendent Human Resources

**Agenda Item:** CI G.7

**Subject:** Certificated Personnel Changes

**Background Information:** 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

**DISPOSITION BY BOARD OF EDUCATION**

Motion by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

Approved \_\_\_\_\_

Not Approved \_\_\_\_\_

Tabled \_\_\_\_\_

**December 10, 2008**

**Waivers**

**SITE**

**ASSIGNMENT**

Franco-Marina, Hector

Helms

Vice Principal

Definition: Variable term waivers provide applicants with additional time to complete the requirements for the credential that authorizes the service or provide employing agencies with time to fill the assignment with an individual who either holds an appropriate credential or qualifies under one of the assignment options. (Assignment pending fingerprint clearance when applicable)

**Consent**

West Contra Costa Unified School District  
1108 Bissell Avenue  
Richmond, California 94801  
Office of the Superintendent

**ITEM REQUIRING ATTENTION—BOARD OF EDUCATION**

**To:** Board of Education

**Meeting Date:** December 10, 2008

**From:** Jessica R. Romeo,   
Assistant Superintendent Human Resources

**Agenda Item:** CI G.8

**Subject:** Certificated Provisional Internship Permit (PIP) Request(s)

**Background Information:** 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

**DISPOSITION BY BOARD OF EDUCATION**

Motion by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

Approved \_\_\_\_\_

Not Approved \_\_\_\_\_

Tabled \_\_\_\_\_

**December 10, 2008**

**Action Taken**

<b><u>PIP</u></b>	<b><u>SITE</u></b>	<b><u>ASSIGNMENT</u></b>
Blackmon, Benjamin	Harbour Way	7th/8th SEI
Botti, Phillip	Gompers	Community Day
Bozant, Andrew	El Cerrito HS	Math
Goines, Kevin	Pinole Valley HS	Social Science
Liepman, Benjamin	El Cerrito HS	Social Science/PE
Parker-Carter, Christina	Bayview Elem	2nd Grade
Ruiz, Benjamin	Portola MS	Spanish SEI
Young, Rosemary	Peres Elem	1st Grade

West Contra Costa Unified School District  
1108 Bissell Avenue  
Richmond, California 94801  
Office of the Superintendent

**ITEM REQUIRING ATTENTION---BOARD OF EDUCATION**

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**To:** Board of Education

**Meeting Date:** December 10, 2008

**From:** Jessica R. Romeo  
Assistant Superintendent for Human Resources

**Agenda Item:** CI G.9

**Subject:** Notification of Claims Rejected

**Background Information:**

The District has received claims requesting compensation for personal injury. The District's risk management firm has investigated the claims and is requesting the School Board to ratify the authorized claim rejections.

**Recommendation:** Ratify the rejection of claims

**Fiscal Impact:** None

**DISPOSITION BY BOARD OF EDUCATION**

Motion by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

Approved \_\_\_\_\_

Not Approved \_\_\_\_\_

Tabled \_\_\_\_\_



2008-2009 CLAIMS REJECTED

<u>School or Department</u>	<u>Date of Occurrence</u>	<u>Claimant</u>	<u>Type of Loss</u>	<u>Disposition of Settlement</u>
Mira Vista Elementary School	5/28/08	District Student	Personal Injury	Rejected
Mira Vista Elementary School	9/8/08	District Student	Personal Injury	Rejected

West Contra Costa Unified School District  
1108 Bissell Avenue  
Richmond, California 94801  
Office of the Superintendent

**ITEM REQUIRING ATTENTION----BOARD OF EDUCATION**

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**To:** Board of Education **Meeting Date:** December 10, 2008  
**From:** Bill Fay **Agenda Item:** CI G.10  
Associate Superintendent for Operations  
**Subject:** Ratification and Approval of Engineering Services Contracts

**Background Information:**

Contracts have been initiated by staff using previously qualified 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

**Fiscal Impact:** Total for this action: **\$350,077**. Funding sources as noted.

**DISPOSITION BY BOARD OF EDUCATION**

Motion by: \_\_\_\_\_ Seconded by: \_\_\_\_\_  
Approved \_\_\_\_\_ Not Approved \_\_\_\_\_ Tabled \_\_\_\_\_

**WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT  
FACILITIES PLANNING AND CONSTRUCTION**

**ENGINEERING & ARCHITECTURAL SERVICES CONTRACTS**

<b>Project/Funding</b>	<b>Dates</b>	<b>Firm</b>	<b>Contract Cost</b>	<b>Reference</b>
Richmond HS Digital Surveillance System  QEIA	December 2008 thru February 2009	Maxut, Martin Ajayiobe	\$12,000	Engineering and design services.
Pinole Middle School Building A Renovations  Measure J Bond	December 2008 thru January 2009	Pacific Engineering & Construction	\$5,000	Supplemental topographic survey.
11 Elementary Schools Playground Safety Surface Replacements  MRAD Funds	December 2008 thru August 2009	Keller Mitchell & Co.	\$54,000	Landscape Architectural Services through Construction.
CBOC Website Redesign  Measure J Bond	December 2008 thru January 2008	SincereDesign .com	\$8,000	Web design services.
Pinole Middle School Building A Renovations  Measure J Bond	December 2008 thru March 2010	Powell and Partners Architects	\$38,000	Additional services architectural & Civil Engineering, added increment, & revised scope.
DeAnza High School Main Campus Construction  Measure J Bond	December 2008 thru February 2009	Vanir Construction Management	\$123,375	Constructability Reviews and Backcheck.
Dover Elementary School Sitework Ph I & II  Measure J Bond	November 2008 thru February 2009	Kleinfelder	\$10,000	Additional services for extended construction.
Ford Elementary Demolition & Sitework Increment 1  Measure J Bond	December 2008 thru March 2009	Winzler & Kelley	\$22,851	Hazardous materials consulting, monitoring during construction.

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**December 10, 2008**

**WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT  
FACILITIES PLANNING AND CONSTRUCTION**

**ENGINEERING & ARCHITECTURAL SERVICES CONTRACTS**

<b>Project/Funding</b>	<b>Dates</b>	<b>Firm</b>	<b>Contract Cost</b>	<b>Reference</b>
Richmond High School Security Fence and Gates Project  QEIA	December 2008 thru July 2009	Baker Vilar Architects	\$36,151	Architectural & Engineering services, through construction.
Multiple District sites with identified high ground motion—Adams, Madera, Mira Vista, Vista Hills, Kensington, Portola, ECHS, Harding  Measure J Bond	November 2008 thru January 2009	Alan Kropp & Associates	\$17,500	Geotechnical services: Site specific probabilistic seismic hazard assessments. Eligibility determinations for Prop. 1D funding.
Kennedy High School Fieldhouse Building & ADA Elevator  Measure J Bond	December 2008 thru January 2009	Kleinfelder	\$17,100	Final geotechnical report and updated geohazard assessment.
El Cerrito High School KECG Studio Relocation  Measure J Bond	November 2008 thru January 2009	West Valley Comm.	\$6,100	Installation of radio equipment, hookup, misc. hardware.

West Contra Costa Unified School District  
1108 Bissell Avenue  
Richmond, California 94801-3135  
Office of Superintendent of Schools

**ITEM REQUIRING ATTENTION --- BOARD OF EDUCATION**

**To:** Board of Education

**Meeting Date:** December 10, 2008

**From:** Bill Fay  
Associate Superintendent for Operations

**Agenda Item:** CI G.11

**Subject:** Ratification and Approval of Negotiated Change Orders

**Background information:**

Staff is seeking ratification of Change Orders on the following current District construction projects: Richmond HS Renovations Ph. II; Mira Vista Lower Playground Repair; El Cerrito HS New Campus; Ford Temporary Campus Modulares; and, El Cerrito HS Theater Admin Building. 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.

In addition to normal ratification, approval of the noted Change Orders for the Richmond College Prep and Leadership Public Schools Modulares projects are required by the Board, with special findings as noted below, because these are 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 and ratifying 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:** Ratify negotiated Change Orders as noted

**Fiscal Impact:** Total ratification and approval by this action: \$446,044.15

**DISPOSITION BY BOARD OF EDUCATION**

Motion by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

Approved \_\_\_\_\_

Not Approved \_\_\_\_\_

Tabled \_\_\_\_\_

**December 10, 2008 Change Order Ratification Summary**

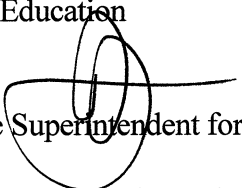
Items Pending Board Action											
School Site	Company	Original Contract	Previously Approved CO's	CO's Pending Ratification	CO's Pending Approval	Total CO's	CO Percent of Original Contract	Adjusted New Contract	Change Order Numbers		
1	Richmond HS Building Renovation 2	IMR Contractors Corp.	\$0.00	\$39,756.05	0.00	\$39,756.05	3.18%	\$1,289,756.05	1		
2	Mira Vista ES Lower Play Yard Repair	Ghiotti Bros. Inc.	\$0.00	\$44,264.40	\$0.00	\$44,264.40	10.00%	\$486,908.40	1		
3	Richmond College Prep	Mobile Modular	\$32,286.00	0.00	15,948.00	\$48,234.00	15.73%	\$354,794.00	2		
4	Leadership Public School	Mobile Modular	\$121,488.75	\$0.00	\$19,388.00	\$140,876.75	20.40%	\$831,424.75	2		
5	El Cerrito HS New School	Lathrop Construction	\$1,651,689.00	\$303,933.00	\$0.00	\$1,955,622.00	3.60%	\$56,219,622.00	30		
6	Ford Temporary Campus Modulars	Mobile Modular	\$0.00	\$34,269.75	\$0.00	\$34,269.75	5.43%	\$665,786.75	1		
7	El Cerrito HS Theatre	Lathrop Construction	\$286,878.00	\$28,241.00	\$0.00	\$315,119.00	1.40%	\$22,895,119.00	16		

Pending Board Actions		Ratifications	\$410,708.15
		Approvals	\$35,336.00
		Total Board Action	\$446,044.15

Note: the proposed Board Action is to Ratify all Change Orders below ten percent (10%) of the Contract Value; the change order amounts pending Board Approval is the portion of the Change Order(s) above 10%.

West Contra Costa Unified School District  
1108 Bissell Avenue  
Richmond, California 94801  
Office of the Superintendent

**ITEM REQUIRING ATTENTION----BOARD OF EDUCATION**

**To:** Board of Education **Meeting Date:** December 10, 2008  
**From:** Bill Fay  **Agenda Item:** CI G.12  
Associate Superintendent for Operations  
**Subject:** Dover Elementary Sitework Phase II Contract for Construction

**Background Information:**

Construction is currently underway on the first phase of work on the reconstruction of Dover Elementary School. The District is currently under contract for temporary playground work, site preparation and limited utilities in the area of the new 2-story classroom/Administration building. Work is nearly complete on this project; however, due to delays in final approval for the main construction contract documents, it is necessary to add scope to the current contract which will allow the site to drain and remain accessible during potential inclement weather. The proposed scope of work in this Phase II Sitework contract is well beyond the 10% current contract change order level and is a cardinal change to the work, which makes a separate bid and award appropriate. The work in this second phase sitework has been prepared by HY Architects and their Civil Engineering consultants to provide for drainage improvements and paving in the two parking areas adjacent to the proposed new building.

The District is currently conducting a public bid for this project. Bids are due to be opened on December 9, 2008. Staff will bring a recommendation to the Board meeting of December 10, 2008.

This item is being presented prior to the expiration of the 5 working day Bid Protest period. In consideration of this timing and in order to expedite the project, the Board's action will be to authorize staff to issue the Notice of Award effective at the end of the Bid Protest period to the lowest responsive, responsible bidder. This award by staff will then be brought back for ratification at a future meeting.

**Recommendation:** Authorize staff to issue Notice of Award at the end of the bid protest period to the lowest responsive, responsible bidder.

**Fiscal Impact:** Total for this action: \$ \_\_\_\_\_. Measure J Bond funds.

**DISPOSITION BY BOARD OF EDUCATION**

Motion by: \_\_\_\_\_ Seconded by: \_\_\_\_\_  
Approved \_\_\_\_\_ Not Approved \_\_\_\_\_ Tabled \_\_\_\_\_

West Contra Costa Unified School District  
1108 Bissell Avenue  
Richmond, California 94801  
Office of the Superintendent

**ITEM REQUIRING ATTENTION----BOARD OF EDUCATION**

**To:** Board of Education **Meeting Date:** December 10, 2008  
**From:** Bill Fay **Agenda Item:** CI G.13  
Associate Superintendent for Operations  
**Subject:** Student Shuttle Bus Service for Ford Elementary Temporary Campus

**Background Information:**

The reconstruction of Ford Elementary requires the relocation of the school to a temporary campus at the Downer Elementary site. The temporary campus is currently completing construction and relocation of the Ford campus will take place over the Christmas break. As required by the Mitigated Negative Declaration ("MND") adopted by the Board under the guidelines of the California Environmental Quality Act ("CEQA"), the District must provide shuttle bus service from the Ford site to the temporary campus. This mitigation is required to keep parent drop-off traffic down by providing alternate transportation options for families. The District has previously provided temporary bus transportation services during campus relocations required by the Bond Construction program.

District staff has worked with the site and the District's current transportation provider, First Student (formerly Laidlaw), to provide an appropriate schedule with multiple trips in the morning, mid-day, and afternoon. It is anticipated that once the levels of interest are clear, that there may be changes in the schedule of service. First Student has provided costs for the services which are in accordance with the District's current contract. The service is based upon the use of a 66 passenger bus.

**Recommendation:** Award Contract to First Student Transportation for Shuttle Bus Service Ford Temporary Campus

**Fiscal Impact:** Total for this action: \$41,600. Measure J Bond funds.

**DISPOSITION BY BOARD OF EDUCATION**

Motion by: \_\_\_\_\_ Seconded by: \_\_\_\_\_  
Approved \_\_\_\_\_ Not Approved \_\_\_\_\_ Tabled \_\_\_\_\_



West Contra Costa Unified School District  
1108 Bissell Avenue  
Richmond, California 94801  
Office of the Superintendent

**ITEM REQUIRING ATTENTION---BOARD OF EDUCATION**

**To:** Board of Education

**Meeting Date:** December 10, 2008

**From:** Nia Rashidchi *NR*  
Assistant Superintendent, Educational Services

**Agenda Item:** CI G.14

**Subject:** Contract Award: RFP #0809-06 District Assistance and Intervention Team (DAIT)

**Background Information:**

West Contra Costa Unified School District (WCCUSD) is a NCLB Program Improvement Year III Corrective Action district. Corrective Action is the name given to the collective steps that the State Board of Education (SBE) imposes on a district in the areas of instruction, management, and organization in order to increase student achievement in ELA and mathematics.

The SBE mandates that WCCUSD contracts with one of the 38 state-approved District Assistance and Intervention Teams (DAITs) to receive targeted support in improving student performance. A Request for Proposals (RFP) was sent out to the 38 State-approved District Assistance and Intervention Team (DAIT) provider list. Five potential DAIT providers went through an interview process: Total Educational Systems Support, Action Learning Systems, Public Works, Total School Solutions, and Education Consultants. Staff is recommending award of contract for RFP #0809-06 to the firm Education Consultants.

**Recommendation:** Board Approval

**Fiscal Impact:** \$170,400 Categorical revenue

**DISPOSITION BY BOARD OF EDUCATION**

Motion by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

Approved \_\_\_\_\_

Not Approved \_\_\_\_\_

Tabled \_\_\_\_\_

WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT  
1108 Bissell Avenue  
Richmond, California 94801-3135  
Office of Superintendent of Schools

**ITEM REQUIRING ATTENTION----BOARD OF EDUCATION**

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**To:** Board of Education

**Meeting Date:** December 10, 2008

**From:** Bruce Harter  
Superintendent

**Agenda Item:** CI G.15

**Subject:** Resolution No. 52-0809: Certificate of Signatures

**Background Information:** School districts are required to hold an annual organizational meeting in December to adopt a new Certification of Signatures. The effective period of the resolution should be the date of the organizational meeting per Educational Code Sections: K-12 Districts 42632, 42633, and 44843.

**Recommendation:** Recommend Approval

**Fiscal Impact:** None

DISPOSITION BY BOARD OF EDUCATION

Motion by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

Approved \_\_\_\_\_

Not Approved \_\_\_\_\_

Tabled \_\_\_\_\_

**BOARD OF EDUCATION  
WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT  
RESOLUTION NO. 52-0809**

**CERTIFICATE OF SIGNATURES  
December 10, 2008**

**WHEREAS**, the West Contra Costa Unified School District of Contra Costa County, California certify that the signatures below are the verified signatures of the members of the governing board of the above named school district; and

**WHEREAS**, the verified signatures of person or persons authorized to sign orders drawn on the funds of the school district and Notices of Employment; and

**WHEREAS**, the certifications are made in accordance with the provisions of Education Code Section K-12 Districts 42632, 42633, 44843; and

**BE IT FURTHER RESOLVED**, that the Governing Board of the West Contra Costa Unified School District does hereby support Resolution No. 52-0809: Certification of Signatures

**APPROVED, PASSED AND ADOPTED** by the Governing Board of the West Contra Costa Unified School District on the tenth day of December 2008, by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

**I DO HEREBY CERTIFY** that the foregoing resolution was duly and regularly introduced, passed and adopted by the members of the Governing Board of the West Contra Costa Unified School District at a public meeting of said Board held on December 10, 2008.

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Bruce Harter  
Secretary of the Governing Board of the  
West Contra Costa Unified School District

West Contra Costa Unified School District  
1108 Bissell Avenue  
Richmond, California 94801  
Office of the Superintendent

**ITEM REQUIRING ATTENTION---BOARD OF EDUCATION**

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**To:** Board of Education

**Meeting Date:** December 10, 2008

**From:** Bruce Harter  
Superintendent

**Agenda Item:** CI G.16

**Subject:** Citizens' Bond Oversight Committee Appointment

**Background Information:**

The following appointment has been made to the Citizens' Bond Oversight Committee: Paul Gilbert-Snyder as El Cerrito's primary representative to the West Contra Costa Unified School District Bond Oversight Committee.

**Recommendation:** Recommend approval of this appointment

**Fiscal Impact:** None

DISPOSITION BY BOARD OF EDUCATION

Motion by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

Approved \_\_\_\_\_

Not Approved \_\_\_\_\_

Tabled \_\_\_\_\_