

**WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT  
BOARD OF EDUCATION  
MEETING AGENDA  
JUNE 27, 2012**

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**BOARD AGENDA PACKETS AND INFORMATION:**

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

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

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

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**VIEWING THE BOARD MEETINGS:**

**Television:**

Live television broadcast of regularly scheduled Board meetings is available by the City of Pinole on PCTV Channel 26/28, the City of Richmond KCRT Channel 28 and the City of Hercules Cable Channel 28. Please check the city websites for local listings of broadcast schedules.

You may also find the complete meeting available on a tape-delay basis through the Richmond City Web Page at: <http://www.kcrt.com> within a few days of the recording date.

Audio tapes of Board meetings are kept on file at the Administration Building, 1108 Bissell Avenue, Richmond, CA 94801 (510-231-1101).

The Board of Education would like to acknowledge Comcast, the cities of Pinole and Richmond, and WCCUSD staff for their generosity and efforts in helping to televise WCCUSD Board of Education meetings.

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**ATTENDING BOARD MEETINGS:**

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

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

**Time:**            The **Board of Education's Open Session meeting will begin at 6:30 PM.** The Board will convene at **5:45 PM** in the Multi-Purpose Room to receive comments from anyone wishing to address the Board regarding closed session items (Exhibit A). The Board will then adjourn to closed session and reconvene in open session to address the regular agenda (Exhibits B-G) at 6:30 PM.

**Order of Business:** **ORDER OF BUSINESS MAY BE CHANGED WITHOUT NOTICE**

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

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

**B. OPENING PROCEDURES**

**B.1 Pledge of Allegiance**

**B.2 Welcome and Meeting Procedures**

**B.3 Roll Call**

**B.4 Report/Ratification of Closed Session**

\* **B.5 Agenda Review and Adoption** (Public Comment)

\* **B.6 Minutes:** June 13, 2012

**C. BUSINESS ITEMS**

**CONSENT ITEMS** (Routine Matters)

Consent Calendar Items designated by “CI” are considered routine and will be enacted, approved and adopted by one motion, unless a request for removal, discussion or explanation is received from any Board member or member of the public in attendance. Items the Board pulls for discussion or explanation will be addressed following Section E.

\***CI C.1 Acceptance of Donations**

Comment:

The District has received donations as summarized, dated June 27, 2012. 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

\***CI C.2 Approval of Fund-Raising Activities**

Comment:

The planned fund-raising events for the 2011-12 school year are summarized, dated June 27, 2012.

Recommendation:

Recommend Approval

Fiscal Impact:

Additional revenue for schools

\***CI C.3 Contracted Services**

Comment:

Permission is requested of the Board of Education to approve contracts for services as detailed, dated June 27, 2012.

Recommendation:  
Recommend Approval

Fiscal Impact:  
As noted per contracts summary

**\*CI C.4 Annual Renewal of Continuing Services**

Comment:  
Permission is requested of the Board of Education to approve contracts for services as detailed, dated June 27, 2012.

Recommendation:  
Recommend Approval

Fiscal Impact:  
As noted per contracts summary

**\*CI C.5 Agreements for Nonpublic, Nonsectarian School/Agency Services**

Comment:  
Permission is requested of the Board of Education to approve the Master Contracts between the District and named schools/agencies for nonpublic, nonsectarian school/agency services for the period of July 1, 2012 through June 30, 2013.

Recommendation:  
Recommend Approval

Fiscal Impact:  
\$7,500,000.00 Non-LCI / LCI

**\*CI C.6 Notification of Claims Rejected**

Comment:  
The District has received a claim requesting compensation for personal loss. The District's risk management firm has investigated the claim and is requesting the School Board to ratify the authorized claim rejection.

Recommendation:  
Ratify the rejection of claim

Fiscal Impact:  
None

**\*CI C.7 Adoption of Resolution No. 122-1112 Replacement of Outdated Warrant**

Comment:

Government Code Section 298029(c) allows the governing board, by resolution, to order a replacement check be issued for a warrant that is stale dated. This resolution authorizes the issuance of a check to replace the outdated warrant for Joseph Bodell. Staff recommend replacement of the stale dated warrant.

Recommendation:

Recommend approval to replace the outdated warrant

Fiscal Impact:

None

**\*CI C.8 Approve the following Reclassification and New Job Descriptions effective July 1, 2012 for the Human Resources Department:**

**Human Resources Technician  
Human Resources Credential Technician  
Human Resources Clerk  
Human Resources Clerk (Bilingual)**

Comment:

The Reclassification Process involves the impartial review of requests for a ‘desk audit’ of classified positions as outlined in Article 25 of our contract with Local One.

Recommendations regarding reclassification are based on a thorough investigation that may result in an upgrading of a position to a higher classification as a result of a gradual increase and/or revision of duties, tasks and responsibilities being performed by the incumbent in such a position.

Recommendation:

Recommend Approval

Fiscal Impact:

\$37,015.98/ year in increased salary and applicable increases in retirement contributions

**\*CI C.9 Approve the following Reclassification and Revised Job Description effective July 1, 2012 for the Nutrition Center: Food Transport Driver**

Comment:

The Reclassification Process involves the impartial review of requests for a ‘desk audit’ of classified positions as outlined in Article 25 of our contract with Local One.

Recommendations regarding reclassification are based on a thorough investigation that may result in an upgrading of a position to a higher classification as a result of a gradual increase and/or revision of duties, tasks and responsibilities being performed by the incumbent in such a position.

Recommendation:

Recommend Approval

Fiscal Impact:

\$14,500/year in increased salary and applicable increases in retirement contributions

**\*CI C.10 Approve the following Reclassification and Revised Job Description effective July 1, 2012 for the Special Education Department: Administrative Technician**

Comment:

The Reclassification Process involves the impartial review of requests for a ‘desk audit’ of classified positions as outlined in Article 25 of our contract with Local One.

Recommendations regarding reclassification are based on a thorough investigation that may result in an upgrading of a position to a higher classification as a result of a gradual increase and/or revision of duties, tasks and responsibilities being performed by the incumbent in such a position.

Recommendation:

Recommend Approval

Fiscal Impact:

\$3,232/year in increased salary and applicable increases in retirement contributions

**\*CI C.11 2011-12 Consolidated Application for Funding Categorical Aid Programs, Part II**

Comment:

The Consolidated Application is the vehicle used by the California Department of Education to gather routine district data regarding categorical programs and compliance with NCLB requirements.

The Consolidates Application includes basic information about student demographics which is used to report and calculate state and federal allocations for Title I, Title II, Title III, Title III - Immigrant and Economic Impact Aid for Limited English Proficient and State Compensatory Education (EIA-LEP and SCE).

Recommendation:

Recommend Approval

Fiscal Impact:

Categorical revenue

**\*CI C.12 Ratification and Approval of Engineering Services Contracts**

Comment:

Contracts have been initiated by staff using previously qualified consulting, engineering, architectural, or landscape architectural firms to assist in completion of the referenced projects. Many of the firms are already under contract and the staff-initiated work may be an extension of the firm’s existing contract with the District. Public contracting laws have been followed in initially qualifying and selecting these professionals.

Recommendation:

Ratify and approve contracts as noted

Fiscal Impact:

Total for this action: \$1,466,535.65. Funding sources as noted.

**\*CI C.13 Ratification and Approval of Negotiated Change Orders**

Comment:

Staff is seeking ratification of change orders on the following current District construction projects: Ohlone Elementary School New School, Lupine Hills Elementary School Toilet Rooms, Washington Elementary School Restroom Repairs, Dover Elementary School Increment 2 and Riverside Elementary School Restroom Repairs. 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 order for the Gompers LPS Soil Removal and Riverside Elementary School Restroom Repairs projects are required by the Board, with special findings as noted below, because these projects 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: \$120,638.15

**\*CI C.14 Amended Ground Lease Agreement between West Contra Costa Unified School District and the City of San Pablo Regarding the Construction and Use of a Community Center at Helms Middle School**

Comment:

The City of San Pablo will be building a Community Center on the property of Helms Middle School. The work will commence and be completed at the same time that the Field project is constructed by the District. The amended Ground Lease Agreement is provided for review.

Recommendation:

Recommend Approval

Fiscal Impact:

None

**\*CI C.15 Crespi Middle School Gym Roof Replacement Project Award of Contract**

Comment:

As part of the planned maintenance projects for various school sites in the District, Crespi Middle School's existing gym roofing system is in need of replacement. Allana Buick and Bers have prepared plans and specifications for the project.

Significant work includes all work related to the removal and replacement of the roofing system on all levels of the gymnasium roof. This work includes abatement; demolition of specified areas; and the installation of roofing in all required locations. Also included is the removal of the bird spikes and reinstallation after roofing; installation of overflow drains or scupper at each roof area; mechanical and plumbing removal, replacement, and insulating; and provide all associated roof flashings and associated components.

The District engaged in a public bid process for the project. Bids were opened on June 14, 2012. Three contractors submitted bids. They are as follows: Stronger Building Services, \$340,000; Andy's Roofing Company, \$383,300; Pioneer Contractors, Inc., \$403,000.

Recommendation:

Award contract to the lowest responsive, responsible bidder after the expiration of the protest period

Fiscal Impact:

Funded from the Measure J Bond

**\*CI C.16 Change in Board Meeting Date**

Comment:

Two Board members will be out of town for the regularly scheduled July 25, 2012, meeting. A consensus of the Board agreed to move the July 25 meeting to August 1, 2012.

Recommendation:

That the Board move the July 25, 2012, meeting to August 1, 2012

Fiscal Impact:

None

**\*CI C.17 Approval of Board Member Attending Conferences**

Comment:

Board Bylaw 9250 stipulates members of the board shall be reimbursed for allowable expenses incurred in attending any meetings or in making any trips on official business of the school district when so authorized in advance by the Board of Education. (Education Code 35044). Board member Elaine Merriweather has expressed interest in attending the following conference:

- Congressional Black Caucus Annual Legislative Conference, Washington, DC, September 19-22, 2012

Expenses including registration, travel, food and lodging are budgeted and there is sufficient funding within that budget.

Recommendation:  
Recommend Approval

Fiscal Impact:  
General Fund

**D. AWARDS, RECOGNITIONS, AND REPORTS**

**\* D.1 June 2012 General Obligation Refunding Bond Sale**

Comment:

The Bond Finance Team recently completed the refunding sale of general obligation bonds. The District's Financial Advisor, Dave Olson of KNN, will provide a report.

Recommendation:  
For Information Only

Fiscal Impact:  
None

**\* D.2 Standing Reports**

Representatives of the following committees and employee unions are invited to provide a brief update to the Board. Representatives from these groups need to sign up to speak prior to the beginning of this item on the agenda by submitting a "Request to Address the Board" form. Five minutes may be allowed for each subcommittee or group listed below:

Academic Subcommittee	Safety Committee
Bayside Parent Teacher Association	Select Committee on High Schools
Citizens' Bond Oversight Committee	Youth Commission
Community Budget Advisory Committee	Public Employees Local 1
Facilities Subcommittee	School Supervisors Association
Ivy League Connection	United Teachers of Richmond
Linked Learning – Multiple Pathways	

**\* D.3 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.

Cherie Ewing, a retired primary classroom teacher, passed away on May 26, 2012. Ms. Ewing worked in the District for more than thirty years. She was a genuine advocate for children.



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

Recommendation:

For Information Only

Fiscal Impact:

None

**E. PUBLIC AND COMMITTEE COMMUNICATIONS**

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

\* **E.1 Community Request on Grand Jury Report on Citizens Bond Oversight Committees**

Comment:

Anton Jungherr requested that the Contra Costa Grand Jury report regarding school bond oversight committees entitled “School Bond Oversight Committees: Raising the Bar” be placed on the agenda for June 27, 2012. The report provides specific findings and recommendations to which the District is required to respond.

Recommendation:

For Information Only

Fiscal Impact:

Not determined

\* **E.2 Superintendent’s Report**

\* **E.3 WCCUSD Public Comment**

Members of the public are invited to speak to the Board about any matter that is not otherwise on the agenda and is related to issues affecting public education in the WCCUSD. **Approximately 30 minutes will be allocated for this item.** If there are more requests to speak than can be heard within this time limit, “WCCUSD Public Comment” will continue after Item G. Individuals wishing to speak must submit a “WCCUSD Public Comment” form prior to the beginning of this item on the agenda.

Depending on the number of persons who wish to speak, from one to three minutes will be allocated to each speaker at the discretion of the President of the Board in order to accommodate as many speakers as possible. The Board cannot dialogue on any issues brought before it by the public that have not been previously agendized, but may refer these to staff for response and/or placement on future agendas.

**F. ACTION ITEMS**

\* **F.1 Public Hearing for the Adoption of the 2012-13 Budget and receipt of Tier III funding**

Comment:

Education Code Section 42127 requires the governing board of each school district to adopt a budget for the subsequent year, on or before July 1<sup>st</sup>. The budget including the multi-year projection is subject to the review and approval of the County Superintendent through their AB1200 oversight. Any revisions

to the school district's budget which results from passage of the state budget or budget trailer bills will be presented to the governing board within 45 days after the Governor signs the State Budget Act.

In accordance with AB189 the Board held a hearing and adopted a resolution for Tier III programs and funding at the May 23, 2012 board meeting. A public hearing is also required at the time the budget is adopted acknowledging the District will be in receipt of Tier III funding. The Tier III funding information is provided as Appendix A in the District Budget document.

A public hearing will be held, and staff will provide an overview of the proposed budget delineating the significant revenue and expenditure components. The final proposed budget and is presented to the Board of Education for approval.

Recommendation:

Approval of the 2012-13 Budget

Fiscal Impact:

Adopted Budget

\* **F.2 Resolution No. 121-1112 Temporary Borrowing Between Funds**

Comment:

Due to concerns regarding the status of cash at the State level and the fact that the normal flow of State deposits will be delayed, staff is recommending that the District set in place a contingency plan for cash flow purposes at the local level. Should the need arise, this resolution permits the school district to temporarily borrow cash between funds at the County Treasurer in order to insure that a particular fund does not carry a negative cash balance.

In the event that temporary borrowing is needed, staff will provide the Board with a report containing detailed information on the transaction.

Education Code Section 42603 permits the Governing Board of any school district to allow for temporary borrowing. This resolution sets forth permission for temporary borrowing for the 2012-13 fiscal year.

Recommendation:

Approve Resolution No. 121-1112 for Temporary Borrowing Between Funds

Fiscal Impact:

No fiscal impact

\* **F.3 Public Hearing Resolution No. 119-1112: Approving Engineer's Report, Confirming Diagram and Ordering Levy of Assessment for Fiscal Year 2012-2013**

Comment:

The Board will hold a public meeting and hear any public comments with regard to the Maintenance and Recreation Assessment District for 2012-13. Staff and the engineer will be available to answer questions on the Maintenance and Recreation Assessment District.

After the public hearing the board may adopt “A Resolution Approving Engineer’s Report, Confirming Diagram and Assessment and Ordering Levy of Assessment for Fiscal Year 2012-13.” The resolution gives final approval to the engineer’s report and directs that the assessment diagram and assessments be filed with the county. The District will receive funds at the time it receives property tax payments. Proceeds of the MRAD will be deposited in a separate account.

This is the third and final resolution in the process of levying an annual assessment. On April 25th the Board adopted a resolution ordering the preparation of the engineer’s report and then on June 1st, adopted a resolution calling a public meeting for June 27, and causing notice of that meeting to be published.

Recommendation:

Recommend approval of this resolution for MRAD

Fiscal Impact:

\$5.5 Million Revenue for MRAD Fund

\* **F.4 Approval of Agreement with West Contra Costa Administrators Association (WCCAA)/ AB1200 Public Disclosure of Collective Bargaining Agreement with the WCCAA**

Comment:

District and WCCAA collective bargaining for the 2012-13 constitutes a full contract negotiation. School districts are required to publicly disclose the provisions of all collective bargaining agreements before they ratify an agreement. This ensures that the public is aware of the details associated with a tentative collective bargaining agreement before it becomes binding on the district. A summary of the savings associated with the agreement is attached. The Board has indicated that these provisions be implemented for the unrepresented managers of the District. This summary has been provided to the County Office of Education in accordance with AB1200.

The Board will receive public comment on the proposed contract changes before the Board considers ratifying the Agreement.

We want to take this occasion to thank the representatives of both groups for their time and effort in reaching this accord.

Recommendation:

Recommend that the Board of Education ratify the Tentative Agreement between the West Contra Costa Unified School District and the WCCAA and implement the same agreement for unrepresented managers.

Fiscal Impact:

One time cost of \$73,230 unrestricted general fund \$12,180 restricted and other funds

**G. DISCUSSION ITEMS**

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

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

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

Lovonya DeJean Middle School – July 11, 2012

**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**

**June 27, 2012**

**1. CONFERENCE WITH REAL PROPERTY NEGOTIATOR**

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

- a. WCCUSD v. Orrick
- b. Srago 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**

**7. PUBLIC EMPLOYEE PERFORMANCE EVALUATION** (Government Code Section 54957)

**8. STUDENT DISCIPLINE** (Education Code Section 35146)

Expulsions

**9. PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE/COMPLAINT**  
(Government Code Section 54957)

Certificated / Classified Employee Dismissal

**10. REPORT OF CLOSED SESSION ACTIONS**