

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

November 12, 2014

A. CLOSED SESSION

B. OPENING PROCEDURES

President Ramsey called the meeting to order at 5:30 P.M. The Board recessed into Closed Session. President Ramsey called the Public Session to order at 6:34 P.M.

B.1 Pledge of Allegiance

President Ramsey led the pledge of allegiance.

B.2 Welcome and Meeting Procedures

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

B.3 Roll Call

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

Staff Present: Elizabeth Carmody, Director Community Engagement; Jeff Carter, MIS Production Supervisor; Steve Collins, SELPA Director; Linda Delgado, Coordinator Charter Schools; Luis Freese, District Engineer; Sheri Gamba, Associate Superintendent Business Services; Wendell Greer, Associate Superintendent K-Adult Schools; Bruce Harter, Superintendent; Debbie Haynie, Executive Secretary; Joshua Herrera, Electronics Technician; Keith Holtslander, Director Facilities & Construction; Lisa LeBlanc, Associate Superintendent M & O/Bond Program; Mary Phillips, Chief Technology Officer; Nia Rashidchi, Assistant Superintendent Educational Services; Reyna Touriel, Translator; Marcus Walton, Communications Director; Ken Whittmore, Assistant Superintendent Human Resources

B.6 Agenda Review and Adoption

President Ramsey announced that item F.1 had been tabled from the agenda. He announced that speakers who requested to speak on that item would not be heard at this time. The issues around Aspire and Amethod Charter Schools would not be heard at this meeting and would be heard at a future meeting.

Superintendent Harter added that the Board intended to bring the charter school petitions for John Henry High School and the two Aspire schools to the December 3rd meeting for action.

A brief recess was taken at this time.

MOTION: Mr. Groves moved approval of the agenda as amended including tabling F.1 and moving Public Comment B.8 to follow item B.4. Mr. Enos seconded. Mr. Enos, Mr. Groves, Ms. Kronenberg, Ms. Merriweather, and President Ramsey voted yes, with no abstentions and no absences. Motion carried 5-0-0-0.

B.4 Presentation of Student Board Representative from Kennedy High School

Mr. Francisco Ortiz provided a report of activities at Kennedy High School.

B.8 Public Comment:

Ines Gonzalez, Monzerrat Ledesema, Miguel Cervantes, Yolanda Lopez, Katy Vasquez, Mariela Cuellar, Flor Castro, Ofelia Alonso, Eric Swabeck, Petra Tornero, Dalia Gomez, Tomasa Espinoza, Christina Slamon, Pablo Ramirez, Oscar Figueroa, Juan Martinez, Patricia Zuniga, Cara Houser, Sri Lekha, Kathleen Sullivan, Jacqueline Trimmer, Monique Swain

A brief recess was taken at this time.

Youth Commission:

Aliza Johnson and Francisco Ortiz from Kennedy High School, and JaMes Williams from Middle College High reported on the October 27th Youth Commission meeting where discussion included the Local Control Accountability Plan and recommendations for better involvement of parents and students. They discussed the use of various social media networks, as well as ideas for more engagement and involvement of stakeholders.

B.5 Report/Ratification of Closed Session

Superintendent Harter asked the Board to ratify action taken in Closed Session to appoint the following administrators:

Jackie Kim, Internal Auditor

Mark Bonnet, Executive Director Bond Finance

MOTION: Mr. Groves moved to ratify action taken in Closed Session to appoint administrators Jackie Kim and Mark Bonnet. Mr. Enos seconded. Mr. Enos, Mr. Groves, Ms. Kronenberg, Ms. Merriweather, and President Ramsey voted yes, with no abstentions and no absences. Motion carried 5-0-0-0.

Superintendent Harter asked the Board to ratify action taken in Closed Session to approve the Superintendent's evaluation and approve a one year extension to his contract to June 30, 2018.

MOTION: Mr. Groves moved to ratify action taken in Closed Session to approve the Superintendent's evaluation and one year extension to his contract. Ms. Kronenberg seconded. Mr. Enos, Mr. Groves, Ms. Kronenberg, Ms. Merriweather, and President Ramsey voted yes, with no abstentions and no absences. Motion carried 5-0-0-0.

B.6 Agenda Review and Adoption

This item was moved to follow item B.3.

B.7 Minutes: October 1, 2014; October 15, 2014

MOTION: Mr. Groves moved approval of the Minutes of October 1, 2014 and October 15, 2014. Ms. Kronenberg seconded. Mr. Enos, Mr. Groves, Ms. Kronenberg, Ms. Merriweather, and President Ramsey voted yes, with no abstentions and no absences. Motion carried 5-0-0-0.

B.8 WCCUSD Public Comment

This item was moved to follow item B.4.

C. BUSINESS ITEM

C.1 Grants/Awards/Agreements

C.2 Acceptance of Donations

C.3 Approval of Fund-Raising Activities

C.4 Contracts

This item was pulled for separate action.

C.5 Summary of Payroll and Vendor Warrant Reports

C.6 Notice of Completions: Bid 35410055-00 El Cerrito High School AC for Dance Studios and Multi-Use Rooms, Bid 16210028-00 Verde Elementary School Circulation & Parking Improvements, Bid 3621377-01 Pinole Valley High School Detention Basin, Bid 1461206-02 Ohlone Elementary School Interim Campus, and Bid 1451612-15 Olinda Elementary School Miscellaneous Repairs

C.7 Certificated Board Authorization - Education Code 44258.3

C.8 Routine Personnel Changes - Certificated

C.9 Routine Personnel Changes – Classified

C.10 Response to the 2014-15 Contra Costa Civil Grand Jury request for policies and procedures for the administration of medications

C.11 NCLB Supplemental Educational Services (SES) Tutoring Contracts

C.12 Resolution No: 33-1415: California Sikh American Awareness and Appreciation Month

C.13 Resolution No. 34-1415: American Education Week: November 16 – 22, 2014

C.14 Special Education Memorandum of Understanding with Making Waves Academy

C.15 Certification of Athletic Coaches – Fall Sports

C.16 Ratification and Approval of Engineering Services Contracts

C.17 Approval of Negotiated Change Orders

This item was pulled for separate action.

C.18 Approval of Negotiated Change Orders – M&O

C.19 Approve Measure J and D 2010, Measure E 2012, Bond Program Budget Expenditure Authorization

This item was pulled for separate action.

C.20 Citizens' Bond Oversight Committee (CBOC) Appointment: Dr. Harlan-Ogbeide

This item was pulled for separate action.

C.21 Independent Legal Counsel for CBOC

This item was pulled for separate action.

C.22 Adoption of Resolution No. 40-1415: Support of Applications For Eligibility Determination and Funding Authorization to Sign Applications and Associated Documents

C.23 Acceptance of Contra Costa County Office of Education Annual Report for Williams Settlement Legislation

MOTION: Mr. Groves moved Approval of Consent Items C. 1 – C.3, C.5 – C.16, C.18, C22 and C.23. Ms. Kronenberg seconded. Mr. Enos, Mr. Groves, Ms. Kronenberg, Ms. Merriweather, and President Ramsey voted yes, with no abstentions and no absences. Motion carried 5-0-0-0.

C.21 Independent Legal Counsel for CBOC

Superintendent Harter provided background regarding the request from the Citizens' Bond Oversight Committee leadership to approve legal counsel. If approved, a Request for Qualifications will be developed and the Committee Chairperson will be involved in the selection process for legal firms.

Public Comment:

Anton Jungherr

Board Comment:

None

MOTION: Mr. Groves moved approval of Consent Item C. 21 Independent Legal Counsel for CBOC. Mr. Enos seconded. Mr. Enos, Mr. Groves, Ms. Kronenberg, Ms. Merriweather, and President Ramsey voted yes, with no abstentions and no absences. Motion carried 5-0-0-0.

C.20 Citizens' Bond Oversight Committee (CBOC) Appointment: Dr. Harlan-Ogbeide

Superintendent Harter explained that this was a recommendation from the City of San Pablo.

Public Comment:

Anton Jungherr

Board Comment:

None

MOTION: Mr. Groves moved approval of Consent Item C. 20 Citizens' Bond Oversight Committee (CBOC) Appointment: Dr. Harlan-Ogbeide. Ms. Kronenberg seconded. Mr. Enos, Mr. Groves, Ms. Kronenberg, Ms. Merriweather, and President Ramsey voted yes, with no abstentions and no absences. Motion carried 5-0-0-0.

C.19 Approve Measure J and D 2010, Measure E 2012, Bond Program Budget Expenditure Authorization

Public Comment:

Anton Jungherr

Board Comment:

President Ramsey explained that the item Mr. Jungherr referred to was an adjustment of funding already set aside for the DeAnza project, a reconciliation item.

MOTION: Mr. Enos moved approval of Consent Item C. 19 Approve Measure J and D 2010, Measure E 2012, Bond Program Budget Expenditure Authorization. Ms. Kronenberg seconded. Mr. Enos, Mr. Groves, Ms. Kronenberg, Ms. Merriweather, and President Ramsey voted yes, with no abstentions and no absences. Motion carried 5-0-0-0.

C.17 Approval of Negotiated Change Orders

Public Comment:

Alex Aliferis

Board Comment:

President Ramsey spoke about the rationale for the adjustments, particularly the Pinole Valley Interim Campus Detention Basin and project acceleration necessary to open school on time. He spoke about budget adjustments and the over-all budgets with 10 % contingencies. He said these are needed and necessary expenses within budgetary amounts approved for projects.

MOTION: Mr. Groves moved approval of Consent Item C. 17 Approval of Negotiated Change Orders. Mr. Enos seconded. Mr. Enos, Mr. Groves, Ms. Kronenberg, Ms. Merriweather, and President Ramsey voted yes, with no abstentions and no absences. Motion carried 5-0-0-0.

C.4 Contracts

Due to the requests from public comment regarding specific contracts, President Ramsey asked that the Board approve the five contracts related to educational services and take the remaining contracts individually for separate votes.

MOTION: Mr. Groves moved approval of five contracts related to educational services. Ms. Kronenberg seconded. Mr. Enos, Mr. Groves, Ms. Kronenberg, Ms. Merriweather, and President Ramsey voted yes, with no abstentions and no absences. Motion carried 5-0-0-0.

Public Comment:

Anton Jungherr, Ben Steinberg, Scottie Smith, Don Gosney, Alex Aliferis, Lorraine Humes, Michael Wisely, Tanna Monteiro, Maria Montes, Irma Beltran, Cathy Garza, Barbara Young, Luis Ledesma, Jacqueline Trimmer

Board Comment:

None

Swanson & McNamara Contract

Ms. Kronenberg recused herself from action on this item and left building.

Mr. Groves had questions of legal counsel. Mr. Ed Sklar, attorney with the legal firm Lozano Smith, explained why it was recommended that board members have separate representation regarding the Securities and Exchange Commission investigation. Mr. Groves continued to ask whether the District was in compliance with the law and about any of conflict of interest violations. Mr. Sklar responded that he not aware of any violations. Mr. Groves expressed a request to seek a second opinion from county counsel.

MOTION: Mr. Groves motioned to seek a second opinion with County Counsel to determine that there was no violation of conflict of interest laws before making any determination on the contract. This motion failed for lack of a second.

MOTION: President Ramsey moved approve of the contract for Board Member Kronenberg with the firm of Swanson & McNamara in the amount as described. This motion failed for lack of a second.

The Board continued with discussion and questions of Attorney Ed Sklar.

MOTION: Mr. Groves moved to approve the contract for Madeline Kronenberg with the caveat that the District seek a second opinion from County Counsel regarding conflict of interest issues. Mr. Enos seconded. A roll call vote was taken with Mr. Enos, Mr. Groves and President Ramsey voting yes, Ms. Merriweather and Student Representative Francisco Ortiz abstaining (advisory vote only), and Ms. Kronenberg recused. The motion carried 3-0-1-1.

Ms. Kronenberg returned to the meeting.

Ramsey & Ehrlich LLP Contract

President Ramsey recused himself from action on this item and left the building. Clerk Groves assumed the gavel in his absence and presided over the meeting.

Clerk Groves asked for views of the Board regarding the Ramsey & Ehrlich contract for an additional \$350,000, totaling \$500,000.

Ms. Kronenberg asked about details of the contract to which Ms. Gamba said that this was an estimate provided by the firm of Ramsey & Ehrlich. Ms. Gamba explained that a letter of engagement had been provided detailing the services and hourly rate along with an estimate of overall cost.

Ms. Kronenberg continued the discussion with Mr. Sklar regarding a “not to exceed amount” that could possibly be spent at a lesser amount.

Clerk Groves proposed tabling the issue for a more serious vetting of the contract.

Ms. Gamba related a point of order to call for the question of whether the Board will make a motion and second on this matter.

Clerk Groves called the question for a motion on this item.

MOTION: Ms. Kronenberg moved approval of the Ramsey & Ehrlich Contract. Mr. Enos seconded the motion. A roll call vote was taken with Ms. Kronenberg voting yes, Ms. Merriweather, Student Representative Francisco Ortiz (advisory vote only), and Clerk Groves voting no, Mr. Enos abstaining and President Ramsey recused. The motion failed 1-2-1-1.

President Ramsey returned to the meeting and resumed the gavel.

Student Representative Francisco Ortiz left the meeting for the evening.

F1 Discovery Contract

MOTION: Mr. Groves moved approval of the F1 Discovery Contract. Mr. Enos seconded the motion. Mr. Enos, Mr. Groves, Ms. Kronenberg voted yes, with Ms. Merriweather, and President Ramsey abstaining and no absences. The motion carried 3-0-2-0.

Barg Coffin Lewis & Trapp LLC Contract

MOTION: Ms. Kronenberg moved approval of the Barg Coffin Lewis & Trapp LLC Contract. Mr. Enos seconded the motion. Mr. Enos, Mr. Groves, Ms. Kronenberg and President Ramsey voted yes, with Ms. Merriweather abstaining and no absences. The motion carried 4-0-1-0.

A brief recess was taken at this time.

President Ramsey left the dais. Clerk Groves assumed gavel.

D. AWARDS, RECOGNITIONS, AND REPORTS

None

E. COMMITTEE COMMUNICATIONS

E.1 Standing Reports

Citizens Bond Oversight Committee. Chairperson Ivette Ricco provided a report overviewing developments of the last several months. She reported that the committee toured both the Ohlone Elementary and Gompers High School campuses. A Change Order Subcommittee had been formed to review the change orders process and report findings to the full Committee. The Pinole Valley High School Subcommittee had toured the campus and met with the principal. This Subcommittee will also review change orders for the project. The Training Subcommittee has held two training sessions which were video recorded and are available on the CBOC website. An Asset Management Subcommittee is in development to review efforts to maximize bond revenues and implementing cost saving measures. The next meeting is scheduled for December 3, 2014.

Ivy League Connection. Don Gosney spoke about the program for the upcoming year saying that he met with 700 eligible students and has received an enthusiastic response. He spoke about the need for financial support as well as several university scholarships. He spoke of the success of the program tied to support from the community.

Academic Subcommittee. Ms. Rashidchi announced the next meeting scheduled for November 18 at DeAnza High School. The agenda will include discussion on STEM initiatives and review of homework from academic teachers.

Safety and School Climate Committee. Ms. Merriweather announced the upcoming meeting for November 13 at Pinole Valley High School. She said that everyone is welcome to attend.

Technology Subcommittee. Ms. Kronenberg announced the next meeting for November 17, 2014.

E.2 Superintendent's Report

Superintendent Harter provided a report of activities in the District.

Mr. Enos left the dais.

E.3 In Memory of Members of the School Community

Superintendent Harter recognized the contributions of members of the community who have passed away. Clerk Groves asked everyone to stand for a moment of silence.

Public Comment:

None

Board Comment:

None

F. ACTION ITEMS

F.1 Resolution No. 37-1415: Resolution Directing Superintendent and Staff to Seek a Waiver of Education Code section 47605(b) from the State Board of Education

This item was tabled from the agenda.

F.2 Amended Resolution No. 38-1415: Credential Assignment Options

Mr. Whittemore explained this was an annual action required of the Board regarding teachers with emergency or limited assignment credentials. He explained that this was an updated from the last action of May 28, 2014.

Public Comment:

None

Board Comment:

Clerk Groves asked how many teachers were covered by the Declaration of Need. Mr. Whittemore responded with clarification regarding the various categories of needed teachers.

MOTION: Ms. Kronenberg moved approval of Amended Resolution No. 38-1415: Credential Assignment Options. Ms. Merriweather seconded. A roll call vote was taken with Mr. Groves, Ms. Kronenberg, Ms. Merriweather, voting yes, with no abstentions, and Mr. Enos and President Ramsey absent. Motion carried 3-0-0-2.

Mr. Enos returned to the dais.

F.3 Resolution 29-1415: Resolution directing certain actions in connection with the Continuing Disclosure Obligations of the West Contra Costa Unified School District under its General Obligation Bond Program

Ms. Gamba introduced Disclosure Counsel Attorneys Rudy Salo and Graham Beck from Nixon Peabody LLC. Mr. Salo explained requirements from the Securities and Exchange Commission regarding municipalities self-reporting and disclosure obligations.

Public Comment:

Anton Jungherr

President Ramsey returned to the dais and resumed the gavel.

Board Comment:

Ms. Kronenberg asked Mr. Salo for an example of continuing disclosure obligations. Mr. Salo provided an example regarding disclosure statements a five year period. He detailed the new requirements set forth.

Ms. Merriweather asked whether the policies, once developed, will come to the Board for approval. Mr. Salo affirmed and Ms. Gamba emphasized the development of policies and procedures.

Mr. Groves asked about primary responsibility for disclosure information. Ms. Gamba provided clarification.

MOTION: Mr. Enos moved approval of Resolution 29–1415: Resolution directing certain actions in connection with the Continuing Disclosure Obligations of the West Contra Costa Unified School District under its General Obligation Bond Program. Ms. Kronenberg seconded. Mr. Enos, Mr. Groves, Ms. Kronenberg, Ms. Merriweather, and President Ramsey voted yes, with no abstentions and no absences. Motion carried 5-0-0-0.

F.5 Public Hearing Riverside Overpass

Superintendent Harter announced that this item was the second step in the approval process to approve an easement for building the landing pad of the freeway overcrossing to the Riverside Elementary campus. He said that this item will return on December 10, 2014 with a recommendation to grant the easement. He asked the Board to open the public hearing.

Public Comment:

Cecilia Valdez, Paul Morris, Don Gosney, Hisham Noeimi

The public hearing was closed.

G.1 General Obligation Bond/Post-Issuance Tax Compliance Procedures – AR 7214

Ms. Gamba introduced Mr. Graham Beck from Nixon Peabody. She said that this Administrative Regulation would better serve the District by having rules and regulations easily at hand for operating in the post-issuance compliance procedures. Board members reviewed the handout provided.

Public Comment:

None

Board Comment:

None

G.2 Project Status Report

Ms. LeBlanc introduced Mr. Holtslander who provided an update of construction projects in the District.

Public Comment:

None

Board Comment:

None

F.4 Resolution No. 32-1415 Authorizing the Issuance and Sale of its General Obligation Refunding Bonds, 2014 Series A, in an Aggregate Principal Amount not to Exceed \$135,000,000, Including Bond Subject to the Compounding of Interest, and Approving Certain Other Matters Relating to Said Bonds

Ms. Gamba introduced the finance team including KNN Public Finance, Piper Jaffrey, Nixon Peabody and Stifel Nicolas & Co. David Leifer led the presentation report regarding the proposed sale of \$135,000,000 in general obligation bonds.

Mr. Groves left the dais.

Public Comment:

Alex Aliferis, Susan Chamberlain, Anton Jungherr, Lorraine Humes

Mr. Groves returned to the dais.

Board Comment:

President Ramsey thanked the fiscal office and facilities team, commending their work to complete construction projects giving the District the needed and necessary schools to enable students to compete in the 21st century. He spoke about property assessed valuation growth and staying within target tax rates.

MOTION: Mr. Groves moved approval of Resolution No. 32-1415 Authorizing the Issuance and Sale of its General Obligation Refunding Bonds, 2014 Series A, in an Aggregate Principal Amount not to Exceed \$135,000,000, Including Bond Subject to the Compounding of Interest, and Approving Certain Other Matters Relating to Said Bonds. Ms. Kronenberg seconded. A roll call vote was taken with Mr. Enos, Mr. Groves, Ms. Kronenberg, Ms. Merriweather, and President Ramsey voting yes, with no abstentions and no absences. Motion carried 5-0-0-0.

F.5 Public Hearing on the Governing Board’s Proposed Adoption of Resolution No. 36-1415 To Convey An Easement to Contra Costa County at the Riverside Elementary School Site, as Authorized by Sections 17556 *et seq.*, of the Education Code

This item was moved to follow item F.3.

G. DISCUSSION ITEMS

G.1 General Obligation Bond/Post-Issuance Tax Compliance Procedures –AR 7214

This item was moved earlier on the agenda.

G.2 Project Status Report

This item was moved earlier on the agenda.

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

None

I. COMMENTS OF THE BOARD OF EDUCATION AND SUPERINTENDENT

Mr. Enos commented on the long night.

Ms. Kronenberg recognized Rodney Frazier, Richmond High School student murdered last week, as well as the other students who were injured. She asked the community to come together in support of Richmond High in the loss of one of their students. She commented on the meeting’s conversations about important things for the community including the Caliber charter community.

Ms. Merriweather extended her thanks to the community for allowing her to serve on the Board for four years, enumerating the accomplishments of paying off the debt, the passage of Proposition 30 providing the initiative for LCFF funds for the neediest students. She spoke of meeting wonderful teachers, administrators, and students. She thanked her colleagues who have worked hard in moving the District forward. She commended the incoming board members who will bring the same energy to the Board in the fight for public education. She concluded by saying that she has made an impact during her four years of service and looked forward to continued advocacy for teachers and students at the state level.

President Ramsey reminded the audience of another meeting scheduled for December 3, 2014. He commended the newly elected Board members and Ms. Kronenberg’s re-election. Mr. Ramsey spoke of his parents and their belief in their children, recalling his mother’s experience as an African American female student at UC Berkeley. He spoke of the kind, generous spirit of his parents.

President Ramsey adjourned the meeting in the names of his parents Eleanor Mason Ramsey and Henry Ramsey, Jr.

J. THE NEXT SCHEDULED BOARD OF EDUCATION MEETING

Lovonya DeJean Middle School – December 10, 2014

K. ADJOURNMENT

President Ramsey adjourned the meeting at 10:23 PM.

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

BH:dh

TAG
Approved 12/4/14