

## AGENDA

### WEDNESDAY, September 5, 2018, 4:30 P.M.

**PLEASE NOTE: PARKING WILL BE AVAILABLE AFTER 5:00 P.M. AT THE “N” STREET PARKING PAVILION LOCATED ON THE SOUTHEAST CORNER OF TULARE AND “N” STREETS – ENTRANCE IS ON “N” STREET.** Also, the City of Fresno will not enforce the street meters in this area **after 6:00 p.m.** Monday through Saturday.

**PLEASE NOTE: \*DESIGNATED TIMES FOR CONFERENCE/DISCUSSION ITEMS ARE ESTIMATES**

In compliance with the Americans with Disabilities Act, those requiring special assistance to access the Board meeting room, to access written documents being discussed at the Board meeting, or to otherwise participate at Board meetings, please contact the Board President or Board Secretary, Jennifer Aguilar at 457-3938. Notification at least 48 hours prior to the meeting will enable the District to make reasonable arrangements to ensure accessibility to the Board meeting and to provide any required accommodations, auxiliary aids or services.

Any member of the public who wishes to address the Board shall submit a speaker card specifying the item he/she wishes to address. The card must be submitted before the Board president announces the specific agenda item.

Public materials are available for public inspection at the Fresno Unified School District Education Center, 2309 Tulare Street, 2<sup>nd</sup> Floor or visit our website at: [www.fresnounified.org/board](http://www.fresnounified.org/board)

**TRANSLATION SERVICES:** Available in Spanish and Hmong in the Board Room upon request.

**\*4:30 P.M.**

**CALL** Meeting to Order

**OPPORTUNITY** for Public Comment on Closed Session Agenda Items

**RECESS** to Cabinet Room for Closed Session to discuss the following:

1. Student Expulsions pursuant to Education Code Section 35146.
2. Conference with Labor Negotiator - (Government Code Section 54957.6); FUSD Negotiator(s): Paul Idsvoog; Employee Organizations(s): FTA, CSEA, Chapter 125, CSEA, Chapter 143, SEIU, Local 521, FASTA/SEIU, Local 521/CTW, CLC, Fresno Unified Building & Construction Trades/FTA; International Association of Machinists and Aerospace Workers (IAMAW), Unrepresented Employees: All Management, Confidential, and Supervisory Employees.
3. Public Employee Discipline/Dismissal/Release/Reassignment/Resignation.
4. Public Employment/Appointment - (Government Code Section 54957).
5. Conference with Legal Counsel – Existing Litigation (Government Code Section 54956.9(d)(1)).
  - a. *Deborah Buckman, an individual vs. Fresno Unified School District  
Fresno Superior Court No. 16CECG00441  
Claim No. 15-0806-0214*
6. Conference with Legal Counsel Anticipated/Pending/Threatened Litigation (Government Code Section 54956.9(d)(2)).
  - a. *Catherine Self v. Fresno Unified Workers’ Compensation  
Fresno Unified Case No. 2014-0768*
  - b. *Leslie Swillis v. Fresno Unified Workers’ Compensation  
Fresno Unified Case No. 2016-056*

## **Closed Session Agenda Items - continued**

- c. *Martha Montoya v. Fresno Unified Workers' Compensation*  
*Fresno Unified Case No. 2013-0475*
- d. *Gerald Sherman v. Fresno Unified Workers' Compensation*  
*Fresno Unified Case No. 2010-0723; 2010-0812; 2017-0591; 15-1124-1210*
- e. *BKK Working Group, et al. v. 1700 Santa Fe Ltd., et al Case No. 2:18-cv-05810*
- f. *Potential Case: One (1)*

**6:00 P.M., RECONVENE** and report action taken during Closed Session, if any.

### **PLEDGE OF ALLEGIANCE**

Miriam Bueno a parent that has had a positive impact at Cooper Academy will lead the flag salute.

### **ACKNOWLEDGE the 2018/19 Student Board Member Representatives and Alternates**

The Board and Superintendent wish to acknowledge the 2018/19 Student Board Member Representatives, and two alternates, that have been elected by their peers to serve on the Board of Education for the 2018/19 school year. Contact person: Kim Mecum, telephone 457-3731.

### **ADOPT Resolution Recognizing September 9, 2018 through September 15, 2018 as Suicide Prevention Week**

Included in the Board binders is a resolution proclaiming September 9, 2018 through September 15, 2018 as Suicide Prevention Week and provides the opportunity to educate our community about warning signs and how to best to help those most in need. The Superintendent recommends adoption. Contact person: David Chavez, telephone 457-3566.

### **ADOPT Resolution Recognizing September 15, 2018 through October 15, 2018 as Hispanic Heritage Month**

Included in the Board binders is a resolution commemorating the observance of Hispanic Heritage Month. National Hispanic Heritage Month is an opportunity to recognize the contributions made by Hispanic and Latino Americans to the United States and celebrate their heritage and culture. Hispanics have had a profound and positive influence on our country through their strong commitment to family, faith, hard work, and service. Fresno Unified School District hereby proclaims September 15, 2018 through October 15, 2018 as Hispanic Heritage Month. The Superintendent recommends adoption. Contact person: David Chavez, telephone 457-3566.

### **HEAR Reports from Student Board Representatives**

An opportunity is provided to hear comments/reports from Student Board Representatives from Duncan High School. Contact person: Kim Mecum, telephone 457-3731.

### **HEAR Report from Superintendent**

## **OPPORTUNITY for Public Comment on Consent Agenda Items**

**ALL CONSENT AGENDA** items are considered to be routine by the Board of Education and will be enacted by one motion. There will be no separate discussion of items unless a Board member so requests, in which event, the item(s) will be considered following approval of the Consent Agenda.

### **A. CONSENT AGENDA**

#### **A-1, APPROVE Personnel List**

Included in the Board binders is the Personnel List, Appendix A, as submitted. The Superintendent recommends approval. Contact person: Paul Idsvoog, telephone 457-3548.

#### **A-2, ADOPT Findings of Fact and Recommendations of District Administrative Board**

The Board of Education received and considered the Findings of Fact and Recommendations of District Administrative Panels resulting from hearings on expulsion and readmittance cases conducted during the period since the August 22, 2018 Regular Board meeting. The Superintendent recommends adoption. Contact person: Kim Mecum, telephone 457-3731.

#### **A-3, APPROVE Minutes from Prior Meeting**

Included in the Board binders are the draft minutes for the August 5, 2018 Regular Meeting. The Superintendent recommends approval. Contact person: Robert G. Nelson, telephone 457-3884.

#### **A-4, APPROVE District Representative and Alternative District Representative for State Center Adult Education Consortium**

Approve Raine Bumatay to serve as District Representative and Gary Schlueter to serve as Alternate Representative on the State Center Adult Education Consortium Executive Board for the 2018/19 and 2019/20 fiscal years. The Superintendent recommends approval. Fiscal Impact: There is no fiscal impact to the district. Contact person: Kim Mecum, telephone 457-3731.

#### **A-5, APPROVE Provisional Internship Permits**

Included in the Board binders are Provisional Internship Permit (PIP) recommendations to rehire or hire upon Board approval. The Superintendent recommends approval. Fiscal Impact: There is no fiscal impact to the district. Contact person: Paul Idsvoog, telephone 457-3548.

#### **A-6, APPROVE Purchase of Fitness/Weight Equipment and Related Facility Improvements for Duncan, Edison and Fresno High Schools; and Authorize Utilization of Specific Piggyback Contracts**

It is recommended the Board approve the purchase of new weight/fitness equipment for Duncan, Edison and Fresno High Schools to provide expanded Physical Education (PE) opportunities for students of all abilities, promote more effective conditioning, support

**A. CONSENT AGENDA** - continued

healthy fitness habits, and foster increased athletic competitiveness. Some safety concerns exist due to sub-standard equipment. It is also recommended the Board authorize utilization of piggyback contracts for purchase of equipment and flooring. The Superintendent recommends approval. Fiscal Impact: Funds in the amount of \$478,000 for fitness/weight equipment are as a result of recognized savings in the Unrestricted General Fund, and will be made available in Budget Revision No. 2. Additionally, \$200,000 for related facility improvements is available in the Measure X Fund. Contact person: Robert G. Nelson, telephone 457-3884.

**A-7, RATIFY Change Orders for the Projects Listed Below**

Included in the Board binders is information on Change Orders for the following projects:

**Bid 18-06 Sections A-F, Playground Equipment Installation for Columbia, Edison-Bethune, Jefferson, Kirk, Lane and Storey Elementary Schools**

Change Order 1 (Section D/Storey):           \$ 6,764

**Bid 18-09, Construction of Classroom Buildings and Modernization of Administration Building for Slater Elementary School**

Change Order 2 (Buildings):                 \$ 27,542

Change Order 3 (Buildings):                 \$ 204,768

Change Order 2 (Interim Housing):         \$ 18,493

Change Order 3 (Interim Housing):         \$ 6,283

**Bid 18-13, Duncan Polytechnical High School Career Technical Education (CTE) Center Building Construction and Alterations to Existing Shop Building**

Change Order 1 (CTE New Building):       \$ 2,999

Change Order 1 (Shop Buildings):          \$ 4,050

The Superintendent recommends ratification. Fiscal Impact: Funds in the amount of \$270,899 is available in the Measure Q Fund. Contact person: Karin Temple, telephone 457-3134.

**A-8, RATIFY Master Contract with Utah Youth Village DBA Alpine Academy for Nonpublic School and Residential Placement**

Included in the Board binders is a Master Contract with Utah Youth Village DBA Alpine Academy for a student requiring nonpublic, nonsectarian school/agency services in the amount of \$188,580. The vendor will provide residential services to meet the mental health needs for student as identified in their Individualized Education Program. The term of the Master Contract is July 1, 2018 through June 30, 2019. The Superintendent recommends ratification. Fiscal Impact: Funds in the amount of \$188,580 will be available in the Special Education Fund. Contact person: Kim Mecum, telephone 457-3731.

**A. CONSENT AGENDA** - *continued*

**A-9, RATIFY the Filing of a Notice of Completion**

Included in the Board binders is a Notice of Completion for the following project, which has been completed according to plans and specifications.

Bid 18-35 Section A, Tehipite Middle School Demolition of Existing Lockers and Installation of New Lockers

The Superintendent recommends ratification. Fiscal Impact: Retention funds are released in accordance with contract terms and California statutes. Contact person: Karin Temple, telephone 457-3134.

**A-10, RATIFY Purchase Orders from June 1, 2018 through June 30, 2018**

Included in the Board binders is information on purchase orders issued from June 1, 2018 through June 30, 2018. Purchase orders for \$10,000 or more are presented first, followed by purchase orders for less than \$10,000. A list of purchase orders issued for Associated Student Body (ASB) accounts is also provided. The Superintendent recommends ratification. Fiscal Impact: Funding is noted on the attached pages. Contact person: Karin Temple, telephone 457-3134.

**END OF CONSENT AGENDA  
(ROLL CALL VOTE)**

**UNSCHEDULED ORAL COMMUNICATIONS**

Individuals who wish to address the Board on topics within the Board's subject matter jurisdiction, but **not** listed on this agenda may do so at this time. If you wish to address the Board on a specific item that is listed on the agenda, you should do so when that specific item is called.

While all time limitations are at the discretion of the Board President, generally members of the public will be limited to a maximum of three (3) minutes per speaker for a total of thirty (30) minutes of public comment as designated on this agenda. Any individual who has not had an opportunity to address the Board during this initial thirty (30) minute period may do so at the end of the meeting after the Board has addressed all remaining items on this agenda. Without taking action and only as expressly permitted by Board Bylaw 9323, Board members may ask questions, make brief announcements, or provide a brief response to statements presented by the public about topics raised in unscheduled oral communications. Board members must be recognized by the President in order to speak and will generally be limited to no more than one (1) minute each for this purpose. The Board President shall have the discretion to further limit Board members' opportunity to speak on topics raised in unscheduled oral communications to ensure the orderly and efficient conduct of District business.

**UNSCHEDULED ORAL COMMUNICATIONS** - *continued*

Members of the public with questions on school district issues may submit them in writing. The Board will automatically refer to the Superintendent any formal requests that are brought before them at this time. The appropriate staff member will furnish answers to questions.

**B. CONFERENCE/DISCUSSION AGENDA**

**6:30 P.M.**

**B-11, OPPORTUNITY for Public Disclosure and RATIFICATION of the 2018 - 2021 Negotiated Collective Bargaining Agreement Between Fresno Unified School District and California School Employees Association and its Fresno Food Service Chapter 143**

In accordance with Government Code 3547.5 all major provisions of collective bargaining agreements are to be presented at a public meeting of the public school employer before the employer enters into written agreement with an exclusive representative. Included in the Board binders is a copy of the tentative agreement between Fresno Unified School District and California School Employees Association and its Fresno Food Service Chapter 143. The Superintendent recommends ratification. Fiscal Impact: The estimated cost is included in the disclosure of the collective bargaining agreement. Contact person: Paul Idsvoog, telephone 457-3548.

**6:35 P.M.**

**B-12, APPROVE the 2017/18 Unaudited Actual Financial Report, 2017/18 Year-End Budget Revision and 2018/19 Gann Limit**

Staff will present, and the Board of Education will discuss and approve the following three items: 2017/18 Unaudited Actual Financial Report, 2017/18 Year-End Budget Revision and the 2018/19 Gann Limit Resolution.

- 1) The 2017/18 Unaudited Actual Financial Report for Fresno Unified School District represents the actual revenues, expenditures and ending fund balance for all the district's funds for fiscal year ended June 30, 2018.
- 2) The 2017/18 Year-End Budget Revision recognizes additional revenue and expenses per Education Code section 42601 and Fresno Unified Board Policy 3110.
- 3) 2018/19 Gann Limit Resolution No. 18-04 for adoption of the district's Gann Appropriation Limit for fiscal year 2018/19.

The Superintendent recommends approval. Fiscal impact: The 2017/18 year-end actuals reflect the district's reserve at \$87.78 million, which is above the state minimum required level. Contact person: Ruth F. Quinto, telephone 457-6226.

## **B. CONFERENCE/DISCUSSION AGENDA** - *continued*

**7:00 P.M.**

**B-13, CONDUCT Public Hearing Determining Energy Services Agreements to be in the Best Interest of Fresno Unified School District, and ADOPT Resolution 18-02 Making Finding in Accordance with Government Code Section 4217.12(a)(1); and ADOPT Resolution 18-03 Approving Energy Services Agreements with FFP BTM Solar, LLC (ForeFront Power) for Development of Solar Energy Projects at Cesar Chavez Adult School and District Nutrition Center, and Finding the Agreements to be in the Best Interest of Fresno Unified School District**

It is recommended the Board conduct a public hearing regarding the Energy Services Agreements (available for review in Board Office) for proposed solar projects at Chavez Adult School and the District Nutrition Center being in the district's best interest, and adopt Resolution 18-02 (in the Board binders) making the finding that the anticipated cost of electrical energy provided by the projects will be less than the anticipated marginal cost that would have been consumed in the absence of those purchases. ForeFront Power will finance, design, permit, construct, own, operate and maintain solar power facilities for Chavez Adult School and the District Nutrition Center including parking lot solar shade structures with LED lighting, battery storage units for the Nutrition Center, and electric vehicle charging stations. Also in the Board binders and recommended for adoption is Resolution 18-03 to approve the Agreements and make the finding that such Agreements are in the district's best interest. Utility cost savings to the district from these projects are estimated at \$3.1 million over 20 years per the Pricing and Savings Analyses (Exhibits A & B to Resolution 18-02). The Superintendent recommends adoption. Fiscal Impact: Utility cost savings to the district are estimated at \$3.1 million over the 20-year period of the Energy Services Agreements. Contact person: Karin Temple, telephone 457-3134.

## **C. RECEIVE INFORMATION & REPORTS**

**C-14, RECEIVE Proposed Revisions for Exhibit (E) 9270 – Conflict of Interest**

Included in the Board binders are proposed revisions for the following Exhibit (E):

- E 9270 - Conflict of Interest

These revisions meet the recommendations submitted by the Fresno County Board of Supervisors. The item will be brought back for approval at a future Board meeting. Fiscal Impact: There is no fiscal impact to the district. Contact person: David Chavez, telephone 457-3566.

**BOARD/SUPERINTENDENT COMMUNICATION**

**D. ADJOURNMENT**

**NEXT REGULAR MEETING**  
**WEDNESDAY, September 19, 2018**