

the executive assistant prior to the meeting. Each speaker is limited to a maximum of five minutes; each topic or item is limited to a total of 20 minutes. Board Members cannot immediately respond to public comments, as stated on the speaker request form.

9. ITEMS OF BUSINESS

RESOLUTIONS

- 9.1 **Resolution No. 2017/18-F-01 Approval of Request for Proposals for Pre-Construction and Lease-Leaseback Services, and Lease-Leaseback Construction Delivery Method (Roll Call Vote)** **ACTION ITEM**

Background Information:

At the June 8, 2017, Board meeting, the Trustees received an update on the Lease-Leaseback (LLB) method of construction procurement. The update was presented by Martin A. Hom, attorney with the law firm of Atkinson, Andelson, Loya, Ruud & Romo. The presentation addressed advantages and disadvantages of the delivery method, and included an update on recent court proceedings, as well as new LLB regulations.

Current Consideration:

Some of the benefits for utilizing the Lease-Leaseback method of construction delivery include the ability to control time and budget constraints that cannot be addressed through a traditional construction contract procurement method and working with the contractor, as well as architect in a "team" approach to building the project. The Lease-Leaseback delivery method provides some flexibility to the Board of Trustees for selection of contractors and establishment of a guaranteed maximum price, thereby reducing change orders and schedule delays. Approval of the Resolution No. 2017/18-F-01 will authorize staff to initiate the process of soliciting request for proposals for pre-construction and LLB services for District construction projects.

Budget Implication:

No budget implication at this time until future projects are bid and awarded.

Staff Recommendation:

1. It is recommended the Board of Trustees receive the information.
2. It is recommended the Board of Trustees discuss, consider, and approve the use of the LLB construction delivery method for District construction projects as appropriate.
3. It is recommended the Board of Trustees approve Resolution No. 2017/18-F-01, by roll call vote. **[EXHIBIT A]**

- 9.2 **Resolution No. 2017/18-B-01, Community Benefits Agreement For Projects Funded by the Measure H Bond (Roll Call Vote)** **ACTION ITEM**

Background Information:

In November 2014, local voters approved the Classroom Repair and School Safety Bond, a \$249 million Measure H school bond.

As stated in California Public Contract Code (PCC) Section 2500, a Project Labor Agreement, which the District calls a Community Benefits Agreement (CBA) is defined as a "...prehire

collective bargaining agreement that establishes terms and conditions of employment for a specific construction project or projects." Also, the code provides that a public entity may require contractors to enter into a project labor agreement for a construction project if specific provisions are included. One of the requirements state that all qualified contractors and subcontractors be permitted to bid for and be awarded work on the project, without regard to whether they are otherwise parties to collective bargaining agreements.

At the October 2016 Board meeting, the Trustees directed the superintendent, or his designee, to negotiate terms for a CBA, and bring the negotiated agreement back to the Board of Trustees for consideration.

Current Consideration:

The purpose for the Community Benefits Agreement is to ensure a sufficient supply of high skilled craftsperson and eliminate disruptions or interference with project work while utilizing the most modern, efficient, and effective procedures for construction, and enter into a five-year agreement with The Los Angeles and Orange Counties Building and Construction Trade Council and The Signatory Craft Councils and Unions for construction to accomplish this for projects funded by Measure H. Since the CBA sets forth a contractor's obligations and impacts the terms of their employment on a particular project, the District or the District's construction manager will provide advance notice to potential bidders that each successful bidder must agree to be bound by a CBA. This agreement will be signed following approval by the AUHSD Board of Trustees.

Budget Implication:

There is no budget implication at this time until future projects are bid and awarded.

Staff Recommendation:

It is recommended that the Board of Trustees adopt the resolution, by a roll call vote.

[EXHIBIT B]

9.3 **Resolution No. 2017/18-HR-01, Classified Reduction in Force** ***ACTION ITEM***
(Roll Call Vote)

Background Information:

Economic conditions including declining enrollment, increased employer contribution to CalSTRS and CalPERS, and increased employee health and welfare costs have caused deficit spending, which has had an adverse impact on the finances of the District. According to the 2017-18 adopted budget, which is a three-year forecast, the District will be required to reduce approximately 21.6 million dollars in expenditures over the next three years.

Due to this economic uncertainty, the District will need to begin reducing expenditures with the 2017-18 adopted budget. These needed reductions necessitate a reduction in force among personnel in certificated, classified, and management positions.

Current Consideration:

The resolution is a revision of Resolution No. 2016/17-HR-09, and a reduction in force, due to lack of work and/or lack of funds. The eliminated positions are listed in Exhibit C and will be effective July 1, 2017. Though services will be reduced in these areas, essential services will continue to be provided. The layoff will be implemented in accordance with the requirements of the Education Code.

Budget Implication:

There is minimal impact to the budget.

**RESOLUTION OF THE BOARD OF TRUSTEES OF THE
ANAHEIM UNION HIGH SCHOOL DISTRICT**

**Resolution to Approve a Community Benefits Agreement for Projects Funded by
the Measure H Bond**

July 13, 2017

RESOLUTION NO. 2017/18-B-01

On motion of Trustee _____ duly seconded, the following resolution was adopted:

WHEREAS, the Anaheim Union High School District ("District") is planning the development and construction of various projects throughout the District paid for by Measure H bond funds; and

WHEREAS, it is essential that the construction work paid for by Measure H bond funds be done in an efficient and economical manner to secure optimum productivity and to eliminate delays in the construction operations, thus ensuring timely completion in the work undertaken by the contractors; and

WHEREAS, a Community Benefits Agreement with appropriate building and construction trade councils and related unions would help to ensure efficiency, economy, and compliance with all requirements under the California Labor Code applicable to the projects including, but not limited to, prevailing wages and apprenticeship; and

WHEREAS, a Community Benefits Agreement encourages participation of all interested parties in Measure H funded construction projects while simultaneously promoting opportunities for local workers, veterans, and small businesses; and

WHEREAS, a Community Benefits Agreement provides effective methods for the settlement of labor disputes that may arise on projects without strike, lockout, work stoppage, or slowdown so that the projects are assured of continuity of operation; and

WHEREAS, the District desires to enter into a Community Benefits Agreement with appropriate building and construction trades council and related unions; and

WHEREAS, a Community Benefits Agreement will apply to certain projects funded by the Measure H Bond after the date of its approval for the terms as set forth within it.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Anaheim Union High School District as follows:

Section 1. The above recitals are true and correct.

Section 2. The Board approves the Community Benefits Agreement in the form attached hereto as Exhibit A with the Los Angeles/Orange Counties Building and Construction Trades Council and related unions and upon

approval will become part of the bid specifications that all contractors must follow on identified projects.

Section 3. This resolution shall be effective as of the date of its adoption.

PASSED AND ADOPTED by the Board of Trustees of the Anaheim Union High

School District this 13th day of July, 2017, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

STATE OF CALIFORNIA)
)
)SS
)
COUNTY OF ORANGE)

I, Michael B, Matsuda, superintendent of the Anaheim Union High School District of Orange County, California, and secretary to the Board of Trustees thereof, hereby certify that the above and foregoing Resolution was duly and regularly adopted by the said Board at the regular meeting thereof held on the 13th day of July 2017 and passed by a roll call vote of all members of said Board.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 13th day of July 2017.

Michael B. Matsuda
Superintendent and
Secretary to the Board of Trustees