

BOARD OF EDUCATION
SCHOOL DISTRICT NO. 1J, MULTNOMAH COUNTY, OREGON

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December 19, 2017

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December 19, 2017

Purchases, Bids, Contracts

The Superintendent RECOMMENDED adoption of the following items:

Numbers 5548 through 5550

Director Anthony moved and Director Kohnstamm seconded the motion to adopt the above numbered items. The motion was put to a voice vote and pass unanimously (6-yes, 0-no), with Director Esparza Brown absent and Student Representative Tran voting yes, unofficial.

December 19, 2017

RESOLUTION No. 5548

Revenue Contracts that Exceed \$150,000 Limit for Delegation of Authority

RECITAL

Portland Public Schools ("District") Public Contracting Rules PPS-45-0200 ("Authority to Approve District Contracts; Delegation of Authority to Superintendent") requires the Board of Education ("Board") to enter into and approve all contracts, except as otherwise expressly authorized. Contracts exceeding \$150,000 per contractor are listed below.

RESOLUTION

The Superintendent recommends that the Board approve these contracts. The Board accepts this recommendation and by this resolution authorizes the Deputy Clerk to enter into the following agreements.

NEW REVENUE CONTRACTS

No New Revenue Contracts

NEW INTERGOVERNMENTAL AGREEMENTS / REVENUE ("IGA/Rs")

Contractor	Contract Term	Contract Type	Description of Services	Contract Amount	Responsible Administrator, Funding Source
State of Oregon / Oregon Department of Education	7/1/17 through 6/30/19	Intergovernmental Agreement/Revenue IGA/R 65632	Columbia Regional Program will provide full audiological services to regionally eligible students, ages birth to 21, who are Deaf/Hard of Hearing.	\$1,006,668	L. Valentino

AMENDMENTS TO EXISTING REVENUE CONTRACTS

No Amendments to Existing Revenue Contracts

December 19, 2017

RESOLUTION No. 5549

Expenditure Contracts that Exceed \$150,000 for Delegation of Authority

RECITAL

Portland Public Schools (“District”) Public Contracting Rules PPS-45-0200 (“Authority to Approve District Contracts; Delegation of Authority to Superintendent”) requires the Board of Education (“Board”) enter into contracts and approve payment for products, materials, supplies, capital outlay, equipment, and services whenever the total amount exceeds \$150,000 per contract, excepting settlement or real property agreements. Contracts meeting this criterion are listed below.

RESOLUTION

The Superintendent recommends that the Board approve these contracts. The Board accepts this recommendation and by this resolution authorizes the Deputy Clerk to enter into the following agreements.

NEW CONTRACTS

Contractor	Contract Term	Contract Type	Description of Services	Contract Amount	Responsible Administrator, Funding Source
Interline Brands DBA Supplyworks	1/1/18 through 10/31/22	Cooperative Contract COA 65622	Purchase of cleaning supplies and janitorial equipment on an as-needed basis. Administering Contracting Agency: Fresno United School District Cooperative Procurement Group: US Communities	\$5,000,000	J. Vincent Fund 101 Dept. 5593
Miller Nash Graham Dunn	12/20/17 through 6/30/19	Legal Services LS 65646	Legal advice, research on various legal issues/matters. Direct Negotiation – PPS-46-0525	\$150,000	L. Large Fund 101 Dept. 5460

NEW INTERGOVERNMENTAL AGREEMENTS (“IGAs”)

No New IGAs

AMENDMENTS TO EXISTING CONTRACTS

Contractor	Contract Amendment Term	Contract Type	Description of Services	Amendment Amount, Contract Total	Responsible Administrator, Funding Source
Tri-Ed Distribution, Inc.	12/20/17 through 7/10/18	Materials Requirement MR 62059 Amendment 3	Adding funds for additional fire alarm equipment. ITB 2015-1968	\$250,000 \$373,920	J. Vincent Fund 404 Dept. 5597 Project X0114
Stoel Rives LLC	12/20/17 through 12/31/18	Legal Services LS 65455 Amendment 1	Adding funds to the contract. Direct Negotiation – PPS-46-0525	\$125,000 \$250,000	L. Large Fund 101 Dept. 5460

December 19, 2017

RESOLUTION No. 5550

Authorization for 3rd Party Vendor Sales on PPS Property

RECITAL

Portland Public Schools (“District”) Policy 3.30.020-P (“Limitations On Use Of Facilities and Grounds – All Groups or Individuals”) requires the Board of Education (“Board”) consent to the advertising or sale of merchandise in the building or on the grounds by non-students. This shall not apply to merchandise which is in whole or part the product of the student of any school and sold by students with the approval of the principal or sales that the superintendent may authorize as essential to the successful operation of the educational program.

RESOLUTION

The Superintendent recommends that the Board consent to the advertising and sales by the following vendors. The Board accepts this recommendation and by this resolution authorizes the Deputy Clerk to enter into the following agreements.

NEW CIVIC USE OF BUILDING PERMIT

Vendor	Location and Dates of Sale	Purpose of the Sale	Description of Merchandise	Estimated Value to PPS	Responsible Administrator, Funding Source
Custom Fundraising Solutions	Beverly Cleary-Fernwood Gym December 9, 2017	Grant Band Fundraiser	New Mattresses	\$2,500-\$3,000	J. Vincent Fund 101 Dept. 5593

NEW LEASE AGREEMENT

Vendor	Location and Dates of Sale	Purpose of the Sale	Description of Merchandise	Estimated Value to PPS	Responsible Administrator, Funding Source
Hillsdale Farmer’s Market	Wilson HS Parking Lot Sundays February 1, 2018 through January 31, 2021	Community Farmer’s Market	Food products from Oregon and Washington Vendors	\$6,500-\$7,500 annually	J. Vincent Fund 101 Dept. 5593

December 19, 2017

Other Matters Requiring Board Approval

The Superintendent RECOMMENDED adoption of the following items:

Numbers 5551 through 5556

During the Committee of the Whole, Director Anthony moved and Director Kohnstamm seconded the motion to adopt Resolution 5551. The motion was put to a voice vote and passed unanimously (6-yes, 0-no), with Director Esparza Brown absent and Student Representative Tran voting yes, unofficial.

During the Committee of the Whole, Director Anthony moved and Director Bailey seconded the motion to adopt Resolution 5552. The motion was put to a voice vote and passed unanimously (6-yes, 0-no), with Director Esparza Brown absent and Student Representative Tran voting yes, unofficial.

During the Committee of the Whole, Director Anthony moved and Director Bailey seconded the motion to adopt Resolution 5553. The motion was put to a voice vote and passed unanimously (6-yes, 0-no), with Director Esparza Brown absent and Student Representative Tran voting yes, unofficial.

Director Anthony moved and Director Kohnstamm seconded the motion to adopt Resolutions 5554 through 5556. The motion was put to a voice vote and pass unanimously (6-yes, 0-no), with Director Esparza Brown absent and Student Representative Tran voting yes, unofficial.

December 19, 2017

RESOLUTION No. 5551

Acceptance and Approval of the Comprehensive Annual Financial Report, Reports to Management and Report on Requirements of the Single Audit Act and OMB Circular A-133

RECITALS

- A. The Board of Education is committed to accountability for how Portland Public Schools spends its tax dollars and other resources, and recognizes that transparency, accuracy, and timeliness in financial reporting are important components of financial accountability.
- B. The District Auditor, Talbot, Korvola & Warwick, LLP, has completed their independent audit of the financial reporting for the year ended June 30, 2017, and provides assurance that the District's accounting and reporting is in compliance with generally accepted accounting principles.
- C. The District has received awards in Excellence in Financial Reporting for 37 consecutive years from both the Government Finance Officers Association (GFOA) and the Association of School Business Officials (ASBO) and plans to submit the current financial reports for similar award consideration.

RESOLUTION

The Board of Education accepts and approves the Comprehensive Annual Financial Report, Reports to Management, and Report on Requirements of the Single Audit Act of School District No. 1J, Multnomah County, Oregon for the fiscal year ended June 30, 2017, and authorizes the reports to be distributed to required state and federal agencies and filed for future reference.

M. Lee

December 19, 2017

RESOLUTION No. 5552

Resolution Authorizing Kellogg Middle School Full Replacement Master Plan
as Part of the 2017 Capital Bond Program

RECITALS

- A. At the conclusion of the Kellogg Middle School Pre-Design Diligence process in February, 2017, Board Resolution 5394 referred the Kellogg Full Replacement Option to voters in May 2017.
- B. The election was duly and legally held on May 16, 2017 (the "2017 Bond Election") and the general obligation bonds were approved by a majority of the qualified voters of PPS voting at the election.
- C. Board Resolution 5471 accepts certification from Multnomah County, Clackamas, Washing Counties for May 16, 2017 voter approval of authorizing Portland Public Schools to issue up to \$790 million of general obligation bonds to improve health, safety, learning by modernization, report schools.

RESOLUTION

- 1. The Board of Education directs staff to design a full replacement for Kellogg Middle School for an enrollment capacity of 675 students.
- 2. The Board of Education directs staff to utilize the current Kellogg Middle School Area Program Summary as a guide to construct the new Kellogg Middle School to an approximate size of 100,412 square feet.
- 3. The Board of Education approves the Master Plan Preferred Site Plan for Kellogg Middle School.

J. Vincent / D. Jung

December 19, 2017

RESOLUTION No. 5553

Madison High School Modernization Project: Exemption from Competitive Bidding and Authorization for Use of the Construction Manager/General Contractor (CM/GC) Alternative Contract Method

RECITALS

- A. The Board of Directors of Portland Public Schools ("District") is the Local Public Contract Review Board ("Board") pursuant to ORS 279A.060.
- B. ORS 279C.335(2) authorizes the Board to exempt certain public contracts or classes of contracts from the standard competitive bidding process otherwise required by the Public Contracting Code and Rules upon certain findings.
- C. The District intends to complete the Madison High School Modernization Public Improvement Project ("Madison Modernization Project") as part of the 2017 Capital Improvement Bond work.
- D. Staff has determined that use of the Construction Manager/General Contractor ("CM/GC") alternative contracting method is the preferred method of delivery for the complex Madison Modernization Project. This determination is supported by draft Findings of Fact ("Findings") presented to the Board pursuant to ORS 279C.335.
- E. These Findings specify the cost savings and design, scheduling, operational, safety, and logistical advantages gained through use of the CM/GC process.
- F. On November 29, 2017, the District issued a public notice in the Business Tribune announcing the District's intent to utilize the CM/GC Alternative Contracting Method for the Madison Modernization Project. The notice was issued in compliance with ORS 279C.335 and the PPS Public Contracting Rules. The Findings were made available for public review and comment on the date of publication.
- G. The Board held a public hearing on the draft findings on December 19, 2017.
- H. Staff recommends approval of the exemption from Competitive Bidding and approval of the CM/GC alternative contracting method for solicitation and completion of the Madison Modernization Project.

RESOLUTION

- 1. The Board hereby exempts the Madison Modernization Project from competitive bidding requirements as provided in ORS 279C.335 and PPS Public Contracting Rules PPS-49-0145. The Board approves utilization of the CM/GC Alternative Contracting Method as described in the Draft Findings.
- 2. The exemption granted in Section 1 of this Resolution is based upon the Findings pursuant to ORS 279C.335(2), which the Board adopts and incorporates by reference into this Resolution.
- 3. Pursuant to these findings and decision, the Superintendent or his designee is hereby authorized to conduct a CM/GC alternative contracting process for the Madison Modernization Project.

M. Lee

December 19, 2017

RESOLUTION No. 5554

Memorandum of Agreement with Portland Association of Teachers

RECITALS

Pursuant to ORS 332.075(3) and the Public Employee Collective Bargaining Act, (ORS 243.650-243.782), a tentative agreement has been reached between Multnomah County School District #1J (District) and Portland Association of Teachers (PAT) and is recommended to the District's Board of Education for its consideration and approval.

- A. On February 16, 2017, PAT filed a class action grievance concerning the ability of PAT bargaining unit members to opt out of medical, dental, vision, pharmacy, life and long term disability coverage.
- B. PAT's position was that employees could not opt out of any benefits.
- C. The District had a practice of allowing employees to opt out of benefits which had been in place for many years. This practice was known or should have been known to PAT and was clearly identified in all Trust and District enrollment documents.
- D. The District and PAT are currently in contract negotiations for a successor agreement to the 2013-2016 PAT contract, including benefits.
- E. As part of the bargaining, the parties resolved the grievance concerning benefits prior to January 1, 2018 and agreed to new benefits language, effective January 1, 2018.
- F. The parties reached the attached Memorandum of Agreement, subject to the approval of the Board.

RESOLUTION

The Board approves the recommended agreement reflected in Attachment A.

L.. Cusack

December 19, 2017

ATTACHMENT "A" TO RESOLUTION No. 5554

TENTATIVE AGREEMENT 12/11/17

Appendix

MEMORANDUM OF AGREEMENT
Between
Multnomah County School District #1J
(District) and
The Portland Association of Teachers (PAT)
GRIEVANCE SETTLEMENT

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12/14/17

This Agreement is between Multnomah County School District #1J (District) and the Portland Association of Teachers (Association).

Background

The Association filed a class action grievance (#21-02/2017mp), dated February 16, 2017, on behalf of PAT bargaining unit members (the "Grievance"). The Grievance asserted the District allowed PAT unit members to opt out of LTD and life insurance under insurance Option 2, and opt out of insurance coverage apart from Option 2, in violation of the contract. The grievance further asserted PPS failed to make premium contributions to the Health and Welfare Trust on behalf of these members, in violation of Article 10, Insurance Protection. The District denied the Grievance.

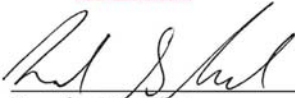
The parties have clarified this issue in reaching agreement on a successor collective bargaining agreement, wish to resolve their differences in the pending Grievance and, in exchange for the mutual promises and other consideration described below, agree as follows:

Agreement

1. Insurance benefits during the period July 1, 2016 until December 31, 2017, ~~to the date of ratification of the successor to the 2013-2016 Agreement~~ shall be governed by Article 10 of the 2013-16 Agreement, with the following modifications:
 - a. The district and professional educators who opted out shall not be required to retroactively make premium contributions under Article 10, Section A;
 - b. The requirement of Article 10, Section A.2.d., of the 2013-2016 Agreement shall not apply to unit members who opted out of LTD coverage, or selected a plan design without LTD coverage, during this period. Effective January 1, 2018, professional educators are no longer allowed to opt out of LTD coverage;

TENTATIVE AGREEMENT 12/11/17

- c. The requirement of Article 10, Section A.2.c., of the 2013-2016 Agreement shall not apply to unit members who opted out of group term life insurance during this period. ~~Effective January 1, 2018, professional educators who opt out of any insurance plan shall be enrolled in the \$50,000 group life insurance with AD&D at the District's expense.~~
2. The Association withdraws the Grievance, with prejudice, as of the date the parties fully execute this Agreement.
3. The language of the Tentative Agreement for Article 10 Insurance Protection attached will take effect January 1, 2018.
4. The parties agree that neither the Grievance nor this Agreement will be used as precedent or as evidence in any grievance or arbitration in the future, except for enforcement of this Agreement. This Agreement will not be used to construe or interpret the meaning of the parties' collective bargaining agreement, and shall not become part of the past practice of the parties for any purpose.
5. This agreement is subject to consideration and approval of the District Board of Education



For the District:



For the Association:

Date: 12/11/17

Date: 12/11/17

December 19, 2017

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12/11/17

TENTATIVE AGREEMENT 12/11/17

ARTICLE 10
INSURANCE PROTECTION

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12/11/17

A. Health and Welfare Trust

1. **The provisions of this article between July 1, 2016 and December 31, 2017 shall be determined by the separate Memorandum of Understanding (MOU) on insurance protection included as Appendix ____.** The following shall be in effect starting January 1, 2018 or as specifically provided below.
2. The District and the Association agree to continue participation in the School District No. 1 Health and Welfare Trust per the Trust Agreement as adopted November 9, 1972, and any amendments thereto.
3. Subject to the qualifications stated below, the monthly District contribution to the Trust toward the costs of health insurance benefits, including medical, dental, vision, prescription drug, disability and group term life insurance, and associated administrative costs and Trust reserves for full-time professional educators, and their eligible dependents and domestic partners is as follows:
 - a. The District shall contribute for full-time eligible professional educators and their eligible dependents and domestic partners ninety-three percent (93%) of the PAT composite premium.
 - b. The professional educators shall pay any remaining amount of the PAT composite premium as a payroll deduction. Such payments shall continue to be paid as a tax-sheltered employee deduction as permitted by IRS regulations.
 - c. Group term life insurance with accidental death and dismemberment (AD&D) shall be provided **with the contribution in this section** with a benefit of \$50,000. Professional educators **covered by health insurance benefits** shall have the ability to purchase additional coverage by payroll deduction. *(Note: PAT added language on 05/15/17 to reflect a proposal made by PPS. This change is no longer reflected here on the 08/24/17 PPS proposals.)*
4. Long Term Disability

All eligible professional educators must enroll in Long Term Disability (LTD) coverage. The Association shall be responsible for setting the eligibility and plan requirements, subject to adoption by the Trust. The full premium cost of the LTD plan shall continue to be included in the calculation of the super-composite rate, and paid by the professional educators. shall continue to pay the full LTD premium.
5. Insurance Coverage

Professional educators may opt out of medical, dental, vision, and prescription drug benefits, and additional life insurance. Neither the District nor the professional educator shall make payments to the Trust for those who opt out. However, these professional educators shall be enrolled in the \$50,000 group life insurance with AD&D at the District's expense and in the LTD plan at the professional educator's own expense. This opt out provision shall expire one year after the successor to this Agreement is ratified. However, the change will not be implemented until the start of the first plan year thereafter.
6. The benefits in existence on the date of execution of this Agreement, **including the provisions identified in Appendix G**, shall be maintained by the District for the full term of this Agreement, except if mandated by a new state insurance plan.
7. The District shall make this contribution from September through August of the school year. As used in this Paragraph, the words "through August" refer to the payment made by the District in early August, even though the professional educator contributions remitted by the District for such payment may have been deducted from July payroll checks. Before such payment per month, as indicated above, is required with respect to a professional educator, the Trustees shall certify to the District that the professional educator (himself or herself) has such medical/hospitalization coverage through the Trust. A full contribution shall be made by the District for professional educators having a work schedule of seventy-five percent (75%) or more of a full-time professional educator. The District shall make a contribution of

December 19, 2017

MRP
12/11/17

TENTATIVE AGREEMENT 12/11/17

fifty percent (50%) of the composite rate for professional educators having a work schedule of fifty percent (50%) up to seventy-five percent (75%) of a full-time professional educator.

8. For temporary professional educators, the District shall make a contribution to the Health and Welfare Trust in accordance with Paragraph 2 of this Section for two (2) months following the end of the standard work year, as defined in Article 5, Section B, if the temporary professional educator(s):

- worked at least half-time, and worked at least half of the contract year, and finished the contract year in a bargaining unit position; or
- worked at least half-time and is retained in a bargaining unit position for the following school year.

9. Professional educators on unpaid leave of absence shall not suffer loss of benefit in excess of the period of time not worked during the regular work year. If paid leave extends up to the beginning of winter, spring and/or summer recess periods, such recess periods shall not count as time not worked.

10. The District shall assure the continuation of a tobacco abatement program, through the Health and Welfare Trust, for professional educators and their families.

B. Liability Insurance

The District shall provide, on a fully paid basis, bodily injury, liability and property damage insurance coverage, to the limits carried by the District for the use of automobiles owned, leased or hired by a professional educator while in the normal course of his/her duties as an employee of the District. This coverage shall apply only as excess insurance over and above other valid and collectible liability insurance carried by the professional educator. The District may require as a condition to this coverage that before the vehicle is used on District business, the professional educator provide a license of insurance showing that he or she has at least the minimum amount of insurance required to license a vehicle in the State of Oregon. The District will reimburse the professional educator for any deductible cost the professional educator is required to pay, as a result of an on-duty accident, not to exceed five hundred dollars (\$500). Reimbursement will not be made if the professional educator is convicted of or admits to driving under the influence of intoxicants or with a suspended license.

C. Professional Association Insurance Program

The District shall recognize the rights of the Association to select carriers of insurance programs where membership in said program is contingent upon membership in the Association. Subject to the mechanical limits of the District's payroll system, the District shall make available payroll deductions for professional educators participating in such insurance programs.

D. The District will continue the I.R.C. Section 125 Flexible Benefit Plan during the term of this Agreement.

E. Domestic Partners

Insurance coverage for same sex and opposite sex domestic partners shall be provided the same as spousal benefits. The definition of domestic partner is included as Appendix C.

F. Employee Assistance Program (EAP)

The District shall continue to provide an Employee Assistance Program (EAP) that allows each professional educator to refer themselves confidentially to the EAP provider.

December 19, 2017

RESOLUTION No. 5555

A Resolution amending Resolution 5538, authorizing the Multnomah County School District #1J (the "School District") to enter into a Settlement Agreement with Jeanne Windham ("Windham").

RECITALS

- A. On November 14, 2017, the Board approved Resolution No. 5538, a Settlement Agreement with Jeanne Windham. The approved settlement offer awarded \$21,344.61 in a lump sum to Windham along with a reasonable amount for her attorney fees.
- B. Windham did not accept the original settlement offer of \$21,344.61. Windham continued to pursue the claims in the complaint: for regular and overtime wages and for unpaid wages upon termination
- C. The School District disputes Windham's claims and denies all liability, and Windham maintains that the School District is liable on the claims.

RESOLUTION

Resolution No. 5538 is hereby amended to reflect the Settlement Agreement in the correct amount of \$53,000 (\$40,000 to Windham and \$13,000 for her attorney fees), in order to avoid the uncertainties, expense, inconvenience, and burdens of further litigation in the Action and Grievances.

RESOLVED this _____ day of _____, 2017.

BOARD OF DIRECTORS OF THE
PORTLAND PUBLIC SCHOOLS
MULTNOMAH DISTRICT 1J

By:

President

Attest:

Board Secretary

December 19, 2017

RESOLUTION No. 5556

Minutes

The following minutes are offered for adoption:

December 5, 2017