



**AGENDA**  
**Board of Directors**  
**Special Meeting**  
**January 3, 2017**  
**6:30 PM**

In Person

1086 Alcatraz Ave  
Oakland, CA

2688 Becard Ct  
Pleasanton CA

371 30th St,  
Oakland, CA

3033 Ellis st  
Berkeley, CA

Dial In

(712) 775-7031  
Access Code: 396664

2417 Delmer St.  
Oakland, CA

3248 Revere Avenue  
Oakland, CA

*Vision & Mission*

*Yu Ming Charter School will provide a challenging and comprehensive education for Kindergarten through 8<sup>th</sup> grade students, preparing them to be inquisitive and analytic lifelong learners in the 21<sup>st</sup> Century world. Our mission is:*

- *To provide an academically rigorous college preparatory program*
- *To graduate students with bilingual and biliterate skills in Mandarin-Chinese and English*
- *To nurture intellectual curiosity, international perspective and diligence in attaining personal goals*
- *To develop young people with compassion, sound moral character and a sense of responsibility for the community and the environment*

THE ORDER OF BUSINESS MAY BE CHANGED WITHOUT NOTICE

Notice is hereby given that the order of consideration of matters on this agenda may be changed without prior notice.

REASONABLE LIMITATIONS MAY BE PLACED ON PUBLIC TESTIMONY

Members of the public are welcome to speak on any agenda or non-agenda items so long as the matter pertains to the domain and jurisdiction of the school board. Public testimony on non-agenda items will be heard at the opening of the meeting. Public testimony on agenda items will take place as each item is presented. The Board's presiding officer reserves the right to impose reasonable time limits on public testimony.

REASONABLE ACCOMMODATION WILL BE PROVIDED FOR ANY INDIVIDUAL WITH A DISABILITY

Pursuant to the *Rehabilitation Act of 1973* and the *Americans with Disabilities Act of 1990*, any individual with a disability who requires reasonable accommodation to attend or participate in this meeting of the Governing Board may request assistance by contacting Yu Ming Charter School during normal business hours at 1086 Alcatraz Ave, Oakland, CA 94608; telephone (510) 452-2063 as far in advance as possible, but no later than 24 hours before the meeting.

FOR MORE INFORMATION

For more information concerning this agenda or for materials relating to this meeting, please contact:  
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**I. Preliminary**

- A. **CALL TO ORDER**
- B. **ROLL CALL**
- C. **APPROVAL OF AGENDA**

**II. INVITATION TO THE PUBLIC TO ADDRESS THE BOARD**

**III. ITEMS OF BUSINESS**

A. Renewal of Lease at Herzog Facility. -- VOTE (Prudencio, 30 minutes)

- 1. The board will consider a proposal to extend the lease of the Herzog facility from Oakland Unified School District for an additional year.

**IV. REVIEW OF ACTION ITEMS AND FUTURE AGENDA ITEMS**

**V. ADJOURNMENT**

The meeting was adjourned at \_\_\_\_\_.

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**Board of Directors  
January 3, 2017  
AGENDA ITEM INFORMATION**

<b>Agenda Item</b>	Facility Use Agreement Renewal; Herzog Campus
<b>Time Allotted</b>	30 Minutes
<b>Background</b>	The Facilities Committee is charged with searching for, evaluating and securing a site for Yu Ming Charter School to address its short and long term needs.
<b>Summary</b>	<p>Yu Ming leases the Herzog facility from the Oakland Unified School District as part of an in-lieu-of lease arrangement (ie not a Proposition 39 site) and has occupied the facility since the 2014-15 school year.</p> <p>The facility has served Yu Ming well despite the fact that it is set up to be an early childhood development center.</p> <p>Yu Ming’s search for a larger facility for the 2017-18 school year and beyond, either as a single site or a dual-site configuration continues (we’ll have a longer update at the January 19 board meeting). The likelihood, however, that a site will be found to replace the Herzog facility in time for the 2017-18 school year remains low.</p> <p>Therefore, this voting item proposes to extend the current facilities use agreement for an additional year at the rate of \$40,290 for the 12 month period of July 1, 2017 - June 30, 2018. The current lease agreement is for \$40,205.</p> <p>The proposed facilities use agreement is attached.</p>



Type	Vote
<b>Key Questions</b>	<ol style="list-style-type: none"><li data-bbox="495 357 1185 451">1. How can the facility be adapted to house an additional grade next year?</li><li data-bbox="495 462 1323 504">2. What if Yu Ming finds a facility and breaks this lease?</li><li data-bbox="495 514 1258 609">3. Does the lease extension preclude Yu Ming from working with OUSD on other sites in its system?</li></ol>

**AMENDMENT II TO THE  
FACILITIES USE AGREEMENT BETWEEN  
OAKLAND UNIFIED SCHOOL DISTRICT AND  
YU MING CHARTER SCHOOL**

1. By Enactment # 14-1495 on August 13, 2014, the Board of Education approved the Facilities Use Agreement between Oakland Unified School District ("District") and Yu Ming Charter School for use of classroom space for educational purposes located at Golden Gate Child Development Center, 6232 Herzog Street, Oakland, CA, for the term from August 1, 2014 to June 30, 2016, with an option to extend for one additional year.
2. By Enactment # 16-0539 on April 13, 2016, the Board of Education approved an Amendment to the Facilities Use Agreement between the District and Yu Ming Charter School to exercise the option to extend the Facilities Use Agreement for an additional year.
3. By this Amendment II, the Parties hereby agree to extend the term for one additional year, with the extension ending effective June 30, 2018. For the 2017-18 school year, the Proposition 39 rate is \$4.74 per square foot at 8,500 square feet or a 2017-18 annual rate of \$40,290.00.
4. By this Amendment II, the Parties agree that Yu Ming Charter School may further extend the Facilities Use Agreement past the 2017-2018 school year by exercising an option to renew the term of the Agreement for a period of two years upon three (3) months prior written notice from June 30, 2018. During the extension, the facility use rate will be adjusted annually to conform to the then Proposition 39 or comparable rate then in effect.
5. By this Amendment II, the Parties agree to amend the Facilities Use Agreement such that Yu Ming waives any right to seek facilities from the District in addition to those for which use and occupation is granted under the Facilities Use Agreement, under Proposition 39 or any other statute, rule, regulation or legal authority, during the term of the Facilities Use Agreement and any subsequent renewals and/or extensions.
6. Except as expressly provided in this Amendment, the original Facility Use Agreement is unchanged.
7. This Amendment, together with prior the Agreement constitute the entire understanding and agreement between the Parties. All understandings, agreements, covenants, representations and warranties, express or implied, oral or written between are contained and merged herein. No other agreements, covenants, representations or warranties, express or implied, oral or written, have been made by or between the Parties concerning the subject matter hereof. This is an integrated agreement. It may not be altered, modified or otherwise changed in any respect except in a writing signed by each party.

8. Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion: The District certifies to the best of its knowledge and belief, that it and its officials: Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency according to Federal Acquisition Regulation Subpart 9.4, and by signing this contract, certifies that this vendor does not appear on the Excluded Parties List. <https://www.sam.gov/portal/public/SAM>

IN WITNESS WHEREOF, the Parties hereto agreed to be bound and have executed this Amendment II to the Agreement originally approved by the Oakland Unified School District Board of Education on August 13, 2014.

**YU MING CHARTER SCHOOL**

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**OAKLAND UNIFIED SCHOOL DISTRICT**

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President, Board of Education  
Oakland Unified School District

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Secretary, Board of Education  
Oakland Unified School District

Approved as to Form

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Marion McWilliams, General Counsel