

Oakland Unified School District

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Meeting Minutes Long - Final

Monday, February 13, 2017

6:30 PM

**KDOL TV Studio, B-237, Met West High School Entrance, 314 East 10th Street,
Oakland, CA 94606-2291**

Measures A, B, and J Independent Citizens' School Facilities Bond Oversight Committee

Andrea Dawson, Chairperson

Chanu Lee, Vice Chairperson

Saleem Shakir-Gilmore, Secretary

*Members: Renee Swayne, Gerald Green,
Joyce Nilo, Shiree Teng, (Vacancy), (Vacancy)*

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A. Call to Order

Chairperson Andrea Dawson called the meeting to order at 6:39 P.M.

B. Roll Call

Present 8 - Member Joyce Nilo
Member Chanu Lee
Member Gerald Green
Member [Vacant]
Chairperson Andrea Dawson
Member Saleem Shakir-Gilmore
Member Brendan Havenar-Daughton
Member Shiree Teng

Absent 1 - Member Renee Swayne

C. Speaker Request Cards/Modification(s) To Agenda

The Committee considered Items A-L as printed on the Agenda. Under Item E, Chairperson Dawson requested Legislative File ID 17-0056 be taken up first by the Committee followed by Legislative File ID 17-0053.

D. Adoption of Committee Minutes



[17-0198](#)

Minutes - Measures A, B, and J Independent Citizens' School Facilities Bond Oversight Committee - November 8, 2016

Approval by the Measures A, B, and J Independent Citizens' School Facilities Bond Oversight Committee of its Meeting Minutes of November 8, 2016.

Attachments: [17-0198 Minutes - Measures A, B, and J Independent Citizens' School Facilities Bond Oversight Committee - November 8, 2016](#)

A motion was made by Chairperson Andrea Dawson, seconded by Member Chanu Lee, that this Minutes, Committee be Adopted . The motion PASSED by an unanimous vote.

Absent: 1 - Member Renee Swayne

Non-voting: 0

Enactment No: 17-0390

E. Unfinished Business



[17-0056](#)

Report - General Counsel - Permissible Use of Measure J Funds

A Report to the Measures A, B, and J Independent Citizens' School Facilities Bond Oversight Committee by General Counsel, or designee, as to whether Measure J funds are a permissible, allowable use for rehabilitation of the Marcus J. Foster Educational Leadership Campus, i.e., aka 1025 2nd Avenue Administration Building.

Attachments: [17-0056 Presentation - General Counsel on 2/13/17 \(General Counsel - Permissible Use of Measure J Funds\).pdf](#)

Marion McWilliams, General Counsel, made the staff presentation.

McWilliams said after reviewing the materials attached to her memo, it is her opinion Measure J funds are an appropriate expenditure for the Dr. Marcus Foster Education Leadership Complex and the Ethel Moore Building. McWilliams said it is her independent opinion, although she relied on information from Bond Counsel and former General Counsel Jacqueline Minor. She said it is her belief it is expressly provided for under the first tier of the Measure J language. She said in coming to this conclusion she looked at annotations of Education Code 15100 to see if any annotations or legal opinions gave her any concern. Said she also looked at CalBoc procedures, Best Practices Guide, and the Contra Costa County Grand Jury Report to see if anything gave her any concern and she said it

Dawson said the original bond language refers to the District's Facility Master Plan dated May 2012 where no money is allocated for any administrative sites in the spending chart. Dawson said the language reads, "those projects will be cost neutral or revenue generating". She asked McWilliams what does that statement mean? Dawson said she has looked at what other districts have done, asked other districts, and said she doesn't believe the intent of the bond was to rehab 1025 2nd Avenue and the Ethel Moore Building at the expense of not doing Roosevelt Middle School, taking \$25 million or \$30 million from Fremont High School, and redirecting money to do intensive support sites at five or six schools, at the expense of playgrounds and safety issues at Hoover Elementary whether the money is needed for 1025 2nd Avenue and the Ethel Moore Building or not.

McWilliams said the text of the bond language the way she interrupts it is in two parts; Part I being projects authorized to be completed at any of the Districts sites shall be approved by the Board. She said Part I built some flexibility for the Board to make determinations. She said it is a challenge to prioritize the various projects. Said when the District asked for the Bond and asked voters for approval, it would not be sufficient to handle all District needs. That is why some of the language in the bond is flexible to say the Board will revisit and there is no guarantee that the projects on the Bond Project List will be funded or completed. The Board will need to make some prioritizations and changes to that. She said the current state of 1025 2nd Avenue was not anticipated. She said she recalls many Board discussions about making sure the administration building was included because the District knew it would need capital improvements, this was recognized even before the flood. Said she believes this was the intent of the bond language and it is within the Board's purview to determine it as an appropriate project which is what they have done.

Swayne said based on what McWilliams said, if it were true the District anticipated the administration building would need funding, why was it not specifically included in the bond language?

McWilliams said she thinks it is included. She noted in the section of increased utilization of under used assets including redeveloping administrative sites, inactive school sites, and reconfiguration of sites or parts of sites to house administration functions, that language was intentional.

Dawson said if McWilliams is saying this is appropriate within keeping of the law, she would like her to be more specific. Dawson pointed out a paragraph in the Evaluation of Needs Section which says "the priorities are articulated in the District's Master Plan adopted by the Board dated May 22, 2012 which considered safety, class size reduction, and information

technology into consideration in developing the Facilities Master Plan and Bond List. She said in the May 2012 Bond List which has a chart for modernization and a list of elementary, middle and high schools, seismic, building system upgrades, nutrition master plan, portable replacements, site grounds and upgrades, solar energy and improved utilization of under used assets. She said it listed administrative sites, community access to active sites and alternative sites are cost neutral or revenue generating projects are not included in the chart.

Dawson went on to say when she looks across the District at what some schools look like and what other schools look like; what some schools are getting and what some are not getting; and said it pains her. She said you go into a school like Montclair and go across town to Manzanita Seed, the two schools look like they are in different school districts. Said in her opinion, they are not treated the same.

McWilliams said her reading of the Bond language, it did give the Board the flexibility to change priorities and to revisit the Facilities Master Plan of 2012. She said it is the role of this Committee to challenge and question staff making sure they are doing the right thing. McWilliams said she would go back with the additional information and look at it with more detail and revisit the specific question with outside counsel as well.

Committee Member Gerald Green said the financial report says the decision has been made because money is being spent on the project. He said the Committee needs to be informed sooner on what the District plans to do.

McWilliams said she recognizes that and thinks staff will be able to bring timely information to the Committee. She said staff are here to be a resource providing information in a way that is timely.

Swayne said we could have predicted what McWilliams conclusion would be before giving the report. Swayne said she was an original signatory on the bond and had no intention of the money being used for central administration, but to make schools better. She said if the District wanted to replace the administration building, they should have gotten funds elsewhere. She said McWilliams did not convenience her, it's about can the Committee live with it and how will the Committee write its Annual Report. She said it would have been shocking to her if McWilliams conclusion had been the District was in violation since money has been committed to the project.

McWilliams responded to Swayne statements. She said she heard her and understands that is how Swayne feels. She said her personal integrity is one of the most important things to her. Said she would have not chosen the legal profession if she did not hold it close. McWilliams said she would have not put her name on the document if she didn't truly feel like that was an appropriate expenditure. Said she will not compromise her integrity.

Green asked when would the Committee receive a report on the projected costs and the expected completion date?

Dominguez said the last Measure J spending plan was Board approved in 2015 shows \$49.5 million. He said staff are currently working on changes and adjustments to the spending plan. Staff plans to schedule a committee meeting to review all projects that are over/under budget making adjustments to the spending plan.

Dawson said she was involved in the bond and it was not the intent of the taxpayers to redo 1025 2nd Avenue nor was there a discussion about redoing 1025 2nd Avenue.

Perhaps the Board was discussing it, but Tim White was not, because she said she asked him.

Swayne asked McWilliams to provide a report about Measure J funds that shows:

- Measures J funds will be redirected?
- What the District planned to do before and what is plans to do now?
- Which sites will receive no funding or will receive less to cover the \$49.5 million

Swayne said once the Committee receives the final report, if a majority of the Committee feels the use is out of compliance, a letter will be written to that affect.

Shakir-Gilmore said in McWilliams memo, three prior memos are referenced and the question has been answered, not necessary to the satisfaction of Members of the Committee. Shakir-Gilmore asked for a responce to the Chair's questions about the original Board approved budget and any changes. He said the role of the Committee is to be responsive to the Community they serve.

Discussed

 [17-0053](#)

Measures A, B, and J – Budget to Actual Expenditures, Cash Flow Projections Through December 31, 2016

Presentation to the Measures A, B, and J Independent Citizens' School Facilities Bond Oversight Committee of the Measures ABJ Budget to Actual Expenditures, and Cash Flow Projections through December 31, 2016.

Attachments: [17-0053 Measures A, B, and J – Budget to Actual Expenditures, Cash Flow Projections Through December 31, 2016](#)

The Expenditure Report was presented by Michael Ezeh, Facilities Accountant for Measures ABJ.

Discussed

Roll Call (Secretary's Observation)

Committee Member Renee Swayne present at 6:41 P.M.

- Present** 9 - Member Joyce Nilo
Member Renee Swayne
Member Chanu Lee
Member Gerald Green
Member [Vacant]
Chairperson Andrea Dawson
Member Saleem Shakir-Gilmore
Member Brendan Havenar-Daughton
Member Shiree Teng

F. New Business

[16-0402](#) **Report - District Facility Master Plan - Spending Plan**

A Report to the Measures A, B, and J Independent Citizens' School Facilities Bond Oversight Committee from the Director of Facilities or designee on the District's Facility Master Plan and the spending plan using Measures ABJ funds. Report to include a status report of each proposed project, the budget, expected completion date, and the percentage of completion of the projects.

Colbert said his understanding is the Committee wanted to hear a report regarding the new Facility Master Plan.

Chairperson Dawson said when she asked the question of General Counsel and the District when SGI was here, she gave the original Facility Master Plan, revised plan and the variation that showed the changes. She said what she is looking for now is the master spending plan.

Cesar Monterrosa, Facilities Department, said the original Facility Master Plan had a needs assessment that determined in 2012 the District's needs were \$1.5 Billion. The items of today's discussion are in the approved expenditure plan. There is a Board approved expenditure plan adopted in 2013 and in 2015.

Discussed



[17-0293](#)

Organizational Chart - Facilities Department

A Presentation to the Measures A, B, and J Independent Citizens' School Facilities Bond Oversight Committee by the Deputy Chief of Facilities or designee of the Facilities Department Organizational Chart which includes the relationship to consultants.

Attachments: [17-0293 Organizational Chart - Facilities Department](#)

Colbert said the Org Chart distributed was in response to the Committee's request to see the new structure with the new firms.

Chairperson Dawson and Committee Member Swayne each had specific information they wanted to see included in the Org Chart.

- *Dawson - District employees and consultants for example: Joe at the top, Cesar, Marion, District staff, and consultant*
- *Swayne - Identify program, project, and project manager assigned to which school*

Dominguez said staff is currently working on an internal Org Chart of the Facilities Department that will show will show internal staff, organizational structure and the reporting structure of the new firms. Dominguez said the Org Chart should be available at the next committee meeting.

Dawson spoke about the site visit with Committee Member Swayne, Dawson, Nilo and Gilmore attended. She said the project at Frick Middle School had a lot of input from the school site in terms of priorities. She said this brings her to District standards and the \$550,000 cost for the custom fence. Dawson said she hopes it is not at the expense of new bleaches and new blinds that will enhance the instructional program for children.

Swayne said she would like to see the District work toward establishing standards. She said they vary and the end results varies.

Dominguez said he was recently made aware of the fence at Montclair. He said one thing they are doing are Districtwide standards and specs. He said this is a good example of

promises made to the community and not going through a process. He said there will be a follow-up meeting with the site but the information has been released to the public. He said moving forward there are internal checks and balances on program and design.

Swayne said many sites don't have the option to choose the kind of fence they will get; it becomes an equity issue. She talked about Principals not wanting storage space in classrooms and fans in classrooms that are distracting during instructional time. Swayne said someone needs to check to see how the teachers and parents feel about new innovative features.

Dominguez said the District is shifting how it approaches construction projects looking at standards and educational specifications.

Shakir-Gilmore asked about the \$500,000 fence and wanted to know if that something staff is looking at how we got here and not getting to this place again or is there some redirecting of how those funds will be spent at that school site?

Dominguez said a little of both; looking at how the District got here so that same mistake is not made again and how much flexibility in where we are now. He said the balancing act is the promises made to the community. He said we have to let the community know by getting a \$500,000 fence, this is what you don't get or what you could have gotten additional.

Discussed

G. Public Comments on All Non-Agenda Items Within the Subject Matter Jurisdiction of the Committee

[17-0283](#)

Public Comments on All Non-Agenda Items Within the Subject Matter Jurisdiction of the Measures A, B, and J Independent Citizens' School Facilities Bond Oversight Committee - February 13, 2017

Public Comments on All Non-Agenda Items Within the Subject Matter Jurisdiction of the Measures A, B, and J Independent Citizens' School Facilities Bond Oversight Committee - February 13, 2017.

None.

H. Introduction of New Legislative Matter

Review and update site visit list at the next Committee Meeting.

I. Adjournment

Chairperson Dawson adjourned the meeting at 8:19 P.M.

Prepared By: _____

Approved By: _____