

# Oakland Unified School District

Board of Education  
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## Minutes (Long)

**Tuesday, February 02, 2010**

**6:00 PM**

**Board Room, Paul Robeson Building, 1025 2nd Avenue, Oakland, CA  
94606-2212**

## **Measure "B" Independent Citizens' School Facilities Bond Oversight Committee**

***Renee Swayne, Chair***

***Andrea Dawson, Vice Chair***

***Tracy Amaro, Secretary***

***Members: Patricia Williams, Odest Logan, Jean Moore,  
Jamie Flaherty-Evans, Frank Tsai, Christopher Vernon***

## A. Call to Order

*Chairperson Renee Swayne called the meeting to order at 6:05 P.M.*

## B. Roll Call

**Roll Call:** Present: Tracy Amaro, Andrea Dawson, Odest Logan, Jean Moore, Renee Swayne, Frank Tsai, Christopher Vernon and Patricia Williams  
Absent: Jamie Flaherty-Evans

## C. Modification(s) To Agenda

*None.*

## D. Adoption of Committee Minutes



[09-3088](#)

### **Minutes - Measure "B" ICSFBO Committee Minutes - Regular Meeting - September 22, 2009**

Approval by Committee of its Regular Meeting Minutes of September 22, 2009.

**Attachments:** [Document\(s\)](#)  
[09-3088 - Minutes - Measure "B" ICSFBO Committee - September 22, 2009](#)

**A motion was made by Tracy Amaro, seconded by Frank Tsai, that this matter be Adopted. The motion carried by the following vote:**

**Votes:** Adv Aye: 0  
Adv Nay: 0  
Adv Abstain: 0  
Aye: 7 - Tracy Amaro, Andrea Dawson, Jean Moore, Renee Swayne, Frank Tsai, Christopher Vernon and Patricia Williams  
Nay: 0  
Recused: 0  
Absent: 2 - Jamie Flaherty-Evans and Odest Logan  
Preferential Aye: 0  
Preferential Abstention: 0  
Preferential Nay: 0



[10-0168](#)

### **Minutes - Measure "B" ICSFBO Committee Minutes - Regular Meeting - October 27, 2009**

Approval by Committee of its Regular Meeting Minutes of October 27, 2009.

**Attachments:** [10-0168 - Minutes -Measure "B" ICSFBO Committee Minutes - Regular Meeting - October 27, 2009](#)

**Tabled to a Date Certain**

## E. Adoption of the Committee General Consent Report

*None.*

## F. Unfinished Business



### [09-3087](#) Measure "B" Proposed Workplan for 2008/2009 Annual Report

Discussion of Measure "B" Independent Citizens' School Facilities Bond Oversight Committee Proposed Workplan/Timeline for Production of 2008/2009 Annual Report.

**Attachments:** [Document\(s\)](#)

*Mr. White said this is a discussion item for the committee in terms of what the committee would like to see and how we go forth talking about those things associated with the charge of the committee over the course of 2010.*

*Chairperson Swayne asked if anyone would like to bring something forward.*

*Tracy Amaro said at the last meeting committee members were to look at different examples of annual reports and come prepared to discuss and give recommendations to staff about the format for the 2008/09 report.*

*Mr. White said the 2007/08 Annual Report was presented and accepted by the committee. He said what was discussed and agreed upon the committee would look at the 2007/08 format and make some determination if that format was acceptable by this committee. He said he recalled there were some suggestions about streamlining the report. Andrea Dawson and Jean Moore may have given examples of formats they thought could be used for the upcoming Annual Report. He said if that is the direction the committee gives that would be great to issue a more streamlined comprehensive report.*

*Tracy Amaro asked if they had examples of the report and wanted to distribute the copies to committee members so everyone can review them before a meeting. She wanted to know would this be something that had to be done through an agenda and a public notice if we are distributing it and telling people to provide comments to the staff?*

*Secretary Rakestraw said as long as committee members did not talk to each other about the various formats. He said they could talk to staff as long as staff did not convey anybody else's idea to a majority of the committee.*

*Mr. White requested the communication go through the Committee Chair.*

*Andrea Dawson said her expectation was several examples would be provided to Facilities. The link would be circled or attached as a PDF and we have a time period to comment on it. She said she thinks the direction we should go in is Facilities puts together prototype and the committee members have the ability to comment on it.*

*Mr. White said that was done three or four months ago and requested another copy of any samples they may have to make sure they have the correct sample. He said the samples he saw were very comprehensive.*

*Jean Moore asked if the request was for the actual reports from the other two school districts or copies of the link so each member can access the report themselves?*

*Chairperson Swayne said she wants the reports again since it has been so long.*

*Mr. White said the link or hard copy would be fine.*

*Tracy Amaro asked who would distribute the report to the rest of the committee?*

*Mr. White said he hoped the communication would involve the Chairperson. He noted the committee established protocol regarding communication earlier and that was through the Chairperson.*

*Tracy Amaro said before the next committee meeting everyone should provide comments to her and she will send the comments to Mr. White. She asked Mr. White how much advance time would he need?*

*Mr. White said he would like to see what the samples look like and how much manpower it would take to provide the data and put together the draft document. He said after looking at the different samples he would get back to the committee through the Chairperson or the Secretary.*

*Frank Tsai asked if the External Audit Report was part of the report.*

*Mr. White said there is a Qualification Letter from the auditor in the Annual Report. He said he recalls in the report there was some reference to whether or not the audit was qualified or not.*

*Mr. Tsai asked what was the timeline for the completion of the audit?*

*Mr. White said the auditor just had a contract renewal and anticipates it will take 45-60 days to complete the audit.*

*Mr. Tsai asked was there an expected delivery date of the results of the audit?*

*Mr. White said he did not recall what the date was.*

*Jean Moore said as a committee they were to review their responsibilities in reporting the Annual Report. She said they came to the agreement they would look at the Resolution and By-laws and have a good understanding what committee member's responsibilities are in*

*terms of reporting.*

*Chairperson Swayne suggested scheduling the discussion for the next meeting.*

*Ms. Moore said she thinks it should be done in conjunction with reviewing the format. She suggested an attachment with the Resolution and the By-laws so everybody has them handy to reference and has a clear minimum understanding of what needs to be in the report.*

*Secretary Rakestraw said staff can provide them but they are part of the record of this body and actually on the website and you can access them or ask staff to point out the link.*

*Ms. Moore said a link would be wonderful.*

**Discussed**

## G. New Business



### [10-0171](#) Measure "B" Capital Expenditure Report

Presentation of Measure "B" Capital Expenditure Report as of January 11, 2010.

**Attachments:** [10-0171 - Measure B Capital Expenditure Report.pdf](#)

*Charles Love, Facilities Department, said the Measure "B" Expenditure Report was updated on January 11th. The working budget continues to be \$392 million. The projected savings through 2013 is \$14.3 million. The expenditures year to date are \$23.8 million, a \$2.7 increase over the last report.*

*Frank Tsai noted the report was not the overall expenditures for all Measure "B". He said this budget excludes any matching funds received through any external third party grants.*

*Mr. Love said to his knowledge we have not received any matching funds.*

*Mr. Tsai asked if we had the Measure "B" Funds plus the matching grant to spend?*

*Mr. White said the staff's presentation on uses of Measure "B" Funds as authorized by voters of the City of Oakland references that point.*

*Chairperson Swayne asked if both items could be combined for presentation purposes?*

*Secretary Rakestraw said it is the committee's preference. He said he would not recommend combining the two. He said the answer you are going to get from the legal opinion from counsel takes the matching funds out of this committee's area because there is a lack of jurisdiction to do so. It is not considered Bond proceeds and Legal Counsel has rendered a legal opinion which he will share.*

**Discussed and Closed**

**10-0172 Committee Sites Visit Report of November 6, 2009 and December 4, 2009**

Presentation of Committee Sites Visit Report of November 6, 2009 and December 4, 2009.

*Mr. White said the last two months the committee went to several schools sites. In November the sites visited were Montclair Elementary, Chabot Elementary and Montera Middle School. In December they visited Life Academy, the Downtown Educational Complex and Lincoln Elementary. Mr. White opened the discussion to any comments from committee members regarding those visits.*

*Chairperson Swayne said she was out of the area during these visits, but the site visits she has attended were excellent.*

*Frank Tsai said he likes seeing what we are actually doing.*

*Andrea Dawson asked about Life Academy. In the presentation the plans for the site was discussed. She wanted to know where in the Master Plan was it addressed, the status of the District's Master Plan and is there a move to update the Master Plan?*

*Mr. White said Life Academy is addressed in the Master Plan. He said the District choose to place Life Academy at the Red Cross Building in 1999. We received an approval through Legal Counsel with some exemptions to the Field Act, a Legislative Act that requires certain criteria be met prior to housing K-12 educational facilities. When we applied for construction money to build a Bio Science wing on the property we learned there are no exceptions. We were housing over 200 students in a non Field Act Building where the District had complete liability to anything that happens on the property. The District made the decision to move the students off the site to the Calvin Simmons campus. After many months of discussion we found eligibility in Measure "B" to retrofit the 2111 International Boulevard - Adult Education Facility. Since the major score of work is seismic, the cost is more than what you normally see in regular modernization projects. He said we don't know what the actual cost will be. In terms of the Master Plan update we do need an updated Master Plan. The Board has said a new Master Plan was necessary. Mr. White noted that we do have an Asset Management Plan which needs additional work. He said the previous Mater Plan of 2005 cost about \$1 million.*

**Discussed and Closed**

**10-0179 Measure "B" Expenditures**

Staff presentation on use of Measure "B" Funds as authorized by voters of the City of Oakland.

*Secretary Rakestraw said he was asked to distribute the memorandum on behalf of Counsel in response to Mr. Tsai's question whether nor not matching funds were considered Bond Funds and considered under the oversight by this committee. He said the answer from Legal Council is provided in the heart of the memo with some guidance. Secretary Rakestraw read the legal opinion provided by Facilities Legal Counsel. The following is provided as legal guidance on the issue. Legal Council references the State Allocations Board point that matching funds reimbursements do not characterize as Bond Funds. They are however required to be used in relation to Bond projects, paying down Bonds and other high priority capital purposes. The memo further states Federal Tax Laws do not treat*

*reimbursement funds as Bond Funds therefore State matching funds reimbursements are not subject to oversight by the committee.*

*Committee Comments*

*Frank Tsai said the memo was very helpful.*

*Jean Moore asked if the memo meant the Committee would not be receiving reports on the status of State matching funds?*

*Chairperson Swayne said she would think so since it would not be part of the committee's purview.*

*Secretary Rakestraw said he did not think it precludes the committee from asking about it, but extensive detail as the Bond Measure is not in the purview.*

*Jean Moore said her interest in knowing how state funds are allocated to the Bond projects is in understanding what portion of a project's budget might be funded by other sources other than the Bond or freeing up Bond money for other uses. Her interest was the impact on Measure "B" Funds, not to monitor.*

*Mr. White said the way this program has operated we front load the projects given the State's practices. The anticipation on the back end at some point we start receiving some reimbursement back for the eligible portion of the project. The committee can be provided a list of projects that has these eligibilities and what the eligibility may be.*

**Discussed and Closed**

## **H. Public Comments**

*There were no public speaker cards submitted.*

## **I. Introduction of New Legislative Matter**

*Chairperson Swayne asked Committee Members if they wanted to meet monthly or quarterly?*

*Tracy Amaro suggested the committee meet every other month if not monthly.*

*Chairperson Swayne asked Mr. White when he would like to have 2008/09 Annual Report ready?*

*Mr. White said there is a draft content for the report. Unless there are some formatting changes, he would like to get the report to the committee within the next 90-120 days. Bi-monthly meetings would be great. We could call an additional meeting in April given the report is completed in 90 days?*

*After committee discussion regarding future meeting dates, the following dates were agreed*

*upon. March 16th at 6:00 p.m. and May 18th at 6:00 p.m.*

*Jean Moore asked for the requirement that these committee meetings are televised. She said that seemed to be the constraint to their scheduling.*

*Secretary Rakestraw said the constraint was not television; the constraint is when the room is being used by the Board, Standing Committees, or other meeting bodies of the District where we have openness and transparency in terms of the public knowledge of what is transpiring with the committees that are conducting the public's business. He said one of the new means of doing this is we televise all our legislative meetings on KDOL as well as over the web. This room is the only broadcast facility in the District.*

*Andrea Dawson asked Secretary Rakestraw how are Board Meetings at school sites noticed and broadcasted?*

*Secretary Rakestraw said the meetings are noticed and we have the capability of broadcasting over the web and on television at the same time because we have mobile equipment. The same crew that works here would work at the mobile location.*

*Frank Tsai wanted to know the expiration of committee member's terms.*

*Secretary Rakestraw said the terms of office are listed on the website and he would show members how to access the information at the conclusion of the meeting.*

*Agenda Items for the Next Meeting*

- 1. January and February site visits on the agenda for March 16th.*
- 2. Provide Committee Members with the link to the Committee Bylaws and also a hard copy of the bylaws.*

*Future Committee Meeting Dates*

*March 16, 2010 @ 6:00 P.M.*

*May 18, 2010 @ 6:00 P.M.*

## **J. Adjournment**

*Chairperson Swayne adjourned the meeting at 6:55 P.M.*

Prepared By: \_\_\_\_\_

Approved By: \_\_\_\_\_