

Oakland Unified School District

Board of Education
1000 Broadway, Suite 680
Oakland, CA 94607-4099
(510) 879-8199 Voice
(510) 879-2299 eFax
(510) 879-2300 eTTY/TDD
boe@ousd.org E-Mail



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Meeting Minutes Long - Final

Wednesday, December 7, 2016

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

(Vacancy), Vice Chairperson

(Vacancy), Secretary

*Members: Renee Swayne, Chanu Lee,
Gerald Green, Joyce Nilo, Shiree Teng,
Saleem Shakir-Gilmore*

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A. Call to Order

Vice Chair Andrea Dawson called the meeting to order at 6:41 P.M.

B. Roll Call

Present 6 - Member Joyce Nilo
Member Renee Swayne
Member Gerald Green
Member [Vacant]
Chairperson Andrea Dawson
Member Shiree Teng

Absent 3 - Member Chanu Lee
Member Saleem Shakir-Gilmore
Member [Vacant]

C. Election of Officer(s) - Unexpired 2016 Term(s)

16-2613

Nomination(s), Chairperson, Measures A, B, and J Independent Citizens' School Facilities Bond Oversight Committee - Unexpired 2016 Term

Acceptance of Nomination(s) from the membership for the position of Chairperson of the Measures A, B, and J Independent Citizens' School Facilities Bond Oversight Committee for the unexpired 2016 term.

Vice Chair Andrea Dawson opened the nomination for Committee Chair.

Renee Swayne nominated Andrea Dawson.

There were no other nominations.

Vice Chair Dawson closed the nominations.

16-2614

Election of Chairperson, Measures A, B, and J Independent Citizens' School Facilities Bond Oversight Committee - Unexpired 2016 Term

Shall [Nominee(s)] be elected Chairperson of the Measures A, B, and J Independent Citizens' School Facilities Bond Oversight Committee for the unexpired 2016 term?

Andrea Dawson was Elected Committee Chairperson by her colleagues by the following vote.

Aye: 5 - Member Joyce Nilo
Member Renee Swayne
Member Gerald Green
Chairperson Andrea Dawson
Member Shiree Teng

Absent: 4 - Member Chanu Lee
Member [Vacant]
Member Saleem Shakir-Gilmore
Member [Vacant]

Non-voting: 0

Enactment No: 16-1980

[16-2615](#)

Nomination(s), Secretary, Measures A, B, and J Independent Citizens' School Facilities Bond Oversight Committee - Unexpired 2016 Term

Acceptance of Nomination(s) from the membership for the position of Secretary of the Measures A, B, and J Independent Citizens' School Facilities Bond Oversight Committee for the unexpired 2016 term.

Chairperson Dawson opened the nominations for Secretary.

There were no nominations.

Chairperson Dawson closed the nominations.

The election for Secretary will be postponed until the next Committee Meeting.

Postponed to a Date Certain

[16-2616](#)

Election of Secretary, Measures A, B, and J Independent Citizens' School Facilities Bond Oversight Committee - Unexpired 2016 Term

Shall [Nominee(s)] be elected Secretary of the Measures A, B, and J Independent Citizens' School Facilities Bond Oversight Committee for the unexpired 2016 term?

Postponed to a Date Certain

Absent: 3 - Member Chanu Lee
Member Saleem Shakir-Gilmore
Member [Vacant]

Non-voting: 0

D. Adoption of Committee Minutes



[16-2386](#)

Minutes - Measures A, B, and J Independent Citizens' School Facilities Bond Oversight Committee - October 5, 2016

Approval by the Measures A, B, and J Independent Citizens' School Facilities Bond Oversight Committee of its Meeting Minutes of October 5, 2016.

Attachments: [16-2386 Measures A, B, and J Independent Citizens' School Facilities Bond Oversight Committee - Minutes - October 5, 2016](#)

A motion was made by Member Nilo, seconded by Member Green, that October 5, 2016 Committee Minutes, be Adopted. The motion carried by the following vote.

Aye: 5 - Member Joyce Nilo
Member Renee Swayne
Member Gerald Green
Chairperson Andrea Dawson
Member Shiree Teng

Absent: 4 - Member Chanu Lee
Member [Vacant]
Member Saleem Shakir-Gilmore
Member [Vacant]

Non-voting: 0

Enactment No: 17-0387

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

None.

F. Unfinished Business

16-0178 Report - Construction Management Firm - Request For Proposals

A Report to the Measures A, B, and J Independent Citizens' School Facilities Bond Oversight Committee from the Deputy Chief, Facilities, Planning and Management, on the status of District's Request for Proposals for Construction and Facilities Program Management.

David Colbert, Facilities Department, made the staff presentation.

Colbert said the new Construction Management (CM) and Program Management (PM) firms have been selected. Bresler and Dunleavy was hired as the PM and three CMs, Cummings, McCarthy and Cordova.

Colbert said the department is currently in the transition process with the current team and the new team. He said transition will take place within the next 30 days, to be completed by the end of the month.

Committee Member Shiree Teng had three questions about the firms. Which firm (s) are based in Oakland? Women owned? Minority owned?

Colbert said all firms met the local participation regulations of the District.

Chairperson Dawson said many of the staff in the firms chosen are local. She said if they are not Oakland residents, they are within a 25 miles radius.

- Den Levy is a California firm with an Irvine office. Their headquarters maybe in Washington, D.C., but they do have a presence in California.*
- McCarthy has a presence in the Bay Area. They previously worked for the District several years ago.*
- Cummings and Cordova have a local office.*

Committee Member Renee Swayne asked about the distribution of work among the firms?

Colbert said staff is meeting with the firms regularly to establish the distribution of work. Staff will create a team among the PM firms to assist with OUSD staff. The current model will continue with the work distributed among several firms. Staff will provide the breakout once completed.

Dawson asked Dominguez to explain how the structure will be different with both PM and

CM firms.

Dominguez said the new structure is:

- *1 PM firm partnering with the District to provide oversight*
- *3 CM firms are underneath the PM doing construction management. The District has construction management staff, only 5 with multiple projects throughout the District. The 3 CM firms will provide staff to oversee the construction projects at the school sites complementing the existing staff.*

The new structure provides stronger internal checks and balances. There is one PM firm providing oversight of three firms.

A football field at a high school project – Instead of the project being assigned to one company, all three companies will be asked for a proposal based on cost, scope, and staff's background. Now the criteria and the budget will be more in alignment to a particular project. There will be competition among the three CM firms and staff is excited about this. Dominguez said this is not a long term plan, probably about two years. The District wants to build internal capacity. The District is looking at hiring (internally) additional construction managers and additional senior executive construction managers and bond analysis.

Swayne asked about the completion of current jobs and the transition of that work.

Dominguez said there is a 30 day transition plan. All projects currently in implementation, design, discussion, end process, and close-out will be handed over to the new teams once the Board approves.

Committee Member Shiree Teng asked about communication to the community about the new structure. Teng said this is moving the District forward so that the community is not only hearing when things are not going well.

Dawson suggested perhaps this can be placed in the OUSD News after the first of the Year.

Colbert said staff will work with the Communications Team.

Discussed



[16-1858](#)

Report - Dr. Marcus Foster Education Leadership Campus Project

Presentation of a Report from staff to the Measures A, B, and J Independent Citizens' School Facilities Bond Oversight Committee regarding whether any Bond funds - Measures A, B or J, - have been used or are projected or scheduled for use, if any, in the construction of the proposed Dr. Marcus Foster Education Leadership Campus.

Attachments: [16-1858 Report - Dr. Marcus Foster Education Leadership Campus Project](#)

Dawson said on November 2, 2016 the Board had a meeting regarding the Dewey Project as it relates to the Orden proposal (Kaiser Center) where two proposals were discussed.

Colbert said the Board provided direction to the Facilities Department to focus on the rehab of 1025 2nd Avenue and the Ethel Moore Building. Currently there is ongoing abatement work, planning for program space, Geo Tech and the CEQA Consultant.

Swayne asked which plan was voted on by the Board?

Colbert said staff was given direction to proceed with the rehab.

Dawson asked what did that mean for Orden's plan?

Colbert said he could only speak to the direction given to staff by the Board.

Dominguez said staff are doing the preliminary work. Approval by the Board is scheduled for December 14th. Board Members have asked very detailed questions regarding the rehab of 1025 2nd Avenue and the Ethel Moore Building for other options. Facilities staff provided responses to the Board's questions and currently providing additional responses.

Swayne asked if the Superintendent would make the recommendation to the Board to vote on?

Dominguez said the intent was to give the Board the option of 1025 2nd Avenue and the Ethel Moore Building, Kaiser Civic Center Auditorium update from Orden, and the Superintendent would provide a recommendation. That was not provided at the last meeting nor was the Kaiser Civic Center option discussed in further detail. The direction from the Board was to do preliminary work on 1025 2nd Avenue and Ethel Moore Building.

Dawson said she appreciates Dominguez forwarding Legal's response about using Measure J funds for the Orden proposal and 1025 2nd Avenue. She requested Legal Counsel come and explain to the Committee how it arrived at that decision. Said she is not for or against the proposals, it's about what the Committee's charge is. She said the outstanding question for her is the 2012 Facilities Master Plan listed in the Measure J language, all administrative sites will be cost neutral or revenue generating. Dawson said she wants to know what does that mean if the District is going to spend Measure J Bond funds on this project since funds listed from the original Master Plan are being redirected?

Dominguez said he talked with General Counsel today and she is following-up with Bond Counsel on the matter. A conflict in scheduling prevented her from being here today.

Teng said she has grave reservations about spending Measure J funds on the renovation of 1025 2nd Avenue and the Ethel Moore Building. She said it is not the intent of the voter approved Measure J Bond. She said this is a huge amount of money when schools are going without cafeterias and walls; said it is just not right. Teng said she wished there was more than enough money to do the renovations and provide for schools, especially schools in the flat lands.

Dominguez said he has an open invitation to all Committee Members to meet individually or in pairs to go into more detail about the shift, how the District is approaching projects, and developing the bond program.

Dawson said she thinks next year in the Committee's Annual Report if this not addressed by that time, the Committee will have to include a statement as it did in last year's report. She said it would be hard for her to say the District is in 100% compliance unless the Committee gets a legal reading that addresses Measure J language. The statement in the Annual Report could read "it was addressed and here is the statement from Legal Counsel". Dawson requested Legal Counsel attend the January meeting for further discussion on the matter.

Committee Member Gerald Green said in reviewing the report given to the Committee, a consulting firm presented Best Practices to the Committee. He said Oversight Committee

responsibilities are retrospective, review and report; not prospective, setting policy, creating and approving expenditures. Green said Committee Members might not agree with what decisions are made, but this Committee is not a policy setting group. He suggested if Committee Members are not content with being retrospective, they should go to the Board and say "we would like to have a different way of looking at things going forward". If the Committee really want to be more prospective, take it to the Board and say we want our positions such that we can do that.

Discussed

G. New Business



[16-2618](#)

Measures "A, B, & J" – Budget to Actual Expenditures, Cash Flow Projections Through October 31, 2016

Presentation of the Measures "A, B, & J" Bond Oversight Committee - Budget to Actual Expenditures, and Cash Flow Projections through October 31, 2016.

Attachments: [16-2618 Measures "A, B, & J" – Budget to Actual Expenditures, Cash Flow Projections Through October 31, 2016](#)

Michael Ezah made the staff presentation.

Presentation/Acknowledgment Made, In Part

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

[16-2617](#)

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 - December 7, 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 - December 7, 2016.

None.

I. Introduction of New Legislative Matter

None.

J. Adjournment

Chairperson Dawson adjourned the meeting at 8:15 P.M.

Prepared By: _____

Approved By: _____