

# Oakland Unified School District

Board of Education  
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## Minutes (Long)

**Tuesday, March 08, 2011**

**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, (Vacancy), 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: Andrea Dawson, Odest Logan, Jean Moore, Renee Swayne, Christopher Vernon and Patricia Williams

Absent: Tracy Amaro and Jamie Flaherty-Evans

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

*None.*

## D. Adoption of Committee Minutes



### [11-0573](#)

#### **Minutes - Measure "B" ICSFBO Committee Minutes - Regular Meeting - January 25, 2011**

Approval by Measure "B" ICSFBO Committee of its Regular Meeting Minutes of January 25, 2011.

**Attachments:** [11-0573 - Minutes - Measure "B" ICSFBO Committee Minutes - Regular Meeting - January 25, 2011](#)

**A motion was made by Jean Moore, seconded by Odest Logan, that this matter be Adopted. The motion carried by the following vote:**

**Votes:** Adv Aye: 0

Adv Nay: 0

Adv Abstain: 0

Aye: 6 - Andrea Dawson, Odest Logan, Jean Moore, Renee Swayne, Christopher Vernon and Patricia Williams

Nay: 0

Recused: 0

Absent: 2 - Tracy Amaro and Jamie Flaherty-Evans

Preferential Aye: 0

Preferential Abstention: 0

Preferential Nay: 0

## E. Adoption of the Committee General Consent Report

*None.*

## F. Unfinished Business

### 10-2612 Report - Measure "B" ISCFBO Committee - Vacant Committee Member Position

Report by the Assistant Superintendent for Facilities Planning and Management regarding the status of filling the vacant Measure "B" Committee Member position.

*Timothy White, Assistant Superintendent for Facilities, Planning and Management, Custodial Services, and Buildings & Grounds, said he had a discussion with Board Secretary, Edgar Rakestraw, a few days ago regarding the vacant position. Mr. White said he hopes to have some applications before the Committee's next meeting and if possible, to have the selection process done by the next Committee Meeting. He said there are candidates who have expressed an interest in serving on the Committee.*

**Discussed**



### 11-0143 Measure "B" Independent Citizens' School Facilities Bond Oversight Committee 2009/2010 Annual Report

Approval by the Committee of the Measure "B" Independent Citizens' School Facilities Bond Oversight Committee 2009/2010 Annual Report and authorization of the Chair and/or other representative of Committee to present same to the Board of Education and the public.

**Funding Source: Go Bond-Measure B**

**Attachments:** [11-0143 - Measure "B" Independent Citizens' School Facilities Bond Oversight Committee 2008/2009 Annual Report.pdf](#)

*Chairperson Swayne asked about the status of the 2009/2010 Annual Report.*

*Randy Horne, McCarthy Builders, said at the last meeting, Committee Members requested a review of certain reports that may help determine which projects the Committee wants to highlight as part of the next Annual Report. He said under Legislative File ID 11-0575, there is a summary of summer 2011 projects. He said he hopes from that list Committee Members will choose the projects they would like to highlight as part of the 2009/2010 Annual Report. He said it was his understanding that the Committee wanted to author the next report and staff is willing to provide assistance in any way the Committee would like.*

*Chairperson Swayne said she thinks Committee Members will meet with staff as they did with the writing of the 2008/2009 Annual Report and Committee Members will write the report.*

*Jean Moore said she thinks the Committee discussed starting the process with the Ad-Hoc Committee.*

*Vice Chair Andrea Dawson said she thinks what the Committee discussed was using the same format since the Committee developed the last format and criteria together. She said*

*the next report will probably be the same with the subtitles. She said you can take the templates and move them to the next level for the current year.*

*Assistant Superintendent White wanted to know if it would be helpful to the Committee if staff submits the first draft language and the Committee takes it from there and make revisions/changes to the draft language they would like to see.*

*Vice Chair Dawson said that makes sense. She said the Committee needs to decide which schools to showcase. She said as far as the sub-categories, it would be nice to drop them into a template and leave the rest working.*

*Jean Moore said she agrees with that. She said the way most of the report is formatted now is generic background information that needs to be updated. She said the Ad-Hoc Committee can work on which projects to highlight and what they would like to see highlighted on those projects. She said there was the question about the audit completion date and she wanted to know when will the audit report would be completed.*

*Chairperson Swayne said Mr. Love had though around April.*

*Mr. Love said the auditors are currently on-site at the Facilities Department and the department is hoping to have the majority of the work done by the end of the month. He said the timeline is still the same. He said the auditors should not be on-site no more than three weeks at the most. The auditors will leave the Facilities Department and write the audit report and the audit letter.*

*Chairperson Swayne said if there are things that the Committee thinks needs changing, they will change it. She said she did not think there will be anything substantive.*

*Mr. Horne suggested once the draft audit report has been received by the Facilities Department, Committee Members can update the information in the Annual Report including the financial information. He said Committee can be provided with a draft of the Annual Report by the end of the month.*

*Chairperson Swayne said for the last Annual Report, Committee Members Jean Moore, Andrea Dawson and herself worked on the Annual Report. She said anyone else who is interested in helping with the writing of the report should let her know.*

*Jean Moore said it would be helpful before the Add-Hoc Committee meets to figure out which projects to highlight. She said if the projects are not decided upon tonight, they should be decided on before meeting with staff.*

*Jean Moore said the Committee talked about after meeting with the auditor, what the process looks like for processing an invoice. She suggested a flow chart showing what happens from the time the invoice is received in the mail to the time payment is sent out to the vendor, how many hands the invoice needs to pass through, and who needs to approve the invoice.*

*Mr. Love said regarding the questions about the receipt of invoices, there were some internal questions with management on that issue that was not resolved and he was not*

*prepared to comment on it today.*

*Chairperson Swayne said in the last audit report there was an issue about the 30 days. She said the Committee wanted clarification on what the process such as how many hands the invoices passes through, etc.*

*Mr. White said a flow chart would be an appropriate way to show this information. He said this is a good opportunity to show what the invoice approval process looks like, the number of invoice payments that are processed, and how many invoices the department expects to receive in terms of progress payments. He said this information can be provided to the Committee.*

*Jean Moore said the plan is to offer a recommendation and to comment in the Annual Report. She said this is an issue that goes back a couple of years and the Committee would like to comment on what the progress is, what progress has been made since the recommendation first came up two years ago, and to have a better understanding of what the procedures are so if there is a further recommendation the Committee would like to make, it can be clear on how to do that.*

**Discussed**

## G. New Business



[11-0574](#)

### Report - Proposition 39

A report by the Assistant Superintendent for Facilities, Planning and Management, Custodial Services and Buildings & Grounds regarding the background, legal requirements and regulations of Proposition 39.

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

*Charles Love responded the question raised at the last committee meeting regarding the new interpretation of what feedback or suggestions the Committee can give to the auditors in terms of the Annual Report. Mr. Love said he researched the new rules that have come up recently in the last year or two. He said the only information he found in regards to the audit, there is a strict interpretation of how the audit is to be structured and that is to be determined by the school district and the auditors. He said there was no leeway to have outside comment or influence on how the audit was to be performed.*

*Chairperson Swayne said what that means is the committees would not have any input.*

*Mr. Love said "That's correct."*

*Vice Chair Andea Dawson said that makes sense, but the Committee is still allowed to comment on the report if they think they the report is deficient.*

*Jean Moore said that is her understanding that Prop 39 specifies a performance audit, but it did not say how to do the audit. She said so many districts were using agreed upon*

*procedures where staff, the auditors, and committees like this, came up with the recommendations for the sample size and the details of the audit. She said the new clarification of the law spells out what guidelines they have to follow. She said Oakland has been following the guideline all along. She said the auditors determine what the samples look like and bodies like this committee don't have input, but it can comment.*

*Chairperson Swayne said the hope is that the Committee can work this out so there will not be anything deficient in the report. The Committee can let Mr. Love and staff know what is going on so there won't be any surprises in the audit report. She said the Committee's intent is not to find fault but to review the process.*

*Odest Logan said the Committee asked that the auditors make a report to the Committee on how the evaluation was done.*

*Chairperson Swayne said the Committee did make that request and would like to invite the auditors to a meeting to provide Committee Members with an overview.*

*Mr. White said that is a reasonable request. He said he thinks that would be informative to the Committee. He said the auditors are currently located at the Facilities Department going through files and he invited Committee Members to stop by and observe the process.*

*Chairperson Swayne said she would leave the time up to Mr. White and Mr. Love when the auditor will make a report to the Committee.*

*Mr. White said April 15th will be a good time or the Committee can call a special meeting to hear from the auditors.*

*Mr. Horne clarified that the next Committee Meeting is April 12th not April 15th.*

#### **Discussed and Closed**



#### **11-0575**

#### **Report - Measure "B" Summer 2011 Construction Projects**

A report by the Assistant Superintendent of Facilities, Planning and Management, Custodial Services and Buildings & Grounds on Measure "B" Construction Projects for Summer 2011.

**Attachments:** [Document\(s\)](#)  
[11-0575 - Report - Measure B Summer 2011 Construction Projects.pdf](#)

*Randy Horne said the purpose of the Measure "B" Summer 2011 Schedule is to chronicle and categorize the summer 2011 projects. He said the department is starting to advertise for certain projects, the bidding process is currently going on, and the summer projects should start around June 17th.*

#### *Types of Summer Projects*

- 1. Fire/Intrusion Alarm Projects*
- 2. Deferred Maintenance Projects*
- 3. Modernization Projects*
- 4. New Construction*
- 5. Health Centers*

*He said the grant funded projects gives a snapshot of all the projects the District is engaged in. The summer projects are scheduled to be completed by the end of summer 2011. He said some of the projects on the list were designed and construction started during last fiscal year. He said potentially those projects can be highlighted in the 2009/2010 Annual Report. There are projects that were in the design phase that can be talked about as part of the design process. He said there can be a discussion about which projects to highlight right now or Committee Members can let staff know later on which projects they would like to highlight.*

*Vice Chair Andrea Dawson wanted to know if construction will start this summer on all the projects on the list.*

*Mr. Horne said "Yes" and he anticipates that most projects will be completed by the end of the summer.*

*Vice Chair Dawson wanted to know if there were other projects that will start in the fall going through the rest of the year.*

*Mr. Horne said projects are coming out of the design phase and those projects will be bided on this summer.*

*Vice Chair Dawson wanted to know how many projects are still in DSA with construction starting between September, October, and November and go into next year.*

*Mr. Horne said there are about 20 projects.*

*Vice Chair Dawson said she would have envisioned more information on the Summer 2011 Project List to be able to make the decision on which projects to highlight in the 2009/2010 Annual Report. She said the list of projects could be reduced to one page and maybe add the 20 projects that are still in the design phase. She said the Committee can then take one project from each category to highlight. She said the Grant Funded Projects can come off the list since they are not in the purview of the Committee.*

*Chairperson Swayne said if the Annual Report is for 2009/2010, the Committee will want to highlight projects from this summer rather than last fall.*

*Mr. Horne said all the projects on the list were in various phases of the project continuum. He said if you pick one project that is ready for construction now, the project can be highlighted in the design phase during the last year. 2641*

*Vice Chair Dawson suggested the Committee have a list of projects and some recommendations from staff of which sites would be interesting to highlight. Committee Members will have some ideas and highlight different types of projects.*

*Chairperson Swayne suggested at the next month's committee meeting that Mr. Horne revise the list with the same headings, eliminate the grant funded projects, include the completed projects, and only include the projected budget.*

Vice Chair Dawson said the Committee needs this kind of list to make its decision on how to report the projects in the Annual Report. She said the overall list can show the various stages of construction. She said she likes the reporting in the various categories because anything that is Bond funded you see what is going on. For example, you can see there were four projects in Deferred Maintenance and the total of the four projects were \$2,595. She said if the Committee picks the play structure repairs at Calvin Simmons for \$600,000 reporting on that because there is something interesting and the Committee wants to report on that. In modernization overall \$48,000,000 was spent with the largest project being \$22,000,000 at Oakland High School and here is what the project was. She said this shows how big the program is, how many projects are going on, and you can showcase five projects. She noted that the list does not show all projects during the 2009/2010 school year.

Mr. Horne said the last audit report contained a schedule that summarized the projects by categories. He said he can do a snapshot of the projects as of June 2010 showing all the projects, which category they are in, and determine which projects to highlight.

Odest Logan suggested highlighting the site visits the Committee made during the 2009/2010 school year to remind Committee Members the sites that were visited.

Mr. Horne said he will have the revised Summer 2011 list ready for the April 12th Committee Meeting.

Jean Moore wanted know if the report reflects the projects that were completed last summer.

Mr. Horne said report is not necessarily the completed projects, he said all the projects were on the list but not necessary in the construction phase. He said he will provide a snapshot on June 30th where all the projects were and what category they were in.

Vice Chair Dawson said the Committee could select Cox Elementary and Oakland High and pick something that was in the design phase that is conceptual enough to show a picture of what stage the project was in and say here is what's coming.

#### **Discussed and Closed**



#### **11-0576**

#### **Presentation: Measure "B" (Fund 2122) Bond Oversight Committee - Budget to Actual Expenditures, and Cash Flow Projections**

Presentation to the Bond Oversight Committee of the Measure B (Fund 2122) - Budget to Actual Expenditures, and Cash Flow Projection as of February 28, 2011.

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

Charles Love provided Committee Members with an updated report of Measure "B" Funds as of February 25, 2011. Mr. Love reported the following:

1. There were no new projects added to the project list.
2. The working budget remains at \$406.4 million.
3. The year to date spending total for projects across all spending categories is \$39



million.

4. *The forecasted remaining working budget through fiscal year 2012/2013 is \$16.7 million.*

5. *The year to date balance as of February 25th for the budget total of \$435 million is \$24.2 million.*

6. *The total year to date spending including staff salaries and consultants is \$43.3 million in the following categories:*

- *Pre-design, \$26,800*
- *Design, \$684,000*
- *Construction, \$4.9 million*
- *Closeout, \$51,000*
- *Completed, \$2,500*
- *Staff salaries, \$336,000*
- *Consultants, \$491,000*

*A total of a \$6.6 million increase in spending since the last report.*

*Mr. Love asked Committee Members if they had any questions?*

*There were no questions from Committee Members.*

#### **Discussed and Closed**



#### **11-0578**

#### **Committee Site Visits Reports of February 4, 2011 and March 4, 2011**

Presentation of the Committee Site Visits Report of February 4, 2011 and March 4, 2011.

**Attachments:** [11-0578 - Committee Site Visits Report of February 4, 2011 and March 4, 2011.pdf](#)

*Mr. Horne opened the discussion from Committee Members for comments or highlights on the February 4th and March 4th site visits.*

*Chairperson Swayne said the visits were exciting. She said the Reach Academy visit was nice and asked about Reach's Grand Opening on Saturday, March 5th.*

*Mr. White commented on the Grand Opening saying the event was exciting. He said it was a highlight for him to go back and see the work. He said often you get caught up in doing the work and don't have the full appreciation of how blessed you are to be involved in a process that creates and approves these types of structures. He said what this Committee and staff does is provide long-term and meaningful improvements to communities. He said Reach Academy is one of the most beautiful structures in East Oakland. He said the quality of the work with all the different design elements is something to be very proud of. He said the highlight for him was the appreciation shown by Bill Orr, Executive Director, California Collaborative for High Performance Schools (CHPS) who took the initiative to attend to the Grand Opening and he was a guest speaker at the event.*

*Chairperson Swayne said in a positive way, the school looks very suburban. She said very often those are the kinds of schools you will see in Walnut Creek and Concord. She said the school has a nice feel with a lot of plants and interesting structures. She talked about the green roof and the new play structures.*

*Chairperson Swayne said the Health Centers are exciting.*

*Jean Moore commented on the visit to the Madison Middle School Health Center. She said she was particularly impressed with the site saying the Health Center is fabulous and she wanted to know what kind of press the District had received regarding the new Health Centers.*

*Mr. White said there was a Grand Opening at Madison Middle School that was very well attended by more than 200 guests including Oakland Mayor, Jean Quan, City Council President, Larry Reid, OUSD Board Members, and the press was in attendance. He said at Reach Academy the opening of school was covered by Katy Murphy and the press. He said staff has made a concerted effort to balance the distribution of the funding as in the Facilities Master Plan.*

*Jean Moore said at Madison Middle School the principal, Dr. Taylor, gave Committee Members some feedback on what her vision was for the field. She said Dr. Taylor talked about her vision for developing the empty lot in back of the school. She said the school has been awarded a grant and the principal is struggling to come up with the matching funds.*

*Chairperson Swayne said the grant was in the amount of \$250,000 from the Oakland Raiders Football Team. She said the principal thinks the project will cost about \$1.5 million and the principal is willing and interested in anyone who wants to help.*

*Mr. White said the intent is to continue to improve the school site. He said the work so far has had a positive effect on the community. He said the NFL Grant Chairperson Swayne mentioned was a grant that was applied for by the City of Oakland through the Friend of Parks & Recreation. He said the money has been approved and the District has partnered with the school to give them matching funds. He noted that the original grant was targeted for Sobrante Park not Madison. He said the District wanted to see improvements done to Madison.*

*Chairperson Swayne noted that the principal would like for the school to become a high school with track and soccer fields.*

**Discussed and Closed**

### **11-0579**

### **Measure "B" 2011/2012 Committee Site Visits Schedule**

Report from and discussion with the Assistant Superintendent of Facilities, Planning and Management, Buildings and Grounds and Custodial Services or designee on Proposed Site Visits and Schedules for the Citizens' Bond Oversight Committee.

*Mr. Horne noted that the site visit schedule expires next month. He said staff is currently working on developing a new list of sites for Committee Members to visit starting in May going through April 2012. He said the list will be presented at the next Committee Meeting in April for review and approval by Committee Members. He said staff is working on providing a nice mixture of projects that are in the design phase to get an idea of what to expect providing renderings if there are available, sites currently in construction, and some return visits to sites to see the maintenance and how the students are enjoying the new resources.*

## Discussed

### 11-0580 Report - Hintil Kuu Ca - Modernization Project

A report by the Assistant Superintendent of Facilities Planning and Management, Custodial Services and Buildings & Grounds regarding the progress of the modernization project at Hintil Kuu Ca CDC.

*Mr. White said everyone is aware of some of the issues at the Hintil Kuu Ca project and the engagement process. He said Hintil Kuu Ca CDC was one of several CDC projects approved for improvements by the Board. He said there were challenges at Hintil in terms of community the engagement process. He said the group felt a little uninvolved in the outreach done with them. In this case there were some disconnects between those who wanted to be involved and those who actually got involved. He said between the CDCs being supervised by one segment of the District, the administration on the school site with at least two administrators, and there was a segment the District had engaged with many times that was not involved in the engagement to the degree they felt they should be. He said since then, the District has been given the opportunity to hear from the community with respect to issues directly connected to who they happen to be, primarily a Native American Community. They had some pointed ideas about cultural elements and issues they wanted to have expressed in the design element. He said he has heard from them and have invited the school site principal to be involved. He said he did receive some additional suggestions from the school site in terms of how to address the concerns of the Hintil building and incorporate the building into the existing campus footprint that it shares. He said some of the comments included design elements the District can't incorporate at this time, but may be incorporated into the overall plans as the District does additional work at the school site. He said the largest request made was the widening of one of the driveways on the front of the school to accommodate some additional lanes to address what the school describes as health and safety issues in terms of access and egress. He said the District is looking at that and the District will work with the City to find some viable solutions. He said the issues of finishes and incorporating design elements to those finishes with respect to the culture that exists there, he said there were some healthy discussions. He said although there is a very strong cultural element at the school site, there are other people who attend the CDC and their input should be solicited and respected. He said the District wants to encourage in increase enrollment and did not want to be so specific and narrow in terms of the design elements that the District alienated other people in the community who may not be Native American Indian but feel the environment is inviting for them as well. He said the District is still on the same timeline for Hintil. The project plans are completed and there have been several opportunities for everyone to look at the plans and they are a little happier in terms of their input. He said he sometimes take for granted these engagement processes are part of the whole process of building in communities. He said in this case in doing that, he took for granted the level of engagement that a site administrator has by inviting the community to join in. He said the disconnect was working between the school site administrator, the CDC site administrator and the heads of the Complementary Learning Department and somehow the District did not have the quality of engagement between all the groups that was necessary to reach deep into the community.*

*Chairperson Swayne said the principal at Carl B. Munck Elementary also had some*

concerns. Chairperson Swayne talked about the Committee receiving meeting minutes from the community engagements and wanted to know if the minutes will be provided.

Vice Chair Dawson said she didn't necessarily want the names of who attended the meetings. She said as she recalls, her overall comment was about the process and Mr. White kind of explained where it fell down at that site. She said generally CDCs are different from elementary schools. They have other elements that are required by State Licensing and the whole jurisdiction from where the CDCs get licensed from which is not the Department of Education. She said she went to the first site visit at Hintil and she heard about the second visit. Vice Chair Dawson wanted to know if there was a District standard for what a CDC looks like. She said if the District has a standard that is presented at the beginning of every design [the initial meeting with the site] you can come back to what the charge is to the architect for the project and they have to stay within some parameters. She said you don't get to pick, there are standards. She said she asked that question and wondered what the process was because normally you have these meetings that include the principal, site administrator and a person interested in the facility and they open up the process to up to the greater community. She said the process does not allow what happened at Hintil to happen because people come with an understanding of the parity and what the guidelines are.

Mr. White said the District does have standards that govern this. He said he thinks the issue of politics got insinuated into whole issue at Hintil. He said that community was agitated in the sense that the District had been planning this project for two years, one of a group of CDCs that were planned. There was a comprehensive process to determine which CDCs needed to be replaced because CDCs are a part the District's Facility Master Plan. He said of the first group of CDCs, Hintil had one of the worse building structures. He said the Director of Buildings & Grounds, Leroy Stokes, and the Director of Custodial Services, Roland Broach, were very adamant that the District focus on about six CDCs. He said at the same time, the State budget fell through and the District responded by looking at where the District has to make some cuts, CDC budgets got cut, and Hintil's came up as a name for cutting. He said that caused the District to look at the plan and wonder should it stop? Not stop? He said the District did not stop and there was some question about that and the community was upset. People came to several Board Meetings to voice their opinions. He said at that point the construction process was not an issue. He said the engagement process did not go deep enough into the community. He said he has subsequently met with a few parents who did talk about the disrespect they were shown through the entire process devaluing that community based on its Native American Indian heritage and the CDC being unfairly targeted for closure. He said closure was a recommendation from the Early Childhood Education Department and not the Facilities Department. He said the community felt it would not support the replacement of a building. They would rather not have a building at all. He said additional monies were found for the CDCs and things have quieted down.

Jean Moore wanted to know if there are more CDC projects planned under Measure "B".

Mr. White said he thinks the seven listed are all the CDC projects. He said seven CDCs were captured in the bond language.

#### **Discussed**

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

*None.*

**I. Superintendent of Schools or Designee's Committee Liaison Report**

*None.*

**J. Introduction of New Legislative Matter**

*None.*

**K. Adjournment**

*Chairperson Swayne adjourned the meeting at 7:13 P.M.*

*The next committee meeting will be April 12th at 6:00 P.M.*

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

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