

Oakland Unified School District

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Meeting Minutes Long - Final

Tuesday, September 15, 2015

7:00 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

Shiree Teng, Secretary

**Members: Ariel Bierbaum, Cesar Escalante, George Holland, Chanu Lee, Gerald Green,
Andrea Dawson, Farrah Wilder, Joyce Nilo**

A. Call to Order

Shiree Teng, Committee Secretary, called the meeting to order at 7:05 P.M.

B. Roll Call

Present 8 - Member Joyce Nilo
Member George Holland
Member Chanu Lee
Member Gerald Green
Vice Chairperson Ariel Bierbaum
Secretary Farrah Wilder
Chairperson Shiree Teng
Andrea Dawson

Absent 1 - Member Cesar Escalante

C. Introduction of New Committee Members

New Committee Members introduced themselves.

D. Annual Organization of Committee

[15-1845](#)

Nomination(s), Chairperson, Measures A B & J Independent Citizens' School Facilities Bond Oversight Committee - 2015 Term

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

Secretary Shiree Teng opened the nominations for Committee Chairperson.

Committee Member Andrea Dawson nominated Shiree Teng for Committee Chairperson.

There were no other nominations and the nominations were closed. Shiree Teng accepted the nomination for Committee Chairperson.

[15-1846](#)

Election of Chairperson, Measures A B & J Independent Citizens' School Facilities Bond Oversight Committee - 2015 Term

Shall Shiree Teng be elected Chairperson for the Measures A B & J Independent Citizens' School Facilities Bond Oversight Committee?

Aye: 8 - Member Joyce Nilo
Member George Holland
Member Chanu Lee
Member Gerald Green
Vice Chairperson Ariel Bierbaum
Secretary Farrah Wilder
Chairperson Shiree Teng
Andrea Dawson

Absent: 1 - Member Cesar Escalante

Non-voting: 0

Enactment No: 15-1527

[15-1847](#)

Nomination(s), Vice Chairperson, Measures A B & J Independent Citizens' School Facilities Bond Oversight Committee - 2015 Term

Acceptance of Nomination(s) from the membership for the position of Vice Chairperson of the Measures A B & J Independent Citizens' School Facilities Bond Oversight Committee.

Chairperson Teng opened the nominations for Committee Vice Chair.

Chairperson Teng nominated Ariel Bierbaum for Committee Vice Chair.

There were no other nominations. Nominations were closed. Ariel Bierbaum accepted the nomination for Committee Vice Chairperson.

[15-1848](#)

Election of Vice Chairperson, Measures A B & J Independent Citizens' School Facilities Bond Oversight Committee - 2015 Term

Shall Ariel Bierbaum be elected Vice Chairperson of the Measures A B & J Independent Citizens' School Facilities Bond Oversight Committee?

Aye: 8 - Member Joyce Nilo
Member George Holland
Member Chanu Lee
Member Gerald Green
Vice Chairperson Ariel Bierbaum
Secretary Farrah Wilder
Chairperson Shiree Teng
Andrea Dawson

Absent: 1 - Member Cesar Escalante

Non-voting: 0

Enactment No: 15-1532

[15-1849](#)

Nomination(s), Secretary, Measures A B & J Independent Citizens' School Facilities Bond Oversight Committee - 2015 Term

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

Chairperson Teng opened the nominations for Committee Secretary.

Committee Member Andrea Dawson nominated Farrah Wilder for Committee Secretary.

There were no other nominations. Nominations were closed. Farrah Wilder accepted the nomination for Committee Secretary.

[15-1850](#)

Election of Secretary, Measures A B & J Independent Citizens' School Facilities Bond Oversight Committee - 2015 Term

Shall Farrah Wilder be elected Committee Secretary of the Measures A B & J Independent Citizens' School Facilities Bond Oversight Committee?

Aye: 8 - Member Joyce Nilo
Member George Holland
Member Chanu Lee
Member Gerald Green
Vice Chairperson Ariel Bierbaum
Secretary Farrah Wilder
Chairperson Shiree Teng
Andrea Dawson

Absent: 1 - Member Cesar Escalante

Non-voting: 0

Enactment No: 15-1533

[15-1869](#)

**Measures A B & J Independent Citizens' School Facilities Bond Oversight
Committee - Regular Meeting Date/Time**

Adoption by the Measures A B & J Independent Citizens' School Facilities Bond Oversight Committee of its monthly regular meeting time, date.

After discussion among Committee Members, October 20th and November 17th by consensus were decided as the dates for their next two committee meetings. The standing meeting date for the committee will be the third Tuesday of each month at 6:00 P.M. Until further discussion, the Committee decided if no meeting is necessary for the month of December, no meeting will be held.

Discussed

 [15-1870](#)

**Measures A B & J Independent Citizens' School Facilities Bond Oversight
Committee - 2015 - 2016 Work Plan**

Adoption by the Measures A B & J Independent Citizens' School Facilities Bond Oversight
Committee of its 2015 -2016 Work Plan.

Attachments: [15-1870 Measures A B & J Independent Citizens' School Facilities
Bond Oversight Committee - 2015 - 2016 Work Plan](#)

*Chairperson Teng led the discussion asking each Committee Member for suggestions of
what they would like see to included in the Committee's Work Plan for 2015-2016. Ideas
included:*

- *Ensure expenditures allocated for projects are spent as stated to the voters and
enough money for project completion.*
- *Identify some of the tradeoff as new projects are introduced in terms of the limited
Measure J Funds*
- *Capacity of the Facilities Department.*
- *Reduce costs*
- *Monthly financial reporting on - audits, selling down the bonds and the interest rate the
District pays on the bonds and District standards for building and creating parody*
- *Engineering and maintenance costs*
- *Various delivery methods used by the District*
- *Reconciling the budget, coming back to the original vision from the taxpayer*
- *Funds to complete projects*
- *The Lease Lease-Back options, does it reduce costs*
- *Commitments at the Board level so that the committee is most effective and efficient at
what it does*

Public Comments

*Mike Hutchinson said the Committee's Bylaws states it is to provide recommendations to
the Board. He said the list of Measure J projects came from the 2012 Master Facilities List.
He said last year in June there was a new Measure J draft spending plan submitted by the
current Superintendent and it was not presented to this committee.*

Discussed



[15-1863](#)

Orientation for New Committee Members - Board Bylaw 9131, Committee Charge and the Brown Act (Open Meetings Law)

Orientation for New Committee Members - Board Bylaw 9131 and an Overview of required compliance with the Ralph M. Brown (Open Meetings) Act.

Attachments: [15-1863 Open Meetings, Ethics, etc.](#)

Board Vice President, Jody London, said she is requesting General Counsel, Jacqueline Minor, provide the orientation to Committee Members. She said the Committee's role is to make sure funds are being spent in accordance with the way the Board told the voters it would be. Vice President London said at the request of the Board, the Superintendent reviewed the Measure J allocation. That review resulted in a revision of Measure J Funds in June to complete additional projects.

Additional Projects

- *Redo the yards at six middle schools*
- *Rebuild inadequate kitchens, etc.*

Vice President London said the Board asked the Superintendent to review the Measure J allocation.

Public Comments

Mike Hutchinson said the Committee's Bylaws and purpose is to provide advice and recommendations to the District regarding expenditure of funds for Bond related projects; and to actively review and report on proper expenditure of tax payer's money for school construction.

Discussed

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

None.

F. Adoption of Committee Minutes



[15-1853](#)

Minutes - Measures A B & J Independent Citizens' School Facilities Bond Oversight Committee - Regular Meeting - June 3, 2015

Approval by the A B & J Independent Citizens' School Facilities Bond Oversight Committee of its Regular Meeting Minutes of June 3, 2015.

Attachments: [15-1853 Minutes - Measures A B & J Independent Citizens' School Facilities Bond Oversight Committee - Regular Meeting - June 3, 2015](#)

Postponed

G. Unfinished Business

[15-1164](#)

Report - California League of Bond Oversight Committee Conference - May 19, 2015

Presentation to the Measures "A, B, & J" Independent Citizens' School Facilities Bond Oversight Committee o a Report on the California League of Bond Oversight Committee Conference attended by Committee Members Ariel Bierbum and Shiree Teng on May 19, 2015 in Sacramento, CA.

Shiree Teng and Ariel Bierbaum attended the California League of Bond Oversight Committee Conference on May 19th. Bierbaum said she appreciated the Board's support and the Superintendent's Office for paying the registration fee for their attendance.

Highlights and Presentations

- *The audit process*
- *The role of Citizens' Bond Oversight Committees; some of the tensions and challenges*
- *The League has a website with useful materials for new member orientation*
- *Best practices for committees*
- *Committee's can set its own agenda within the charge of the Committee*

Discussed

 [15-0673](#)

Lease Leaseback Delivery Model - District Capital Projects

Presentation to the Measures "A, B, & J" Independent Citizens' School Facilities Bond Oversight Committee on the use of the Lease Leaseback delivery model for District Capital Projects.

Attachments: [15-0673 Memorandum - Lease Leaseback Delivery Model - District Capital Projects](#)
[15-0673 Measure B Construction Cost Comparison Spreadsheet - District Capital Projects - March 18, 2015](#)

Cate Boskoff, Facilities Counsel, said the District's Lease Lease-Back Delivery Model is viable and important to the Local Business Policy. She said with the Lease Lease-Back Delivery Model, you have a guaranteed maximum price so that there are not a lot of change orders during construction. She said it might be more expensive in the beginning, but at the end it will equal out. She said there is a plan to move forward with more Lease Lease-Back Projects using Measure J Funds.

*Current Lease Lease-Back Projects
Greenleaf @ Whitter expansion project*

*Proposed Projects Using Measure J Funds
The New Central Kitchen Project*

Tadashi Nakadegawa identified the District's building standards.

- *Education specifications*
- *Design standards*
- *Construction standards*

Public Comments

Jim Mordecai

Mr. Mordecai said he has concerns about the Lease Lease-Back Delivery Model, saying he does not understand the model. Mr. Mordecai spoke of recent cases in the news regarding corruption using the Lease Lease-Back Model.

Mike Hutchinson

Mr. Hutchinson said the Lease Lease-Back Delivery Model has never been explained to the community. Mr. Hutchinson said he does support the measures and policies of former OUSD School Board Member, Alice Spearman, guaranteeing local hire and minority businesses.

Andrea Dawson noted that the District does put out Request for Qualifications for Lease Lease-Back projects.

Ariel Bierbaum wanted to know if there is a different community engagement around the Lease Lease-Back Delivery Model versus other delivery models? If so, are there financial trade-offs in terms of soft costs and a different kind of community engagement?

Tadashi Nakadegawa said "No". He said there is a Board Policy around Community Engagement approved by the Board in 2014, that is more intensive than the engagement process that had been used by the Facilities Department.

Chairperson Teng said the conversation around Lease Lease-Back Delivery Model will continue at the next Committee Meeting. The Committee will take a look at the Decision Tree referred to earlier determining which projects gets the different delivery methods.

Discussed



[15-0674](#)

Position - Deputy Chief, Facilities Management

A discussion by the Measures "A, B, & J" Independent Citizens' School Facilities Bond Oversight Committee of the position of Deputy Chief, Facilities Planning and Management, the District's Conflict of Interest Policy and related issues, if any.

Attachments: [District's Conflict of Interest Policy \(Amended\), 2/25/15](#)

Chairperson Teng noted this item has been ongoing since June. She said the document attachment was the District's Conflict of Interest Policy amended in February 2015.

Hitesh Haria, Chief Operations Officer, provided a status report on filling the position.

- *The position has been posted*
- *Currently inviting candidates to apply*
- *Position reports to the Chief Operations Officer*
- *Within the next three weeks the applications will be reviewed*

Haria said he would email the job description and job announcement to Committee Members.

Public Comments

Jim Mordecai

Mr. Mordecai said Lance Jackson is not an employee, but heads the Facilities Department. Mordecai wanted to know who made the decision to have a person not an employee take over that position. Mordecai said department heads should have employment contracts.

Mike Hutchinson

Mr. Hutchinson said the attorney who led the staff presentation on the Lease Lease-Back Delivery Model is part of the leading firm in California promoting Lease Lease-Backs in school districts.

H. New Business

 **15-1851** **Committee Site Visit Schedule - October 2, 2015 through June 3, 2016**

Discussion and possible adoption of a new Committee Site Visit Schedule the first Friday of each month beginning October 2, 2015 through June 3, 2016.

Attachments: 15-1851 Committee Site Visit Schedule - October 2, 2015 through June 3, 2016

Chairperson Teng encouraged all committee members to attend the monthly site visits.

David Colbert said this is a proposed list for Committee Member's to review. If adopted by the committee, the schedule begins in October.

Ariel Bierbaum wanted to know how the list was developed?

Colbert said in the past, the Committee asked for projects in various stages of construction. Colbert provided a quick review of projects listed for the 2015-16 school year. He said the intensive support sites were recommendations by the Superintendent.


A motion was made by Member Dawson, seconded by Member Green, that this Motion be Adopted . The motion carried by the following vote.

Aye: 8 - Member Joyce Nilo
 Member George Holland
 Member Chanu Lee
 Member Gerald Green
 Vice Chairperson Ariel Bierbaum
 Secretary Farrah Wilder
 Chairperson Shiree Teng
 Andrea Dawson

Absent: 1 - Member Cesar Escalante

Non-voting: 0

Enactment No: 15-1534

 **[15-1852](#)** **Measures A B & J (Fund 2122) - Budget to Actual Expenditures, Cash Flow Projections As of August 31, 2015**

Presentation of the Bond Oversight Committee of the Measures A B & J (Fund 2122) - Budget to Actual Expenditures and Cash Flow Projections as of August 31, 2015.

Attachments: [15-1852 Measures A B & J \(Fund 2122\) - Budget to Actual Expenditures, Cash Flow Projections As of August 31, 2015](#)

Michael Ezra provided the staff presentation of the expenditure report.

Public Comments

Mike Hutchinson asked Committee Members to review the revised Measures B & J list distributed at a Board Meeting at the end of last school year. He suggested Committee Members ask what is being spent from Measure J Funds for intensive support sites.

Discussed and Closed

Enactment No:

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

15-1854 Measures A B & J - Public Comments - September 15, 2015

Public Comments on All Non-Agenda Items Within the Subject Matter Jurisdiction of the Committee - September 15, 2015.

None.

J. Introduction of New Legislative Matter

Chairperson Teng identified agenda items to be discussed at the next Committee Meeting on October 20, 2015 at 6 P.M.

Next Committee Meeting agenda items

- 1. Orientation provided by General Counsel Minor on the Committee's role*
- 2. Decision Tree for the Lease Lease-Back Delivery Model*
- 3. District's policy on using rebates including Solar Rebates*
- 4. Interest rates & new refinancing of Measure J Bonds*
- 5. Measure J proposed spending plan*

K. Adjournment

Chairperson Shiree Teng adjourned the meeting at 10:02 P.M.

Prepared By: _____

Approved By: _____