

# Oakland Unified School District

Board of Education  
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## Minutes (Long)

**Tuesday, September 22, 2009**

**5:00 PM**

**Special Meeting**

**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 5:05 P.M.*

## B. Roll Call

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

## C. Modification(s) To Agenda

*None.*

## D. Adoption of Committee Minutes



[09-2481](#)

**Minutes - Measure "B" ICSFBO Committee Minutes - Regular Meeting - July 14, 2009**

Approval by - Measure "B" ICSFBO Committee Minutes - Regular Meeting - July 14, 2009.

**Attachments:** [09-2481 - Minutes - Measure "B" ICSFBO Committee Minutes - Regular Meeting - July 14, 2009](#)

**A motion was made by Jamie Flaherty-Evans, 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, Jamie Flaherty-Evans, Odest Logan, Jean Moore, Renee Swayne, Frank Tsai and Patricia Williams

Nay: 0

Recused: 0

Absent: 2 - Andrea Dawson and Christopher Vernon

Preferential Aye: 0

Preferential Abstention: 0

Preferential Nay: 0



[09-2744](#)

**Minutes - Measure "B" ICSFBO Committee Minutes - Regular Meeting - August 18, 2009**

Approval by Committee of its Regular Meeting Minutes of August 18, 2009.

**Attachments:** [Document\(s\)](#)  
[09-2744 - Minutes - Measure "B" ICSFBO Committee Minutes - Regular Meeting - August 18, 2009](#)

**Tabled to a Date Certain**

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

## E. Unfinished Business



### [09-2484](#) **Review of the Measure "B" ICSFBO Committee 2006/2007 Annual Report**

Review of Measure "B" ICSFBO Committee FY 2006/2007 Annual Report.

**Attachments:** [08-0919 - Measure "B" ICSFBO Committee FY 2006/2007 Annual Report](#)

*Chairperson Swayne said the Committee had reviewed the report and it was moot. Tim White, Assistant Superintendent for Facilities Planning and Management, asked the question "How to get Unfinished Business taken off the agenda". Mr. Rakestraw, Board Secretary, said it depends on the action taken at the Committee Meeting. He said we don't take items off if they are not concluded. Tracy Amaro said she believes the open item had been issued by the prior Measure "B" Committee. This Committee requested a copy of the 2006-2007 Independent Auditor's Report which we received yesterday via e-mail and she said this item is closed out. Mr. Rakestraw requested the Committee needs to let him know when items are closed.*

**Discussed and Closed**

## Roll Call (Secretary's Observation)

*Andrea Dawson present at 5:12 P.M.*

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

Absent: Christopher Vernon

## F. New Business



### [09-2748](#) **2009-2010 Measure "B" ICSFBO Committee Site Visits Schedule**

Adoption of Committee Site Visit Schedule - October 2, 2009 - March 5, 2010: October 2, 2009, November 6, 2009, December 4, 2009, January 8, 2010, February 5, 2010 and March 5, 2010.

**Attachments:** [Document\(s\)](#)  
[09-2748 - 2009-2010 Measure B ICSFBO Committee Site Visits Schedule.pdf](#)

Chairperson Swayne said she met with Tracy Amaro and staff to develop a tentative schedule for Committee site visits. Chairperson Swayne asked Committee Members to review the schedule to see if it works and asked if there were comments. The tentative schedule is for the first Friday of each month from 9:00a.m. to 10:45a.m. Tracy Amaro said the goal was to provide a variety of dates and times. It is not intended that all Committee Members have to attend each site visit but we should try to get a few members and the visits are open to the public. Committee Member Amaro commented on the one hour 45 minutes allotted for the visits with three different sites. She said it seems like a lot to do in one hour 45 minutes and asked Mr. White was it feasible to do or should we trim the list down to two each month. Mr. White said originally the desire was to try and do three. He said the comments were if Committee Members couldn't make three make as many as we can, possibly two. Mr. White informed the Committee that Tadashi Nakadegawa, Director for Facilities will conduct the site visits and he could provide historical reflections on how effective they are.

Mr. Nakadegawa said the locations lend themselves to the time frame. He said the one exception might be the December 4th site visit in terms of the parking at Lincoln Elementary. He said three sites are doable. Committee Member Amaro noted on March 5th there were four sites listed. Mr. Nakadegawa said three of the four schools are on the same campus. Committee Member Logan asked if the tour will consist of just construction sites. Mr. Nakadegawa said the list was a range of sites under construction; some will have finished projects and some will have projects in the planning phase. He said the intent is to give the Committee a full range of where we are in the program. Committee Member Amaro said for the finished projects, we talked about prior to the site visit the Committee would be provided with before pictures or for the ones in design any renderings of what it will look like. Chairperson Swayne said she did not know if the pictures would be provided prior, she said she thinks we said we would have a few of them available on that day. Odest Logan asked that sites that are completed, would it be possible to get some feedback from the Principals on the completion of their project and how they are enjoying it or not enjoying it? Mr. Nakadegawa said the previous Committee invited the Principal at each site to participate in the tour and if it was the request of this Committee he could make arrangements for that.

Mr. White asked Mr. Rakestraw about the legislative requirements for posting. Mr. White said the site visits have to be posted as an individual meeting of the whole. He said there is a legislative item that is posted 72 hours in advance of each meeting and Mr. White asked Mr. Rakestraw to confirm. Mr. Rakestraw said if these site visits are considered regular and reoccurring, it will be posted 72 hours in advance. He said the perception is the majority of the Committee would be attending the site visits. Mr. Rakestraw reminded the Committee they could not tour without a posted notice whether there is a quorum or not. Jean Moore asked for clarity on whether there is a posting because there is a tour or there is a posting only if we have a quorum. Mr. Rakestraw said the tour is considered a meeting of this Body. If a majority of you go on the tour you carry out your functions as a Committee and not as individuals. Mr. Rakestraw said we will be posting the site visits to cover the Brown Act requirements and the public may tour with you if they so choose. Mr. White asked if any supporting information was needed for these visits. Mr. Rakestraw said "No" unless you have supporting material describing the site and the state of construction that you will pass out as an informational item to the Committee. He said if so, you need to

*give the documents to the Board Office in advance because the public is entitled to the information before the tour begins. The standard for providing the additional information is at the time we post the agenda, 72 hour in advance of the tour.*

**A motion was made by Andrea Dawson, seconded by Jamie Flaherty-Evans, that this matter be Adopted. The motion carried by the following vote:**

**Votes:** Adv Aye: 0  
Adv Nay: 0  
Adv Abstain: 0  
Aye: 8 - Tracy Amaro, Andrea Dawson, Jamie Flaherty-Evans, Odest Logan, Jean Moore, Renee Swayne, Frank Tsai and Patricia Williams  
Nay: 0  
Recused: 0  
Absent: 1 - Christopher Vernon  
Preferential Aye: 0  
Preferential Abstention: 0  
Preferential Nay: 0



**09-2750**

**Review of Draft - Measure "B" ICSFBO Committee 2007/2008 Report**

Review by Committee of Draft - Measure B ICSFBO Committee 2007/2008 Report

**Attachments:** [Document\(s\)](#)  
[09-2750 - Review of Draft - Measure B ICSFBO Committee 2007-2008 Report.pdf](#)

*Mr. White said Randy Horn, Construction Management Staff, will review the report with the Committee. Mr. White said several comments had been received from Committee Members and those comments have been incorporated into the report. Mr. Horn said this was the third revision of the report the Committee has received. He said staff received substantive comments regarding certain content, numeral inaccuracies and reconciled items were on the third draft incorporating each suggestion identified by the Committee. He said the following suggestions were not incorporated. (1) The Introduction Section by the Chairperson. He said the Report was under the 2007-2008 window and the former Chairperson is no longer with us and unable to provide that introduction. He said he thought we would take that recommendation and apply towards the 2008-2009 draft. (2) The 2007-2008 Audit referenced throughout the document. This document is currently in draft form, however there are comments that the District is sending back to the Auditor and staff expect to have it finalized prior to the adoption and completion of the final report. Mr. Horn said within the next three to four weeks the final audit is expected to be done. He said the numbers should not change; maybe some of the context regarding some of the findings. He said that will be addressed in the report as well as in the District response.*

*Tracy Amaro said in this draft there is no longer an Expenditure List and asked if it was because it was in the Audit Report?*

*Mr. Horn said the information was under Tab Four. Mr. Horn also noted under Tab Four, the State and Federal Matching Funds identifies approximately \$55 Million in potential matching funds to leverage the \$435 Million of Measure "B" Funds available to the District. Tab One includes the Board Resolution at the request of one of the Members. Tab*

Two summarizes all the Board approved projects and their budgets for the fiscal year 2007-2008. Tab Three highlights the project descriptions and the general scope accompanied by the project budget. Tab Five is the draft Fiscal Performance Audit. Tab Seven lists the previous Committee monthly site visits, the 2006-2007 recommendations from the previous Measure "B" Committee and the District's related responses to those recommendations.

Tracy Amaro said the schedule in Tab Four shows a pre-design total of \$106.5 Million per budget, however, the attachment to the Audit Report in tab six shows in the column Pre-Design \$84.9 Million and the category On Hold shows \$41.6 Million. She asked if there was a reason why the Pre-Design and On Hold categories are not showing on the Expenditure Schedule. Mr. Nakadegawa said the On Hold is in the Pre-Design category; On Hold was an internal designation. Ms. Amaro asked if there was a reason why the Audit Report would not show them.

Mr. Nakadegawa said at the time we made the decision to reclassify those after the audit was started and that's why they are shown that way in the Audit Report. Ms. Amaro said if the Audit Report has not been issued yet you should be able to get them to reclassify them as Pre-Design because she does not think there should be an inconsistency in the reporting.

Mr. White said the numbers do tie out. He said he thinks during the process the Auditor works with the existing documents. Ms. Amaro noted the pie chart in pre-design numbers agrees to Facilities tab four but not to the Auditor's tab four. Mr. Horn said he would make all the changes. Mr. Horn said the idea is to have the opportunity to digest the information and hopefully consolidate comments and give them back to the District to incorporate. Mr. White said they were mindful to have all the comments back from the Committee by October 15th which gives us time for any incorporation. Chairperson Swayne recommended a shorter window. Mr. White said a shorter window works better for him. Tracy Amaro said as a Committee Member she thinks we should be able to get comments back by the end of next week at the latest. Mr. White said whatever the pleasure of the Committee is fine. Chairperson Swayne said they would change the deadline to September 30th.

Frank Tsai asked what the process would be. He said he thinks there are legitimate comments from the Board that you could legitimately say we don't think it is appropriate to make the change. He said he thinks the Committee should give the Facilities Department the blessing to say we don't think your comment is appropriate and have an explanation why you don't think it is appropriate. Mr. Tsai said he hates to have drafting by committee and asked Mr. White his preference in terms of the nature of the comments you would like from the Committee. He asked if the comments they are looking for are of a more general point of view or maybe things that are missing? Mr. White said he doesn't think there should be any material changes to the document because it does reflect on the past year. He said what they are looking for are changes not necessarily substantive to the material content of the document alignment with the comments that were submitted in terms of format and associated with comments from the Committee Chair and different issues associated with the substance of the Expenditure Report. Those types of comments will be included on the Annual Reports that the Committee is now responsible for is appropriate. Mr. White said with respect to the format, the process of communication what we would like is to create a protocol for communication that channels everything through the

Chairperson and the Secretary with a designated person so that we have a single repository and a single conduit for the Committee. With communication from the District to the Committee, we will accommodate the Committee by the methods that works best. He said we have two methods we will use; electronically and some of the huge documents we have a shared site where the Master Plan is resident and we will also make available those documents that are large on the shared site. Documents will be available for pick up at the Facilities Department as well we will make sure anyone who would like the hard copy with notice, we will mail a copy via Federal Express. Chairperson Swayne clarified the protocol that everything comes through the Chairperson, you can copy Tracy on the e-mail and the Chairperson will get everything to Mr. White. Tracy Amaro commented that Committee Members received an e-mail saying the meeting had been changed from last week to this week and there was nothing in the e-mail that said respond to confirm that you can attend or not. On Friday we started getting calls and e-mails saying are you going to be here. She said she assumed she could make it and did not respond and was only going to respond in the negative. Ms. Amaro suggested in the future if there is something that requires a response that the e-mail should say that. Andrea Dawson requested the meeting time return to 6:00 p.m. Chairperson Swayne said she thinks the reason for the follow up was that they needed to make sure there would be a quorum of the Committee and so they did phone calls rather than e-mails. Mr. White's response was for him the issue is being mindful that everyone is a volunteer; he is respectful of their time; that you are aware that we do value your time; and you serve a very important function for the District and the Oakland community. He said we want to create that type of relationship with the Committee and maintain that relationship. He said if some of it is pampering, it is well deserved.

Jean Moore asked Mr. Horn if the 2007-2008 Audit Report was still in draft?

Mr. Horn said the document attached is in draft form and he is waiting on a few comments back from the District. She asked once we have all the final comments incorporated and you have a final document, what's the process of getting it approved or does it go to the Board.

Mr. White said after it is completed it goes to the Board for approval. Tracy Amaro asked if this Committee would have to approve it.

Mr. White said we bring the Report to this Committee; after this body accepts the Report Mr. Rakestraw will forward the report the Board for approval.

Ms. Moore asked once the Committee finished the 2007-2008 Report would they start working on the 2008-2009 Report?

Chairperson Swayne said this would be on-going. She asked Mr. White when this report would have been finished?

Mr. White said normally it would have been completed. He said we are in the process of preparing the next Annual Report.

Ms. Moore asked if the next Annual Report will have the same format as the 2007-2008 Report.

*Mr. White said the report has a lot of information and data and could be a more streamlined document given the high level functioning of this committee. He said that is something we can present to you in that fashion and it could be a lot tighter and concise and get streamlined out because they may be represented in other documents in other capacities.*

*Ms. Moore asked would it be prudent to ask for that discussion at a future meeting to talk about the format for the 2008/09.*

*Chairperson Swayne said she believes that would be appropriate but she believes they want to get this report done. She said we want to get this one out and once this one is out of our purview we can talk about if we want to change the next one.*

*Tracy Amaro said she did not think there was a prescribed format for the report.*

*Mr. White said there is not a prescribed format; he said there are data points you have to hit. He said we could collapse the report to something less than half its size. The report has bond language and resolutions that can be condensed. He said this is the way it has been done and it suited the last committee.*

*Ms. Moore said there is a lot of information here and it's more than she would expect to see in an annual report. She said as a COC Body we have a certain responsibility to report to the community how the bonds funds are being spent and this seems like it says a whole lot more than what we are required to do as a body in the report.*

*Chairperson Swayne said she believes that would be appropriate but she believes they want to get this report done. She said we want to get this one out and once this one is out of our purview we can talk about if we want to change the next one.*

*Tracy Amaro said she did not think there was a prescribed format for the report.*

*Andrea Dawson commented on the format used by San Francisco Unified School District. She said that with the format they use, the public can very easily get an overview of the whole program. She said they show pictures of projects and have one line underneath the picture. They don't list all projects in terms of pictures, but they are all listed in the summary and where they are in the process and it is a quarterly report. They have a Resolution they take to the Board for approval.*

*Jean Moore noted that San Leandro Unified School District's Annual Report is two pages.*

*Frank Tsai said Tab Seven was a response to the previous Annual Report which made recommendations. Perhaps we should close out these issues and look at the District response and say we are satisfied. Mr. Tsai said, he is willing to make a motion to that effect. Mr. White said that would be great to do it today and it would be included in the follow up. Chairperson Swayne said she is not comfortable accepting the report since it not this Committee's work but she said a statement saying it is resolved would be fine. Tracy Amaro said some statement with simple language that says it's closed out and no further action required. Mr. Horn said in Tab Seven we would list all the*



recommendations of the District responses, the Committee will say which ones are deemed no further action. Tracy Amaro asked when the Committee would approve the report. Mr. White said at the November 17th or November 10th meeting.

**Discussed**



**09-2751**

**Measure "B" Updated Expenditure - Bond Balance Expenditure Balance - September 2009**

Presentation of Measure B Updated Expenditure Report - Bond as of September 2009.

**Attachments:** [Document\(s\)](#)  
[09-2751 - Measure B Updated Expenditure - Bond Balance Expenditure Balance - September 2009.xls](#)

Mr. White said this was a follow up report that Charles Love, Facilities Coordinator, would be presenting. Mr. Love began by addressing Mr. Tsai's question from the previous meeting regarding the difference of the 2007-2008 Expenditures, the Audit Report and the Measure "B" Expenditure Report. He said the difference was \$1.8 Million and these two reports are one in the same with one being an update of the other. Mr. Love said the reason for the difference of \$1.8 Million is the Facilities Department performed their own internal audit of the expenditures and found two of the projects (McClymonds Small Schools and Oakland Tech) were funded by other sources and not from Measure "B". McClymonds was from (Fund 40) and Oakland Tech was from a previous Bond Measure. We took those two out and that was the \$1.8 Million difference. Mr. Love reviewed the Expenditure Report which was in two different versions, explaining the second version was the same report only formatted differently from the first version. He said the report will be updated to show actual spending per project. Mr. White noted the revision does reflect the expenditures to date. He said he believes it only reflects expenditures associated with invoicing through the month of June. As additional invoices are received and processed, the numbers will increase. Mr. White said the two formats will not always be presented to the Committee. Tracy Amaro asked Mr. Love if the 2008-2009 amounts were final or subject to change. Mr. Love said they are subject to change. He said the latest word he received is sometime in October the 2008-2009 year will be final. Mr. White said we have three projects (7029, 7023, and 7026 on page 2 of the report as a footnote) for various reasons we are not going to proceed with and won't get Board approval. These funds will be returned to the Measure "B" Funds reflected in the available balance for other projects. Mr. Tsai asked if the District received any matching funds. Mr. White said over the last several years the District has received \$150-\$160 Million in matching funds across the three different Bonds so far. Mr. Tsai wanted to know in regards to the Audit, if there had been historical payments by the Measure "B" Money in 2007-2008 and if we had matching funds for those projects. He said it would seem to him that we should reflect that in the Audit of Millions that was spent in 2007. He said in 2009 we received matching funds for those same projects and as a result we are replacing some of the Measure "B" Monies that were spent in prior years with the matching funds that came from matching sources. He wanted to know if that should be part of the Audit. He said, otherwise, if we don't track what comes back from the matching funds that should go to reimburse the Measure "B" Funds that were paid previously, he said we don't actually see the money coming back into the Measure "B" pool. Mr. White said the cleanest way in terms of the representation is to say this \$55 Million is against the \$435 Million and what we received is against what we expended. What we have expended is then under Measure "A" and Measure "C". Mr.

*Horn noted that on page six we identified \$5 million of the \$55 million spent through the 2007-2008 year. Mr. Love stated the focus of the auditors is to make sure that the expenditures associated with Measure "B" are in accordance of the Bond Covenant. He said the audit is clearly on the spending aspect. He said if these reimbursable funds come back and somehow are associated as under the umbrella of Measure "B" and if they are spent that way, they will be audited in the same context.*

**Discussed**

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

*There were no public speaker cards submitted.*

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

*The Committee had a discussion on future meetings and agreed upon the following schedule.*

*The next meeting will be October 27th at 6:00 p.m; then November 17th at 6:00 P.m. and January 19th at 6:00 P.M.*

## **Roll Call (Secretary's Observation)**

*Odest Logan absent at 6:40 P.M.*

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

## **I. Adjournment**

*Chairperson Swayne adjourned the meeting at 6:42 P.M.*

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

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