

Oakland Unified School District

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Meeting Minutes Long - Final

Monday, January 30, 2017

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

Chairperson Andrea Dawson called the meeting to order at 6:34 P.M.

Roll Call

Present 5 - Member Renee Swayne
Member Chanu Lee
Member Gerald Green
Chairperson Andrea Dawson
Member Saleem Shakir-Gilmore

Absent 4 - Member Joyce Nilo
Member [Vacant]
Member [Vacant]
Member Shiree Teng

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

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.

When nominations for Committee Secretary were first considered on today's agenda, it was tabled and then subsequently recalled from tabled.

Chairperson Dawson opened the nominations for Committee Secretary.

There were no nominations. Chairperson Dawson asked if the Committee could leave the position open?

Board Executive Edgar Rakestraw said the Committee could leave open the position of Secretary. Rakestraw, however, encouraged the Committee to fill the position by the next Committee Meeting so that the Committee meets the requirement of having three officers in compliance with Board Policy.

Chairperson Dawson said it would be helpful if the Committee had a full sitting Committee. Dawson wanted to know of the efforts to fill the two vacant positions by the Board?

Edgar Rakestraw said there is constant ongoing recruiting. He said there are one or two applications the Board leadership will look at during the February 8th Board Meeting.

Questions/Comments

*Committee Member Swayne had two questions.
1-Whose policy is it that the Committee needs a Secretary?
2-If there is no Secretary, what does that mean?*

Rakestraw said it is the Board's Policy 9131 requiring all Independent Oversight

Committees and Advisory Committees to have those officers.

Swayne asked what happens if the Committee is out of compliance?

Rakestraw said the Board has not faced that situation yet, but thinks General Counsel McWilliams will tell the Committee they should comply with the Board's Policy.

Chairperson Dawson said she thinks there is a solution.

Chairperson Dawson said she would like to open the nominations for Secretary again and nominated Saleem Gilmore for Committee Secretary.

There were no other nominations.

Chairperson Dawson closed the nominations.

Public Comments

None.

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?

Shall Saleem Shakir-Gilmore be elected Secretary of the Measures A, B, and J Independent Citizens' School Facilities Bond Oversight Committee for the unexpired 2016 term?

Aye: 5 - Member Renee Swayne
Member Chanu Lee
Member Gerald Green
Chairperson Andrea Dawson
Member Saleem Shakir-Gilmore

Absent: 4 - Member Joyce Nilo
Member [Vacant]
Member [Vacant]
Member Shiree Teng

Non-voting: 0

Enactment No: 17-0314

Roll Call (Secretary's Observation)

Joyce Nilo present at 6:36 P.M.

Present 6 - Member Joyce Nilo
Member Renee Swayne
Member Chanu Lee
Member Gerald Green
Chairperson Andrea Dawson
Member Saleem Shakir-Gilmore

Absent 3 - Member [Vacant]
Member [Vacant]
Member Shiree Teng

17-0049 **Nomination(s), Vice Chair, 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 Vice Chair 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 Committee Chairperson.

Committee Member Gerald Green nominated Saleem Gilmore.

Chairperson Andrea Dawson nominated Chanu Lee.

Since there were two nominations, Chairperson Dawson asked Board Executive Assistant Edgar Rakestraw how does the process work with two nominations?

Mr. Rakestraw said it was by a majority vote of the total membership of the Committee that someone will be elected for Vice Chairperson. Upon roll call by Ms. Floyd, Members should state the name of the person for whom they are voting for. If there is no majority, the Committee will take a second round of voting.

Chairperson Dawson closed the nominations.

Five votes (a majority of the membership) was needed. No one candidate received the require five votes so a second vote was necessary.

Legislative File Nos. 17-0050 and 17-0506 are reflective of the Committee membership vote for candidates Lee and Gilmore for Vice Chair.

Chairperson Dawson said Chanu Lee had been on the Committee for a while and knows the ropes so that is the reason she nominated her. Chairperson Dawson she has nothing against Mr. Gilmore's credentials. Chairperson Dawson suggested Committee Member Gilmore take the position of Committee Secretary. She said this is an important role. She said the Committee depends on Board staff for the minutes, but would like more edits.

Committee Member Gilmore said he was not clear to him that if there were not a majority of the Committee voting for one person, there would not be a Vice Chair. Rakestraw said Board rules require the Committee to have three officers and Measures A B & J does not have a functioning committee.

Gilmore asked if Members had the ability to change their vote?

Rakestraw saw if the same people are candidates, you may change your vote on the next round of voting.

Chairperson Dawson called for a second vote for Committee Vice Chair.

17-0050 **Election of Vice Chair Measures A, B, and J Independent Citizens' School
Facilities Bond Oversight Committee - Unexpired 2016 Term**

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

Since two Committee Members were nominated, Edgar Rakestraw, Jr., Board Executive Assistant, instructed Committee Members to state the name of the person they were voting for during the roll call.

Roll Call Vote: Their were four votes for Chanu Lee and two votes for Saleem Shakir Gilmore as reflected in Legislative File Nos. 17-0050 and 17-0506, respectively, on the first round of voting.

No one person received five votes, a majority of the Committee of nine members, so a second vote was necessary.

Shall Chanu Lee be elected Vice Chair of the Measures ABJ Committee for the unexpired 2016 Term. The vote for Lee is reflected as follows:

Aye: 4 - Member Joyce Nilo
Member Renee Swayne
Member Chanu Lee
Chairperson Andrea Dawson

Nay: 2 - Member Gerald Green
Member Saleem Shakir-Gilmore

Absent: 3 - Member [Vacant]
Member [Vacant]
Member Shiree Teng

Non-voting: 0

17-0506 Election of Vice Chair Measures A, B, and J Independent Citizens' School Facilities Bond Oversight Committee - Unexpired 2016 Term

Shall Shakir Gilmore be elected Vice Chair of the Measures A, B, and J Independent Citizens' School Facilities Bond Oversight Committee for the unexpired 2016 term?

Shall Shakir Gilmore be elected Vice Chair of the Measures ABJ Committee for the unexpired 2016 Term. The vote for Gilmore is reflected as follows:

Aye: 2 - Member Gerald Green
Member Saleem Shakir-Gilmore

Nay: 4 - Member Joyce Nilo
Member Renee Swayne
Member Chanu Lee
Chairperson Andrea Dawson

Absent: 3 - Member [Vacant]
Member [Vacant]
Member Shiree Teng

Non-voting: 0

17-0507 Election of Vice Chair Measures A, B, and J Independent Citizens' School Facilities Bond Oversight Committee - Unexpired 2016 Term

Shall Chanu Lee be elected Vice Chair of the Measures A, B, and J Independent Citizens' School Facilities Bond Oversight Committee for the unexpired 2016 term?

Saleem Gilmore asked if he could change his vote for Vice Chair.

Rakestraw replied "Yes." The second Roll Call on the election for Vice Chair is reflected in Legislative File 17-0507.

Roll Call Vote (Second): Chanu Le received five votes and Saleem Shakir Gilmore received one vote.

Chanu Le was elected Committee Vice Chairperson.

Shall Chanu Lee be elected Vice Chair of the Measures ABJ Committee for the unexpired 2016 Term. The vote for Lee is reflected as follows:

Aye: 5 - Member Joyce Nilo
Member Renee Swayne
Member Chanu Lee
Chairperson Andrea Dawson
Member Saleem Shakir-Gilmore

Nay: 1 - Member Gerald Green

Absent: 3 - Member [Vacant]
Member [Vacant]
Member Shiree Teng

Non-voting: 0

Enactment No: 17-0315

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

After the attendance Roll Call, the next item considered by the Committee was 17-0049, nomination(s) for Committee Vice Chairperson and 17-0050, election of Committee Vice Chairperson. The Committee next considered Legislative File ID 16-2615, Nomination(s) for Committee Secretary and 16-2616, Election of Committee Secretary. The remainder of the agenda was taken in the order as printed.

E. 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 Lee, seconded by Member Nilo, that October 5, 2016 Committee Minutes Committee be Adopted. The motion carried by the following vote.

Aye: 5 - Member Joyce Nilo
Member Renee Swayne
Member Chanu Lee
Member Gerald Green
Chairperson Andrea Dawson

Abstained: 1 - Member Saleem Shakir-Gilmore

Absent: 3 - Member [Vacant]
Member [Vacant]
Member Shiree Teng

Non-voting: 0

Enactment No: 17-0169



[17-0198](#)

Minutes - Measures A, B, and J Independent Citizens' School Facilities Bond Oversight Committee - November 8, 2016

Approval by the Measures A, B, and J Independent Citizens' School Facilities Bond
Oversight Committee of its Meeting Minutes of November 8, 2016.

Attachments: [17-0198 Minutes - Measures A, B, and J Independent Citizens'
School Facilities Bond Oversight Committee - November 8, 2016](#)

Dawson requested the correction:

Shiree Teng asked about Bond Counsel and Legal Counsel direct reporting. She said it was clear they report to the Board first and the Committee secondary.

Deputy Superintendent Facilities, Joe Dominguez and General Counsel Marion McWilliams talked about their intention to hold a follow-up meeting after the November 8th Committee Meeting to discuss the issue of the use of Bond Funds when redirected for the 1025 2nd Avenue project.

Dawson said General Counsel McWilliams, said she would put her own eye on the subject; look at it; and bring a report back to the Committee. (Marion McWilliams, General Counsel, statement is in the November 8, 2016 Committee Minutes.)

Chairperson Dawson said she hoped that would happen at today's meeting. Dawson said she would like that statement reflected in the November 8th Committee Meeting Minutes. She said we are in January and the meeting has not taken place. Staff said the District would have a new Facilities Master Plan finalized at the November 30th Board Meeting and that Committee Members would be interviewed as part of the community on site needs and issues the District still needs to work on. Dawson said she wants the Committee Minutes to reflect that the Committee has not received the report yet.

Rakestraw said the statements by Chairperson Dawson must have been made at the November 8th Committee Meeting. He said if so, I will ask Ms. Floyd to make those changes. He said the Board directed staff to do action minutes, not narratives. It's a resource issue which you will have to ask the Board to give additional resources to get the type of narrative minutes you wish.

Rakestraw said the practice is that Board staff do the draft minutes and the official will do the editing and corrections and/or additions you desire.

Dawson said there is good capture in the minutes, but a piece is missing.

Rakestraw said Board Staff would follow the process and check the record for the facts.

Recommendation is to postpone approving the November 8th Committee Minutes until the next Committee Meeting.

Postponed to a Date Certain

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.

Deputy Chief for Facilities Doe Dominguez made the staff presentation.

Dominguez said the Board approved a Request for Proposal (RFP) for both program management and construction management services in November. Today members of the three teams are in attendance today to answer questions.

Committee Member Questions/Comments

Committee Member Swayne requested a written plan to committee members showing job responsibilities in the new structure.

Dominguez said the Facilities Department is working on an Organizational Chart showing the roles and responsibilities of District staff, how partners compliment the structure, and their roles and responsibilities. He said he will have that ready for the next Committee Meeting.

Chairperson Dawson said she happy to see the District has a structure in place that are best practices.

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 on: 1) The status of the Dr. Marcus Foster Education Leadership Campus Project and 2) 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](#)

Deputy Chief Joe Dominguez made the staff presentation.

Deputy Chief Dominguez reported that in December the Board gave direction to the Facilities Department to modernize and rehabilitate 1025 2nd Avenue and the Ethel Moore Building. The District released an RFP for architectural services that are currently in the negotiations phase. Dominguez said he cannot reveal the name of the firm, but said it is a local firm with historical background for rehabbing historical buildings. He said the work for both buildings would be a historical renovation with an open office concept and a multi-purpose room for Dewey Academy. The department met with officials at Laney College looking at a Linked Learning Culinary Pathway.

Questions/Comments

Chairperson Dawson asked if approval for the drawings are still going through the City of Oakland rather than the State of California?

Dominguez said "Yes".

Chairperson Dawson asked if the Board is aware of the ramifications of not having the Department of State Architecture (DSA) approval on the project? She said the Board will have to adopt a Resolution that states no students or student programs can take place in the building.

Dominguez said staff will update the Board in the next couple of months. He said both buildings are non DSA buildings. Both buildings were City of Oakland approved buildings around 1930. Just the office space is being rehabbed; the District is not changing the scope of what the buildings are being used for.

Chairperson Dawson asked if the Committee can be informed of the updates and the different times?

Dominguez said "Yes".

Committee Member Swayne asked how Dewey fits into the plans?

Dominguez said Dewey fits in the scope of work with a multi-purpose room for school use with the size and location yet to be determined. There are preliminary renderings showing where the multi-purpose room can be located in the building. Dominguez said he will provide the renderings to the Committee.

Dominguez said he met with stakeholders, staff and students. The students talked about an assembly area with a stage, upgraded cafeteria/indoor space, a place for multi-sport activities and a pathway that will provide a certification for a job.

Swayne asked if this will be an additional building?

Dominguez said "Yes". A rehab modernization of the two existing buildings and new construction of a new multi-purpose room for Dewey (DSA approved).

Discussed

G. New Business



[17-0053](#)

Measures A, B, and J – Budget to Actual Expenditures, Cash Flow Projections Through December 31, 2016

Presentation to the Measures A, B, and J Independent Citizens' School Facilities Bond Oversight Committee of the Measures ABJ Budget to Actual Expenditures, and Cash Flow Projections through December 31, 2016.

Attachments: [17-0053 Measures A, B, and J – Budget to Actual Expenditures, Cash Flow Projections Through December 31, 2016](#)

David Colbert, Facilities Staff, reported the Expenditure Report has to be reviewed by upper management prior to presenting to the Committee. Upper management staff did not have the opportunity to see the report so that is why there is no report today.

Dawson said she appreciates the process took longer and understands why there was not a report today. Said she hopes some of the requests in previous meetings of how the Committee would like to see certain parts of the report will be taken into consideration when the reports are produced for the Committee.

Colbert said at the next Committee Meeting staff plans is to submit a consolidated version in addition to the regular report so the Committee can provide direction for future reporting.

Discussed



[17-0056](#)

Report - General Counsel - Permissible Use of Measure J Funds

A Report to the Measures A, B, and J Independent Citizens' School Facilities Bond Oversight Committee by General Counsel, or designee, as to whether Measure J funds are a permissible, allowable use for rehabilitation of the Marcus J. Foster Educational Leadership Campus, i.e., aka 1025 2nd Avenue Administration Building.

Attachments: [17-0056 Presentation - General Counsel on 2/13/17.pdf](#)

Dominguez said General Counsel McWilliams was unable to attend today's Committee Meeting. He said the issue is being researched.

Questions/Comments

Chairperson Dawson said the question the Committee has been asking since last April is the language in the Measure J Bond as it is referred to in the District's 2012 Master Plan dated May 22nd and how the District got to redirecting funds without any noticing and now funds are being spent on the 1025 2nd Avenue project. She said it may be a valuable project to the District, but said the Committee's charge is to make sure that it is within the confines and regulations of the law. Said the District still needs to provide a response. Dawson said Board Member Aimee Eng did reach out and said several Committee Members could meet with her and Dominguez to discuss the matter. Dawson said she did not feel that was a fair way to address the matter; said the issue should be addressed before the entire Committee. She said she will continue to ask for answers.

Committee Member Swayne asked for a date certain when the Committee might get the report?

Dominguez said he will follow-up with the General Counsel's Office and stress the urgency of a response. Said he does not have a timeline for a response.

Committee Member Green asked how much money has been spent towards the development of the two buildings?

Dodminguez said a couple hundred thousand dollars has been spent in regards for Consultant work and abatement and clean-up of both buildings making sure both were safe.

Green said without the Committee hearing anything from the General Counsel, someone made an assumption the project will move forward.

Dominguez said he provided the Committee with an update a few months ago with the direction he was given by the Board of a dual path.

Discussed



[17-0074](#)

Measures A, B, and J Independent Citizens' School Facilities Bond Oversight Committee - Regular Meeting Dates and Time for 2017

Adoption by the Measures A, B, and J Independent Citizens' School Facilities Bond Oversight Committee of its monthly Regular Meeting dates and time for 2017.

Attachments: [17-0074 Measures A, B, and J Committee - Regular Meeting Dates and Time for 2017](#)

The Committee adopted the 2nd Monday of the month at 6:30 P.M as their standard meeting date.

*February 13th
March 13th
April 10th
May 8th
June 12th*

Discussed

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

After a discussion among Committee Members, the Committee decided the regular meeting dates through June would be the second Monday of each month.

*February -13th
March - 13th
April - 10th
May - 8th
June - 12th*

[17-0054](#)

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 - January 12, 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 - January 12, 2017.

None.

I. Introduction of New Legislative Matter

None.

J. Adjournment

Chairperson Dawson adjourned the meetin at 7:41 P.M.

Prepared By: _____

Approved By: _____