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**7-11 COMMITTEE**

**REPORT TO THE**

**BOARD OF**

**EDUCATION**

**OAKLAND UNIFIED SCHOOL DISTRICT**

**January 22, 2019**

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## I. Executive Summary

The Oakland Unified School District's physical assets help provide safe, healthy, and appropriate learning environments for students in Oakland's public schools. The OUSD Board of Education has instituted several policies to ensure that we are first and foremost using OUSD facilities for educational purposes for OUSD students. Secondly, if a facility is no longer needed for educational purposes for programming provided by the district, the OUSD Board of Education prioritizes a lease over the sale of property for a beneficial community use that could also generate revenue for the district.

In Summer 2019, the Board convened the 7-11 Committee, a District Advisory Committee made up of community members, and charged us with reviewing specific vacant properties. The committee is commonly known as a 7-11 Committee, because by law the committee must be comprised of no less than 7, and no more than 11, members. Collectively the committee has a range of expertise in K-12 education, community engagement, land use, real estate, and environmental impacts.

The 7-11 Committee was charged with initiating outreach and community engagement and considering uses for the vacant properties that would be acceptable to the community. We were also charged with making the basic recommendation of whether the properties referred by the Board are surplus to the educational needs of the District.

The School Board charged us with evaluating the following five vacant sites:

- 86 Echo Avenue (former Piedmont Child Development Center site)
- 58 61<sup>st</sup> Street (former Washington/Sankofa CDC site)
- 4551 Steele Street (former Tilden CDC site)
- 7980 Plymouth Street (former Webster CDC site)
- 2455 Church Street (former Edward Shands Adult Education Center site)

The 7-11 Committee has completed a rigorous schedule of organizational and informational meetings, and held five community meetings, one at each of the sites. The Committee considered input from neighbors, school community members, businesses and community stakeholders. The community input meetings also included tours of each of properties to allow the Committee and community members to see for themselves the condition of the properties.

The 7-11 Committee has identified three overarching principles as a result of participating in community engagement for the 5 vacant properties being reviewed. 1) Do not leave any property vacant, 2) Keep the properties in public hands and 3) Where a joint lease is possible, prioritize that over surplusing for a long-term lease.

This report provides a review of the 7-11 committee's work over the last six months. We include background information and data provided by the District team. The report includes a summary of input from the community and recommendations to the Board of Education regarding surplus and future use.

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The report also provides future considerations for ensuring that OUSD facilities are maintained, utilized, and if needed repurposed, in a systematic and organized manner that prioritizes educational and community uses and benefits all Oakland residents.

## II. The 7-11 Committee

### A. Education Code Requirements

Before the sale, lease, or rental of any excess real property (with some exceptions) the District's Board must appoint an advisory committee to advise the Board in developing policies and procedures regarding the use or disposition of excess property (**Ed. Code § 17388**).

Whenever a School District considers sale or long-term lease of a District-owned property for, its Board must follow the surplus property process established by the California legislature that is intended to ensure community input before final decisions are made. As part of that process the District creates a Real Property Advisory (7-11) Committee ("7-11 Committee") to provide the Board with disposition recommendations for the subject property.

### B. Committee Membership

As required by Education Code Section 17389, on April 10, 2019, the Board of Education of the Oakland Unified School District by **Resolution 1819-0189** authorized the formation of a (7-11) Advisory Committee to consider the best use of District sites which may be selected by the Board. The 7-11 Advisory Committee formed consisted of no fewer than seven (7), nor more than eleven (11) members, who were representative of each of the following:

- The ethnic, age group and socioeconomic composition of the District
- The business community, such as store owners, managers or supervisors
- Landowners or renters, with preference to be given to representatives neighborhood associations
- Teachers
- Administrators
- Parents/guardians of students
- Persons with expertise in environmental, legal, construction and/or land use planning, including, but not limited to, knowledge of the zoning and other land use restriction of the City of Oakland

In addition, OUSD Board Bylaw 9131 requires that all advisory committees convened by the OUSD Board of Education have representation from each board district area.

Pursuant to Education Code Sections 17387 – 17391, and on April 10, 2019, the following community members were asked by the Board to serve on the 7-11 Committee, and they agreed to serve. Each of the following individuals represents the below-noted required category of

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community membership:

1. **Clifford Hong:** District 5, school site administrator, landowner or renter, person of the ethnic, age group, and socioeconomic composition of the School District.
2. **Tiffany Rose Lacsado:** District 6, parent, expertise in workforce development, person of the ethnic, age group, and socioeconomic composition of the School District.
3. **Xochitl Leon:** District 7, parent, expertise in marketing strategy, person of the ethnic, age group, and socioeconomic composition of the School District.
4. **Veronica Martinez:** District 1, parent, representative of a neighborhood association, local landowner or renter; person of the ethnic, age group, and socioeconomic composition of the School District.
5. **Ay'Anna Moody:** District 7, landowner or renter, person of the ethnic, age group, and socioeconomic composition of the School District.
6. **Shaeonna Muhammad:** District 1, parent, person of the ethnic, age group, and socioeconomic composition of the School District.
7. **Brian Quevedo:** District 4, parent, expertise in legal and financial knowledge, person of the ethnic, age group, and socioeconomic composition of the School District.
8. **James Robins:** District 5, Expertise in land and resource use, business owner, parent
9. **Vilma Serrano:** District 2, teacher, person of the ethnic, age group, and socioeconomic composition of the School District.
10. **Noni Session:** District 3, Expertise in co-op and real estate development, person of the ethnic, age group, and socioeconomic composition of the School District.
11. **Eve Stewart\*:** District 2, expertise in affordable housing knowledge, landowner or renter; \*Eve Stewart was selected after the original nominee Eric Johnson resigned from the committee following the first meeting.

## C. Committee Leadership

At the first organizational 7-11 Committee meeting of August 6, 2019, member Veronica Martinez was elected as Chair, member Xochitl Leon was elected as Vice Chair. At the next committee meeting on August 22, 2019, member Shaeonna Muhammad was elected Secretary.

## III. Background to the Work of the Committee

### A. Oakland Unified School District Facilities Background

OUSD has a total of 108 facility sites. 76 of those sites have TK-12 and Alternative Ed programs (some of them are shared campuses). 32 of those sites have other uses such as charter schools, adult education programs, early childhood programs, administrative offices, warehouse spaces and vacant properties.

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## B. Property to be Reviewed by the 7-11 Committee

Five properties were selected by the Board (Resolution No. 1819-0247) after being identified as vacant, and deemed not essential or unfit for program delivery. The following sites were assessed (only unused of the property and not areas with active Pre-K-12 programs):

- 86 Echo Avenue (former Piedmont Child Development Center site)
- 58 61<sup>st</sup> Street (former Washington/Sankofa CDC site)
- 4551 Steele Street (former Tilden CDC site)
- 7980 Plymouth Street (former Webster CDC site)
- 2455 Church Street (former Edward Shands Adult Education Center site)

## IV. The Work of the Committee

The work of the Committee was supported as needed by OUSD staff from Facilities, Research, Assessment and Data, Enrollment, and Superintendent Offices; and consultants from K12 School Facilities, whose role was to support the committee in providing data and facilitation support.

### A. Schedule of Meetings

The meetings held by the committee were focused on gaining background information, contextual information and community input on the five properties being reviewed. Refer to Table A for a detailed list of the meeting topics, dates and locations.

**Table A. Schedule of Meetings**

Date	Overview	Location
Aug 8	Introductions and Purpose	KDOL Committee Room
Aug 22	Background & Property Review	KDOL Committee Room
Sept 5	Background & Adoption of Criteria for Property Review	KDOL Committee Room
Sept 19	Property Review - 2455 Church & Site Visit	Markham (7220 Krause Ave,)
Oct 3	Debrief of 2455 Church St Meeting & Adopt New Calendar	KDOL Committee Room
Oct 17	Property Review - Piedmont CDC & Site Visit	Piedmont Elementary
Oct 24	Property Review- Tilden CDC & Site Visit	Roses In Concrete School (Tilden Campus)

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<b>Nov 7</b>	Property Review- Webster CDC - Unofficial due to lack of quorum & Site Visit	East Oakland Pride Elementary
<b>Nov 14</b>	Property Review- Sankofa (Washington CDC) & Site Visit	Sankofa Elementary
<b>Nov 21</b>	Property Review- Webster CDC & Debrief of all CDC visits	East Oakland Pride Elementary
<b>Dec 12</b>	Finalize recommendations / Draft of Final Report	KDOL Committee Room

## **B. Community Input Meetings**

The Committee determined to gather input from local educators, community stakeholders and residents, arranged to conduct hearings in close proximity to each of the five sites under consideration. At the four CDC sites, hearings took place at immediately adjacent schools. All five hearings took place walking distance from its site. Onsite tours of each of the 5 vacant sites were arranged so that hearing participants could have the benefit of seeing the condition of each facility. In addition, video footage of each site was taken with the assistance of OUSD staff, and presented at the beginning of each hearing for those not able to attend the onsite tour prior to the start of each site hearing. This was done in the spirit of transparency, information sharing and to help facilitate local participation.

Outreach efforts for each hearing including conducting a mailing to residents and businesses in the quarter to half mile radius surrounding each site, emailing all OUSD educators and also staff employed at area schools, and emailing local stakeholders.

The mailings included flyers in English, Spanish, Chinese and Arabic. Flyers were posted at each site and also in areas in close proximity to the site, such as local businesses, libraries and social service organizations. Hearing flyers were also posted on the OUSD website.

Local stakeholder lists included educator and staff from area schools, area neighborhood associations, merchant associations, faith-based organizations and area non-profit organizations, particularly those non-profits with social service and educational missions. Committee members also took it upon themselves to extend outreach to their personal and professional networks, each having organic networks in their respective District. The local stakeholder list ranged in size, from 300-400.

OUSD Board of Education Directors were invited and attended the hearings in their Districts when possible. City of Oakland City Council members were all met with and consulted about each site, area stakeholders, and needs in the surrounding neighborhood. They also sent staff to attend hearings when possible.

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The Committee recognized the challenges of attending an in-person after-work-hours meetings, so also made available an email address: [711committee@ousd.org](mailto:711committee@ousd.org), and a phone number: (510) 879-8200, where input could be submitted. Public comment for all site closed on November 21st, 2019 to coincide with the Committee's need to review all collected input and begin debriefing on all sites and move toward making a decision to surplus or not surplus each site.

## V. Recommendations

### A. Criteria for Identifying Surplus Property

At the August 22, 2019 7-11 Committee meeting, the committee identified a list of criteria to be used as considerations for identifying if each of the five properties are surplus or not (See Table B below). Information sheets about each of the five properties were created by staff and the consultants to answer the guiding questions in each criteria area. The Information sheets can be found in the appendix.

In addition, on November 22, 2019, the 7-11 Committee has identified three overarching principles as a result of participating in community engagement for the 5 vacant properties being reviewed. 1) Do not leave any property vacant, 2) Keep the properties in public hands and 3) Where a joint lease is possible, prioritize that over surplus for a long-term lease.

**Table B. Criteria for identifying surplus property**

<b>Criteria as Adopted on August 22, 2019</b>	
<b>Enrollment Potential</b>	Is the property needed for projected enrollment?
<b>Vacant</b>	Is the property currently vacant? How long has it been vacant?
<b>Building/Site Conditions &amp; Financial Outlook</b>	What are the building and site conditions? What is the estimated cost to repair? What is the estimated value of the property? What is the value for future income stream?
<b>Location</b>	Is the location of the facility optimal for a school site or other educational use? Opportunity zones potential funding considerations
<b>Suitability for District Programs</b>	Is this site suitable for k-12 programs or other district programs (e.g. Early Childhood, Adult Ed, Charters, Administration Buildings)?
<b>Community Input</b>	What is the community input on this property? What is the input from specific stakeholders (e.g., teachers, families, adjacent neighbors, surrounding areas stakeholders)?



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<b>Other Considerations</b>	Consider other qualitative or quantitative aspects (e.g., historical value, equity impact) to inform final recommendations
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## B. Recommendations Surplus and for Re-use of the Properties

The 7-11 Committee is tasked to recommend whether each property being considered is surplus and no longer needed for educational purposes by the district and to provide a priority list of potential uses based on input from community hearings.

**Table C. 7-11 Committee Recommendations for Surplus and a Priority List of Future Uses**

<b>Site</b>	<b>Priority List of Recommended Use</b>	<b>Recommend Surplus (yes)</b>	<b>Recommend Not Surplus (no)</b>	<b>Abstain</b>
<b>2455 Church Street</b> (former Edward Shands Adult Education Center site)	Multi-Use Facility for Low income housing and workforce development			
<b>86 Echo Avenue</b> (former Piedmont Child Development Center site)	Public library, Community purpose space, Tuition-based preschool, park			
<b>4551 Steele Street</b> (former Tilden CDC site)	Community park for children, Low-income housing			
<b>980 Plymouth Street</b> (former Webster CDC site)	Infant and toddler programming that feeds into the Arroyo Viejo CDC and East Oakland PRIDE Elementary Schools			
<b>58 61<sup>st</sup> Street</b> (former Washington/Sankofa CDC site)	Use for educational purposes	<b>0</b>	<b>6</b>	<b>1</b>

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## C. Recommendations of the Process for Future 7-11 Committees

### NEED INFO FROM COMMITTEE MEMBERS FOR THIS SECTION

#### VI. Appendices

- A. Legal Basis Documents
  - i. Education Code 17387-17391
  - ii. Board Policy 7350
  - iii. Brown Act Basics
  - iv. OUSD Board Resolution re Committee Formation
  - v. OUSD Board Resolution re Committee Charge
- B. Facilities Information Sheets
  - Narratives on the background of each property
- C. OUSD Programs Information
  - i.. Adult Education
  - ii. Child Development
- D. District-wide Facilities Maps
- E. Community Input Documents
- F. Letters from Community Members
- G. Minutes of the Meetings

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## **VI. Appendices**

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- A. Legal Basis Documents**  
**Education Code 17387-17391**



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**EDUCATION CODE - EDC**

**TITLE 1 GENERAL EDUCATION CODE PROVISIONS [1. - 32500]** ( Title 1 enacted by Stats. 1976, Ch. 1010. )

**DIVISION 1 GENERAL EDUCATION CODE PROVISIONS [1. - 32500]** ( Division 1 enacted by Stats. 1976, Ch. 1010. )

**PART 10.5. SCHOOL FACILITIES [17210 - 17653]** ( Part 10.5 repealed (by Sec. 4) and added by Stats. 1996, Ch. 277, Sec. 3. )

**CHAPTER 4. Property: Sale, Lease, Exchange [17385 - 17561]** ( Chapter 4 added by Stats. 1996, Ch. 277, Sec. 3. )

**ARTICLE 1.5. Advisory Committees [17387 - 17391]** ( Article 1.5 added by Stats. 1996, Ch. 277, Sec. 3. )

**17387.** It is the intent of the Legislature that leases entered into pursuant to this chapter provide for community involvement by attendance area at the district level. This community involvement should facilitate making the best possible judgments about the use of excess school facilities in each individual situation.

It is the intent of the Legislature to have the community involved before decisions are made about school closure or the use of surplus space, thus avoiding community conflict and assuring building use that is compatible with the community's needs and desires.

*(Added by Stats. 1996, Ch. 277, Sec. 3. Effective January 1, 1997. Operative January 1, 1998.)*

**17388.** The governing board of any school district may, and the governing board of each school district, prior to the sale, lease, or rental of any excess real property, except rentals not exceeding 30 days, shall, appoint a district advisory committee to advise the governing board in the development of districtwide policies and procedures governing the use or disposition of school buildings or space in school buildings which is not needed for school purposes.

*(Added by Stats. 1996, Ch. 277, Sec. 3. Effective January 1, 1997. Operative January 1, 1998.)*

**17389.** A school district advisory committee appointed pursuant to Section 17388 shall consist of not less than seven nor more than 11 members, and shall be representative of each of the following:

- (a) The ethnic, age group, and socioeconomic composition of the district.
- (b) The business community, such as store owners, managers, or supervisors.
- (c) Landowners or renters, with preference to be given to representatives of neighborhood associations.
- (d) Teachers.
- (e) Administrators.
- (f) Parents of students.
- (g) Persons with expertise in environmental impact, legal contracts, building codes, and land use planning, including, but not limited to, knowledge of the zoning and other land use restrictions of the cities or cities and counties in which surplus space and real property is located.

*(Added by Stats. 1996, Ch. 277, Sec. 3. Effective January 1, 1997. Operative January 1, 1998.)*

**17390.** The school district advisory committee shall do all of the following:

- (a) Review the projected school enrollment and other data as provided by the district to determine the amount of surplus space and real property.

- (b) Establish a priority list of use of surplus space and real property that will be acceptable to the community.
- (c) Cause to have circulated throughout the attendance area a priority list of surplus space and real property and provide for hearings of community input to the committee on acceptable uses of space and real property, including the sale or lease of surplus real property for child care development purposes pursuant to Section 17458.
- (d) Make a final determination of limits of tolerance of use of space and real property.
- (e) Forward to the district governing board a report recommending uses of surplus space and real property.

*(Added by Stats. 1996, Ch. 277, Sec. 3. Effective January 1, 1997. Operative January 1, 1998.)*

**17391.** Notwithstanding Section 17388, the governing board of a school district may elect not to appoint a school district advisory committee pursuant to Section 17388 in either of the following circumstances:

- (a) A lease or rental of excess real property to a private educational institution for the purpose of offering summer school in a facility of the school district.
- (b) The sale, lease, or rental of excess real property to be used for teacher or school district employee housing.

*(Amended by Stats. 2017, Ch. 717, Sec. 1. (AB 1157) Effective January 1, 2018.)*

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- A. Legal Basis Documents
  - li. Board Policy 7350

# OAKLAND UNIFIED SCHOOL DISTRICT

## Board Policy

BP 7350

## Facilities

### Physical Assets Management

#### I. Guiding Principle

The physical assets of the Oakland Unified School District shall be managed and maintained as a system to provide safe, secure, healthy, and technologically ready learning environments for students in Oakland's publicly funded schools in alignment with the District's Strategic Plan. To support the District's educational and operational functions, the District shall also use its properties to realize unrestricted revenue to support programs and services for District students.

#### II. Students for Whom the Oakland Unified School District Is Responsible

In the context of this Asset Management Policy, the Oakland Unified School District is responsible for:

1. Students enrolled in schools operated by the District, including students with special needs.
2. Students enrolled in charter schools authorized by the District.
3. Students enrolled in charter schools authorized by the County or the State.

#### III. Optimizing Use of District Properties

##### *A. Issues Identified For Further Assessment and Study*

1. Portables. The District has many portables being used as classrooms that are 30 years or older. A comprehensive plan is needed to determine if the older portables need to be removed and replaced.
2. Underutilized Facilities. The District currently has underutilized facilities. These underutilized spaces are distributed across the City. Improving facility utilization will enable the District to focus more resources on students and teachers, and less on administration, and generate unrestricted revenues that can be used to support school operations.
3. Classroom Loading. In order to develop a clear understanding of facility use, no later than December 11, 2013, the Superintendent is directed to generate a classroom loading model to define a recommended number of students per classroom for various OUSD

school programs.

### ***B. Priority Order for Use of Properties***

1. Provide technologically advanced learning and recreation space for general education and special education students and families enrolled in schools operated by the District.
2. Provide for temporary relocation of schools for major construction and modernization projects.
3. As acknowledged by Proposition 39 (2000), provide learning and recreation space for students enrolled in charter schools operating in the District, including the consideration of leases terms for charter schools that align with the term of charters and, at equitable rates, for those charters providing high quality options for Oakland children.
4. Provide quality operations and administration facilities to enable high performance by District staff.
5. To the extent that the District has excess capacity, the District shall make this space available at fair market value or otherwise reasonably negotiated rates in order to generate unrestricted general fund revenues to support programs and services for District programs, and cash reserves for long-term maintenance, equipment and capital facilities needs.

### ***C. Considerations for Use of Properties***

1. The District shall pursue long-term leases over sale of property unless otherwise directed after consultation with the Board of Education.
2. Specific to students with special needs, the District shall manage its properties in a manner that creates maximum opportunity to serve these students in Oakland schools, and in schools in relative proximity to students' homes.
3. Facility uses should consider the creation and maintenance of technology infrastructure.
4. Any entity entering into a lease agreement with the District shall demonstrate its commitment to helping the District achieve the goals of the District's Strategic Plan.
5. Agreements with outside entities, including charter schools and community-based organizations, shall include provisions to sustainably maintain facilities to accommodate the increased hours of use and numbers of users.
6. Agreements should include the daily and long-term maintenance of District properties by District Custodial Services employees, and additionally, agreements shall acknowledge that except where other arrangements are made and approved in advance by the District that are consistent with the law, and the District's Health and Wellness Policy, the District's Nutrition Services department is the food provider in facilities owned by the District.

## **IV. Best Use of Properties to House Core Administrative Services**

1. There is significant value in housing core administrative functions in central locations. The District shall determine how it can best provide core administrative services from centrally accessible locations. The District shall determine whether it can enter into a



joint use agreement, joint powers authority, or other partnership agreement such as a public-private partnership to develop joint administrative functions. Such an arrangement may also include use of property for other purposes, including housing for District employees.

2. The District's warehousing and facility operations infrastructure should be upgraded. The District shall determine how it can upgrade the facilities that house these functions in a manner that is cost-neutral or revenue generating, if possible. This upgrade may include entering in a joint use agreement or other partnership agreement with other entities.

## **V. Using District Properties to Generate Unrestricted Revenues to Support Services and Programs for Students**

1. Properties that are not being used to educate students, provide core administrative services, or leased by community-based partner organizations, shall be leased to other entities unless the Board of Education declares the property surplus and approves the sale of any such property.
2. Except as provided by law or in this policy, rental rates for non-OUSD facility users shall be based on the type of use and set at a rate that supports the generation of unrestricted general fund revenues to support programs and services for students and generate cash reserves for long-term maintenance, equipment, and capital facilities needs. No later than December 11, 2013, the Superintendent shall develop administrative guidelines establishing rates for non-OUSD facility users.

## **VI. Creation of Real Estate Manager Position**

Creation of a Real Estate Manager position that will be responsible for strategic management and optimization of the District's real estate assets, property management, and information related to easements, assessments, encroachment, permits, leases, licenses, and developer fees. The Real Estate Manager should be the point of contact regarding the use of district facilities, including Proposition 39 facility use.

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- A. Legal Basis Documents
  - iii. Brown Act Basics

# Brown Act Basics for 7-11 Committees

By Harold M. Freiman

**May 2019**

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# Brown Act Overview

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- The Brown Act is California's open meeting law (Gov. Code, § 54950 et seq.)
- Types of meetings subject to the Brown Act:
  - Any congregation of a majority of the members of a legislative body to hear, discuss, or deliberate upon any item within its jurisdiction (Gov. Code, § 54952.2(a))

# What is a “Legislative Body”?

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- All subcommittees and commissions created by formal actions of the board are subject to the Brown Act (Gov. Code, § 54952(b))

# Legislative Bodies

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- Include:
  - “Appointed bodies – whether permanent or temporary, decision-making or advisory – such as planning commissions, civil service commissions and other subsidizing committees, boards, and bodies.”

League of Cities, Open & Public IV,  
A Guide to the Ralph M. Brown Act

# Legislative Bodies

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- Include:
  - “Volunteer groups, executive search committees, task forces, and ‘blue ribbon committees’ created by formal action of the governing body are legislative bodies.”

League of Cities, Open & Public IV,  
A Guide to the Ralph M. Brown Act

# Legislative Bodies

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- “7-11 Committees,” appointed by a governing school board pursuant to Education Code section 17388, are included as Brown Act bodies



# Brown Act Overview

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- What does the Brown Act require?
  - That actions and deliberations be taken openly and in public (Gov. Code, § 54950)
  - Meeting must be in public unless otherwise specifically permitted by law
  - Meeting agendas must be posted prior to meetings (Gov. Code, § 54954.2)

# Brown Act Overview

- What is a meeting?
  - Any congregation of a majority of the members in which they hear, discuss, or deliberate on any item within the body's jurisdiction
  - It can be a meeting even if no action is taken and no concurrence is reached

(Gov. Code, § 54952.2)



# Brown Act Overview

- What is a meeting?
  - Serial phone calls or conversations
  - Electronic communications among a quorum (emails, social media, etc.)
  - Use of intermediaries to develop “collective concurrence”
  - Committee “polling”



# Brown Act Overview

- These are not “meetings” under the Brown Act:
    - Individual contacts between a committee member and others
    - Community meetings
    - Social gatherings
- (Gov. Code, § 54952.2(c))



# Brown Act Overview

- Notice and agenda requirements:
  - Post an agenda at least 72 hours before a regular meeting, or 24 hours before a special meeting  
(Gov. Code, §§ 54954.2(a) & 54956(a))



# Brown Act Overview

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- The agenda should:
  - Contain brief and general descriptions of each business item to be discussed or transacted at the meeting
  - Specify the time and location of the meeting
  - Be posted in a location freely accessible to the public
  - Upon request, be made available in appropriate alternative formats to a person with a disability

(Gov. Code, § 54952.2(a))

# Brown Act Overview

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- Generally, the committee may not discuss or take action on any item that is not in the posted agenda, subject to narrow exceptions.
- One exception is that committee members may respond briefly to public comments (Gov. Code, § 54954.2(a)(3))

# Serial Meetings

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- A meeting can occur through intermediaries (See Gov. Code, § 54952.2(b))
- The key: avoid a quorum whether at one time or in a series of communications



# Brown Act

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- Serial Communications
  - “chain links”
  - “hub and spokes”

# Serial Meetings

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- “[A] serial meeting is a series of communications, each of which involves less than a quorum of the legislative body, but which taken as a whole involves a majority of the body’s members.”

(Attorney General’s Brown Act Handbook)

# Meetings Can Occur Through the Use of Intermediaries

- The “Chain” of Communications
  - “For example, a chain of communications involving contact from member A to member B who then communicates with member C would constitute a serial meeting of a five-person body.”  
(Attorney General’s Brown Act Handbook)
- The “Hub” and “Spokes”
  - “Similarly, when a person acts as the hub of a wheel (member A) and communicates individually with the various spokes (members B and C), a serial meeting has occurred.”  
(Attorney General’s Brown Act Handbook)

# Serial Meetings and Technology

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- The Brown Act prohibits the use of technology by a quorum of the committee to discuss their business
- Examples:
  - A quorum of the committee should not e-mail each other regarding a topic within the committee's jurisdiction
    - According to the Attorney General, e-mail discussions by a legislative body cannot be made Brown Act compliant by thereafter disclosing or posting the e-mails

# Serial Meetings and Technology

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- Examples:
  - An internet “chat room” has the potential of violating the Brown Act if a quorum of the committee participates in the chat and discusses matters within the committee’s purview

# Serial Meetings and Technology

- Examples:
  - Beware “Reply All” email communications
  - Email: majority of members may not email each other to discuss committee matters beyond scheduling or other non-substantive issues



# Public Participation

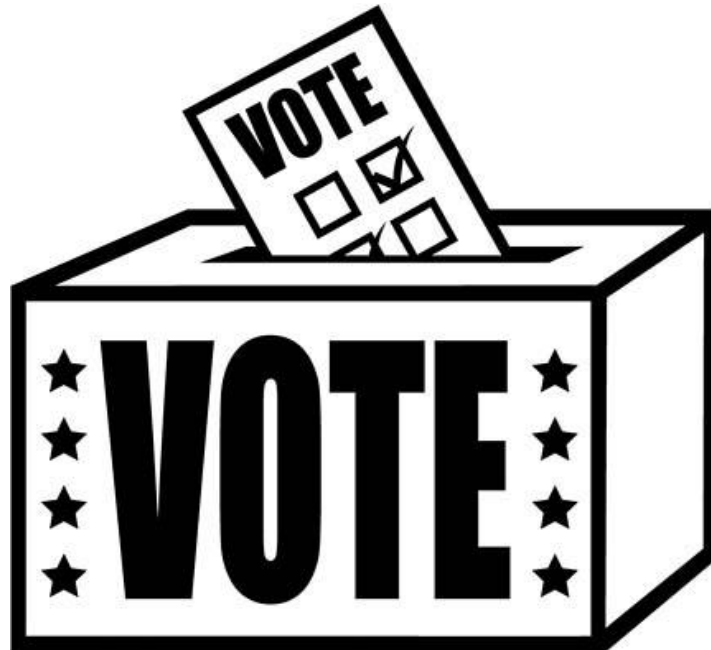
- The public is allowed to make comments at committee meetings
- Public comment may be taken at a set part of the meeting (e.g., at the beginning or closing) or before discussion of particular items
- Public comment must be allowed before an action is taken

(Gov. Code, § 54954.3)



# Voting

- No secret ballots:
  - Committee should publicly report any action taken in open session and each member's vote or abstention on that action (Gov. Code, § 54953(c)(2))





# Materials Distributed to the Committee at Meetings

- If distributed less than 72 hours prior to a regular meeting, the writing must be made available for public inspection at a designated location (Gov. Code, § 54957.5(b))
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# Questions





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# Lozano Smith

ATTORNEYS AT LAW

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# DRAFT

- A. Legal Basis Documents
  - iv. OUSD Board Resolution re Committee Formation

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**OAKLAND UNIFIED  
SCHOOL DISTRICT**

Community Schools, Thriving Students

**BOARD OF EDUCATION 2019**

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April 10, 2019

File ID Number: 19-0488  
Introduction Date: 4/10/2019  
Enactment Number: 19-0543  
Enactment Date: 4/10/2019 If

To: Board of Education

From: Aimee Eng

Sub: Appointment – 7-11 Committee Members

**ACTION REQUESTED**

Adoption by the Board of Education of Resolution No. 1819-0189 - Ratification of the Appointment of Members of the 7-11 Committee, Nominated By the President of the Board, Upon Recommendation of the Facilities Committee, as stated herein.

**BACKGROUND/DISCUSSION**

The Board of Education on February 13, 2019, by Resolution No. 1819-0014, amended Board Bylaw 9131- Advisory and Oversight Committees, Commissions, creating a district advisory committee, known as the 7-11 Committee, to advise the Board on the reuse, repurposing and disposition of school buildings and vacant sites not needed for school purposes.

Duties prescribed for the Committee, includes: (a) Reviewing the projected school enrollment and other data provided by the District to determine the amount of surplus space and real property; (b) Establishing a priority list of use of surplus space and real property that will be acceptable to the community; (c) Causing to have circulated throughout the attendance area the priority list and provide for hearings of community input on acceptable uses, including sale or lease for child care development purposes pursuant to Education Code Section 17458); (d) Making a final determination of limits of tolerance of use of space and real property; and (e) Providing a report to the Board recommending a determination of whether real property is surplus space and, if so, uses of said real property (Education Code § 17390).

Adopted Resolution 1819-0014 also provided that all other provisions of Board Bylaw 9131, including, but not limited to, Policy, Conflict of Interest, Outside Employment, Commitment To Uphold Law, Commitment To Improve the District, not inconsistent with Education Code Section 17389, be applicable to the 7-11 Committee.

Applications, from the public, for membership on the 7-11 Committee, opened on the Board of Education’s Boards and Commissions web site at 8 a.m., Saturday, February 16, 2019 and closed at 4:30 p.m., Friday, March 8, 2019. Seventy-three (73) completed applications were received by the deadline. Several applicants meet more than one required 7-11 Committee membership categories of Education Code Section 17389. The applicant pool is also representative of the size and composition requirements of Board Bylaw 9131.

To: Board of Education  
From: Aimee Eng  
Re: Appointment - 7-11 Committee Members  
April 10, 2019  
Page 2 of 2

Applications were preliminarily screened for requirements and recommendation by District staff including but not limited to Tim White, Deputy Chief, Facilities Planning and Management. Mr. White, and his team, presented information on all applicants and recommendation appointment of 11 candidates for consideration by the Facilities Committee of the Board at a Special Meeting of said Committee, on Friday, March 22, 2019. The Facilities Committee, following presentation, discussion, voted 3-0 favorably to recommend ten candidates recommended by staff and one selected by the committee, the latter in its judgment, with more property experience, expertise, to the President of the Board, as her nominees to Board for 7-11 Committee membership.

I, have reviewed and accepted the recommended nominees for 7-11 Committee Membership, without modification, from the Facilities Committee. Accordingly, pursuant to Board Bylaw 9131, I, hereby nominate the following persons for 7-11 Committee Membership, whose application and resume, if any, is attached:

<b>NOMINEE</b>	<b>7-11 CATEGORY (Principal)</b>	<b>TERM (Initial)</b>
Vilma Serrano	Teacher	2 Year
Clifford Hong	Administrator (Principal)	1 Year
Xochitl Leon	Parent	2 Year
James Robins	Parent	1 Year
Veronica Martinez	Landowner	2 Year
Noni Session	Business Owner	1 Year
Eric Johnson	Expertise	2 Year
Tiffany Rose Lacsado	Business Owner	1 Year
Bryan Quevedo	Expertise	2 Year
Ay' Anna Moody	Expertise	1 Year
Shaeonna Muhammad	Parent	2 Year

The 7-11 Committee is expected to meet five or more time between now and June 2019. Thereafter, the period the District may need the 7-11 Committee is unknown. Accordingly, I have given each appointee, effective April 15, 2019, an initial term consistent with the establishment of a new advisory committee.

## **RECOMMENDATION**

Adoption by the Board of Education of Resolution No. 1819-0189 - Ratification of the Appointment of Members of the 7-11 Committee, Nominated By the President of the Board, Upon Recommendation of the Facilities Committee, as stated herein.

AE:ER:lf

Attachments: Resolution No. 1819-0189  
w/Attachments 1 Thru 4

RESOLUTION  
OF THE  
BOARD OF EDUCATION  
OF THE  
OAKLAND UNIFIED SCHOOL DISTRICT  
No. 1819-0189

**Ratification of the Appointment of Members of the 7-11 Committee, Nominated By the President of the Board, Upon Recommendation of the Facilities Committee**

**WHEREAS**, the Board of Education on February 13, 2019, by Resolution No. 1819-0014, amended Board Bylaw 9131 – Advisory and Oversight Committees, Commissions, creating a district advisory committee, known as the 7-11 Committee, to advise the Board on the reuse, repurposing and disposition of school buildings and vacant sites not needed for school purposes; and,

**WHEREAS**, duties prescribed for the 7-11 Committee, as defined by Education Code Section 17390, includes: (a) Reviewing the projected school enrollment and other data provided by the District to determine the amount of surplus space and real property; (b) Establishing a priority list of use of surplus space and real property that will be acceptable to the community; (c) Causing to have circulated throughout the attendance area the priority list and provide for hearings of community input on acceptable uses, including sale or lease for child care development purposes pursuant to Education Code Section 17458); (d) Making a final determination of limits of tolerance of use of space and real property; and (e) Providing a report to the Board recommending a determination of whether real property is surplus space and, if so, uses of said real property; and

**WHEREAS**, adopted Resolution 1819-0014 also provides that all other provisions of Board Bylaw 9131, including, but not limited to, Policy, Conflict of Interest, Outside Employment, Commitment To Uphold Law, Commitment To Improve the District, not inconsistent with Education Code Section 17389, is applicable to the 7-11 Committee; and

**WHEREAS**, applications, from the public, for membership on the 7-11 Committee, opened on the Board of Education’s Boards and Commissions web site at 8 a.m., Saturday, February 16, 2019 and closed at 4:30 p.m., Friday, March 8, 2019; seventy-three (73) completed applications were received by the deadline; several applicants meet more than one required 7-11 Committee membership categories; the applicant pool is also representative of the advisory committee size and composition requirements of Board Bylaw 9131; and

**WHEREAS**, applications were preliminarily screened for requirements and recommendation by District staff including but not limited to the Tim White, Deputy Chief, Facilities Planning and Management; Mr. White, and his team, presented information on all applicants and recommended appointment of 11 candidates for consideration by the Facilities Committee of the Board at a Special Meeting of said Committee, on Friday, March 22, 2019; the Facilities Committee, following presentation, discussion, voted 3-0 favorably to recommend ten



candidates recommended by staff and one candidate selected by the Committee, in its judgment, with more property experience, expertise, to the President of the Board, as her nominees to Board for 7-11 Committee membership; and,

**WHEREAS**, the President of the Board has reviewed and accepted the recommended nominees for appointment to the 7-11 Committee from the Facilities Committee; hereby nominates the following persons for 7-11 Committee Membership, whose application and resume, if any, is attached:

<b>NOMINEE</b>	<b>7-11 CATEGORY (Principal)</b>	<b>TERM (Initial)</b>
Vilma Serrano	Teacher	2 Year
Clifford Hong	Principal (Administrator)	1 Year
Xochitl Leon	Parent	2 Year
James Robins	Parent	1 Year
Veronica Martinez	Landowner	2 Year
Noni Session	Business Owner	1 Year
Eric Johnson	Expertise	2 Year
Tiffany Rose Lacsado	Business Owner	1 Year
Bryan Quevedo	Expertise	2 Year
Ay'Anna Moody	Expertise	1 Year
Shaeonna Muhammad	Parent	2 Year

**NOW, THEREFORE, BE IT RESOLVED**, the Board hereby ratifies the President's appointment of the fore-stated persons to membership on the 7-11 Committee for the category and term stated, effective April 15, 2019.

**PASSED AND ADOPTED** by the Board of Education the Oakland Unified School District at a Regular Meeting, this 10th day of April, 2019, by the following vote:

**PREFERENTIAL AYE:** None

**PREFERENTIAL NOE:** None

**PREFERENTIAL ABSTENTION:** None

**PREFERENTIAL RECUSE:** None

**AYES:** Jumoke Hinton Hodge, Gary Yee, Vice President Jody London and President Aimee Eng

**NOES:** James Harris

**RECUSE:** None

**ABSENT:** Roseann Torres and Shanthi Gonzales, Student Directors Yota Omosowho and Josue Chavez

**CERTIFICATION**

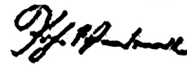
We hereby certify that the foregoing is a full, true and correct copy of a Resolution passed at a Regular Meeting of the Board of Education of the Oakland Unified School District, held on April 10, 2019.

<b>Legislative File Info.</b>	
File ID Number:	19-0488
Introduction Date:	3/15/19
Enactment Number:	19-0543
Enactment Date:	4/10/19

**OAKLAND UNIFIED SCHOOL DISTRICT**



\_\_\_\_\_  
Aimee Eng  
President, Board of Education



\_\_\_\_\_  
Kyla Johnson-Trammell  
Superintendent and Secretary, Board of Education

Attachments: Legislative File No. 19-0159 (Enactment No. 19-0252 – February 13, 2019)  
7-11 Committee - Summary of All Applicants Profile  
(As of March 8, 2019)  
President’s Nominees – 7-11 Committee - Summary Profile  
President’s Nominees – 7-11 Committee - Application and Resume (If Any)



Attachment 1 - Legislative File No. 19-0159 (Enactment No. 19-0252 - February 13, 2019)

Board Office Use: <b>Legislative File Info.</b>	
File ID Number	19-0159
Introduction Date	2/13/2019
Enactment Number	19-0252
Enactment Date	2/13/2019 If

## Memo

**To** Board of Education

**From** Dr. Kyla Trammell – Superintendent  
Tim White, Deputy Chief Facilities  
Marion McWilliams, General Counsel

**Board Meeting Date** February 13, 2019

**Subject** **Amendment of Board Bylaw 9131 - Advisory and Oversight Committees, Commissions  
Establishment of a 7-11 Committee**

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**Action Requested  
and  
Recommendation** Approval by the Board of Education of Resolution No. 1819-0014 –  
Amendment of Board Bylaw 9131 - Advisory and Oversight Committees,  
Commissions - Establishment of a 7-11 Committee

**Background and  
Discussion** California Education Code Section 17389, requires that the Board of  
Education establish an advisory committee commonly referred to as a “7-  
11 Committee” to advise the Board on the reuse, repurposing and  
disposition of school buildings and vacant sites not needed for school  
purposes. By Resolution No. 1819-0014, the Board will establish the 7-11  
Committee and amend Board Bylaw 9131 to provide for the selection,  
membership, terms, and duties of the committee which includes: (a)  
Reviewing the projected school enrollment and other data provided by the  
District to determine the amount of surplus space and real property; (b)  
Establishing a priority list of use of surplus space and real property that will  
be acceptable to the community; (c) Causing to have circulated throughout



the attendance area the priority list and provide for hearings of community input on acceptable uses, including sale or lease for child care development purposes per Education Code section 17458); (d) Making a final determination of limits of tolerance of use; and (e) Providing a report to the Board recommending a determination of whether real property is surplus space and real property (Ed. Code § 17390).

**Fiscal Impact**

No direct fiscal impact from establishing the 7-11 committee. Professional services contracts for personnel supporting the committee's charge will be separately brought before the Board with fiscal impacts noted.

**Attachments**

Resolution 1819-0014  
Board Bylaw 9131

RESOLUTION  
OF THE  
BOARD OF EDUCATION  
OF THE  
OAKLAND UNIFIED SCHOOL DISTRICT  
NO. 1819-0014

**Amendment of Board Bylaw 9131 - Advisory and Oversight Committees, Commissions  
Establishment of a 7-11 Committee**

**WHEREAS**, California Education Code Section 17389, requires that the Board of Education establish an advisory committee, commonly referred to as a “7-11 Committee,” to advise the Board on the reuse, repurposing and disposition of school buildings and vacant sites not needed for school purposes;

**WHEREAS**, California Education Code Section 17389 further provides that 7-11 Committee must be comprised of at least seven members who represent each of the following:

- The ethnic, age group and socioeconomic composition of the District
- The business community, such as store owners, managers or supervisors
- Landowners or renters, with preference to be given to representatives of neighborhood associations
- Teachers
- Administrators
- Parents of students
- Persons with expertise in environmental impact, legal contracts, building codes and land use planning, including, but not limited to, knowledge of the zoning and other land use restrictions of the cities or cities and counties in which surplus space and real property is located.

**WHEREAS**, the duties of the 7-11 Committee include: (a) Review the projected school enrollment and other data provided by the District to determine the amount of surplus space and real property; (b) Establish a priority list of use of surplus space and real property that will be acceptable to the community; (c) Cause to have circulated throughout the attendance area the priority list and provide for hearings of community input on acceptable uses, including sale or lease for child care development purposes per Education Code section 17458); (d) Make a final determination of limits of tolerance of use; and (e) Provide a report to the Board recommending a determination of whether real property is surplus space and real property (Education Code § 17390).

**WHEREAS**, the District has real property that is vacant or underutilized and not used for school purposes;

**WHEREAS**, Board Bylaw 9131 governs the selection, appointment, terms and membership components of advisory committees;

**NOW, THEREFORE, BE IT RESOLVED**, the Board hereby amends Board Bylaw 9131 – Advisory and Oversight Committees, Commission, establishing a 7-11 Committee and the application for, selection, appointment, terms and membership thereof, not otherwise defined by Education Code Section 17389, shall be in accordance with the provisions of Board Bylaw 9131.

**PASSED AND ADOPTED** by the Board of Education the Oakland Unified School District, this 13th day of February 2019, by the following vote:

PREFERENTIAL AYE: None

PREFERENTIAL NOE: None

PREFERENTIAL ABSTENTION: None

PREFERENTIAL RECUSE: None

AYES: Jumoke Hinton Hodge, Gary Yee, Roseann Torres, Shanthi Gonzales, James Harris, Vice President Jody London and President Aimee Eng

NOES: None

ABSTAINED: None

RECUSE: None

ABSENT: Student Directors Yota Omosowho and Josue Chavez

**CERTIFICATION**

We hereby certify that the foregoing is a full, true and correct copy of a Resolution passed at a Regular Meeting of the Board of Education of the Oakland Unified School District, held on February 13, 2019.

Legislative File Info.	
File ID Number:	19-0075
Introduction Date:	1/23/19
Enactment Number:	19-0252
Enactment Date:	2/13/2019

**OAKLAND UNIFIED SCHOOL DISTRICT**



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Aimee Eng  
President, Board of Education



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Kyla Johnson-Trammell  
Superintendent and Secretary, Board of Education

Attachment: Amendment, Board Bylaw 9131 - Advisory and Oversight Committees, Commissions – Establishing 7-11 Committee

# OAKLAND UNIFIED SCHOOL DISTRICT

## Board Bylaw

### BB 9131

#### Advisory and Oversight Committees, Commission

##### Section 1 General Guidelines

###### Purposes

1.4.1 The Board shall establish advisory or oversight committees or commissions for the purpose of meeting legal requirements and to provide advice and involvement concerning matters of interest and welfare to the Board of Education. Advisory Committees shall focus their work on the goals and objectives of the District. Oversight committees or commissions have specific mandates outlined in authorizing legislation or voter-approved bonds and parcel taxes. These committees or commissions are advisory to the Board of Education; the Board of Education retains final authority.

1.4.2 All meetings of Advisory and Oversight Committees or Commissions are open to the public and shall have designated times for public comment.

###### Appointment, Term of Membership, and Attendance

1.2.1 Persons interested in serving on advisory committees, oversight committee or commission shall submit an application and any documents that outline their qualifications for and commitment to serve on the body, such as a resume.

1.2.2 Information regarding openings for each advisory committee, oversight committee or commission, the mission, and anticipated number of meetings for each body and applications for each body shall be available from the Office of the Board of Education and the OUSD website.

1.2.3 Information regarding the mandate, membership, and meeting schedule for each body shall be available from the Office of the Board of Education and the OUSD website.

1.2.4 Unless otherwise specified, the attendance requirement for each body shall provide that if a member misses two consecutive meetings without a valid excuse, as determined by the body, the member shall be considered to have resigned.

1.2.5 Unless otherwise specified, the term of a member, shall be for a two-year period. Fifty percent of the members are to be appointed each year. In instances where all committee members are appointed simultaneously, the minority of members shall be appointed to one-year terms, and the majority of members shall be appointed to two-year terms.

1.2.6 Terms of members shall be limited to a total of six years or three full terms. Members are eligible for re-appointment after one year off the committee, commission.

1.2.7 Committees, Commissions unless otherwise specified, shall expire on June 30<sup>th</sup> of the academic year in which formed unless extended by the Board. Committees, Commissions shall be in recess during the month of July.

1.2.8 A decision regarding any replacement to fill vacancies shall be made by the Board, according to the application process outlined above, unless otherwise specified.

#### Size and Composition

1.3.1 Committees, Commissions unless otherwise specified, shall be limited to seven members. Individuals interested in serving on an advisory committee, commission shall submit an application and any supporting documents such as a resume. All applications shall be reviewed by the Board President or the Board President's designee. The Board President's recommendations for the appointment of members to each committee shall be forwarded to the Board of Education for ratification.

1.3.2 The composition of committees, commissions shall be representative of the following, unless otherwise specified in the creation resolution:

- ♣ the ethnic, age group, and socio-economic composition of the District;
- ♣ the City's seven electoral districts;
- ♣ the business community;
- ♣ community organizations;
- ♣ teachers, administrators, and other school employees;
- ♣ parents;
- ♣ students; and
- ♣ labor organizations.

#### Operating Procedures

1.4.3 The specific function of the committee, commission shall be determined by the Board resolution establishing the committee.

1.4.4 Each committee, commission shall elect a chairperson, vice-chairperson, and secretary.

1.4.5 Written minutes shall be kept of all meetings held and shall record attendance and recommendations made. Copies of un-adopted minutes shall be forwarded to the Board and to the Superintendent within ten days after each meeting. Adopted minutes shall be made available to the public by posting on the OUSD website.



1.4.6 Copies of all recommendations shall be forwarded by separate letter to the Board and to the Superintendent within ten days after the meeting at which the recommendations were adopted by the committee.

1.4.7 The quorum for each meeting shall be fifty percent + one of the membership.

1.4.8 There shall be no proxy votes.

1.4.9 All committees, commissions shall comply with the provisions of the Brown Act (Government Code 54950-54961).

1.4.10 Committee, commission members shall not be compensated for their services.

#### Board Liaisons

The Board President shall appoint a Board Director (each year at the Board's Annual Organization Meeting) to serve as a Board Liaison to each Advisory and Oversight committee, commission. The Board Liaison shall attend and observe all committee, commission meetings, and provide consultative support to the committee, commission chairperson.

#### Support Services

The Superintendent shall designate a Chief (senior management) to serve as the coordinator to each committee, commission and said liaison shall be responsible for providing support services as needed. A staff person designated by the Superintendent shall support all committees, commissions on behalf of the Superintendent. The Superintendent shall publicize the availability of vacancies on advisory, oversight committees, commissions. The Superintendent shall inform the public of the appointment of members of advisory, oversight committees, commission made by the Board.

#### District Impact

To the extent possible, the liaison to each committee, commission shall provide a District Impact Statement on behalf of the Superintendent providing an analysis of the financial and programmatic impact of recommendations made by committees, commissions.

#### Evaluation

If recommendations are enacted, the effectiveness of the recommendations shall be evaluated to determine if they are meeting the identified goals.

### **Section 2 Mandated Advisory or Oversight Committees, Commissions**

Advisory or oversight committees, commissions that are mandated by law, court decision, or regulation shall conform and operate in compliance with the legal requirements for the body. Prior to the time at which the mandate of such an advisory or

oversight committee, commission ends, the Board shall determine if or in what form the committee, commission, consistent with law, shall continue to function.

Mandated committees, commissions include the Citizens' Bond Oversight Committee and the Measure G Parcel Tax Oversight Committee, and the Measure N – College and Career Readiness Commission.

Measures A, B, and J Citizens Bond Oversight Committee

**Date created:** February 27, 2013; Resolution No. 1213-0103

**Purpose:** To provide advice and recommendation to the District regarding the expenditure of funds for bond related projects, to actively review and report on the proper expenditure of taxpayers' money for school construction and to take any necessary action in furtherance of its purpose including, but not limited to, receiving and reviewing copies of annual independent financial audits and deferred maintenance proposals, inspecting school facilities and grounds, receiving and reviewing cost-saving measures designed to reduce the costs of professional fees and site preparation. The Committee shall have the option to tour sites where Bond funds are being expended, with support from the Superintendent.

**Number of members:** Nine (9)

**Special selection process:** Pursuant to Proposition 39 (2000), the Committee shall have at least nine members and shall include the following persons:

- One (1) member who is a parent or guardian of a child enrolled in the District.
- One (1) member active in a business organization representing the business community located in the District.
- One (1) member active in a senior citizen's organization.
- One (1) member active in a bona-fide taxpayers association.
- One (1) member who is both a parent and guardian of a child enrolled in the District and active in a parent-teacher organization, such as the Parent- Teacher Association or a school site council.
- At least three (3) members of the community-at-large appointed by the Board.

A single individual may be appointed as a representative of more than one of the above categories, if applicable. The Board of Education shall seek to ensure that the committee is representative of the diversity of the District.

**Qualification Standards:**

- (a) To be a qualified person, he or she must be at least 18 years of age.

(b) The Bond Oversight Committee may not include any employee, official of the District, or any vendor, contractor, or consultant of the District.

(c) A majority of the members of the Committee shall possess expertise in one or more of the following areas:

- Large scale construction operations
- Municipal / Public finance matter
- Multiple years experience with agency/entity budgeting
- Construction related project management
- Real Estate acquisition or sales

**Ethics:** Conflicts of Interest. By accepting appointment to the Committee, each member agrees to comply with Articles 4 (commencing with Section 1090) and 4.7 (commencing with Section 1125) of Division 4 of Title 1 of the Government Code and Bylaw of the Board 9270.

#### Measure G Parcel Tax Oversight Committee

**Date created:** August 27, 2008 Resolution No. 0809-0043

**Purpose:** To inform the public concerning the expenditure of parcel tax revenues and to review and report on the proper expenditure of taxpayers' money generated by the 2009 Measure G parcel tax. The committee shall:

- ♣ Receive and review a report from the Superintendent no later than December 31<sup>st</sup> of each year that details: (1) the amount of Education Parcel Tax revenues received and expended in the prior year, including District reports and independent annual audit reports pertaining hereto; and (2) the status of any projects of descriptions of any program funded from proceeds of the tax.
- ♣ Produce an annual report on the preceding fiscal year expenditures for public distribution and distribution to the Board of Education not later than February 28<sup>th</sup> annually that communicates the Committee's finding as to whether tax proceeds are being spent for the purposes permitted by the Measure and recommendations, if any.

The Committee shall have the option to tour sites where Parcel Tax revenues are being expended.

**Special Selection Process:** The Committee shall consist of seven (7) members, and shall possess expertise in or represent the following:

- One member shall be the parent or guardian of a child enrolled in the District;
- One member shall be both a parent or guardian of a child enrolled in the District and active in a parent-teacher organization, such as the School Site Council or Parent Teacher Association;
- One member shall be a community member who does not currently have a child enrolled in the District
- One member shall be a representative of the business community; and
- At least two members shall have demonstrated financial expertise.

At least four members of the committee shall be property owners in the City of Oakland. A single individual may be appointed as a representative of more than one of the above categories, if applicable. The Board of Education shall seek to ensure the Committee is representative of the diversity of the District.

#### Measure N – College & Career Readiness Commission

Date Created: December 10, 2014; Effective February 1, 2015

Purpose: The Measure N College & Career Readiness Commission shall advise and report to the Board of Education and shall be responsible for:

##### Planning

- a) Reviewing each high school's School Quality Review findings, Balanced Scorecard results, and education improvement plans;
- b) Submitting school funding recommendations to the Board of Education for action.

##### Oversight

- a) Oversight of proper allocation and use of all parcel tax monies;
- b) Reviewing annual independent audit reports;
- c) Submitting recommendations to the Board of Education any new or modified policies and administrative regulations to ensure the Oakland Unified School District's compliance with the requirements and intent of Measure N.

Membership/Qualifications: The College & Career Readiness Commission shall be comprised of five (5) persons who demonstrate extensive knowledge and expertise in high school and postsecondary curriculum, instruction, and leadership; education research, evaluation, and analytics; and financial management and audits.

#### Measure G1 – Districtwide Teacher Retention and Middle School Improvement Act Oversight Commission

Date Created: January 25, 2017; Effective February 16, 2017

Purpose: The Measure G1 – Districtwide Teacher Retention and Middle School Improvement Act Oversight Commission shall advise and report to the Board of Education and shall be responsible for (a) oversight of proper allocation and use of all parcel tax monies, (b) reviewing annual independent audit reports, and (c) submitting recommendations to the Board of Education for any new or modified policies and administrative regulations to ensure the Oakland Unified School District's compliance with the requirements and intent of Measure G1.

Membership/Qualifications: The Measure G1 – Districtwide Teacher Retention and Middle School Improvement Act Oversight Commission shall be comprised of five (5) persons, giving preference to persons who demonstrate extensive knowledge and expertise in middle school education, with a focus on arts, music, and world languages, school safety, and in compensation for K-12 educational professionals.

### **Section 3**      **Ongoing Advisory Committees**

The Board shall designate clearly the purpose, scope of activities, and membership of other advisory committees.

Ongoing other advisory committees include the Audit Committee. The Audit Committee is maintained at the recommendation of the Financial Crisis Management and Assistance Team as a best practice for highly functioning school districts.

#### **Audit Committee**

**Date created:** December 13, 2006; Board Policy 3461

**Purpose:** The responsibilities of the Audit Committee shall include but not be limited to the following:

1. Recommend to the Board for approval the independent auditors.
2. Review the independent audit engagement including the fee, scope and timing of the audit, and any other services to be rendered, including non-audit services.
3. Review with the independent auditor's district policies and procedures regarding internal auditing and internal accounting and financial controls.
4. Upon completion of their audit, review with the independent auditors the cooperation they received from district personnel during the audit, the extent to which district resources could be used to minimize the time spent on the audit, and any significant matters of concern arising from the audit.
5. Review with the independent auditors any significant transactions which are not a normal part of the district's business, any changes in accounting principles and practices, all significant proposed audit adjustments, and any recommendations that they may have for improving internal controls, choice of accounting principles or management systems.
6. Review with the district's financial and accounting staff district policies regarding internal accounting and financial controls.
7. Review and recommend district policies to the Board to prohibit unethical, questionable, or illegal activities by district employees.
8. Review with the internal auditor the organization and independence of the internal audit function; the goals and plans of internal audit including the nature and extent of

work; problems and experiences in completing internal audits; and findings, conclusions, and recommendations as a result of internal audits.

9. Upon completion of the independent audit, review with the district's financial and accounting managers their perception of the independent auditors, any significant matters of concern arising from the audit, and the extent to which recommendations made by the independent auditors have been implemented.

10. Prepare semi-annual written reports to the Board relating the results of committee activities.

The Board of Education shall provide written guidance to the Audit Committee on an annual basis regarding those areas on which the Audit Committee should focus.

**Number of members:** Five (5): At least three members shall possess expertise in internal and/or external audits, and/or management of a public school system.

**Selection procedure:** Community members shall apply consistent with the procedures outlined above.

### 7-11 Committee

**Date created:** February 13, 2019

**Purpose:** the duties of the 7-11 Committee include: (a) Review the projected school enrollment and other data provided by the District to determine the amount of surplus space and real property; (b) Establish a priority list of use of surplus space and real property that will be acceptable to the community; (c) Cause to have circulated throughout the attendance area the priority list and provide for hearings of community input on acceptable uses, including sale or lease for child care development purposes per Education Code section 17458); (d) Make a final determination of limits of tolerance of use; and (e) Provide a report to the Board recommending a determination of whether real property is surplus space and real property (Education Code § 17390)

**Number of members:** 7-11. The Committee must be comprised of at least seven members who represent each of the following:

- The ethnic, age group and socioeconomic composition of the District,
- The business community, such as store owners, managers or supervisors,
- Landowners or renters, with preference to be given to representatives of neighborhood associations,
- Teachers,
- Administrators,
- Parents of students,
- Persons with expertise in environmental impact, legal contracts, building codes and land use planning, including, but not limited to, knowledge of the zoning and other land use restrictions of the cities or cities and counties in which surplus space and real property is located.

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A single individual may be appointed as a representative of more than one of the above categories, if applicable. The Board of Education shall seek to ensure the Committee is representative of the diversity of the District.

Selection procedure: Community members shall apply consistent with the procedures outlined above.

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#### **Section 4      Task Forces of Limited Duration**

4.1      The Board shall designate clearly the purpose, scope of activities, membership, and duration of task forces that are, by design, of limited duration.

#### **Section 5      Committee Ethics Policy Statement**

This Ethics Policy Statement provides general guidelines for all advisory and oversight Committee, Commission members in carrying out their responsibilities. Not all ethical issues that Committee, Commission members face are covered in this Statement. However, this Statement captures some of the critical areas that help define ethical and professional conduct for Committee members. The provisions of this Statement were developed from existing laws, rules, policies and procedures as well as from concepts that define generally accepted good business practices. Committee, Commission members are expected to strictly adhere to the provisions of this Ethics Policy.

### **POLICY**

**CONFLICT OF INTEREST.** A Committee, Commission member shall not make or influence a District decision related to: (1) any contract funded by bond or parcel tax proceeds or (2) any program, project which will benefit the committee, commission member's outside employment, business, or a personal finance or benefit an immediate family member, such as a spouse, child or parent.

**OUTSIDE EMPLOYMENT.** A Committee, Commission member shall not use his or her authority over a particular matter to negotiate future employment with any person or organization that relates to: (1) any contract funded by bond or parcel tax proceeds, or (2) any construction project. A Committee, Commission member shall not make or influence a District decision related to any construction project or contact with the District involving the interest of a person with whom the member has an agreement concerning current or future employment, or remuneration of any kind. For a period of two (2) years after leaving the Committee, Commission, a former Committee, Commission member may not represent any person or organization for compensation in connection with any matter pending before the District that, as a Committee, Commission member, he or she participated in personally and substantially. Specifically, for a period of two (2) years after leaving the Committee, Commission, a former Committee, Commission member and the companies and businesses for which the member works shall be prohibited from contracting with the District with respect to:

- (1) Bidding on projects funded by the bond or parcel tax proceeds; and
- (2) Any construction project.

**COMMITMENT TO UPHOLD LAW.** A Committee, Commission member shall uphold the federal and California Constitutions, the laws and regulations of the United States and the State of California

(particularly the Education Code) and all other applicable government entities, and the policies, procedures, rules and regulations of the Oakland Unified School District;

COMMITMENT TO IMPROVEMENT OF DISTRICT. A Committee, Commission member shall place the interests of the District above any personal or business interest of the member.

3/27/13; 11/19/14A; 1/25/17A



# OAKLAND UNIFIED SCHOOL DISTRICT

## Board Bylaw

### BB 9131

#### Advisory and Oversight Committees, Commissions

##### Section 1 General Guidelines

###### Purposes

1.4.1 The Board shall establish advisory or oversight committees or commissions for the purpose of meeting legal requirements and to provide advice and involvement concerning matters of interest and welfare to the Board of Education. Advisory Committees shall focus their work on the goals and objectives of the District. Oversight committees or commissions have specific mandates outlined in authorizing legislation or voter-approved bonds and parcel taxes. These committees or commissions are advisory to the Board of Education; the Board of Education retains final authority.

1.4.2 All meetings of Advisory and Oversight Committees or Commissions are open to the public and shall have designated times for public comment.

###### Appointment, Term of Membership, and Attendance

1.2.1 Persons interested in serving on advisory committees, oversight committee or commission shall submit an application and any documents that outline their qualifications for and commitment to serve on the body, such as a resume.

1.2.2 Information regarding openings for each advisory committee, oversight committee or commission, the mission, and anticipated number of meetings for each body and applications for each body shall be available from the Office of the Board of Education and the OUSD website.

1.2.3 Information regarding the mandate, membership, and meeting schedule for each body shall be available from the Office of the Board of Education and the OUSD website.

1.2.4 Unless otherwise specified, the attendance requirement for each body shall provide that if a member misses two consecutive meetings without a valid excuse, as determined by the body, the member shall be considered to have resigned.

1.2.5 Unless otherwise specified, the term of a member, shall be for a two-year period. Fifty percent of the members are to be appointed each year. In instances where all committee members are appointed simultaneously, the minority of members shall be appointed to one-year terms, and the majority of members shall be appointed to two-year terms.

1.2.6 Terms of members shall be limited to a total of six years or three full terms. Members are eligible for re-appointment after one year off the committee, commission.

1.2.7 Committees, Commissions unless otherwise specified, shall expire on June 30<sup>th</sup> of the academic year in which formed unless extended by the Board. Committees, Commissions shall be in recess during the month of July.

1.2.8 A decision regarding any replacement to fill vacancies shall be made by the Board, according to the application process outlined above, unless otherwise specified.

### Size and Composition

1.3.1 Committees, Commissions unless otherwise specified, shall be limited to seven members. Individuals interested in serving on an advisory committee, commission shall submit an application and any supporting documents such as a resume. All applications shall be reviewed by the Board President or the Board President's designee. The Board President's recommendations for the appointment of members to each committee shall be forwarded to the Board of Education for ratification.

1.3.2 The composition of committees, commissions shall be representative of the following, unless otherwise specified in the creation resolution:

- ♣ the ethnic, age group, and socio-economic composition of the District;
- ♣ the City's seven electoral districts;
- ♣ the business community;
- ♣ community organizations;
- ♣ teachers, administrators, and other school employees;
- ♣ parents;
- ♣ students; and
- ♣ labor organizations.

### Operating Procedures

1.4.3 The specific function of the committee, commission shall be determined by the Board resolution establishing the committee.

1.4.4 Each committee, commission shall elect a chairperson, vice-chairperson, and secretary.

1.4.5 Written minutes shall be kept of all meetings held and shall record attendance and recommendations made. Copies of un-adopted minutes shall be forwarded to the Board and to the Superintendent within ten days after each meeting. Adopted minutes shall be made available to the public by posting on the OUSD website.

1.4.6 Copies of all recommendations shall be forwarded by separate letter to the Board and to the Superintendent within ten days after the meeting at which the recommendations were adopted by the committee.

1.4.7 The quorum for each meeting shall be fifty percent + one of the membership.

1.4.8 There shall be no proxy votes.

1.4.9 All committees, commissions shall comply with the provisions of the Brown Act (Government Code 54950-54961).

1.4.10 Committee, commission members shall not be compensated for their services.

#### Board Liaisons

The Board President shall appoint a Board Director (each year at the Board's Annual Organization Meeting) to serve as a Board Liaison to each Advisory and Oversight committee, commission. The Board Liaison shall attend and observe all committee, commission meetings, and provide consultative support to the committee, commission chairperson.

#### Support Services

The Superintendent shall designate a Chief (senior management) to serve as the coordinator to each committee, commission and said liaison shall be responsible for providing support services as needed. A staff person designated by the Superintendent shall support all committees, commissions on behalf of the Superintendent. The Superintendent shall publicize the availability of vacancies on advisory, oversight committees, commissions. The Superintendent shall inform the public of the appointment of members of advisory, oversight committees, commission made by the Board.

#### District Impact

To the extent possible, the liaison to each committee, commission shall provide a District Impact Statement on behalf of the Superintendent providing an analysis of the financial and programmatic impact of recommendations made by committees, commissions.

#### Evaluation

If recommendations are enacted, the effectiveness of the recommendations shall be evaluated to determine if they are meeting the identified goals.

### **Section 2      Mandated Advisory or Oversight Committees, Commissions**

Advisory or oversight committees, commissions that are mandated by law, court decision, or regulation shall conform and operate in compliance with the legal requirements for the body. Prior to the time at which the mandate of such an advisory or

oversight committee, commission ends, the Board shall determine if or in what form the committee, commission, consistent with law, shall continue to function.

Mandated committees, commissions include the Citizens' Bond Oversight Committee and the Measure G Parcel Tax Oversight Committee, and the Measure N – College and Career Readiness Commission.

Measures A, B, and J Citizens Bond Oversight Committee

**Date created:** February 27, 2013; Resolution No. 1213-0103

**Purpose:** To provide advice and recommendation to the District regarding the expenditure of funds for bond related projects, to actively review and report on the proper expenditure of taxpayers' money for school construction and to take any necessary action in furtherance of its purpose including, but not limited to, receiving and reviewing copies of annual independent financial audits and deferred maintenance proposals, inspecting school facilities and grounds, receiving and reviewing cost-saving measures designed to reduce the costs of professional fees and site preparation. The Committee shall have the option to tour sites where Bond funds are being expended, with support from the Superintendent.

**Number of members:** Nine (9)

**Special selection process:** Pursuant to Proposition 39 (2000), the Committee shall have at least nine members and shall include the following persons:

- One (1) member who is a parent or guardian of a child enrolled in the District.
- One (1) member active in a business organization representing the business community located in the District.
- One (1) member active in a senior citizen's organization.
- One (1) member active in a bona-fide taxpayers association.
- One (1) member who is both a parent and guardian of a child enrolled in the District and active in a parent-teacher organization, such as the Parent- Teacher Association or a school site council.
- At least three (3) members of the community-at-large appointed by the Board.

A single individual may be appointed as a representative of more than one of the above categories, if applicable. The Board of Education shall seek to ensure that the committee is representative of the diversity of the District.

**Qualification Standards:**

- (a) To be a qualified person, he or she must be at least 18 years of age.

(b) The Bond Oversight Committee may not include any employee, official of the District, or any vendor, contractor, or consultant of the District.

(c) A majority of the members of the Committee shall possess expertise in one or more of the following areas:

- Large scale construction operations
- Municipal / Public finance matter
- Multiple years experience with agency/entity budgeting
- Construction related project management
- Real Estate acquisition or sales

**Ethics:** Conflicts of Interest. By accepting appointment to the Committee, each member agrees to comply with Articles 4 (commencing with Section 1090) and 4.7 (commencing with Section 1125) of Division 4 of Title 1 of the Government Code and Bylaw of the Board 9270.

### Measure G Parcel Tax Oversight Committee

**Date created:** August 27, 2008 Resolution No. 0809-0043

**Purpose:** To inform the public concerning the expenditure of parcel tax revenues and to review and report on the proper expenditure of taxpayers' money generated by the 2009 Measure G parcel tax. The committee shall:

- ♣ Receive and review a report from the Superintendent no later than December 31<sup>st</sup> of each year that details: (1) the amount of Education Parcel Tax revenues received and expended in the prior year, including District reports and independent annual audit reports pertaining hereto; and (2) the status of any projects of descriptions of any program funded from proceeds of the tax.
- ♣ Produce an annual report on the preceding fiscal year expenditures for public distribution and distribution to the Board of Education not later than February 28<sup>th</sup> annually that communicates the Committee's finding as to whether tax proceeds are being spent for the purposes permitted by the Measure and recommendations, if any.

The Committee shall have the option to tour sites where Parcel Tax revenues are being expended.

**Special Selection Process:** The Committee shall consist of seven (7) members, and shall possess expertise in or represent the following:

- One member shall be the parent or guardian of a child enrolled in the District;
- One member shall be both a parent or guardian of a child enrolled in the District and active in a parent-teacher organization, such as the School Site Council or Parent Teacher Association;
- One member shall be a community member who does not currently have a child enrolled in the District
- One member shall be a representative of the business community; and
- At least two members shall have demonstrated financial expertise.

At least four members of the committee shall be property owners in the City of Oakland. A single individual may be appointed as a representative of more than one of the above categories, if applicable. The Board of Education shall seek to ensure the Committee is representative of the diversity of the District.

### Measure N – College & Career Readiness Commission

Date Created: December 10, 2014; Effective February 1, 2015

Purpose: The Measure N College & Career Readiness Commission shall advise and report to the Board of Education and shall be responsible for:

#### Planning

- a) Reviewing each high school's School Quality Review findings, Balanced Scorecard results, and education improvement plans;
- b) Submitting school funding recommendations to the Board of Education for action.

#### Oversight

- a) Oversight of proper allocation and use of all parcel tax monies;
- b) Reviewing annual independent audit reports;
- c) Submitting recommendations to the Board of Education any new or modified policies and administrative regulations to ensure the Oakland Unified School District's compliance with the requirements and intent of Measure N.

Membership/Qualifications: The College & Career Readiness Commission shall be comprised of five (5) persons who demonstrate extensive knowledge and expertise in high school and postsecondary curriculum, instruction, and leadership; education research, evaluation, and analytics; and financial management and audits.

### Measure G1 – Districtwide Teacher Retention and Middle School Improvement Act Oversight Commission

Date Created: January 25, 2017; Effective February 16, 2017

Purpose: The Measure G1 – Districtwide Teacher Retention and Middle School Improvement Act Oversight Commission shall advise and report to the Board of Education and shall be responsible for (a) oversight of proper allocation and use of all parcel tax monies, (b) reviewing annual independent audit reports, and (c) submitting recommendations to the Board of Education for any new or modified policies and administrative regulations to ensure the Oakland Unified School District's compliance with the requirements and intent of Measure G1.

Membership/Qualifications: The Measure G1 – Districtwide Teacher Retention and Middle School Improvement Act Oversight Commission shall be comprised of five (5) persons, giving preference to persons who demonstrate extensive knowledge and expertise in middle school education, with a focus on arts, music, and world languages, school safety, and in compensation for K-12 educational professionals.

### **Section 3      Ongoing Advisory Committees**

The Board shall designate clearly the purpose, scope of activities, and membership of other advisory committees.

Ongoing other advisory committees include the Audit Committee. The Audit Committee is maintained at the recommendation of the Financial Crisis Management and Assistance Team as a best practice for highly functioning school districts.

#### Audit Committee

**Date created:** December 13, 2006; Board Policy 3461

**Purpose:** The responsibilities of the Audit Committee shall include but not be limited to the following:

1. Recommend to the Board for approval the independent auditors.
2. Review the independent audit engagement including the fee, scope and timing of the audit, and any other services to be rendered, including non-audit services.
3. Review with the independent auditor's district policies and procedures regarding internal auditing and internal accounting and financial controls.
4. Upon completion of their audit, review with the independent auditors the cooperation they received from district personnel during the audit, the extent to which district resources could be used to minimize the time spent on the audit, and any significant matters of concern arising from the audit.
5. Review with the independent auditors any significant transactions which are not a normal part of the district's business, any changes in accounting principles and practices, all significant proposed audit adjustments, and any recommendations that they may have for improving internal controls, choice of accounting principles or management systems.
6. Review with the district's financial and accounting staff district policies regarding internal accounting and financial controls.
7. Review and recommend district policies to the Board to prohibit unethical, questionable, or illegal activities by district employees.
8. Review with the internal auditor the organization and independence of the internal audit function; the goals and plans of internal audit including the nature and extent of

work; problems and experiences in completing internal audits; and findings, conclusions, and recommendations as a result of internal audits.

9. Upon completion of the independent audit, review with the district's financial and accounting managers their perception of the independent auditors, any significant matters of concern arising from the audit, and the extent to which recommendations made by the independent auditors have been implemented.

10. Prepare semi-annual written reports to the Board relating the results of committee activities.

The Board of Education shall provide written guidance to the Audit Committee on an annual basis regarding those areas on which the Audit Committee should focus.

**Number of members:** Five (5): At least three members shall possess expertise in internal and/or external audits, and/or management of a public school system.

**Selection procedure:** Community members shall apply consistent with the procedures outlined above.

## 7-11 Committee

**Date created:** February 13, 2019

**Purpose:** the duties of the 7-11 Committee include: (a) Review the projected school enrollment and other data provided by the District to determine the amount of surplus space and real property; (b) Establish a priority list of use of surplus space and real property that will be acceptable to the community; (c) Cause to have circulated throughout the attendance area the priority list and provide for hearings of community input on acceptable uses, including sale or lease for child care development purposes per Education Code section 17458); (d) Make a final determination of limits of tolerance of use; and (e) Provide a report to the Board recommending a determination of whether real property is surplus space and real property (Education Code § 17390)

Number of members: 7-11. The Committee must be comprised of at least seven members who represent each of the following:

- The ethnic, age group and socioeconomic composition of the District
- The business community, such as store owners, managers or supervisors
- Landowners or renters, with preference to be given to representatives of neighborhood associations
- Teachers
- Administrators
- Parents of students
- Persons with expertise in environmental impact, legal contracts, building codes and land use planning, including, but not limited to, knowledge of the zoning and other land use restrictions of the cities or cities and counties in which surplus space and real property is located.



A single individual may be appointed as a representative of more than one of the above categories, if applicable. The Board of Education shall seek to ensure the Committee is representative of the diversity of the District.

**Selection procedure:** Community members shall apply consistent with the procedures outlined above.

#### **Section 4      Task Forces of Limited Duration**

4.1      The Board shall designate clearly the purpose, scope of activities, membership, and duration of task forces that are, by design, of limited duration.

#### **Section 5      Committee Ethics Policy Statement**

This Ethics Policy Statement provides general guidelines for all advisory and oversight Committee, Commission members in carrying out their responsibilities. Not all ethical issues that Committee, Commission members face are covered in this Statement. However, this Statement captures some of the critical areas that help define ethical and professional conduct for Committee members. The provisions of this Statement were developed from existing laws, rules, policies and procedures as well as from concepts that define generally accepted good business practices. Committee, Commission members are expected to strictly adhere to the provisions of this Ethics Policy.

### **POLICY**

**CONFLICT OF INTEREST.** A Committee, Commission member shall not make or influence a District decision related to: (1) any contract funded by bond or parcel tax proceeds or (2) any program, project which will benefit the committee, commission member's outside employment, business, or a personal finance or benefit an immediate family member, such as a spouse, child or parent.

**OUTSIDE EMPLOYMENT.** A Committee, Commission member shall not use his or her authority over a particular matter to negotiate future employment with any person or organization that relates to: (1) any contract funded by bond or parcel tax proceeds, or (2) any construction project. A Committee, Commission member shall not make or influence a District decision related to any construction project or contact with the District involving the interest of a person with whom the member has an agreement concerning current or future employment, or remuneration of any kind. For a period of two (2) years after leaving the Committee, Commission, a former Committee, Commission member may not represent any person or organization for compensation in connection with any matter pending before the District that, as a Committee, Commission member, he or she participated in personally and substantially. Specifically, for a period of two (2) years after leaving the Committee, Commission, a former Committee, Commission member and the companies and businesses for which the member works shall be prohibited from contracting with the District with respect to:

- (1) Bidding on projects funded by the bond or parcel tax proceeds; and
- (2) Any construction project.

**COMMITMENT TO UPHOLD LAW.** A Committee, Commission member shall uphold the federal and California Constitutions, the laws and regulations of the United States and the State of California

(particularly the Education Code) and all other applicable government entities, and the policies, procedures, rules and regulations of the Oakland Unified School District;

COMMITMENT TO IMPROVEMENT OF DISTRICT. A Committee, Commission member shall place the interests of the District above any personal or business interest of the member.

3/27/13; 11/19/14A; 1/25/17A; 2/13/19A



President's Nominees – 7-11 Committee Summary - Profile

<b>City District Representation</b>  (Need 1 person per district, Per our own district requirement for committees)	<b>Demographic matches the District</b>  (The ethnic, age group and socioeconomic composition of the District)	<b>Teacher</b>  (Teachers)	<b>Principal</b>  (Administrators)	<b>Parent</b>  (Parents/guardians of students)	<b>Landowner</b>  (Landowners or renters, with preference to be given to representative's neighborhood associations)	<b>Business Owner</b>  (The business community, such as store owners, managers or supervisors)	<b>Expertise</b>  (Persons with expertise in environmental, legal, construction and/or land use planning, including, but not limited to, knowledge of the zoning and other land use restriction of the City of Oakland)
2 from D1, 2 from D2 1 from D3 1 from D4 2 from D5 2 from D6 1 from D7	3 Black  4 Latinx  2 Asian  2 White  4 Low-Middle Income  7 Middle-Upper Income	<b>Vilma Serrano</b> Teacher - Melrose Leadership Academy (MLA) D2 Latinx Female	<b>Cliff Hong</b> Principal - Roosevelt Middle School D5 Asian Male (also a parent)	<b>Xochitl Leon</b> Parent - Kaiser and East Bay Innovation Academy (EBIA) D6 Latinx Female  <b>James Robins</b> Experience California Environmental Quality Act (CEQA), Oakland Tech Parent D5 White? (Unknown) Male  <b>Shaeonna Muhammad</b> Parent - North Oakland Community Charter School(Oakland Reach) D1 Black Female	<b>Veronica Martinez</b> Santa Fe Neighborhood Association, financial background (also a Parent) D1 Latinx Female	<b>Noni Sessions</b> Low-income housing business - East Bay Permanent Real Estate Cooperative D3 Black Female  <b>Tiffany Rose Lacsado</b> Small Business Owner - The Lei Company (Also a Parent - Greenleaf Academy) D6 Asian Female	<b>Eric Johnson</b> Affordable Housing D2 White Male  <b>Bryan Quevedo</b> Policy analyst - San Francisco City D4 Latinx Male  <b>Ay'Anna Moody</b> OUSD staff member - college access/Futures Centers VP of National Association for the Advancement of Colored People (NAACP) D7 Black Female

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- A. Legal Basis Documents**
  - v. OUSD Board Resolution re Committee Charge**

Board Office Use: Legislative File Info.	
File ID Number	19-1417
Introduction Date	6-14-19
Enactment Number	19-1236
Enactment Date	6/26/19 os



# Memo

**To** Facilities Committee

**From** Kyla Johnson-Trammell, Superintendent  
Timothy White, Deputy Chief of Facilities Planning and Management

**Board Meeting Date** June 26, 2019

**Subject** **Resolution No. 1819-0247 - Board of Education Charge To "7-11" Committee Limiting Consideration of Specific Sites Identified As First Phase Properties**

**Action** Approval of Resolution No. 1819-0247 to approve the 7-11 Committee's charge to consider specific sites identified as First Phase Properties.

**Background** Board direction is necessary for the new 7-11 Committee to begin consideration of properties in accordance with Education Code Section 17387 et. seq.

- With clear direction from the Board, the Committee can begin consideration of disposition and potential uses of these first sites to develop recommendations to the Board at the conclusion of the Committee's work.

**Discussion** District staff, in consultation with the community and with ongoing reporting to the Board, have developed a preliminary list of potential vacant properties for consideration by the 7-11 Committee. The First Phase Properties from this list are recommended by District staff as the initial charge to the 7-11 Committee. This resolution provides for Board direction and approval for consideration by the Committee.

**Fiscal Impact** None at this time.

**Attachments** Resolution No. 1819-0247; Draft Vacant Property Assessment List

**RESOLUTION OF THE BOARD OF EDUCATION OF THE  
OAKLAND UNIFIED SCHOOL DISTRICT**

**Resolution No. 1819-0247**

**Board of Education Charge To “7-11” Committee Limiting Consideration of Properties for  
Declaration As Surplus To Specific Sites Identified As First Phase Properties**

**WHEREAS**, the Oakland Unified School District is deeply committed to the vision of Oakland being home to high quality public education options for all students and families;

**WHEREAS**, to realize this vision, the District’s Board of Education (“Board”), directed the District’s Superintendent to develop a “Citywide Plan” that promotes the long-term sustainability of publicly-funded schools across Oakland that represent quality and equitable educational options (see District’s Quality School Development: Community of Schools Policy (Board Policy No. 6006));

**WHEREAS**, among the specific goals of the District through the Citywide Planning process is to best leverage vacant, underutilized, and surplus properties so that (i) high-quality publicly funded schools across Oakland are able to serve all of its students, (ii) a fiscally sound number of schools exist given OUSD's student population, and (iii) schools are located where more high quality options are needed;

**WHEREAS**, as part of the District’s Citywide Planning process, the District plans to identify three “phases” of potentially underutilized school sites throughout the District that the District is interested in investigating further in order to help accomplish the above-discussed goals;

**WHEREAS**, the District, with input and guidance from the public, now desires to investigate the potential sale, lease, or rental of the first Phase of vacant and underutilized District school sites,

**WHEREAS**, the District’s Facilities and Research & Development Teams have compiled a list of such vacant and underutilized District school sites to be considered as the first Phase, consisting of the following: (1) Edward Shands Adult Education Center; (2) Tilden Child Development Center (CDC); (3) Piedmont CDC; (4) Webster CDC (2 classrooms); and (5) Sankofa CDC (4 classrooms) (collectively, the “**First Phase Properties**”);

**WHEREAS**, pursuant to Section 1.4.1 of the District’s Board Bylaw No. 9131, the District’s Board of Education (“Board”) is required to establish advisory and oversight committees or commissions for the purpose of meeting legal requirements and to provide advice and involvement concerning matters of interest and welfare to the Board;

**WHEREAS**, pursuant to Education Code Section 17388, the Board, prior to the sale, lease, or rental of any excess real property, except rentals not exceeding 30 days, shall appoint a district



advisory committee to advise the Board in the development of districtwide policies and procedures governing the use or disposition of school buildings or space in school buildings which is not needed for school purposes;

**WHEREAS**, Section 3 of Board Bylaw No. 9131, consistent with Education Code Section 17387, *et seq.*, enumerates both the duties and composition requirements of such a district advisory committee, including that the committee must consist of between seven (7) and eleven (11) members (the “7-11 Committee”); and

**WHEREAS**, the District has taken action to create the 7-11 Committee by the action of Board on April 10, 2019; and

**WHEREAS**, the District’s Facilities and Research & Development Teams have worked to analyze District sites which may be appropriate for consideration by the 7-11 Committee, using criteria including lack of enrollment potential, vacancy, building and site conditions, location, suitability for District programs, and other metrics; and,

**WHEREAS**, It is appropriate at this time to charge the District’s 7-11 Committee to advise the District specifically regarding the use and/or disposition of the **First Phase Properties**.

**NOW, THEREFORE, BE IT RESOLVED THAT** the Governing Board of the Oakland Unified School District hereby resolves, determines, and finds as follows:

1. The foregoing recitals are adopted as true and correct, and incorporated herein by this reference.
2. Consistent with Education Code section 17390, the 7-11 Committee is hereby charged to:
  - a. Review projected school enrollment data and all other data as provided by the District to determine whether the First Phase Properties are surplus to the District’s educational program;
  - b. Establish a priority list of potential uses of the First Phase Properties that will be acceptable to the community;
  - c. Cause to have circulated throughout the applicable District attendance areas a priority list of the First Phase Properties and provide for hearings of community input to the 7-11 Committee on acceptable uses of the First Phase Properties, including the sale or lease of the First Phase Properties for child care development purposes pursuant to Education Code Section 17458;
  - d. Make a final determination of limits of tolerance of use of the First Phase Properties;

- e. Forward to the District’s Board a report recommending a determination of whether the First Phase Properties are surplus space and real property and recommending uses of the First Phase Properties; and
  - f. Accomplish all other tasks expressly requested by the District’s Board, and consistent with Education Code section 17387, *et seq.*
3. The 7-11 Committee shall be knowledgeable of the District’s vision and mission as expressed in the District’s Quality School Development: Community of Schools Policy (Board Policy No. 6006) and the District’s Citywide Plan, and the 7-11 Committee’s analyses and reports provided to the District’s Board pursuant to this Resolution shall further said vision and mission.
  4. The District shall provide technical and administrative assistance in furtherance of the Committee’s work.

**PASSED AND ADOPTED** by the Board of Education of the Oakland Unified School District this 26th day of June, 2019, by the following vote:

PREFERENTIAL AYES: None

PREFERENTIAL NOES: None

AYES: Jumoke Hinton Hodge, James Harris, Gary Yee, Shanthi Gonzales, Roseann Torres, Vice President Jody London, President Aimee Eng

NOES: None

ABSTAINED: None

ABSENT: Student Director Chaves, Student Director Omosowho




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Aimee Eng, President  
Board of Education




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Kyla Johnson Trammell, Secretary  
Board of Education

## DRAFT 7-11 Property Considerations

Property & Location	Facilities Condition and Current Use	Number of Classrooms	Potential District Use (e.g. Early Childhood, Adult Ed, Alt Ed)	Potential Charter Interest	Alignment with Blueprint
<b>Phase 1 (June-Oct)</b>					
Edward Shands	Extremely Poor Currently vacant	16 Classrooms (in 4 Portable Clusters)		No interest	N/A
Tilden CDC	Currently vacant			No interest	
Piedmont CDC	Currently vacant		Community request to use this facility for Piedmont Avenue branch library	No interest	
Webster CDC (East Oakland Pride) Part of Webster ES Site	Good Currently vacant	2 Classrooms	Concerned about the current condition of the site, would not have children use this space	No interest	N/A
Sankofa CDC (Tap Center) Part of Washington ES Site	Poor Currently vacant	4 Classrooms	Should be removed, not a good space for children or adults	No interest	Potential change on main campus in Phase 2



# **Checklist for Sale or Lease of School District Surplus Property**

(Revised July 2016)

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The following is an executive summary of the process and statutory time requirements throughout the process; a more detailed discussion follows.

## Summary

- First identify the surplus real property and convene a committee to develop a District wide policy on the use of surplus real property. (Ed. Code §§ 17387, et seq.)
- Declare intent to sell or lease the property to general public: To place the property on the market, the Board must consider the committee's recommendation that the property be declared surplus and declare its intent to dispose of the property in a resolution. (Ed. Code § 17466.)
- Offers required by the Naylor Act (Ed. Code § 17485, et seq.): The Naylor Act only applies to real property that has been used entirely or partially for school playgrounds, playing fields, or other outdoor recreational uses and open-space land particularly suited for recreational purposes. If the Naylor Act does apply, the District must offer to negotiate to sell or lease the property to certain entities, usually for a below-market rate. The District may seek a waiver of the Naylor Act. (Ed. Code § 33050.) The District must allow Naylor Act entities sixty days to respond to the offer. (Ed. Code § 17489(c).)
- Selling or leasing with option to purchase (Ed. Code § 17464 and Gov. Code § 54220):
  - The property must be offered to a first group of designated entities for park and recreational purposes pursuant to Government Code sections 54220, *et seq.* (Ed. Code § 17464(b).) These entities must be allowed sixty days after receiving notice to respond and are also entitled to a negotiation period of ninety days after giving notice to the District of their interest in the property. This requirement cannot be waived.
  - The property must be offered to a second group of designated public entities. This group must also be notified that it has sixty days to make offers, but is not entitled to an additional negotiation period.
- Lease (with no option to purchase): No additional notices, beyond the requisite offers to charter schools and Naylor Act entities, are expressly required. The District may

proceed to lease the property to the highest responsible bidder pursuant to Education Code sections 17466, et seq. (Note: More conservatively, and in recognition of limited legal precedent, the additional notices may still be sent.)

- Leasing vacant classrooms (Ed. Code § 17465): The District must offer the classrooms to other school districts in the District’s SELPA or the County Office of Education (“COE”) for use for special education programs. The school districts or the County Office of Education are entitled to a negotiation period of sixty days from receipt of the offer.
- All property sales (Govt. Code § 65402(c)): The District must notify the local city or county planning agency, if such city or county has adopted a general plan which affects or includes the area where the property is located.
- Competitive bidding (Ed. Code §§ 17466, et seq.): The District may ultimately sell or lease the property to the highest responsible bidder. Bids may not be opened until at least three weeks after the Board adopts its resolution of intent to sell or lease the property. Districts may seek waivers of the competitive bidding process from the State Board of Education; in recent years, waivers from the bidding process have been granted, but districts have still been required to provide mandatory notices and engage in certain public procedures.
- The Education Code also contains a provision indicating that failure to comply with the Education Code’s surplus property provisions will not invalidate a conveyance of property that has already occurred. (Ed. Code § 17483.)

## Detailed Checklist

### I. Determination of Surplus Status

- The District may wish to adopt an initial resolution to commence the process of whether to declare District property as surplus, but no such resolution is required.
- The School Board must appoint a committee of between seven and eleven members (“7-11 Committee”, or “Advisory Committee”), who are representative of each of the following (Ed. Code § 17388-17389):
  - The ethnic, age group, and socioeconomic composition of the District.
  - The business community, such as store owners, managers, or supervisors.
  - Landowners or renters, with preference to be given to representatives of neighborhood associations.
  - Teachers.
  - Administrators.
  - Parents of Students.
  - Persons with expertise in environmental impact, legal contracts, building codes, and land use planning, including, but not limited to, knowledge of the zoning and other land use restrictions of the cities and counties in which surplus space and real property is located.
- The 7-11 Committee must do all of the following (Ed. Code § 17390):
  - Review the projected school enrollment and other data provided by the District to determine the amount of surplus real property.
  - Establish a priority list of use of surplus space and real property that will be acceptable to the community.
  - Cause to have circulated throughout the attendance area a priority list of surplus space and real property and provide for hearings of community input to the community on acceptable uses of space and real

property, including the sale or lease of surplus real property for child care development purposes.

- Make a final determination of limits of tolerance of use of space and real property.
- Forward to the Board a report recommending uses of surplus space and real property.
- The 7-11 Committee's recommendation is advisory only, and need not be implemented by the Board.

II. Consider Physical and Political Aspects of Site

- Optional: Clarify Site's Physical Development Constraints, both for the District's purposes and for the information of prospective buyers and developers.
  - Ensure title is free and clear of tax lien liabilities, restrictive covenants, conditions and restrictions, restrictive easements, and any additional constraints.
  - Obtain a boundary/survey map to verify acreage and land area and a legal description.
  - Determine current zoning and general plan restrictions on the property as well as the likelihood and time line for changes to a more favorable designation. This review should also reveal other restrictions and costs such as Coastal Commission approval, Corps of Engineers approval, availability of water and sewer connections, off-site costs such as traffic mitigation, park dedication fees, fees for special districts, etc.
  - Obtain a soils or geological study, if potential problems are identified (e.g. liquefaction risks, slope problems, etc.).
  - Consider having the site inspected to determine whether it contains any toxic or hazardous materials.
  - Obtain an asbestos study and removal cost estimate for existing buildings.



### III. Board Action Declaring Property Surplus

### IV. Required Offers

#### A. Offers Required by the Naylor Act

- Optional: Clarify Political and Policy Issues.
  - Although an appraisal is not required, it is often wise to obtain at least one appraisal to obtain minimum and target values, whether the district elects to share the appraisal or keep it confidential.
  - Meet with key political players in City or County having jurisdiction to ensure that highest and best use recommendations have potential for obtaining development approvals.
  - If possible, obtain information from City or County which outlines its approval process (e.g., allowable densities and land uses, fees, exactions).
  - Meet with key homeowners' associations and community leaders concerning recommended development plan.
  
- Optional: The Board may wish expressly to declare certain property surplus. This is an action preliminary to the later resolution of intent to lease or sell the property, and can be used to trigger the offer of the property to other public agencies. To do so, the Board can adopt a resolution taking each of the following actions:
  - Consider the 7-11 Committee's recommendations. (Ed. Code § 17388.)
  - Describe the property to be declared surplus.
  - Declare the property surplus.
  - Authorize offers to other public agencies.
  
- Determine whether the Naylor Act (Ed. Code §§ 17485, et seq.) applies. The Naylor Act applies when all of the following conditions are present (Ed. Code § 17486):
  - All or a portion of the property is used for school playground, playing field, or other outdoor recreational purposes and open-space land

particularly suited for recreational purposes.

- The land has been used for such purposes for at least eight years immediately preceding the Board's decision to sell or lease the property.
  - No other available publicly owned land in the vicinity is adequate to meet the existing and foreseeable needs of the community for playground, playing field, or other outdoor recreational and open-space purposes, as determined by the governing body of the agency which proposes to purchase or lease land from the District.
- The District may exempt two surplus properties from the Naylor Act for each planned school site acquisition if the District has an immediate need for an additional school site and is actively seeking to acquire an additional site, and may exempt one surplus property from the Naylor Act if the District is seeking immediate expansion of the classroom capacity of an existing school by 50% or more. (Ed. Code § 17497.)
  - No more than 30% of the total surplus school acreage (inclusive of both developed and undeveloped property) owned by a school district may be purchased or leased by public agencies through the Naylor Act. (Ed. Code § 17499(a).)
  - If the Naylor Act applies and the property is not exempted, the District must first make a written offer to sell or lease the property to the following agencies for use as outdoor recreational space, in order of priority (Ed. Code § 17489):
    - First, to any city within which the land is situated.
    - Second, to any park or recreation district within which the land is situated.
    - Third, to any regional park authority having jurisdiction within the area in which the land is situated.
    - Fourth, to any county within which the land is situated.

- ❑ If any of the above entities wishes to purchase or lease the property, the entity must notify the District in writing within 60 days after receiving written notification from the District of its offer to sell or lease the property. (Ed. Code § 17489.)
- ❑ In the event the Naylor Act applies, the District may seek a waiver of Naylor Act requirements from the California Department of Education. (Ed. Code § 33050.) To request a waiver, the District must do the following:
  - Enable the employees' unions to participate in the development of the waiver. (Ed. Code § 33050 (d).)
  - Hold a public hearing on the issue. (Ed. Code § 33050 (a).)
  - Submit an application to the State Board of Education.
  - The State Board of Education must provide 30 days written notice of the hearing on the waiver to each public agency to which an offer of sale or lease must be made under the Naylor Act. (Ed. Code § 33051.5.)
- ❑ If the Naylor Act applies, the price of the land shall not exceed the school district's cost of the original acquisition, with adjustments made for any percentage increase or decrease in the CPI from the original date of purchase to the year in which the offer of sale is made, plus the cost of any improvement to the land made by the school district since the original acquisition. However, the final sale price shall not be less than 25 percent of the fair market value of the land or less than the amount necessary to retire the share of local bonded indebtedness plus the amount of the original cost of the approved state aid applications on the property. (Ed. Code § 17491(a).)
- ❑ If public entities decline a school district's offer to sell or lease school property under the Naylor Act, the property may be sold, leased and/or developed to the same extent as is permitted on adjacent property. The process of zoning necessary for such development is to be expedited by the local city or county. (Gov. Code § 65852.9.)

B. Offers to Sell or Lease with Option to Purchase

- The District must first make written solicitations to the following government agencies: any park or recreation department of any city or county within which the land is situated, any regional park authority having jurisdiction within the area in which the land is situated, and the State Resources Agency. Such agencies must use the property for park and recreational purposes if they purchase or lease the property under Government Code section 54222. (Ed. Code § 17464(b); Gov. Code § 54222(b).)
- Government Code section 54222 also requires written solicitations to additional government agencies, however, they are not expressly required by Education Code section 17464, which lists the offers a school district must make, and the order in which it must make them. There is no case law clarifying whether the additional Government Code offers must be made by a school district. Because Education Code section 17464 references only the park and recreation components of Government Code section 54222, there is an argument that a school district's obligations to provide written solicitation under section 54222 are limited to park and recreation agencies. If a district nevertheless elects to take a more conservative approach by making these additional offers, the offers would be to the following entities:
  - Any local public agency as defined in Health and Safety Code section 50079 for the purpose of developing low- and moderate-income housing.
  - Housing sponsors (defined by Health and Safety Code § 50074) that have provided the District with a written request, and that will use the property for the purpose of developing low- and moderate-income housing, and meet certain other statutory requirements.
  - Any other school district in which the property is situated, if the school district will use the property for school facility construction or open-space purposes.
  - If the property is in any area designated as an enterprise zone, an offer must be sent to the nonprofit neighborhood enterprise association corporation in the zone for enterprise zone

purposes.

- Any county, city, city and county, community redevelopment agency, public transportation agency, or housing authority within whose jurisdiction the surplus land is located, for the purpose of developing property located within an infill opportunity zone designated pursuant to Government Code section 65088.4, or within an area covered by a transit village plan adopted pursuant to Government Code sections 65460, et seq.
- If any of the above entities is interested in obtaining the property, it must so notify the District within 60 days of the District's written solicitation. (Gov. Code § 54222(f).)
- In the event of such notification, the District must enter into good faith negotiations to determine a mutually satisfactory price. If the price cannot be agreed upon after a good faith negotiation period of at least 90 days, the District's obligations under Government Code section 54222 are discharged. (Gov. Code § 54223.)
- If the District does not agree to price and terms of sale during the 90-day period described above, the District can proceed to the next step in the process. However, if negotiations are unsuccessful and the District ultimately disposes of the property to an entity that uses the property for development of 10 or more residential units, that entity or a successor entity must provide not less than 15 percent of the total number of units developed at affordable housing cost, or affordable rent, to lower income households. This is a new requirement effective on January 1, 2015. Rental units must remain affordable for at least 55 years, the initial occupants of ownership units must be low income households, and these requirements must be set forth in a deed restriction attached to the property. (Gov. Code, § 54233.) Again, unless the District takes the more conservative approach of offering the property to all of the entities designated in Government Code sections 54220, *et seq.*, these requirements will only apply to offers to designated entities for use of property for park and recreational purposes.

- If none of the above government agencies purchases or leases the property with an option to purchase under the foregoing procedures, the property must be offered at fair market value to the following additional entities (Ed. Code § 17464(c)):
  - In writing to the Director of General Services, Regents of the University of California, the Trustees of the California State University, the county and city in which the property is situated, and any public housing authority in the county in which the property is situated, and to any entity referenced in the paragraph immediately below (regarding Ed. Code § 17464(c)(2)) that has submitted a written request to the District to be directly notified of the offer for sale or lease with an option to purchase the real property by the District. (Ed. Code § 17464(c)(1).) This notice must be mailed no later than the date of the second publication described in the paragraph immediately below.
  - By public notice, published once per week for three successive weeks (with at least five days between each publication, not counting the actual publication dates) in a newspaper of general circulation within the district, specifying that the property is being made available to any public district, public authority, public agency, and other political subdivision or public corporation in the state or of the federal government, and to other nonprofit charitable or nonprofit public benefit corporations. (Ed. Code § 17464(c)(2).)
    - If any of the above entities is interested in purchasing the property, it must so notify the District within 60 days of the third publication of the District's notice of intent to sell or lease. If the parties do not agree upon a mutually satisfactory price within this 60 day period, the property may be sold or leased by competitive bidding.
- The District may choose to notify all of the same government agencies and other entities identified above, although doing so does not appear to be required expressly

C. Offers to Lease with No  
Option to Purchase

#### D. Additional Offers if Leasing Vacant Classrooms

by the Education Code. If the District elects not to do so, it can proceed to Step VI, below, “Board Action Declaring Intention to Sell or Lease the Property”.

- ❑ Note: There is no express statutory guidance or case law clarifying whether additional notices are required. A more conservative approach would be to follow the same process as applicable to sales or leases with options to purchase, although that does not strictly appear to be mandatory.
- ❑ The District must offer to lease the classrooms for special education programs that are provided by either other school districts that comprise part of the District’s SELPA, or by the COE (and that serve the District’s students, in whole or in part). (Ed. Code § 17465(b).)
- ❑ Upon adoption of the resolution of intent to lease real property (further described below), the District must notify in writing the other districts or the COE, as applicable, of its intent to lease vacant classrooms. (Ed. Code § 17465(c).)
  - The notice shall describe the vacant classrooms, specify that the lease shall not exceed a 99-year term, specify that the lease payment and other lease terms are subject to negotiation, and state that the offer is valid for no more than 60 days after receipt thereof. (Ed. Code § 17465(c).)
- ❑ The school district/COE shall inform the Board in writing of its intent to lease or not lease the classrooms within 60 days from the receipt of the notification. (Ed. Code § 17465(e).)
- ❑ The District may include in its resolution of intent a time for a regular Board meeting at which sealed proposals to lease will be received and considered, and may post copies of the resolution and publish notice of the adoption of the resolution. However, the Board shall not act on any proposal prior to the first of the following conditions occurring (Ed. Code § 17465(d)):
  - Receipt from the public education agency or the county superintendent, as appropriate, of its intent to lease the classrooms or of its intent not to do so.

E. Offers to Interested Charter Schools No Longer Required

V. Notification of Local City or County Planning Agency Prior to Sale

VI. Board Action Declaring Intention to Sell or Lease the Property

- Expiration of the 60-day period.
- The lease terms shall be negotiated by the entity desiring to lease the vacant classrooms and the Board (the terms may be negotiated prior to availability of the classrooms). (Ed. Code § 17465(f)(1).)
  - The lease payments shall not exceed the District's actual costs for maintenance, operation, and custodial services for the leased classrooms. (Ed. Code § 17465(f)(2).) If more than one school district offers to lease classrooms, the leasing district may elect to negotiate either individually or jointly with the interested districts. (Ed. Code § 17465(f)(3).)
- If the parties are unable to arrive at a mutually satisfactory lease within the 60-day period, the District may offer the property to other parties. (Ed. Code § 17465(g).)
- For a period of time prior to July 1, 2016, the governing board of a school district seeking to sell or lease surplus real property was required to offer that property for sale or lease to interested charter schools if certain criteria were met. This requirement sunset on July 1, 2016, and is no longer applicable. (Ed. Code, § 17457.5.)
- If the local city or county planning agency has adopted a general plan or part thereof which affects or includes the area where the property is located, the District must notify the agency in writing before the District may sell the property. The notification must identify the property's location, and the purpose and extent of the proposed sale. (Govt. Code §65402(a), (c).)
- The local planning agency must report back to the District within 40 days, indicating whether the proposed sale is in conformity with the general plan. If the agency fails to respond within 40 days, it is conclusively deemed a finding that the proposed sale is in conformity with the general plan or part thereof. (Govt. Code § 65402(c).)
- Even if the planning agency disapproves of the location, purpose or extent of the property sale, the District may



overrule such disapproval. (Govt. Code § 65402(c).)

- If the property remains unsold or unleased after the foregoing steps, the Board must declare its intention in a regular meeting to sell or lease the property prior to putting the property up to competitive bid. To do so, it should adopt a resolution taking each of the following actions:
  - Consider the 7-11 Committee's recommendations. (Ed. Code § 17387, et seq.)
  - Describe the property proposed to be sold or leased in such a manner as to identify it. (Ed. Code § 17466.)
  - Specify the minimum price and the terms upon which the property will be sold or leased. (Ed. Code § 17466.)
  - State the commission or rate, if any, which the board will pay to a broker out of the minimum price. (Ed. Code § 17466.)
  - Specify a date at least three weeks later for a public Board meeting at which proposals to purchase or lease will be received and considered. (Ed. Code § 17466.)
- The resolution must be adopted by a two-thirds vote of the Board. (Ed. Code § 17466.)
- The District must give public notice of the adoption of the resolution by posting copies of the resolution signed by the Board in three public places in the District at least 15 days before the meeting where the bids are opened, and by publishing the notice at least once per week for three successive weeks before the meeting where the bids are opened in a newspaper of general circulation within the county in which the District is located. (Ed. Code § 17469.)
- The governing board of a District that intends to sell surplus real property must also make efforts to notify the former owner from whom the District acquired the property 60 days in advance of the meeting at which the resolution will be considered. (Ed. Code § 17470.) Also, special rules may apply to property that was acquired by eminent domain,

including that the former owner may have to be offered a right of first refusal in certain circumstances. (Civ. Proc. Code § 1245.245.)

- Optional: Although not required by law, the District may wish to obtain a preliminary title report to determine if there are any exceptions in the report which would affect the bid process. Also, the preliminary title report should be made available to prospective bidders who may require the report as part of their due diligence process before submitting a bid.
- CEQA Compliance: The District should give consideration to the application of the California Environmental Quality Act (“CEQA”). Generally, a sale or lease of property is exempt from detailed CEQA review if it can be said with certainty that there is no possibility that the sale or lease will have a significant environmental effect. (Cal. Code Regs., tit. 14, § 15061(b)(3).) The District may adopt a Notice of Exemption at the same time it adopts the resolution described above. (Id., § 15062.)
- At the public Board meeting where the bids are opened (in open session), the Board must do the following (Ed. Code §§ 17472, 17473):
  - Open, examine, and declare all sealed proposals which have been received by the Board.
  - Call for oral bids.
  - Either accept the highest responsible bid (after deducting the commission, if any) which conforms to all terms and conditions specified in the resolution of intention to sell or lease the property, or reject all bids.
  - If an oral bid is the highest bid, it does not need to be accepted unless it exceeds the written bids by at least 5%.
  - The bid may be accepted at an adjourned meeting of the Board within ten days of the bid opening. (Ed. Code § 17475.)

## VII. Competitive Bidding

- The District may seek a waiver of the competitive bidding requirements from the State Board of Education. (Ed. Code § 33050.) In recent years, the State Board has been granting some waivers of the competitive bidding requirement, particularly where a district intends to sell property to a developer, including when the sale is contingent on the developer's obtaining entitlements to build on the property. In such circumstances, the district may prefer the buyer most qualified to seek and obtain those entitlements, rather than the highest bidder in all instances. Such waivers have not, however, exempted districts from the various notice requirements set forth above, and certain public process is still required, including use of a request for proposal and a waiting period for public input after proposals are received.

To request a waiver, the District must do the following:

- Enable the employees' unions to participate in the development of the waiver. (Ed. Code § 33050 (d).)
- Hold a public hearing on the issue. (Ed. Code § 33050 (a).)
- Submit an application to the State Board of Education.

## VIII. Exceptions

- The District may bypass the above described notification and bidding procedures in several situations, including the following:
  - Child Care and Development Services (Ed. Code § 17458): The District may sell or lease any surplus real property to any contracting agency exclusively for the delivery of child care and development services (as defined in Ed. Code § 8208), for not less than five years.
  - 30 Days (Ed. Code § 17480): The District may lease any property for a period not exceeding 30 separate or consecutive calendar days in each fiscal year.
  - Residences (Ed. Code § 17481): The Board, by a two-thirds vote of its members, may lease school district property with a residence which cannot be developed for District purposes because of the

unavailability of funds for a term not exceeding three months.

- Historic Buildings (Ed. Code § 17482): The Board may sell or lease a building that has an historic value, and the site upon which the building is located, for fair market value to certain non-profit or civic organizations, if the county board of supervisors finds that various conditions exist.
- Land Exchanges (Ed. Code § 17536): The exchange of real property is exempt from the surplus property procedures described herein. An exchange of properties with a private person or entity may be accomplished by a resolution adopted by a two-thirds majority of the Board. Due to an apparent error made when the Education Code was reorganized, exchanges with public agencies are no longer as clearly addressed in the Education Code; legal counsel should be consulted regarding those requirements.

IX. Use of Proceeds of Sale or Lease with Option to Purchase

- Statutory limitations on the use of the proceeds of the sale of surplus property apply to (1) sales and (2) leases with the option to purchase. They do not apply to leases with no option to purchase.
- The proceeds of the sale of surplus property generally must be used for capital outlay or non-recurring maintenance costs. The proceeds of a lease with option to purchase may be deposited in a restricted fund for routine repairs for up to a 5-year period. The proceeds must be used for one-time expenditures, and may not be used for ongoing expenditures, such as general operating expenses. (Ed. Code § 17462(a).)
- With concurrence of the State Allocation Board that the District has no anticipated need for additional sites or construction in the next ten years or major deferred maintenance requirements, the District may surrender its state facility funding eligibility for those ten years and place the proceeds into its general fund, again for one-time expenditures. (Ed. Code § 17462(a).)
- Subject to certain conditions and State Allocation Board

concurrency, a school district having an average daily attendance of less than 10,001 in any fiscal year may deposit interest earned on the funds from a sale of surplus property in that fiscal year into the general fund for any general fund purpose, while surrendering state facilities funding for ten years. (Ed. Code § 17463.)

- ❑ Under 2009 budget legislation, as revised in 2011, school districts were authorized to deposit the proceeds of the sale of surplus property that was purchased entirely with local funds into the general fund for one-time expenditures if certain conditions were met. However, this legislation expired on January 1, 2016. (Former Ed. Code § 17463.7.)
- ❑ Although it has not yet done so, as of October 2, 2013, the State Allocation Board is authorized to establish a program that would require school districts to return state school facilities funding to the State if the school district sells surplus property that was purchased, modernized, or improved using that funding, and the following conditions are met:
  - The property is not being sold to a charter school, another school district, a county office of education, or any agency that will use the property exclusively for the delivery of child care and development services.
  - The proceeds from the sale will not be used for capital outlay.
  - The property was purchased, or the improvements were constructed or modernized, within 10 years before the property is sold. (Ed. Code, §17462.3.)
- ❑ There are no statutory limitations on the use of proceeds from a lease of surplus property if the lease does not include an option to purchase.

X. Use of Proceeds of Lease  
with No Option to  
Purchase

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**DRAFT**

- B. Facilities Information Sheets**  
Narratives on the background of each property

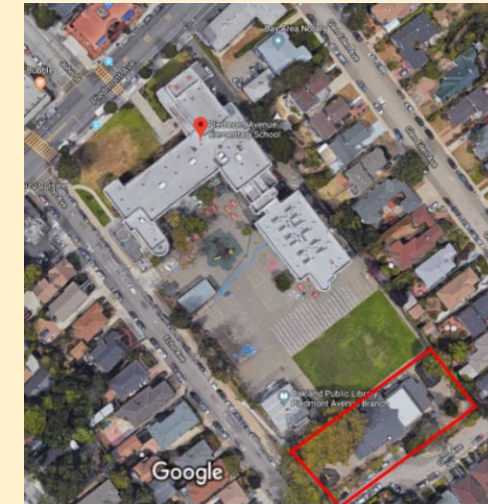
# 86 Echo Ave (Formerly known as Piedmont CDC)

**Property/Site Size:** 0.51 Acres or approximately 22,200 sf

**Building Size:** 6,837 sq ft, 1-story

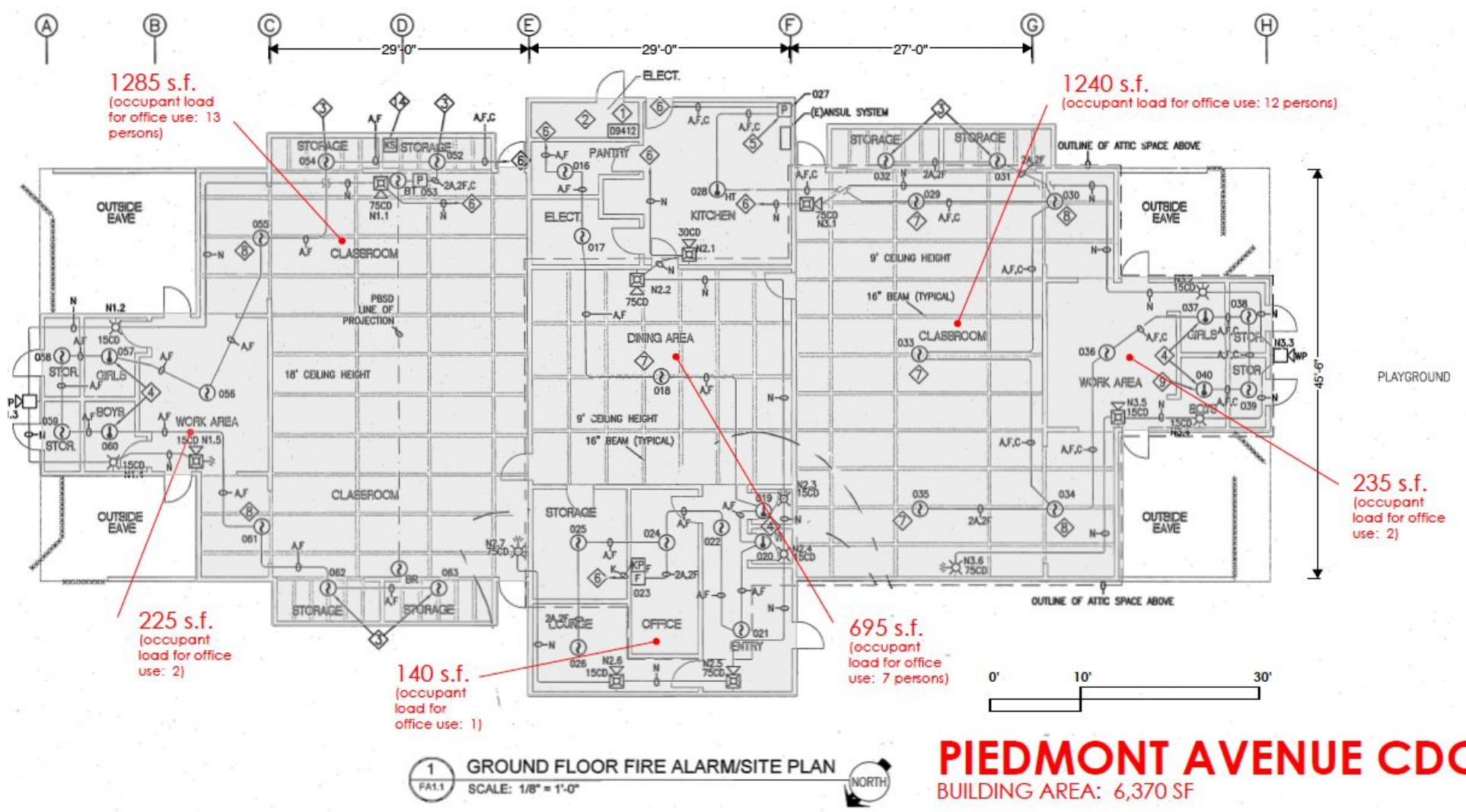
**Configuration:** 4 open classrooms, offices and kitchen, see floor plan below.

**Built in** 1966



Criteria	Key Questions	Application to Piedmont CDC
<b>Enrollment Potential</b>	Is the property needed for projected k-12 enrollment?	<p>K-12 Enrollment: Over the past 15 years, enrollment in OUSD district-run schools has declined from 44,925 in 2004-05 to 36,524 in 2018-19 - a difference of 8,401 fewer students. Over the past seven years, OUSD enrollment has flattened and has ranged from a low of 36,368 to a high of 37,096. Last year, the official district enrollment was 36,524, down from 37,096 the year before. These enrollment data are publicly available at <a href="http://ousddata.org">ousddata.org</a>. Meanwhile, we have 38 schools that are severely under enrollment capacity, meaning they use less than 75% of their facility’s seat capacity. These underutilized facilities are located across the city, with the largest concentrations in the East and West regions of Oakland.</p> <p>Enrollment and Capacity for Piedmont Elementary: The elementary school has 18 classrooms, 1 cafeteria, 1 library/media center, 2 instructional support/resource rooms, and one laboratory space (music room). The 2019 census day (October 2, 2019) enrollment at Piedmont Elementary was 341 students (322 non-SDC, 19 SDC) across grades TK-5. The program is currently using 15 classrooms - 13 for general education classes and 2 for special day classes, leaving 3 classrooms that could be used for program expansion within the school.</p> <p>Early Childhood Enrollment: OUSD serves 1580 students in our early childhood development centers. See <a href="#">handout</a> for program listings.</p>
<b>Vacant</b>	Is the property currently vacant? How long has it been vacant?	<p>The 86 Echo Ave property (Piedmont CDC) has been vacant since 2010. The former use was a Childhood Development Center. The program closed in 2010 due to reductions in state funding allocations for early childhood. There was also low enrollment of students who qualified for the state funded seats in the pre-school.</p> <p>Since the site has been vacant, the 86 Echo Ave (Piedmont CDC) site has cost an average of \$25,000 to the district.</p>
<b>Building/Site Conditions &amp; Financial Outlook</b>	What are the building and site conditions? What is the estimated cost to repair? What is the estimated value of the property? What is the value for future income stream?	<p><b>PROPERTY INFORMATION:</b> Parcel map for the site indicates that the property was assembled from seven individual lots, which appear to have been small residential properties.</p> <p><b>FACILITIES CONDITION:</b> Initial condition rated as Fair/Good based on visual inspection from site and building visits. Observations included minor site and building deterioration due to lack of maintenance. The Facilities Condition Index (“FCI”) for the Piedmont CDC property is <b>11.27%</b>--this indicates a building in good condition. (FCI is calculated based on the ratio of costs to repair the buildings to the cost to replace the buildings--the lower the ratio, the better the condition of the buildings.) Replacement value is estimated at \$750/sf direct construction only for this calculation.</p> <p><b>COST OF REPAIRS:</b> Preliminary estimated costs to repair include minor site repairs--asphalt repairs, slurry coat, fence and gate repairs, play structure surface repair. Building repairs include--interior and exterior painting, siding and trim repairs, flooring repairs, ADA Restroom Renovations at 4 locations, operable partition repairs, deep clean, and other minor upgrades to move-in condition. The estimated costs to repair the 86 Echo Ave (Piedmont CDC) site) is <b>\$538,532</b>. (These costs are <u>not</u> indicative of the potential costs to turn this building into a DSA-approved K-12 school building.)</p> <p><b>PROPERTY VALUE:</b></p> <p><b>Lease Value for the Site and Buildings:</b> After preliminary review with real estate team, lease value range estimated at <b>\$2.50 to \$3.50</b> per square foot per month (NNN). At mid-range \$3.00/sf/mo. total annual lease income would be approximately \$230,000.</p> <p><b>Land Value:</b> We have not received estimated land value costs at this time.</p> <p><b>ZONING:</b> The 86 Echo Ave (Piedmont CDC) site is zoned <b>RM-2, RM-2 Mixed Housing Type Residential Zone-2</b>.The intent of the RM-2 zone is to create, maintain,</p>

		and enhance residential areas characterized by a mix of single family homes, duplexes, townhouses, small multi-unit buildings, and neighborhood businesses where appropriate.
<b>Location</b>	Is the location of the facility optimal for a school site or other educational use? Is the facility located in an Oakland Opportunity Zone?	The 86 Echo Ave (Piedmont CDC) site is co-located on the Piedmont Avenue Elementary School site campus. It is .73 miles from an optimal elementary school location ( <i>based on 2018 RAD location/allocation analysis</i> ); and is 1 mile from an operating OUSD CDC program at Emerson Elementary School. It is not located within an Oakland Opportunity Zone.  See <a href="#">handout</a> for the list of current Early Childhood Education program offerings.
<b>Suitability for District Programs</b>	Is this site suitable for k-12 programs or other district programs (e.g. Early Childhood, Adult Ed, Charters, Administration Buildings)?	The district is not interested in using the 86 Echo Ave (Piedmont CDC) site for any educational district programming. The updated 2019 Facilities Master Plan will indicate possible sites for early childhood education programming in locations where the service is most needed.
<b>Community Input</b>	What is the community input on this property? What is the input from specific stakeholders (e.g., teachers, families, adjacent neighbors, surrounding areas stakeholders)?	The district is looking for community input on potential uses for 86 Echo Ave (Piedmont CDC) that would serve the community. The 7-11 Committee invites community engagement and will use their input in recommending whether or not the property should be considered surplus and potential uses for the site to the Board for a final decision. Potential future uses of the site may be, for example, for the city library, health and wellness services to support the school, a childcare center, community services to support the school aged children and their families , or other ideas.
<b>Other Considerations</b>	Consider other qualitative or quantitative aspects (e.g., historical value, equity impact) to inform final recommendations	Additional considerations about this property will be added to this information sheet based on input from the community and the 7-11 committee members.



Piedmont Child Development Center Floor Plan

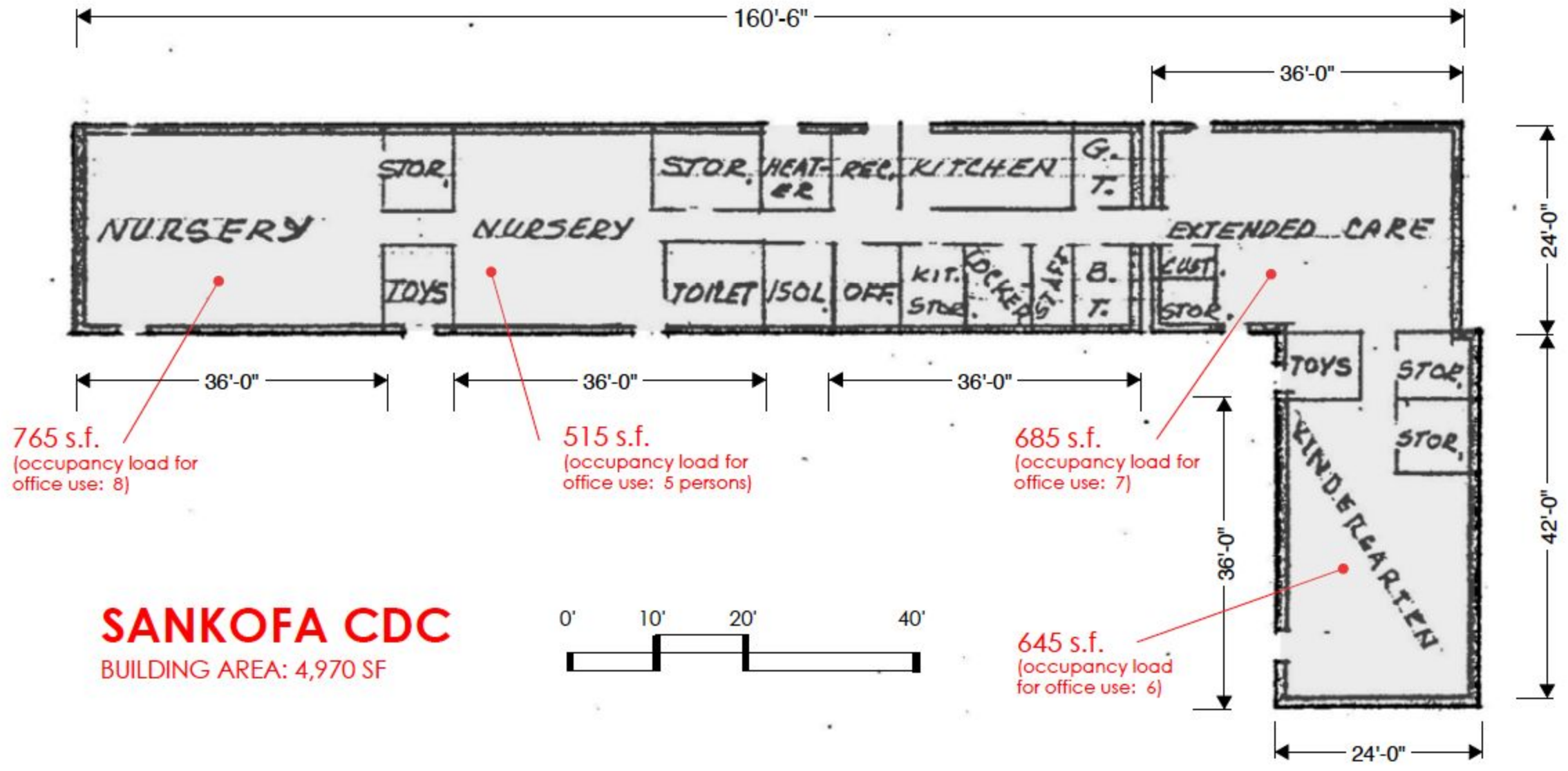
# 581 61st St (Former Washington CDC)

**Property Size:** 0.41 Acres  
**Building Size:** 4,970 sq ft, 1-story  
**Configuration:** 4 classrooms, kitchen  
**Built in** 1973



Criteria	Key Questions	Application to former Washington CDC
<b>Enrollment Potential</b>	Is the property needed for projected k-12 enrollment?	Given the Board decision on September 11, 2019 to merge Kaiser and Sankofa Elementary Schools on the Sankofa Campus, the District is encouraging the 7-11 Committee to consider not recommending this site as surplus property. This decision came after the board convened the 7-11 committee to review vacant properties. The District does not have plans to use the 581 61st St (Former Washington CDC) site in the 2020-21 school year, and would like to allow time for the newly merged school to grow and identify their needs before considering it as possible surplus.
<b>Vacant</b>	Is the property currently vacant? How long has it been vacant?	<p>The 581 61st St (Former Washington CDC) site has been vacant since 2010. The former use was a Childhood Development Center (CDC). The program closed in 2010 due to reductions in state funding. At that time, the pre-school moved into the Sankofa School building. There was a short temporary use of the former CDC by the Temporary Alternative Placement (TAP) Center.</p> <p>Since closing, the 581 61st St (Former Washington CDC) site has cost the District about \$25,000 to maintain.</p>
<b>Building/Site Conditions &amp; Financial Outlook</b>	What are the building and site conditions? What is the estimated cost to repair? What is the estimated value of the property? What is the value for future income stream?	<p><b>FACILITIES CONDITION:</b> Initial condition rated as Poor based on visual inspection. Observations included extensive site and building deterioration due to age and lack of maintenance. The Facilities Condition Index (“FCI”) for the former Washington CDC buildings is 56.6%--this indicates a building in poor condition. (FCI is calculated based on the ratio of costs to repair the buildings to the cost to replace the buildings--the lower the ratio, the better the condition of the buildings.) .</p> <p><b>COST OF REPAIRS:</b> The estimated cost to repair the 581 61st St (Former Washington CDC) site is \$1,827,000. This cost includes hazardous materials abatement, ADA compliance including full renovation of restrooms and new ramps, interior finishes, new electrical and lighting, new HVAC, re-roof, new flooring, new ceilings, interior and exterior painting, window upgrades, and site work including new and repair asphalt, fence/gate upgrades, and upgraded play structure.</p> <p><b>PROPERTY VALUE:</b> The estimated value of the property needs to be considered in light of the very high costs to rehabilitate the existing buildings and bring them up to current code. The owner of the property is normally required to deliver a leasable building. In this case the demolition and replacement of the building(s) is potentially more cost-effective for providing an appropriate and useable educational support facility.</p> <p><b>Lease Value for the Site and Buildings:</b> Limited lease value due to poor condition and high costs to repair/renovate. A fully renovated or new facility on the site would have a lease value in the \$3.00/sf/month range, with a total annual lease income potential in the range of \$175,000 per year.</p> <p><b>Land Value:</b> Residual value for the land is modest and would be from the creation of buildable lots for housing. Estimated market value at \$525,00-\$750,000 for the full site area. This is after the costs of demolition of the existing buildings and site clearance which are estimated at \$75,000-\$100,000.</p> <p><b>ZONE:</b> 581 61st St (Former Washington CDC) site is zoned RM-2, Mixed Housing Type Residential-2. RM-2 zones are intended to create, maintain, and enhance residential areas characterized by a mix of single family homes and duplexes, and neighborhood businesses where appropriate. Bushrod Park is directly adjacent to the former CDC site, is this a City of Oakland Park.</p> <p><b>DISTRICT WIDE K-12 FACILITIES ESTIMATED REPAIR COSTS:</b> In updating the Facilities Master Plan, the district is estimating nearly \$1 billion of needs to repair or renovate sites currently used for K-12 programs. The Board is not prioritizing funding to renovate currently vacant property.</p>
<b>Location</b>	Is the location of the facility optimal for a school site or other educational use? Is the facility located in an Oakland Opportunity Zone?	<p>The 581 61st St (Former Washington CDC) site is located on the Sankofa Academy school site campus where an operating OUSD CDC program currently exists inside the main school facility. It is .64 miles from an optimal elementary school location <i>(based on 2018 RAD location/allocation analysis)</i>.</p> <p>See <a href="#">handout</a> for the list current Early Childhood Education program offerings.</p>

<b>Suitability for District Programs</b>	Is this site suitable for k-12 programs or other district programs (e.g. Early Childhood, Adult Ed, Charters, Administration Buildings)?	The 581 61st St (Former Washington CDC) site is not suitable for educational programming in its current condition. The property will need to be renovated for any future use. There are no funds in the current facilities budget identified to support renovation of the site.
<b>Community Input</b>	What is the community input on this property? What is the input from specific stakeholders (e.g., teachers, families, adjacent neighbors, surrounding areas stakeholders)?	The District welcomes input from the newly merged (starting in 2019-20) school community regarding potential uses for 581 61st St (Former Washington CDC) that could serve the school community.
<b>Other Considerations</b>	Consider other qualitative or quantitative aspects (e.g., historical value, equity impact) to inform final recommendations	Additional consideration will be given to data and input received relating to this property as appropriate to the work of the 7-11 Committee.



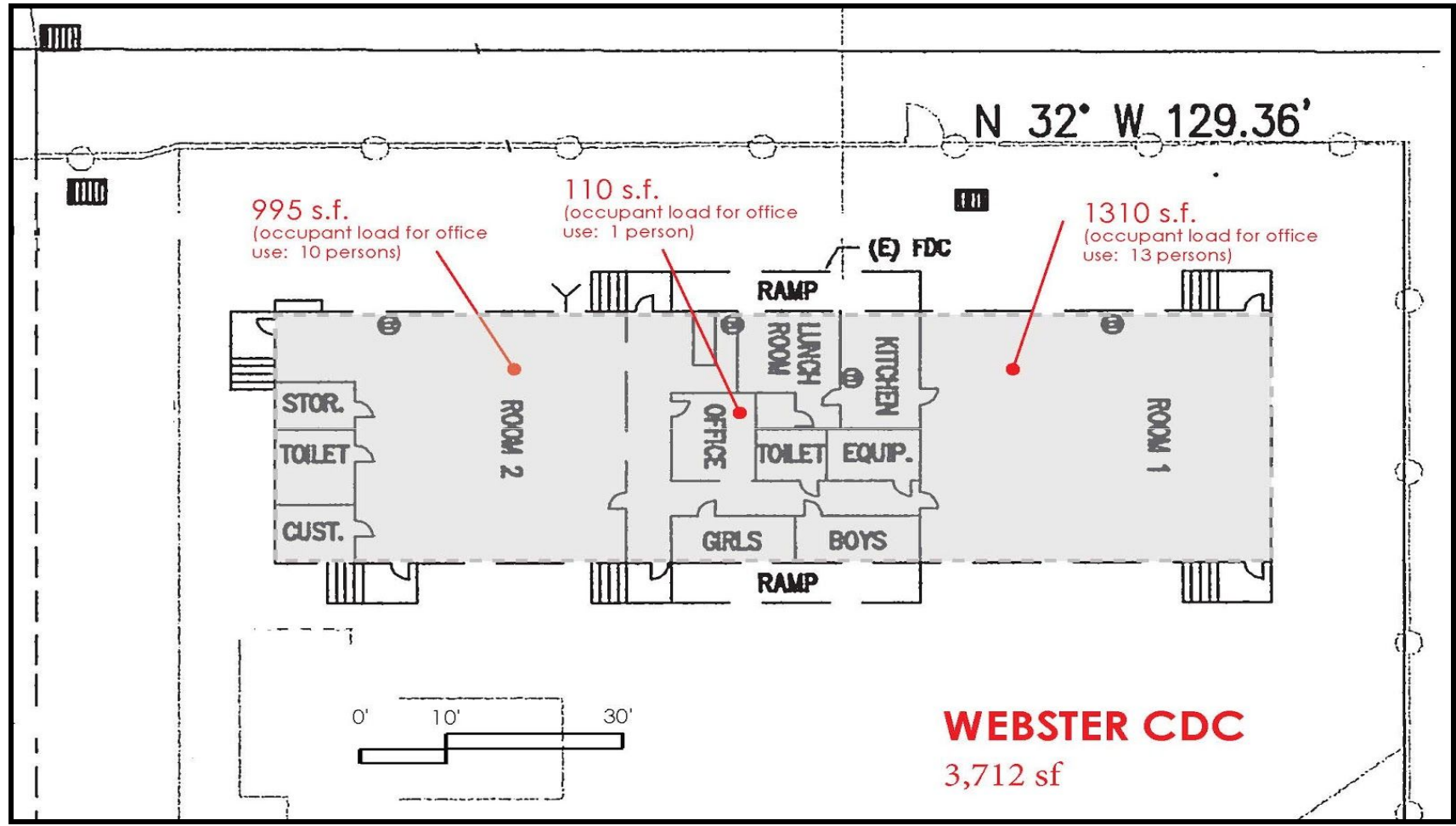
# 7980 Plymouth St (Formerly Webster CDC)

**Property Size:** 0.31 Acres  
**Building Size:** 3,712 sq ft, 1-story  
**Configuration:** 2 classrooms  
**Built in** 1962



Criteria	Key Questions	Application to Webster CDC
<b>Enrollment Potential</b>	Is the property needed for projected k-12 enrollment?	<p>K-12 Enrollment: Over the past 15 years, enrollment in OUSD district-run schools has declined from 44,925 in 2004-05 to 36,524 in 2018-19 - a difference of 8,401 fewer students. Over the past seven years, OUSD enrollment has flattened and has ranged from a low of 36,368 to a high of 37,096. Last year, the official district enrollment was 36,524, down from 37,096 the year before. These enrollment data are publicly available at <a href="http://ousddata.org">ousddata.org</a>. Meanwhile, we have 38 schools that are severely under enrollment capacity, meaning they use less than 75% of their facility’s seat capacity. These underutilized facilities are located across the city, with the largest concentrations in the East and West regions of Oakland.</p> <p>Early Childhood Enrollment: OUSD serves 1580 students in our early childhood development centers. See <a href="#">handout</a> for program listings.</p>
<b>Vacant</b>	Is the property currently vacant? How long has it been vacant?	<p>The 7980 Plymouth St (Formerly Webster CDC) site has been vacant since 2014. The former use was a Childhood Development Center. The program closed in 2014 to move the program to a brand new facility at Arroyo Viejo.</p> <p>Since the site has been vacant, the 7980 Plymouth St (Formerly Webster CDC) site has cost the district approximately \$25,000.</p>
<b>Building/Site Conditions &amp; Financial Outlook</b>	What are the building and site conditions? What is the estimated cost to repair? What is the estimated value of the property? What is the value for future income stream?	<p><b>FACILITIES CONDITION:</b> Initial condition rated as <b>Fair</b> based on visual inspection from site and building visits. Observations included minor site and building deterioration due to lack of maintenance. The Facilities Condition Index (“FCI”) for the Webster CDC building is 12.7%--this indicates a building in Fair to Good condition. (FCI is calculated based on the ratio of costs to repair the buildings to the cost to replace the buildings--the lower the ratio, the better the condition of the buildings.)</p> <p><b>COST OF REPAIRS:</b> The estimated costs to repair the 7980 Plymouth St (Formerly Webster CDC) site is \$259,840. This is based upon initial \$70/sf estimate for ADA upgrades, interior/exterior painting, roofing repairs, refreshed interior finishes, site exterior slurry seal coat and re-stripe.</p> <p><b>REPLACEMENT COST:</b> The estimated Replacement Cost using new modular buildings is calculated at \$550/sf x 3,712sf=\$2,041,600</p> <p><b>PROPERTY VALUE:</b> Primary value as a leasable program space for childcare provider, after school program, supplemental learning center.</p> <p><b>Lease Value for the Site and Buildings:</b> Walk through by real estate team indicated good potential for lease based upon condition. \$1.50-\$2.50 per sf/month. This would provide a potential income of \$67,000-\$111,000 per year, after renovations to create a leasable building and site.</p> <p><b>Land Value:</b> This a small parcel with limited sale potential. We have not calculated the residual land value.</p> <p><b>ZONING:</b> 7980 Plymouth St (Formerly Webster CDC) site is zoned RD-1, Detached Unit Residential 1 Zone. RD-1 zones are intended to create, maintain and enhance areas with detached single unit structures. Limited number of commercial uses will be permitted or conditionally permitted in existing non-residential facilities.</p> <p><b>DISTRICT-WIDE K-12 FACILITIES ESTIMATED REPAIR COSTS:</b> In updating the Facilities Master Plan, the district is estimating nearly \$1 billion of needs to repair or renovate sites currently used for K-12 programs. The Board is not prioritizing funding to renovate currently vacant property.</p>
<b>Location</b>	Is the location of the facility optimal for a school site or other educational use? Is the facility located in an Oakland Opportunity Zone?	<p>The 7980 Plymouth St (Formerly Webster CDC) site is located .25 miles from an optimal elementary school site location (<i>based on 2018 RAD location/allocation analysis</i>) and is adjacent to an operating OUSD CDC program at Arroyo Viejo. It is located within an Oakland Opportunity Zone.</p> <p>See <a href="#">handout</a> for the list current Early Childhood Education program offerings.</p>

<b>Suitability for District Programs</b>	Is this site suitable for K-12 programs or other district programs (e.g. Early Childhood, Adult Ed, Administration Buildings)?	The 7980 Plymouth St (Formerly Webster CDC) site is not suitable for educational programming due to its fair condition and location on the campus. The updated 2019 Facilities Master Plan will indicate possible sites for early childhood education programming in locations where the service is most needed.
<b>Community Input</b>	What is the community input on this property? What is the input from specific stakeholders (e.g., teachers, families, adjacent neighbors, surrounding areas stakeholders)?	The district is looking for community input on potential uses for 7980 Plymouth St (Formerly Webster CDC) that would serve the community. The 7-11 Committee invites community engagement and will use their input in recommending whether or not the property should be considered surplus and potential uses for the site to the Board for a final decision. Potential future uses of the site may be, for example, for the city library, health and wellness services to support the school, community services to support the school-aged children and their families, or other ideas.
<b>Other Considerations</b>	Consider other qualitative or quantitative aspects (e.g., historical value, equity impact) to inform final recommendations	Additional considerations about this property will be added to this information sheet based on input from the community and the 7-11 committee members.



From OUSD Deferred Project Sites File Webster CDC Floor Plan

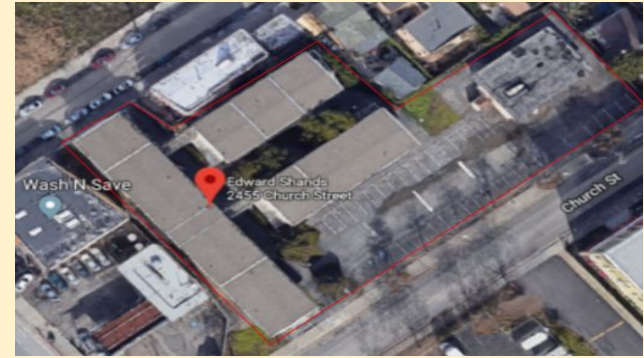
# 2455 Church St, Oakland 94605 (Formerly Edward Shands Adult Ed)

**Property Size:** 1.08 Acres

**Building Size:** 20,032 sq ft, there is a small one-story building and 3 two-story buildings on the property

**Configuration:** 4 portable classroom clusters, for a total of 16 classrooms

**Built in 1968, 1990:** 3 two-story buildings built in 1968, and 1 portable building added in 1990



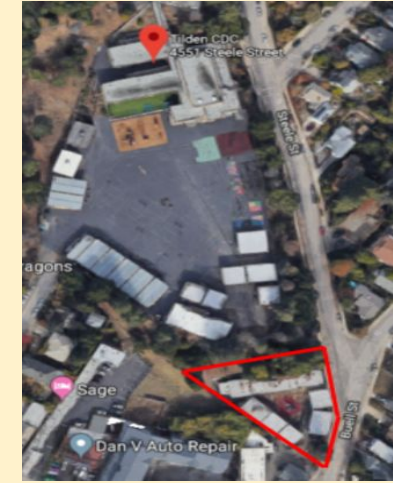
Criteria	Key Questions	Application to Shands
<b>Enrollment Potential</b>	Is the property needed for projected k-12 enrollment?	<p><b>K-12 Enrollment:</b> Over the past 15 years, enrollment in OUSD district-run schools has declined from 44,925 in 2004-05 to 36,524 in 2018-19 -- a difference of 8,401 fewer students. Over the past seven years, OUSD enrollment has flattened and has ranged from a low of 36,368 to a high of 37,096. Last year, the official district enrollment was 36,524, down from 37,096 the year before. Meanwhile, we have 38 schools that are severely under enrollment capacity, meaning they use less than 75% of their facility's seat capacity. These underutilized facilities are located across the city, with the largest concentrations in the East and West regions of Oakland.</p> <p><b>Adult Education Enrollment:</b> The California Adult Education Program (CAEP) has estimated enrollment numbers of adults needing educational programs (including basic skills and language acquisition) to be 107,000 for the Northern Alameda Adult Education Collective (the collective includes Oakland, Alameda, Piedmont, Berkeley, Albany and Emeryville). The CAEP does not calculate enrollment projections for individual cities.</p> <p>See <a href="#">handout</a> for current Oakland Adult and Career Education program offerings, number of adult students currently being served, and capacity of existing programs.</p>
<b>Vacant</b>	Is the property currently vacant? How long has it been vacant?	<p>The 2455 Church St property has been vacant since 2010. The former use was Adult Education but the program closed in 2010 due to lack of funding. There was a short secondary use by Police Services.</p> <p>Since the site has been vacant, the 2455 Church St. (Shands) site has cost nearly \$140,000 to the district.</p>
<b>Building/Site Conditions &amp; Financial Outlook</b>	What are the building and site conditions? What is the estimated cost to repair? What is the estimated value of the property? What is the value for future income stream?	<p><b>FACILITIES CONDITION:</b> The 2455 Church St. (Shands) buildings and site are in poor condition after years of vacancy and limited maintenance. The property was vandalized in February 2017 with damage to finishes, windows, and doors, and removal of electrical wiring and plumbing lines. The Facilities Condition Index ("FCI") for the Shands buildings is nearly 60%--this indicates a building in poor condition. (FCI is calculated based on the ratio of costs to repair the buildings to the cost to replace the buildings--the lower the ratio, the better the condition of the buildings.)</p> <p><b>COST OF REPAIRS:</b> The estimated costs to repair the 2455 Church St.(Shands) buildings are included in the District's "<a href="#">Shands Vandalism Report 02-28-17</a>" from February 2017. At that time, the estimated direct construction cost of repairs totaled <b>\$5,482,000</b>. This repair estimate did not include code upgrades or Americans with Disabilities Act (ADA) compliance upgrades. Costs of rehabilitation today would be higher.</p> <p><b>PROPERTY VALUE:</b> The estimated value of the property needs to be considered in light of the very high costs to rehabilitate the existing buildings and bring them up to current code. The owner of the property is normally required to deliver a leasable building.</p> <p><b>Lease Value for the Site and Buildings:</b> <u>After rehabilitation</u>, lease value ranges from \$12.00-\$24.00 per square foot per year. Potential annual income from lease: \$240,000-\$480,000.</p> <p><b>Land Value:</b> The underlying land for site redevelopment, <u>after building abatement and demolition</u>, has a potential value range of \$30-\$35 per square foot, or \$1.4 million to \$1.6 million. Site &amp; Building hazardous materials abatement and demolition costs estimated at between \$450,000-\$600,000.</p> <p><b>ZONE:</b> The 2455 Church St. (Shands) site is zoned CC-2, Community Commercial. CC-2 zones are intended to create, maintain and enhance areas with a wide range of commercial businesses with direct frontage and access on the City's corridors and commercial areas.</p> <p><b>DISTRICT WIDE K-12 FACILITIES ESTIMATED REPAIR COSTS:</b> In updating the Facilities Master Plan, the district is estimating nearly \$1 billion of needs to repair or renovate sites currently used for K-12 programs. The Board is not prioritizing funding to renovate currently vacant property.</p>



<p><b>Location</b></p>	<p>Is the location of the facility optimal for a school site or other educational use? Is the facility located in an Oakland Opportunity Zone?</p>	<p>The 2455 Church St. (Shands) site is not located on the same campus as an active school site, and is not large enough for a sustainably sized school. Analysis of projected school-aged children in this area at any gradespan can be served by multiple OUSD schools located in this part of the city. The site is within the defined Oakland Opportunity Zone boundaries, so some proposals for the potential future use of the property could be eligible for Opportunity Zone tax breaks for investors.</p> <p>See <a href="#">handout</a> for the map of current Oakland Adult and Career Education program offerings.</p>
<p><b>Suitability for District Programs</b></p>	<p>Is this site suitable for k-12 programs or other district programs (e.g. Early Childhood, Adult Ed, Charters, Administration Buildings)?</p>	<p>The 2455 Church St. (Shands) site is not suitable in its current condition for an educational purpose, including adult ed programs. The site is not ADA (Americans with Disabilities Act) accessible and needs substantial updates and repairs. Other sites are being explored for adult ed programming that are in better condition and require less investment. The updated 2019 Facilities Master Plan will indicate possible sites for adult education programming in locations where the service is most needed.</p>
<p><b>Community Input</b></p>	<p>What is the community input on this property? What is the input from specific stakeholders (e.g., teachers, families, adjacent neighbors, surrounding areas stakeholders)?</p>	<p>The district is looking for community input on potential uses for 2455 Church St. (Shands) that would serve the community. The 7-11 Committee invites community engagement and will use their input in recommending whether or not the property should be considered surplus and potential uses for the site to the Board for a final decision. Potential future uses of the site may be, for example, for adult and family services, workforce development, entrepreneurship education, and business development services for East Oakland Entrepreneurs and locally owned businesses and health services, or other ideas.</p>
<p><b>Other Considerations</b></p>	<p>Consider other qualitative or quantitative aspects (e.g., historical value, equity impact) to inform final recommendations</p>	<p>Committee members have highlighted that there is an equity-based need to bring more community resources to this area of the city, which historically suffered from divestment and redlining and remains under-resourced.</p> <p>Additional considerations about this property will be added to this information sheet based on input from the community and the 7-11 committee members.</p>

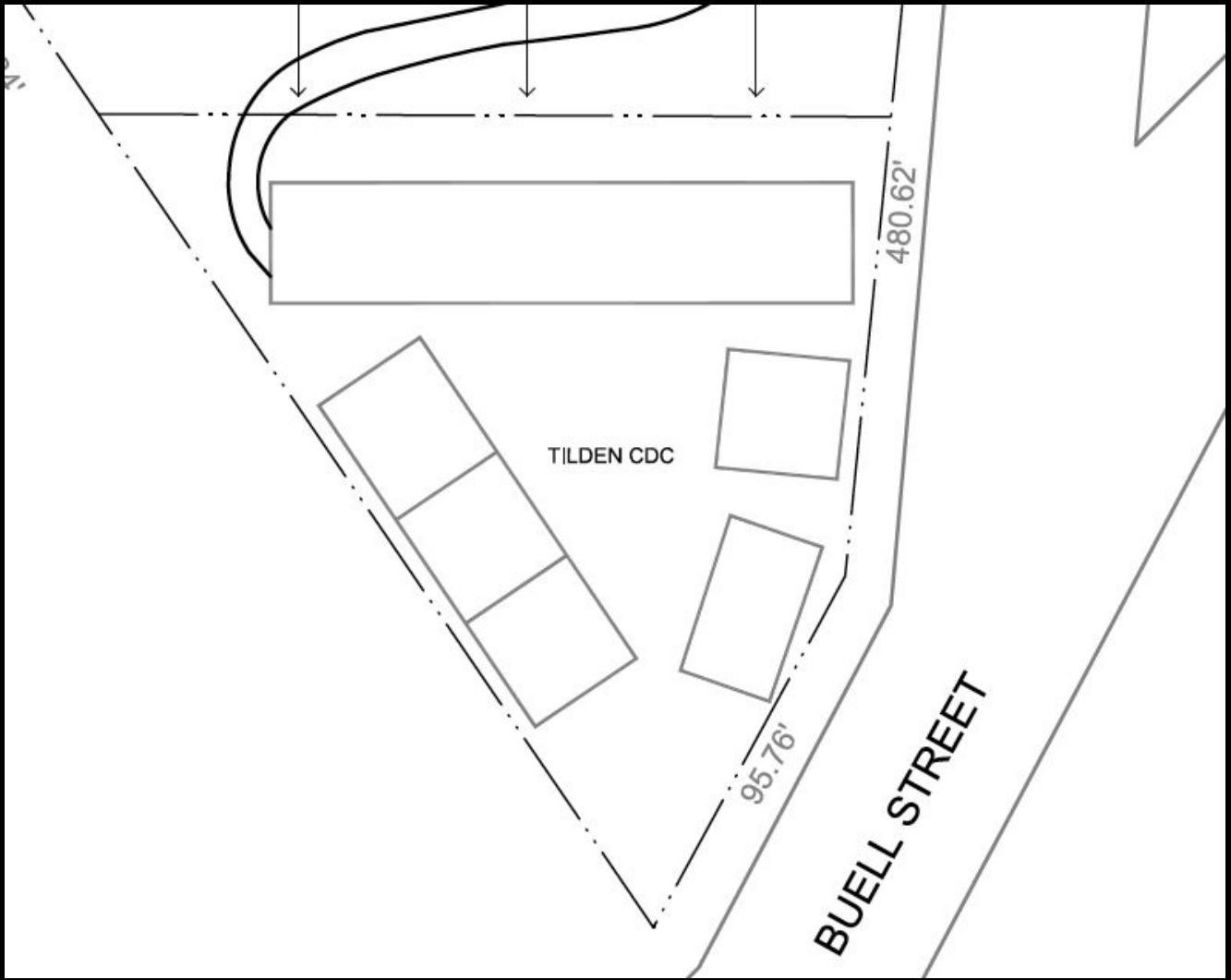
# 4551 Steele St (Formerly known as Tilden CDC)

**Property Size:** 0.44 acres in former CDC area (Estimated 0.71 acres when including hillside)  
**Building Size:** 8,640 sq ft, 1-story  
**Configuration:** 9 classroom portables  
**Built in** 1967



Criteria	Key Questions	Application to Shands
<b>Enrollment Potential</b>	Is the property needed for projected k-12 enrollment?	<p>K-12 Enrollment: Over the past 15 years, enrollment in OUSD district-run schools has declined from 44,925 in 2004-05 to 36,524 in 2018-19 - a difference of 8,401 fewer students. Over the past seven years, OUSD enrollment has flattened and has ranged from a low of 36,368 to a high of 37,096. Last year, the official district enrollment was 36,524, down from 37,096 the year before. These enrollment data are publicly available at <a href="http://ousddata.org">ousddata.org</a>. Meanwhile, we have 38 schools that are severely under enrollment capacity, meaning they use less than 75% of their facility’s seat capacity. These underutilized facilities are located across the city, with the largest concentrations in the East and West regions of Oakland.</p> <p>Early Childhood Enrollment: OUSD serves 1580 students in our early childhood development centers. See <a href="#">handout</a> for program listings.</p>
<b>Vacant</b>	Is the property currently vacant? How long has it been vacant?	<p>The 4551 Steele St property (Tilden CDC) has been vacant since 2010. The former use was a Childhood Development Center. The program closed in 2010 due to low enrollment of K-3 students and poor facility conditions. The entire pre-school and general education programming offered at the site was moved to the Burbank campus.</p> <p>Since the site has been vacant, the 4551 Steele St property (Tilden CDC) site has cost approximately \$25,000 to the district.</p>
<b>Building/Site Conditions &amp; Financial Outlook</b>	What are the building and site conditions? What is the estimated cost to repair? What is the estimated value of the property? What is the value for future income stream?	<p><b>FACILITIES CONDITION:</b> Initial condition rated as Poor based on visual inspection from site and building visits. Observations included site and building deterioration due to lack of maintenance.</p> <p><b>COST OF REPAIRS OR REPLACEMENT:</b> The estimated direct construction costs to repair the 4551 Steele St property (Tilden CDC) is <b>\$2,659,099</b>. The estimated direct construction cost of replacement assuming like-in-kind area and use is estimated at \$550/sf (including all site work costs) or <b>\$4,752,000</b>.</p> <p>The Facilities Condition Index (“FCI”) for the Tilden buildings is <b>55.96%</b>--this indicates a building in poor condition. Properties with an FCI of 50% or greater are typically considered for demolition and replacement. (FCI is calculated based on the ratio of costs to repair the buildings to the cost to replace the buildings--the higher the ratio, the worse the condition of the buildings.) .</p> <p><b>PROPERTY VALUE:</b> The estimated value of the property needs to be considered in light of the very high costs to rehabilitate the existing buildings and bring them up to current code. The owner of the property is normally required to deliver a leasable building.</p> <p><b>Lease Value for the Site and Buildings:</b> \$1.50 - \$2.50/sf/month <b>after repairs</b> providing potential income of \$67,000 to \$110,000/year. High cost of repairs or replacement is a serious impediment to considerations of leasing, even if amortized over long lease period net return to District limited.</p> <p><b>Land Value:</b> Assume a potential for 3 single-family lots in accordance with RD-1 zoning, residual value of land approximately \$130,000-\$215,000, after demolition and site clearing. Cost of demolition, including hazardous materials abatement, is estimated at \$150,000 to \$175,000.</p> <p><b>ZONE:</b> 4551 Steele St property (Tilden CDC) site is zoned <b>RD-1, RD-1DetachedUnitResidentialZone-1</b>: The intent of the RD-1 zone is to create, maintain, and enhance areas with detached, single unit structures. A limited number of commercial uses will be permitted or conditionally permitted in existing non-residential facilities.</p> <p><b>DISTRICT WIDE K-12 FACILITIES ESTIMATED REPAIR COSTS:</b> In updating the Facilities Master Plan, the district is estimating nearly \$1 billion of needs to repair or renovate sites currently used for K-12 programs. The Board is not prioritizing funding to renovate currently vacant property.</p>

<b>Location</b>	Is the location of the facility optimal for a school site or other educational use? Is the facility located in an Oakland Opportunity Zone?	<p>The 4551 Steele St property (Tilden CDC) site is .7 miles from an optimal elementary school location (<i>based on 2018 RAD location/allocation analysis</i>); and is 1 mile from an operating OUSD CDC program at Laurel Elementary School. It is not located in an Oakland Opportunity Zone. The site is currently co-located with an OUSD-authorized charter school, Roses in Concrete. The closest OUSD district-run K-12 school is Melrose Leadership, at a distance of .6 miles to the west. Laurel Elementary and Redwood Heights Elementary are located 1 mile to the north and east, respectively.</p> <p>See <a href="#">handout</a> for the list current Early Childhood Education program offerings.</p>
<b>Suitability for District Programs</b>	Is this site suitable for k-12 programs or other district programs (e.g. Early Childhood, Adult Ed, Charters, Administration Buildings)?	The 4551 Steele St property (Tilden CDC) site is not suitable for educational programming due to its poor condition and location on the campus. The updated 2019 Facilities Master Plan will indicate possible sites for early childhood education programming in locations where the service is most needed.
<b>Community Input</b>	What is the community input on this property? What is the input from specific stakeholders (e.g., teachers, families, adjacent neighbors, surrounding areas stakeholders)?	The district is looking for community input on potential uses for 4551 Steele St property (Tilden CDC) that would serve the community. The 7-11 Committee invites community engagement and will use their input in recommending whether or not the property should be considered surplus and potential uses for the site to the Board for a final decision. Potential future uses of the site may be, for example, for the city library, health and wellness services to support the school, community services to support the school aged children and their families , or other ideas.
<b>Other Considerations</b>	Consider other qualitative or quantitative aspects (e.g., historical value, equity impact) to inform final recommendations	Additional considerations about this property will be added to this information sheet based on input from the community and the 7-11 committee members.



# DRAFT

- C. OUSD Programs Information
  - i.. Adult Education



OAKLAND UNIFIED  
SCHOOL DISTRICT

Community Schools, Thriving Students

## Adult & Career Education

### Oakland Adult & Career Education (OACE)

#### Main Office & High School Equivalency (HSE) Testing Center

**Location:** McClymonds High School  
2607 Myrtle Street, Rm 122  
Oakland, CA 94607  
PH: (510) 273-2310  
FAX: (510) 874-3769  
<https://www.ousd.org/oace>

### Oakland Adult & Career Education (OACE) List of Programs

The following lists of programs show current fall offerings as of Sept 12, 2019.

- The ESL College and Career Readiness Pathways Programs have fall, winter and spring offerings.
- The Project Year Internships have year long offerings.
- All other programs have school year long offerings (Aug-May).
- The list does not include summer sessions.

### ESL College and Career Readiness Pathways Program

LOCATION	COURSES	DAYS/TIMES	CURRENT 19-20 ENROLLMENT	ENROLLMENT CAPACITY
Leadership Institute at Allen Temple 8501 International Blvd. Oakland, CA 94621	ESL Advanced	9:00-11:30am M-Th	25	40
	ESL Intermediate	9:00-11:30am M-Th	27	40
	ESL Beginning High	9:00-11:30am M-Th	33	40
	ESL Literacy & Beginning Low	9:00-11:30am M-Th	26	40
	ESL Literacy	9:00-11:30am M-Th	15	25
	ESL Citizenship	6:00-8:30pm Tu-Th	6	40
		ESL Beginning Low	6:00-8:30pm Tu-Th	34
	ESL Beginning High	6:00-8:30pm Tu-Th	33	40

MetWest High School 314 E. 10th Street Oakland, CA 94606	ESL Intermediate	6:00-8:30pm	Tu-Th	17	40
	ESL Advanced	6:00-8:30pm	Tu-Th	12	40
				<b>TOTAL: 228</b>	<b>TOTAL: 385</b>

## ESL Family Literacy Program

LOCATION	COURSES	DAYS/TIMES	CURRENT 19-20 ENROLLMENT	ENROLLMENT CAPACITY
<b>Allendale Elementary School</b> 3670 Penniman Avenue Oakland, CA 94619	ESL Family Literacy Multi-level	9:00-11:30am M- Th	22	25
<b>Bridges Academy Elementary School</b> 1325 53rd Avenue Oakland, CA 94601	ESL Family Literacy Multi-level	9:00-11:30am M- Th	29	30
<b>Brookfield Elementary School</b> 401 Jones Avenue Oakland, CA 94603	Digital Family Literacy	9:00-11:30am M- Th	13	20
		12:00-2:30pm M-TH	10	20
<b>Castlemont High School/Leadership Public Schools Elementary</b> 8601 MacArthur Blvd., Building 100 Oakland, CA 94605	ESL Family Literacy Multi-level	5:30-8:00pm Tu & Th  Planning to add another section	37	40  (can fit an additional 40 for a new section)
<b>Coliseum College Prep</b> 1390 66th St. Oakland, CA 94621	ESL Family Literacy Multi-level	9:00-11:30am M- Th	28	30
<b>Esperanza/Korematsu Elementary School</b> 10315 E. Street Oakland, CA 94603	ESL Family Literacy Multi-level	9:00-11:30am M- Th	18	20
<b>Fruitvale Elementary School</b> 3200 Boston Avenue Oakland, CA	ESL Family Literacy Multi-level	9:00-11:30am M- Th	18	30

<b>Horace Mann Elementary School</b> 5222 Ygnacio Avenue Oakland, CA 94601	ESL Family Literacy Multi-level	8:45-11:15am Th	M-	21	30
<b>Reach Academy</b> 9845 Bancroft Avenue Oakland, CA 945603	ESL Family Literacy Multi-level	9:00-11:30am Th	M-	Class to Begin October 2019	30
<b>West Oakland Middle School</b> (in partnership with Martin Luther King Elementary School families) 991 14th Street Oakland, CA 94607	ESL Family Literacy Multi-level	9:00-11:30am Th	M-	19	30
				<b>TOTAL: 215</b>	<b>TOTAL: 345</b>

## High School Equivalency (HSE)/GED Preparation & Testing High School Diploma (HSD)

LOCATION	COURSES	DAYS/TIMES		CURRENT 19-20 ENROLLMENT	ENROLLMENT CAPACITY
<b>CenterPoint (Reentry)</b> 3333 Telegraph Avenue, 2nd Fl Oakland, CA 94609	HSE/GED	9:00-12:00pm Th	M-	21	30
<b>Esperanza/Korematsu Elementary School</b> 10315 E. Street Oakland CA, 94603	HSE/GED – English/Spanish	5:30-8:00pm Th	Tu-	14	20
<b>Laney College</b> 900 Fallon Street Oakland, CA 94607	HSE/GED – English/Spanish AM	9:00-12:00pm F	M-	35	35
	HSE/GED – English/Spanish PM	5:30-8:30pm Tu & Th		11	35
<b>Leadership Institute at Allen Temple</b> 8501 International Blvd. Oakland, CA 94621	HSE/GED	9:00-11:30am F	M-	22	30

<b>Lockwood Gardens</b> 1325 65th Avenue Oakland, CA 94619	HSE/GED	1:00-4:00pm Tu- Th	8	30
<b>McClymonds High School</b> <i>*(Certified Pearson Vue GED Testing Center)</i> 2607 Myrtle Street Oakland, CA 94607	HSD/Credit Recovery HSE/GED Online GED Testing	9:00-12:00pm M- F	11	30
<b>Merritt College</b> 12500 Campus Dr. Bldg D Oakland, CA 94619	HSE/GED-English/Spanish	9:00-12:00pm M- F	4	30
<b>Unity Council</b> 1900 Fruitvale Avenue, 3rd Fl. Oakland, CA 94601	HSE/GED – English/Spanish	1:00-3:30 Tu- Th	19	30
<b>Volunteers of America (Reentry)</b> 2364 E. 15th Street Oakland, Ca 94609	HSE/GED	1:00-3:30 Tu & Th  1:00-4:30 Wed	4	30
			<b>TOTAL: 149</b>	<b>TOTAL: 300</b>

## Career Technical Education

LOCATION	COURSES	DAYS/TIMES	CURRENT 19-20 ENROLLMENT	ENROLLMENT CAPACITY
<b>Alameda County Government Offices</b> 125 12th Street Oakland, CA 94607	Project Search Internship	9:00-3:00pm M-Fri	12	12
<b>McClymonds High School</b> 2607 Myrtle Street Oakland CA 94607	Pre-Apprenticeship Math- Construction Trades	5:00-7:30 Tu & Th	16	25
			<b>TOTAL: 28</b>	<b>TOTAL: 37</b>



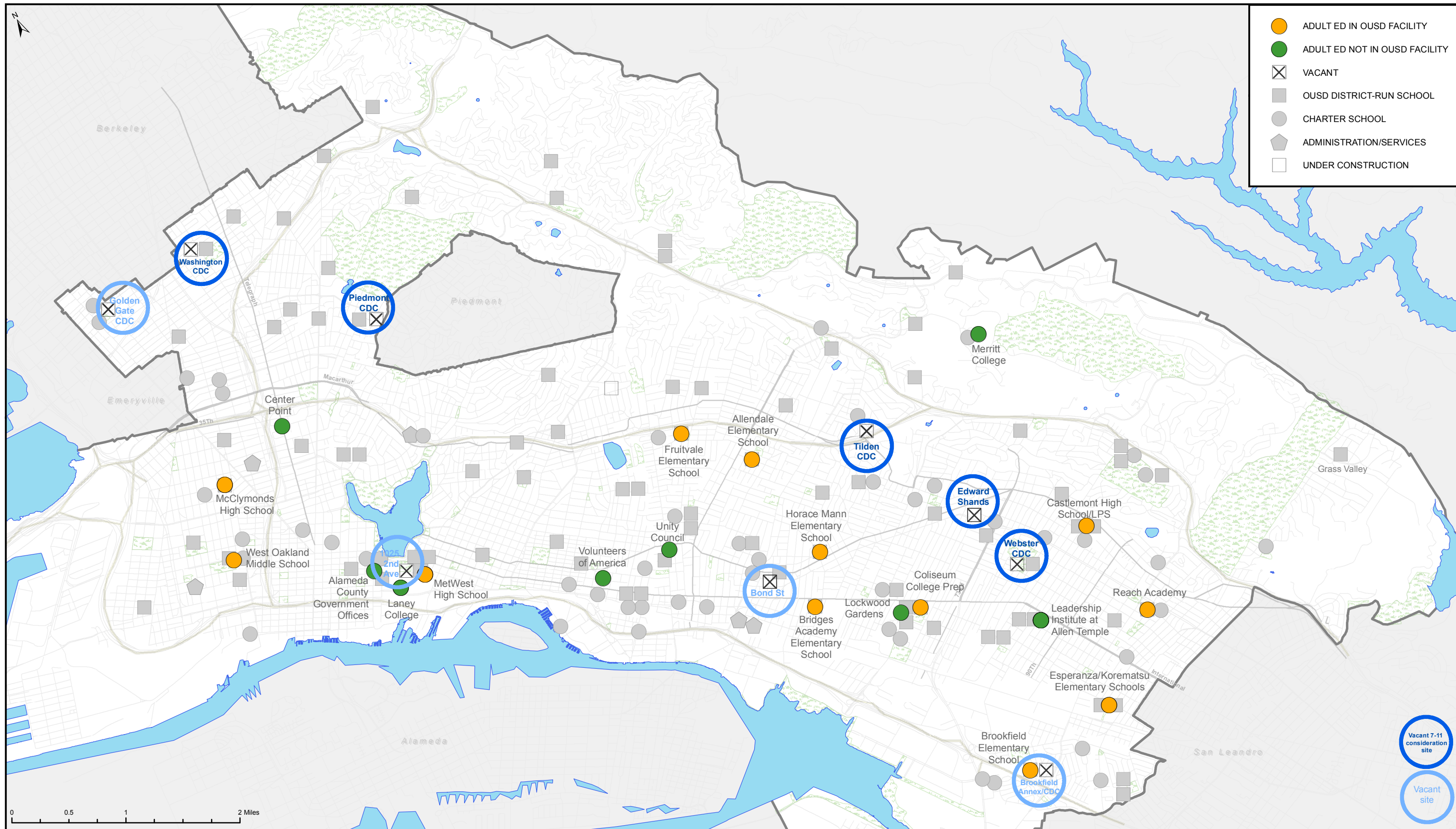


# OAKLAND UNIFIED SCHOOL DISTRICT

Community Schools, Thriving Students

## 32 OUSD Adult Education Programs at 20 facility sites

12 of these programs in OUSD owned facility sites  
8 of these programs in non-OUSD owned facility sites



# DRAFT

- C. OUSD Programs Information
  - li. Child Development



OAKLAND UNIFIED  
SCHOOL DISTRICT

*Community Schools, Thriving Students*

# Oakland Early Childhood Education

## ECE Administrative Office

P: 510-273-8277

F: 510- 874-7750

8:30AM - 4:00PM Monday - Friday

1025 4th Avenue  
Oakland, CA 94606

## ECE Enrollment Center

P: 510-273-1590

F: 510- 874-1591

8:30 a.m. - 4 p.m. M, T, Th, F  
8:30 a.m. - 2 p.m. Wednesdays

746 Grand Avenue, Room A  
Oakland, CA 94610

## OUSD Preschool Entrance Requirements/Eligibility:

- Children must be 3 years old on or before **December 2nd**
- Children must be fully toilet trained
- Families whose **gross monthly income** falls within the maximum ceiling and meet the other eligibility requirements qualify for priority to receive subsidized care in our programs.
- Families who exceed the monthly income maximum are eligible for the **full-tuition option**.
- While tuition-based and subsidized children are in the same classrooms and receive the same services, their fees and registration requirements are different.

# ECE Site Directory 2019 - 2020

Site Admin	Center name	Site #	Address	Full Day PreK	3Hour PreK AM	3 Hour PreK PM	School Age PM	Current Enrollment	Current Capacity
Shanna Birkholz-Vazquez	1. Acorn Woodland CDC	861	1025 - 81st Avenue 94621		X	X		68	72
	2. Bella Vista CDC	805	2410 - 10th Avenue 94606	X	X	X		72	80
	3. Stonehurst CDC	838	901 - 105 <sup>th</sup> Avenue 94603	X	X	X		93	96
Alesia Eutsler	4. Lockwood CDC	823	1125 - 69th Avenue 94621	X			X	47	48
	5. United Nation CDC*	831	1025 - 4 <sup>th</sup> Ave. 94606	X	X	X		235	240
	6. Yuk Yau CDC	824	291 - 10th Street 94607	X	X	X	X	92	96
Caroline Jones	7. Arroyo Viejo CDC	802	1895 - 78 <sup>th</sup> Ave. 94621	X	X	X		73	80
	8. Laurel CDC	820	3825 California Street 94619	X	X	X	X	67	72
	9. Manzanita CDC	829	2618 Grande Vista Ave. 94601	X	X	X	X	60	64
John Moon	10. Centro Infantil CDC	819	2660 East 16h Street 94601	X	X	X		58	80
	11. Emerson CDC*	811	4801 Lawton Avenue 94609	X	X	X	X	50	56
	12. Harriet Tubman CDC	825	800 - 33rd Street 94608	X			X	32	48
Thomas Williams	13. Highland CDC	815	1322 - 86th Avenue 94621	X	X	X	X	67	72
	14. International CDC	809	2825 International Blvd 94601	X	X	X		92	96
	15. Jefferson CDC	817	1975 - 40th Avenue 94601	X	X	X	X	70	72
Ofelia A. Mendoza	16. Hintil CDC	840	11850 Campus Drive 94619	X				16	32
Elementary Site-Based	17. Allendale State PreK	860	3670 Penniman Ave. 94619		X	X		29	32
	18. Bridges State PreK	863	1325 - 53rd Avenue 94601	X	X	X		40	48
	19. Brookfield State PreK	806	401 Jones Avenue 94603		X	X		32	32
	20. Burbank State PreK *	803	3550 - 64th Avenue 94605		X			28	32
	21. Cox (Reach) State PreK	807	9860 Sunnyside Street 4603		X	X		42	48
	22. CUES State PreK *	827	6701 International Blvd 94621		X	X		42	48
	23. Fruitvale CDC	862	3200 Boston Avenue 94602	X				16	16
	24. Garfield State PreK	808	1640 - 22nd Avenue 94606		X	X		32	32
	25. Howard State PreK	816	8755 Fontaine Street 94605		X			16 AM	32
	26. MLK State PreK	822	960 - 10th Street 94607		X	X		22	24
	27. Prescott CDC	830	920 Campbell Street 94607	X				16	16
	28. Sankofa CDC	864	581 - 61st Street 94609	X				24	24
<b>Total</b>								<b>1531</b>	<b>1688</b>

# DRAFT

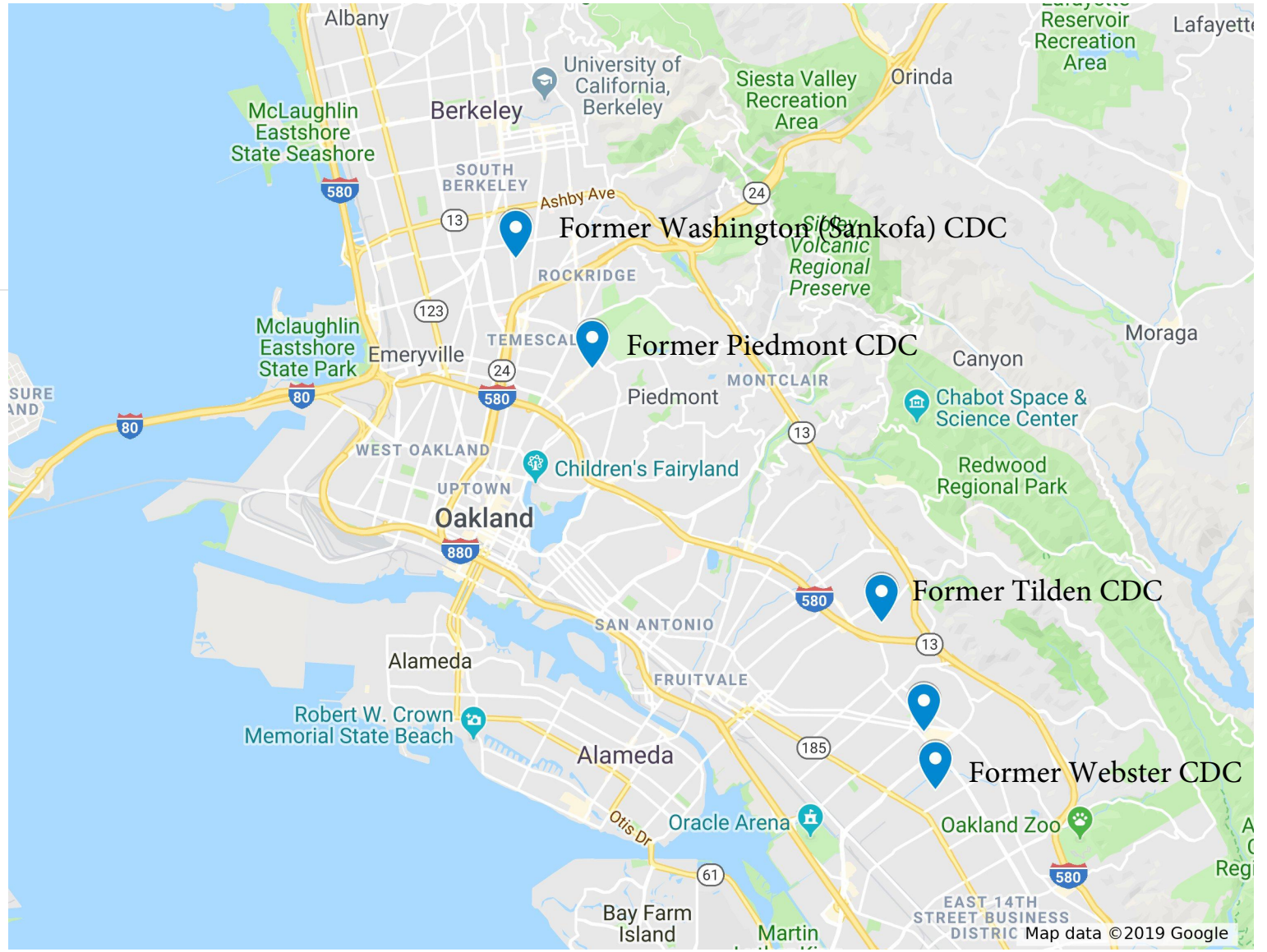
## D. District-wide Facilities Maps

# D Vaca S e

1

- 7980 Plymouth St
- 2455 Church St
- 4551 Steele St
- 581 61st St
- 4314 Piedmont Ave

- 5 sites



# DRAFT

## E. Community Input Documents

## 091919 Community Input on Edward Shands Property

**Why does this property matter to you?**

**What concerns do you have?**

**What ideas do you have about potential future uses?**

### **Community Serving Uses**

- It is owned by the people, is a catalyst site, should be deployed with best interest of the community in mind
  - Should benefit our community
  - East Oak Cultural Zone Collaborative - want to use/see property used to support retail, educational, arts + cultural uses
  - Viable OUSD educational resource
  - Speaking for homeless women, families - resources for helping women get off the streets
  - Location-Have funding for worst building - Kaiser grant/salesforce
  - Xandra-Important in community, vacant, happy to see something- because its in community- remembers adult school- people getting resources
  - Ayana Moody - community member - How can vacant building be used for community use, for public good?
  - Keep site where it is and something productive there/ con is the cost to repair we already have other sites w/ vacant spaces
  - Public land/public use is important
  - How will it remain public?
  - Its expensive, but keep the facility for public use- beautiful property still belongs to the people
  - Live in the shadow of it- what exists there now + will exist there will directly impact me
  - Native to Oakland- if not public, what will happen if a corporation uses it fear of dumping- financial literacy for unhoused
  - Who this land gets passed to matters for all future generations
  - Need understanding what the community needs → unity council
  - In community, lost many resources- want to bring something back
  - The current state of the property does not benefit the community
  - Can we incentivize someone to put their own money into property in a way that benefits community with a long term lease?
  - Partnering with tech companies who do not have input or qualified local communities to provide opportunities for employment opportunities and workforce development
  - We want something that is not a drain on the local community
  - Retail incubation, culinary incubation, co-working spaces, different types, co-mingling (garment, tech)-- is the space big enough-- some of this is already in Eastmont Mall
  - Adult Ed as trades etc. w/ community partners → relationship w/ partners for funding
- E.g. East Oakland Collective
- Incubator/cultural hubs/fab labs
  - Upper/ lower uses
  - Mandela grocery is looking for an east oak location
  - Administrative offices
  - Innovation center w/ tech. company partnership
  - Childcare center, if needed
  - Flex office space



- Community center → could go in mixed use development
- Faith based org.
- Like youth uprising w/ wrap around services like Eastmont Town ctr.
- Non Profit incubator
- Re-entry programs
- Tech School-Bring in Silicon valley companies (coding classes)
- Need a larger plan for District 6- who is accountable for the whole community? Not just OUSD
- Resource for addressing violence in the community (how to turn it around and create plans to address it)
- Land trust- public/private partnership
- Community serving use (services, support, something that builds up East Oakland residents)
- Early intervention/ Headstart
- Move the Eastmont Library out of Eastmont Mall to this location to make it more visible
- Mixed use space that serves adults-has some adult ed programming
- Mix use-collaborate w/ comm. orgs for leases

### **Housing**

- Need for housing - can this property be converted for housing? People living in cars
- Adult school was nice, now a dump. Need a site for training, education- maybe connect w/ silicon valley+jobs
- Developer purchased Ace Hardware lot, then nothing happened
- Oscar- Feels demoralized after seeing building-resource for community- transitional housing- this resource not being used for housing homeless
- Joe Clark → Bishop Bob- Property to develop into affordable housing- potential resource
- Paul Bird- having facilities based around transformation seeing the need- open facilities- could offer enrichment- means to facilitate community change vacant buildings
- Use for low income housing, not expensive housing (no private developers to flip the property)
- Limited lure for developers as is
- Hate to see if fall into market rate development
- Not go to normal developers
- Concerned it will get stuck in planning and nothing will happen to it
- Hate to see it go market rate
- Concern about developers use- concerned that the former ACE hardware building will be used for a charter school and housing with an out of state developer
- We don't want it to go to a developer who wants to profit and doesn't care about the local community
- A developer has no interest in what the community needs
- Need for unhoused, people coming out of prison
- Community hub- mixed use for education, retail, maybe housing (workforce housing for workers, teachers, fire fighters, etc)
- No teacher wants OUSD to be their landlord
- Multiple uses
- Need new construction → current property not ADA
- Mixed use affordable housing
- Affordable housing for city employees
- Multi-use community center (housing, garden, etc)

- Housing for displaced OUSD families
- Affordable housing
- Long-term transitional housing for woman and kids
- Family/transitional housing deeply affordable
- Something that facilitates housing, skill building, transitional housing, changes in the community
- Affordable housing/ community shopping market, day care literacy

### **Reflections on the Significance of the Site and Adult Ed**

- Edward Shands was a prominent principal at the site
- Edward Shands was a prominent AA who would take kids on trips - AA lives
- Some of my classmates that were most vulnerable, dropped out, teen mom, substance abuse went to Ed. Shands
- Historical significance to community availability of Adult Ed resources for East Oakland residents
- Former use was adult ed- keep the lot for adult ed. Offended by neglecting the building
- Need for adult ed in Oakland, especially in a location without access to transportation to other education sites
- Centralized Adult Ed center- Does Oakland need one?

### **Concerns Over Leaving it Vacant**

- It's a liability now
- Don't keep it vacant
- Important to develop into something
- I live in the neighborhood → Should be beautiful + meaningful
- Should increase the value of our property-Community has suffered enough ↓ in property value
- Tear down (no upgrades possible-too much money?)
- Cliff Hong - Issues with leaving building vacant
- Currently drain on district
- Concerned that it will remain vacant
- Need to generate cash for OUSD (can we do that with this site?)

### **Other Concerns**

- The asset belongs to the people.Proceeds of sale will not be returned to the people. Its public land
- The highest bidder will contribute to gentrification
- Stipulation that the money goes back to public district schools and students
- Recommendations of the community and committee are non-binding (will the board listen?)
- The concern is the money coming in must benefit the community
- Concern about leaving the property in poor condition
- Would it be turned into a parking lot for the new use of the former ACE Hardware property to be sold? We don't want it to be a parking lot
- Maybe we will need it for k12 later?
- Concern about selling it (that would only be a 1X benefit)
- Displacement of community members
- Lack of funding to do anything with the property
- Property is not a political play for something

- Concern that it won't actually serve the community
- Concern that it won't actually enrich the community it will be more of a token gesture
- Concerned that it won't be a value to those who live in the neighborhood
- we need to ensure the use matches the need of the community
- Concerned the board and staff won't listen to the committee's recommendations
- Concerned about gentrification- someone coming in wanting a high rise and not providing parking
- Concern about anything that pushes out current community
- Don't bring in anything that doesn't help the local community - no outside privatizers
- What if it is later needed for OUSD kids (we shouldn't sell it for that reason)
- concern that an out of state developer would get it
- If OUSD sells it we will not be able to afford getting it back
- If the money goes to someone without a track record of success of managing money

**Why does this property matter to you? And What concerns do you have?**

**What ideas do you have for potential future use?**

### **Community Use / Library**

- Neighbor: Children use library
- Can be good for community use
- It looks like it can still be used for kids
- Library, CDD
- Cultural center
- library/ multi-use
- Should serve kids/community
- Piedmont library is dynamic + a whole center deserving of a space- serves children + seniors
- Site is an important part of neighborhood + needs to be used to serve the community
- Opportunity to create a real library
- Want a better library
- There aren't enough classrooms @ elementary
- The community needs to bring impact to the process
- This space belongs to the community
- We want this school to thrive
- Current library is cramped
- Once space is used for non-educational use, it won't come back
- Parking lot for teachers
- Library and CDC
- Multi purpose space for ES
  - ES has no kitchen
  - Annex kitchen/auditorium
  - AFter school program
- It's a perfectly good building, good for kids
- Library needs permanent location
- Should remain public benefit
- Early childhood is very important
- Is there potential transitional use now
- ES uses library but it's very small
- K enrollment down after CDC closure
  - closure and/or OUSD trend
  - potentially needed for K-12 use
- Should be used for education
- There should be community meeting space/center
- Want it to be a library
- Loss of library would be huge
- Makerspace
- Space that encourages motion
- Dogspace

- 9 people at same table support library use with extended hours + computer lab
- Can it be split for 2 uses one for library, the library can offer programs for school age children, tutors, reading partners
- The friends of piedmont library can crown fund to establish a library
- Can a property swap happen
- We currently have an inadequate library
- Anything is better than leaving it vacant- community use
- Friends of the library have reached out to jody london + D Kalb about library need
- We need a YMCA or community center here in area, yoga studio, seminar space to generate funds
- Community use
- Full service library with entrance and community programming
- Piedmont Ave. Library is a very dynamic community building and support organization, with many programs, classes, talks, etc. that promote community health and interaction; we can innovate in anyway
- A full service library with community meeting room space and possible after hour spaces so community can use aspects of library outside of regular library business hours
- Keeping space as a community asset is key; a library could partner with OUSD for support programs, tutoring, kids zone; we have a community of mixed ages and abilities- this should be a space accessible to all of these
- Library; use divided sections; seminar room like adult ed, marriage counselling session seminar, for neighborhood or community; charge \$5-10 for each session; community center
- Thank you very much for the opportunity to participate; I live across from site and hate to see it vacant/in limbo; my preference is for library to rent/use it jointly with school (PAES); I just don't want it decaying and empty
- Library first and foremost; community gardens; community rooms available at low cost rental - concerts, movies, book readings, a place to stop and have a cup of coffee, chat, social hours; makerspace; men/women sheds to craft and reduce loneliness; place to play games
- CDC and library - will benefit the school by getting more neighborhood families to stay and attend PAES
- Needs to remain a community serving property used as a multipurpose center because of large spaces and kitchens; our library is a prime example of what is needed for educational purposes
- Permanente home for library to serve children from Preschool, early childhood and preparation for reading; library serves more children than CDC
- School and Public Library cooperative program; time for city agencies to work together for mutual interests and benefits of all Oakland residents

### **Concerns**

- Traffic/parking if new construction
- In disrepair → should be used for something
- Investment necessary to reopen
- Where will the money come from?  
→ initial investment + maintenance

- Traffic concerns
- This property is part of a city wide system of issues
- If this property is declared surplus, it is likely that OUSD will end up selling it
- CDC closure was loss of pipeline for ES
- Concern building won't go to public use
- Don't want this sold to a developer
- Do not know how 7/11 committee works ,need more info
- Don't want a long term lease (40 years) to charter
- Would be upset if space went to charter
- Include some parking for whatever goes there
- Need a safe secure site; current site has safety issues for area residents due to lack of lighting
- Loss of available land for education; loss of library on school site will be substantial loss to students of PAES; they rely on it heavily as the funding has not been available to staff the school library
- Whatever happens the District needs to do a much better job of staying on top of weeds and litter, especially in Spring; looks terrible
- Do not sell; no charters to compete with Piedmont Ave School
- Surplus and non-governmental use; Recommend uses if goes to highest bidder process

## Former Tilden CSC Community Input Summary

Why does this property matter to you, and what concerns do you have?  
What ideas do you have for potential future uses?

### Community Input

#### Community Uses:

- Green , active space - basketball, tennis place for kids to go off the street
- Public art space (open air art gallery) - bring young people + youth out
- Place to connect with neighbor kids - there are more kids in the new apartments
- More trees + grocery to help with noise pollution
- Playground
- Place for 2 or 3 things - multi-use eg. women's building in sf
- Food court in portables with games for kids in the center
- Tutoring, dance + dance + music, rec center - for the kids including after school
- Make it a really nice building
- A place for kids
- Early childhood education - close to new housing
- Kids in community reel back the fence and play in there
- Kids shouldn't have to play in those conditions
- Some sort of early childhood education
- OUSD property used in best possible way
- Because the space known as Tilden could be used as a new computer lab/ homework tutoring space for kids. Also some kind of place for extra activities, such as Dance Class, etc. - kids can't always afford music + dance classes
- LCAP Engagement Program Manager - Tilden info sheet says site closed in 2010 due to potential enrollment + poor facilities. Reason given was % of SPED consider for Young Adult Program + agencies that partner with it. Good location + site
- Used to grow up with kids (deaf or disabled) who went to school here
- Public park + play area
- Parents always ask will it be a children center for my kids
- Stay in public sector, this is public - due reference in Piedmont
- Teen Center - Senior Center
- Young adult program + associated services - move out of cole
- Low income invest fund here to listen - childcare slots are critical
- Direct neighbor with children - It's taking space that could be used for kids activity

#### Housing:

- Discussion of workforce housing
- Community, City and development partner
- Low cost affordable housing/ combined with green space
- Unhoused shelter (toilets + electricity)
- Affordable housing with a playground - with community space for art {multi-use at the bottom}
- Percentage of affordable housing - lease the land long term
- Potential affordable housing with kid friendly spaces

- Affordable housing - OUSD + teacher
- Teacher housing
- Possible uses for transitional housing/ if that doesn't happen will it displace the homeless - If a new use is formed will homeless still inhabit there
- Went to school in deep East Oakland while at Mills, Research for Gary Yee, looks dangerous- want it for community use. May be good neighborhood for educator housing
- Low income properties embed children center into housing
- Housing
- Born + raised in Oakland, school board member for this area, grew up in Oakland schools, took big interest during Mills College Partnership. Don't need it as a school. No fields for play. Vacant piece is dilapidated, dangerous. Affordable housing nearby, could we have some develop for affordable housing
- It looked like homeless live there - let them live there/ shelter

### Concerns

- Don't leave as it is
- How much say will OUSD in ensuring a bid aligns with community input
- Bothered by disuse
- Want other communities
- No high priced residence
- No retail
- Discuss CDC history, need
- Make sure the people in attendance area are informed and concerned they won't get voices heard
- History: worked at the school in the past
- The property is in bad space, getting worse - when it rained it got challenging because its on a slope
- We live directly across the street we see it everyday - neighborhood kids gather there. It has become unsafe (e.g. needles) huge tree that might fall - concerned about safety
- Why has it been vacant so long, why are other sites taking kids that could be served here
- If OUSD school comes back to the larger site could be used for an expanded school
- Went to this school as a child before the lower part was built
- Neighbors just bought a house, try to get involved in community, hate to see it vacant - nothing happens
- Skittish about sale. Public land. Leasable?
- Neglect unoccupied
- Had a few fires
- Theft
- Cost money
- People cut chains to get on grounds
- Has been a mystery
- Why losing early childhood centers - going in wrong direction
- Families commute here - it affects them



- Need more outreach to neighbors - hotels get wanderers
- More interested in general in 7-11
- Hate seeing it empty

**Why does this property matter to you, and what concerns do you have about its potential future use? (What is your relationship to this property?)**

- Neighbor, community member. Make sure it is of value to the community.
- Grew up in the neighborhood. EOE Committee County. Original use.
- Here to listen. Like to see buildings in Oakland used for the community.
- What does the community say? Does anyone know the perspectives of the school (that shares the campus with the vacant property)?
- ECE Leader for OUSD — gives history of this vacant property. It has been vacant since 2014 (2015?), not 2010 as on the information sheet. The CDC moved to Arroyo Viejo new facility. It did not close because of underenrollment, but moved to a brand new, larger space just on the other side of Arroyo Viejo Park. There is a need in this area for center-based infant-toddler programs, based on waiting lists.
- Unity Council — operates infant-toddler programs, would like to see facility used for young children.
- Black Cultural Zone Collaborative - has been seeing real growth in home schooling, and see a need for after school programs and other supports for students who are in home schooling.
- Veronica — answered question about the definition of the 7-11 committee
- Personal connection, live around the corner. Walk by the abandoned property every day, it is not safe, it attracts trash dumping, burned vehicles, etc. A used building (frequently and day and night activities) does not facilitate this kind of unsafe condition. Want a safer place that benefits the neighborhood. Neighborhood group forming to foster a sense of caring. Could use this facility for community gatherings.
- Building in relatively good repair, based on inspections.
- Neighbor and adult educator who is teaching outside of Oakland after Adult Ed (at Shands) shut down. Would love to teach in the neighborhood. This location could be good for Adult Ed — ESL and career technical and technology classes, etc.
- Nosey neighbor — just wants the community to be better, more improved community.

**Concerns:**

- Potential retail/commercial displacement of community and driving up prices. No market rate housing. No displacement. Small business is OK, but no more trashy retail.
- With new early childhood education funding, will we need more space in this part of the city? ECE leader sees need for infant/toddler programs that groups like Unity Council do well, and that OUSD does not directly run. Also, if Arroyo Viejo was never built, OUSD would still be using the Webster CDC for preschool programs.
- ECE Leader suggests that the property could still be used for children via infant/toddler. The next closest such program is at Foothill Square, 106th Ave. Need slots for youngest children. OUSD funds outside groups like Unity Council to operate the infant/toddler programs.
- Why did this property sit vacant for five years?



### **What ideas do you have for the potential future use of this property?**

- Infant/toddler and Early Childhood Education in daytime, Adult Ed in the evening
- Have the space used most of the time, into the evening. A place where community meetings can happen.
- Used well, used often
- Hub for a Home Schooling Center and Supports/Resources. Hickman Charter School does something like this. Seeing a growth in African American community pulling their children out of school and doing home schooling, with good results. But families are doing this on their own, and could use a home schooling center in the community.
- Childcare center with early drop-off and late pick-up for working parents, parents on different work shifts
- Gathering place, could hold parenting classes, parent supports
- Could have parents drop off children at the school (PRIDE) and go straight to a daytime Adult class, right on the same campus.
- Satellite enrollment center for the East where so many families live.
- Daily use — infant/toddler full day, subsidized

Why is this property important to you and what concerns do you have?

- Premature to surplus property
- Area is historically family oriented - don't want to lose that
- Consolidation of schools - needing more space
- Would like site to be more welcoming (better when activated)
- Concern of use of property - use of community overall
- Concern site is currently a nuisance - people squatting
- Site will serve community best in use
- Concern about process
- Important: neighbors, parents
- Live across the street, matters because its part of the community
- Want to be used for educational purposes and not sold
- Future parent at new school, keep public lands public, even if not for education leased for community use - keep public
- Volunteer at site for long time - opportunity to do something right for the families here
- Concern about no long term thinking - concern that nothing will happen
- All properties matter
- Property matters - like principals idea to bring more kids
- Concerns district doesn't have kids at heart
- Public land should stay public
- Ridiculous to consider selling this land
- Piedmont ave member interested in the process
- Concern there is no long term thinking by the district
- All properties + communities matter
- Be smart about valuable property
- Young children - see something happen for kids
- Very concerned transition in community - vested interest
- Education continues for young people
- Neighbor - more interested in public schools best education
- Neighbor - want ousd more successful concerned about district infrastructure - what's best for community students
- Student outcomes critical - principal said it best
- Neighbor - curious about what happens, sad empty
- educator /Neighbor - connection to TAP- the space previous use very concerned
- Neighbor - "kinda sad" unused
- This would make corner great
- ECE program funding possible
- Want to hear from community on uses
- Concerned best for students, don't understand why closed
- Just moved to the area. Like the idea of kinder place
- Here to listen as committee
- Committee + neighbor at Sante Fe
- Committee + teacher of tk
- Parent - tk, interest in
- Sankofa parent - grade 1 - curious to see building. Love the idea of K. Concern - if surplus, not want a charter next door room to grow
- School board - cdc always gated/closed, need to use as part of community
- Sdc teacher at sankofa since 2010 - always curious regarding site. Not lease or sell to

- charter + lose opportunity to grow at Sankofa
- Pk teacher at sankofa, used to work at cdc. Would hate to see charter. Assest to keep it
  - Went to cdc - love to see go back to younger grades. Grew up here + played in bushrod. Concerns re: charter
  - PK director for district. Great space for early
  - Bring tk back - enrollment impact

What ideas do you have for potential future use?

- Special ed / special day class
- Kindergarten
- Special tutoring/ expression
- Reader buddies to connect to the elementary school
- Resource - reading & math, socio-emotional learning
- Additional classroom space
- Pre-k
- Don't want to stigmatize special needs students by separating them
- Educational use or community space
- Teacher housing with community use on 1st floor
- Use to support elementary school
- Move the state run cdc in the main school to the vacant property → state run pre-school
- Use as part of this campus and for the new school, need time to think about it. It should be part of the design process
- Kindergarten center
- Private pre-school lease
- Be used wisely - long term plan
- Make use as part of the school
- Make available as part of the design process
- Don't sell
- Don't lease - make it available for new school
- Don't let it sit empty
- Ed. use within district + not to long lease / private developer
- Not sold destroyed, no condos
- Use as kinder not condos
- Tk program + kinder on the site
- Teen program space - teach train/ workforce
- Community history/ library tie back bushrod to oakland
- Rich history African American community
- Soul of building - rich history asset of community advance next level
- Expand pre-school
- Tiny houses for educators
- Arts campus - music room, art room, hands-on activities that all students could use + share
- Early learning center
- Special education mixed use with k, pre k, special ed
- Used to bring younger kids together + build sense of community
- Special play equipment built for students with autism

- Adjacent rec center asset
- K + new k coming in - early child hood
- Something that is still part of school
- Library at ground level
- PK now full - with waitlist - with more space, + ability to have fee-based + subsidized families, could fill more classrooms for pk

**DRAFT**

**F. Letters from Community Members**



# DRAFT

## G. Minutes of the Meetings