

Oakland Unified School District

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Meeting Minutes Long - Final

Monday, March 13, 2017

6:30 PM

**KDOL TV Studio, B-237, Met West High School Entrance, 314 East 10th Street,
Oakland, CA 94606-2291**

Measures A, B, and J Independent Citizens' School Facilities Bond Oversight Committee

Andrea Dawson, Chairperson

Chanu Lee, Vice Chairperson

Saleem Shakir-Gilmore, Secretary

Members: Renee Swayne, Gerald Green,

Joyce Nilo, Shiree Teng, Brendan Havenar-Daughton, (Vacancy)

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អ្នកណាដែលត្រូវការសេវាបកប្រែភាសាដោយផ្ទាល់មាត់ ឬជាលាយលក្ខណ៍អក្សរ ឬត្រូវការការជួយសម្រេចសម្រួលយ៉ាងសមរម្យមួយ ដើម្បីចូលរួមក្នុងកិច្ចប្រជុំសាធារណៈ ត្រូវផ្តល់ដំណឹងទៅកាន់ទីការិយាល័យនៃក្រុមប្រឹក្សាអប់រំ ឱ្យបានចិតសិចពី (72) ម៉ោងមុនកិច្ចប្រជុំ តាមរយៈទូរស័ព្ទលេខ [\(510\) 879-8199](tel:(510)879-8199) ឬតាមរយៈអ៊ីមែល boe@ousd.org ឬទូរស័ព្ទ eTTY/TDD លេខ [\(510\) 879-2300](tel:(510)879-2300) ឬទូរសារលេខ [\(510\) 879-2299](tel:(510)879-2299)។

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A. Call to Order

Chairperson Andrea Dawson called the meeting to order at 6:39 P.M.

B. Roll Call

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

Absent 4 - Member Joyce Nilo
Member [Vacant]
Member Brendan Havenar-Daughton
Member Shiree Teng

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

None.

Roll Call (Secretary's Observation)

Brendan Havenar-Daughton present at 6:40 P.M.

Dawson introduced new Committee Member, Brendan Havenar-Daughton.

Present 6 - Member Renee Swayne
Member Chanu Lee
Member Gerald Green
Chairperson Andrea Dawson
Member Saleem Shakir-Gilmore
Member Brendan Havenar-Daughton

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

D. Adoption of Committee Minutes



[17-0466](#)

Minutes - Measures A, B, and J Independent Citizens' School Facilities Bond Oversight Committee - January 30, 2017

Approval by the Measures A, B, and J Independent Citizens' School Facilities Bond Oversight Committee of its Regular Meeting Minutes January 30, 2017.

Attachments: [17-0466 Minutes - Measures A, B, and J Independent Citizens' School Facilities Bond Oversight Committee - January 30, 2017](#)

A motion was made by Member Lee, seconded by Chairperson Dawson, that the Committee Minutes of January 30, 2017, be Adopted. The motion carried by the following vote.

Aye: 5 - Member Renee Swayne
Member Chanu Lee
Member Gerald Green
Chairperson Andrea Dawson
Member Saleem Shakir-Gilmore
Abstained: 1 - Member Brendan Havenar-Daughton
Absent: 3 - Member Joyce Nilo
Member [Vacant]
Member Shiree Teng
Non-voting: 0

Enactment No: 17-0316

E. Unfinished Business



[17-0056](#)

Report - General Counsel - Permissible Use of Measure J Funds

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

Attachments: [17-0056 Presentation - General Counsel on 2/13/17 \(General Counsel - Permissible Use of Measure J Funds\).pdf](#)

Marion McWilliams, General Counsel, made the staff presentation.

McWilliams is following-up her presentation of the February 13th Committee Meeting. McWilliams said she brought a brief opinion relating to the question whether Measure J funds can be used for the rehabilitation of the District's administrative offices at 1025 2nd Avenue and Ethel Moore Building. She said her opinion at that meeting, former General Counsel, Jackie Minor, and outside bond Counsel, that it is a permissible use of Measure J funds. She said Chairperson Dawson brought to her attention the 2012 Facilities Master Plan and the language that references under used assets would be revenue generating and Dawson wondered if that somehow limited or changed her opinion. At that meeting, McWilliams said she would go back and look at the 2012 Facilities Master Plan in more detail and look at how it relates to the Measure J Ballot Language, Part 1 is what she based her opinion on. She said having done that her opinion remains the same, that it is a permissible use of Measure J funds, specifically in looking at the Facilities Master Plan language. McWilliams said not only do I feel the use is consistent with that language, but controlling for this Committee is the Ballot Language. The Bond Project List attached to the Ballot Language specifically talks about under used assets. It doesn't bring forward the revenue qualifier in the Facility Master Plan, it just lists several types of under used assets that would be permissible. She said her opinion is the District is within the Measure J Language of the Ballot. In the Facilities Master Plan Language, Dawson shared with her the page that says "improve utilization of under used assets" and describes in detail what the Facilities Master Plan was thinking about. At that time, District core administration was housed at 1025 2nd Avenue and at several District sites. McWilliams said she interprets the plan envisions rethinking the administrative housing options. Part of that is seeing if you can create a long range plan for administrative housing that allows for key adjacencies and the way people work together; that relocates District activities from sites that might have high market value and some other use; using the strategic vision of a Full Service Community School, the District has been the central tenant when we look at these types of

projects. McWilliams said the use of 1025 2nd Avenue and Ethel Moore Building will indeed do that. Currently the District is in a leased facility relocating some staff to the facility; the renovation and rehabilitation of the under used asset will allow the District to fulfill key adjacencies; potentially free up some sites where staff were; and to look at those for revenue generating options. When the District looked at the various options for renovating 1025 2nd Avenue, there were discussions with the community around part of the building being revenue generating; use the site for something else that may be revenue generating and move central offices elsewhere. With input from the community, that is not what the Board did but it does not take the District out of the purview of the language of both being consistent with the Facilities Master Plan and within the ballot language of Measure J.

Questions/Comments

Dawson said this response is over a year in coming to the Committee. Said she appreciates McWilliams spent the time on this response. Dawson said she thinks it is important for the Board to have this information so that the taxpayer understand. The original Master Plan which continued to be presented up to October 2015 was based on the Master Plan in the Bond Language. The Committee never received this response until today. Dawson said it is a shame the District did not stay with the intent of the Bond. She said she feels the intent was never to redirect this amount of money to 1025 2nd Avenue, even after the flooding of 1025 2nd Avenue. As a Committee, we were never kept abreast of what was going on at 1025 2nd Avenue Project. Going back to June 2015 there was a Resolution that speaks to the original Master Plan and it said nothing about the funding for the new Education Leadership Building, that came up in a packet in October 2015. In May 2015, the Superintendent directed the Board to work within specific budget parameters and best funding sources for financing the project, absent of the Measure J Language. In the first round of discussions about the 1025 Project, there was a flyer that talked about uses for the property and one use was revenue generating housing. She said the purpose of this Committee is to provide advice and recommendations to the District requiring expenditure of funds of bond related projects. Dawson said staff never came to the Committee to discuss the large deviations that defunded Roosevelt Middle School and many playground projects to fund the 1025 2nd Avenue Project. She said, finally the Committee has an answer so in the Annual Report we can say the District, Board and Counsel feels comfortable with the decision made and show the two Master Plans, the original and the one with redirected funds. We can include language that say "we agree that the District is in compliance, but we may still question the intent". This is up to the Committee how it addresses this issue.

Committee Member Gerald Green said he appreciates the consistency, whether the Committee agrees with it or not.

Committee Member Brendan Havenar-Daughton said he wonders why an answer to this question took a year or so?

McWilliams said she is new to the position of General Counsel. She served as Deputy General Counsel for 7 years prior to July 1, 2016 and Facilities was the purview of the previous General Counsel. McWilliams said she thought she had answered this question and believes she provided another response in August.

Green said it is almost a mis-representation to say it took a year to receive an answer. Ms. Minor provided answers to the Committee; however they didn't seem satisfactory to the Committee. Green said his observation is it was a work in progress.

Swayne said if the Committee were informed timely, everyone would have been on the same page whether they were in agreement or not.

McWilliams agreed with Swayne and said it is her role to take that information back to staff. She said she now works closely with Deputy Chief Dominguez in Facilities.

Colbert reiterated that Dominguez assured the Committee on several occasions that moving forward the plan is to bring things to the Committee in a timely manner to avoid any type of confusion or mishaps of any nature.

Discussed

F. New Business



[17-0467](#)

Measures A, B, and J – Budget to Actual Expenditures, Cash Flow Projections as of January 31, 2017

Presentation to the Measures A, B, and J Independent Citizens' School Facilities Bond Oversight Committee of the Measures ABJ Budget to Actual Expenditures, and Cash Flow Projections as of January 31, 2017.

Attachments: [17-0467 Measures A, B, and J – Budget to Actual Expenditures, Cash Flow Projections as of January 31, 2017](#)

Michael Ezeh made the staff presentation of the Expenditure Report.

Presentation/Acknowledgment Made

[17-0484](#)

Measures A, B, & J Independent Citizens' School Facilities Bond Oversight Committee - 2015/2016 Annual Report

Discussion and approval by the Measures A, B, & J Independent Citizens' School Facilities Bond Oversight Committee of its 2015/2016 Annual Report.

Colbert reported staff has been working on a draft of the Annual Report. Colbert said he needs an Ad Hoc Committee to work with staff on the edits for the Annual report. He said he will forward the draft to Ad Hoc Members.

Committee Members Dawson, Swayne and Havenar-Daughton volunteered to work with staff on the Committee's 2015/2016 Annual Report.

Colbert said he will send the report electronically to the Ad Hoc Members and asked that one person be responsible for submitting the edits to Colbert. Colbert said if the lead person returns the draft to staff with initial edits, staff will bring those edits to the April Committee Meeting.

Discussed



[17-0493](#)

Admendment - Measures A, B, and J Independent Citizens' School Facilities Bond Oversight Committee - Sites Visit Schedule for the 2016/2017 School Year

Adoption by the Measures A, B, and J Independent Citizens' School Facilities Bond Oversight Committee of amended proposed Sites Visit Schedule for the 2016/2017 school year.

Attachments: [17-0493 Admendment - Measures A, B, and J Independent Citizens' School Facilities Bond Oversight Committee - Sites Visit Schedule for the 2016/2017 School Year](#)

After discussion by Committee Members, there will be no change to the Sites Visit Schedule previously adopted on September 7, 2016.

Discussed

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

17-0468 Public Comments on All Non-Agenda Items Within the Subject Matter Jurisdiction of the Measures A, B, and J Independent Citizens' School Facilities Bond Oversight Committee - March 13, 2017

Public Comments on All Non-Agenda Items Within the Subject Matter Jurisdiction of the Measures A, B, and J Independent Citizens' School Facilities Bond Oversight Committee - March 13, 2017.

None.

H. Introduction of New Legislative Matter

None.

I. Adjournment

Chairperson Dawson adjourned the meeting at 8:09 P.M.

Prepared By: _____

Approved By: _____