

# Oakland Unified School District

Board of Education  
1000 Broadway, Suite 680  
Oakland, CA 94607-4099  
(510) 879-8199 Voice  
(510) 879-2299 eFax  
(510) 879-2300 eTTY/TDD  
boe@ousd.org E-Mail



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## **Meeting Minutes Long - Final**

**Wednesday, August 17, 2016**

**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**

*Ariel Bierbaum, Chairperson*

*Andrea Dawson, Vice Chairperson*

*(Vacant), Secretary*

***Members: Cesar Escalante, Renee Swayne, Chanu Lee, Gerald Green, Joyce Nilo,  
Shiree Teng, Farrah Wilder***

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## A. Call to Order

*Chairperson Ariel Bierbaum called the meeting to order at 6:30 P.M.*

## B. Roll Call

**Present** 6 - Member Renee Swayne  
Member Chanu Lee  
Chairperson Ariel Bierbaum  
Vice Chairperson Andrea Dawson  
Member Cesar Escalante  
Member Farrah Wilder

**Absent** 3 - Member Joyce Nilo  
Member Gerald Green  
Member Shiree Teng

## C. Election of Officer(s)

### 16-1571

#### **Nomination(s), Secretary, Measures A, B, and J Independent Citizens' School Facilities Bond Oversight Committee - 2016 Term**

Acceptance of Nomination(s) from the membership for the position of Secretary of the Measures A, B, and J Independent Citizens' School Facilities Bond Oversight Committee for the 2016 term.

*Chairperson Bierbaum opened nomination(s) for Committee Secretary.*

*Farrah Wilder nominated herself.*

*There were no other nominations.*

*Chairperson Bierbaum closed the nominations.*

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

*Committee Member Gerald Green present at 6:32 P.M.*

**Present** 7 - Member Renee Swayne  
Member Chanu Lee  
Member Gerald Green  
Chairperson Ariel Bierbaum  
Vice Chairperson Andrea Dawson  
Member Cesar Escalante  
Member Farrah Wilder

**Absent** 2 - Member Joyce Nilo  
Member Shiree Teng

[16-1572](#)

**Election of Secretary, Measures A, B, and J Independent Citizens' School  
Facilities Bond Oversight Committee - 2016 Term**

Shall Farrah Wilder be elected Secretary of the Measures A, B, and J Independent Citizens' School  
Facilities Bond Oversight Committee for the 2016 term?

**A motion was made that Farrah Wilder be Elected Secretary. The motion carried by  
the following vote.**

**Aye:** 6 - Member Renee Swayne  
Member Chanu Lee  
Chairperson Ariel Bierbaum  
Vice Chairperson Andrea Dawson  
Member Cesar Escalante  
Member Farrah Wilder

**Abstained:** 1 - Member Gerald Green

**Absent:** 2 - Member Joyce Nilo  
Member Shiree Teng

**Non-voting:** 0

Enactment No: 16-1337

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

*Committee Member Teng present at 6:34 P.M.*

**Present** 8 - Member Renee Swayne  
Member Chanu Lee  
Member Gerald Green  
Chairperson Ariel Bierbaum  
Vice Chairperson Andrea Dawson  
Member Cesar Escalante  
Member Farrah Wilder  
Member Shiree Teng

**Absent** 1 - Member Joyce Nilo

**D. Adoption of Committee Minutes**



[16-1841](#)

**Measures A, B, and J Independent Citizens' School Facilities Bond Oversight  
Committee - Minutes - May 17, 2016**

Approval by the Measures A, B, and J Independent Citizens' School Facilities Bond  
Oversight Committee of its Meeting Minutes of May 17, 2016.

**Attachments:** [16-1841 Measures A, B, and J Independent Citizens' School  
Facilities Bond Oversight Committee - Minutes - May 17, 2016](#)

**A motion was made by Secretary Wilder, seconded by Member Green, that the May  
17, 2016 Committee Minutes be Adopted. The motion carried by the following vote.**

**Aye:** 7 - Member Chanu Lee  
Member Gerald Green  
Chairperson Ariel Bierbaum  
Vice Chairperson Andrea Dawson  
Member Cesar Escalante  
Member Farrah Wilder  
Member Shiree Teng  
**Abstained:** 1 - Member Renee Swayne  
**Absent:** 1 - Member Joyce Nilo  
**Non-voting:** 0

Enactment No: 16-1339



[16-1842](#)

**Measures A, B, and J Independent Citizens' School Facilities Bond Oversight  
Committee - Minutes - June 21, 2016**

Approval by the Measures A, B, and J Independent Citizens' School Facilities Bond  
Oversight Committee of its Meeting Minutes of June 21, 2016.

**Attachments:** [16-1842 Measures A, B, and J Independent Citizens' School  
Facilities Bond Oversight Committee - Minutes - June 21, 2016](#)

**A motion was made by Member Teng, seconded by Member Escalante, that the June  
21, 2016 Committee Minutes be Adopted. The motion carried by the following vote.**

**Aye:** 7 - Member Chanu Lee  
Member Gerald Green  
Chairperson Ariel Bierbaum  
Vice Chairperson Andrea Dawson  
Member Cesar Escalante  
Member Farrah Wilder  
Member Shiree Teng  
**Abstained:** 1 - Member Renee Swayne  
**Absent:** 1 - Member Joyce Nilo  
**Non-voting:** 0

Enactment No: 16-1338

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

*Committee Member Joyce Nilo present at 6:36 P.M.*

**Present** 9 - Member Joyce Nilo  
Member Renee Swayne  
Member Chanu Lee  
Member Gerald Green  
Chairperson Ariel Bierbaum  
Vice Chairperson Andrea Dawson  
Member Cesar Escalante  
Member Farrah Wilder  
Member Shiree Teng

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

*Chairperson Bierbaum made the following Modifications to the Agenda: After Item F, Unfinished Business, Legislative File ID 16-0598, the next item to be considered by the Committee was Item G, New Business, Legislative File ID 16-1859. The Chair, thereafter, resumed the Agenda with Item F, Unfinished Business, Legislative File ID 16-0178 and thereafter, the remainder of the meeting was taken up in the order as printed.*

## F. Unfinished Business



[16-0598](#)

### Measures A, B, & J Independent Citizens' School Facilities Bond Oversight Committee - 2014/2015 Annual Report

Discussion and approval by the Measures A, B, & J Independent Citizens' School Facilities Bond Oversight Committee of its 2014/2015 Annual Report.

**Attachments:** [16-0598 Measures "A, B, & J" Independent Citizens' School Facilities Bond Oversight Committee - 2014/2015 Annual Report \(Final -8/17/16\)](#)  
[16-0598 Questions Posed by CBOC Member Dawson - Does Measure B or J Bond Language Allow for Expenditures on Projects That Were Not Specifically Listed in the Bond \(8/17/16\)](#)

*Joe Dominguez, Deputy Chief of Facilities, made the staff presentation.*

*Former General Counsel, Jacqueline Minor, prepared a written response to the inquiry made by the Committee regarding whether the Bond Language in Measure B and Measure J allowed for expenditures on the District's Facility Project List not specifically listed in the Bond. Deputy Chief Dominguez said he reviewed the response and followed up with Bond Counsel. He said Bond Counsel agreed with the legal analysis.*

*In an August 3rd letter from the District's General Counsel, it stated that the the Committee Chair requested a legal opinion as to whether Measure B and Measure J language allows for expenditures on projects not listed in the Bond language.*

*Chairperson Bierbaum clarified that this request was first made at the April 2016 Committee Meeting. She stated there were two open question from the last meeting; 1) Financial reconciliation; and 2) Statement of Compliance.*

*Vice Chair Dawson asked for a report from staff on how Measures B and Measure J funds were realigned? What was the process to defund some project? Was the intent to redirect funds to a new Administration Building or the purchase of commercial property?*

*Dominguez said he will provide a summer bond project update at the next meeting.*

*Vice Chair Dawon expressed concerns about Hoover School and other schools may not be safe. She asked why they didnt have security?*

*David Colbert was commended by the Committee for his patience with so many changes in the Annual Report.*

*After a discussion regarding the written response, Committee Members voted to approve the 2014/2015 Annual Report.*

*There were no public comments.*

**A motion was made by Member Teng, seconded by Member Escalante, that the Measures A B and J 2014/2015 Annual Report be Adopted. The motion carried by the following vote.**

**Aye:** 8 - Member Joyce Nilo  
Member Chanu Lee  
Member Gerald Green  
Chairperson Ariel Bierbaum  
Vice Chairperson Andrea Dawson  
Member Cesar Escalante  
Member Farrah Wilder  
Member Shiree Teng

**Abstained:** 1 - Member Renee Swayne

**Non-voting:** 0

Enactment No: 16-1340

### [16-0178](#)

#### **Report - Construction Management Firm - Request For Proposals**

A Report to the Measures A, B, and J Independent Citizens' Facility Bond Oversight Committee from the Deputy Chief, Facilities, Planning and Management, on the status of District's Request for Proposals for Construction and Facilities Program Management.

*Deputy Chief Dominguez updated the Committee on status of the Request for Proposal (RFP) process.*

*Dominguez reported that the District is still in the screening process looking at the types of construction management services each firm has provided to other school districts; the size of the firm; and each firm's local, non-local status. Next step, the interview process and a final recommendation will be made.*

*Committee Member Teng made the request for Committee Members to have the opportunity to be observers during the process if they wished to participate.*

*Dominguez said he will provide the Committee with an update.*

*Dominguez said the District wants to have the process completed before December allowing for transition time. They also want to build internal capacity.*

*There were no public comments.*

#### **Discussed**



### **16-0191**

#### **Discussion - Measures A, B, and J Independent Citizens' School Facilities Bond Oversight Committee - Channels of Communication**

A discussion by Measures "A, B, and J" Independent Citizens' School Facilities Bond Oversight Committee of the development of external channels of communication, including social media, with Oakland taxpayers that encourages transparency about the Committee's work.

**Attachments:** 16-0191 OUSD Facilities Department Website  
16-0191 OUSD Measures A, B, & J Independent Citizen Bond  
Oversight Committee (CBOC) Website

*Chairperson Bierbaum led the discussion stating the goal for the Committee's website is for it to be more public friendly, enhancing communication and transparency. The website will feature the Measures A, B and J Independent Citizens' School Facilities Bond Oversight Committee 2014/2015 Annual Report, upcoming dates for ribbon cutting ceremonies, and dates for smaller celebrations at school sites.*

*Chairperson Bierbaum said the website is up and Committee Members gave feedback to the Chair.*

*Committee Members brainstormed other channels for putting out the Annual Report such as Facebook, hard copies for parents, and registered voters.*

*Dominguez stated that his goal is to enhance transparency. The Facilities Department wants to have ribbon cutting ceremonies for completed projects inviting Bond Oversight Committee Members in partnership with Superintendent and the Board. Smaller projects will have smaller celebrations.*

*Committee Member Swayne said the District should do a better job of letting the community know about events. She suggested that John Sasaki from the Communications Department should come to Committee Meetings. She stated there are a lot of good things happening in the District, but the District does a poor job of letting people know.*

*Vice Chair Dawson suggested posting a sign at the sites that say "Your Bond Money at Work" working with the Communications and Community Engagement Staff.*

*Committee Member Escalante discussed the importance of celebrating successes, even the small ones. It promotes good will, especially if the District needs to go out for bond money again.*

*Dominguez said he is working on signage with District Communication Department. They are updating the Facilities website by Friday and will put up photos of the projects. Dominguez said he is meeting with the Committee Chairperson once a month. Said he will be the point person on agenda items and will follow up internally to facilitate communication, response, time and clarity.*

*Committee Member Green asked about the process for making a request, how could it be considered official and deserving of a response? Did it need to be in writing? In the minutes?*

*Dominguez said a majority of the Committee was needed to have a formal request responded to.*

*There were no public comments.*

**Discussed**

## G. New Business



[16-1858](#)

Report - Dr. Marcus Foster Education Leadership Campus Project



Presentation of a Report from staff to the Measures A, B, and J Independent Citizens' School Facilities Bond Oversight Committee regarding whether any Bond funds - Measures A, B or J, - have been used or are projected or scheduled for use, if any, in the construction of the proposed Dr. Marcus Foster Education Leadership Campus.

**Attachments:** [16-1858 Report - Dr. Marcus Foster Education Leadership Campus Project](#)

*Deputy Chief Dominguez updated the Committee on the Measure J funds used so far for the Marcus Foster Education Leadership Campus Project and the Dewey Campus. Immediately after the 2013 flood of the 1025 2nd Avenue Administration Building, \$487,000 were used for the following purposes:*

- a) Architectural and Engineering services - \$247,000
- b) Custodial services (clean and property watch) - \$12,900
- c) Interim housing for staff relocation - \$32,000
- d) Community Engagement Component- \$195,000

*Dominguez reported no Measure J funds have been spent on the 1025 2nd Avenue and the Ethel Moore Building, but there are projected Measure J funds to be spent on the following:*

- A site survey for 1025 2nd Avenue Building and the Ethel Moore Building to determine the property lines.
- Abatement work not done after the 2013 flood of the 1025 2nd Avenue Building must be completed.
- Architectural rendering of what the remodel will look like for 1025 2nd Avenue Building and, the Ethel Moore Building, and proposed plans for a multi-purpose room for Dewey High School.
- 2014 both buildings were to be demolished. Since then, the historical value has been put on both buildings. The District is working with a historical consultant to assess the historical value of both buildings and the available options for the District.
- Current plans call for an extreme make-over of both buildings; the knock down of non low-bearing walls; and opening up the office space with more cubicles and shared space.
- Not all employees will fit into 1025 2nd Avenue and the Ethel Moore Building. Lakeview is being used as an annex and may kept for that purpose.

*Dominguez said the Board of Education has directed to obtain cost estimates for the Dewey Building, the Marcus Foster Education Leadership Campus at 1025 2nd Avenue and the Ethel Moore Building and to continue looking at private property and commercial office space the District can acquire for potential use.*

*Directive from Board:*

1. Determine cost estimates for Dewey and Marcus Foster housed at 1025 2nd Avenue and Ethel Moore.
2. Look for a commercial office space for District to acquire.

*Vice Chair Dawson asked if there is Bond money approved for the purchase by the Board?*

*Dominguez said they are at beginning stages. Looking at 1025 2nd Avenue and Ethel*

*Moore Building. Board has not directed one way or the other. Parking is also an issue.*

*Committee Member Swayne asked if you can challenge or appeal "historical value?"*

*Dominguez said they are looking at the cost associated with challenging with a consultant. In 2014, the plan was to demolish Dewey then the historic value came up.*

*Vice Chair Dawson asked if it had been landmarked.*

*Dominguez said he did not know.*

*Vice Chair Dawson said the historic value could be challenged and then it can be renovated. It doesn't have to be landmarked.*

*Dominguez said staff is looking at cost estimates and cost for ADA compliance and structural assessment.*

*Committee Member Teng expressed concern that nowhere in bond language does it say that the funds can be used administration facilities. Containing it within Dewey does not make it fit.*

*Chairperson Bierbaum said language on page 4 on the Bond Language allows funds can used for renovation of those buildings.*

*Vice Chair Dawson asked had a consultant been hired? How is this being paid for? Is it a District employee? Are bond funds being used?*

*Dominguez said he and staff within the District are working on this.*

*Committee Member Swayne said the Committee wishes that no bond funds be used to acquire property.*

*There were no public comments.*

**Discussed**

**16-1859 Proposition 39 - Staff and Technical Assistance Support - Bond Oversight Committee**

Discussion with staff and by and among Committee members of Proposition 39 staff and technical support to the bond oversight committee.

*Deputy Chief Dominguez said he will work with General Counsel McWilliams regarding scheduling Bond Counsel to provide a workshop reviewing the roles, responsibilities and guidelines of the Measures A, B, and J Independent Citizens' School Facilities Bond Oversight Committee.*

*David Colbert suggested a designated Committee Member submit the technical assistance questions to him. Staff will follow-up with General Counsel McWilliams for responses.*

**Process**

*When is a request from Committee Member(s) considered an official request?*

*Dominguez said it must be a majority of the Committee making a formal request to the receive information from staff.*

*Edgar Rakestraw, Board of Education Executive Assistant, added when the Committee is seeking legal advice, they must seek the advice of the District's General Counsel first.*

*There were no public comments.*

**Discussed**

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

### **16-1845 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 - August 17, 2016**

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 - August 17, 2016.

*None.*

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

*None.*

## **J. Adjournment**

*Chairperson Bierbaum adjourned the meeting at 8:05 P.M.*

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

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