

Oakland Unified School District

Board of Education
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Meeting Minutes Long - Final

Wednesday, October 5, 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

Farrah Wilder, Secretary

*Members: Renee Swayne, Chanu Lee, Gerald Green, Joyce Nilo, Shiree Teng,
(Vacancy)*

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

الامتثال لفانون الأمريكيين ذوي الإعاقات (ADA) وتوفير الخدمات اللغوية

من يحتاج إلى خدمات الترجمة المكتوبة أو خدمات الترجمة الفورية أو الترتيبات التيسيرية المعقولة لكي يساهم في الاجتماعات فالمرجو منه إبلاغ مكتب إدارة التعليم إثنين وسبعين (72) ساعة قبل الاجتماع بوسيلة من الوسائل التالية:

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A. Call to Order

Chairperson Ariel Bierbaum called the meeting to order at 6:00 P.M.

B. Roll Call

Present 5 - Member Joyce Nilo
Member Chanu Lee
Member Gerald Green
Chairperson Ariel Bierbaum
Vice Chairperson Andrea Dawson

Absent 3 - Member Renee Swayne
Member Farrah Wilder
Member Shiree Teng

C. Adoption of the Committee General Consent Report



[16-1997](#)

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

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

Attachments: [16-1997 Measures A, B, and J Independent Citizens' School Facilities Bond Oversight Committee - Minutes - August 17, 2016](#)

A motion was made by Vice Chairperson Dawson, seconded by Member Lee, to Approve the Committee General Consent Report. The motion carried by the following vote

Aye: 6 - Member Joyce Nilo
Member Chanu Lee
Member Gerald Green
Chairperson Ariel Bierbaum
Vice Chairperson Andrea Dawson
[Vacant]

Absent: 3 - Member Renee Swayne
Member Farrah Wilder
Member Shiree Teng

Non-voting: 0

Enactment No: 16-1601



[16-2161](#)

Measures A, B, and J Independent Citizens' School Facilities Bond Oversight Committee - Minutes - September 7, 2016

Approval by the Measures A, B, and J Independent Citizens' School Facilities Bond Oversight Committee of its Meeting Minutes of September 7, 2016.

Attachments: [16-2161 Measures A, B, and J Independent Citizens' School Facilities Bond Oversight Committee - Minutes - September 7, 2016](#)

A motion was made by Vice Chairperson Dawson, seconded by Member Lee, to Approve the Committee General Consent Report. The motion carried by the following vote.

Enactment No: 16-1602

Approval of the Committee General Consent Report

A motion was made by Vice Chairperson Dawson, seconded by Member Lee, to Approve the Committee General Consent Report. The motion carried by the following vote

Aye: 6 - Member Joyce Nilo
Member Chanu Lee
Member Gerald Green
Chairperson Ariel Bierbaum
Vice Chairperson Andrea Dawson
[Vacant]

Absent: 3 - Member Renee Swayne
Member Farrah Wilder
Member Shiree Teng

Non-voting: 0

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

None.

E. Unfinished 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](#)

Staff presentation by David Colbert, Facilities Staff.

Colbert reported the District is still in the process of completing abatement and cleanup work; structural assessment; and historical assessment at the 1025 2nd Avenue and the Ethel Moore building. At the Dewey Academy property, the District is currently in the process of completing architectural services to provide rehabilitation renderings and a potential Dewey Academy Multi-Purpose Room. The Board will make a decision between rehabilitation of 1025 2nd Avenue and the Ethel Moore Building and looking into the potential purchase or lease of office space.

Chairperson Bierbaum asked Board of Education Liaison to the Committee, Amy Eng, to share the Board's vision around leasing or buying commercial space as opposed to renovation of the two properties.

Director Eng reported budget and cost efficiency were among the reasons around the Board's discussion of the potential purchase of property for a new Education Leadership Campus.

Vice Chair Andrea Dawson said Deputy Chief Dominguez said he would make arrangements for Bond Counsel make a presentation to the Committee on how Measure J funds can be used for this purpose and how it's relative to the Measure J Bond language.

Colbert said staff is working with the General Counsel's Office to arrange for Bond Counsel to make a presentation to the Committee.

Committee Member Gerald Green had a question regarding Bond Prioritization Policy 7112 - Administrative Regulations Capital Projects Prioritization List 2015-2020 dated June 24, 2015. Green said he reviewed the document and wanted to know if there will be an update when Bond Counsel makes a presentation to the Committee?

Colbert said he could not speak to what will be on Bond Counsel's agenda as it relates to the document, but Bond Counsel is aware of the document and that the Committee has questions concerning it.

Chairperson Bierbaum said she compiled a list of questions that varied from what can be done with bond funds to how to reallocate bond funds; and the questions Vice Chair Dawson brought to the last Committee Meeting.

Follow-up: Chairperson Bierbaum requested the Bond Prioritization Policy 7112 document and the questions are attached to the Legislative File.

Vice Chair Dawson requested this remain an ongoing agenda item until the questions are answered.

Discussed

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.

Staff presentation by David Colbert.

Colbert reported that the negotiations and cost proposals are in the final stages and completion is expected in two weeks. The Request for Proposal (RFP) is expected to be presented to the Board for approval in November. The new structure will include one program management firm and multiple construction management firms to work with the Facilities Department.

Chairperson Bierbaum said the current contract with SGI expires December 31, 2016. The goal was to have some overlap for transition if necessary. Chairperson Bierbaum asked with the new firms being approved in November, if overlap and transition is needed, are there plans to spend additional bond funds to extend the SGI contract again?

Edgar Rakestraw, Board Executive Assistant, said you have to wait for the recommendation from the Superintendent.

Committee Member Swayne wanted to know who are the construction management and program management firms being considered or will we have to wait for Board approval?

Rakestraw said we don't know that information, but there is a timeline.

Chairperson Bierbaum said in the past process, staff knew they were going to extend the contract and wanted to know if that is being anticipated?

Rakestraw said he will note the question for the Superintendent.

Vice Chair Dawson asked about the procedure for getting this information back to the Committee?

Rakestraw said he will pass the question up the chain of command.

Vice Chair Dawson asked if Deputy Chief Dominguez will be involved?

Rakestraw restated his previous answer.

Committee Member Swayne asked if someone will let the Committee know once the contracts are Board approved or will Committee Members have to wait until the next Committee Meeting?

Rakestraw said when the Superintendent makes a recommendation to the Board, he will notify Committee Members when the item has been scheduled for a Board Meeting.

Discussed

F. New Business

16-2160

Report - Facilities Master Plan and Academic Master Plan

A Presentation to the Measures A B & J Independent Citizens School Facilities Bond Oversight Committee regarding the District's Facilities Mater Plan and its alignment with the Academic Master Plan and educational needs; specifically as it relates to Prop 39 requirements to Article XIII A Section 1b:3B, safety, class size reduction and technology needs.

Staff presentation by David Colbert

Colbert said the Academic Facilities Master Plan interviews are scheduled for next week with four firms selected for consideration, anticipating Board approval in November. This will be an update to the 2012 long range master planning related to the planning and construction of additions to existing school sites; modernization; reconstruction; demographic study; attendance boundaries; school site grade configuration; feeder patterns; ADA assessment; educational programs and alignment with District's Pathway to Excellence 2015-2020 Strategic Planning; facility condition assessment; and site capacity assessment.

Chairperson Bierbaum asked if the writing of the plan was a collaboration with the academic staff?

Colbert said the writing occurred in several departments throughout the District.

Vice Chair Dawson requested this item remain on next month's agenda. She said it was one of her questions she forwarded to Chairperson Bierbaum. She said Prop 39 requires the Board to say they have done the plan in order to use the 55% rule to pass a bond and it is in the Board's bond language.

Discussed



16-2162

Measures A B & J Budget to Actual Expenditures, Cash Flow Projections Through August 31, 2016

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

Attachments: [16-2162 Measures A B & J Budget to Actual Expenditures, Cash Flow Projections Through August 31, 2016](#)

Staff presentation by Daniel Menyon.

Daniel Menyon, District Controller, said staff did not submit the Measures A B & J Expenditure Report because the Senior Business Officer did not have the opportunity to review the report prior to the posting of the meeting agenda.

Discussed

16-2163

Joint Meeting - Measures A, B, & J Independent Citizens' School Facilities Bond Oversight Committee and the Audit Committee (Proposed)

A discussion by the Measures A B & J Independent Citizens' School Facilities Bond Oversight Committee proposing a joint meeting with the Audit Committee for the purpose of Yano and Company presenting certain Audits.

Chairperson Bierbaum said the Chair of the Audit Committee, Dan Lindheim, reached out to her to determine if there are areas of mutual interests or concerns between the Audit Committee and the Measures A B & J Committee. She said the Audit Committee is working on their work plan for the year. Chairperson Lindheim wanted to know if there is an interest from the Measures A B & J Committee for the Audit Committee to provide help in additional post readings of bond fund budgets and Measures A B & J Committee audit process. Chairperson Bierbaum said there is an open invitation for both committees to align work. The meeting could be an informal meeting with less than a quorum of the Committee not to violate the Brown Act meeting requirement or it could be placed on a meeting agenda.

Committee Member Green asked if there is a relationship with the Audit Committee and audit report presented to the Committee earlier in the year?

Chairperson Bierbaum explained that the Audit Committee is involved in District audits and Measures A B & J audit is only for the Measures B & J Bond funds.

Chairperson Bierbaum said from her meeting with Chairperson Lindheim, she thinks the Audit Committee has not looked at any Measures A B & J audits, but may add it to their Work Plan if there was an interest in additional collaboration.

Committee Member Swayne wanted to know if the same auditing firm used for Measures A B & J audits is used for District audits?

Daniel Menyon, Controller, said the Audit Committee's focus is on District financial audits to provide oversight for regular financial audits, not bond funds. Whenever audits are completed, the auditing firm presents the report to the Audit Committee.

Rakestraw said regarding the question Ms. Swayne is asking, there was an audit of the District performed by the State Controller's Office after the District went into State Receivership. For many years the District was backlogged in its audits. In the last couple of the years the State agreed to allow the District to acquire an independent firm to conduct its audits. As long as the District has a Trustee and a loan, the State Controller's office is still responsible for the District's audits, but have delegated the responsibility to the firm now functioning.

Menyon said in 2013 there was no legal restriction preventing the District from having its own independent auditor. The District went into a vetting process and selected Vavrinek, Trine, Day & Co., LLP(VTD), the current audit firm. The State Controller's Office still had supervision over VDT and still reviews the audit report of the independent auditor. Menyon reported that the District is current with its financial audits.

Vice Chair Dawson suggested the Audit Committee Members attend a Measures A B & J Committee Meeting and Measures A B & J Committee Members attend a Audit Committee Meeting.

Committee Member Swayne suggested one or two Measures A B & J Committee Members attend an Audit Committee Meeting to see what's on their agenda to see if it is relevant or not to the Committee.

Discussed

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

[16-2164](#)

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 - October 5, 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 - October 5, 2016.

*Public Comments
Davis, Kim*

Presentation/Acknowledgment Made

H. Introduction of New Legislative Matter

David Colbert announced two ribbon cutting ceremonies in November celebrating bond fund projects. He said official invitations will be sent to the Committee.

1. 11/1/16 – 3:30 P.M. - Elmhurst Middle School –New turf field
2. 11/10/16 – 11:50-1:15 - Greenleaf - Elementary School - New Building

Presentation Made; Discussed

I. Adjournment

Chierperson Bierbaum adjourned the meeting at 6:58 P.M.

Prepared By: _____

Approved By: _____