

Oakland Unified School District

Board of Education
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Meeting Minutes Long - Final

Tuesday, November 8, 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

(Vacancy), Secretary

*Members: Renee Swayne, Chanu Lee, Gerald Green, Joyce Nilo, Shiree Teng, Saleem
Shakir-Gilmore*

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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។

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A. Call to Order

Vice Chair Andrea Dawson called the meeting to order at 6:33 P.M.

B. Roll Call

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

Absent 3 - Member Renee Swayne
Chairperson Ariel Bierbaum
Member [Vacant]

C. Adoption of Committee Minutes



[16-2386](#)

Minutes - Measures A, B, and J Independent Citizens' School Facilities Bond Oversight Committee - October 5, 2016

Approval by the Measures A, B, and J Independent Citizens' School Facilities Bond Oversight Committee of its Meeting Minutes of October 5, 2016.

Attachments: [16-2386 Measures A, B, and J Independent Citizens' School Facilities Bond Oversight Committee - Minutes - October 5, 2016](#)

Postponed to a Date Certain

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

None.

E. Unfinished Business

[16-0178](#)

Report - Construction Management Firm - Request For Proposals

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

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

Deputy Chief of Facilities, Joe Dominguez, reported the interview process for firms has been completed and the District is currently in negotiations with the firms. Contracts are scheduled for the November 30th Board Meeting for Board approval for one (1) program management firm (PM) and three (3) construction management firms (CM).

Currently there is one (1) company that handles both construction and management. The new structure will have one (1) program management company and three (3) different construction management firms increasing local participation. The Facilities Department anticipates a 30-day transition for the PM and 20-day transition for the CM.

Discussed

F. New Business



[16-2385](#)

Independent Citizen's Oversight Committee - An Overview

Overview of purpose and activities of Bond Oversight Committee, related laws and related questions.

Attachments: [16-2385 Presentation - Independent Citizen's Oversight Committee - An Overview](#)
[16-2385 Independent Citizen's Oversight Committee - An Overview](#)
[16-2385 Orrick Handout.pdf](#)

Eugene Clark Herrera, Orick, District Bond Counsel, provided an overview of the responsibilities of the Measures A, B, and J Citizens' School Facilities Bond Oversight Committee (CBOC).

Proposition 39 amended the State Constitution to permit school districts to issue bonds with a 55% approval vote, provided the district complies with certain accountability requirements - a bond project list in the measure that limits what proceeds may be spent on, and annual audits to ensure proceeds were correctly accounted for and spent on approved projects.

The oversight committee's task is to report to the public on the District's compliance with the constitutional accountability requirements and no funds may be used for any purpose other than voter approved projects, which may not include teacher or administrative salaries or other school operating expenses

Accountability requirements include: A list of specific projects; evaluating safety, class size reduction and information technology needs.

School Board conducts an annual independent performance audit and annual independent financial audit of the proceeds from the sale of the bonds until all of those proceeds have been expended

What May the Citizens' Oversight Committee do to Further Its Purpose?

Receive the information about the financial audit and review the revenues and expenditures; review the performance audit and the progress of construction projects; and report to the public annually whether the District audits show compliance with the bond measure and the project list.

Best Practices

1) To make a good faith effort to fill vacancies on the Committee; 2) Provide for consistency and continuity in the Committee's operations and deliberations; 3) The Board of the school district retains responsibility of the stewardship of the bond fund resources; 4) Oversight Committee's responsibilities are to review and report, not setting policy and pre-approving expenditures

Committee Member Green wanted to know if it was crossing the line if the Committee brings a concern to the attention of the Board for something that has already occurred?

Mr. Clark-Herrera said that is what the role of the Committee. "If the Committee comes to a consensus that an expenditure was paid and not traceable to any of the words of the bond language or authorized by the bond measure, that is the Committee's duty to report that to the Board and the public".

Vice Chair Dawson distributed a handout packet to Committee Members. The packet included the following documents: 1) the full text of the Measure J Bond; 2) OUSD Facilities Master Plan 2012 pages 45, 48, and 49; 3) draft Measure J spending plan; 4) revised 2015 Measure J spending plan; 5) discussion notes from Vice Chair Dawson dated April 19, 2016 Committee Meeting. Dawson said in April 2016 there was a list of Measure J projects and she wanted to know how the District got to redirecting approximately \$50 million to a new administration building or possibly moving into the Kaiser Building that possibly includes a land swap for 1025 2nd Avenue? She said the Measure J bond language refers to a master plan dated May 22, 2012.

Vice Chair Dawson said the Measure J Bond for \$475 million passed in November 2012 stated the Measure J projects. The October 2015 Measure J spending plan was revised redirecting \$49 million to the new Dr. Marcus Foster Education Leadership Campus at the 1025 2nd Avenue site. She said this change in the stated projects was not presented to the Measures A, B, and J Committee. She said she asked Bond Counsel to provide a response to all questions listed on the last page of the handout distributed during the meeting.

*The rationale for redirecting funds to the new facility
The Administration Building was not dependent on Measure J bond funds, that is why it was not included in the chart. Vice Chairperson Dawson said it is the belief that this was not the intention of the taxpayers to redirect funds when they voted for the passage of Measure J. She said there is a lot of need across the District not being addressed (schools located below Interstate 580), the need is more than the funds in Measure J. Vice Chairperson Dawson said she wants to be able to report in the next annual report that the District was compliant with the language of the Measure J Bond when funds were redirected.*

Committee Member Teng asked if the District is in compliance to redirect \$50 million to the Marcus Foster Education Complex when so many schools need playgrounds, gyms, etc.?

Mr. Clark-Herrera said he did not have the information with him today. He said if staff wants that feedback from Orrick, it can be provided. Orrick's role is to provide advice under the election law; the State Constitution and the Education Code; to hear what the District wants to do with the bond funds; and make sure the words of the bond measure satisfy the law. When issuing bonds to act as counsel in the transaction and provide legal opinions.

Joe Dominguez, Deputy Chief for Facilities, "said the Board made the decision to restructure the spending plan in the 2012/2013 school year. He said the District is starting up its Facility Master Plan and in that proposal that is scheduled to be adopted at the November 30th Board of Education Meeting. That firm in partnership with District staff, will have to interview CBOC Members to talk about the sites, school site needs, community needs, and as a committee what we see as issues that still needs to be worked on. There will also be a meeting with city officials to talk about long term planning as a city."

Marion McWilliams, General Counsel, said "this Body and this relationship was previously

held by Jackie Minor, is not an area that I dealt much into. This is a testament to your diligence and your commitment and really the role you fulfill for us; that you guys have so much preparation, detailed specific questions, with thorough, thorough research so that coming into it new, I will look at what both has been provided to you previously orally or via memo; what documentation there has been already and I will put my own eyes on it to make sure I am in agreement with it, and will bring back to the committee as our opinion."

Discussed

 [16-2411](#)

Measures "A, B, & J" (Fund 2122) – Budget to Actual Expenditures, Cash Flow Projections Through September 30, 2016

Presentation of the Measures "A, B, & J" Bond Oversight Committee (Fund 2122) - Budget to Actual Expenditures, and Cash Flow Projections through September 30, 2016.

Attachments: [16-2411 Measures "A, B, & J" \(Fund 2122\) – Budget to Actual Expenditures, Cash Flow Projections Through September 30, 2016](#)

There was no formal presentation of the Expenditure Report from staff.

Committee Member Green had some comments regarding the Program Coordination allocation. He said approximately 71% of the allocation was spent on consultants. Committee Member Green wanted to know going forward will there be an effort by the District to have this work done internally?

Deputy Chief Dominguez said the PM and CM firms that will be hired will not be District employees. The District will build its internal capacity of project managers needed to help oversee some of the construction projects. A senior construction manager is another position the District is looking to fill. Dominguez noted the total spent on Program Coordination included architectural, energy, property lease, and geotechnical consultants.

Discussed

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

[16-2387](#)

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 - November 8, 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 - November 8, 2016.

None.

H. Introduction of New Legislative Matter

None.

I. Adjournment

Vice Chair Dawson adjourned the meeting at 7:37 P.M.

Prepared By: _____

Approved By: _____