



Putting  
Children  
First

# Measure H Citizens' Bond Oversight Committee

Wednesday, August 9, 2023

5:30 to 7:30p.m.

Oak Ridge Elementary School

## *Minutes*

### **1.0 Call to Order 5:41**

**2.0 Public Comment – Individual public comment shall be no more than two minutes in length on each agenda or non-agenda item. No public comment.**

### **3.0 Call to Order/Members Present/Absent**

**Present:** Arthur Aleman, Brian Hill, Christian Burkin, Christine Casey, Dave O'Toole, David Mack, Gabe Tiffany, Ian Davis, Jim Miller, Manuel Jimenez, Marie Degelos

**Absent:** Amber Verdugo, Andrea McPhee, Andrew Marks, Charlotte Yates, Julia Gahagan, Kae Saephanh, Nicole Elton, Robert Herrell

**Staff Present:** Leigh Sata, Jesse, Castillo, Chris Ralston, Cindy Tao, Nathaniel Browning

### **4.0 Approval of Agenda/Discussion of Tonight's Meeting**

Motion by: David Mack

Second by: Christian Burkin

The agenda was approved as presented. All in favor.

### **5.0 Approval of Minutes**

May 10, 2023 – Regular Meeting

Motion by: Christian Burkin

Second by: Ian Davis

The minutes were approved as presented. All in favor.

### **6.0 Oak Ridge Tour**

### **7.0 Measure H Bond Fund Projects Update**

Measure H Funding Summary

Funding

- \$750M authorization approved by voters March 2020
- \$2.7M interest

Measure H Budget & Expenditures as of 6/30/2023

Budget to date: Subtotal \$324.6M plus future projects per the FMP \$425.4 Total: \$750M

Expended to date: \$11.4M

Academic and Safety Equal Access Projects Budget & Expenditures as of 6/30/2023

Budget to date: \$226,000,000

Expended to date: \$5,983,318

Balance: \$220,016,682

*Technology Enhancement Projects Budget & Expenditures as of 6/30/2023*

*Total Budget to date: \$6,480,569*

*Expended to date: \$1,867,496*

*Balance: \$4,613,073*

*Safety and Security Improvement Projects Budget & Expenditures as of 6/30/2023*

*Budget to date: \$2,085,000*

*Expended to date: \$187,580*

*Balance: \$1,897,420*

*PE and Athletic Program Projects Budget & Expenditures as of 6/30/2023*

*Budget to date: \$29,762,500*

*Expended to date: \$61,600*

*Balance: \$29,700,900*

*School and Classroom Improvement Projects Budget & Expenditures as of 6/30/2023*

*Budget to date: \$59,250,000*

*Expended to date: \$2,663,529*

*Balance: \$56,586,471*

**Bond Construction Update**

*Current Active Projects*

*Edward Kemble/Cesar Chavez Elementary New Construction - Construction Phase*

- *Building new 72,000 sq ft elementary school*
- *Two school programs maintaining their own identity into one building space.*
- *Budgeted for \$88M*
- *Est. completion Fall 2025*

*Nicholas Elementary School New Construction - Construction Phase*

- *Building new 55,000 sq ft elementary school*
- *Interim housing at C.B. Wire for two school years 23-24 & 24-25*
- *Budgeted for \$71M*
- *Est. complete Fall 2025*

*Oak Ridge Elementary New Construction - Design Phase*

- *Building new 53,000 sq ft elementary school*
- *Budgeted for \$67M*
- *Est. complete Fall 2025*

*Burbank Softball/Baseball Title IX Modernization - Design Phase*

- *Replacement of athletic facilities for baseball and softball*
- *Budgeted for \$6M, bid in spring 2024, construction summer 2024 and estimated completion of January 2025*

*Kennedy Softball/Baseball Title IX Modernization - Design Phase*

- *Replacement of athletic facilities for baseball and softball*
- *Budgeted for \$6M, bid in spring 2024, construction summer 2024 and estimated completion of January 2025*

*McClatchy Softball/Baseball Title IX Modernization - Design Phase*

- *Replacement of athletic facilities for baseball and softball*
- *Budgeted for \$6M, bid in spring 2024, construction Summer 2024 and estimated completion of January 2025*

*West Campus Softball/Baseball Title IX Modernization - Design Phase*

- *Replacement of athletic facilities*
- *Budgeted for \$6M, bid in spring 2024, construction summer 2024 and estimated completion of January 2025*

*Cal Middle Campus Renewal - Design & Construction Phase*

- *Project consist two phases:*
  1. *Summer 2023 roof replacement &*
  2. *Summer 2024 ADA improvements, security improvements, interior floor and paint, technology upgrades, bathroom modernizations, and new furniture*
- *Budgeted for \$18 million for both phases. Estimated completion Summer 2024*

*Security and Fencing at Multi-sites - Procurement Phase*

- *Single point of entry during school hours*
- *Raising fences, iron material, installation of camera's, installation of front door technology for screening of visitors (buzzer)*
- *Budgeted for \$2.1M*

*ADA Pathway Concrete Improvements - Planning Phase*

- *Address trip hazards*
- *Survey to be completed summer 2023 to identify & document all hazards*
- *Projects to be completed summer 2024*
- *Budgeted for \$5 million*

*Matsuyama Campus Renewal - Design Phase*

- *ADA improvements, security improvements, interior floor and paint, technology upgrades, bathroom modernizations, and new furniture.*
- *Budgeted for \$8M, bid in fall 2023 and estimated construction summer 2024.*

*Alice Birney Campus - Renewal Design Phase*

- *ADA improvements, security improvements, interior floor and paint, technology upgrades, bathroom modernizations, and new furniture*
- *Budgeted for \$4 million, bid in winter 2024 and estimated construction summer 2024*

*New Joseph Bonnheim Playground Replacement - Planning Phase*

- *Safety*
- *Replace playground is new play apparatus and ground material to meet current safety expectations*
- *Budgeted for \$1.5 million; bid in spring 2024 and estimated construction summer 2024*

*Ethel Phillips Campus Renewal - Planning Phase*

- *Safety*
- *Replace playground with new play apparatus and ground material to meet current safety expectations*
- *Budgeted for \$1.5 million; bid in spring 2024 and estimated construction summer 2024*

*Hypothetical question: (Project) decisions are based on an algorithm that shows the degree of need. Say a school says they have a need that does not show up on the algorithm however, they are able to bring \$3M of their own funds to that project. Does this factor in? It is a \$7M project.*

*Answer: The discussion will always happen. It would have to be determined if it is a want vs. a need.*

*Answer: Also in relation, it sounds as if you are speaking about a charter school and the charter facility money that is out there that is available. We are talking about the equity index component of the FMP but also have what we call a Type A project. Where it does address some the deferred maintenance pieces. When there is a deferred maintenance project and the site has funds to contribute, it is enticing. We need to look to see how it works within the FMP and the direction we have been given. There are components where it is advantages for the District and the charter to pool funds and address some of the deferred maintenance needs which would otherwise be a chronic issue on the maintenance side.*

*Question: How many athletic fields are in dire need of replacement? Answer: They all could use some level of (repair). There is a higher percentage of need than not.*

*Question: In what part of the process does the ADA concrete survey take place? Or is that something that someone decides is a proactive thing to do based on the need? Answer: We were directed that we needed to address some liability as part of the bond.*

*The first few assessments were at no cost. They were very thorough. The rest of the assessments were completed in 14 weeks for \$53,000.00. Approximately three hundred dollars per elementary and \$500.00 per high school.*

### **8.0 Measure H CBOC Presentation to the Board Discussion**

*Staff is preparing for the Committee to present their annual report to the Board on October 19, 2023. Member Hill: All data is turned into a PowerPoint and presented to the Board.*

*Staff: The assessment is based on the annual financial audit, which is what will be presented to the Board and to illustrate that the bond funds have been spent appropriately as outlined.*

*Staff: The auditors will come to a CBOC meeting and present the reports to the Committee.*

*Staff: The Committee then reports to the Board of Education and let them know if the Committee believes that the money was spent as it was stated in the language of the bond.*

*Discussion: Measures Q and R audits have been completed but not Measure H. It was decided that it would be too soon for this committee to report to the Board in October 2023.*

*Staff will assist the Committee with the PowerPoint presentation to the Board when the time comes.*

*Committee member statement: The Committee will need a fair amount of time to work on their assessments, after the auditors present the reports to them in a CBOC meeting.*

### **9.0 Committee's Assessments of Measure H and Areas of Interest**

*Chair Jimenez requested the time be taken to go around the room to hear from everyone. He would like to know if everyone understands the process or if anyone is confused about the process. Or if anyone has concerns. The sample report is helpful. It really lays out what is expected from the Committee and what we are expected to weigh in on. There is a lot here. It will not be easy to weigh in on these issues. Establish focus groups? More detailed financials.*

*Staff: Subcommittees can be formed as long as they are not communicating with each other, thus creating a quorum. In addition, not agendized.*

*Question to Member Hill: How much time was spent with your committee as a group going through everything?*

*Answer: Not very much. Reason being, there was a lot of base material provided to us. Crowe answered all questions when they presented to the Committee. The audit reports reflected that there were no findings/issues. This Committee needs to get comfortable with telling the Board and the public that things are ok.*

*Chair Jimenez shared his areas of interest and concerns: Believes the Committee will need more time. Area of concern is the project list. The project list shown to the voters was not a project list. It was a description of what might occur. It could be taken as an intent or a thought process. As a Committee, we do not know what to do. If you are being asked to approve something and it does not make sense what you are asked to approve, maybe we need legal counsel (input).*

*Committee member comment: 1. We as a Committee do not have the level of expertise to determine whether something is in or out of compliance. 2. There are separate entities here. The operations people who are conducting this work and reporting back on it. Second entity is the school district (Board members). The third is us (CBOC). There is a*

*synergy that has to go on there. There is one entity that relies on the trust of the other two. The Board trusts the operations people and the CBOC. There is also a 4<sup>th</sup> entity, the auditors. They have done this before and they say that the client is in compliance. If our purpose is to go in and get forensic, I do not know that that is the best way to represent ourselves to the District. If the auditors state that the District is in compliance, our thing is to ask high-level questions and maybe get to the point where we say ok, we understand that they say the District is in compliance. Then the Board asks us what your findings are. Do we have evidence of anything that says that the operations staff conducted themselves with this money in any way that states they are out of compliance? If so, the audit would have shown that.*

*Member Jimenez: Understands the perspective. Sounds like what you are saying is we can trust the auditors.*

*Committee member: Not blindly trust. However, if the auditor who has done the forensic review says the District is in compliance, we do not have the basis to go down a rabbit hole.*

*Member Jimenez: Other people might though. I am trying to find out everyone's area of interest. Approving what the auditors' audit is not our only mission. If you look at the (draft annual report), I am supposed to sign it. I think we need to look into this. There are other findings outside of just the auditors'. Brian and I met with the auditors. They are not looking at the project list. They are looking at like a detailed expenditure list. They are not really focused on if the expenditures fit the project list. That is my understanding. They were asked this question. They were loosely looking into that. If we are to evaluate whether all those projects fit the project list. This is what we are trying to figure out.*

*Staff (Cindy Tao) response: Inaudible.*

*Chair Jimenez: What I am trying to get at, is I have a list of about 4 areas of concern. I think we could spend all night discussing them but I do not know if that is the intent. I would like to go around the room to see what other people think. To see what other peoples' area of concerns are. If we all share certain concerns, then we need to address them.*

*Chair Jimenez's areas of interests:*

*Project list.*

*(CBOC) membership. We are out of compliance on this.*

*Review of laws.*

*Contractors selected. GMP process. Excess money spent?*

*Other items: More site investigations, equity aspect and the master plan.*

*Committee member: For now, I am more interested in information gathering, research, and process. It was mentioned earlier about mutual trust. I am going to trust the information that I receive from staff. I may ask for more. I am interested in un-awarded projects. What projects are low on the priority list and schools that are not touched? That does implicate questions about priorities incompliance with measure language, etc. I am not saying I have any suspicion. It is just a topic that interests me.*

*Committee member: There are 4 entities. We have to trust the information we are provided.*

*Committee member: For now, as we ask concrete questions and get answers, it will lead to other questions and answers.*

*Committee member: I would like to see more community friendly wording on ongoing projects. That I can take back to my community. Saying these are your tax dollars at work.*



*Staff: Looking for more information on what we are doing? Or more of getting the word out? Answer: More parent friendly. Staff: We are working on this. Instagram, etc. We are also working on our website and a Measure H webpage to include all of the projects. We would like to make all information readily available for members to take back to the community.*

*Committee member: Concerned about mission creep on this committee. We are talking about some things that are not in the purview of this committee. Staff takes questions on things such as communication to the communities but it is not the purview of this committee. Our focus is narrow. Looking at project lists is also a way we may stray. Our job is to see if the expenditures consist with the bond language. In addition, in the bond language, it is more of project categories not project lists. For the Committee to give input on the projects is not in our purview. We are talking about many good things here that are good discussion but maybe this is not the right forum.*

*Chair Jimenez: My understanding of the law that went through 20 years ago, it reduced the percent to be approved from two thirds to 55% if there was a specific project list provided. If we know more specifically where the money is going to be spent, the criteria to get approval is reduced and the Committee is supposed to be involved. My concern is that a very general specific project list is circumventing the process.*

*Committee member: The best way is to ask the question. And if we go beyond, staff will tell us. If we disagree with that we will deal with it. Until we come upon a barrier, we should not worry about it. We can make our requests.*

*Committee member: I worry that we are going down a path that is not our responsibility and putting a lot of requests on staff may be interesting but may not serve the purpose of the meeting.*

*Staff response (Jesse Castillo): Inaudible.*

*Nathaniel Browning: More to Jesse's point as well, I was the one that helped create the resolution and bond project list and I worked side by side very closely with external specialized counsel in creating all of that to make sure we were following every letter of the law. The bond project list is absolutely correct and by and large created for flexibility for the District, as a need pops up, it can be used within that bond project list. It's not going to have, when I say bond project list, it's not going to actually list out projects like CKM baseball field. It is going to be broader categories.*

*Committee member: Why wouldn't you list out the project? Answer (Chris Ralston): Discretion of the Board. They are the elected officials. They decided that that is what they wanted the project list to say. This is a technical committee.*

*Member Brian Hill: I don't think any district that I am aware of, unless it is a small school district, says I'm going to go build a new elementary school and we're going to go pass a bond and spend it on that. They don't go build a high school. I think everybody else needs flexibility. Who knows how long this \$750M will last? Let's say 7 or 10 years. Nobody in this room knows what the requirements will be. It is a significant issue that every CBOC goes through.*

*Staff (Nathaniel Browning): Directly to Brian's point, we don't know what is going to happen over the next decade. \$750M could substantially be a lot. We need to have the flexibility to address anything going forward. Last Measures Q and R, were two smaller bonds that were passed simultaneously. They had projects that had large categories in them but they did also have some more specifically spelled out project sites but didn't list out what was going to happen at those sites. These were two smaller more focused two sets of bond measures. It was just a different way of what the Board saw as a priority at that time. In context, we were passing the board resolution to call for the bond measure before we even had a facilities master plan to show us exactly all the needs within the District. We didn't know what we didn't know yet because we were still collecting the different data points in order to finalize the FMP to tell us exactly where we needed to focus.*

*Committee member: Regarding the creation of the project list, the categories have been determined. They were voted on by the voters. As long as we see that (everything) is falling into those categories correctly, that's as far as we need to go down in our roles. Additionally, I am a little concerned with one point that came up, which is our member list. We are two (categories) short.*

*Member Brian Hill: This is a struggle for all CBOCs in every district.*

*Staff (Nathaniel Browning): This is something we talk about and focus on and always trying to recruit. We work with Board members to see if they can also help recruit for those positions specifically for these positions. We will be continuously trying and recruiting. And if committee members know of anyone also. In addition, after missing 3 meetings, members are no longer members. We do have a member that has not attended a meeting and we have not received any communication.*

*Committee member: In the beginning, I wanted to know a lot about projects and to argue about projects but over time I learned the scope of the committee was much narrower. I wanted to do more but our scope is much narrower. This is not to diminish the work. It is very important and essential.*

*Chair Jimenez: Do you think the narrowness of the committee affects the participation? Answer: I would suppose some would want to get into policy and project selection. So it could.*

*Committee member: Shares the compliance concern with regards to having the proper member representation. And a reminder to everyone, read the project list and the ballot language not just the summary.*

*Staff (Chris Ralston): We share more than required. This is an after the fact committee. But we want to give you some background to know what it is you are looking at to be sure all is appropriate. We want to give you some background and to give you a deeper dive.*

*Staff (Nathaniel Browning): The CBOC is only required to meet once per year. This CBOC meets quarterly to be able to give you as much information as possible.*

*Committee member: Would like to commend staff for the information provided which is not required.*

*Leigh Sata: By virtue of being here (the committee), you are holding staff accountable. Without the CBOC there is no check. Your job is to look at the project list, ask for the tours, take a look and match it up to the language. And to take a look at the third party audit. This committee is another level of accountability.*

*The Committee would like to see the District's recruiting efforts.*

*Staff (Nathaniel Browning): (In response) Much of this is through Board meetings, and through the same link that we shared for all of you to apply is still live. And also using social media. We don't really know beyond that what the campaign can look like but would like to hear any ideas.*

*Committee member: CBOC role is to gather information and to be able to explain it to people (in the community).*

*Staff (Nathaniel Browning): If anyone is interested in participating in CBOC webinars, there is a fee associated with that. The District would be interested in covering that fee.*

**10.0 Future Business-Next Meeting Dates/Locations**

- November 8, 2023 at 6:00pm

*Motion to begin meetings at 6:00pm by Christine Casey*

*Second by: Committee Member*

***Adjourn: 7:45pm***

*Motion by: Manuel Jimenez*

*Second by: Christian Burkin*