



Citizens' Bond Oversight Committee Meeting

Measure L – 2014 and Measure U - 2020

COMMITTEE MEMBER PACKET

December 9, 2020

6:30 pm – 7:30 pm

LOCATION: Via ZOOM

Berryessa Union School District
Citizens Oversight Committee Meeting (CBOC)
Measure L - 2014 and Measure U - 2020

December 9, 2020, Wednesday, 6:30 PM – 7:30 PM

In response to the Shelter in Place Order due to COVID-19, Berryessa Union School District will be conducting its Citizens Oversight Committee meetings at the regular times, in a different modality.

The District will be leveraging a Webinar format (using Zoom) in order for the Committee members to participate remotely and to allow for orderly public comment. There will not be a physical location for this meeting.

PUBLIC COMMENT:

Participants who would like to make comments can join the meeting from their computer, tablet, or smartphone. **We ask the participants to type their full name when joining the meeting, as prompted.** The President of the Board will announce the opportunity for public comment on non-agenda items and for each agenda item. **We ask that all participants who wish to make public comments for that agenda item to use the “Raise your hand” functionality.** The attendees will be called upon, their microphone unmuted, and then allowed to make their public statement for up to three minutes. At the end of the three minutes, the attendee’s microphone will be muted, and the next participant will be called upon.

The instructions to join each board meeting will be included at the top of each posted agenda.

Zoom Information

<https://busd-net.zoom.us/j/82711102698?pwd=Y01MMTFGNmN0K2dhTDlnZWZjTWI1Zz09>

Meeting ID: 827 1110 2698

Password: at^N1K

One tap mobile

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Dial by your location

+1 669 900 6833 US (San Jose)

Meeting ID: 827 1110 2698

Passcode: 479650

Berryessa Union School District
Citizens Oversight Committee Meeting (CBOC)
Measure L - 2014 and Measure U - 2020

Agenda

- | | |
|---|-------|
| 1- Call to order | Marty |
| a. Roll call | |
| Marty Michaels – Chair | |
| Amy Chen – Vice Chair | |
| Adrienne O’Leary | |
| Frank Cancilla | |
| Susan Fowle | |
| Paul Guth | |
| Jai Srinivasan | |
| b. Adoption of agenda | All |
| c. Approval of September 9, 2020 meeting minute | All |
| 2- Public comments | |
| 3- Reports | |
| a. Measure L project update | Tony |
| b. Additional Projects December 2020 List | Tony |
| c. Financial report - Measure L | Tony |
| d. Measure U update | Tony |
| 4- Old business | |
| Future meeting date | Marty |
| March 10, 2021 | |
| 5- New business | All |
| 6- Adjournment | Marty |

**Berryessa Union School District
1376 Piedmont Road
San Jose, CA 95132**

Measure L Citizens' Oversight Committee Meeting
Location: Via ZOOM
September 9, 2020
6:30 p.m. – 7:30 p.m.

REGULAR MEETING MINUTES

Members Present: Marty Michaels, Chair
Adrienne O'Leary
Frank Cancilla
Jai Srinivasan
Paul Guth
Susan Fowle

District Staff Present: Tony Kanastab, Director of Bond Facilities and
Modernization
Kevin Franklin, Assistant Superintendent
Shamina Choudhury, Bond Budget Accountant

Public Present: None

1. Call to Order

Minutes

Mr. Marty Michaels called the meeting to order at 6:32 pm.

a. Roll Call -

Minutes

All present except for Ms. Chen.

b. Adoption of Agenda

Minutes

Motion to approve by Mr. Michaels, 2nd by Ms. Fowle, Mr. Srinivasan, Mr. Cancilla, Mr. Guth, and Ms. O'Leary. All in favor.

c. Approval of the September 9, 2020, CBOC Meeting Minutes

Minutes

Motion to approve by Mr. Michaels, 2nd by Mr. Srinivasan, Ms. Fowle, Mr. Cancilla, Mr. Guth, and Ms. O'Leary. All in favor.

2. Public Comments

Minutes

There were no members of the public present

3. Reports

a. Measure L Project Update

Minutes

Mr. Kanastab presented the updated report to the committee.

- Cherrywood Elementary – Window Graphic – Mr. Kanastab stated that the project is complete.
- Paving – Laneview / Ruskin / Morrill – Mr. Kanastab stated that the project is complete. For the Morrill parking lot, parking bumpers were installed.
- Library Shelving – Mr. Kanastab stated that the project is complete.
- Flooring replacement at Building D – Mr. Kanastab stated that the project is complete.
- Noble – Lunch Shade Structure – Mr. Kanastab stated that the paving for the project is complete.
- Morrill – HVAC - Mr. Kanastab stated that the HVAC unit had been placed on the roof, the exterior double doors have been installed, and the interior and exterior ductwork has been complete. Mr. Kanastab stated that the project is scheduled to be completed around September 9.
- Perimeter Fencing – Chain Link -Mr. Kanastab stated that the project for replacing and relocating chain link fences for Laneview, Toyon, and Sierramont started on September 8, 2020.
- Perimeter Fencing – Black Vinyl – Noble – Mr. Kanastab stated that the 4-foot fence in the Kindergarten area would be removed and replaced by a 6-foot fence.
- Perimeter Fencing – Ornamental - Mr. Srinivasan asked what ornamental fencing is. Mr. Kanastab responded that ornamental fences are black tubular wrought iron metal fences.

- Replacement of HVAC Unit at District Office – Mr. Michaels asked about the HVAC replacement. Mr. Kanastab and Mr. Franklin responded that the District intended to repair the unit, but it was less expensive to install a new unit than have the existing HVAC unit repaired due to the unit's age.
- Elementary Schools Hydration System – Mr. Kanastab stated that hydration systems would be installed in all the elementary schools except for Cherrywood, Ruskin, and Vinci Park, which currently have them.

Mr. Michaels asked what will happen to the hydration system installation when the kids are back in school. Mr. Kanastab responded that most kids bring their own bottled water from home. Mr. Michaels asked that the families be notified if the hydration system is not installed by the time schools open for in-person learning. Mr. Kanastab responded that it is possible to notify families if the hydration system hasn't been installed yet.

- Flooring replacement at Building D (Science) rooms 4, 5, 6, and 7 at Morrill is complete.
- Toyon ornamental fencing project - Mr. Kanastab stated the bids were received for this project and were within budget. The project is expected to start the week of October 12.
- Lunch Shade Structures – Mr. Kanastab stated that Morrill and Piedmont's construction would start in summer 2021.
- Piedmont – Entry Canopy, Marquee – Mr. Kanastab stated that the District would be adding the entry canopy and marquee. Mr. Kanastab stated that he would meet with the principal the next day, September 10. The entry canopy project will be completed next summer. Mr. Srinivasan asked if there are funds leftover if the District can fix the marquees at a different school site. Mr. Kanastab stated it's the site's responsibility to provide funding for purchasing and maintaining the site's marquee. He also said providing underground electrical/data pathways for a marquee is a potential project at each elementary school in one of the possible projects for Measure U. The site would be responsible for fundraising for the marquee. Ms. O'Leary asked if all the school PTAs can work together so that the District can get a discount due to purchasing multiple canopies. Mr. Kanastab replied that this is a possibility once the District finds a vendor.

- Security Cameras – Mr. Kanastab stated that the District is in the process of demoing three security camera vendors before moving forward with procurement.
- Paving Projects – Mr. Kanastab stated that the paving projects at Brooktree, Northwood, and Toyon would take place in summer 2021. Currently, the District is working on the design of the pavement of the school sites.

b. Measure L Financial Report

Minutes

Mr. Kanastab presented the Measure L 4th Quarter Report from 07/01/2019 – 6/30/2020 showing that as of the end of the 4th quarter, the District has spent about \$5.4 million. For the 4th quarter, from April 1 – June 30, the Bond department spent \$1.6 million and received \$200,000 in interest. The District has about \$8.3 million, of which \$3 million is committed, and \$5 million is uncommitted. Of the \$5 million, \$2 million is in contingency.

Mr. Michaels asked about an update on the renovation of the Maintenance, Operations, and Transportation (MOT) Department and the District Office (DO). Mr. Kanastab said that there were three options which he will bring forward to the Superintendent's office. Option 1 is to renovate the existing building; option 2 is to build a new building on the existing site; option three is building a new building on the MOT site, including the District Office staff and MOT staff. Mr. Kanastab stated that he is finalizing each option's estimates before presenting the Superintendent's Office options. Mr. Michaels asked if the 3 million that is allocated is for MOT and District Office upgrade. Mr. Kanastab said he would be presenting an additional projects list at the October Board meeting for review.

4. Old Business.

a. Future committee meeting dates

Minutes

Mr. Michaels stated the next meeting date would be on December 9, 2020, and future meeting dates are scheduled for March 10, 2021.

5. New Business

Regarding Measure U, the District will have the project list completed by the end of the month. The project list will have a list of projects that the District wants to complete with an estimate on how much each project will cost. The District is considering building a new gym for Piedmont using Measure U funds. A

computer refresh is included in the potential projects to be included in Measure U. The Board will be able to review the project list in November 2020.

Michaels stated that the Bylaws had been slightly revamped to include Measure U. The term limits for each board member are three consecutive two-year terms.

Adjournment

Minutes

Motion to adjourn by Mr. Michaels at 7:17 pm, 2nd by Mr. Guth, Mr. Srinivasan, Ms. Fowle, Mr. Cancilla, and Ms. O'Leary.



Pathway to the Future

Citizens Bond Oversight Committee

For Measure L - 2014 and Measure U - 2020

December 9, 2020



Measure L – Overview

- Project Updates
- Program Schedule Review

Measure L – Project Updates

Projects Completed

- Perimeter Fencing – Chain Link @ Laneview, Toyon, and Sierramont
- Perimeter Fencing – Black Vinyl @ Noble
- Perimeter Fencing – Ornamental – Ruskin, and Toyon
- Hydration Stations in the Cafeteria at Brooktree, Laneview, Majestic Way, Noble, Northwood, Summerdale, Toyon, Sierramont, Morrill, and District Office lobby
- Replacement of HVAC Unit at District Office
- Morrill – HVAC at Music Room
- Flooring replacement at Activity Rooms 29, 37, and 69 at Summerdale
- Paving at Shade Structure @ Ruskin

Measure L – Project Updates

Bids Received

- Ornamental Fencing – Sierramont
 - Received bids on October 22, 2020, 5 bids received
 - Low bid within budget
 - Recommendation of award to Golden Bay Fence for \$103,308
- Shade Structures at Five Sites
 - Received bids on October 29, 2020, 4 bids received
 - Low bid within budget
 - Recommendation of award to Turnkey Construction and Solar Inc. for \$897,914.81
- Paving Project at Piedmont Middle School
 - Received bids on November 4, 2020
 - Recommendation of award at November 10, 2020 Board meeting

Measure L – Project Updates

Projects in Progress

- Shade Structures/Covered Walkways @ Toyon
- Marquee @ Piedmont
- Noble FIS – Mural
- Ornamental Fencing – Sierramont
- Shade Structures at Five Sites (Morrill, Piedmont, Noble, Ruskin, Vinci Park)

Bidding/Procurement

- Vinci Park - FIS Canopy
- Paving Projects
 - Brooktree
 - Northwood
 - Toyon

Measure L – Project Updates

Projects in Design

- Main Alarm Security Alarm Panels
- Security Camera @ Middle Schools
- Studies
 - HVAC – Toyon

Measure L – Project Updates



Piedmont – Paving Demo

Measure L – Project Updates



Piedmont – Paving

Measure L – Project Updates



Piedmont – tree well demo

Measure L – Project Updates



Piedmont – tree well infill

Measure L – Project Updates



Brooktree – Hydration Station

Measure L – Project Updates



Toyon – Hydration Station

Measure L – Project Updates



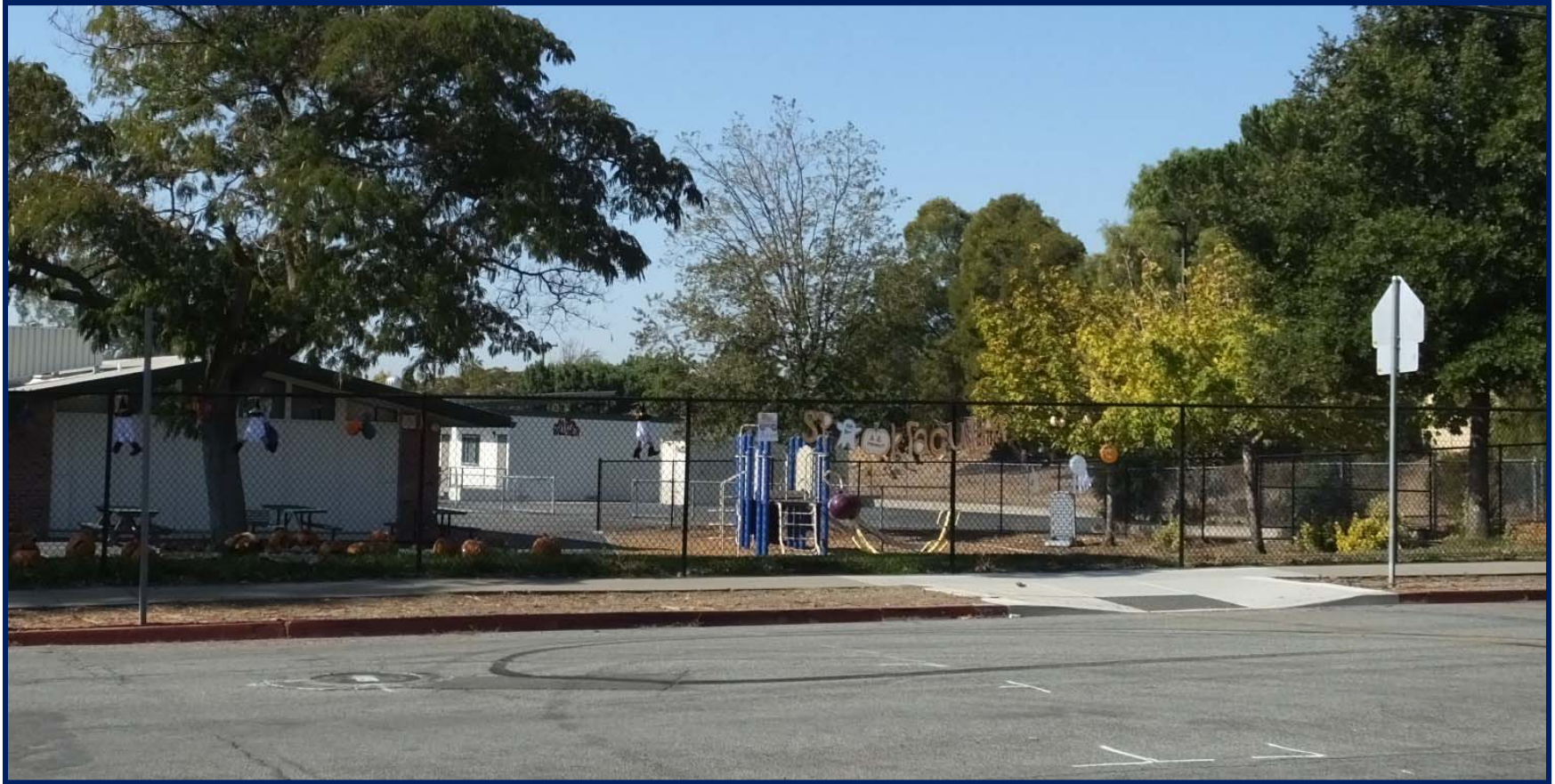
Brooktree – Hydration Station

Measure L – Project Updates



Toyon – Ornamental Fencing

Measure L – Project Updates



Noble – Black Vinyl Fence at Kindergarten Area

Measure L – Project Updates



Noble – Black Vinyl Fence at Kindergarten Area

Measure L – Project Updates



Noble – Black Vinyl Fence at Parking Lot

Measure L – Project Updates



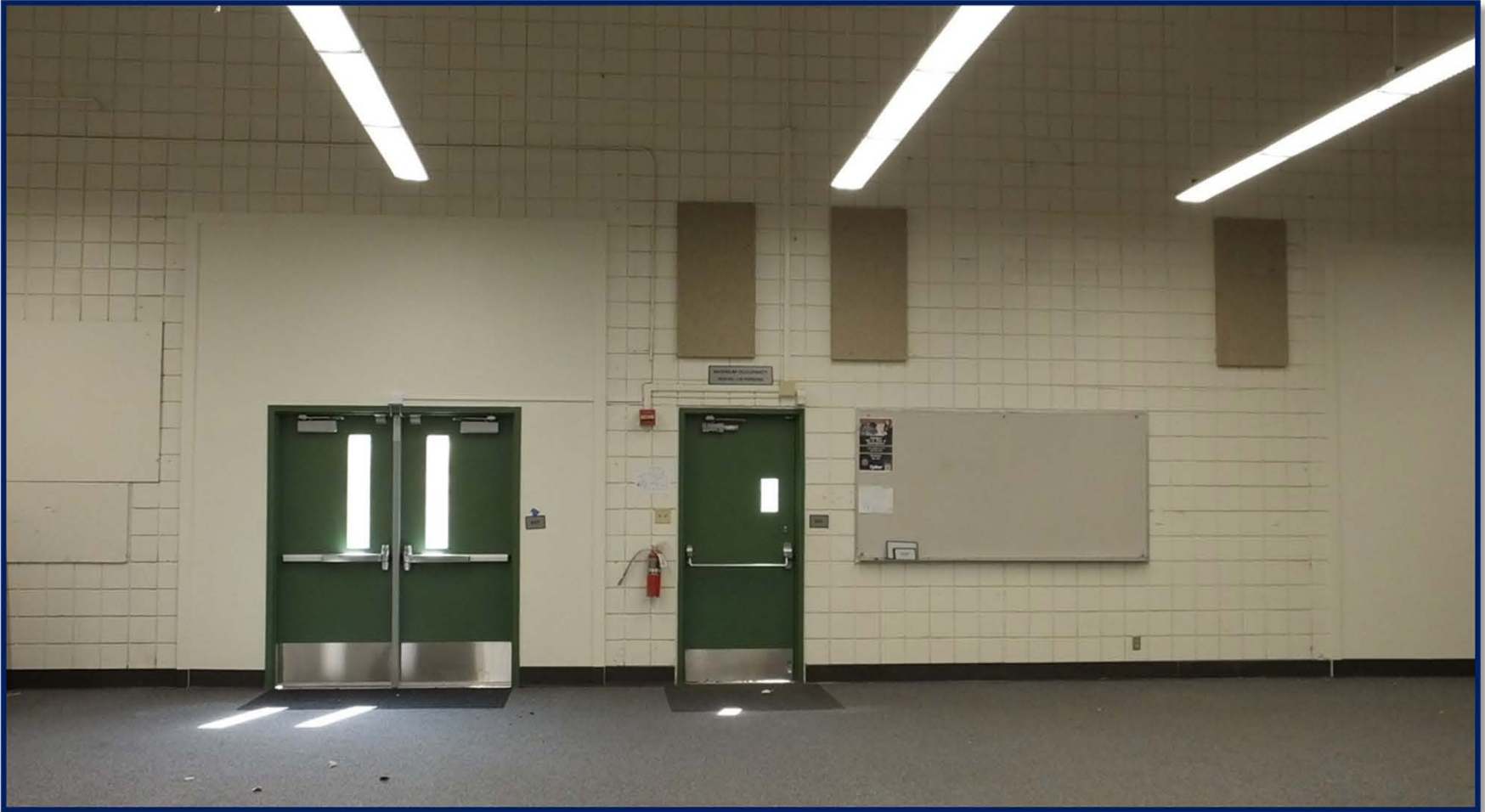
Toyon – Chain Link Fencing

Measure L – Project Updates



Toyon – Ornamental Fencing

Measure L – Project Updates



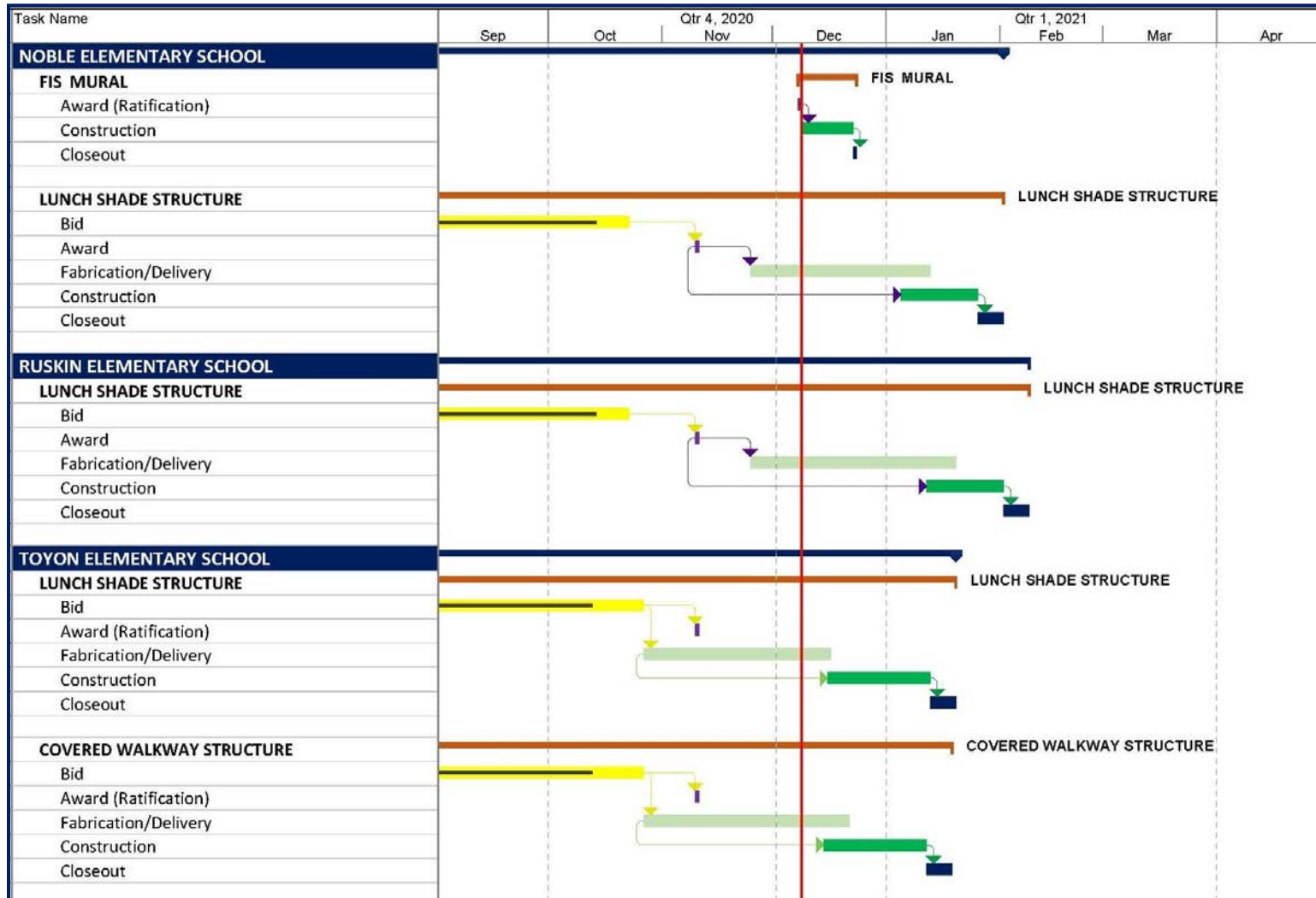
Morrill – Music Room HVAC Upgrade

Measure L – Project Updates

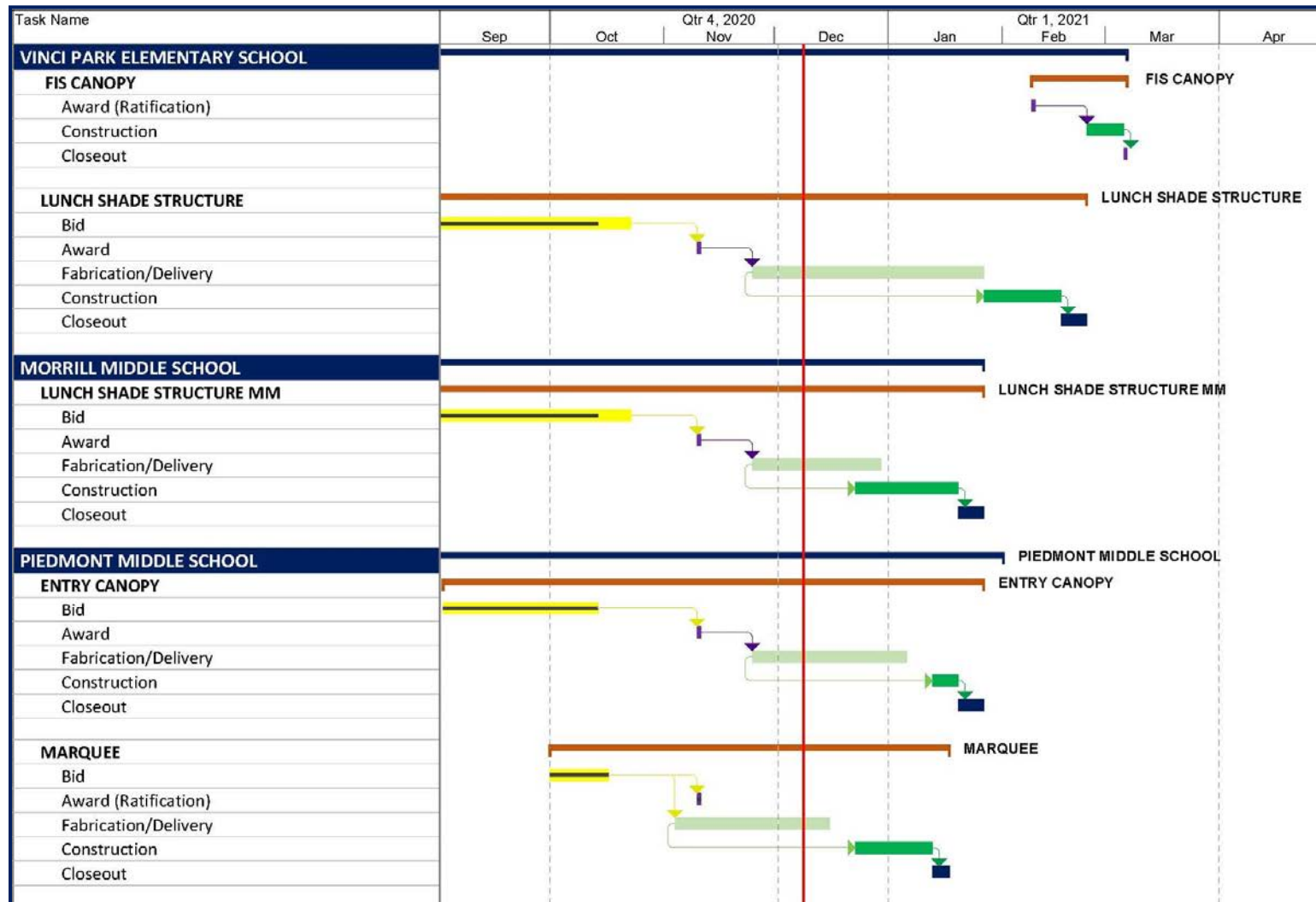


Morrill – Music Room HVAC Upgrade Exterior

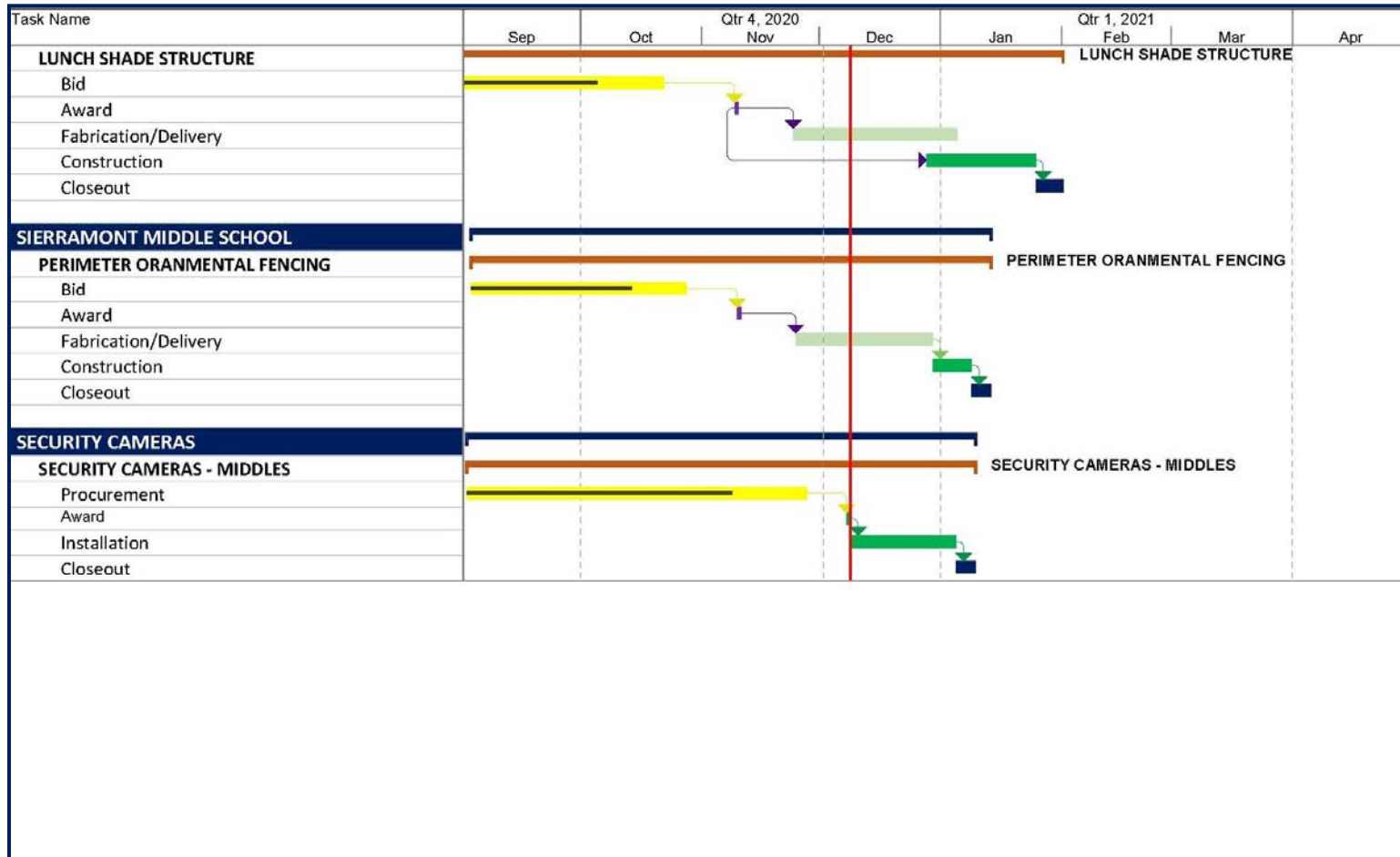
Measure L – Program Schedule



Measure L – Program Schedule



Measure L – Program Schedule



Questions



Project Budget
BERRYESSA UNION SCHOOL DISTRICT

MEASURE L BOND

2020 1st Quarter Report

07/01/2020-06/30/2021

Cost Control Summary

SUMMARY

Description	Adopted Budget 1/21/2015 (1)	2020-2021 Operating Budget 7/1/2020	Total Expended to Date 9/30/2020	Balance
HARD CONSTRUCTION COSTS				
Construction	50,671,230	5,549,796	127,112	5,422,684
Construction Contingency	4,839,623	126,251	-	126,251
Sub-Total Hard Costs	55,510,853	5,676,047	127,112	5,548,935
Furniture, Fixtures & Equipment		77,224	68,253	8,971
Total Hard Costs	55,510,853	5,753,271	195,365	5,557,906
SOFT CONSTRUCTION COSTS				
Architectural & Engineering				
Architectural & Engineering	4,886,579	413,335	53,810	359,525
Architectural & Engineering Reimbursable	222,090	12,754	89	12,665
Specialty Consultants				
Engineering Studies / Surveys	65,000	-	-	-
Kitchen Consultant (Included in Aes)	50,000	-	-	-
Geotechnical Study/Inspection/Report	52,000	21,083	-	21,083
Hazardous Material Consulting	-	7,455	-	7,455
CEQA (Included in Testing)	31,000	-	-	-
Energy Consultant	-	-	-	-
Technology Consultant	80,000	-	-	-
Construction Management				
Construction Management	2,873,822	172,691	-	172,691
Reimbursable	131,237	7,570	-	7,570
Plan Check & Permit Fees				
Assessment Fees (DSA Included)	393,496	62,395	359	62,036
CDE Fee	-	-	-	-
Other Permit & Plan Check Fees	50,000	3,782	-	3,782
Utilities Fee	150,000	-	-	-
Document Reproduction				
Plan Document Reproduction & Printing	80,000	2,843	-	2,843
Advertisement	12,000	2,467	-	2,467
Testing & Inspection				
DSA Project Inspector (IOR)	830,195	107,629	-	107,629
Material Testing & Inspection (CEQA Included)	166,469	11,134	-	11,134
Geotechnical Inspection	70,750	-	-	-
Hazardous Material Inspection/Abatement	-	-	-	-
Other Expenses				
State Funding Consultant	-	-	-	-
Community Relations Consultant	-	-	-	-
Planning	-	15,764	-	15,764
Miscellaneous	50,000	-	-	-
Soft Cost Contingency	319,046	12,839	-	12,839
Solar Contingency	-	-	-	-
Kitchen Contingency	-	-	-	-
Sub-Total Softs Costs	10,513,684	853,742	54,258	799,483
OTHER PROJECT COSTS				
District Staff Costs	-	-	-	-
Interim Housing	-	-	-	-
Moving (Pack/Unpacking/Movers, Storage)	1,060,000	-	-	-
Furniture, Fixtures & Equipment	5,684,000	-	-	-
Equipment and Non-Capital Equipment(Technology)	-	472,396	-	472,396
Other Costs Planning	27,500	-	-	-
Other Operating/Misc. Expense	-	580,754	666	580,088
Sub-Total Other Project Costs	6,771,500	1,053,150	666	1,052,484

Project Budget
BERRYESSA UNION SCHOOL DISTRICT

MEASURE L BOND

2020 1st Quarter Report

07/01/2020-06/30/2021

Cost Control Summary

SUMMARY

Description	Adopted Budget	2020-2021 Operating Budget	Total Expended to Date	Balance
PROGRAM COSTS				
Administration				
District Staff Cost/Program Management Costs	1,375,000	91,556	23,715	67,841
Legal Fees	125,000	32,076	-	32,076
Special Consultants				
Mater Plan Costs	150,000			-
Hazardous Material Consulting	40,000			-
Geotechnical Report	50,000			-
Roofing Consultant				-
Design Guidelines, Standard Specifications	30,000			-
Program Support Costs				
Printing, Supplies & Reimbursable	65,000	21,891	363	21,528
Office Equipment/Equip Maintenance	25,000	3,727	69	3,659
Interim Housing	125,000		-	-
Seminars/Training	10,000	2,985	-	2,985
Audit Expense	5,000	1,750	-	1,750
Public Relations and Contractor Outreach				
Public Relations/Communications	75,000			-
Public Bid Advertising	15,000		-	-
Bond Costs				
Bond Counsel Advisor	170,000	-	52,163	(52,163)
Bond Underwriter	470,000			-
Other Issuance Costs	30,000			-
Disclosure Counsel	40,000			-
Financial Advisor	90,000			-
Election Costs	60,000	-		-
Other Operating Expenses	-			-
Program Contingency				
Program Cost Contingency	88,500	10,125	-	10,125
Total Program Costs	3,038,500	164,110	76,310	87,800
Overall Bond Reserve	1,165,463	521,137		521,137
	77,000,000	8,345,410	326,599	8,018,811

Berryessa Union School District Bond Measure L – 2014 through September 30, 2020

Percentage of Total by Location

Description	Proposed Budget	Current Budget	Budget Variances	Expenses as of 09/30/2020	Balance	Percentage of Total Cost
Brooktree Elementary School	\$ 2,775,715	\$ 2,856,688	\$ 80,973	\$ 2,214,297	\$ 642,391	3.64%
Cherrywood Elementary School	\$ 2,641,308	\$ 4,005,329	\$ 1,364,021	\$ 3,888,760	\$ 116,569	5.10%
Laneview Elementary School	\$ 2,625,057	\$ 2,602,239	\$ (22,818)	\$ 2,460,587	\$ 141,652	3.31%
Majestic Way Elementary	\$ 2,576,170	\$ 2,254,613	\$ (321,557)	\$ 2,172,822	\$ 81,791	2.87%
Noble Elementary School	\$ 2,739,415	\$ 2,525,559	\$ (213,856)	\$ 2,300,727	\$ 224,832	3.21%
Northwood Elementary School	\$ 3,016,300	\$ 2,556,608	\$ (459,692)	\$ 2,508,256	\$ 48,352	3.25%
Ruskin Elementary School	\$ 2,697,784	\$ 2,806,771	\$ 108,987	\$ 2,760,008	\$ 46,763	3.57%
Summerdale Elementary School	\$ 2,976,998	\$ 2,937,401	\$ (39,597)	\$ 2,947,841	\$ (10,440)	3.74%
Toyon Elementary School	\$ 2,731,914	\$ 2,846,009	\$ 114,095	\$ 2,506,296	\$ 339,714	3.62%
Vinci Park Elementary School	\$ 2,801,993	\$ 2,875,896	\$ 73,903	\$ 2,858,238	\$ 17,658	3.66%
Morrill Middle School	\$ 4,849,363	\$ 4,866,700	\$ 17,337	\$ 4,542,516	\$ 324,184	6.19%
Piedmont Middle School	\$ 4,214,915	\$ 4,785,657	\$ 570,742	\$ 3,660,140	\$ 1,125,517	6.09%
Sierramont Middle School	\$ 5,949,291	\$ 5,614,850	\$ (334,441)	\$ 5,441,783	\$ 173,067	7.15%
Energy Conservation Project	\$ 10,836,279	\$ 9,652,758	\$ (1,183,521)	\$ 9,663,716	\$ (10,958)	12.29%
Central Kitchen	\$ 5,971,020	\$ 5,954,028	\$ (16,992)	\$ 5,958,100	\$ (4,072)	7.58%
District Office- Main	\$ 2,154,423	\$ 3,337,944	\$ 1,183,521	\$ 261,919	\$ 3,076,025	4.25%
Technology - Wireless/Infrastructure	\$ 2,349,611	\$ 3,028,938	\$ 679,327	\$ 3,035,483	\$ (6,545)	3.86%
Technology - Classroom	\$ 3,191,980	\$ 2,967,634	\$ (224,346)	\$ 2,765,009	\$ 202,625	3.78%
District - Wide	\$ 5,696,500	\$ 6,310,706	\$ 614,206	\$ 6,319,272	\$ (8,566)	8.03%
Program	\$ 3,038,500	\$ 3,038,500	\$ -	\$ 2,282,005	\$ 756,495	3.87%
Bond Contingency	\$ 1,165,464	\$ 741,757	\$ (423,707)	\$ -	\$ 741,757	0.94%
Total Program Cost	\$ 77,000,000	\$ 78,566,585	\$ 1,566,585	\$ 70,547,775	\$ 8,018,811	100%

*** INTEREST IS INCLUDED IN BOND CONTINGENCY

INTEREST ACCUMULATED FROM 2014-2018 as of June 30, 2019 \$ 1,566,585

Berryessa Union School District Bond Measure L – 2014 through September 30, 2020

Percentage of Total by Location and Project

Description	Proposed Budget	Current Budget	Budget Variances	Expenses as of 09/30/20	Balance	Percentage of Total Cost
Brooktree Elementary School						
Modernization	\$ 2,376,493	\$ 2,588,861	\$ 212,368	\$ 1,953,085	\$ 635,776	3.30%
Paving Project	\$ 77,404	\$ 92,405	\$ 15,001	\$ 107,777	\$ (15,372)	0.12%
Play Area Surface	\$ 40,130	\$ 28,935	\$ (11,195)	\$ 28,935	\$ 0	0.04%
Fencing	\$ 130,797	\$ 36,188	\$ (94,609)	\$ 36,188	\$ (0)	0.05%
Exterior Painting	\$ 150,891	\$ 110,299	\$ (40,592)	\$ 110,299	\$ (0)	0.14%
Total	\$ 2,775,715	\$ 2,856,688	\$ 80,973	\$ 2,236,284	\$ 620,404	3.64%
Cherrywood Elementary School						
Modernization	\$ 2,291,762	\$ 3,743,112	\$ 1,451,350	\$ 3,626,543	\$ 116,569	4.76%
Paving Project	\$ 55,339	\$ 60,697	\$ 5,358	\$ 60,697	\$ 0	0.08%
Play Area Surface	\$ 143,316	\$ 67,280	\$ (76,036)	\$ 67,280	\$ (0)	0.09%
Fencing	\$ -	\$ -	\$ -	\$ -	\$ -	0.00%
Exterior Painting	\$ 150,891	\$ 134,240	\$ (16,651)	\$ 134,240	\$ 0	0.17%
Total	\$ 2,641,308	\$ 4,005,329	\$ 1,364,021	\$ 3,888,760	\$ 116,569	5.10%
Laneview Elementary School						
Modernization	\$ 2,453,276	\$ 2,184,277	\$ (268,999)	\$ 2,109,123	\$ 75,154	2.78%
Paving Project	\$ 28,611	\$ 304,887	\$ 276,276	\$ 238,389	\$ 66,498	0.39%
Play Area Surface	\$ 143,170	\$ 113,075	\$ (30,095)	\$ 113,075	\$ (0)	0.14%
Fencing	\$ -	\$ -	\$ -	\$ -	\$ -	0.00%
Exterior Painting	\$ -	\$ -	\$ -	\$ -	\$ -	0.00%
Total	\$ 2,625,057	\$ 2,602,239	\$ (22,818)	\$ 2,460,587	\$ 141,652	3.31%
Majestic Way Elementary						
Modernization	\$ 2,059,300	\$ 1,795,800	\$ (263,500)	\$ 1,778,107	\$ 17,693	2.29%
Paving Project	\$ 116,151	\$ 203,535	\$ 87,384	\$ 163,535	\$ 40,000	0.26%
Play Area Surface	\$ 119,031	\$ 91,444	\$ (27,587)	\$ 91,444	\$ (0)	0.12%
Fencing	\$ 130,797	\$ 55,132	\$ (75,665)	\$ 55,132	\$ (0)	0.07%
Exterior Painting	\$ 150,891	\$ 108,702	\$ (42,189)	\$ 108,702	\$ (0)	0.14%
Total	\$ 2,576,170	\$ 2,254,613	\$ (321,557)	\$ 2,196,921	\$ 57,692	2.87%
Noble Elementary School						
Modernization	\$ 2,560,082	\$ 2,296,960	\$ (263,122)	\$ 2,068,679	\$ 228,281	2.92%
Paving Project	\$ 56,176	\$ 151,046	\$ 94,870	\$ 154,496	\$ (3,450)	0.19%
Play Area Surface	\$ 123,157	\$ 77,553	\$ (45,604)	\$ 77,553	\$ 0	0.10%
Fencing	\$ -	\$ -	\$ -	\$ -	\$ -	0.00%
Exterior Painting	\$ -	\$ -	\$ -	\$ -	\$ -	0.00%
Total	\$ 2,739,415	\$ 2,525,559	\$ (213,856)	\$ 2,300,727	\$ 224,832	3.21%

Berryessa Union School District Bond Measure L – 2014 through September 30, 2020

Percentage of Total by Location and Project

Description	Proposed Budget	Current Budget	Budget Variances	Expenses as of 09/30/20	Balance	Percentage of Total Cost
Northwood Elementary School						
Modernization	\$ 2,483,167	\$ 2,295,464	\$ (187,703)	\$ 2,230,915	\$ 64,549	2.92%
Paving Project	\$ 358,804	\$ 142,030	\$ (216,774)	\$ 158,226	\$ (16,196)	0.18%
Play Area Surface	\$ 60,971	\$ 103,193	\$ 42,222	\$ 103,193	\$ (0)	0.13%
Fencing	\$ 113,358	\$ 15,921	\$ (97,437)	\$ 15,921	\$ (0)	0.02%
Exterior Painting	\$ -	\$ -	\$ -	\$ -	\$ -	0.00%
Total	\$ 3,016,300	\$ 2,556,608	\$ (459,692)	\$ 2,508,256	\$ 48,352	3.25%
Ruskin Elementary School						
Modernization	\$ 2,398,880	\$ 2,545,753	\$ 146,873	\$ 2,322,412	\$ 223,341	3.24%
Paving Project	\$ 51,567	\$ 51,568	\$ 1	\$ 228,145	\$ (176,577)	0.07%
Play Area Surface	\$ 136,096	\$ 106,021	\$ (30,075)	\$ 106,021	\$ (0.26)	0.13%
Fencing	\$ -	\$ -	\$ -	\$ -	\$ -	0.00%
Exterior Painting	\$ 111,241	\$ 103,429	\$ (7,812)	\$ 103,429	\$ (0.09)	0.13%
Total	\$ 2,697,784.00	\$ 2,806,771	\$ 108,987	\$ 2,760,008	\$ 46,763	3.57%
Summerdale Elementary School						
Modernization	\$ 2,341,378	\$ 2,434,577	\$ 93,199	\$ 2,445,017	\$ (10,439.90)	3.10%
Paving Project	\$ 405,310	\$ 392,368	\$ (12,942)	\$ 392,368	\$ 0.09	0.50%
Play Area Surface	\$ 230,310	\$ 110,456	\$ (119,854)	\$ 110,456	\$ 0.04	0.14%
Fencing	\$ -	\$ -	\$ -	\$ -	\$ -	0.00%
Exterior Painting	\$ -	\$ -	\$ -	\$ -	\$ -	0.00%
Total	\$ 2,976,998.00	\$ 2,937,401	\$ (39,597)	\$ 2,947,841	\$ (10,439.77)	3.74%
Toyon Elementary School						
Modernization	\$ 2,241,527	\$ 2,488,391	\$ 246,864	\$ 2,083,782	\$ 404,609	3.17%
Paving Project	\$ 83,970	\$ 266,934	\$ 182,964	\$ 331,830	\$ (64,896)	0.34%
Play Area Surface	\$ 246,016	\$ 90,684	\$ (155,332)	\$ 90,684	\$ 0	0.12%
Fencing	\$ -	\$ -	\$ -	\$ -	\$ -	0.00%
Exterior Painting	\$ 160,401	\$ -	\$ (160,401)	\$ -	\$ -	0.00%
Total	\$ 2,731,914	\$ 2,846,009	\$ 114,095	\$ 2,506,296	\$ 339,714	3.62%
Vinci Park Elementary School						
Modernization	\$ 2,605,980	\$ 2,602,473	\$ (3,507)	\$ 2,606,983	\$ (4,510)	3.31%
Paving Project	\$ 79,045	\$ 190,053	\$ 111,008	\$ 190,053	\$ -	0.24%
Play Area Surface	\$ 38,490	\$ 56,158	\$ 17,668	\$ 56,158	\$ (0)	0.07%
Fencing	\$ 78,478	\$ 27,212	\$ (51,266)	\$ 27,212	\$ (0)	0.03%
Exterior Painting	\$ -	\$ -	\$ -	\$ -	\$ -	0.00%
Total	\$ 2,801,993	\$ 2,875,896	\$ 73,903	\$ 2,880,406	\$ (4,510)	3.66%

Berryessa Union School District Bond Measure L – 2014 through September 30, 2020

Percentage of Total by Location and Project

Description	Proposed Budget	Current Budget	Budget Variances	Expenses as of 09/30/20	Balance	Percentage of Total Cost
Morrill Middle School						
Modernization	\$ 3,805,000	\$ 4,305,334	\$ 500,334	\$ 3,641,940	\$ 663,394	5.48%
Paving Project	\$ 816,200	\$ 443,792	\$ (372,408)	\$ 783,001	\$ (339,209)	0.56%
Fencing	\$ -	\$ -	\$ -	\$ -	\$ -	0.00%
Exterior Painting	\$ 228,163	\$ 117,574	\$ (110,589)	\$ 117,574	\$ (0)	0.15%
Total	\$ 4,849,363	\$ 4,866,700	\$ 17,337	\$ 4,542,516	\$ 324,184	6.19%
Piedmont Middle School						
Modernization	\$ 4,141,510	\$ 3,772,364	\$ (369,146)	\$ 2,854,619	\$ 917,745	4.80%
Paving Project	\$ 73,405	\$ 1,013,293	\$ 939,888	\$ 805,521	\$ 207,772	1.29%
Fencing	\$ -	\$ -	\$ -	\$ -	\$ -	0.00%
Exterior Painting	\$ -	\$ -	\$ -	\$ -	\$ -	0.00%
Total	\$ 4,214,915	\$ 4,785,657	\$ 570,742	\$ 3,660,140	\$ 1,125,517	6.09%
Sierramont Middle School						
Modernization	\$ 3,987,414	\$ 4,426,333	\$ 438,919	\$ 4,253,266	\$ 173,067	5.63%
Paving Project	\$ 1,961,877	\$ 1,188,517	\$ (773,360)	\$ 1,188,517	\$ (0)	1.51%
Fencing	\$ -	\$ -	\$ -	\$ -	\$ -	0.00%
Exterior Painting	\$ -	\$ -	\$ -	\$ -	\$ -	0.00%
Total	\$ 5,949,291	\$ 5,614,850	\$ (334,441)	\$ 5,441,783	\$ 173,067	7.15%
Energy Conservation Project	\$ 10,836,279	\$ 9,652,758	\$ (1,183,521)	\$ 9,663,716	\$ (10,958)	12.29%
Central Kitchen	\$ 5,971,020	\$ 5,954,028	\$ (16,992)	\$ 5,958,100	\$ (4,072)	7.58%
District Office- Main	\$ 2,154,423	\$ 3,337,944	\$ 1,183,521	\$ 261,919	\$ 3,076,025	4.25%
Technology - Wireless/Infrastructure	\$ 2,349,611	\$ 3,028,938	\$ 679,327	\$ 3,035,483	\$ (6,545)	3.86%
Technology - Classroom	\$ 3,191,980	\$ 2,967,634	\$ (224,346)	\$ 2,765,009	\$ 202,625	3.78%
District - Wide	\$ 5,696,500	\$ 6,310,706	\$ 614,206	\$ 6,251,019	\$ 59,687	8.03%
Program	\$ 3,038,500	\$ 3,038,500	\$ -	\$ 2,282,005	\$ 756,495	3.87%
Bond Contingency	\$ 1,165,464	\$ 741,757	\$ (423,707)	\$ -	\$ 741,757	0.94%
Total Program Cost	\$ 77,000,000	\$ 78,566,585	\$ 1,566,585	\$ 70,547,775	\$ 8,018,811	100%

INTEREST ACCUMULATED FROM 2014-2018 as of September 30, 2020 \$ 1,566,585

**BERRYESSA UNION SCHOOL DISTRICT
INDEPENDENT CITIZENS' BOND OVERSIGHT COMMITTEE
AMENDED AND RESTATED BYLAWS**

Section 1. Committee Established. The Berryessa Union School District (the “District”) was successful at the election conducted on November 4, 2014 (the “2014 Election”) in obtaining authorization from the District’s voters to issue up to \$77,000,000 aggregate principal amount of the District’s school facilities bond (“Measure L”). The District was also successful at the election conducted on March 3, 2020 (the “2020 Election” and together with the 2014 Election, the “Elections”) in obtaining authorization from the District’s voters to issue up to \$98,000,000 aggregate principal amount of the District’s general obligation bonds (“Measure U” and together with Measure L, the “Measures”). The Elections were conducted under Proposition 39, being chaptered as the Strict Accountability in Local School Construction Bonds Act of 2000, at Section 15264 *et seq.* of the Education Code of the State (“Prop 39”). Pursuant to Section 15278 of the Education Code, the District is obligated to establish an Independent Citizens’ Bond Oversight Committee in order to satisfy the accountability requirements of Prop 39. The Board of Trustees of the Berryessa Union School District (the “Board”) has established an Independent Citizens’ Bond Oversight Committee (the “Committee”) which shall have the duties and rights set forth in these Amended and Restated Bylaws. The Committee does not have legal capacity independent from the District.

Section 2. Purposes. The purposes of the Committee are set forth in Prop 39, and these Bylaws are specifically made subject to the applicable provisions of Prop 39 as to the duties and rights of the Committee. The Committee shall be deemed to be subject to the *Ralph M. Brown Public Meetings Act* of the State of California and shall conduct its meetings in accordance with the provisions thereof. The District shall provide necessary administrative support to the Committee as shall be consistent with the Committee’s purposes, as set forth in Prop 39.

The proceeds of general obligation bonds issued pursuant to the Elections are hereinafter referred to as “bond proceeds.” The Committee shall confine itself specifically to bond proceeds generated under the Measures. Regular and deferred maintenance projects and all monies generated under other sources shall fall outside the scope of the Committee’s review. However, to the extent that facilities are financed with a combination of Measure L and Measure U monies, and other non-bond funds, such projects shall be subject to Committee oversight and review.

Section 3. Duties. To carry out its stated purposes, the Committee shall perform only the duties set forth in Sections 3.1, 3.2, and 3.3 hereof, and shall refrain from those activities set forth in Sections 3.4 and 3.5.

3.1 **Inform the Public.** The Committee shall inform the public concerning the District’s expenditure of bond proceeds. In fulfilling this duty, all official communications to either the Board or the public shall come from the Chair acting on behalf of the Committee. The Chair shall only release information that reflects the majority view of the Committee.

3.2 **Review Expenditures.** The Committee shall review expenditure reports produced by the District to ensure that (a) bond proceeds were expended only for the purposes set forth in the Measures; and (b) no bond proceeds were used for teacher or administrative salaries or other

operating expenses in compliance with Attorney General Opinion 04-110, issued on November 9, 2004.

3.3 Annual Report. The Committee shall present to the Board, in public session, no later than March 31 following each fiscal year, an annual written report which shall include the following:

(a) A statement indicating whether the District is in compliance with the requirements of Article XIII A, Section 1(b)(3) of the California Constitution; and

(b) A summary of the Committee's proceedings and activities for the preceding year.

3.4 Duties of the Board/Superintendent. Either the Board or the Superintendent, as the Board shall determine, shall have the following powers reserved to it, and the Committee shall have no jurisdiction over the following types of activities:

(i) Approval of contracts,

(ii) Approval of change orders,

(iii) Expenditures of bond funds,

(iv) Handling of all legal matters,

(v) Approval of project plans and schedules,

(vi) Approval of all deferred maintenance plans, and

(vii) Approval of the sale of bonds.

3.5 Measures Projects Only. In recognition of the fact that the Committee is charged with overseeing the expenditure of bond proceeds, the Board has not charged the Committee with responsibility for:

(a) Projects financed through the State of California, developer fees, redevelopment tax increments, certificates of participation, lease/revenue bonds, the general fund or the sale of surplus property without bond proceeds shall be outside the authority of the Committee.

(b) The establishment of priorities and order of construction for the bond projects, which shall be made by the Board in its sole discretion.

(c) The selection of architects, engineers, soils engineers, construction managers, project managers, CEQA consultants and such other professional service firms as are required to complete the project based on District criteria established by the Board in its sole discretion.

(d) The approval of the design for each project including exterior materials, paint color, interior finishes, site plan and construction methods (modular vs. permanent) which shall be determined by the Board in its sole discretion.

(e) The selection of independent audit firm(s), performance audit consultants and such other consultants as are necessary to support the activities of the Committee.

(f) The approval of an annual budget for the Committee that is sufficient to carry out the activities set forth in Prop 39 and included herein.

(g) The adoption of a plan for publicizing the activities of the Committee, and a determination as to whether a mailer, a newspaper notice, or website materials would best suit the distribution of the Committee's findings and recommendations.

(h) The amendment or modification of the Bylaws for the Committee, as provided herein, subject to the legal requirements of Proposition 39.

(i) The appointment or reappointment of qualified applicants to serve on the Committee, subject to legal limitations, and based on criteria adopted in the Board's sole discretion as part of carrying out its function under Prop 39.

Section 4. Authorized Activities.

4.1 In order to perform the duties set forth in Section 3.0, the Committee may engage in the following authorized activities:

(a) Receive copies of the District's annual, independent performance audit and annual, independent financial audit required by Prop 39 (Article XIII A of the California Constitution) (together, the "Audits") at the same time said Audits are submitted to the District, and review the Audits.

(b) Inspect District facilities and grounds for which bond proceeds have been or will be expended, in accordance with any access procedure established by the District's Chancellor.

(c) Review copies of deferred maintenance plans developed by the District.

(d) Review efforts by the District to maximize bond proceeds by implementing various cost-saving measures.

(e) Receive from the Board, within three months of the District receiving the Audits, responses to any and all findings, recommendations, and concerns addressed in the Audits, and review said responses.

Section 5. Membership.

5.1 Number.

The Committee shall consist of at least seven (7) members appointed by the Board from a list of candidates submitting written applications, and based on criteria established by Prop 39, to wit:

- One (1) member shall be the parent or guardian of a child enrolled in the District.

- One (1) member shall be both a parent or guardian of a child enrolled in the District and active in a parent-teacher organization, such as the P.T.A. or a school site council.
- One (1) member active in a business organization representing the business community located in the District.
- One (1) member active in a senior citizens' organization.
- One (1) member active in a bona-fide taxpayers association.
- Two (2) members of the community at-large.

5.2 Qualification Standards.

- (a) To be a qualified person, he or she must be at least 18 years of age.
- (b) The Committee may not include any employee, official of the District or any vendor, contractor or consultant of the District.

5.3 Ethics: Conflicts of Interest.

- (a) Members of the Committee are not subject to the Political Reform Act (Gov. Code §§ 81000 *et seq.*), and are not required to complete Form 700; but each member shall comply with the Committee Ethics Policy attached as "Attachment A" to these Bylaws.
- (b) Pursuant to Section 35233 of the Education Code, the prohibitions contained in Article 4 (commencing with Section 1090) of Division 4 of Title 1 of the Government Code ("Article 4") and Article 4.7 (commencing with Section 1125) of Division 4 of Title 1 of the Government Code ("Article 4.7") are applicable to members of the Committee. Accordingly:

- (i) Members of the Committee shall not be financially interested in any contract made by them in their official capacities or by the Committee, nor shall they be purchasers at any sale or vendors at any purchase made by them in their official capacity, all as prohibited by Article 4; and
- (ii) Members of the Committee shall not engage in any employment, activity, or enterprise for compensation which is inconsistent, incompatible, in conflict with, or inimical to duties as a member of the Committee or with the duties, functions, or responsibilities of the Committee or the District. A member of the Committee shall not perform any work, service, or counsel for compensation where any part of his or her efforts will be subject to approval by any other officer, employee, board, or commission of the District's Board of Trustees, except as permitted under Article 4.7.

5.4 Term. Except as otherwise provided herein, each member shall serve a term of two (2) years, commencing as of the date of appointment by the Board. No member may serve more than three (3) consecutive terms. At the Committee's first meeting, members will draw lots or otherwise

select a minimum of two members to serve for an initial one (1) year term and the remaining members for an initial two (2) year term. Members whose terms have expired may continue to serve on the Committee until a successor has been appointed. Members who have previously served on the Measure L Committee shall be permitted to serve on the Committee and, if appointed by the Board, are entitled to serve three (3) new consecutive two (2) year terms from the date of their appointment.

5.5 Appointment. Members of the Committee shall be appointed by the Board through the following process: (a) the District will advertise in the local newspapers, on its website, and in other customary forums, as well as solicit appropriate local groups for applications; (b) the Superintendent will review the applications; and (c) the Superintendent will make recommendations to the Board.

5.6 Removal; Vacancy. The Board may remove any Committee member for any reason, including failure to attend two consecutive Committee meetings without reasonable excuse or for failure to comply with the Committee Ethics Policy. Upon a member's removal, his or her seat shall be declared vacant. The Board, in accordance with the established appointment process shall fill any vacancies on the Committee. The Board shall seek to fill vacancies within 90 days of the date of occurrence of a vacancy.

5.7 Compensation. The Committee members shall not be compensated for their services.

5.8 Authority of Members. (a) Committee members shall not have the authority to direct staff of the District; (b) individual members of the Committee retain the right to address the Board, either on behalf of the Committee or as an individual; (c) the Committee shall not establish subcommittees for any purpose; and (d) the Committee shall have the right to request and receive copies of any public records relating to projects funded by the Measures.

Section 6. Meetings of the Committee.

6.1 Meetings. The Committee shall meet at least once a year, including an annual organizational meeting, but shall not meet more frequently than quarterly.

6.2 Location. All meetings shall be held within the boundaries of the Berryessa Union School District, located in Santa Clara County, California.

6.3 Procedures. All meetings shall be open to the public in accordance with the *Ralph M. Brown Act*, Government Code Section 54950 *et seq.* Meetings shall be conducted according to such additional procedural rules as the Committee may adopt. A majority of the number of Committee members shall constitute a quorum for the transaction of any business of the Committee except adjournment.

Section 7. District Support.

7.1 The District shall provide to the Committee necessary technical and administrative assistance as follows:

(a) Preparation of and posting of public notices as required by the *Brown Act*, ensuring that all notices to the public are provided in the same manner as notices regarding meetings of the District Board;

(b) Provision of a meeting room, including any necessary audio/visual equipment;

(c) Preparation, translation and copies of any documentary meeting materials, such as agendas and reports; and

(d) Retention of all Committee records, and providing public access to such records on an Internet website maintained by the District.

7.2 District staff and/or District consultants shall attend Committee proceedings in order to report on the status of projects and the expenditure of bond proceeds.

Section 8. Reports. In addition to the Annual Report required in Section 3.3, the Committee may report to the Board from time to time in order to advise the Board on the activities of the Committee. The Annual Report shall be in writing and shall summarize the proceedings and activities conducted by the Committee.

Section 9. Officers. The Superintendent shall appoint the initial Chair. Thereafter, the Committee shall elect a Chair and a Vice-Chair who shall act as Chair only when the Chair is absent. The Chair and Vice-Chair shall serve in such capacities for a term of one year and may be re-elected by vote of a majority of the members of the Committee.

Section 10. Amendment of Bylaws. Any amendment to these Bylaws shall be approved by a majority vote of the Board.

Section 11. Termination. The Committee shall automatically terminate and disband concurrently with the Committee's submission of the final Annual Report which reflects the final accounting of the expenditure of all monies authorized by the Measures.

ATTACHMENT A

CITIZENS' BOND OVERSIGHT COMMITTEE ETHICS POLICY STATEMENT

This Ethics Policy Statement provides general guidelines for Committee members in carrying out their responsibilities. Not all ethical issues that Committee members face are covered in this Statement. However, this Statement captures some of the critical areas that help define ethical and professional conduct for Committee members. The provisions of this Statement were developed from existing laws, rules, policies and procedures as well as from concepts that define generally accepted good business practices. Committee members are expected to strictly adhere to the provisions of this Ethics Policy.

POLICY

- **CONFLICT OF INTEREST.** A Committee member shall not make or influence a District decision related to: (1) any contract funded by bond proceeds, or (2) any construction project which will benefit the Committee member's outside employment, business, or personal finances or benefit an immediate family member, such as a spouse, child or parent.

- **OUTSIDE EMPLOYMENT.** A Committee member shall not use his or her authority over a particular matter to negotiate future employment with any person or organization that relates to: (1) any contract funded by bond proceeds, or (2) any construction project. A Committee member shall not make or influence a District decision related to any construction project involving the interest of a person with whom the member has an agreement concerning current or future employment, or remuneration of any kind. For a period of two (2) years after leaving the Committee, a former Committee member may not represent any person or organization for compensation in connection with any matter pending before the District that, as a Committee member, he or she participated in personally and substantially. Specifically, for a period of two (2) years after leaving the Committee, a former Committee member and the companies and businesses for which the member works shall be prohibited from contracting with the District with respect to: (1) bidding on projects funded by the bond proceeds; and (2) any construction project.

- **COMMITMENT TO UPHOLD LAW.** A Committee member shall uphold the federal and California Constitutions, the laws and regulations of the United States and the State of California (particularly the Education Code) and all other applicable government entities, and the policies, procedures, rules and regulations of the Berryessa Union School District.

- **COMMITMENT TO DISTRICT.** A Committee member shall place the interests of the District above any personal or business interest of the member.