



Measure L Citizens' Bond Oversight Committee Meeting

COMMITTEE MEMBER PACKET

December 11, 2019

6:30 pm – 7:30 pm

LOCATION:

Cherrywood Elementary School – FIS Room
2550 Greengate Dr., San Jose, CA 95132

Measure L Citizens Oversight Committee Meeting

Berryessa Union School District

December 11, 2019, Wednesday, 6:30 PM – 7:30 PM

Location: Cherrywood Elementary School, 2550 Greengate Dr., San Jose, CA
95132

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 | |
| b. Adoption of agenda | All |
| c. Approval of September 11, 2019 meeting minute | All |
| 2- Public comments | |
| 3- Reports | |
| a. Measure L project update | Tony |
| b. Financial report | Tony |
| 4- Old business | |
| Future meeting date | Marty |
| 5- New business | All |
| 6- Adjournment | Marty |

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

Measure L Citizens' Oversight Committee Meeting
Cherrywood Elementary School
December 11, 2019
6:30 p.m. – 7:30 p.m.

REGULAR MEETING MINUTES

Members Present: Marty Michaels, Chair
Amy Chen, Vice Chair
Adrienne O'Leary
Frank Cancilla
Susan Fowle
Paul Guth

District Staff Present: Tony Kanastab, Director of Bond Facilities and
Modernization
Margot Sandoval, Administrative Assistant – Business Serv.

Public Present: None

1. Call to Order

Minutes

Mr. Marty Michaels called the meeting to order at 6:35 p.m.

a. Roll Call -

Minutes

All present.

b. Adoption of Agenda

Minutes

Mr. Michaels added an item, Future of Bond Committee, under New Business, motion to approve the agenda as amended by Frank Cancilla, 2nd by Mr. Guth, and Ms. Fowle. All in favor.

c. Approval of the June 19, 2019, CBOC Meeting Minutes

Minutes

Motion to approve by Mr. Cancilla, 2nd by Ms. Fowle, and Mr. Guth. 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 – FIS – Mr. Kanastab stated that the Contractor is in the process of completing the ceilings, painting, finish plumbing, finish HVAC, and finish electrical. The elevator is scheduled for state inspection on 9/19/19.
- Toyon Elementary – FIS – Mr. Kanastab stated that the furniture was delivered on July 22, 2019. The twinkle lights and grass wall images were installed in early August.
- Brooktree Elementary – FIS – Mr. Kanastab stated that the ceilings tiles had been replaced.
- Morrill Middle – Library Desk – Mr. Kanastab stated that the installation of the library desk is complete.
- Piedmont Middle – Parking Lot – Mr. Kanastab stated that the parking lot park has been in use since August 5, 2019. The new driveway approach is awaiting the City of San Jose inspection before the concrete can be placed.
- Cherrywood Elementary – hot water line replacement in the Kitchen area is complete.
- Laneview Elementary – upper pavement replacement at the delivery area is complete.
- Morrill Middle – backflow preventer for the irrigation system and the fertigation system were installed.
- Sierramont Middle - backflow preventer for the irrigation system was installed.

b. Measure L Financial Report

Minutes

Mr. Kanastab presented the Measure L 4th Quarter Report from 07/01/2018 – 6/30/2019 showing that as of the end of the 4th quarter, the District has spent about a total of \$12 M and about \$4.2M in the 4th quarter. The District has a balance of \$13.2M.

4. Old Business.

a. Future committee meeting dates

Minutes

Mr. Michaels stated the next meeting date would be on December 11, 2019, and future meeting dates are scheduled for March 11, 2020, and June 17, 2020.

Ms. Chen asked if the hole on the gate at Noble that was repaired. She stated it is a problem not to open the gates to the public on the weekends. Mr. Kanastab stated that he will contact Mr. Miguel Cruz about the hole in the field and that the gate at the field is to be open for after school use.

5. New Business (amended to include a.)

a. Future of the Committee

Minutes

Mr. Michaels asked if the current committee would continue with the new Bond if approved, or will there be two committees, one for the current Bond, and one for the new Bond. Mr. Michaels would like to know the procedures for the new Bond Committee. Mr. Kanastab stated that he would check with the District's Bond Consultant on the procedures.

Ms. O'Leary asked when the new Bond was going to the elections and when will announcements and flyers are sent to the community so they are aware of what the needs are. She also asked when work will start after the Bond passes. Mr. Kanastab stated the Board of Trustees would need to approve a resolution Ordering an Election, and Establishing Specification of the Election Order authorizing a bond election for March 3, 2020. The goal will be to start work as soon as the summer of 2020 if funding is available.

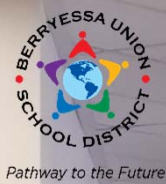
Mr. Michaels asked about the energy savings report he requested was available. Ms. Chen requested that the report showing the saving from Solar be for and after the lighting upgrades that were done. Mr. Kanastab stated that this will be presented at the next meeting.

Ms. O’Leary requested to see the original list, Facility Needs Assessment Study, for the Measure L Bond and the Implementation Plan, approved by the board. All members requested the same information be sent to them. Mr. Kanastab stated that all this information is on the website and that he will forward a link to the webpage to the committee members.

Adjournment

Minutes

Motion to adjourn by Mr. Michaels at 7:29 pm, 2nd by Mr. Cancilla, and Ms. Fowle.



Citizens Bond Oversight Committee

December 11, 2019



Measure L – Overview

- Project Updates
- Program Schedule Review

Measure L – Project Updates

Cherrywood Elementary School - FIS

- In progress:
 - Elevator – State Inspection scheduled for December 19, 2019
 - Punch List
- Piedmont Parking Lot – Complete
- Morrill Middle School – Exterior Logos
- Toyon Elementary School
 - Exterior Fencing
 - Exterior Display Board
 - Sidewalk Replacement

Measure L – Project Updates

Additional Projects

- Complete:
 - Traffic Gates - Phase 1 - BT, CW, NW, SD, VP, and MM
 - Portable Restroom Replacement @ Brooktree
 - Cherrywood Fencing
 - Majestic Way Gate Replacement
- In Construction:
 - Wireless thermostat's at portables
- In Design/Bidding:
 - Traffic Gates - Phase 2 – NB, PM, and SM
 - Perimeter Fencing
 - Laneview
 - Noble
 - Ruskin
 - Sierramont

Measure L – Project Updates

Additional Projects

- Design/Bidding:
 - Morrill – HVAC
 - Paving – Laneview Staff Parking Lot
 - Main Alarm Security Alarm Panels
 - Security Camera @ Middle Schools
 - Lunch Shade Structures
 - Noble
 - Ruskin
 - Morrill
- Library Shelving
- Music Room Furniture
- Piedmont
 - Entry Canopy
 - Marquee
 - Lunch Shade Structure

Measure L – Project Updates



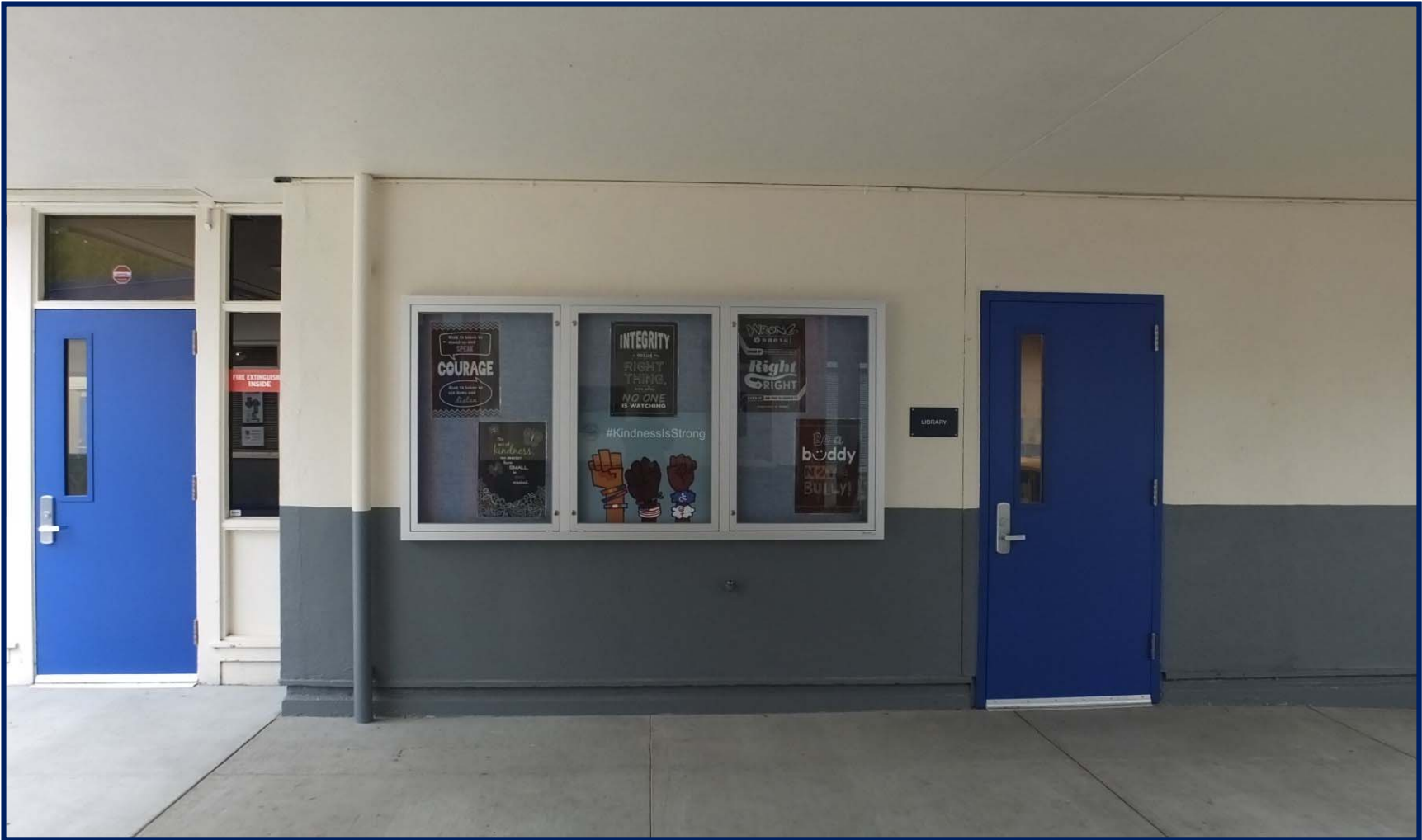
Cherrywood FIS – Back

Measure L – Project Updates



Cherrywood FIS - Front

Measure L – Project Updates



Toyon Elementary School – Display Board

Measure L – Project Updates



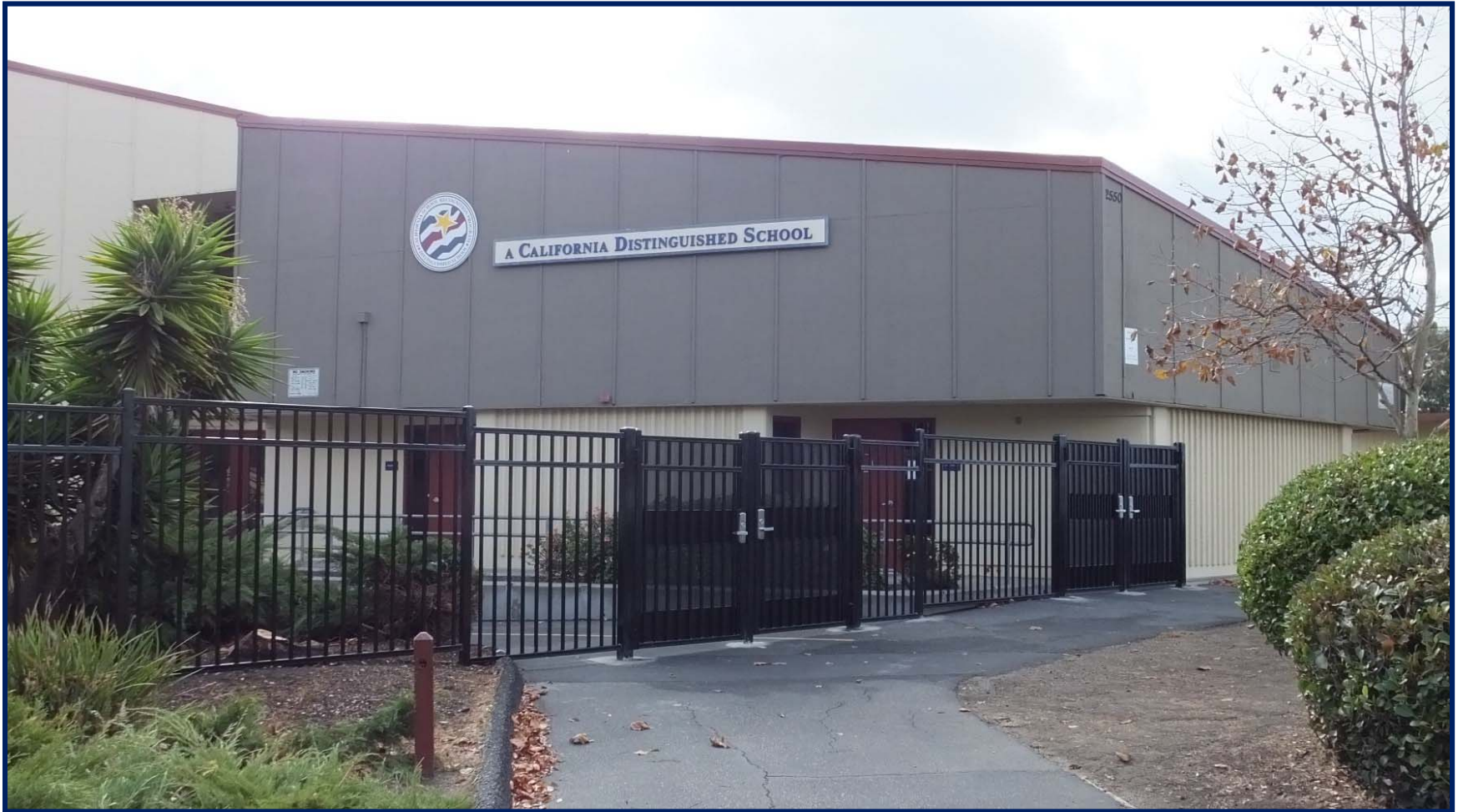
Toyon Elementary School – Fencing

Measure L – Project Updates



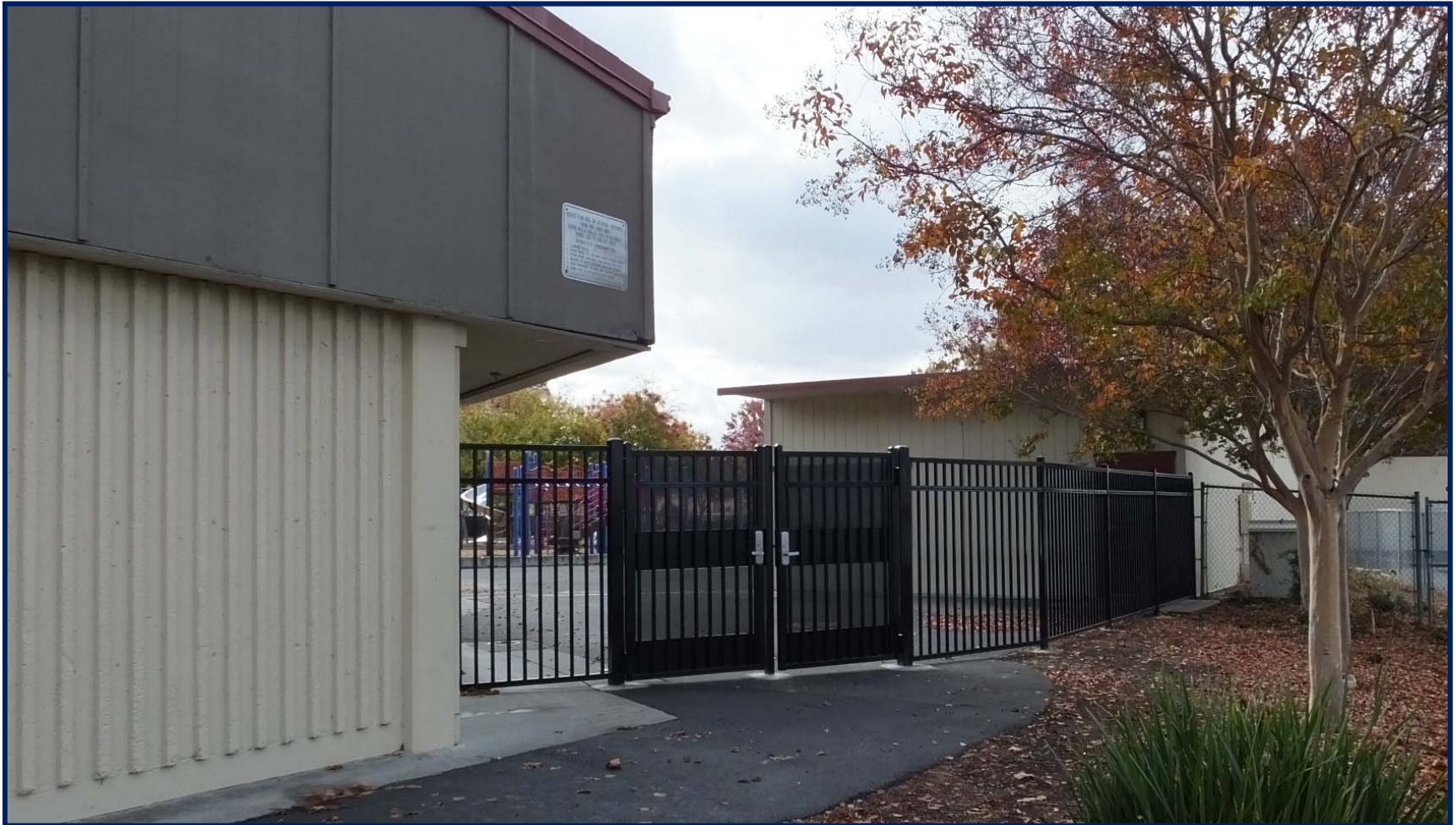
Toyon Elementary School – Fencing

Measure L – Project Updates



Cherrywood FIS – Fencing

Measure L – Project Updates



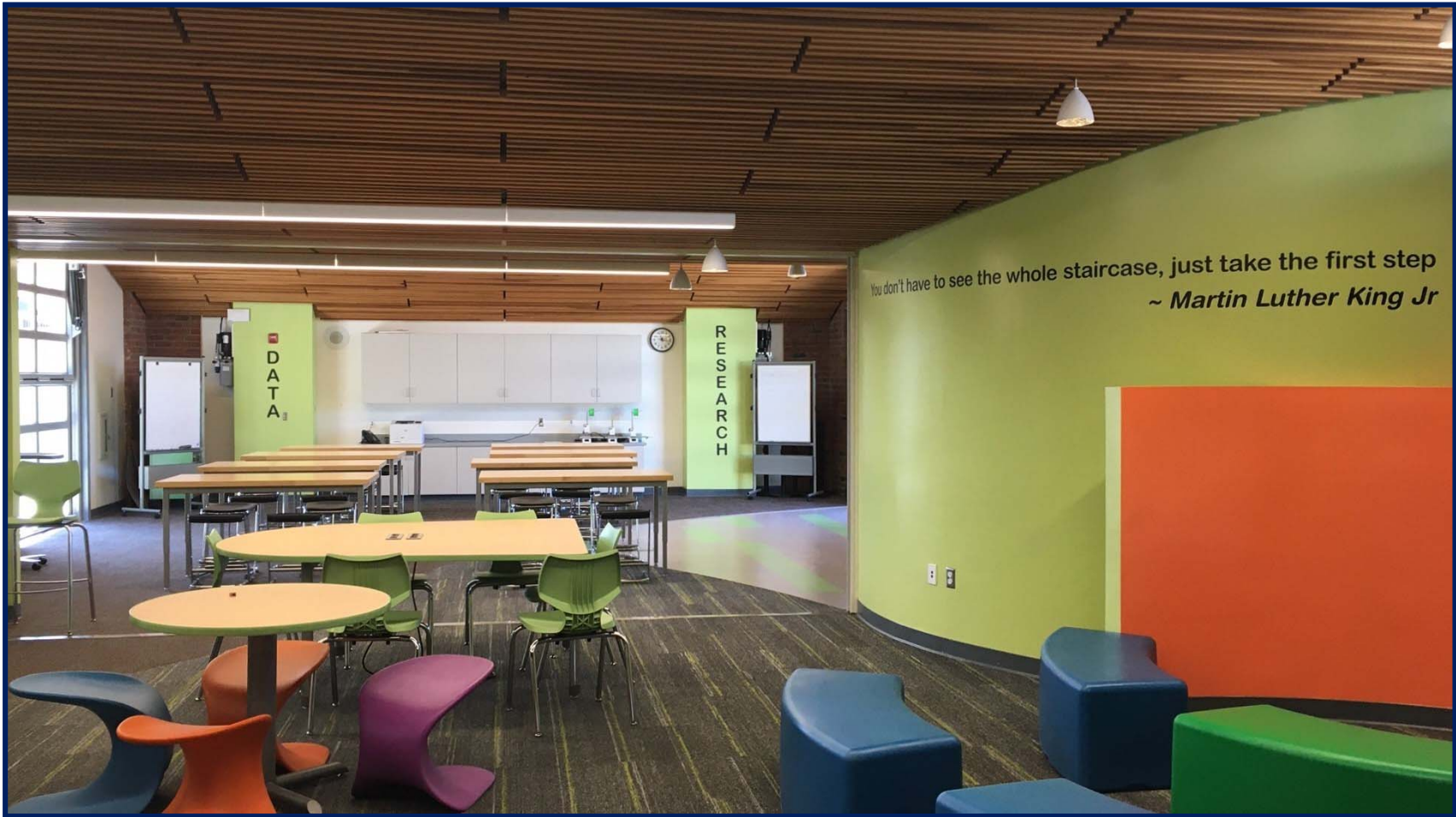
Cherrywood FIS – Fencing

Measure L – Project Updates



Toyon Elementary School – Concrete Work

Measure L – Project Updates



Noble FIS

Measure L – Program Schedule

		Construction Legend										Furniture Legend																																				
		Design	DSA Review	Bid	Award	Preconstruction	Construction	Start of School	Punch List	Furniture Design	Quote Pricing	PO Generated	Lead Time	Furniture Received and Placed																																		
CONSTRUCTION PROJECTS		2019					2020																																									
		December				January					February				March				April					May				June				July					August				September							
		Week				Week					Week				Week				Week					Week				Week				Week					Week				Week							
		1	2	3	4	1	2	3	4	5	1	2	3	4	1	2	3	4	1	2	3	4	5	1	2	3	4	1	2	3	4	1	2	3	4	5	1	2	3	4	1	2	3	4	5			
CHERRYWOOD																																																
FIS/MODERNIZATION																																																
PIEDMONT																																																
ENTRY CANOPY																																																
MARQUEE																																																
BENCH INSTALLATION AND CONCRETE WORK																																																
LUNCH SHADE STRUCTURE																																																
TRAFFIC GATES																																																
NB, PM, SM																																																
HVAC PROJECTS																																																
TOYON																																																
MORRILL																																																
PERIMETER FENCING																																																
CHERRYWOOD																																																
LANEVIEW																																																
NOBLE																																																
RUSKIN																																																
SIERRAMONT																																																
PAVING - LANEVIEW STAFF PARKING LOT																																																
WIRELESS THERMOSTAT AT PORTABLES																																																
MAIN ALARM SECURITY PANEL REPLACEMENT																																																
SECURITY CAMERAS MIDDLE SCHOOLS																																																
LUNCH SHADE STRUCTURES																																																
NOBLE																																																
RUSKIN																																																
MORRILL																																																
FURNITURES PROJECTS																																																
CAFETERIA REPLACMENT TABLES																																																
LIBRARY SHELVING																																																
MUSIC ROOM FURNITURE																																																

Thank You



Project Budget
BERRYESSA UNION SCHOOL DISTRICT
MEASURE L BOND
2019-2020 1st Quarter Report
07/01/2019-9/30/2019
Cost Control Summary

SUMMARY

Description	Adopted Budget 1/21/2015 (1)	2019-2020 Operating Budget 7/1/2019	Total Expended to Date 9/30/2019	Balance
HARD CONSTRUCTION COSTS				
Construction	50,671,230	8,296,590	809,452	7,487,138
Construction Contingency	4,839,623	285,471	-	285,471
Sub-Total Hard Costs	55,510,853	8,582,061	809,452	7,772,609
Furniture, Fixtures & Equipment		851,946	255,649	596,297
Total Hard Costs	55,510,853	9,434,007	1,065,101	8,368,906
SOFT CONSTRUCTION COSTS				
Architectural & Engineering				
Architectural & Engineering	4,886,579	621,577	7,451	614,126
Architectural & Engineering Reimbursable	222,090	49,295	-	49,295
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	-	10,730	-	10,730
CEQA (Included in Testing)	31,000			-
Energy Consultant	-	-	-	-
Technology Consultant	80,000			-
Construction Management				
Construction Management	2,873,822	312,718	52,238	260,480
Reimbursable	131,237	7,498	-	7,498
Plan Check & Permit Fees				
Assessment Fees (DSA Included)	393,496	98,677	10,749	87,928
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	3,552	-	3,552
Advertisement	12,000	2,699	-	2,699
Testing & Inspection				
DSA Project Inspector (IOR)	830,195	119,619	-	119,619
Material Testing & Inspection (CEQA Included)	166,469	24,238	4,219	20,019
Geotechnical Inspection	70,750	-	-	-
Hazardous Material Inspection/Abatement	-	-	-	-
Other Expenses				
State Funding Consultant	-			-
Community Relations Consultant	-			-
Planning	-	15,764	-	15,764
Miscellaneous	50,000	3,000	-	3,000
Soft Cost Contingency	319,046	12,839	-	12,839
Solar Contingency		-	-	-
Kitchen Contingency		-	-	-
Sub-Total Softs Costs	10,513,684	1,307,071	74,657	1,232,414
OTHER PROJECT COSTS				
District Staff Costs	-	-	-	-
Interim Housing	-			-
Moving (Pack/Unpacking/Movers, Storage)	1,060,000	6,000	-	6,000
Furniture, Fixtures & Equipment	5,684,000			-
Equipment and Non-Capital Equipment(Technology)	-	1,112,720	11,464	1,101,256
Other Costs Planning	27,500			-
Other Operating/Misc. Expense	-	6,000	-	6,000
Sub-Total Other Project Costs	6,771,500	1,124,720	11,464	1,113,256

Project Budget
BERRYESSA UNION SCHOOL DISTRICT
MEASURE L BOND
2019-2020 1st Quarter Report
07/01/2019-9/30/2019
Cost Control Summary

SUMMARY				
Description	Adopted Budget	2019-2020 Operating Budget	Total Expended to Date	Balance
PROGRAM COSTS				
Administration				
District Staff Cost/Program Management Costs	1,375,000	405,815	54,919	350,896
Legal Fees	125,000	38,955	-	38,955
				-
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	24,132	31	24,101
Office Equipment/Equip Maintenance	25,000	5,483	-	5,483
Interim Housing	125,000		-	-
Seminars/Training	10,000	2,985	-	2,985
Audit Expense	5,000	5,000	-	5,000
				-
Public Relations and Contractor Outreach				
Public Relations/Communications	75,000			-
Public Bid Advertising	15,000	500	-	500
				-
Bond Costs				
Bond Counsel Advisor	170,000	-	-	-
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	663,378	-	663,378
Total Program Costs	3,038,500	1,146,248	54,950	1,091,298
Overall Bond Reserve	1,165,463	521,137		521,137
	77,000,000	13,533,183.00	1,206,172.07	12,327,011

Berryessa Union School District Bond Measure L – 2014 through September 30, 2019

Percentage of Total by Location

Description	Proposed Budget	Current Budget	Budget Variances	Expenses as of 09/30/19	Balance	Percentage of Total Cost
Brooktree Elementary School	\$ 2,775,715	\$ 2,856,688	\$ 80,973	\$ 2,108,195	\$ 748,493	3.65%
Cherrywood Elementary School	\$ 2,641,308	\$ 4,005,329	\$ 1,364,021	\$ 2,982,572	\$ 1,022,757	5.11%
Laneview Elementary School	\$ 2,625,057	\$ 2,602,239	\$ (22,818)	\$ 2,262,794	\$ 339,445	3.32%
Majestic Way Elementary	\$ 2,576,170	\$ 2,254,613	\$ (321,557)	\$ 2,146,434	\$ 108,179	2.88%
Noble Elementary School	\$ 2,739,415	\$ 2,525,559	\$ (213,856)	\$ 2,266,488	\$ 259,071	3.22%
Northwood Elementary School	\$ 3,016,300	\$ 2,556,608	\$ (459,692)	\$ 2,482,580	\$ 74,028	3.26%
Ruskin Elementary School	\$ 2,697,784	\$ 2,806,771	\$ 108,987	\$ 2,520,917	\$ 285,854	3.58%
Summerdale Elementary School	\$ 2,976,998	\$ 2,937,401	\$ (39,597)	\$ 2,906,651	\$ 30,750	3.75%
Toyon Elementary School	\$ 2,731,914	\$ 2,846,009	\$ 114,095	\$ 2,240,216	\$ 605,793	3.63%
Vinci Park Elementary School	\$ 2,801,993	\$ 2,875,896	\$ 73,903	\$ 2,836,500	\$ 39,396	3.67%
Morrill Middle School	\$ 4,849,363	\$ 4,866,700	\$ 17,337	\$ 4,039,776	\$ 826,924	6.21%
Piedmont Middle School	\$ 4,214,915	\$ 4,785,657	\$ 570,742	\$ 3,470,085	\$ 1,315,572	6.11%
Sierramont Middle School	\$ 5,949,291	\$ 5,614,850	\$ (334,441)	\$ 5,423,283	\$ 191,567	7.17%
Energy Conservation Project	\$ 10,836,279	\$ 9,652,758	\$ (1,183,521)	\$ 9,663,716	\$ (10,958)	12.32%
Central Kitchen	\$ 5,971,020	\$ 5,954,028	\$ (16,992)	\$ 5,949,679	\$ 4,349	7.60%
District Office- Main	\$ 2,154,423	\$ 3,337,944	\$ 1,183,521	\$ 143,081	\$ 3,194,863	4.26%
Technology - Wireless/Infrastructure	\$ 2,349,611	\$ 3,028,938	\$ 679,327	\$ 3,018,018	\$ 10,920	3.87%
Technology - Classroom	\$ 3,191,980	\$ 2,967,634	\$ (224,346)	\$ 1,574,878	\$ 1,392,756	3.79%
District - Wide	\$ 5,696,500	\$ 6,310,706	\$ 614,206	\$ 6,035,887	\$ 274,819	8.05%
Program	\$ 3,038,500	\$ 3,038,500	\$ -	\$ 1,947,205	\$ 1,091,295	3.88%
Bond Contingency	\$ 1,165,464	\$ 521,136	\$ (644,328)	\$ -	\$ 521,136	0.67%
Total Program Cost	\$ 77,000,000	\$ 78,345,964	\$ 1,345,964	\$ 66,018,953	\$ 12,327,011	100%

*** INTEREST IS INCLUDED IN BOND CONTINGENCY

INTEREST ACCUMULATED FROM 2014-2018 as of June 30, 2019 \$ 1,345,964

Berryessa Union School District Bond Measure L – 2014 through September 30, 2019

Percentage of Total by Location and Project

Description	Proposed Budget	Current Budget	Budget Variances	Expenses as of 09/30/19	Balance	Percentage of Total Cost
Brooktree Elementary School						
Modernization	\$ 2,376,493	\$ 2,588,861	\$ 212,368	\$ 1,840,797	\$ 748,064	3.30%
Paving Project	\$ 77,404	\$ 92,405	\$ 15,001	\$ 91,976	\$ 429	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	\$ 2,108,195	\$ 748,493	3.65%
Cherrywood Elementary School						
Modernization	\$ 2,291,762	\$ 3,743,112	\$ 1,451,350	\$ 2,741,358	\$ 1,001,754	4.78%
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	\$ 3,003,576	\$ 1,001,754	5.11%
Laneview Elementary School						
Modernization	\$ 2,453,276	\$ 2,184,277	\$ (268,999)	\$ 2,130,127	\$ 54,150	2.79%
Paving Project	\$ 28,611	\$ 304,887	\$ 276,276	\$ 40,596	\$ 264,291	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)	\$ 2,283,798	\$ 318,441	3.32%
Majestic Way Elementary						
Modernization	\$ 2,059,300	\$ 1,795,800	\$ (263,500)	\$ 1,727,620	\$ 68,180	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	\$ -	0.14%
Total	\$ 2,576,170	\$ 2,254,613	\$ (321,557)	\$ 2,146,434	\$ 108,179	2.88%
Noble Elementary School						
Modernization	\$ 2,560,082	\$ 2,296,960	\$ (263,122)	\$ 2,037,890	\$ 259,070	2.93%
Paving Project	\$ 56,176	\$ 151,046	\$ 94,870	\$ 151,046	\$ -	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)	\$ 2,266,488	\$ 259,071	3.22%

Berryessa Union School District Bond Measure L – 2014 through September 30, 2019

Percentage of Total by Location and Project

Description	Proposed Budget	Current Budget	Budget Variances	Expenses as of 09/30/19	Balance	Percentage of Total Cost
Northwood Elementary School						
Modernization	\$ 2,483,167	\$ 2,295,464	\$ (187,703)	\$ 2,245,939	\$ 49,525	2.93%
Paving Project	\$ 358,804	\$ 142,030	\$ (216,774)	\$ 142,030	\$ 0	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)	\$ 2,507,084	\$ 49,524	3.26%
Ruskin Elementary School						
Modernization	\$ 2,398,880	\$ 2,545,753	\$ 146,873	\$ 1,539,135	\$ 1,006,618	3.25%
Paving Project	\$ 51,567	\$ 51,568	\$ 1	\$ 820,699	\$ (769,131)	0.07%
Play Area Surface	\$ 136,096	\$ 106,021	\$ (30,075)	\$ 106,021	\$ (0.26)	0.14%
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	\$ 2,569,284	\$ 237,487	3.58%
Summerdale Elementary School						
Modernization	\$ 2,341,378	\$ 2,434,577	\$ 93,199	\$ 2,403,827	\$ 30,749.73	3.11%
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)	\$ 2,906,651	\$ 30,749.86	3.75%
Toyon Elementary School						
Modernization	\$ 2,241,527	\$ 2,488,391	\$ 246,864	\$ 1,917,178	\$ 571,213	3.18%
Paving Project	\$ 83,970	\$ 266,934	\$ 182,964	\$ 273,394	\$ (6,460)	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	\$ 2,281,255	\$ 564,754	3.63%
Vinci Park Elementary School						
Modernization	\$ 2,605,980	\$ 2,602,473	\$ (3,507)	\$ 2,592,953	\$ 9,520	3.32%
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	\$ 2,866,376	\$ 9,520	3.67%

Berryessa Union School District Bond Measure L – 2014 through September 30, 2019

Percentage of Total by Location and Project

Description	Proposed Budget	Current Budget	Budget Variances	Expenses as of 09/30/19	Balance	Percentage of Total Cost
Morrill Middle School						
Modernization	\$ 3,805,000	\$ 4,305,334	\$ 500,334	\$ 3,518,292	\$ 787,042	5.50%
Paving Project	\$ 816,200	\$ 443,792	\$ (372,408)	\$ 444,132	\$ (340)	0.57%
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	\$ 4,079,998	\$ 786,702	6.21%
Piedmont Middle School						
Modernization	\$ 4,141,510	\$ 4,212,251	\$ 70,741	\$ 2,783,367	\$ 1,428,884	5.38%
Paving Project	\$ 73,405	\$ 573,406	\$ 500,001	\$ 700,720	\$ (127,314)	0.73%
Fencing	\$ -	\$ -	\$ -	\$ -	\$ -	0.00%
Exterior Painting	\$ -	\$ -	\$ -	\$ -	\$ -	0.00%
Total	\$ 4,214,915	\$ 4,785,657	\$ 570,742	\$ 3,484,087	\$ 1,301,570	6.11%
Sierramont Middle School						
Modernization	\$ 3,987,414	\$ 4,426,333	\$ 438,919	\$ 4,259,270	\$ 167,063	5.65%
Paving Project	\$ 1,961,877	\$ 1,188,517	\$ (773,360)	\$ 1,188,517	\$ (0)	1.52%
Fencing	\$ -	\$ -	\$ -	\$ -	\$ -	0.00%
Exterior Painting	\$ -	\$ -	\$ -	\$ -	\$ -	0.00%
Total	\$ 5,949,291	\$ 5,614,850	\$ (334,441)	\$ 5,447,787	\$ 167,063	7.17%
Energy Conservation Project	\$ 10,836,279	\$ 9,652,758	\$ (1,183,521)	\$ 9,663,716	\$ (10,958)	12.32%
Central Kitchen	\$ 5,971,020	\$ 5,954,028	\$ (16,992)	\$ 5,949,679	\$ 4,349	7.60%
District Office- Main	\$ 2,154,423	\$ 3,337,944	\$ 1,183,521	\$ 143,081	\$ 3,194,863	4.26%
Technology - Wireless/Infrastructure	\$ 2,349,611	\$ 3,028,938	\$ 679,327	\$ 3,018,018	\$ 10,920	3.87%
Technology - Classroom	\$ 3,191,980	\$ 2,967,634	\$ (224,346)	\$ 1,563,414	\$ 1,404,220	3.79%
District - Wide	\$ 5,696,500	\$ 6,310,706	\$ 614,206	\$ 5,782,829	\$ 527,877	8.05%
Program	\$ 3,038,500	\$ 3,038,500	\$ -	\$ 1,947,205	\$ 1,091,295	3.88%
Bond Contingency ***	\$ 1,165,464	\$ 521,136	\$ (644,328)	\$ -	\$ 521,136	0.67%
Total Program Cost	\$ 77,000,000	\$ 78,345,964	\$ 1,345,964	\$ 66,018,953	\$ 12,327,011	100%

*** INTEREST IS INCLUDED IN BOND CONTINGENCY

INTEREST ACCUMULATED FROM 2014-2018 as of June 30, 2019 \$ 1,345,964

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

Section 1. Committee Established. The Berryessa Union School District (the "District") was successful at the election conducted on November 4, 2014 (the "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 Election was 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 now 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") hereby establishes the Independent Citizens' Bond Oversight Committee (the "Committee") which shall have the duties and rights set forth in these 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 Election are hereinafter referred to as "bond proceeds." The Committee shall confine itself specifically to bond proceeds generated under Measure L. Regular and deferred maintenance projects and all monies generated under other sources shall fall outside the scope of the Committee's 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 Measure L; 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, 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) Review and approval of contracts,
- (ii) Review and 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 Measure L Projects Only. In recognition of the fact that the Committee is charged with reviewing 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 increment, 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 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 Superintendent.

(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. Terms commence on the date or number is appointed to the Committee by the Board of Trustees.

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 sub-committees for any purpose; and (d) the Committee shall have the right to request and receive copies of any public records relating to Measure L funded projects.

Section 6. Meetings of the Committee.

6.1 Regular Meetings. The Committee shall meet at least once a year, 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.

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. Such 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 Measure L monies.

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 a personal finance 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.