



Citizens' Bond Oversight Committee Meeting

Measure L – 2014 and Measure U - 2020

COMMITTEE MEMBER PACKET

September 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

September 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://us02web.zoom.us/j/84088428754>

Meeting ID: 840 8842 8754

Password: 308468

One tap mobile

+16699006833,,84088428754#,,,,0#,,941273# US (San Jose)

Dial by your location

+1 669 900 6833 US (San Jose)

Meeting ID: 840 8842 8754

Password: 308468

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

Agenda

- | | |
|---------------------------------------------|-------|
| 1- Call to order | Marty |
| a. Introduce new member - Jai Srinivasan | |
| b. 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 June 24, 2020 meeting minute | All |
| 2- Public comments | |
| 3- Reports | |
| a. Measure L project update | Tony |
| b. Financial report - Measure L | Tony |
| c. Measure U update | Tony |
| 4- Old business | |
| Future meeting date | Marty |
| December 9, 2020 | |
| 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
June 24, 2020
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

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 6:38 pm.

a. Roll Call -

Minutes

All present except for Mr. Guth and Mr. Srinivasan.

b. Adoption of Agenda

Minutes

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

c. Approval of the June 24, 2020, CBOC Meeting Minutes

Minutes

Motion to approve by Mr. Michaels, 2nd by Ms. Chen, Ms. Fowle, Mr. Cancilla, 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 window graphics would be replaced on July 8 and 9.
- Morrill Middle – HVAC – Mr. Kanastab stated that the project is scheduled to be completed around September 9. He is hoping that the project is completed earlier, but this will depend on the delivery of the HVAC unit.
- Paving – Laneview / Ruskin / Morrill – Mr. Kanastab stated that the asphalt had been placed. The paving project will be completed ahead of schedule. The District saved money by getting it done right away.
- Library Shelving – Mr. Kanastab stated that the shelving contractors would start dismantling of the existing shelving next week. The installation of the new shelving is scheduled for the week of July 6.
- Traffic Gates – Phase 2 – Noble, Piedmont, and Sierramont – Mr. Kanastab stated that Phase 2 is complete.
- Toyon – MPR wall infill – Mr. Kanastab stated that the project is complete.
- Music Room Furniture Chairs – Mr. Kanastab stated that the project is complete.
- Wireless Thermostats at Portables – Mr. Kanastab stated that all the thermostats had been installed, and the project is complete.
- Concrete benches at Piedmont Middle School – Mr. Kanastab stated that the project is complete.
- Tack Board at Toyon Library – Mr. Kanastab stated that the project is complete.

- Bidding / Procurement – Mr. Kanastab stated that the District would receive bids for the perimeter fencing regarding Noble and Laneview next week.

Mr. Michaels asked what kind of fencing will go up. Mr., Kanastab replied that there are three types of fencing that the District uses; chain-link fence, black vinyl chain-link, and ornamental fencing. The ornamental fencing is typical at the front of the school, and the chain-link fences will be in the back of the schools. The Kindergarten fences will be 6 foot high.

- Lunch Shade Structures – Mr., Kanastab stated that the shade structures at Noble, Ruskin, and Toyon were approved by DSA last week. DSA has requested an additional letter from the geo-tech for the type of foundation to be used before they will approve the drawings. These projects will be going out to bid in the upcoming weeks, with construction to be completed in the fall.

DSA is currently reviewing the Morrill and Piedmont project, and construction will be done in summer 2021.

- Piedmont – Entry Canopy, Marquee – Mr. Kanastab stated that DSA is still reviewing the drawings. The marquee would be completed once the drawings are approved. The entry canopy will be completed next summer.
- Toyon HVAC – the District will get a study done on the most efficient and cost-effective mechanical system to use on the campus.
- Main Alarm Security Alarm Panels – Project is currently on hold.
- Security Cameras at Middle Schools – Mr., Kanastab stated that the District received some prices that are higher than expected. The District is currently looking into other vendors. Mr. Michaels asked how the cameras will be deployed. Would the cameras be monitored or for recording only. Mr. Kanastab replied that the camera will be for recording only. Mr. Franklin added, hiring someone will be prohibitively expensive. Mr. Michaels asked if the School Board was aware of how the cameras are to be deployed, and Mr. Kanastab stated yes.

Mr. Michaels asked what precautions are the District taking in regards to COVID 19 shutdown for people working on the projects. Mr. Michaels also asked if the contractors are being tested, and what risks does this pose for the District? Mr. Kanastab replied that in the project specifications that as part of the Contractors project safety plan, they are required to follow from the County Health Department and OSHA guidelines. In the weekly project meetings, safety is the first item on the agenda. So far, the District is not aware of on-site anyone testing

positive. If someone were to test positive, the Contractor is required to notify the County Health Department.

b. Measure L Financial Report

Minutes

Mr. Kanastab presented the Measure L 1st Quarter Report from 07/01/2019 – 3/31/2020 showing that as of the end of the 3rd quarter, the District has spent about \$3.7 million. Mr. Kanastab stated that the Ruskin financial numbers were in the wrong column and has been corrected. The Piedmont money was transferred from modernization to the paving project.

Ms. Chen asked about the renovation of the MOT Department. 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 3 is to build a new building on the MOT site, which would include the District Office staff and MOT staff.

Ms. Chen asked if there are additional classroom technology that will need to be purchased. Mr. Kanastab and Mr. Franklin replied that the District would eventually need to purchase new Chromebooks. Mr. Kanastab and Mr. Franklin explained that Chromebook are required to be replaced every five years. Access points, for wireless connections, need to be replaced every five to ten also.

Mr. Michaels asked if additional Chromebooks were bought due to the COVID 19 lockdown. Mr. Kanastab and Mr. Franklin replied that the District did not have to purchase additional Chromebooks for the current school year. The District distributed the Chromebooks from the different sites to the students who needed them. They handed out the oldest Chromebooks first because there is always a possibility that the students may not return the Chromebooks.

However, the District may need to purchase additional Chromebooks for the next school year. This is due to the current guidelines prohibiting sharing. The District is looking into many options, including purchasing cheaper tablets for TK – 2nd grade.

4. Old Business.

a. Future committee meeting dates

Minutes

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

5. New Business

a. Future of the Committee

Minutes

Mr. Franklin discussed the options of combining the current committee for Measure L with the new committee for Measure U or having two separate committees. The committee agreed to move forward with one committee. Mr. Franklin asked if the current committee members would continue on the newly formed committee. Mr. Michaels, Ms. Chen, Ms. O'Leary, Ms. Fowle, and Mr. Cancilla agreed to continue. Mr. Michaels would contact Mr. Guth and Mr. Srinivasan to see if they will remain on the committee.

Mr. Franklin asked the committee members who would be the Chairperson for the newly formed committee. Mr. Michaels agreed to continue as Chair, and Ms. Chen agreed to continue as Vice-Chair.

Ms. Chen asked if the money from Measure L and Measure U can be co-mingled. Mr. Franklin replied that for financial and reporting purposes, the funds would need to stay separate. Mr., Kanastab replied that both funds might be used for the same projects, such as one fund could be used for architectural services, and the other fund could be used for construction.

Adjournment

Minutes

Motion to adjourn by Mr. Michaels at 7:42 pm, 2nd by Ms. Chen, Ms. Fowle Mr. Cancilla and Ms. O'Leary.



Citizens Bond Oversight Committee

For Measure L - 2014 and Measure U - 2020
September 9, 2020



Overview

- Project Updates
- Program Schedule Review

Project Updates

Projects Updates

- Complete
 - Cherrywood - Window Graphic
 - Paving – Laneview/Ruskin/Morrill
 - Library Shelving – Brooktree, Majestic Way, Ruskin, and Vinci Park
 - Flooring replacement at Building D (Science) Rooms 4,5,6, and 7
 - Paving for Lunch Shade Structure at Noble
- In progress:
 - Morrill – HVAC
 - HVAC unit placed on roof
 - Exterior double doors installed
 - Interior and exterior ductwork is complete
 - Scheduled to be completed on September 9, 2020

Project Updates

Projects Updates

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

Project Updates

Projects Updates

- Bidding/Procurement:
 - Perimeter Fencing – Ornamental @ Sierramont
 - Vinci Park - FIS Canopy
 - Music Room Risers/Misc.
 - Shade Structures
 - Ruskin
 - Toyon
 - Vinci Park
 - Morrill
 - Piedmont
- Piedmont
 - Entry Canopy
 - Marquee

Project Updates

Projects Updates

- Design:
 - Main Alarm Security Alarm Panels
 - Security Camera @ Middle Schools
 - Paving Projects
 - Brooktree
 - Northwood
 - Toyon
 - Piedmont
- Studies
 - HVAC – Toyon
 - HVAC – Brooktree, Majestic Way, and Summerdale

Project Updates



Laneview Staff Parking Lot

Project Updates



Morrill – Music Room HVAC Upgrade

Project Updates



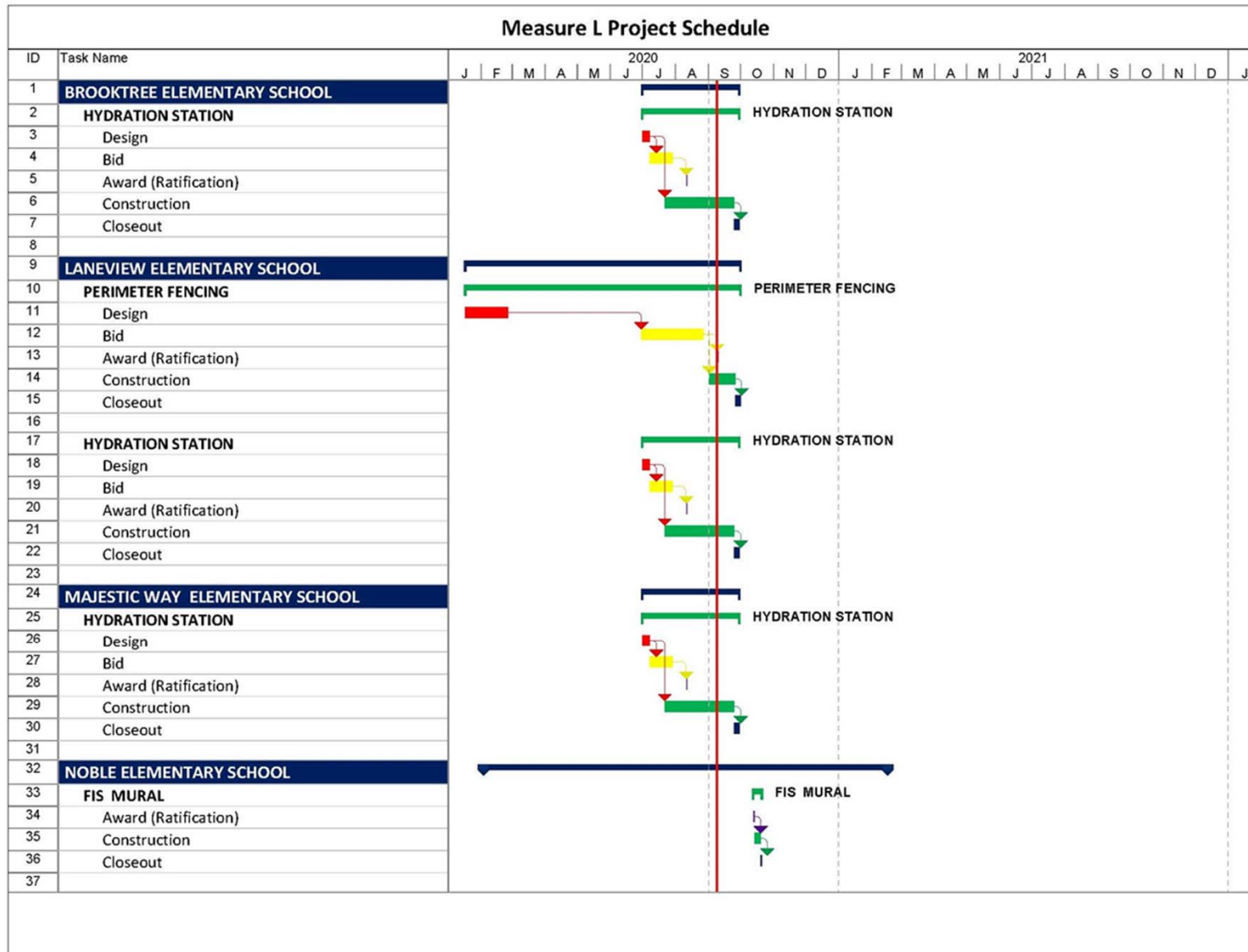
Noble – Shade Structure Paving

Measure L – Project Updates

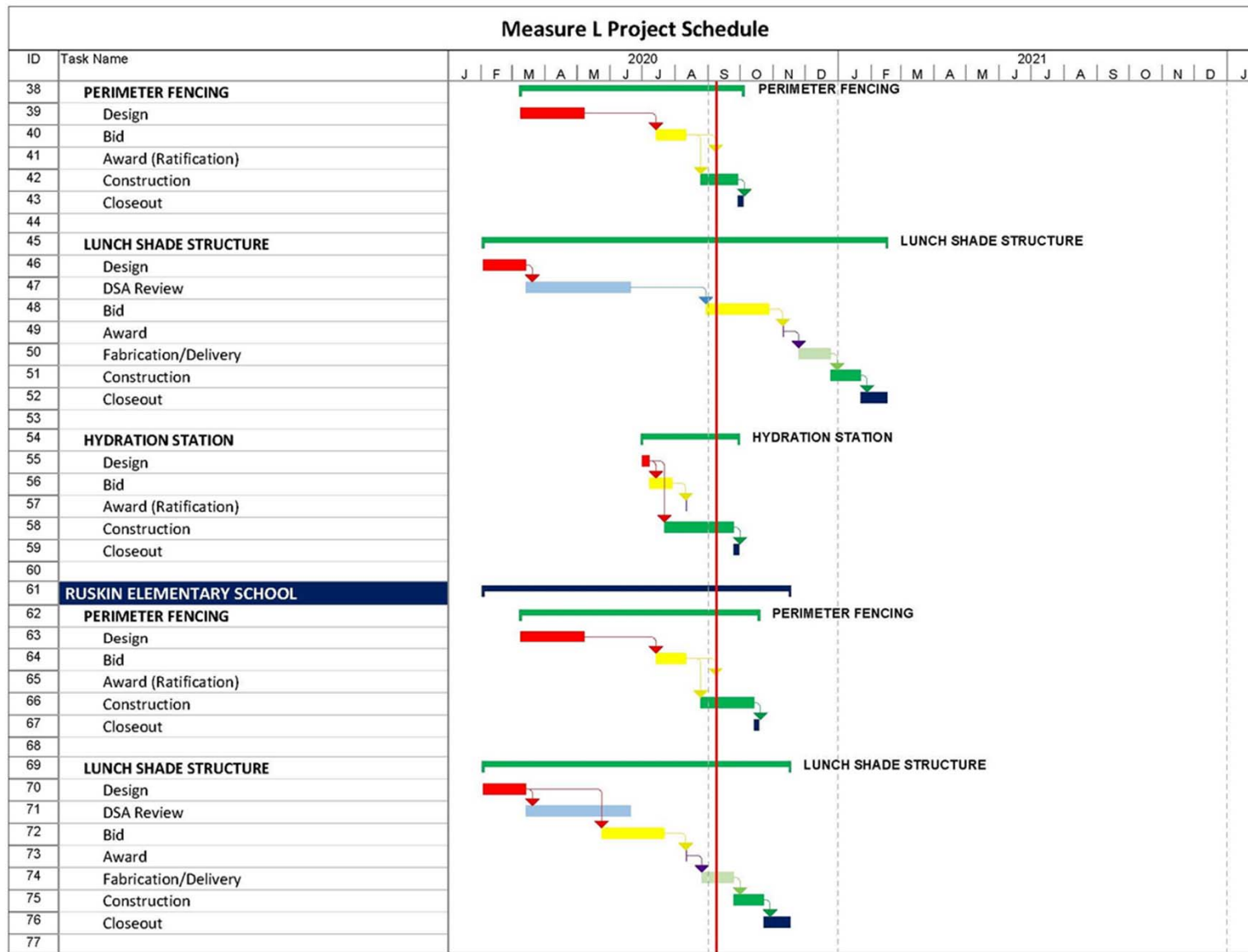


New Library Shelving

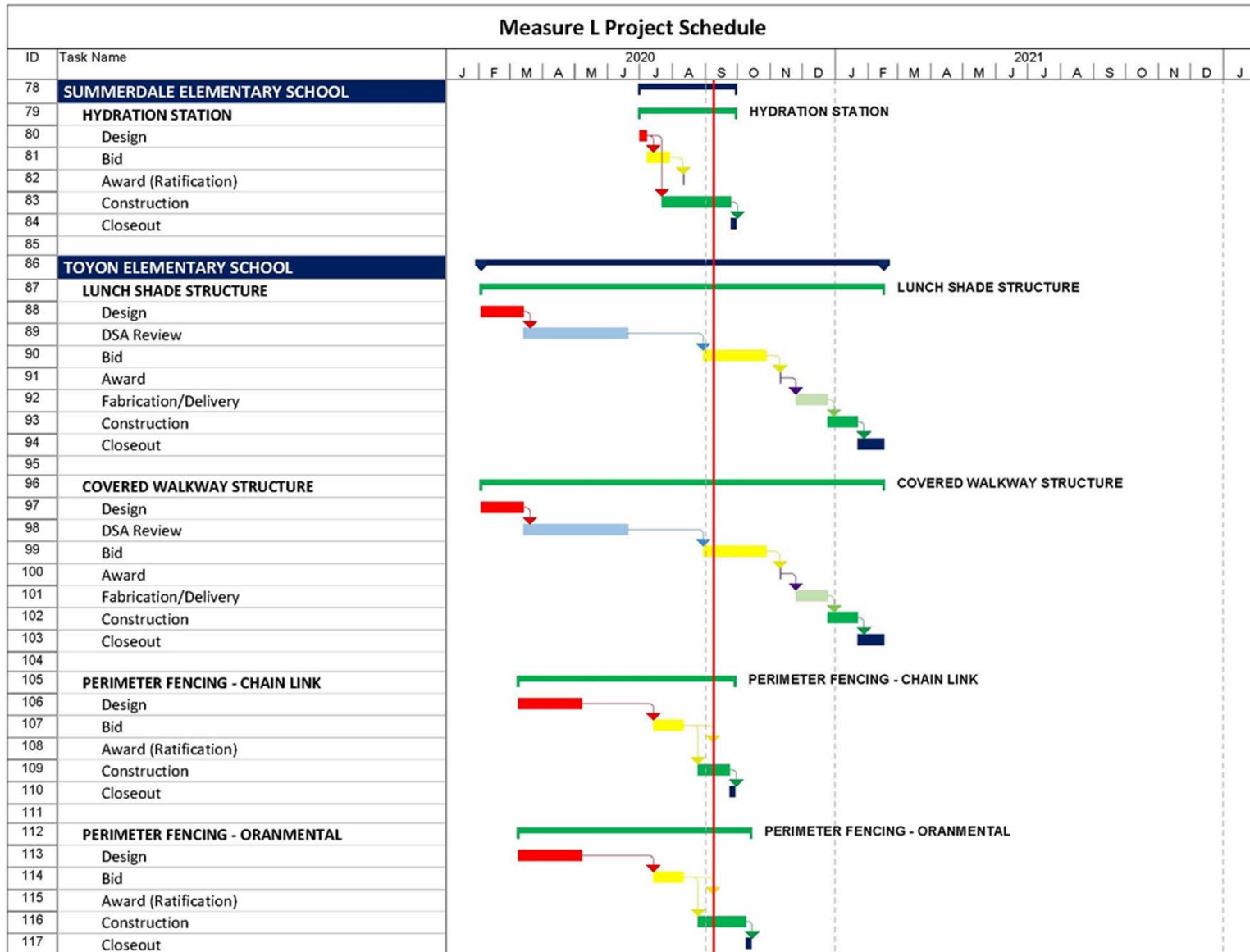
Program Schedule



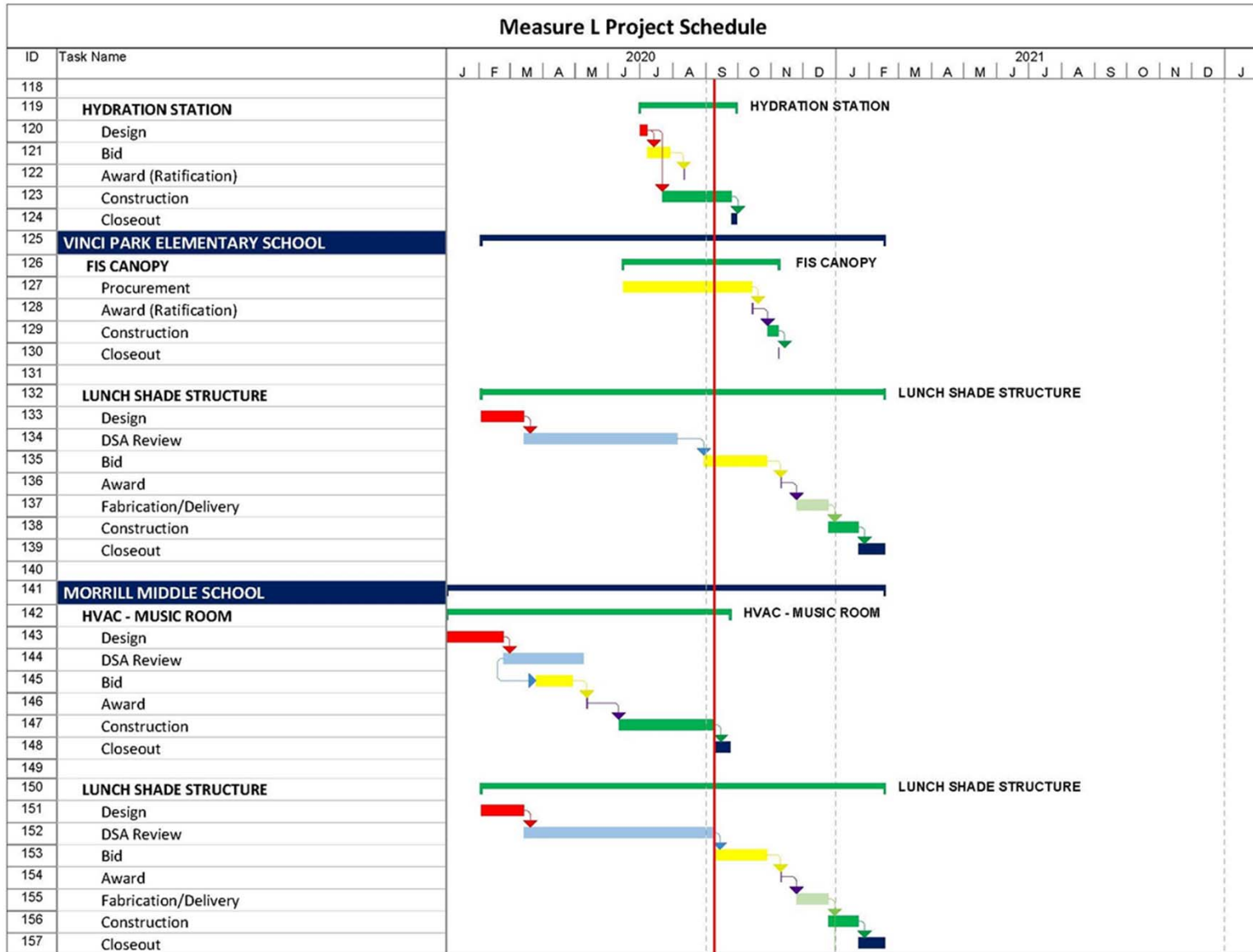
Program Schedule



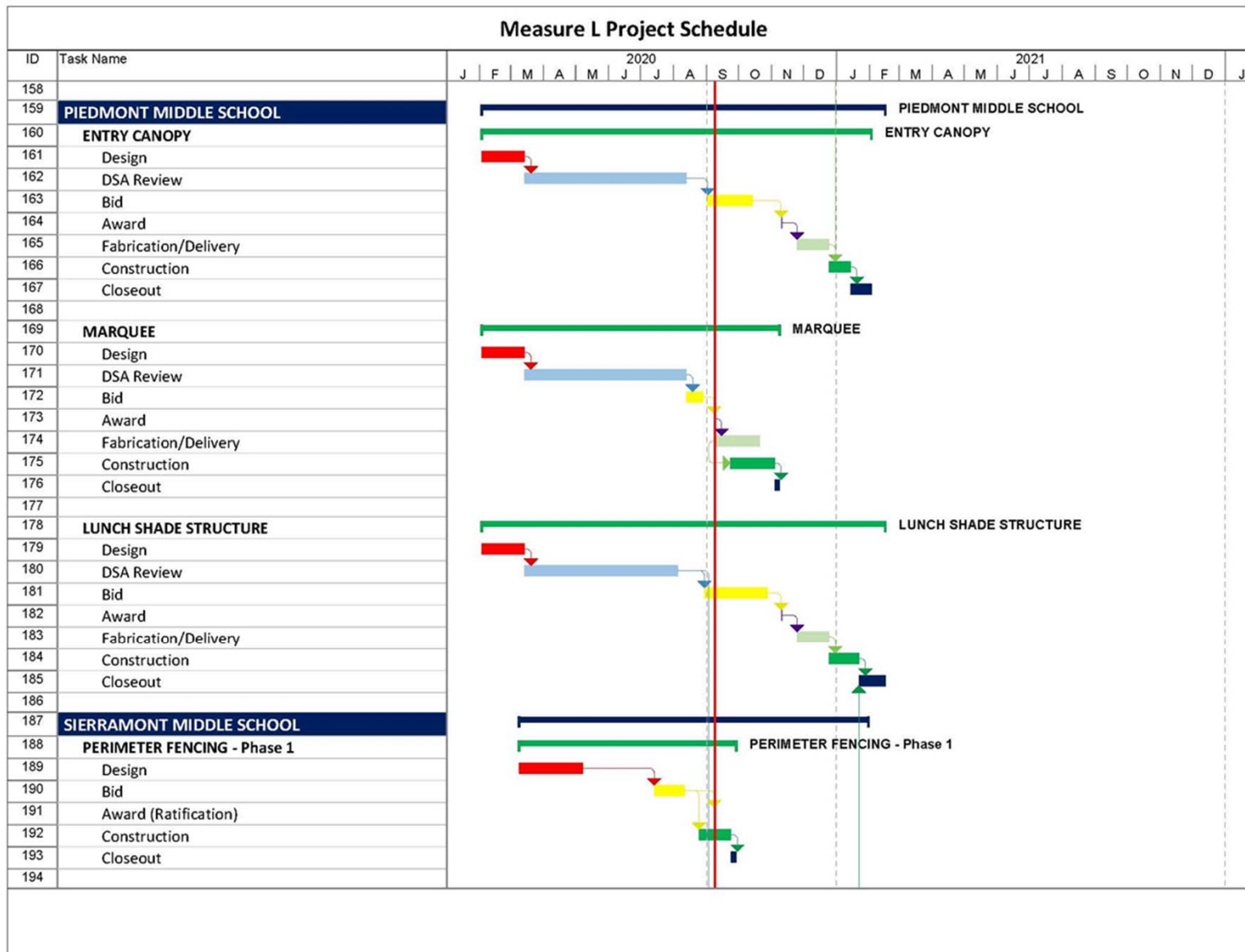
Program Schedule



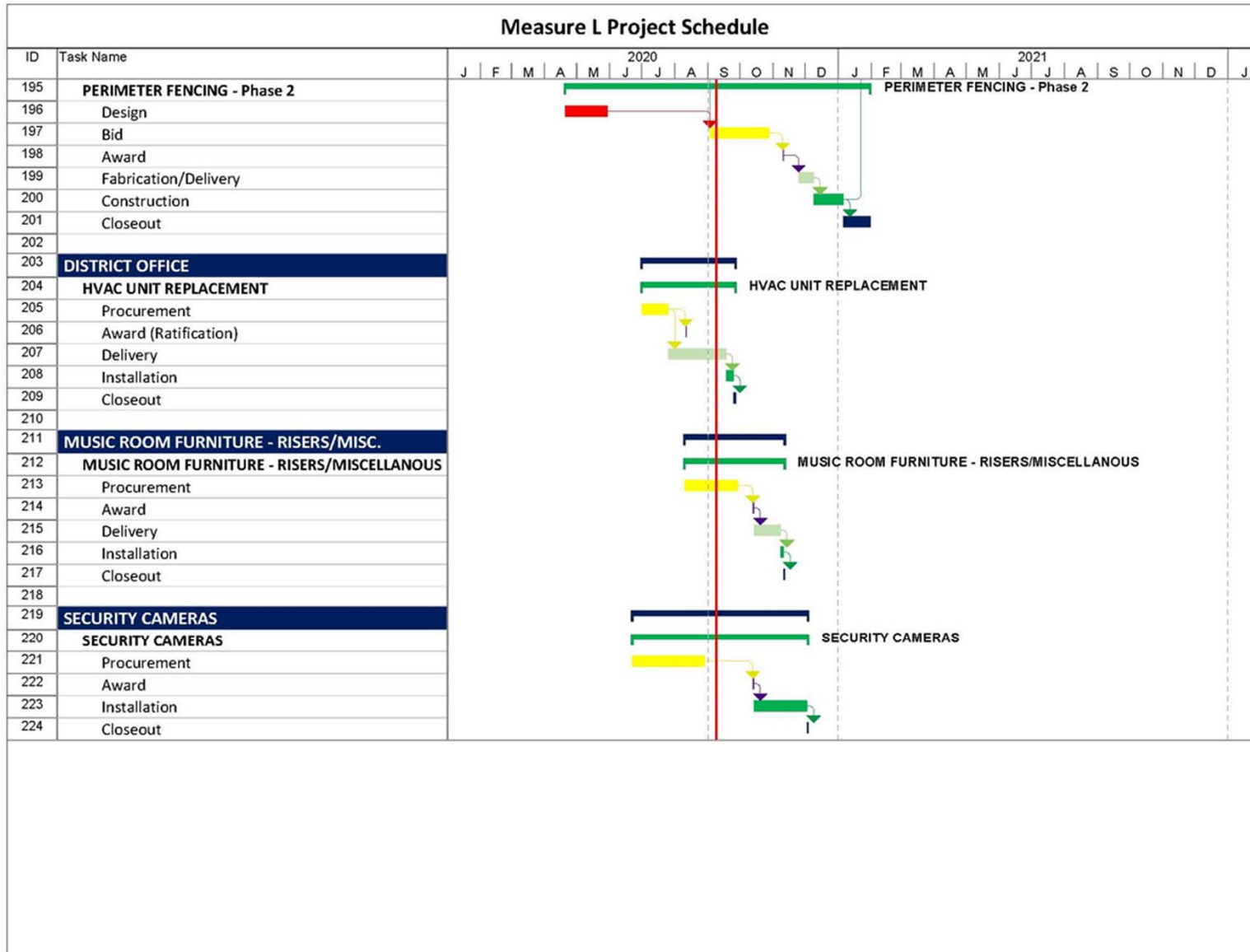
Program Schedule



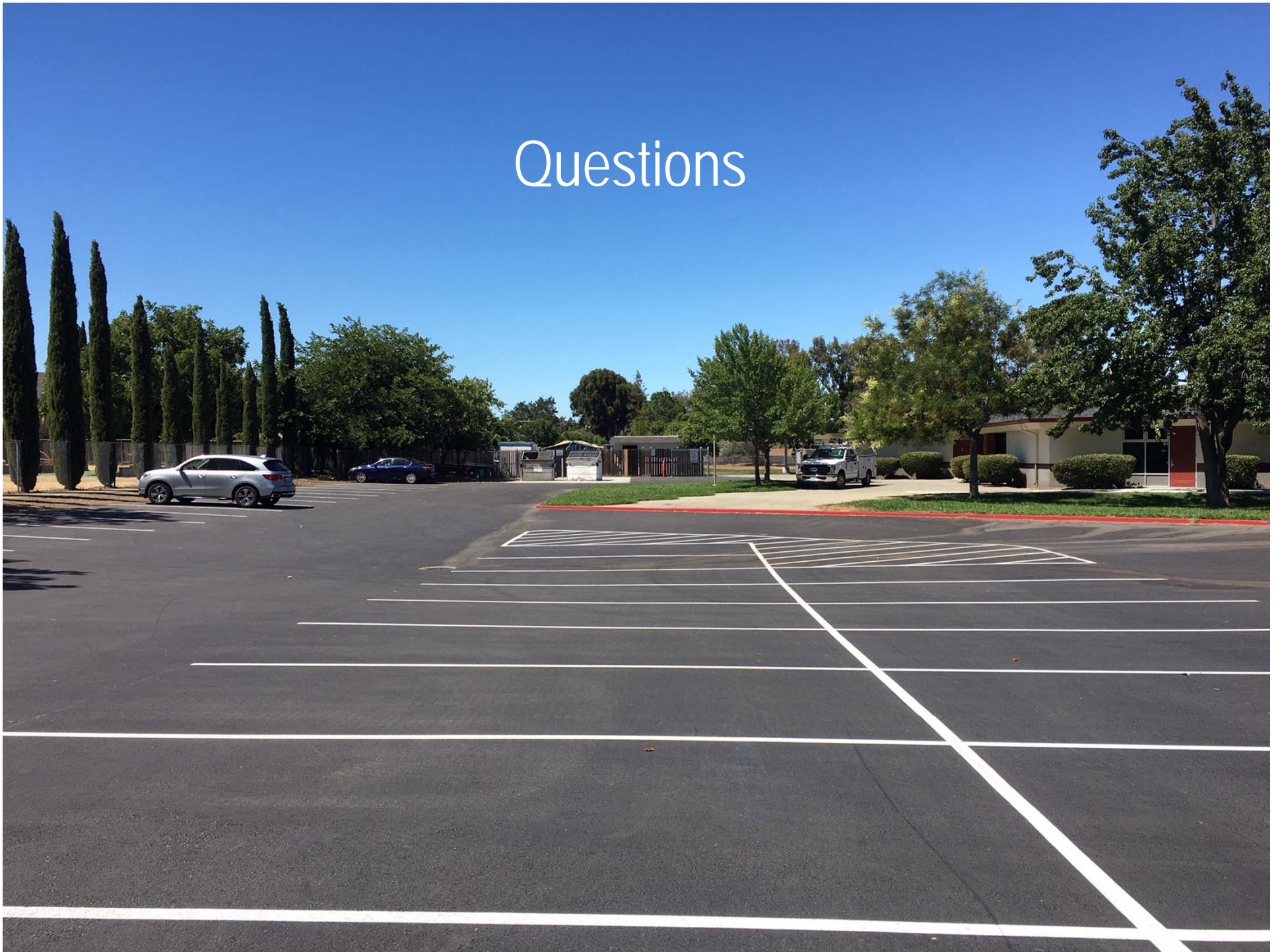
Program Schedule



Program Schedule



Questions



Project Budget
BERRYESSA UNION SCHOOL DISTRICT

MEASURE L BOND

2019-2020 3rd Quarter Report

07/01/2019-06/30/2020

Cost Control Summary

SUMMARY				
Description	Adopted Budget 1/21/2015 (1)	2019-2020 Operating Budget 7/1/2019	Total Expended to Date 6/30/2020	Balance
HARD CONSTRUCTION COSTS				
Construction	50,671,230	8,296,590	2,968,861	5,327,729
Construction Contingency	4,839,623	285,471	-	285,471
Sub-Total Hard Costs	55,510,853	8,582,061	2,968,861	5,613,200
Furniture, Fixtures & Equipment	851,946	469,162	-	382,784
Total Hard Costs	55,510,853	9,434,007	3,438,023	5,995,984
SOFT CONSTRUCTION COSTS				
Architectural & Engineering				
Architectural & Engineering	4,886,579	621,577	256,014	365,563
Architectural & Engineering Reimbursable	222,090	49,295	1,639	47,656
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	1,725	9,005
CEQA (Included in Testing)	31,000	-	-	-
Energy Consultant	-	-	-	-
Technology Consultant	80,000	-	-	-
Construction Management				
Construction Management	2,873,822	312,718	140,027	172,691
Reimbursable	131,237	7,498	-	7,498
Plan Check & Permit Fees				
Assessment Fees (DSA Included)	393,496	98,677	32,265	66,412
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	778	1,921
Testing & Inspection				
DSA Project Inspector (IOR)	830,195	119,619	7,990	111,629
Material Testing & Inspection (CEQA Included)	166,469	24,238	4,544	19,694
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	444,983	862,088
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	1,201,595	(88,875)
Other Costs Planning	27,500	-	-	-
Other Operating/Misc. Expense	-	6,000	10,352	(4,352)
Sub-Total Other Project Costs	6,771,500	1,124,720	1,211,947	(87,227)

Project Budget
BERRYESSA UNION SCHOOL DISTRICT

MEASURE L BOND

2019-2020 3rd Quarter Report

07/01/2019-06/30/2020

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	308,545	97,270
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	830	23,302
Office Equipment/Equip Maintenance	25,000	5,483	428	5,055
Interim Housing	125,000		-	-
Seminars/Training	10,000	2,985	-	2,985
Audit Expense	5,000	5,000	3,250	1,750
Public Relations and Contractor Outreach				
Public Relations/Communications	75,000			-
Public Bid Advertising	15,000	500	388	112
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	313,441	832,807
Overall Bond Reserve	1,165,463	521,137		521,137
	77,000,000	13,533,183.00	5,408,394	8,124,789

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

Percentage of Total by Location

Description	Proposed Budget	Current Budget	Budget Variances	Expenses as of 06/30/2020	Balance	Percentage of Total Cost
Brooktree Elementary School	\$ 2,775,715	\$ 2,856,688	\$ 80,973	\$ 2,198,496	\$ 658,192	3.64%
Cherrywood Elementary School	\$ 2,641,308	\$ 4,005,329	\$ 1,364,021	\$ 4,016,419	\$ (11,090)	5.10%
Laneview Elementary School	\$ 2,625,057	\$ 2,602,239	\$ (22,818)	\$ 2,371,814	\$ 230,425	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)	\$ 2,293,677	\$ 231,882	3.21%
Northwood Elementary School	\$ 3,016,300	\$ 2,556,608	\$ (459,692)	\$ 2,492,060	\$ 64,548	3.25%
Ruskin Elementary School	\$ 2,697,784	\$ 2,806,771	\$ 108,987	\$ 2,664,790	\$ 141,981	3.57%
Summerdale Elementary School	\$ 2,976,998	\$ 2,937,401	\$ (39,597)	\$ 2,917,849	\$ 19,552	3.74%
Toyon Elementary School	\$ 2,731,914	\$ 2,846,009	\$ 114,095	\$ 2,521,238	\$ 324,771	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	\$ 4,490,909	\$ 375,791	6.19%
Piedmont Middle School	\$ 4,214,915	\$ 4,785,657	\$ 570,742	\$ 3,640,139	\$ 1,145,518	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	\$ 6,251,019	\$ 59,687	8.03%
Program	\$ 3,038,500	\$ 3,038,500	\$ -	\$ 2,205,696	\$ 832,804	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	\$ 70,221,176	\$ 8,345,410	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 June 30, 2020

Percentage of Total by Location and Project

Description	Proposed Budget	Current Budget	Budget Variances	Expenses as of 06/30/20	Balance	Percentage of Total Cost
Brooktree Elementary School						
Modernization	\$ 2,376,493	\$ 2,588,861	\$ 212,368	\$ 1,931,098	\$ 657,763	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	\$ 2,198,496	\$ 658,192	3.64%
Cherrywood Elementary School						
Modernization	\$ 2,291,762	\$ 3,743,112	\$ 1,451,350	\$ 3,754,202	\$ (11,090)	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	\$ 4,016,419	\$ (11,090)	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	\$ 149,615	\$ 155,272	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)	\$ 2,371,814	\$ 230,425	3.31%
Majestic Way Elementary						
Modernization	\$ 2,059,300	\$ 1,795,800	\$ (263,500)	\$ 1,754,009	\$ 41,791	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)	\$ 2,172,822	\$ 81,791	2.87%
Noble Elementary School						
Modernization	\$ 2,560,082	\$ 2,296,960	\$ (263,122)	\$ 2,065,079	\$ 231,881	2.92%
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)	\$ 2,293,677	\$ 231,882	3.21%

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

Percentage of Total by Location and Project

Description	Proposed Budget	Current Budget	Budget Variances	Expenses as of 06/30/20	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)	\$ 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)	\$ 2,492,060	\$ 64,548	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	\$ 132,928	\$ (81,360)	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	\$ 2,664,790	\$ 141,981	3.57%
Summerdale Elementary School						
Modernization	\$ 2,341,378	\$ 2,434,577	\$ 93,199	\$ 2,415,025	\$ 19,552.05	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)	\$ 2,917,849	\$ 19,552.18	3.74%
Toyon Elementary School						
Modernization	\$ 2,241,527	\$ 2,488,391	\$ 246,864	\$ 2,127,296	\$ 361,095	3.17%
Paving Project	\$ 83,970	\$ 266,934	\$ 182,964	\$ 303,259	\$ (36,325)	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	\$ 2,521,238	\$ 324,771	3.62%
Vinci Park Elementary School						
Modernization	\$ 2,605,980	\$ 2,602,473	\$ (3,507)	\$ 2,584,815	\$ 17,658	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	\$ 2,858,238	\$ 17,658	3.66%

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

Percentage of Total by Location and Project

Description	Proposed Budget	Current Budget	Budget Variances	Expenses as of 06/30/20	Balance	Percentage of Total Cost
Morrill Middle School						
Modernization	\$ 3,805,000	\$ 4,305,334	\$ 500,334	\$ 3,587,399	\$ 717,935	5.48%
Paving Project	\$ 816,200	\$ 443,792	\$ (372,408)	\$ 785,936	\$ (342,144)	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	\$ 4,490,909	\$ 375,791	6.19%
Piedmont Middle School						
Modernization	\$ 4,141,510	\$ 3,772,364	\$ (369,146)	\$ 2,839,515	\$ 932,849	4.80%
Paving Project	\$ 73,405	\$ 1,013,293	\$ 939,888	\$ 800,624	\$ 212,669	1.29%
Fencing	\$ -	\$ -	\$ -	\$ -	\$ -	0.00%
Exterior Painting	\$ -	\$ -	\$ -	\$ -	\$ -	0.00%
Total	\$ 4,214,915	\$ 4,785,657	\$ 570,742	\$ 3,640,139	\$ 1,145,518	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	\$ -	\$ 2,205,696	\$ 832,804	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	\$ 70,221,176	\$ 8,345,410	100%

INTEREST ACCUMULATED FROM 2014-2018 as of June 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.