



Measure L Citizens' Bond Oversight Committee Meeting

COMMITTEE MEMBER PACKET

Rescheduled: June 27, 2018

6:30 pm – 7:30 pm

LOCATION:

Student Nutrition Services Bldg Central Kitchen–Conference Rm
951 Piedmont Rd., San Jose 95132
(next to Piedmont Middle School)

AGENDA

Measure L Citizens' Oversight Committee Meeting

Berryessa Union School District

Rescheduled date: June 27, 2018, Wednesday @ 6:30 PM – 7:30 PM

Location: The Central Kitchen (conf. room) in the Student Nutrition Services Building,
next to the Piedmont Middle School site, 951 Piedmont Rd., San Jose 95132

Note: Committee member, Susan Fowle will be attending via teleconference from 1277
Accra Ct, Livermore, CA 94550 (408) 489-5135

Agenda

- 1- Call to order
 - a. Roll call
Marty Michaels – Chair
Amy Chen – Vice Chair
Adrienne O'Leary
Frank Cancilla
Susan Fowle
Marty
 - b. Adoption of agenda
Marty
 - c. Approve CBOC March 21 2018 meeting minutes
Marty
- 2- Public comments
- 3- Reports
 - a. Measure L project update and financial report
Tony
 - b. Central kitchen update
Tony
- 4- Old business
 - a. Committee membership...response to published ads
Phuong
 - b. Future committee meeting dates
Marty
- 5- New business
- 6- Adjournment
- 7- Tour of Central Kitchen
Tony

FUTURE MEETINGS

September 19, 2018

December 12, 2018

March 14, 2019

MEETING MINUTES

UNADOPTED

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

Measure L Citizens' Oversight Committee Meeting
Laneview Elementary School – FIS Room
March 21, 2018
6:30 p.m. – 7:30 p.m.

REGULAR MEETING MINUTES

Members Present: Marty Michaels, Chair
Amy Chen, Vice Chair
Frank Cancilla
Susan Fowle

District Staff Present: Tony Kanastab, Director of Bond Facilities and
Modernization
Phuong Le, Assistant Superintendent
Pam Lee, Budget Bond Accountant

Public Present: Kevin Brejnak, Auditor – Nigro & Nigro PC

1. Call to Order

Minutes

Mr. Marty Michaels called the meeting to order at 6:33 p.m.

a. Roll Call -

Minutes

All present except Ms. O'Leary

b. Adoption of Agenda

Minutes

Motion to approve by Mr. Cancilla, 2nd by Ms. Fowle.

c. Approval of the December 7, 2017 CBOC Meeting Minutes

Minutes

Motion to approve by Mr. Cancilla, 2nd by Ms. Fowle.

2. Public Comments

Minutes

After Mr. Brejnack presented the Bond Audit Report and left, Ms. Chen inquired about the rules regarding the school sites being open for public on the weekends. She added that for example Noble gates are closed during the weekends, so Ms. Le and Mr. Kanastab stated that they will double check and verify.

3. Reports

a. Bond Audit Report

Minutes

Mr. Brejnack presented the 2016-2017 Audit Report to the Committee starting on page 2. He reiterated the auditors' responsibility is to express their opinion on the financial statements based on the audit and to ensure that statements are in accordance to Government Auditing Standards. He also stated that they issued an "unmodified" opinion which means that they found the District's financial statements "present fairly, in all material respects the financial position of the Measure L General Obligation Bond Building Fund." He also showed to the Committee on page 4 the total Liabilities and Fund Balance as of June 2017 was approximately \$40 million and the Statement of Revenues, Expenditures, and Changes in Fund Balance on page 5. Mr. Brejnack also mentioned the importance of "Notes" on the report (pages 6-10). Mr. Cancilla asked "how can you verify cash?" Mr. Brejnack replied that they can verify it by going to the County's website. Mr. Brejnack also continued to show the Committee the amortization table for Measure L (page 9). In addition he mentioned on page 11-12 of the report is regarding the internal control evaluation and that they did not identify any material deficiencies in the District's internal control. Mr. Brejnack also presented the Auditor's Report on Performance (pag13), where he shows their objective and the procedures that they performed. He added that they've tested about \$14.9 million in bond fund invoices paid and processed for the year. Mr. Michaels inquire how the auditors verify if work is properly done when they test invoices. Mr. Brejnack replied that they look at the process. For example, he stated that they would begin with the contract, then they will look at sign-offs or approval signatures to ensure the invoices are processed accordingly. Mr. Michaels asked how long usually the audit lasts. Mr. Brejnack answered that it's about 50 hours. Mr. Michaels also asked from Mr. Brejnack's working experience with other companies and districts, what are some of the best practices that he would recommend. Mr. Brejnack responded that often problems arise from miscommunications, so he said transparency is usually a key. He also added that a District need to have a solid internal control.

Mr. Cancilla inquired how the community or other people are informed regarding important news. Ms. Le and Ms. Lee responded that news are posted on the

District website, 13 school sites, and the newsletter. Mr. Cancilla also requested if they can have a detail report of page 9 (amortization table) and Ms. Le responded yes. Ms. Chen also inquired regarding the ballot language and the matching funds for Fund 51. Ms. Le responded that we are currently in line but how much funding and when would we expect to receive these are currently unknown. Mr. Cancilla asked who are we working with, and Ms. Le answered that the District is working with a company named, Jack Shredder to verify eligibility. Mr. Cancilla also requested to the District to receive the packets earlier so that the Committee would be able to review the reports before the meeting and Ms. Le & Mr. Kanastab agreed.

b. Measure L Project Update

Minutes

Mr. Kanastab presented the updated report to the committee:

Phase II Projects Update

- Vinci Park ES FIS (Phase I) – Mr. Kanastab stated that construction is in progress and is scheduled to be completed in March. He added that the school’s theme is “giving back to the community” and showed two pictures that had the world map and the golden gate bridge on the wall.
- Vinci Park ES – FIS – (Phase 2 Exterior Canopy and Site Work) – Mr. Kanastab mentioned that they are meeting with DSA on March 15 for the canopy approval and added that installation would be completed by May 1st.
- Pavement Rehabilitation – Piedmont Middle School – Mr. Kanastab said that this project was approved by DSA and is out to bid. He mentioned that they are replacing the pavements and re-configuring the parking layout, which includes adding 17 new spaces. Mr. Cancilla asked where would be the new parking spots, and Mr. Kanastab replied that they will use the grassy area north of the MPR and dirt area adjacent to the fence by MOT. Mr. Michaels also asked if the parking spaces are reasonable, and Mr. Kanastab answered that it would be standard-size parking spaces. He added that construction is scheduled to begin in June.

Phase III Projects Update

- Laneview FIS Project & Majestic FIS Project – Mr. Kanastab showed a few pictures of the FIS rooms to the committee. He also added that Laneview will hold their ribbon cutting this coming Friday.

Furniture Update acceptance

- FIS Furniture – Vinci Park – Mr. Kanastab said that they are waiting for the final quote for the vendor and delivery is scheduled in April.
- FIS Furniture – Laneview & Majestic – Mr. Kanastab said that furniture, except for the chairs, were delivered on March 8th.
- FIS Furniture – 2018 Project. Mr. Kanastab stated that he is meeting with principals regarding all 6 projects.
- Classroom Furniture – 2018 Project. Mr. Kanastab stated that they are waiting for the quotes from the vendor.

Phase IV Projects Update

- Projects
 - Ruskin Elementary School & Piedmont Middle School– FIS – Mr. Kanastab said that unfortunately we received 0 bids for this project yesterday. The District is reviewing options with the District's attorney on how to move forward. Mr. Michaels asked what Mr. Kanastab thinks, and he responded that the District has a few options. Option one is to rebid the project as is, option two would be to break up the project into multi-bid packages and rebid, and the option three is to select a contractor and negotiate for a price, as long as the scope of the project is not changed. He added that currently the main problem is the market and actually finding subcontractors for the work.
 - Brooktree Elementary School – Mr. Kanastab said bidding is scheduled next week (March 29).
 - Cherrywood Elementary School – Mr. Kanastab said that the painting project is also bidding next week. He added that they are doing a wheelchair lift instead of an elevator and will be meeting with DSA regarding the plan. The committee asked why there was a change and Mr. Kanastab said that this solution should be less expensive and faster to construct. Ms. Chen also agreed and mentioned the fact that elevators are expensive to maintain.
 - Toyon Elementary School – Mr. Kanastab stated that bidding for the interior/exterior painting is scheduled in March and work will be done in the summer. He added that the construction on FIS is

scheduled to begin in the fall and that the plan is to have a “blended library.”

- Morrill Middle School – Mr. Kanastab said that bidding is scheduled in April.

- Mr. Michaels asked what will be done with extra (unused) bond monies, and Ms. Le responded that they will review the priority list with the Superintendent.

c. Measure L Financial Report

Minutes

Mr. Kanastab presented the revised Measure L Quarter Report from 07/01/2017-12/31/2017 to the committee. He also showed the committee the budget/expense per site that was requested previously. Ms. Chen inquired about what expenses are under Program and Mr. Kanastab and Ms. Lee responded that those are for the employee and consultant salaries and other miscellaneous expenses.

4. Old Business

a. Committee membership update

Minutes

Mr. Michaels stated that the committee is down to 5 people and that they still have not filled the CPA/Tax position. He also added that most of the committee’s terms are expiring on June 2018 but will still be in compliant as long as the District continue to advertise. Mr. Kanastab stated that he will also reach out to the principals for help.

b. Future committee meeting dates

Minutes

Mr. Michaels reviewed with the committee the future dates, and everyone agreed.

5. New Business

a. CBOC Annual Report

Minutes

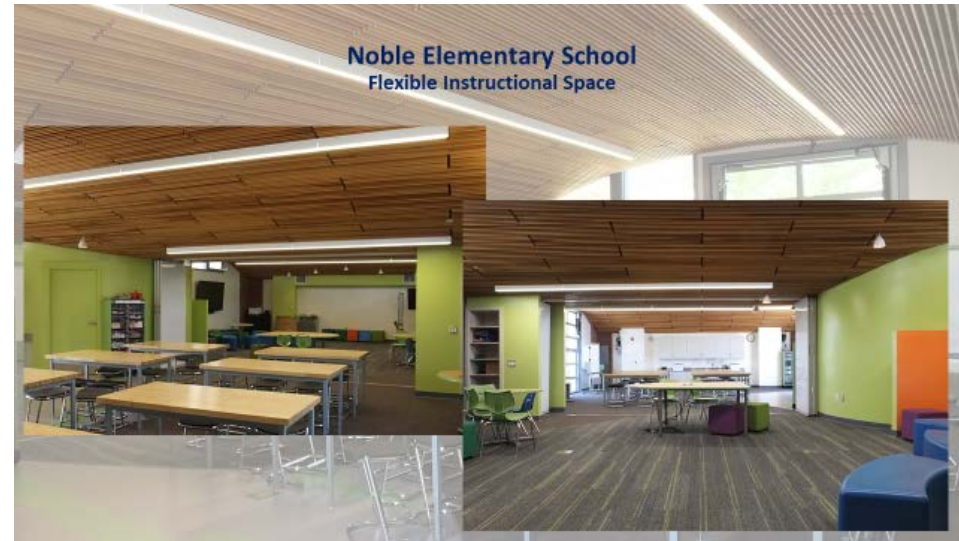
Mr. Michaels shared to the committee that he had presented the CBOC Annual Report to the Board and received positive feedback from everyone.

6. Adjournment

Minutes

Motion to adjourn by Mr. Michaels at 7:37 pm, 2nd by Mr. Cancilla and Ms. Fowle.

PROJECT UPDATE



Citizens Bond Oversight Committee

June 20, 2018

Measure L – Overview

- Project Updates
- FIS and Classroom Furniture Update
- Program Schedule Review

Measure L – Project Updates



Vinci Park - Main FIS space

Measure L – Project Updates

Majestic Way FIS Project



Main FIS Space

Measure L – Project Updates

Majestic Way FIS Project



Main FIS Space

Measure L – Project Updates

Majestic Way FIS Project



Wet Area

Measure L – Project Updates

- Vinci Park Elementary School - FIS
 - Phase 1 – Interior Work
 - Complete
 - Phase 2 – Exterior Work
 - Work to start the week on 6/18
- Ruskin Elementary School - FIS
 - Beal's Martin and Associations started construction June 11, 2018
- Piedmont Middle School - FIS
 - Beal's Martin and Associations started construction June 11, 2018

Measure L – Project Updates

- Moving

- Classroom/Library/Kitchen packing was completed on June 8, 2018
- Waters Moving Company begin moving on June 8, 2017 @ 3:00 pm. Moving was completed by June 10, 2018
- Administration staff is scheduled to be packed by June 26, 2018 and moved out by June 27, 2018

- Brooktree Elementary School

- FIS/Modernization Package

- Receive bids in March 29, 2018, received 2 bids (under budget)
 - Recommendation of award at the May 8, 2018 meeting
 - CRW Construction started construction June 11, 2018

- Flooring Package

- H.L. Murphy Start will start construction June 27, 2018

Measure L – Project Updates

- Cherrywood Elementary School
 - Interior Painting Package
 - Receive bids March 28, 2018, received 13 bids (under budget)
 - Tiber Painting will start construction June 26, 2018
 - Flooring Package
 - H.L. Murphy Start will start construction June 25, 2018
 - FIS/Modernization Package
 - DSA is currently reviewing for access to 2nd floor (FIS)
 - Start construction Fall 2018
- Toyon Elementary School
 - Interior/Exterior Painting Package
 - Receive bids March 28, 2018, received 13 bids
 - Color Chart Painting started construction June 11, 2018
 - Flooring Package
 - H.L. Murphy started construction June 11, 201
 - FIS/Modernization Package
 - Submit to DSA July 2018
 - Construction to begin in Fall of 2018

Measure L – Project Updates

- Morrill Middle School
 - FIS/Modernization Package
 - Receive bids April 3, 2018, received 1 bid (under budget)
 - Cal State Construction started construction June 11, 2018
 - Flooring Package
 - H.L Murphy started construction June 11, 2018

Measure L – Furniture

- FIS Furniture - 2018 Project
 - FIS furniture selection meetings to begin in June 2018
- Classroom Furniture - 2018 Projects
 - Classroom furniture has been ordered
 - Delivery expected starting the week on 7/23/18

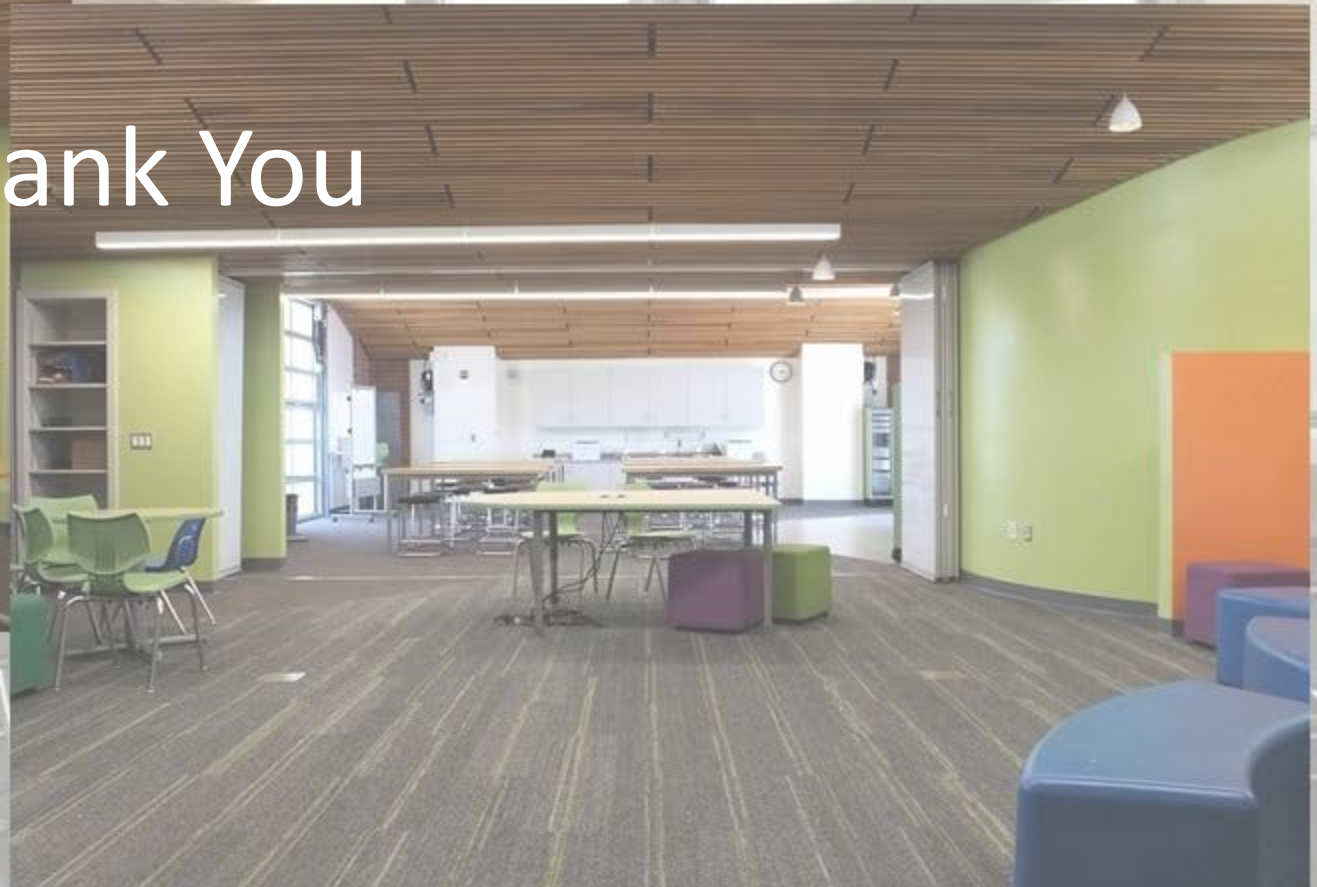
Measure L – Program Schedule

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Noble Elementary School

Flexible Instructional Space

Thank You



CENTRAL KITCHEN UPDATE



New Central Kitchen

June 20, 2018

Highlights of New Central Kitchen

- New cooking equipment improves food quality, efficiency, and expansion of menu





The Combi steam oven gives certain foods a nicer texture in comparison with previous cooking methods.

For example, whole grain rice used to be boiled in kettles, but is now cooked in the Combi oven because it comes out fluffier. The process is also more efficient and less labor-intensive than boiling in a kettle.

The Combi can also bake cookies perfectly – crispy on outside and tender on inside

Our next plan is to steam veggies in the Combi and add them to school lunches



The Baxter roll-in convection oven allows for baking large batches at once. Its rack system rotates throughout the cooking process for even cooking

It has been used to bake baguettes, pizzas, and cookies for catering

It will soon be used to bake breads, potatoes, and other items for school meals, adult meals, and catering

In the event of a power outage at a school site, lunches may be heated in this roll-in oven and then transported to the site



The steam-jacketed kettles are used for cooking pasta, sauce, and chili, etc.



The kettle attachments allow for automatic stirring. Staff will no longer have to manually stir boiling hot sauce, which translates to less potential for injury



- The larger floor space accommodates a larger wrapping machine and multiple work stations

This allows for an additional person on the packing line who can pack a 3rd item into the food trays, e.g., veggies

Orange Chicken, Beef Teriyaki, Chicken Teriyaki, and various pastas are now packed with a serving of vegetable, e.g., broccoli, corn, carrots, and peas, due to the larger wrapping machine. Not only are they more nutritious, the meals look more colorful!

Multiple work stations allow for multiple tasks to be performed simultaneously, e.g., wrapping trays, packing YMCA supper meals, and prepping for a catering event

Highlights of New Central Kitchen, continued

- The locations of the walk-in freezer, walk-in cooler and dispatch cooler allow for efficient flow of food
- The larger freezer space allows for most of our frozen food to be stored centrally, which is critical for inventory control and allows us to receive some USDA surplus offerings
- Temperature-monitored walk-in coolers and freezer will alarm when temperatures becomes too warm; can automatically send an alert; will help prevent food loss due to spoilage
- Distributor box trucks can drive up to receiving door to unload instead of parking on the street and using a hand truck to unload

Highlights of New Central Kitchen, continued

- The Staff Lounge has been used for small group trainings, meetings, and testing; mobile furniture makes it easy to change table/chair configurations
- The Test Kitchen is used to test recipes in smaller batches and to store employee food
- The Small Conference/Office is used to seat SJSU dietetic interns and to conduct on-line training and orientation
- Daily face-to-face communication between the Director, SNS office staff, C.K. Manager, and C.K. staff has been more collaborative and efficient; it has also promoted a stronger sense of family

Plan to Centralize Some of Middle School Food Production

- Some Middle School menu items can be made at the Central Kitchen and then delivered to the Middle Schools, e.g., cold sandwiches, wraps, entrée salads, fruit cups, and yogurt parfaits
- Certain hot items could be made at the Central Kitchen for the middle schools, e.g., pastas, enchiladas, beef shepherd's pie, and turkey w/ mashed potatoes and gravy. These are all items that could be reheated without losing quality

Plans for Program Expansion

- Beginning in 2018-19, meals will be prepared for the Kindergarteners, who will start full day schedules.
- Also beginning in 2018-19, additional breakfast meals will be prepared for the district-wide Second Chance Breakfast program.
- Once the Central Kitchen staffing is sufficient, a set catering menu can be offered and larger-scale catering requests can be accepted. A district staff lunch menu could also be offered.
- There is potential for additional contracted meals to be provided to the YMCA and other local programs and schools.
- As a result of program expansion, more students in the community will be fed and more revenue will be generated for the Cafeteria Fund.

FINANCIAL REPORT

Project Budget
BERRYESSA UNION SCHOOL DISTRICT
MEASURE L BOND
2017-2018 Second Quarter Report
07/01/2017-03/31/2018
Cost Control Summary

| SUMMARY | | | | |
|---|---|---|---|-------------------|
| Description | Adopted Budget 1/21/2015 (1) | 2017-2018 Operating Budget 3/31/2018 | Total Expended to Date 3/31/2018 | Balance |
| HARD CONSTRUCTION COSTS | | | | |
| Construction | 50,671,230 | 19,350,763 | 3,866,539 | 15,484,224 |
| Construction Contingency | 4,839,623 | 2,055,576 | 36,250 | 2,019,326 |
| Sub-Total Hard Costs | 55,510,853 | 21,406,339 | 3,902,789 | 17,503,550 |
| Furniture, Fixtures & Equipment | | 3,032,029 | 1,361,627 | 1,670,402 |
| Total Hard Costs | 55,510,853 | 24,438,368 | 5,264,416 | 19,173,952 |
| SOFT CONSTRUCTION COSTS | | | | |
| Architectural & Engineering | | | | |
| Architectural & Engineering | 4,886,579 | 1,954,188 | 766,850 | 1,187,338 |
| Architectural & Engineering Reimbursable | 222,090 | 131,503 | 6,940 | 124,563 |
| Specialty Consultants | | | | |
| Engineering Studies / Surveys | 65,000 | 27,550 | 26,800 | 750 |
| Kitchen Consultant (Included in Aes) | 50,000 | | | - |
| Geotechnical Study/Inspection/Report | 52,000 | | | - |
| Hazardous Material Consulting | - | | | - |
| CEQA (Included in Testing) | 31,000 | | | - |
| Energy Consultant | - | | | - |
| Technology Consultant | 80,000 | | | - |
| Construction Management | | | | |
| Construction Management | 2,873,822 | 1,272,805 | 468,643 | 804,162 |
| Reimbursable | 131,237 | 66,979 | | 66,979 |
| Plan Check & Permit Fees | | | | |
| Assessment Fees (DSA Included) | 393,496 | 170,490 | 117,852 | 52,638 |
| CDE Fee | - | | | - |
| Other Permit & Plan Check Fees | 50,000 | 4,427 | | 4,427 |
| Utilities Fee | 150,000 | | | - |
| Document Reproduction | | | | |
| Plan Document Reproduction & Printing | 80,000 | 19,913 | 6,772 | 13,141 |
| Advertisement | 12,000 | 6,648 | 1,060 | 5,588 |
| Testing & Inspection | | | | |
| DSA Project Inspector (IOR) | 830,195 | 331,765 | 77,732 | 254,033 |
| Material Testing & Inspection (CEQA Included) | 166,469 | 33,404 | 2,208 | 31,196 |
| Geotechnical Inspection | 70,750 | 14,300 | 11,970 | 2,330 |
| Hazardous Material Inspection/Abatement | - | 69,095 | 37,225 | 31,870 |
| Other Expenses | | | | |
| State Funding Consultant | - | | | - |
| Community Relations Consultant | - | | | - |
| Planning | - | 29,996 | | 29,996 |
| Miscellaneous | 50,000 | 6,000 | | 6,000 |
| Soft Cost Contingency | 319,046 | 69,803 | | 69,803 |
| Solar Contingency | | | | - |
| Kitchen Contingency | | | | - |
| Sub-Total Softs Costs | 10,513,684 | 4,208,866 | 1,524,052 | 2,684,814 |
| OTHER PROJECT COSTS | | | | |
| District Staff Costs | - | - | | - |
| Interim Housing | - | | | - |
| Moving (Pack/Unpacking/Movers,Storage) | 1,060,000 | 441,934 | 122,493 | 319,441 |
| Furniture, Fixtures & Equipment | 5,684,000 | | | - |
| Equipment and Non-Capital Equipment(Technology) | - | 2,059,042 | 60,149 | 1,998,893 |
| Other Costs Planning | 27,500 | | | - |
| Other Operating/Misc Expense | - | - | - | - |
| Sub-Total Other Project Costs | 6,771,500 | 2,500,976 | 182,642 | 2,318,334 |

Project Budget
BERRYESSA UNION SCHOOL DISTRICT
MEASURE L BOND
2017-2018 Second Quarter Report
07/01/2017-03/31/2018
Cost Control Summary

| SUMMARY | | | | |
|---|-------------------|----------------------------|------------------------|-------------------|
| Description | Adopted Budget | 2017-2018 Operating Budget | Total Expended to Date | Balance |
| PROGRAM COSTS | | | | |
| Administration | | | | |
| District Staff Cost/Program Management Costs | 1,375,000 | 596,033 | 205,865 | 390,168 |
| Legal Fees | 125,000 | 40,000 | - | 40,000 |
| 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 & Reimbursables | 65,000 | 17,564 | 1,350 | 16,214 |
| Office Equipment/Equip Maintenance | 25,000 | 9,511 | 2,430 | 7,081 |
| Interim Housing | 125,000 | | | - |
| Seminars/Training | 10,000 | 3,000 | 15 | 2,985 |
| Audit Expense | 5,000 | 14,750 | | 14,750 |
| Public Relations and Contractor Outreach | | | | - |
| Public Relations/Communications | 75,000 | | | - |
| Public Bid Advertising | 15,000 | | | - |
| 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 | 1,066,814 | | 1,066,814 |
| Total Program Costs | 3,038,500 | 1,747,672 | 209,660 | 1,538,012 |
| Overall Bond Reserve | 1,165,463 | 3,459,423 | | 3,459,423 |
| | 77,000,000 | 36,355,305 | 7,180,770 | 29,174,535 |

Berryessa Union School District Bond Measure L – 2014 through March 31, 2018

3. Percentage of Total

| Description | Proposed Budget | Current Budget | Budget Variances | Expenses as of 03/31/2018 | Balance | Percentage of Total Cost |
|---|----------------------|----------------------|-------------------|---------------------------|----------------------|--------------------------|
| Brooktree Elementary School | \$ 2,775,715 | \$ 2,616,486 | \$ (159,229) | \$ 484,630 | \$ 2,131,856 | 3.40% |
| Cherrywood Elementary School | \$ 2,641,308 | \$ 2,582,595 | \$ (58,713) | \$ 587,693 | \$ 1,994,902 | 3.35% |
| Laneview Elementary School | \$ 2,625,057 | \$ 2,559,963 | \$ (65,094) | \$ 1,714,300 | \$ 845,663 | 3.32% |
| Majestic Way Elementary | \$ 2,576,170 | \$ 2,483,113 | \$ (93,057) | \$ 1,747,811 | \$ 735,302 | 3.22% |
| Noble Elementary School | \$ 2,739,415 | \$ 2,320,885 | \$ (418,530) | \$ 2,247,607 | \$ 73,278 | 3.01% |
| Northwood Elementary School | \$ 3,016,300 | \$ 2,530,109 | \$ (486,191) | \$ 2,449,004 | \$ 81,105 | 3.29% |
| Ruskin Elementary School | \$ 2,697,784 | \$ 2,624,896 | \$ (72,888) | \$ 1,102,954 | \$ 1,521,942 | 3.41% |
| Summerdale Elementary School | \$ 2,976,998 | \$ 2,906,652 | \$ (70,346) | \$ 2,906,652 | \$ - | 3.77% |
| Toyon Elementary School | \$ 2,731,914 | \$ 2,519,419 | \$ (212,495) | \$ 485,794 | \$ 2,033,625 | 3.27% |
| Vinci Park Elementary School | \$ 2,801,993 | \$ 2,850,596 | \$ 48,603 | \$ 2,290,192 | \$ 560,404 | 3.70% |
| Morrill Middle School | \$ 4,849,363 | \$ 4,331,365 | \$ (517,998) | \$ 868,549 | \$ 3,462,816 | 5.63% |
| Piedmont Middle School | \$ 4,214,915 | \$ 4,679,917 | \$ 465,002 | \$ 1,328,187 | \$ 3,351,730 | 6.08% |
| Sierramont Middle School | \$ 5,949,291 | \$ 5,431,060 | \$ (518,231) | \$ 5,406,060 | \$ 25,000 | 7.05% |
| Energy Conservation Project | \$ 10,836,279 | \$ 10,836,279 | \$ - | \$ 9,652,759 | \$ 1,183,520 | 14.07% |
| Central Kitchen | \$ 5,971,020 | \$ 5,971,020 | \$ - | \$ 5,904,290 | \$ 66,730 | 7.75% |
| District Office- Main | \$ 2,154,423 | \$ 2,154,423 | \$ - | \$ 122,647 | \$ 2,031,776 | 2.80% |
| Technology - Wireless/Infrastructure | \$ 2,349,611 | \$ 3,004,429 | \$ 654,818 | \$ 2,994,370 | \$ 10,059 | 3.90% |
| Technology - Classroom | \$ 3,191,980 | \$ 2,992,143 | \$ (199,837) | \$ 992,432 | \$ 1,999,711 | 3.89% |
| District - Wide | \$ 5,696,500 | \$ 5,934,393 | \$ 237,893 | \$ 3,866,707 | \$ 2,067,686 | 7.71% |
| Program | \$ 3,038,500 | \$ 3,038,500 | \$ - | \$ 1,500,491 | \$ 1,538,009 | 3.95% |
| Bond Contingency | \$ 1,165,464 | \$ 2,631,757 | \$ 1,466,293 | \$ - | \$ 2,631,757 | 3.42% |
| Total Program Cost | \$ 77,000,000 | \$ 77,000,000 | \$ - | \$ 48,653,129 | \$ 28,346,871 | 100% |
| Interest*** | | \$ 827,666 | \$ 827,666 | | \$ 827,666 | |
| Total Program Cost with Interest | \$ 77,000,000 | \$ 77,827,666 | \$ 827,666 | \$ 48,653,129 | \$ 29,174,537 | |

*** INTEREST ACCUMULATED FROM 2014-2018 = \$827,666.00

Total Bond Contingency as of March 31, 2018 \$ 3,459,423

BYLAWS

**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.

Notes