



# Measure L Citizens' Bond Oversight Committee Meeting

## **COMMITTEE MEMBER PACKET**

December 7, 2017

6:30 pm – 7:30 pm

### **LOCATION:**

Laneview Elementary School – Room 18  
2095 Warmwood Ln., San Jose, CA 95132-1251

Please add tab: AGENDA

# Measure L Citizens' Oversight Committee Meeting

Berryessa Union School District

December 7, 2017, Thursday@ 6:30 PM – 7:30 PM

**Location:** Laneview Elementary School –Room 18

2095 Warmwood Ln, San Jose, CA 95132

## Agenda

- 1- Call to order
  - a. Roll call Marty  
Marty Michaels – Chair  
Amy Chen – Vice Chair  
Adrienne O'Leary  
Frank Cancilla  
Susan Fowle
  - b. Adoption of agenda Marty
  - c. Approve CBOC September 5, 2017 meeting minutes Marty
- 2- Public comments
- 3- Reports
  - a. Measure L project update Tony
  - b. Measure L financial report Tony
- 4- Old business
  - a. Committee membership update Marty
- 5- New business
  - a. Future committee meeting dates Marty
  - b. Other All
- 6- Adjournment
- 7- Tour Construction Project – Laneview FIS (optional)

### FUTURE MEETINGS

March 14, 2018

June 20, 2018

Please add tab: MEETING MINUTES

UNADOPTED

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

Measure L Citizens' Oversight Committee Meeting  
Sierramont Middle School FIS Room  
September 5, 2017  
6:30 p.m. – 7:30 p.m.

**REGULAR MEETING MINUTES**

Members Present: Marty Michaels, Chair  
Amy Chen, Vice Chair  
Adrienne O'Leary

District Staff Present: Tony Kanastab, Director of Bond Facilities and  
Modernization  
Dr. Roxane Fuentes, Superintendent  
Phuong Le, Deputy Superintendent  
Pam Lee, Budget Bond Accountant

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 except for Mr. Cancilla and Ms. Fowle

- b. Adoption of Agenda

**Minutes**

Motion to approve by Ms. Chen, 2<sup>nd</sup> by Ms. O'Leary.

- c. Approval of the June 7, 2017 CBOC Meeting Minutes

**Minutes**

Motion to approve by Ms. Chen, 2<sup>nd</sup> by Ms. O'Leary.

## 2. Public Comments

### Minutes

Ms. Chen asked if there are any changes regarding the accessibility of school facilities for public use. Ms. Le & Mr. Kanastab responded that there are no changes that they are aware of. They said that during the school hours the school's gates are locked for security purposes, but after school the front gate is usually open. Ms. Chen stated that Noble's gate is not accessible after school. Ms. Le said that they will double-check.

## 3. Reports

### a. Measure L Project Update

### Minutes

Mr. Kanastab reported on the status of the Measure L – 2016, as everyone followed the report.

- Phase II Modernization – Vinci Park ES FIS – Mr. Kanastab said that they received final comments from DSA and the schedule for start of construction is late November.
- FIS Furniture – Mr. Kanastab said that the vendor met with the principals on site last August 30<sup>th</sup>, and they are planning to order furniture in early November. Delivery time is mid-February.
- Central Kitchen – Mr. Kanastab shared that Student Nutrition moved into the new office on July 26<sup>th</sup> and received final Health Department approval on August 10<sup>th</sup>. He added that contractor is working on weekends to complete punch list items, which should be done by mid-October. Ms. Le added that A/C unit is also working.
- Laneview Modernization Projects – Mr. Kanastab stated that exterior & interior painting, flooring, new reception desk, stage curtains, wall mural, Audio Visual (A/V) equipment are complete. He added that glazing is scheduled to be completed by September 30<sup>th</sup>, since contractors are only working during weekends.
- Majestic Way Modernization Projects – Mr. Kanastab said that interior painting, flooring, stage curtains, wall mural, and A/V equipment are complete. He stated that glazing is scheduled to be completed by October 8<sup>th</sup>.
- Ruskin Modernization – Mr. Kanastab said that interior painting, flooring, stage curtains, wall mural, and A/V equipment are also complete for Ruskin. Glazing is also scheduled to be completed by September 30<sup>th</sup>.
- Piedmont Modernization Project – Mr. Kanastab stated that interior painting is completed. He added that exterior painting is scheduled to be done by August 4<sup>th</sup>. Flooring, sports for the MP and Mini gym, stage curtain are complete. He also said that glazing will be completed by September 30<sup>th</sup>.

Mr. Kanastab presented to the committee several new pictures of different school sites. Ms. Chen asked if the FIS space is being used a lot. Mr. Kanastab stated that he hopes that it is. He said that the teachers can sign up to use the space at the site office. In addition, he also mentioned how teachers at Ruskin ES approached him regarding the Multi-Purpose Room (MPR) and stated that everything looks very nice compared to what it was before. Mr. Michaels' asked if Mr. Kanastab would have preferred to have done the same standard design for the FIS for all the school sites. Mr. Kanastab answered that each school was given the opportunity to have input into the design to give them a sense of ownership of the space. He also added that each site has different space and layout, so it is different in every situation.

Mr. Kanastab also showed several exterior and interior pictures of the New Central Kitchen building and stated how it is comparison to the old kitchen that was located to Toyon.

Mr. Kanastab continued the presentation for Measure L – Phase 3 Projects:

- Moving – was completed.
- Pavement Rehabilitation at Brooktree, Majestic Way, and Cherrywood are completed and on time.
- Furniture – Classroom – He stated that installation was completed August 11<sup>th</sup> and are currently working on punch list items.
- Pavement Rehabilitation – Piedmont Middle School: He stated that design to be completed by the end of the month and is anticipated to submit to City and DSA for review in mid-October. Bidding is scheduled in early February, and construction is scheduled to start in June 2018.

Mr. Kanastab continued – Measure L – Phase 3 Projects:

- Laneview FIS Project & Majestic Way FIS Project – Bids September 19<sup>th</sup>, starts late October, and scheduled to be completed in February 2018. Ms. Chen asked what a punch list is. Mr. Kanastab answered that these are minor problems or issues that need to be fix by the contractors before they get their final payment.
- FIS Furniture – He stated that vendor has met with principals on site on August 30<sup>th</sup>, and furniture order is scheduled in November. Delivery in mid-February.

Mr. Kanastab also presented: Measure L – Phase 4 Projects:

- Ruskin Elementary School FIS, Piedmont Middle School FIS, Brooktree Elementary School FIS, Cherrywood Elementary School FIS, Toyon Elementary School, & Morrill Middle School – He said that meetings with site staff to review design are in early September and are scheduled to submit to DSA in late September. Toyon & Cherrywood are scheduled to be submitted to DSA mid-October. Ms. Le asked Mr. Kanastab if there

would be any concerns or problems, since next summer there are more projects to complete over the summer. Mr. Kanastab answered that the number of projects shouldn't create more problem; he stated that problems are based on how good the contractors are. Mr. Kanastab said that we have prequalification, and the projects are usually easy like painting/flooring. Nevertheless, he added that FIS projects are more complicated and he said that there's always a chance that problem will arise. He also mentioned that we learned from previous projects. For instance, he added that they do glazing as a separate packet to alleviate any problems. He said that they are also trying to finish/complete smaller project over the school year, so there would be less work during summer.

Mr. Kanastab also presented the Measure L – Program Schedule. Mr. Michaels' asked if there are any risk associated. Mr. Kanastab replied that DSA (time frame) is always a gamble, which is why they try to bid as early as they can.

Ms. Chen asked "are we totally done?" Mr. Kanastab replied that Noble, Northwood, Summerdale, and Sierramont are about 99.9% done, but there are still little things that we want to do. Examples – Northwood, he stated that they wanted to put two sinks in the FIS. Ms. O'Leary asked if we need more budget, and Mr. Kanastab said that we're okay.

b. Measure L 2016-17 2nd Quarter Financial Report

**Minutes**

Ms. Le presented to the committee the financial report. She showed the Multi-Year Summary Report that shows that we started with 62 million and have spent \$26, 3282,693 as of the end of 2016-2017. Mr. Michael's asked how much we will spend knowing what we know now. Ms. Le replied that we'll spend about 77 million. She stated that there is a bond contingency to support "wish-list" or unplanned projects, such as the flooring in Morrill. She and Mr. Kanastab stated that due to drought the flooring has dropped and needs to be fixed. Mr. Kanastab also added that we also still have projects to bid and prices/costs are going up. Mr. Michaels also inquired about the savings regarding the Energy Conservation. Ms. Le answered that PG&E takes at least 1 year to see an accurate savings. She also added that there is a lot of factors in calculating savings. She said that Opterra is requesting for at least a year to analyze and prepare the report, which will also be presented to the Board. Ms. Chen also asked how much the district will save. Ms. Le said about \$400,000 per year. Ms. O' Leary inquired what happens to the money that is saved (received). Ms. Le replied that it goes to the General Fund.

Ms. Le continued to present the 4<sup>th</sup> Quarter Bond report to the committee, which shows expenses by hard costs, soft costs, other project costs, program cost, and cost contingency. Mr. Michaels asked what happens after Measure L is complete.



Ms. Le responded that the Board might go out for another bond. Nevertheless, she said that there's a lot of rules and regulation regarding acquiring another bond, such as bond capacity.

#### **4. Old Business**

##### a. Committee membership update

###### **Minutes**

Mr. Michaels presented to the committee the current vacancies, and ask for help in inviting friends, neighbors, and colleagues to join. He stated that we need 3 out 5 members of the committee for a quorum. Mr. Michaels also mentioned that next June, majority of the committee's term will expire, and asked Ms. Le if it's possible to get a waiver to just extend the term for another six months rather than trying to get new members. Ms. Le said that she needs to check with the Bond Council to ensure that this would be legal.

Ms. Chen also asked if there is any other state funding. Ms. Le replied that we currently are contracted with a consultant to see if we will be eligible for Prop 51 funds. She said that we submitted a list of projects that we have completed and are planning to be done to determine what project are eligible. but there is no guarantee that we'll received the funding.

#### **5. New Business**

##### a. Committee Chair election/appointment for 2017/2018

###### **Minutes**

Mr. Michaels also asked the committee if they want any changes and open the floor for a new chair. Both Ms. Chen and Ms. O'Leary suggested that Mr. Michaels should continue to be the chair for the committee.

##### b. Future committee meeting dates

###### **Minutes**

Mr. Michaels presented to the committee the future dates for the meetings. Mr. Kanastab and Ms. Le agreed that these meetings should be done after the regular scheduled board meetings.

#### **6. Adjournment**

###### **Minutes**

Motion to adjourn by Mr. Michaels at 7:35pm, 2<sup>nd</sup> by Ms. O'Leary.

Please add tab: PROJECT UPDATE



Piedmont

# Citizens Bond Oversight Committee

December 7, 2017

# Measure L – Overview

- Phase 2 Project Update
- Phase 3 Project Update
- Phase 4 Project Update
- Program Schedule Review

# Measure L – Phase 2 Projects

- Vinci Park Elementary School - FIS
  - Started construction the week of November 27, 2017
  - Completion March 2018
  - Exterior Canopy
    - Submitted to CGS (California Geological Survey) November 2017
    - DSA December 2017
    - Purchase/install January/February 2018
- Central Kitchen
  - The Punch list is completed. The paving of the parking lot (seal coat & stripping) will be completed over the holiday break.
- Pavement Rehabilitation – Piedmont Middle School
  - Submitted to the City of San Jose for review
  - Submitted to DSA on December 6, 2017
  - Bid early February 2018
  - Construction starts June 2018

# Measure L – Phase 3 Projects

- Laneview FIS Project – Project is on schedule



# Measure L – Phase 3 Projects



# Measure L – Phase 3 Projects

- Majestic Way FIS Project – Project is on schedule





# Measure L – Phase 3 Projects

- FIS Furniture - Vinci Park
  - Reviewing submittal with site
  - Order by December 2017
  - Furniture delivery March 2018
- FIS Furniture – Laneview & Majestic Way
  - Quote finalized
  - Order furniture week of December 2017
  - Furniture delivery mid February 2018

# Measure L – Phase 4 Projects

- Modernization Projects
  - Ruskin Elementary School - FIS
    - Submitted to DSA - November 27, 2017
  - Piedmont Middle School - FIS
    - Submitted to DSA - November 13, 2017
  - Brooktree Elementary School
    - Submitted to DSA - November 27, 2017
  - Cherrywood Elementary School
    - Submit to DSA - December 12, 2017
  - Toyon Elementary School
    - Meet with DSA to review structural upgrades in December
    - Submit to DSA - TBD
  - Morrill Middle School
    - Submit to DSA – December 8, 2017
  - AV @ MPR Elementary Schools
    - Installation of AV equipment by the end of November 2017





Vinci Park

Thank You

Please add tab: **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.

