

Minutes filed by Nick Driver, Secretary

1. Meeting called to order at 6:15 by Vice-Chair Hydra Mendoza

Board members present:

Hydra Mendoza, Vice-Chair

Nick Driver, Secretary

Jim Quadra

Wade Randlett

Shirley Herndon

Georgia Lee

Nan McGuire

Patricia Crawford

2. Amendments to minutes of previous meeting:

1. Sharon Danks has presented to 2<sup>nd</sup> Tier architects at school sites and will assist with planning of greening projects
2. Typos should be corrected before final submission

Minutes approved unanimously as amended by Nan McGuire and Georgia Lee.

3. Program Status Reports from:

a. Bond Program Manager Leonard Tom

There are still 33 projects in the pipeline, same as before.

The DSA will likely give approval this week to Bret Harte Elementary School. Construction on that school is anticipated to start in July.

The Bond Manager is advertising for construction companies for Rosa Parks and Thurgood Marshall. Work on those schools will start this summer.

Three schools – Drew, Treasure Island and Sherman – are likely to receive their DSA approval in June, and start in August.

Three schools – Commodore Sloat, Clarendon and Alvarado – are scheduled to receive their approvals in July, and start in November.

Discussion among board members about the import of one of the bond program schools, Treasure Island, now being placed on a watch list for possible closure in June. Leonard said that if it were closed, the bond program could reallocate resources to other schools. But it is important to get DSA approval for that school, so that the design work would not be wasted. If it is not closed, then stopping work now would jeopardize the schedule and the agreement with the Lopez plaintiffs. If it is closed, it would presumably still be used for student-related work, and accessibility issues would still be there. It is not clear what under the Lopez settlement the district's obligations to finish the work are.

In total nine projects in the first group, and 10<sup>th</sup> project Horace Mann will go to the Lopez plaintiffs for review in May.

18 of the 21 remaining projects are in initial planning stages.

Three projects are in the process of being reassigned from DPW, which cannot provide indemnification, and therefore is not eligible to design for district. The last conversation with DPW ended with that agency trying to find acceptable indemnification for us.

In the meantime, our posture is that we are going out to other 2<sup>nd</sup> tier architects to ask them if they can take on additional work. When we find architects who will take on the work, we will tell DPW we are no longer using them.

This will most likely happen by the end of this week or next week. If it does not, we need to inspect this problem more closely to ensure that enough due diligence was done by the Board of Education in awarding this bid.

The problem with the DPW is twofold: first, they are a government agency, and are therefore immune from a suit. That means if there is a problem, there is no recourse for the district. Second, they will not buy insurance.

Two Inspectors of Record have already been chosen to provide services at three project sites.

Three Construction Management firms have been chosen (including DPW).

RFPs are pending for Testing and Inspection services, and for Modular Housing Units

On personnel, a second Project Manager, Erin Hirst, has started already, and a third, James Wong, will start in early May.

A financial management assistant will start in early May as well, and we still need a Construction Manager and a Financial Manager. These are two positions that are hard to find: we have already been through the hiring process and not found anyone with the right combination of experience.

Finance Update: This fall, Leonard is recommending that \$130 million in bonds be sold for the next phase of the project. This will add to the \$58 million already sold.

#### b. Primary Architect's Report: Bruce Hart

Updated project report current to April 18 handed out. Georgia Lee requests that in the future, reports from Leonard Toms' office and Bruce Hart's office be synchronized so that the numbers add up. Additionally, the projects should be listed in the same order in both reports.

#### c. Greening programs status: Nan McGuire

Sharon Danks has been meeting with various schools to plan their greening programs.

Sherman has already earmarked what it will use its \$100,000 for, and undulating pathway for ADA access through its garden.

Commodore Sloat has decided on the placement of its garden already.

SF Community School has a master plan that it needs to fit this component and financing into.

Nan McGuire will be leading SFUSD board members on school tours to discuss greening aspects. She is also trying to raise \$1.5 million over the next 3 years to pay for 17 garden coordinators, one for every two schools in the bond program.

d. Community Outreach meetings: Leonard Tom

A contractor's outreach meeting was held at Bessie Carmichael School on March 9.

Thurgood Marshall has held a meeting, and another is taking place tonight.

We want to start meeting with 2<sup>nd</sup> and 3<sup>rd</sup> tier schools earlier in the design phase to educate them about the Prop A bond program and solicit more feedback from the sites.

4. Recommendation to Amend By-Laws:

Hydra: Our current bylaws allow for a minimum of 7, with 5 mandatory positions. We currently have 11 members, with a need for 6 to have quorum. We are able to add two new members to replace those who have resigned. Or we can amend our bylaws to lower the total number to 9, which is our present size. Then 5 would make a quorum.

Discussion on various possibilities. Move from Jim Quadra, seconded by Patricia Crawford, to amend our bylaws to lower the number of members to 9, and to change the definition of a quorum to "a majority." Unanimously approved.

5. Recommendation to change meeting schedule.

Hydra: Our current bylaws have us meeting every month, on the 4<sup>th</sup> Wednesday. Discussion about ways to make us more flexible, so that we can guarantee a quorum every time.

Committees should meet on the off month, and get their schedules to Leonard so that these meetings can also be publicly noticed.

Wade moved to change our meeting schedule to once every two months, meeting still on the 4<sup>th</sup> Wednesday of every other month unless amended by committee, with the next meeting in June. Seconded by Georgia. Passed unanimously.

Public Comment: Neil Gendel suggested that the meetings should be held regularly in order to get the maximum public participation. Sub-committee meetings should also be held regularly, for the same reason. Hydra responded that we will make an effort to keep to the 4<sup>th</sup> Wednesday of every other month.

6. Ethics for Contractors. Continued to the next meeting

7. Recommendation for authorization by CFO and Chief Facilities Officer to approve change orders up to 10% of construction contract value. Continued to next Ethics and Governance meeting in May. Questions about whether the district is looking at ways of mitigating change order fraud. Construction firms have sophisticated ways of gaming the system.  
Leonard Tom said that the district has experienced managers, such as David Goldin and himself, who can spot and mitigate against fraud.
8. Agenda for next meeting was set:
  - a. Continuation of Ethical Standards for Contractors
  - b. School closures impact discussion
  - c. Regular updates
9. Next meeting was set for Wednesday June 1 at 6pm.