

MINUTES OF THE CBOC MEETING:

August 9, 2012
135 Van Ness Avenue, Room 210

Facilitator: Jim Quadra, Chair

Committee Members Present: Yakuh Askew Monica Pressley
Nancy Mayeda Jim Quadra, Chair
Nan McGuire Mike Theriault, Vice Chair

Committee Members Not Present: Lourdes Garcia Craig Issod
Walter Haub Brian Liles

Interested Parties Present: David Goldin Richard PioRoda
Leonard Tom Leonard Danna

Minutes prepared by: Susan Ortega-Resurreccion

1. Jim Quadra presided over the meeting.

2. Roll call. A quorum is present for this meeting.

3. Approval of Minutes of June 14, 2012 meeting.

Mike pointed out a correction on Page 2, Section 6, Program Status Reports from,

- Chair, Vice Chair Comments

Mike indicated that the ... local hire program requirements.

Correction: local hire demands.

The minutes were unanimously approved by the CBOC members present in the meeting subject to the above correction.

4. Public Comment – None.

5. Discussion of Audit FY2012. (VTD)

Lenny Danna of VTD was invited to discuss the audit for FY2012. He presented the engagement letter for the committee's review. He discussed the fees and breakdown based on audit per bonds. He pointed out that the sampling threshold is at 70% and asked for confirmation from the committee. Jim asked what tolerance level does VTD feels comfortable. Lenny responded it would be at 50%, but that is the committee's decision. The committee decided to stay at 70%. Leonard asked when audit will start. Lenny replied that it may be in September.

A resolution will be presented to the board for VTD's contract.

6. Program Status Reports from:

- **Chair, Vice Chair Comments**

Mike is putting on the next agenda, "Is it appropriate to use Bond funds to monitor local hire programs?"

- **Greening Program status: Green schoolyard report by Nan McGuire.**

Name change for the Green Schoolyard Alliance to "Education Outside".

- **David Goldin – Project review current work progress/Discussion of charter school needs 2012/2013.**

David reported the new superintendent is Richard Carranza. A new deputy superintendent, Guadalupe Guerrero has been appointed. David reported that all projects under Lopez case were completed on June 30, 2012. Summer was been busy, but not same as last year. Francisco MS is the biggest project. A number of Bond 2006 “go-back” projects are underway. He briefed the committee about Prop A 2011, starting with Lowell painting. A dozen or so 2011 projects will start next summer and designs are on track. We are at full throttle with new school at Willie Brown MS. The design is spectacular. Selection of design/build firms has been narrowed to four. A PLA needs to be negotiated. \$15M of 2006 funding for SOTA at McAteer may be used if the SOTA project at 135 Van Ness does not happen.

David distributed the Willie Brown MS presentation made at the Building & Grounds Committee meeting.

- **Leonard Tom – 2003, 2006 and 2011 Bond financial report update.**

Leonard reported that Bond 2003 is at the tail-end with Lincoln re-painting for \$750K, the last project ending in September.

Leonard discussed a recent Bond arbitrage analysis completed by BLX on previously issued 2003 Bonds. It turns out previous analysis miscalculated the amount of arbitrage that was due to the US Treasury. There had been a misunderstanding regarding the difference between “gross” and “net” interest. The adjustment, including penalties, will be about \$550,000.

The State Allocation Board released funding for four of the 2006 Bond schools, which amounted to \$10M. A check was received last week. This will be used for 2006 Bond “go-back” projects, the largest of which is located at 300 Seneca Avenue. The new campus will possibly be the home to Leadership HS, budgeted with total cost about \$12M. A couple of schools (Carver & Burbank), eligible for Williams grants, will not receive those grants and that has been taken out of Bond budget. A question was asked why funds are spent at Edison Charter. Leonard replied that it is District-owned site, and we are protecting our assets.

The 2011 Bond is in full-designed mode with 11 projects launched.

7. Orientation for CBOC members, Brown Act and CBOC Bylaws review. (Richard PioRoda)

Richard PioRoda handed out a memorandum regarding “Text Amendments to Committee Bylaws”. He discussed the Bylaws referencing the original to the memorandum from the CBOC name change to the audit responsibilities, the committee composition which folds into the terms of service. Monica asked about the “Eligibility”. Richard suggested that the committee have the members to be a resident of the city. This can be an action item, depending on the committee’s decision. Monica asked if the committee is not in compliance with the bylaws with regards to lack of member representing the taxpayers group. David replied that Bond Legal consul Sidley/Austin said the program is in compliance as long as the search was done on “good faith” try and David confirmed that the Bond Program had tried very hard.

Monica commented that she is agreeable to make the decision at that moment. Mike called for the decision at this meeting and suggested for local residency requirement for oversight members. Monica questioned the residency requirement. Mike replied that this is in parallel with consistency with the other city offices. Jim agreed and that residency will have focus on interest of the District. Mike suggested local residency with a fall back if no one is available. Motion was called and Monica seconded. The committee approved the Bylaws.

Richard also discussed the Brown Act, the open meeting law that applies to the committee (different from the Sunshine Act). That includes agendas and noticing, no discussion on topics not on the agenda and open to the public and accessible. Time is provided for comment on the agenda. Members are not to discuss with other members outside of the meeting. Avoid communicating with staff related to discussion outside of meeting. Reimbursement is currently suspended for expenses on Brown Act by State due to budget issues.

Public Records Act, any documents provided are public records unless a closed session which should be limited and need legal counsel prior to any meetings. Closed sessions for security of buildings are allowed.

Leonard asked about members attending a meeting by telephone. Richard replied that Agenda has to be posted in the location where the member is situated. There should be a quorum in the jurisdiction of the meeting in order for the meeting to proceed.

8. Action Item: Confirmation and approval of CBOC Bylaws.

The members present in this meeting confirmed and approved the Bylaws.

9. Proposed Schedule and Agenda for Next Meeting.

Proposed next meeting – 2nd Thursday, October 11, 2012.

- 1) Discussion of local hire funding in relation with Bond funds.
- 2) Discussion of charter school.

10. Adjournment.

Meeting was adjourned at 7:23PM.