



**Proposition O Citizens' Bond Oversight Committee
Wednesday, July 10, 2013**

TIME: 6:00 p.m. Meeting

PLACE:

District Office/Rooms A&B
1130 Fifth Avenue
Chula Vista, CA 91911

AGENDA

1. Meeting called to order by Nick Marinovich at 6:00p.m.

Roll Call:

Nick Marinovich (NM)	Present
David Butler (DB)	Present
Dr. John Grubb (Dr.G)	Present
Terrance McKearney (TM)	Present
Kevin O'Neill (KO)	Present
Edgar Guerrero (EG)	Present (left at 8:10pm)
Bernardo Vasquez (BV)	Present (arrived @6:20pm)

2. Pledge of Allegiance

3. Approval of Meeting Minutes:

- a. 6-12-13 unadopted minutes, trailed until next months' meeting

4. Public Comment: There were no public comments.

5. Report from CBOC Chair:

Gave chair report at last board meeting, being very direct, informed BOT that CBOC is together as a committee and clear that CBOC is not happy about not getting the transcripts, CBOC is united on that topic. **(TC)** end of fiscal year and budget has been adopted.

6. Bond Project Updates

- a. Project Status Reports: went thru Prop O Update highlights, see handout for detailed information, also on website.

(Dr. G) concerned about having no lights in the designs/process of the track and fields, especially at BVH School which was built 50 years ago, would like see a copy the agreement written and passed about this issue. This is a discrimination issue, since this school is the only school that does not have lights. **(KO)** agrees with Dr Grubb, and would find money and do the underground work in anticipation of light in the future, get the design and let the school itself go out to the neighbors and let them sell it to them and how it would be better. **(Dr. G)** added that for a long time, Friday games would be played at Southwestern College and since been closed for repairs for two years, students can't practice there and becoming more and more difficult, and maybe soon Southwestern College will say they won't be to continue doing this anymore, and then all the home games for BVH are away games, so they are not able to have a home coming game at their own site. **(TM)** reason not in design now, is funding? **(TC)** replied that reason long standing agreement not to have lights at that field because of location and close proximity with housing units behind it when it was built. If lights were installed would only be for practice, the CEQA process would have to be done, mitigation, etc. **(NM)** who'd be the lead staff person when this issue comes up, real estate issue.

Public Comment: **(Ms. Cheers)** asked a question regarding the HVAC. Will all buildings once this is completed at BV, will all sites have air conditioning? **(TC)** all buildings have ac now, but bldg. 600 is on old, old central system, built fifty years ago, all the other classrooms with Prop BB have rooftop units installed. **(Ms. Cheers)** regarding the field, BV parents are most vocal and carry a lot of clout, would recommend anybody who knows anybody from BV parents, that perhaps the parents could get together and they tend to have associations and affiliations with private business and may be they could get that done, and she was told that SWC was planning on asking for monies from our district to for those students to be allowed to play on their fields.

(TM) asked about Stephen Hawkings is on campus at SOM? **(TC)** Stephen Hawkings Charter #2, Stephen Hawkings Charter School #1 was relocated from CV Youth Center to the old ROP bldg., adjacent to CPM. District requirement thru Prop 39 is to provide facilities for the Charter, portables needed to be renovated anyway, so renovated as part of the scope of the project, because of enrollment problems and demand for the Charter, opportunity to Charter expansion thru this community, they are segregated from campus. **(KO)** questioned the Stephen Hawkings #1; where did money come from being put at CVH **(TC)** from the Charter, NO BONDS FUNDS USED FOR CHARTERS. Youth Center Gym is now being used by CVH for practice gym and district-wide gymnastic program. **(BV)** asked about the bleachers at SUH, asked if they were being cleaned up, if structurally sound, **(TC)** yes, being cleaned up, sandblasted and yes they are structurally sound. **(DB)** asked if on the design of BVH and HH were any consideration given on Mr. Paynes concerns about putting in international markings, for different events? **(TC)** all kinds of markings are on there and district goes by CIF requirements are, believes CIF is going to meters, so do is looking at doing the markings for different events, lacrosse, football, soccer and girls field hockey. **(NM)** question on solar, what is the nexus between Prop O and the Solar Sites in terms of money and support. **(TC)** require PPA (Power Purchase Agreement) all the work and everything is done on their dimes, they get to finance it, we end of paying for the power instead of SDG&E, and since SDG&E is going up 11% – 18% in September, so happy to be getting solar. Only thing Prop O pays for is the inspector.

(TM) question on a couple of projects, would like to know the cost of repairs on asbestos and lead paint. **(TC)** type of asbestos running into on older sites, pipe-lagging, high-high concentration, highly regulated yet , not as expensive is floor tile, 2% crystal, and type of asbestos in 9x9” brown spotted floor tile, as long as it’s not damaged, cracked and have a layer of wax on it will last forever, ceiling tile. Bigger issues are the roofs, asbestos in the mastic.

(TM) nagging concern about the relationship of the charter schools, who is getting a good deal? **(TC)** Prop 39 passed, and part of that was creating CBOC, creating the ability to charter schools to get access to available space in school districts, that’s where they put in their request for additional space, lots of our schools in the west site have a lot of capacity available to take care of their charter schools. They pay for any improvements or services, but not for the facilities. e.g. payroll, maintenance etc.

(KO) continued discussion on asbestos, in more detail of what it is. **(NM)** going thru projects, some can be very time consuming, questioned how many Project Managers are associated with the projects. **(TC)** Five high quality PM that do all of what you are asking, divided up the district geographically, important that the PM get to know their schools, integrated with staff and staff knows them, Ms. Cheers see Russ Decker every week at, MOH, he does all the projects in that regional area, each Program Manager has his/her expertise, Russ does all the Cell Towers, Trent Carr (SUH & NCM) does all the scheduling, he’s a master scheduler, help other PM with their schedule and analysis of their schedules, Linda Clark know Commissioning and F&E work, she helps with buying out their F&E’s, Karl Bradley good instruction guy, does the PPA and plus does the CVH, everyone has their expertise and their area, Larry Moen is out in the East ELH, his expertise is really in Campus planning, so will be working on Ed Specs and long range master plans. Each has at least one big project and multiple small ones in different phases. **(NM)** is there a lot external beaurcratic reporting, meetings?? **(TC)** mentioned that once every two week Facilities meets, and Tom talks to the everyday, a coordination meeting with Maintenance, IT, Food Services, purchasing, etc., we sit down talk about all projects, schedules going forward. **(BV)** mentioned in the past they had seen an organization chart, where every project manager is at and seeing a percentage of Prop O money being spent verses general fund money, may be useful to see, if beneficial or not? **(NM)** agreed it would be beneficial and helpful. **(TC)** when getting into financials can talk to that, and at next meeting can bring back 1) Matrix Chart, distribution of cost to General Fund, CFD’s and prop O, 2) a visual that really shows geographic assignments of Project Managers. **(NM)** asked if district had any private CM Firms? **(TC)** No, we have NO CM Firms doing any CM work or PM work, we are doing it all in house, we have the County acting as our agent on design/MOH.

Public Comment **(Ms. Cheers)** asked regarding 1) football field, asked if there was going to be a Sweetwater logo on those. **(TC)** yes, there will be on all fields, and not a CIF requirement, **(Ms. Cheers)** 2) mentioned regarding the Charter Schools the community did not ask for the Charter schools, that was Dr. Brands, he brought it to the community, 3) also mentioned her concern about Solar we only pay for inspectors, how much do those inspectors cost, is there a total that can be given? **(TC)** yes can give a total, since it would be 17 sites probably several thousand dollars total. **(Ms. Cheers)** one of her main issue prior to TC coming on board, the number of Sweetwater District employees that are paid out of Prop O, not just PM, but secretaries, purchasing buyers etc., she would like to recommend a separate line item that would show that amount of money being paid? Continued to ask if any of Dr. Alt's salary was being paid for by Prop O. **(TC)** NO not a penny. **(Ms. Cheers)** regarding what's going on at MOH, SDCOE, the gentleman by the name of Mikall Nicholls, feels that Mr. Nicholls is on top of every single penny, and gave lots of positive feedback on him and she is very happy with him and his duties. **(BV)** curious if district is using Bond Funds for legal fees? And where is that being captured, whether that's something that we as a group would like to see amplified on the financial summary, concerns in years past those funds being used. **(TC)** to bring back to next meeting, previously CBOC asked for the amount spent on staff under Prop O, about \$2 million a year. SGI \$5 million a year, will also bring back legal fees.

- b. Project Financial Summary
- c. Board Items Report
- d. Program Management Update

7. Payment and Performance Bond presentation (*7:00pm time certain*) **(KO)** Invited Mr. Barnes, he agreed to give the CBOC a premier of Performance Bonds, he is considered a guru on this type of surety. **(Mr. Gregory J. Barnes, Attorney)**, mentioned a bit of history, California is one of the states that actually has part of its constitution sets of a protection framework for people do work on public projects. As part of that Constitutional right, it leaves it up to the legislature to set up a framework, where by labors, materials suppliers to public projects have the opportunity to secure their rights to be paid for the work they did on a project. So the leaving of the mechanics to the legislature that has engendered numerous statutes that pertain to public entities requiring payment bonds, performance bonds, the methods where by contractors, sub-contractors, material suppliers can make claims for the work they did against this payment bonds, the methods where by the public entities can enforce the rights under the performance bond. Continued discussion and explanation. **(KO)** there is a program for smaller contractors, it's like going in for a home loan, not going to give you any size bond on an underground tunnel if all you've ever done are high-rise's.
8. Initiation of Annual Report process: **(NM)** just a reminder that we need to get started in that area, project management costs, over the last two year comparison is astounding in the right direction. Gives an opportunity to talk about things with community input and would like to get across and publicized.
9. CBOC Sub-Committee Update
 - a. **Annual Report (N. Marinovich, D. Butler, 2012-2013) Nothing**
 - b. **Best Practices (E. Guerrero, Dr. Grubb, T. McKearney)**

(Dr. G) wanted to inform about his meeting with Mrs. Huezo and Assistant, and would be asking for a written process that would be followed for the interview process in the future. As an example got an informational data back today thru email from one of her assistant who will be handling the interview process tomorrow, wanting to have all this in writing and present it so its' part of the record and process to be followed in the future, so we don't have guess work on what's going happen and when. **(BV)** including in process will there be some sort of scoring sheet, standards they are looking for? **(Dr. G)** he reviewed all the applicants and would not only be interviewing two, but all the applicants since there was no action taken. So there are two slots open one for bus and one community at large individual, and will recommend that we have if possible a primary and secondary selection for each and let the BOT make that selection. **(BV)** thanked Dr. Grubb for his work, and glad he didn't have to go thru the standards now, since he didn't think he would pass. **(KO)** Feels the grading sheet should be retained. **(Dr. G)** this will be his recommendation to Sandra Huezo, the whole process be written out in detail and how the process occurs; what steps are taken; what the forms look like; how each individual is graded accordingly; what supposed to be included relative to the selection process at-large, PTA member, etc., plus inclusion with the CB, the grades themselves for the individual should not be published, that is not appropriate.

Public Comment. **(Ms. Cheers)** when it says PTA member, would like to recommend that the consistency this BOC remain consistent with regards to intellect, qualifications, and expertise.

(Dr. G) trying to make sure that the public has every bit of information it should have relative to the process, how the process works, what is the criteria for evaluating the individual candidates, part of that process, what experience do you have in the financial area. Doesn't feel you have to be an expert in the committee, someone to develop consensus and the ability to bring together a cooperative venture and look to the expertise of other members on the committee on certain aspects of the committee functions. He wants to make sure that that process is fully explained and published, on the appropriate document in the school district. Then it will be sent to the BOT for a selection. **(DB)** this is why we insisted on one of our board members sit in on the interview panel, on last three, NM, DB and now Dr. Grubb, this is a good feel on who will mesh. **(NM)** would hope that the process structure, when on committee there was a standard set of questions, feels that if you have a specific question, you should be able to ask a follow up question, or if there is a probing question we should be able to ask a question. **(TM)** feels that the problem is not with interview process, it's been getting that do well in interview in front of the BOT and that's been issue between the BOT and the Superintendent, would be looking for that once you pick someone, bearing opinions on how the selection should be made, whether they stone wall and sit on or whether the Superintendent is going to allow the names to go forward so we get the seats filled. And that is where the issue is. **(Dr. G)** assured that this process is what it what it's going to be, and he is hopeful. **(KO)** all we can do is try to go forward, feels that we've negotiated a great deal. Dr. Grubb has done a great job. In order to make it fair for each one coming in you want a basic grid questions that fit all, then you can ask in between. **(BV)** wanted to remind, our own Bylaws do allow the Trustees to allow the Superintendent to make recommendation on who's selected, just wanted to make everyone aware, we may have this perfectly clean process that is transparent and everyone agrees that it's the best process possible, knowing the Superintendent he may exercise his rights as given to him by our own Bylaws to make a decision and we need to be prepared if it comes to that. **(NM)** commented that's why you need to have the probing questions, joke about Jim Morris on the committee, now I know about the district.

Public Comment. **(Ms. Cheers)** asked if the Bylaws could be changed, every single BOT meeting she has gone to they are changing bylaws. If they can change Bylaws why can't the CBOC Bylaws be changed? And at last meeting Mr. McCann thought that Dr. Brand should be part of this whole thing. So don't be surprised as Mr. Vasquez mentioned.

c. **Finance** **(D.Butler, T.McKearney)** NONE

d. **Audit** **(N.Marinovich, D. Butler, T. McKearney)**

a. CBOC comments on District Performance Audit comments

Need to look at the last two and what the district said they were going to do and compare to what's actually been done, in terms of their response to the performance audit. Also wanted to mention, KO, NM two other committee members showed up at the SDCOE today, under non agenda public comment. Primary purpose was to surprise them, a presentation of three minutes each, we questioned "why County Office of Education haven't you been more involved more on what's going on at the Sweetwater District", given what their charge is? The important outlook we care as a group, as citizens, as chair, after the meeting had a great conversation with one of the Office of Education people member, about our concerns, discussion that at a future agenda they SDCOE would look at, and what additional role they would have for the district.

(TM) commented, his respect for your rights for those who went to the SDCOE and from his perspective and a member of this committee and someone familiar with the COE, not sure that's it's role to be involved with us in any particular level, and not sure if he would personally welcome their involvement, if they want to send someone here, informed that as a member of this committee and his role, COE does not particularly seek, welcome or desire the COE involved with us, maybe as a resource if we have questions, feels COE role with exception with the charter school they run and certain alter schools they run they are not in the business of delivering education, they are conditioned Human Resource management firm, they go by VIBA, they are an education resource for educators that really work in the field. Doesn't see a role in our deliberations.

e. **Asset Management** **(N. Marinovich, Dr. Grubb, K. O'Neill)** NONE

f. **Sub-Committee formation/Membership** NONE

10. **Deferred Maintenance Program, (TC)** the budget closed with money remaining, so that the zero amount allocated to DM this year should grove to \$1.6 million, so will get the ½ of 1% in general fund budget, to sink into more roofs.
11. **Possible presentation (brief on bid methods for next meeting e.g.,lease leaseback) (TC)**
Sent this out to everyone and posted. Covered some high points from the thirty-five pages. Lease-Lease back is a contractual arrangement not a project delivery method. Cover main points and informed committee once they look it over and have any questions he is happy to go over. (See handout for details)
12. Committee Member Reports
Individual members of the CBOC may make announcements or raise issues to be addressed in the future.

(NM) has not received back as chair any response to the grand jury transcripts. **(TC)** informed that district would not be providing those, because a. they are available thru other means and b. they can't be posted in the website; we (district) are not paying for them. **(KO)** response was requested in writing, from the decision maker. **(KO)** agree, then don't post on website.

(Dr. G) To do list from committee.

- 1) Funds for legal cost, broken down
- 2) Agreement for the lights
- 3) Would like to find out, issue raised regarding Chair being reimbursed for attending CaLBOC, and would like to know in writing why it was pulled. Doesn't feel this was appropriate when he has been paid in the past. What's to know why?

(NM) went over Chair Reimbursement to CaLBOC. Last BOT meeting, there were two prior board meeting there where items before going to CaLBOC and after a request in advance of trip to pay to Sacramento, delayed twice since board meeting went on forever, last board meeting item, ratify now, reimbursing him for the \$564 and trustee McCann pulled item, they discussed, lectured about the kids going without, basically they voted, two to two vote with Ms. Quiñones & McCann, Not to reimburse him for trip, Ricasa & Cartmill, Yes, López was absent. As it stands, was told item cannot be brought back for one year.

(TC) unless the one of the two and president of the board oppose want to bring it back.

(KO) upset about the 2-2 vote and continued discussion regarding the way SUHSD

(TC) clarified, the item failed due to lack of majority, the ratification was the action to approve the trip, processed up thru Superintendent to the BOT.

(KO) argued, two meetings ago when they dismembered the ROP & Adult Ed. Program Ricasa recuses and the two people who wanted to maintained it got finessed, went 2-2 and the motion maker carried the day according to their bylaws.

(BV) made a recommendation for discussion, would we consider presenting a letter from the committee to the BOT asking for a reason why the reimbursement was declined.

(TM) asked the question, where the reason stated in the open discussion in board which were part of the minutes?

(NM) commented he has spent a lot of time on this stuff, not looking for a medal. Has paid for two trips now totaling approximately \$1200.

(KO) commented that this sends a terrible precedent, if we are going to be marginalized and our representative doesn't go to professional meetings. This is worthy of going to war on, not just for the \$540 he is out this time around.

(Dr. G) if it weren't precedent setting, would have no reason to ask for some type of reason for doing it. It has been precedent setting because it's been reimbursed in the past, now suddenly it comes up there is no money to do this. Feels it makes no sense, it was a political decision, had nothing to do with reality of the process.

Public Comment. **(Ms. Cheers)** was at the meeting Mr. Marinovich is talking about, she had just watched them approve approximately \$66,000 for memberships on every chamber of commerce, every counselor organization, board member organization, upset that Mr. McCann sits there by paying for the \$500 we were taking money out of the classroom, what about the \$66,000! Last, they are messing with you, they are messing with you and should not, because you are trying to do a good job. Everything CBOC has asked for has been denied. **(TM)** doesn't feel letter should be sent asking BOT why. **(BV)** also mentioned that the district send parents to CABA conferences, 2nd language conferences.

(KO) Once board meeting happens Monday, they have a chance to cure this Monday, if they take that opportunity, if not then we send that strong letter and then hold a press conference, our strength and the people we report to the public, we do that thru the media, that's his suggestion.

(Dr. G) feel more comfortable if Chair and TM would draft a notification about that process you're talking about, we're not getting funded for our professional organization, but all these other things are occurring. Send a copy to them and ask to refund Chairman's trip, they will say no, and then send to press and have a conference about it, let them know that we are not able to get the expertise we need for our Chairman, who is overseeing hundreds of millions of dollars of the public's money.

Motion made by Dr. Grubb, passing a resolution to be drafted by Chair NM and TM, protesting their failure to fund chair trip to CalBOC. To be presented at next board meeting, which is Monday, August 14th, will be sent to the board ahead in their packet as a communication. Motion 2nd by **(DB)**

(BV) felt if this is going to be presented at the board meeting, that one of them reports out on our committee meeting and then discusses the specific issues, so that Chair is not up their again seeking reimbursement. **(TM)** If chair is not going to be their someone will do report, and communication should be sent to BOT in time. KO suggested make extra copies and hand to media, or email it out. **(Dr. G)** is there anything that violates the Brown Act, if we get to look at that document before it goes out? **(TC)** not supposed to do committee work more than three working on it, after run thru committee, you're having discussion. **(DB)** if Chair not attending BOT than he will do committee reporting to BOT.

13. Meeting Schedule/Format
 - a. Calendar Additional Site Tours
 - b. Retreat Scheduling

(NM) asked about setting up a retreat, Ceci to send out a couple of dates, Suggestions to use the Professional Development Center, Ceci, need dates and time to make sure facility is available. Asked to schedule something on a Saturday, for approximately a three or four hours?

14. Staff Announcements – Next CBOC Meeting August 14, 2013
(TC) unless workshop is scheduled before then. Also mentioned tickets Sept. 6, dedication ceremony, City of National City, NFL, People who have contributed. SUH playing their first home on its new Prop O stadium.

(TM) Has an Idea of Sub-committee meeting the day before 4pm.

15. Motion to Adjourn, **(KO)**, 2nd by **(BV)** pass unanimously at 8:26 p.m.