



## Proposition O Citizens' Bond Oversight Committee

May 08, 2013  
District Office/Rooms A & B  
1130 Fifth Avenue

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)	<i>Absent</i>
Bernardo Vasquez (BV)	<i>Absent</i>

2. Pledge of Allegiance

3. Approval of Meeting Minutes: Minutes for April 10, 2013 trailed until next meeting.

4. Public Comment:

**Ms. Cheers**, commented again about the last board meeting she attended, where she feels Dr. Brand is attempting to take control of the CBOC. She observed dysfunction, and Dr. Brand refusing to answer questions with regards to why he sabotaged Mr. Clapper from being a member on committee. Reminded BOC about a year ago Eric Hall & Associates was hired to do the Prop O audit, she had spoken out about that, because, prior CFO Bruce Husson worked there. Shared her feeling about the district for the most part struggled with any type of action that is positive, and finally would like to share where Dianne Russo now works, Eric Hall & Associates. She feels the only entity the public trust is CBOC, over and over again BOC has given the district the benefit of the doubt, if you want to know what the district is all about go to a board meeting, last month was the icing on the cake which was embarrassing.

**Dr. G.** asked Ms. Cheers what she suggested this committee they do to raise the issue. **Ms. Cheers** would hope that the district would stand up to Dr. Brand and/or the board and demands to know why after publicly sad he would not interfere with the process why he did? There was a selection committee, two were blessed to go forward and then Mr. Clapper is not there, and yet Dr. Brand talked about a person named Burt Grossman who he would like to see become a member of this district with regards to leadership. Mr. Grossman has a book where he goes on records on saying he despises gays. She was also contacted by the Union Tribune, in regards to "L" street. She would like to see CBOC demand an answer from Dr. Brand concerning his involvement in the process.

**NM**, mentioned he met with Dr. Alt, which was very positive. He Sent an email to sub-committee, request to Sandra Huezo on specifics on process that was used for getting committee members, history over the last year, on who applied, who was interviewed, who actually review the applications all internally, correspondence like a public records request on the process, and received a pretty basic non-responsive answer back. He informed Ms. Huezo today as Chair and representing the committee, that CBOC wants to get down to the bottom of what been going with the Bond Committee process. He feels the process has had problems in the past and it needs to change, our

job part of this committee is to make sure we get a fair process and understand how our committee members are being selected.

**Ms. Cheers**, added that the Reader placed an article, it's an excellent source of information, the basically addressed the situation and everyone is looking to see what the CBOC are going to do.

**KO**, informed committee he did send an email to the Board and Dr. Brand, and his assessment on the process.

**NM**, expressed how strange it was how Dr. Brand refused to answer question from an elected official. **Ms. Cheers**, mentioned that she was meeting with Mr. Cartmill on Friday and would be asking him that same question. **NM**, informed that Mr. Vasquez's term ends at the end of July 22, 2013, and need to know if he wishes to be extended and then that would go back to the board.

**Dr. Grubb.**, asked Tom if he can explain to him, why would we still be petitioning the community for additional applications when there are two excellent candidates that we could choose. **TC**, told Dr. Grubb he could not answer that question, because he has nothing to do with the recruitment, has been in district in the past, and generally positions are advertised until filled, because of turn over on the committee, they are always looking for good applicants. **TM**, saw Ms. Huezos's note and understands the fact that she doesn't feel comfortable turning over names/personnel files, so he basically CBOC wants to know when are they getting the positions filled. **KO**, explained Education Code and specific instructions on what happens in a vacancies of a board member not an employee, and directs that interviews and nominations will be done in public, feels that should apply to the CBOC member, continued discussion. **TM**, feels issue is if the two people were not acceptable what is being done to get two people are acceptable, is the problem at the Superintendent level or the board level, why is the board insensitive to fact that CBOC doesn't have a full member. **KO**, what happened to Mr. Clapper nomination, which got in front of it before it got to the BOT, if staff stepped in front of it, then the process will not work. **DB**, also comment, sitting on the interview committee prior to NM felt it was well handled by HR and everyone got their say, such an improvement to the old way of being appointed. Interview committee was assured that the recommendations were going to be put forward and that HR was not going to stop what the committee voted, going to be put forward, feels that Dr. Grubbs went forward from HR, that said here are the two recommendations and stopped at Dr. Brands, why? **NM**, assures the committee it is not HR.

5. Joint Board/CBOC Meeting Agenda for May 13, 2013

**NM**, informed committee about joint meeting coming up with BOT and CBOC. May 13, 2013 at 3:30 p.m. we have one hour. Also spoke with Jim Cartmill and came up with three issues as agenda topics, a. & b. Performance Audit being the most important. Would like to see what committee feelings are individually on what we hope to come out of this meeting. **KO**, commented on not being happy with the location of meeting, not being at same level as BOT. **TC** informed that because of seating capacity, not enough room to have joint meeting in the A & B room, board room fits more people, especially if there are public comments. **Dr. Grubb**, agreed that the items on the joint agenda are proper and appropriate to discuss, not sure how much information will be received about current process, his concern is he was never an activist when his children were in school, so wants to meet with board, wonderful, sympathetic and collaboration with BOT, lets' see if we can reach some kind of agreement on how they are going to be handled, that's what he is hoping. **DB**, also agreed with Dr. Grubb, also guilty of not attending board meetings, they basically disgusts him, commented how great the **NM & KO** attend them and been so great at that, looking for a message to the board that the CBOC is united as a committee, that Dr. Brand can do all he wants as far as trying to put someone on this committee that will disruptive, we will do what needs to be done. **Dr. Grubb**, feels that Nick and Mr. Cartmill should iron before everyone meets, as far as who will be running meeting. Public Comment:

**Ms. Cheers**, mentioned that she would not be speaking at the joint meeting, she also feels bothered by the BOT not listening to NM when he's giving them the CBOC report, there is good information given. Looking to BOC to find out why Mr. Clapper was out? Wants to know why? Dr. Grubb,

wants to ask the BOT “why did Dr. Brand interfere with the process”? He was disgusted at the last board meeting, it was contumacious, mis-managed, wanted to speak but it was so late and with him having surgery he left.

6. Bond Project Updates

- a. **TC**, went over all the projects with status reports, see Proposition O Project Update handout for detailed information. **KO**, mentioned the MAAC charter kitchen, doesn't like the fact that FF&E will be done on a building that is not owned. **TC**, informed BOC that the MAAC project is on hold, and that his desire is getting the money back and putting it into contingency, under Prop 39, it is required that you support Charters on certain percent basis with bond funds. We will not be doing what they need us to do, which is build a kitchen, do not want to use/or pay with Prop O funds on a lease facilities. **TC**, will have more about this at the next June meeting. **TC**, mentioned the Energy Champion Award the district won, due to the entire solar program, 17 sites. Discussion on savings.
- b. **TC**, Financials, showed new slide Paul Woods developed, WIP Report (*Work In Place*) running over \$2 million dollars a month, goes thru a four month review, with number of PO's, bids, invoices and change orders with BOT approval. **KO**, they were supposed to get a running total on change orders as a percentage on each project? **TC**, mentioned that the Project Financial Summary pages for each site have the change order rates, see handout for details.
- c. **TC**, informed BOC lots of board items done in April since March meeting was held over, total of 25 items, but not all were held over. **NM**, mentioned that McCann had pulled his item for conference in Sacramento and was interested in finding out why this was done?
- d. **TC**, notified BOC that we now have a contract manager and he'd be interviewing her with Dr. Alt the following day, and finalizes selection and will now have a person working on RFQ's. **Dr. G.**, asked TC that he is concerned with the fact that a BOT pulls an item off, asked if they need to give a reason for doing that? **TC**, answered, anything on the consent calendar can be pulled off by any board member; staff member or member of the public. **Dr. G.** just wondering if something was wrong with the request, wants to know if that will be discussed in the joint meeting? **TC**, added that an Energy program won the award, which BOC is watching over.

Public Comment:

**Ms. Cheers**, asked the following questions:

- 1) SUH's welding building, if doing away with ROP and Adult Ed. Is the amount of students during the day, taking course is going to prove financially worthwhile?  
*Answer:* TC, CTE classes continuing, adult school still continuing, only one adult school closed, adult school classes throughout the district, NCA, SYA. Only difference in regards to ROP it will not be centrally managed in classes and central locations, they are all disbursed to the schools.
- 2) BVH football field, her understanding that they did not have one, since a promise made to community because of noise, so are we sure if football field we're not going get hit by a lawsuit by a homeowners association?  
*Answer:* TC, there was an agreement with SWC, but it was for home games, (community did not want night games) intent was not to put in lights, but to have a useable field and track that's safe.
- 3) CVM solar project, the teachers got together a letter of protest, since Dr. Brand promised this would be in a certain area, and it was built on an area that imposes on their activities.  
*Answer:* TC, addressed that, design changed and put around the parameter fields as opposed to where it would be originally.
- 4) HH, elevator or air filtration systems that a lot of money was spent on, is not working and has that been corrected? Not really sure what it was?  
*Answer:* TC, only thing at HH to do with air is a dust collector in wood shop, and that is working correctly.

5) Program Manager, is that or was that district employee?

*Answer:* TC, there is a position called Program Manager, Mr. Karl Bradley, is Program Manager and he runs the entire solar program. Also noted Contract Manager is the person that will be working in purchasing that going to do professional services.

6) When SGI was here Jaime Ortiz, always talking about money received, platinum, premium, how much money did we receive for all that?

*Answer:* TC, You don't get money back from lead, other than you save money by utilities by having more energy efficient, high efficiency air conditioning unit and lighting systems, also get from the California Solar Initiative rebates on PB program and for saving by design by SDG&E, incentives we get from the California Energy Commission.

7. CBOC Chair Report

**NM**, mentioned he was going up the following day to Sacramento, CaLBOC, dignitary types, as Treasurer Lockeyer, Assembly Member Buchanan, staff members from a lot of the Legislative Committees that look at education. There are three legislative developments that we've talked about in the past, just a reminder:

Limitation of capital appreciation bonds, in terms of ratio of 4.0, callable, and 25 years

2) Importantly, Bernardo Vasquez went up to Sacramento, about two weeks ago on other business with State Farm, and testified before senate committee on legislation which would require that when the perform audit is released to BOT and draft that it also be released concurrently to the CBOC, #2 three months after the BOT receives the final audit they have a nine day window to respond to the comments outlined in the performance audit.

Prohibit campaign contributions, a firm that works on campaign contributions for free like an underwriter, bond council gives money to get a bond measure passed for a school district, they would be precluded from receiving contracts on bond programs.

3) Met with Dr. Alt and Tom Calhoun at his request on follow-up meeting discussion on BANs, every time he talked to Dr. Alt, very impressed in terms of Dr. Alts forth rightness, and his willing to reach out. Spoke on having a Citizens Advisory Committee on Community Facilities Districts, having maybe **NM** if committee goes along with it, being involved with the selection of financial advisors and underwriters and having a more inclusive process. Will try to meet with them or chair who ever that is, to go over the financial condition of the district, as he explained the AV situation, felt more comfortable with the interaction he had with SDCOE staff, like a second set of eyes on this whole BAN issue.

4) Also had a discussion with Brian Clapper, and just want to say the whole thing had issues. He was even recommended by the Chamber of Commerce to be the representative for this committee.

8. CBOC Sub-Committee Updates

**KO**, no committee reports at this time. **NM**, only seven members so sub-committees are limited to three, informational item as far as the sub-committees some only have two members others have three, until we have a complete member panel. **TC**, Asset Management will be interfacing with Deferred Maintenance.

9. Deferred Maintenance Program

**TC**, informed about his trip to the Chief Operating Officers conference which happens once a year, we are now qualified based on our population, over 35,000 students, showed a power point with nationwide concerns. Mentioned to CBOC that our district maintenance has the same number of maintenance we had in 1985 with six less schools. Will be starting with a Facility Condition Assessment as part of the large range plan, will be looking at all the things that we need to do at the buildings based on life cycle and total cost of ownership calculations, so we recognize how much money we are spending, tracking overtime. For detailed information, please see your handout

“Council of the Great City School”, power point. Also went over the Deferred Maintenance Plan FY 2012-13 & 2013-14 document created by Tom & Gary Gauger, document on website for full details. Continued discussion on various items, filters, magnets, light bulbs, painters for graffiti, etc.

Wrapping up DM,

**TM**, CBOC perspective we got the this and now need to get it over on Deferred Maintenance, and what we’re building now, **KO**, we have to protect our investments, if we are not going to maintenance the buildings, we shouldn’t give any more money to build more, the more you have the more stranger resources are, it really would help you (TC) by speaking to this issue to BOT say this has to be done, as part of your judiciary responsibility, not only Prop O, but to the tax payers in general. **TC**, in realistic dollars 4 mil sq ft in building, \$300 a sq ft, \$1.2 billion to replace, equals \$24 million for DM which is a great target, but we get \$8 million dollars, so \$16 million dollars are DM a year. Also mentioned, CFO/Supt. has promised \$3.2 million a year.

Public Comment:

**Ms. Cheers**, brought this up to the BOT 3 ½ years ago, the idea of employee incentives for saving money, her history is corporate management and her company offered if employee saw something that would save money, employee would get a percentage. Asked if district ever thought about doing something like that? **TC**, will check with Manny Rubio.

10. BAN Follow-Up

**NM**, already discussed earlier.

11. Committee Member Reports

**TM**, mentioned the district had a Stem Fest Activity at Otay Ranch and was not there as CBOC member capacity, but as sponsor of a cyber-competition, and commented that Dr. Brand actually had stopped by and listened to his presentation and acknowledged him along with board member McCann, everyone get wrapped up in what is done here, politics of education, we need to remember this is really about education and kids. Also got to see the iPads, saw a music teacher, had kids playing several pieces using iPads, the value of the iPads one using it as a keyboard, drum set, string, and feel that we do need to keep the iPad issue. And would like to see more sites, suggested campus who uses them the most. RDRM was suggested by Ms. Cheers. **KO**, attended a break out class at the stem fest activity the advantage of the iPads still alludes him, in regards to answering questions on iPads as a opposed to interaction with the students, some student can only be reached this way, then got into a literature thing, Moby Dick, thought, now kid will answer questions non-vocally, kids have to learn to communicate. **TM**, the people of our district want their kids to have the best educational experience technology can give them. Ceci to set up iPad visit to RDRM.

12. Calendar Site Tours

**TC**, anyone interested in going to see classroom with iPads, asked CBOC to send availability, then he can take any member to visit sites. If four or more will have to agendize it, notice it, can have meeting at different sites.

13. Staff Announcements

**TC**, Next CBOC meeting on June 12<sup>th</sup>. May 16, 2013 Ground Breaking @ MOH, all are welcome to attend.

14. Meeting was adjourned at 7:59 p.m.