

Nick Marinovich  
8535 Hillcrest Avenue  
La Mesa, CA 91941  
619-934-4982  
[nickmarinovich52@gmail.com](mailto:nickmarinovich52@gmail.com)

December 11, 2015

To: President Frank Tarantino  
Board Member Nick Segura  
Board Member Kevin J. Pike  
Board Member Paula Hall  
Board Member Arturo Solis

Dear President Tarantino:

Greetings. Thank you for the opportunity to submit the monthly Bond Oversight Chair Report. Here are the highlights of Citizen's Bond Oversight Committee (CBOC) activities since the Board of Trustees Regular Meeting of October 26, 2015. Since this report is also met for public review, some of the material may be redundant to the information discussed at our Joint Meeting on Monday December 7, 2015.

**November 10, 2015 Regular CBOC Meeting at Eastlake High School.**

The highlights of the meeting are as follows:

Site Tour. District Planning and Construction Staff conducted a brief site Tour. There were no Eastlake Lake High employees to assist in the Tour, which was a cause of concern to the Chair as I had some operational questions.

We viewed the Observatory, looked at the Portable Classroom areas, and briefly walked some of the grounds. Eastlake High is clearly in superior condition to the older schools. What also stood out was the night lighting was much better than the other older schools.

Project Status Report and Financials. The amount of spending has slowed down significantly. January 2015 had a \$3.7 million in expenses. Between February and October 2015 monthly expenses were between \$1.7 million to a low slightly above \$500,000 in October.

The largest pending projects are the Southwest Middle School Project and Montgomery High Title IX Improvements. There are a few other smaller projects (e.g. design of a concession stand at Sweetwater High). The CBOC has requested information on total Proposition O Expenses by month and Project Management Staff costs charged to the Program during the same month.

Project Labor Agreement Discussion. The bulk of the meeting centered around the Project Labor Agreement (PLA) Issue. Jennifer Carbuccia, General Counsel, presented a PowerPoint Report on the District's first effort at a PLA Timeline and process as summarized below:

- November/December 2015 Internal Working Group (Finance, Planning and Construction, Facilities, Maintenance, Purchasing, Legal) develops questions, issues and do research.
- January/February 2016 Meetings/Input with Stakeholder Groups (CBOC, Contractors, Community Groups)
- March 2016 Begin Negotiations (informational item to Board in February)

Superintendent Janney indicated the Board has not had a meeting yet in which they could discuss what further action if any there would be to the CBOC request for a four month moratorium until the PLA issue could be studied.

There was a spirited discussion among the CBOC regarding the PLA issue. While all members individually have slight differences in specific opinions, there was a theme in the discussion, which can be best highlighted by three questions:

- What issues or concerns with the Bond Program are going to be solved with a PLA when there might be another approach/project delivery method that might be more cost effective?
- How much thought analysis and data was researched before we move forward with the use of a PLA i.e. why is this necessary to do now?
- How much does the Board value the input and observations of the CBOC?

After much discussion and the tabling of a motion to have a Vote of No Confidence, the CBOC directed the Chair write a letter to the Board requesting a response to the following action adopted by the CBOC on October 15, 2015:

*In the interest of public trust and transparency the CBOC requests a 4 month moratorium on Resolution No. 4391 to assess data on the pros and cons of Project Labor Agreements. In addition the CBOC would like to assess and recommend; better construction delivery methods, pre qualification requirements for the contractor pool, inspection process, and methods of project management that*

*would address the totality of the problems impacting projects from being on budget, on time, and with quality work.*

The CBOC submitted this letter to the Board on December 2, 2015 (attached). Attached as well is the Informational Report prepared for this November CBOC meeting.

### **November 23, 2015 California League of Bond Oversight Committees (Calboc) Meeting.**

The Chair attended the Calboc Board meeting in Sacramento on Monday November 23, 2015. There was considerable discussion about the nearly finalized and revised Operating Guidelines for Bond Oversight. There was again discussion about the role of the Bond Oversight Committee and confirmation that we are not just a review and report function after expenditures are made but pre expenditure review and comment on issues relating to program such as Project Labor Agreements.

There was also planning on major Annual Event which will be held May 24, 2016 in Sacramento. Proposals for Legislation were reviewed. Calboc's historical legislative efforts have focused on getting more expansive and rigid Performance Audits. The recent Sweetwater Moss Adams Performance Audit is posted on the Calboc Web site as an example of a good and compliant Performance Audit.

### **Special Joint Meeting of the Board of Trustees and CBOC.**

On Monday December 7, 2015 there was our "marathon" five hour joint meeting of the Board of Trustees and the CBOC in which a variety of topics were discussed. Here is a brief summary of what the Chair considers to be the highlights, as our CBOC has not had a follow up meeting to debrief ourselves on what happened and discuss "where we are going":

Long Range Facility Master Plan Update. Extensive meetings between staff and the Community have occurred in the rebooted Master Plan effort. Staff will be preparing the final Long Range Master Plan not the consultant. The District should be commended for realizing there was room for much additional input from Stakeholders.

The Chair attended a School Site Master Plan at Bonita Vista High and was impressed with the listening and perspectives being discussed. For example, there are Districtwide Educational Standards being developed that will reflect input from staff/teachers on such issues as the classroom needs of the "21<sup>st</sup> Century. In short, I believe we are on the right track for the master plan.

Notwithstanding these positive accomplishments of the Master Plan reboot, there is the unfortunate fact Jacobs Engineering was paid \$399,166 the full amount of their contract titled: "Professional Services for the **Completion** of the Long Range Facility Master Plan Project". This issue has not been discussed at the CBOC but will be on the Agenda for our next meeting January 19, 2016.

Heating and Air Conditioning. Staff is conducting a District wide assessment of Heating, Ventilation, and Air Conditioning (HVAC) needs. The lack of such services has consistently been a concern raised by the Community and staff during the master plan input process. Staff should be commended for taking this proactive approach.

The analysis has focused on classroom needs while it is recognized there are other areas of HVAC requirements such as cafeterias and libraries. The five schools with the greatest level of need are as follows:

School	Number of Classrooms HVAC Needs
Hilltop Middle	36
Mar Vista Academy	37
Sweetwater High	40
Chula Vista High	15
Mar Vista High	10
Total	138

Based upon recent experience the cost per classroom for adding such HVAC is about \$40,000. So in theory just these five schools could cost around \$5.5 million. Costs could vary depending on the amount of structural or electrical improvements required to accommodate the HVAC needs. Staff plans to conduct such infrastructure analysis to satisfy these support requirements.

Caution should be taken in citing costs until the full expense of other infrastructure needs are identified. What can be inferred from this data is the net bond proceeds from the next bond issue could require a good portion of these funds to take care of Districtwide HVAC needs.

There is a lesson to be learned from this experience for the future of this bond program. We must make sure there is priority given to the basic needs of existing classrooms when we construct brand new facilities at Schools. For Sweetwater High the District has spent \$52.3 million of Proposition O funds and yet 40 classrooms are without Air Conditioning. This is a travesty.

In the opinion of the Chair District wide Standards for Classroom physical standards (HVAC, Fire Life Safety) and instructional requirements are paramount and should be consistently applied at all schools. A classroom first approach has been expressed by the CBOC.

Performance Audit Update. An update was prepared on the status of the recommendations of the Performance Audit. The CBOC expressed our continued frustration with not yet having closure on the accounting for staff time for the Proposition O Bond Program.

Project Labor Agreements. This issue and our concerns have been expressed in other areas of this Chair Report. There clearly is a lot of additional work that will be required on the Project Labor Agreement. Your Board emphasized that no final decision or “template” has been developed for the terms and conditions of the PLA. Our CBOC takes you at your word and will be carefully reviewing and commenting on proposals.

We do recognize that there are two distinct roles each of our individual bodies has on this PLA issue. Your role is to set the policy on the bond program which includes a PLA. Our CBOC role is to comment and report to the Public on all aspects of the Bond Program that could impact bond spending and cost efficiency including implementation of a PLA and other reported cost savings/efficiency measures.

### **Selection of a Financial Advisor.**

The Chair participated in a six person panel (three District staff, Chula Vista Elementary, County Office of Education, myself) to review six proposals for Financial Advisor of the both the Proposition O Bond Program and Community Facility Districts. This included a two hour meeting for scoring the written proposals and nearly a full day of interviews and discussion.

The process was fair, extensive, and thorough. It is strongly believed the District will end up with a good advisor to carry us forward in the future of our debt financings.

### **Summary and Closing Remarks.**

There has been some significant disagreements between the Board and CBOC particularly focused on the process and potential implementation for the PLA. The Joint meeting was productive because it allowed us to communicate to each other our individual reviews and perspectives. I believe we both have a better understand “where we are coming from”.

While we will continue to speak out on issues as a CBOC and transmit our concerns should they arise, I think it is also important to acknowledge there has been progress. Our selection process for CBOC members is impeccable. There was a probing and investigative Performance Audit that identified a number of process improvements. The Master Plan process has taken a positive turn under the leadership of Mr. Aguirre. We have been involved in the input to District decisions such as the selection of the Performance Audit firm and Financial Advisor. We are getting a handle on our Warranty Compliance. The District has received accolades by the San Diego County Taxpayers Association for the Transparency of the Bond Program.

Notwithstanding these accomplishments there is still much work to be done to meet the needs for existing and future student facility needs. Our CBOC is committed to informing the public on making sure we are proceeding in the most cost effective approach and for projects that were promised to the voters. As we proceed and

whether eventually a new or reauthorized bond issue is presented to the voters, the obvious should be pointed out. The best results are achieved if we work together.

Thank you for consideration of my comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Nick Marinovich". The signature is fluid and cursive, with a long, sweeping tail that extends to the right.

Nick Marinovich, Chair  
Sweetwater Bond Oversight Committee

cc. Superintendent Karen Janney

**Chair Report-November 10, 2015 Sweetwater Union High School District Citizen's Bond Oversight Committee (CBOC) Agenda Items (Agenda 6 Project Labor Agreement and Agenda 11 Report from CBOC Chair-Role of Bond Oversight Committee)-Prepared by Nick Marinovich-nickmarinovich52@gmail.com**

**Introduction.** The purpose of this written Chair Report to the Bond Oversight Committee is three fold: 1) Provide a history of actions to date relative to the Project Labor Agreement Issue 2) Present the results of a Special Ad Hoc Subcommittee that discussed and provided recommendations regarding the Project Labor Agreement Issue 3) Outline a **Draft** informed opinion from the Chair on the Role of the Bond Oversight Committee relative to Project Labor Agreements.

With respect to Item Number 3 (Opinion on the Role of the Bond Oversight Committee), there will be further dialogue on this issue and it is hoped the CBOC is prepared to discuss this further at our January Meeting. In addition, there will be a meeting of the California League of Bond Oversight Committees (Calboc) that I will be attending on November 23, 2015 in Sacramento. The role of the CBOC will be discussed at this meeting and I can report back and seek the full CBOC collective wisdom on this matter. Our CBOC is all about open dialogue and listening.

**Summary and Conclusions.** There is a role of the Bond Oversight Committee in reviewing, commenting and reporting on Project Labor Agreements both before they are implemented and after completion of construction. Our primary function is to report to the public on all aspects of bond spending.

We do recognize the Board of Trustees, not the CBOC, maintains the policy role on deciding whether to pursue a PLA, prioritizations of projects, and entering into contracts for a bond program. However by reporting on policy and project decisions we may have some impact on Board of Trustees deliberations on this issue.

An Ad Hoc Subcommittee on the PLA issue met and decided to take no further action at this time, though we have extreme concerns about the transparency so far on how this PLA process evolved. It is recommended the CBOC conduct a data driven analysis on the value added of a PLA, the existing conditions that warrant a PLA and/or other construction delivery method to achieve a more cost effective bond program. To emphasize, our role is not to set policy but to make sure we report to the Public as accurately as possible the potential issues and impacts of a Project Labor Agreement.

As we move forward, the public and Board would be best served by a CBOC and Board that works together for a common goal and not let the PLA act as a wedge against further progress. Like it or not the Public and those in the Industry look to

our CBOC to opine on whether the Bond Program is improving, more transparent, structured and conducting best practices in facility construction. We have a collective wealth of experience on this Committee and are both best served by mutual cooperation and listening.

**Definition of Project Labor Agreements.** By way of definition, Project Labor Agreements (also known as Community Workforce Agreements or Project Stabilization Agreements) are a type of contract used in the construction industry to set the terms and conditions of employment on construction projects. Typically they are for large projects of long duration and complexity.

Most Project Labor Agreements contain the following elements:

- All workers must pay union dues and fees
- All workers must be hired through a union hiring hall and
- Contractors are limited to a specified number of core (company) workers per site
- Only union apprentices can work
- Workers must pay into union benefit packages

Proponents argue among other factors Project Labor Agreements:

- Ensure that large and complex projects are completed on time and within budget and allow parties to accurately predict labor costs and production timetables, which means more accurate bidding and lower overall costs.
- Provide construction contractors with flexible access to a stable workforce that is highly skilled and trained.
- With a PLA, wage rates benefits, work rules, safety, scheduling, dispute resolution, and communication strategies that are agreed upon before the bid process which fosters communication among all project stakeholders.
- A PLA has a hire local emphasis in hiring ensuring that local tax dollars have the greatest impact on the local economy by creating quality jobs and supporting careers for local workers.

Opponents of Project Labor Agreements argue among other factors:

- Costs will rise because the nature of a PLA is to limit competition and the number of bidders on any given construction bid.
- PLA's hurt minority and women owned firms as they tend to be smaller non-union firms.
- Firms are forced to hire a specific group of employees rather than choose



wider number of potential workers or ones that had previously worked for that firm and were satisfactory.

These are only partial lists. A more thorough study will follow by the CBOC.

### **History of actions to date relative to the Project Labor Agreement Issue**

The following is a recent history of the Project Labor Agreement and Board of Trustees Actions, and Citizen Bond Oversight Committee recommendations regarding Project Labor Agreements:

**June 6, 2015 (S-1 Board Communications and/or Request for Information).** Trustee Hall requested that a Project Labor Resolution be brought forward and indicating she had heard good things can come from PLA's.

**June 17, 2015 (CBOC Agenda Item 9-Report from CBOC Chair and Calboc Annual Meeting).** The Chair mentioned the referral from Trustee Hall. There was a brief CBOC discussion and the consensus was that the CBOC should defer comment on this issue until something specific was presented to the Board.

**October 12, 2015 (Board Item Q-3 Resolution 4391).** This item was docketed on Friday October 9, 2015 with no input sought or notice provided to the CBOC other than a phone call to the Chair the Thursday night prior my Mr. Aguirre to the Chair that a Resolution was coming forward. The Agenda Item stated:

*“Adopt Resolution No. 4391, Resolution Directing Staff to Negotiate the Terms of a Project Labor Agreement (PLA) for Proposition O or Mello-Roos CFD Funded School Construction, Repairs, and Renovation”.*

The Agenda Item explanatory text was as follows:

*“The district is responsible for promoting effective public works project delivery for projects funded by Proposition O or Mello-Roos Community Facilities Districts (“CFD”) to ensure the following community interests are met: 1) projects are completed on time and within budget to maximize the efficiency of the district’s participation in the construction ,Marketplace, and to the extent allowed by law; 2) encouraging participation of all interested parties in construction projects funded by Proposition O or Mello-Roos CFD Funds and at the same time promoting opportunities for local workers and small businesses; and 3) providing for the involvement of state-approved joint-labor management apprenticeship programs for the training and development of future generations of workers. The district believes utilizing a PLA is the best way to meet these needs. To utilize a PLA, staff needs to be directed to negotiate the terms of a Project Labor Agreement for projects funded by Proposition O or Mello-Roos CFD Funds with the San Diego Building and Construction Trades Council.”*

**October 12, 2015 (CBOC Chair presents a letter to Board of Trustees regarding the Project Labor Agreement Issue).** The letter to the Trustees stated:

*“Our recent Special Citizen’s Bond Oversight Committee (CBOC) Meeting on September 9, 2015 and subsequent conversations with the District seemed to indicate we were going to be working*

together in the spirit of mutual cooperation and transparency. The CBOC is very clear that we wanted to be listened to by the Board of Trustees and District staff.

In support of this positive approach, our CBOC would like the Board to table this Resolution at this time, until our CBOC can meet and provide you input on this matter. Before you enter down the process of negotiating a PLA, the Board should want to hear the views of the CBOC.

There does not appear to be an immediate need to go down this path for the Bond Program, as expenditures are now winding down with the current bond issue. For instance, there may be internal process and record keeping improvements that need to be made before you enter into negotiations, as PLA's can involve significant documentation and record keeping requirements. A "go a bit" slower approach is warranted. The Public needs to fully hear and discuss this issue including in the forum of a Bond Oversight Committee meeting."

### **October 15, 2014 (CBOC Special Meeting Held to discuss Project Labor Agreements).** The CBOC adopted the following recommendations:

1. *In the interest of public trust and transparency the CBOC requests a 4 month moratorium on Resolution No. 4391 to assess data on the pros and cons of Project Labor Agreements. In addition the CBOC would like to assess and recommend; better construction delivery methods, pre qualification requirements for the contractor pool, inspection process, and methods of project management that would address the totality of the problems impacting projects from being on budget, on time, and with quality work.*
2. *The Chair should write a letter to the Board indicating the above action and depending on the outcome the CBOC may consider further actions in the future.*

The Special Meeting was characterized as thoughtful due diligence by the CBOC. There was a clear reiterated frustration for not including the CBOC or the Public in an active discussion on the merits (e.g. value added) of a Project Labor Agreement for this Bond Program.

### **Role of Bond Oversight Committee in Reviewing Project Labor Agreements**

By the nature of Bond Oversight, our role is to focus on the expenditure or potential (see below) expenditure of bond proceeds impact on the Bond Program. The analysis of impacts includes the review of the ways of doing business such as a PLA cost saving measures associated with joint use, and utilizing reusable design plans.

Our role is to report to the Public not set policy, make final contract decisions, or determine which projects to fund. However by reporting bond spending and practices, we are the eyes and ears of the Taxpayers. Active Citizen Bond Oversight Committees were one of the key conditions that must be met to get a lower 55% approval rate of School General Obligation Bonds.

The Education Code, California Constitution, and the Legislative intent of Proposition 39 that governs Bond Oversight indicates that our role is not just to review after the fact expenditures:

1. Bond Oversight Committees are formed Prior to Actual Expenditures (Education Code Section 15278). It is required the Bond Oversight Committee be formed within 60 days of a certified election. Presumably little or no expenditures would be made during this time frame i.e. it is prior to actual spending and yet one could argue the intent was for a CBOC to review decisions before they were made.

2. The Education Code does not specifically limit the reporting on expenditures until after the fact. California Education Code Section 15278 (b) states:

*“The citizens' oversight committee shall **actively** (emphasis added) review and report on the proper expenditure of taxpayers' money for school construction.”*

Nowhere in the Education Code does it specifically state something like “after such expenditures occur” or “upon implementation of the Bond Projects”. Project Labor Agreements were not referenced in ballot language for the Proposition O Bond measure. PLA's are almost always implemented after voters approve the borrowing.

3. The citizens' oversight committee shall actively review expenditures have or might be expended. Education Code Section 15278 states:

*“The purpose of the citizens' oversight committee shall be to inform the public concerning the expenditure of bond revenues.”*

The word "concerning" is broad and gives the CBOC latitude to report on anything that relates to expenditures, which would include the plan on how and when the expenditures would take place or proposed methods of procurement and project delivery such as Project Labor Agreements, design build, or pre qualification of contractors under the design bid build approach.

4. Broad Review of **proposed** Cost Saving Measures are under the purview of the Bond Oversight Committee. California Education Code Section 15278 (b)(5) says the Oversight Committee has responsibility for:

*"Reviewing efforts by the school district or community college district to maximize bond revenues by implementing cost-saving measures, including, but not limited to:*

- (A) Mechanisms designed to reduce the costs of professional fees.*
- (B) Mechanisms designed to reduce the costs of site preparation.*
- (C) Recommendations regarding the joint use of core facilities.*
- (D) Mechanisms designed to reduce costs by incorporating efficiencies in school site design.*
- (E) Recommendations regarding the use of cost-effective and efficient reusable*

*facility plans.”*

Because PLAs are cost-saving measures or in the case of the opponents probably have negative cost impacts, the bond oversight committees certainly have authority to review such proposals. It does not make sense to just review cost savings measures only after they are implemented.

7. Bond Oversight is all about Accountability for decisions and reporting on whether what was promised to the voters was actually implemented. The reference to “include but not limited to” in Education Code Section 15284 was legislative intent for the Oversight Committee to have the authority to review matters such as unorthodox or innovative bidding requirements.

It is important to note the language in the California Constitution under Article IIIA, Section 1.b.3(B), which states:

*“This paragraph shall apply only if the proposition approved by the voters and resulting in the bonded indebtedness includes all of the following “accountability” requirements:*

*a. a list of the specific school facilities projects to be funded and certification*

*b. the school district board, community college board, or county office of education has evaluated safety, class size reduction and information technology needs developing that list.”*

Some key words in the language above are “accountability”, “certification”, and “evaluated”. It is reasonable to assume the district performed a formal evaluation of safety and other needs in developing a prioritized and specified project list prior to the election that was approved by the board. An authorized spending plan prepared the District takes into account the prioritized and specified projects authorized by the voters.

If the implementation plan and authorization plans are being revised to change the priority of projects, then the district may not be in compliance with the accountability requirements of the Constitution. In fact, the law specifies that CBOC’s are supposed to ensure the district has complied with Article XIII A, Section 1.b.3 of the Constitution.

8. Bond Committees are required to issue reports which presumably deal in part with Special Issues as they arise such as Project Labor Agreements. Education Code Section 15278 states:

*“The citizens’ oversight committee shall issue regular reports on the results of its activities. A report shall be issued at least once a year. Minutes of the proceedings of the citizens’ oversight committee and all documents received and*

*reports issued shall be a matter of public record and be made available on an Internet Web site maintained by the governing board of the district.”*

The CBOC should report on the results of its review of the implementation and authorization plans. Such information should be included in the annual report. This sends a message to the Community that the CBOC is being comprehensive in its review i.e. “issue regular reports” as referenced in the Education Code.

9. A School Waste Bond Prevention Action is permitted which provides a mechanism to stop bond spending either before the fact or after such expenditures have started for bond proceeds (Education Code Section 15284). Specifically such expenditures may be such subject to a restraining order if:

(1) An expenditure of funds received by a school district or community college district through the sale of bonds authorized by this chapter is for purposes other than those specified in paragraph (3) of subdivision (b) of Section 1 of Article XIII A of the California Constitution.

(2) The expenditure is not in compliance with paragraph (3) of subdivision (b) of Section 1 of Article XIII A of the California Constitution.

(3) That an expenditure in violation of paragraph (3) of subdivision (b) of Section 1 of Article XIII A of the California Constitution will be made or will continue to be made during the litigation that would produce waste or great or irreparable injury.

10. The entirety of the Constitutional Amendment Proposition 39: *Strict Accountability in Local School Construction Bonds Act of 2000*, when read as a whole, quite thoroughly describes the Legislature’s interest in ensuring proper expenditures, and having a BOC review and report is meant as part of that effort. The “quid pro quo” of a lower threshold level of voter approval (2/3 to 55%) was strong citizen oversight.

Section 15264 states: It is the intent of the Legislature that all of the following are realized:

(a) Vigorous efforts are undertaken to ensure that the expenditure of bond measures, including those authorized pursuant to paragraph (3) of subdivision (b) of Section 1 of Article XIII A of the California Constitution, are in strict conformity with the law.

(b) Taxpayers directly participate in the oversight of bond expenditures.

(c) The members of the oversight committees appointed pursuant to this chapter promptly alert the public to any waste or improper expenditure of school construction bond money.

(d) That unauthorized expenditures of school construction bond revenues are vigorously investigated, prosecuted, and that the courts act swiftly to restrain any improper expenditures.

In summary, the 'Cliff Note Phrase' that describes the role of the CBOC is to tell the public whether the actions committed by the Policymakers is consistent and supportive of what was promised to the voters.

### **Meeting of an Ad Hoc Subcommittee on Project Labor Agreements**

The Chair convened an Ad Hoc Subcommittee consisting of four members (Marinovich, Munoz, Carriedo, Gutowski). This is a diverse Committee of construction, government, budgeting/fiscal and legal experience. There is probably near 100 years of collective professional experience brought to this CBOC by these four individuals.

The Ad Hoc Committee recommended that no further progressive action (eg. Vote of No Confidence) be taken at this time. Essentially a "wait and see" position was felt warranted.

There was a strong concern about the lack of District Transparency and vetting on this Project Labor Agreement issue by the District. The Ad Hoc Subcommittee emphasized the importance of the CBOC reporting to the Public on whether the Project Labor Agreements entered into the District would result in the proper expenditure of bond proceeds. As the process proceeds it was recommended the CBOC have strong consideration into the negotiation public dialogue input.

Moving forward, it was recommended the CBOC conduct a data driven analysis of the current and historical conditions of the Sweetwater Bond Program that may warrant the need for a PLA. These data requirements include but are not limited to:

- Residential location of construction workers
- Problems if any associated with Union and non Union apprentice workers
- Construction quality issues with Union and non Union contractors
- Reasons for historical change orders for Bond Projects
- Work stoppages
- Project delay causes
- Completion of Projects on Time and within budget
- Inspection Reports for Union and non Union workers
- Cost comparisons per square foot of projects

In short, while the District proceeds with the process of negotiations, the CBOC would collect information to report on the need and potential benefit/costs of Project Labor Agreements. This report is intended to start the positive dialogue.

Nick Marinovich  
8535 Hillcrest Avenue  
La Mesa, CA 91941  
619-934-4982  
[nickmarinovich52@gmail.com](mailto:nickmarinovich52@gmail.com)

December 2, 2015

To: President Frank Tarantino  
Board Member Nick Segura  
Board Member Kevin J. Pike  
Board Member Paula Hall  
Board Member Arturo Solis

Dear President Tarantino:

As previously indicated to your Board, on October 15, 2014 the Citizen's Bond Oversight Committee (CBOC) held a Special Meeting regarding Project Labor Agreements. The CBOC adopted the following recommendations:

*1. In the interest of public trust and transparency the CBOC requests a 4 month moratorium on Resolution No. 4391 to assess data on the pros and cons of Project Labor Agreements. In addition the CBOC would like to assess and recommend; better construction delivery methods, pre qualification requirements for the contractor pool, inspection process, and methods of project management that would address the totality of the problems impacting projects from being on budget, on time, and with quality work.*

*2. The Chair should write a letter to the Board indicating the above action and depending on the outcome the CBOC may consider further actions in the future.*

An October 23, 2015 letter was transmitted to the Board indicating our position above.

On November 10, 2015, at our regular CBOC meeting, we also had an extensive discussion regarding the District's action regarding Project Labor Agreements. Presentations were made by staff on the proposed Project Labor Agreement Timeline and process. Superintendent Janney indicated the Board has not had a meeting yet in which they could discuss what further action if any there would be to the CBOC request.

At the November 10, 2015 regular meeting, the CBOC directed the Chair to transmit a letter to the Board requesting a written response regarding our request outlined above.

Subsequent to the November 10, 2015 meeting, a joint Board/CBOC meeting has been scheduled for December 7, 2015 to discuss mutual issues including the PLA. This is a major positive development and it is hoped that we can further talk about our mutual views and concerns. It is my understanding the Board could then chose to formally act at on our request for a response at a Regular Board meeting.

We look forward to our joint meeting.

Sincerely,

A handwritten signature in black ink, appearing to read 'Nick Marinovich', with a stylized, cursive script.

Nick Marinovich, Chair  
Sweetwater Bond Oversight Committee

cc. Superintendent Karen Janney