



## Special Meeting of the Proposition O Citizens' Bond Oversight Committee Thursday, October 15, 2015

TIME: 6:00 p.m.

PLACE: Sweetwater Union HS District  
1130 5<sup>th</sup> Avenue, Rooms A & B  
Chula Vista, CA 91911

### UN-ADOPTED MINUTES

1. Call to order/ Roll Call: (NM) Chair-Marinovich called meeting to order, roll call: R. Munoz, N. Marinovich, D. Gutowski, K. O'Neill, R. Carriedo

**Absent: D. Yamane, D. Butler, T. McKearney & E. Guerrero**

**Staff Present: Moisés Aguirre & Ceci Martinez**

2. Pledge of Allegiance

3. Public Comment: On items on the agenda ONLY.

4. Board of Trustees Action on Project Labor Agreements

(NM) special meeting was called, due to board action last Monday on Labor Agreements, would like to hear from the districts perspective, what is a Project Labor Agreement:

- what did the board actually do on Monday
- how does the district intend to move forward

(MA) BOT board action Monday,

- was to adopt resolution to direct staff to enter into negotiation around Project Labor Agreement this was the initial step, next step general counsel will take lead since it's a negotiation process, Business Services and Planning will play a role but general counsel leading this.
- After negotiation occurs, then it would come back to the BOT with an actual Project Labor Agreement
- What a PLA is it helps the way in which the district purchases construction services, working on efficiency

(RC) addressed Chair/Marinovich as to why in his mind a big step taken by the board and why the need to have a special meeting.

(NM) first because it was a significant operational change set in motion for the bond program, project labor agreement s are significantly way to potentially increase cost, without the consultation of the CBOC or public prior to that meeting, the BOT has preached transparency. Then finds out about this after looking at agenda a Friday before the board meeting, feels we should have had input in the matter, why starting this now, no time to even discuss it.

(RC) does this a change in the district policy in from years past?

(MA) his understanding this is something that has not been done in the past.

(RC) district has had now a couple of broad plan for the future, various schools, was there any discussion with the public about this.

(MA) cannot speak for what happened before, not his understanding since he's been here for only four months.

(NM) currently before us, there was no mention of this, this is why the special meeting was called, to get the word out and to focus on it.

(RM) agreed with Mr. Carriedo, and addressed the same questions:

- 1<sup>st</sup>: notification to the public; bond programs;
- 2<sup>nd</sup> it didn't go to the CBOC, so those are two things lacking transparency.

Commended in order to have an item on agenda, do BOT request and it goes on?

(MA) clarified his understanding for tonight's meeting, it was his understanding this was a meeting of the CBOC and again he was not prepared, this was not his understanding and would like put that forward, if talking transparency it should be two ways.

(RM) general question on items placed on agenda, with this one on particular:

- assumes someone on the BOT wanted an agenda item to discuss project labor agreement?
- did anybody on staff develop a recommendation specifically legal counsel on the ramifications?
- concern about legal counsel not reviewing it or making a statement on the legality, status on the district.
- does staff review the recommendations by the BOT for an agenda item and come up with a staff recommendation or a staff statement; or statement by the superintendent on how they feel this item will affect the school district financial and/or the overall operation of the school district? He would assume these items should be discussed prior to the board meeting, so that if they aren't ironed out the sup can make a clear statement of position of school district verses what the board says?
- Concerned that staff did not say anything in regards this issue and the ramification of it.

(MA) his understanding under bylaws that's not necessary, and not his purview, and it didn't generate out of a division.

- Informed there are two ways an agenda item can come thru the BOT or Staff.
- There were meetings between trustees and both sides/interested parties, AGC; ABC prior to.

(NM) commented that:

Trustee Hall said, she was the person who made this happen, this was her initiative

The way board policy works, the superintendent can docket an item or the president can let another Trustee docket an item on the agenda).

(DG) his concern is the circumvention of input from the CBOC, staff wasn't fully vested in it, and also the public in notification. Very disconcerting, why was CBOC circumvented, etc.

(KO) addressed PLA, this is a contract with union labor, that all the work with Mello-Roos will be done under the union umbrella, doesn't preclude non-union shop from signing with a When community was asked to approve this bond, it was not suggested at the time that there might be a PLA that is a material face, especially in Chula Vista Added that district should think and research this more in detail, how it works, go out to the people and see what they want.

**Public Comment: C. Cheers:** addressed the following:

- Called Soltec (MOH 2 Project); they are Non-Union, called McCarthy (NCM) – they are Union
- Tired of hearing about SD City Schools and research Ms. Hall has done research, that she approach Interim Supt. and asked for this
- "What does an Budget Analyst that works for SD City Schools know about a PLA"? The wording is the same as the one at SD City schools, concerned about this, as everyone has stated, she doesn't know if a PLA is a good thing or not?
- Believes the taxpayers should have been given the courtesy and respect of a presentation, the fact that they weren't is alarming to her.

**M. Adato:** addressed the following:

- Ms. Hall announced this at the end of the meeting, board always asks if there is anything to be placed onto the agenda, back when Dr. Glover was here, and she had mentioned she would like to look into a PLA and Dr. Glover never brought it forth, that was the only time this was mentioned by Ms. Hall, or any other board members.
- Adato asked at Monday's meeting, where is the comparison of cost?
- Lets' see if it's a benefit, if it would be, where is the labor coming from that are working on our schools, give her charts, data
- When Moss Adams did the performance audit, the time cards where a big issue that was in March, we still cannot get the time card issue done. Due to negotiation with the union, in order to have a PLA according to the union is that there is a lot of data entry and record keeping that needs to be done.
- Her suggestion: lets' wait on the PLA, let facilities get their act together, move forward, get all of the issues that have caused a waste of money on the Bond and Mello in order, then this can go to the for front. handed out document/showing contributions to Paula Hall from the pack, very concerning, since you have the plumbers, electrical union, everyone donating in a pack in her name, it's the unions donating for a vote.
- Ms. Hall announcing, Mr. Aguirre confirming that Mr. Pike and Hall had met with both union and non-union, they never discussed this on the dais, no discussion with the trustees saying what the benefits are.
- She pays bond and mello, never a meeting to discuss this.
- This meeting was pack, with an overflow, standing room only, there was a 100/150 people, who called them, non-union was there.

(DG) addressed delivery methods, design build, raising the contractor pool, we've talked about project management, does not see the PLA being the answer, we don't have the data, upset at the way this was handled.

(RM) concerned with staff not taking input on this for or against the financial impact.

(KO) addressed BANS coming up in two years,

(NM) addressed and asked that he would like something to be done at the end from the committee, the questions is:

- What is the real value added to the program by a PLA?
- Chair and Vice chair had a positive meeting with bot and then this this happens

**Public Comment:**

**Tom Lemon**, Head of Bldg & Construction Trade, County of San Diego, addressed the following:

- Has been on the CBOCs and sat in those chairs, Prop M and S
- Chair of construction oversight committee for San Diego Community College
- Personally negotiated \$15 million in Project Labor Agreements, knows a thing or two about PLA and so does your board, he sends it thru email, with several hundred pages for BOT to take a look at.
- Case studies of district who have had PLA, had success and re-entered into PLA
- Addressed community that he had called a lot of people to show up
- Giving residents the work, opportunities to get into a trade and learn a craft and skill set
- Mentioned that M. Hall has said for months that she was interested in doing more for the kids than what is currently being done
- Understand the CBOC's frustration, but they are the elected board and they set policy, this is a policy that they want to participate in
- Added that there were conversation, they waited for a superintendent to be seated to actually have a conversation, so they it wasn't done without transparent, they had conversation with all the folks, and AGC and ABC as well.

**Maty Adato**, addressed Mr. Lemons comments,

- If a packet of 150 pages, why wasn't it included in the board agenda and forwarded to the BOC? That's an issue she has, especially working for the past 6 years to remove the prior board and two corrupt superintendents, and takes offense to that.
- Mentioned about the organization that cares about people and local jobs and local companies, what she asked for, was give numbers, she is data driven, sowing the present non-union company that work for the district how many employee local people. Union companies employee local people.

**Ms. Krug**: addressed some of the comment made.

- She gives information as she has it and to the people how have the authority to vote on that issue
- She honestly didn't think to provide the information to the public, and she should have
- She know for a fact the ABC and the General Contractors have given packets to the BOT
- She is a Southbay person, and is familiar with San Diego Unified, and has seen the PLA, and has seen that it did make that difference
- We still have months to go forward, and encourage people to ask questions about the data

(RM) Feels she is sincere about this, but with what been going on with this district, the grand jury, people taken to jail, people getting interviewed. He was hauled off and asked questions and it's not fun, and this district has gone thru hell and the citizens and the students are suffering for it. Addressed Mr. Lemons, and told him he sat in the CBOC chair he should know better and finds him at fault with him. As a courtesy given this committee or asked your superintendent or board members to pass this on to the CBOC as well.

(NM) received the ABC emails, late afternoon. What do we want to do as a committee?

(RC) having this meeting was very beneficial to him and the public, now we know that the board had received lots of information, and that the board didn't make a decision in the dark, now we know that board had received a lot of information and they believe and assume they made a good decision based on the information they received, but that wrong, only the board. The board also should have known better,

(DG) time is not of the essence and that is an asset in this situation, and he would like to propose a resolution and it will be in the interest of the public trust, transparency and would like to put forward in motion.

**Motion made by D. Gutowski:**

**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, prequalification 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.

**Motion 2<sup>nd</sup>** by R. Carriedo, motion passes with Mr. Guerrero; Mr. McKearney; D. Yamane & D. Buter absent.

**(KO)** addressed the bond program is not a bond program, man hours, weather being paid prevailing wage or not it's not going to deliver it faster., etc. agreed with the motion made by Mr. Gutowski. Our duties are to the taxpayers, and stop short of a vote of no confidence.

**(NM)** supports the motion, look at the data, the totality, design build, etc. This motion is great. Our job is to ask questions, and the public had no idea on what was going on. Commented he's interest in getting into the decision process and how this came up to be on the agenda, this is a second special meeting because we weren't consulted, we had this under Tom Calhoun that we weren't even going to see the agenda items. And he will not stand for this as Chair, no more surprises, this should not have been necessary.

**Motion 2: made by Mr. O'Neill:**

To have Mr. Gutowski to send an email to the Mr. Marinovich, Chair and Secretary, Ceci Martinez with the language of the motion. **Motion 2<sup>nd</sup>** by R. Munoz, passed unanimously, with Mr. Guerrero; Mr. McKearney; D. Yamane & D. Butler absent.

**Motion 3: made by Mr. O'Neill:**

To have Chair prepare a letter to the BOT advising them of Mr. Gutowski motion and that should they not act on it that the CBOC will be forced to take up this item further. **Motion 2<sup>nd</sup>** by R. Carriedo all passed with Mr. Guerrero; Mr. McKearney; D. Yamane & D. Butler absent.

**Public Comment:**

**C. Cheers:** made comment informing the BOC that the representative from the Taxpayer Association was at the board meeting and made mention she clearly stated that if the BOT went forward with the PLA the Taxpayer Association would not endorsing any bond measure in the future, FYI.

**(KO)** addressed

- Ed. Code 15284: school bond waste prevention action, allows any taxpayer to sue a district if found tha a district is waste
- Ed. Code 15286: we have fought this battle, Performance and Financial Audit, in it requires that audits be submitted at the same time they are submitted to the school district

**(NM)** Mentioned a meeting, Tuesday, at Grossmont Cuyamaca Community District regarding PLA's, their CBOC have had the same concerns regarding how that PLA Agreement was handled.

5. Adjourn @ 7:30 p.m.