

UNADOPTED MINUTES OF THE REGULAR MEETING
CITIZENS BOND OVERSIGHT COMMITTEE MEETING
HACIENDA LA PUENTE UNIFIED SCHOOL DISTRICT
SEPTEMBER 1, 2021

The Regular Citizens Bond Oversight Committee Meeting on September 1, 2021, was called to order by Leticia Covarrubias, Committee Chair at 6:35 pm., In Person/ZOOM meeting of the District Administration building located at 15959 East Gale Avenue, Hacienda Heights, California 91745.

Members present were: Leticia Covarrubias, Olivia Roberts, Charlie Klinakis, Adria Ybarra, Reina Schmitz, Louis Perez, Gabriela Navar, Philip Kraft

Members late were: Neal Noborio (7:40 pm)

Members absent were:

Item No. 1	<p><u>AGENDA REVIEW AND RE-ORDER</u></p> <p>Philip: Madam Chair. I have a point of order. May I be recognized?</p> <p>Leticia: Yes.</p> <p>Philip: I wanted to raise a point of order for discrepancy under the Brown Act pursuant to the bylaws section 2. It states that the committee shall be deemed subject to the Brown Act. And one of those requirements in the Government Code 54954.2, that the agenda be posted at least 72 hours prior to the meeting. The agenda in this case was not posted at least 72 hours prior to that meeting. I had brought this to the District's attention. And given that transparency, the stakes, etc. are an issue, and have been an ongoing issue, I want to raise this and make a recommendation that in action items on the agenda today be moved to a later date so they cannot be subject to any challenge by any member of the public due to this agenda being posted late.</p> <p>Leticia: Absolutely. So the next item on the agenda is agenda review and re-order. So we take a recommendation. We will move agenda item 3 to the next meeting. Thank you very much.</p> <p>Philip: Thank you.</p> <p>Leticia: First I need a motion on the agenda review and re-order. May I have a motion please?</p> <p>Philip: Is there any discussion on the agenda review?</p> <p>Leticia: Yes.</p> <p>Philip: As a new member on CBOC, as I was reviewing the agenda, I have to say I was a little dismayed that there was nothing on the agenda about the Bond itself. Review of the bond expenditures. This agenda has very</p>
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	<p>important issues on there for New Member Onboarding, but nothing about the Bond itself. So I just wanted to express that I'm a little dismayed that there is nothing substantive for this Board to discuss today. I understand that the next meeting is October 6, 2021. And I am hopeful that there can be items on the agenda to actually allow this committee to serve its function as oversights, accountability and transparency for the District and for the Public.</p> <p>Leticia: Thank you for that and I would like to address that. We had 3 new CBOC members and welcome. I thought it was very important that we have a very effective onboarding process. So the request was for this meeting to focus on the onboarding, our responsibilities and our requirements. The next meeting, normally we have it every quarter, so that's why we are going to have one in October. So yes, that meeting will include items that are relevant.</p> <p>Philip: Thank you Madam Chair.</p> <p>Leticia: You're very welcome. Are there any other discussion? There are none. May I have a vote please?</p> <p>Moved by Louis Perez and seconded by Leticia Covarrubias for Agenda review and reorder.</p> <p>8 yes 0 No 0 Abstain Review and Re-order</p> <p><u>Move Agenda Item #3 Assign Positions to the October 6th Meeting</u></p>
Item No. 2	<p>Request to speak to agenda (Non-Agenda) Items</p> <p><u>None</u></p>
Item No. 3	<p><u>ASSIGN POSITIONS (Item moved to October 6th Meeting)</u></p> <p>A. Business Organization Representing the Business Community Located in the District</p> <p>B. Parent or Guardian of a Child Enrolled in the District</p> <p>C. Member at Large</p> <p><u>No action taken</u></p>
Item No. 4	<p><u>NEW MEMBERS ONBOARDING</u></p> <p>Joel: Thank you Leticia. Let me introduce Kelley Owens, who is here in front of us. And she is representing the office Fagen, Friedman, and Fulfroost and she will be doing the onboarding this evening.</p>

Kelley: Good evening CBOC members of the committee. I'll try and speak up higher for both the folks in the room, also for the folks on zoom. As Joel said, my name is Kelley Owens. I'm with F3 Law. We provide counsel to the district on a variety of different matters. For a number of years, we have provided support as well to the Citizens' Bond Oversight Committee. We will get into it a little later this evening. That is one of the duties that the District has is to support the CBOC.

We can keep going. Let me know if you have trouble hearing me. If you are in zoom, just drop that in the chat. I think Lelia is monitoring it. Just a couple of housekeeping items, but I also wanted to welcome the new members. I recognize a few of the prior members. It's good to see you again. And before we get going, I just wanted to thank you for your service. Especially at a time like this, we have our plexi glass up, we have our masks on. When it comes to community coming together and being transparent, as brought up before, this is an incredible example of that. So thank you for your service. And my duty and objective is to do the onboarding. This is a high level overview of the roles and duties of the Brown Act. It's meant to raise awareness, but you also have support and supplement, even when I'm not here, or even after this presentation, you have a binder in front of you with a number of background materials, and materials that you can utilize as tools. And we will just go through this very, very briefly. You have your roster under number 2. Tonight's presentation is under number 3. I'll be referring to that. It's actually a handout version. You can take notes there. You also have your bylaws, which are an incredible resource. I would absolutely review them and get to know them well. You also have an ethics policy statement. That is an action item tonight. We will be reviewing and the District will be collecting those. You also have some support materials, such as your Measure BB language. We'll talk a lot today about the scope of the Bond and the CBOC oversight of the Bond. And the language of your Measure BB is right there in your binder. There's also an outline on the Brown Act. There's a copy of your Form 700. And also a memo. The memo under 11 and checklist handout #4 really give you a background a reminder on what we are going to cover tonight. And those are the materials that are in front of you. And those folks on zoom, you have those electronically, but we also have extra binders for you here tonight.

As far as housekeeping items for questions, for the benefit of our colleagues that are on zoom, my plan if it is okay with the CBOC is to get through the 3 sections. Get through each of the 3 sections. I will pause after each section for questions. And then we also have some time at the very end for additional questions if that works for the group. And if any colleagues on zoom want to put questions into chat, I will make sure to check in with Lelia as well on that. I think they have their microphones working now, so they can also chime in that way.

With that, I'm going to jump right into the presentation. You have the slides up here. If you go to the next slide, this just gives an overview of the parts I will be going through. For the prior members, you might be familiar with some of this. If we have more time at the end, just because the bylaws are such a great tool for you, we have added a few additional slides and we are

going to cover some ethics as well at the end. But this is after each part. Again, after each part I will pause for questions. And really just to get into the basics, some of our previous members will have remembered this. But we are going to cover what Prop 39 talks about the District obligations to have a CBOC, but also what your own rules and bylaws speak to as the governance of this body. So in a nutshell, the Education Code actually talks about this entire process for passing a bond. And Prop 39 allowed the District to essentially put this measure out to a vote. And when you do that in the community, there is a level of transparency and accountability that needs to be enforced because essentially the public is paying this amount of money for the use of school projects. And the public has the right to have that transparency. And a strong CBOC, such as yourselves to oversee and keep the District accountable in the spending of those funds. In this particular District, we are talking about Measure BB. So your committee is solely focused on Measure BB. That Bond election was conducted in November 2016. The language is in your binder, as I have mentioned, if we can move fast forward to slide 4 because it is helpful to look at this language. This is pretty broad Bond language, which is good because it gives the District latitude to what is needed under these parameters. It basically provides that the District will use the Measure BB funds to upgrade/repair all neighborhood school classrooms and retain and attract quality teachers by, and it lists a number of different priority items including, technology, drinking water safety, and last, but certainly not least equipping students for college and preparing them for 21st century vocational jobs and careers.

As we get into the duties of the CBOC, a lot of what the role is, is to keep looking at that language and look at the reports that are generated, look at the reports that are given to you by Staff to ensure that those Bond expenditures line up with those parameters. If we go to the next slide, I'll talk a little about your responsibilities. When I talk about this responsibility, it really is the broader duties of the CBOC. Just like how we are doing now, having an open meeting, just like how you will do it in October when you get into more of the substance of the Bond. The committee's role is to inform the public, keep the public updated on the oversight of the expenditures of Bond funds, reviewing Bond expenditures. It's written in both the bylaws and in the statute, the CBOC has the obligation to prepare, review, and approve, if deemed appropriate, an annual report. It essentially says, whether the District is in compliance with the expenditures under Prop 39 and in line with those. It also gives a summary of the proceedings of the prior year. Now really, that is just a minimum report that is done. From what I understand, this committee has released other reports and met more often. If you, as new members, are curious about that, I believe those documents are available through the agendas and you could go back and look and see a little bit of examples and see what happened in the past and what's to come in the next year of your service. Of course with the expenditures themselves, the bond committee, and we will get into a little bit more of what is your actual activities, but one of the duties includes making sure the expenditures not only line up with the measure in the Bond language, but also, don't include certain No-No's, if you will about it. The biggest one is you cannot spend Bond funds on teacher/administrative

salaries or operating expenses. That is written in the statute and its prohibited.

If we go to the next slide there, on slide 6, your Bond committee membership and the terms that you see in front of you are primarily covered by both statute. They get more specific in terms of guiding you in your bylaws. And throughout the presentation I will make a few references to the bylaws and the different sections where this is covered. But each Bond committee can be a little bit different, but of course within the parameters of the law. So there are certain constraints on how long you can serve, the duration, there's conditions of membership, so things that members can and cannot do, basically serve at the will of the Board. You're expected to attend. You're expected to vote on actions. Also, not only are those your side of the duties, the District, like I mentioned before, has a duty to support the committee with different functions, such as, providing legal counsel, as needed, to provide and give presentations if questions come up, they can refer those questions to legal counsel for support. Also, technical assistance. Setting all of this up for the CBOC. Those are the things under the bylaws that District provides support to help your function as a committee.

Next slide gets a little bit more into the actual activity. What do you do as Bond committee members in furtherance of those broad things we covered. This is kind of fun in Covid times, it might be a little bit more subject to District policy and change of bit. As Committee members, you have the right to inspect school facilities and grounds from which bond funds have been spent or will be spent. That's part of the overall charge that you have to make sure Bond funds are spent in an effective and economical way. You as a committee have an eye on asking whether the District staff is implementing any certain cost saving measures to make sure whatever they are spending money on is as efficient as they can get it in certain times and economic conditions. You can also review copies of the deferred maintenance proposals, if the District has those. I know that's a big word, but it's basically saying, okay if we are spending money on these facilities, what's the plan over time? What has been the plan to make sure that these buildings and these structures are maintained after we put money towards those expenditures? These are the more as individuals things you can do in enforcing the District to be held accountable. You will also be given the financial audits that the District auditor will do a review of and provide you with so you can review and ensure, that those are not only that it is being done, and it is clear. If you have questions, you certainly can ask the District when those are reviewed. Also, as your activities, and probably out of all these things I mentioned you'll encounter the most is, convening meetings, setting agendas, and complying with the Brown Act. That's the 2nd part of the presentation is talking about the Brown Act. Just a couple of things to cover. I think sometimes with, in my experience advising CBOC's, it could be a grey area sometimes between what are your duties as CBOC members and what duties fall outside of those, more in the hands of the District or outside the scope. There are things that laid out directly in your bylaws.

If you want to jump to slide 8. These are things right in the bylaws just to make it clear and I'll tell you why. It's helpful to explain the why behind some of this too. The CBOC cannot negotiate or select contractors or consultants. They cannot participate in the actual bond sale or issuance process. They can inspect job sites, as everybody knows, you will have to get prior permission from the Superintendent to visit those sites for safety and security reasons. Especially during these times. They cannot contact or reach out to District contractors or consultants without prior permission. And they cannot direct the staff at the District with respect to the implementation of the Bond. Why do we make that so clear in the bylaws? Why is that even something in this presentation? A big part of that is going back to the core role that the CBOC serves. If the CBOC were to be involved in the issuance of the Bond or the details of the projects, selecting contractors, the CBOC would eventually set itself up to be reviewing its own work and having oversight over its own decisions. Which is really not the point of the CBOC and would create conflicts in many arenas. That's really why there is a pretty clear distinction. Also, we have to look at who has most access to the most information with boots on the ground, and that's going to be the District staff and personnel. They do have a duty to keep you updated and provide you with reports under the statute.

As we see on the next slide, you're not going to have to worry about or be responsible for things like, design approvals, order of construction, selections, like I have mentioned, of those consultants. A big one is establishment of priorities of bond projects. You see this in a lot of communities. I completely understand why. Folks who are in the community, serve on the CBOC, may drive pass a school everyday in their local community and think in their mind that is the priority. It could be, but your role as a CBOC member is really separate from that. I know, especially in this District, I believe there is a robust participation at the District Board meetings on those questions. And that really is the forum for that conversation. Here, it's just much more you are overseeing the financials and holding the District accountable of actual expenditures of bond funds once those are done. These types of decisions, although Joel and his team can use all the help they can get, it's really in the District's hands. The other thing that has come up in the past in some District's is decisions on non Bond sources of funding. For example, if there is a school site being re-done, and yes that school site is within my community and yes that might be a hot button issue in the community, if that money is not coming from bond sources, that again falls outside the scope of your review of Measure BB Bond funds. And you can certainly ask the District staff, what is the funding source for this project or for that project if it is unclear and you are not sure whether that expenditure falls within your frame of review.

That is just the high level of the roles and responsibilities. That is the end of the first section. I'd be happy to address any questions before we jump more into the Brown Act.

Philip: Actually, I had a question, as far as Zoom is concerned. I don't know, are the people participating via zoom able to chat? Is there a chat function for them? Okay, it's just not for the rest of the public. It's just for the members. I just wanted to clarify that. As far as the bond goals are

concerned, that's actually what's stated in the proposition, part of our jobs as members of CBOC, is to ensure that the expenditures are meeting those bond goals?

Kelley: Yes. Right. They are a proper expenditure of money furtherance of what is written in the Bond itself. Now, the District has a lot of latitude of how it writes the bond. Here you won't see it as much, sometimes in other District's, you'll see them and actually say certain school sites. Every now and then, we'll get a call and say, can we spend bond funds, the CBOC is asking. Can we spend bond funds on this school over here and it's not listed. Those are the types of things, if the District doesn't catch it, the CBOC is also charged with making sure that when reviewing the annual report, for example, if those expenditures start to look like they fall outside of this, and you start to see teacher salaries or something like that. That is within the CBOC role.

Philip: I think on slide 4 you have those 3 bullet points. And I think those are taken straight out of the bond language itself. The Proposition language.

Kelley: Yes, that is correct.

Philip: To the extent, we as a committee, feel that we are not meeting all of those goals, or we are meeting one of them and not the rest of them, its within our purview to raise that and bring that to the Board's attention?

Kelley: That is a really great question when it comes to the distinction between whether or not the actual expenditure falls within this broad circle versus priority items. For example, within the broad circle you may not be hitting every single thing on this list. One thing on this list, may be a higher priority than the other. What I would say is the CBOC's duties are whether or not the expenditures falls within this broad circle of those items on the list. But if there is something on this list that is not being addressed yet by the bond funds, it could be a matter of priority. I would say, it certainly a question to ask. We have, we're spending our money on, and this is hypothetical, we're spending all the money over here and what about CTE, for college and career readiness. That is something that can be asked. But in terms of the actual projects themselves that is more within the District's purview. Does that make sense? It's a tough area of the jurisdiction of the CBOC.

Philip: Thank you for that. I know I'm hogging the spotlight here if anybody wants to ask questions. Please feel free.

Gabriela: I have a question. Is the actual language provided to us in this packet.

Kelley: Yes.

Gabriela: Because I have seen multiple versions of the actual bond language and I just want to be provided.

Kelley: Right. If you look under 8, we give you the entire thing including the authorizing resolution. Just so you have the full picture and the context. But if you get to section 8, or tab 8, and go, it's a long resolution, the law makes us write it that way. I'm not sure who did this, but it's always long. If you keep going, you'll see on both Exhibit A and Exhibit B. So what you have is Exhibit A is the actual bond language itself.

Gabriela: Is Exhibit A what was on the ballot?

Kelley: Yes.

Gabriela: Okay.

Kelley: Exhibit B is the full text composition. When you get your voting ballot you have the actual question you are marking off and then you have the information and the proposition that accompanies that vote. Within that you have a project list that is on Exhibit B that gives you a broader scope of work. That is really supposed to explain to the voting person what the plan the District has for the Bond to give a little bit more context and color to what they plan to do. Now, this is a culmination of actual plans, which are potentially subject to change, and also statutory requirements. This always has to have a fiscal accountability section in it. It always has to very clearly state you can't have administrator salaries in it. Which is in the bond language itself. The project list itself, in terms of the ordering, in which its implemented, and the priorities given to the bond fund expenditures, is subject to change, and can be, within the purview of the District's staff. Really, what I would say you can refer to that, especially if you have questions about expenditures. But the true test, whether or not if the expenditures fall within the scope of the bond, to start with your Exhibit A. That's the first place to go. And you have that there in your binder.

Philip: I had a question about our responsibility to inform the public. And exactly, how it is that we as CBOC members are best expected to do that. Obviously, this meeting and these types of meetings when we are speaking directly with the public now. How does that relate to the our interaction with the Board above and beyond the annual reports? I know there has been some discussion in Board meetings about possibly having a joint session of whether that is something, a joint session of CBOC and the School Board, to the extent, we were to call for it and the School Board were to call for it, is that something that could be permitted under our bylaws?

Kelley: That's a really good question. We usually take that depending the scope of the meeting. In theory, I think it could be permitted, though, the concern I would have as legal counsel, is potentially at that meeting, you could start to overlap the duties, which could confuse the public, which could confuse the statutory requirements. But that is something that I haven't heard of that commonly and we could certainly talk to the District about it. I would say the point of the CBOC is transparency and if it's something that can't be addressed just within the meeting of the CBOC itself, there are other ways to do it. The primary role of the CBOC is within the meeting itself and reviewing those very specific items. Unless, the Board wanted to specifically talk about, for example, the annual report, or unless

the Board specifically wanted to talk about one particular expenditure. I think many times what the Board's jurisdiction would cover is much much broader and separate from the CBOC. It's a question that can certainly be asked if that seems to be helpful with the transparency of the actual expenditures itself.

Philip: And potentially even the expediency of getting information to the Board, to help the Board make its decisions.

Kelley: I think you basically, that's why District staff is at both meetings. So I would primarily, just based on our experience with CBOC, and the fact that District staff is here as your support and they are supposed to be that conduit. That would be step 1. I'd say I would address that first with District staff who are delegated the authority by the Board. They basically represent the Board as they are sitting here. That's how the authority works under the resolution and statute. I would start with them. If there are concerns about getting information to the Board, if there are concerns about making sure that the reports and everything under your duty that you prepare are getting to them, then I would say, you could potentially and go under your bylaws to the Superintendent. After the Superintendent, that's the top of the District that has delegation of authority to support you, and of course the Board itself, the governing body of the District. So I would go in that order if not knowing. Kind of giving broad advice to any District.

Philip: I wanted to ask about the inspection of school facilities. I know its in the bylaws, it talks about procedures and timelines as established by the Superintendent. And this is probably a question more for staff. What are those procedures and timelines that have been established, if any, have been established. Can we have some procedures and timelines established for inspection of facilities?

Kelley: Joel, you want to address that?

Joel: I don't think that we necessarily have anything established. I know that we are in communication with the CBOC committee in regards to setting up site visits right before the current Covid situation hit. We kind of put those on hold. I don't see why we couldn't if that is what the CBOC committee wanted to do and speak to the Superintendent and arrange that.

Kelley: Just to share some anecdotal, we advise CBOC's all the time and I think most, if not all of those have been put on pause because of the Covid visitor policies, basically trump everything right now under the continuing emergency orders and all of that. Those could be changed.

Reina: In the past a schedule was put together by our Chair and we were asked to attend, participate, and become a part of those members of the committee to go to school sites prior to. And those were the schools that were identified as needed to have benefited from this bond. We did go to these sites and we did make a report back to the committee. And went back to back to the Board and explained to them what we saw, how we find it, and everything else. Now that Covid hit, our goal now is as soon as we have an opportunity is to go. Even though Covid hit, and we were in line as

much as we could to be informed and to be active, we were also well aware progress was being made. Expenses were being assigned. There were different lines of the red, the blue, and the green. We were explained what the ideal 21st century classroom would look like with everything in place, from the ground to the water, to the electronics and everything else. We did those site visits and now we need to go back and see the end result because many of them have been through the process and been completed. Just a little bit of information for you guys.

Philip: Thank you. I appreciate the background. As a new member, we are getting up to speed. There is a lot of information in the minutes that we read through.

Leticia: I can just add to that too. The District has also done a good job when we asked them to show us what is being done. So during the meeting, they would share the progress in the pictures because we couldn't go out there. So we did have visuals of the progress.

Philip: Thank you. I did want to follow up in terms of inspection of schools under facilities under the bylaws. Is that something that would require meeting a quorum or is that something that could be done by individual members of the committee in order to enhance our own scope of knowledge?

Kelley: That's a really good Segway into the Brown Act too. I think it depends whether or not it would constitute a full meeting. Out of abundance of caution if there is ever more than a quorum present, you could agendaized it. I'm not sure if certain individual members, of less than a quorum went before. But that is certainly something you could make sure and review with the District ahead of time whether or not it constitutes a meeting. Because especially if you are not taking any action, things like that, that's always a Brown Act question, whether or not when you get together and coming together, constitutes a meeting, which we will review.

Reina: What I remember, from the very beginning, where in quorum in regards to the do's and don'ts of us as committee members, and yes, whenever we have a quorum, or something, we are binded by the Brown Act and everything else in place. We kind of have to be cautious and productive in our roles and we agreed to definitely work through the Chair. Whenever I want to go and inform the parents and school on this is what we are doing or go with teachers one on one, I have the freedom to do that. And then of course it would be through our Chair, Hey I'm planning to attend this meeting, parents committee, or whatever. But definitely, maybe in the next time we can do next time what we did in the beginning, the do's and don'ts for the new members so they are well aware outside as we were in the beginning.

Kelley: We will cover a little of the do's and don'ts of Brown Act. But that may be, like you said, another layer of just logistics. And I think your practice is going through the board process is wonderful because you'd be surprised how many times we will hear folks are just all excited and want to visit a site and all of a sudden a number of different members whether it be

CBOC or the Board will show up all together and then all of a sudden it's a quorum. That kind of planning that you mentioned is really smart and thoughtful.

Reina: We did it and it worked. We worked it within our schedules to make sure we can participate. When I went, no one else was available. I was given the tour by the Director and someone, like our representative from the Board. It was a great experience, I admit. I am looking forward to going back to Nelson elementary to see the progress. Everything that they needed to do was explained to me about what they were going to do.

Leticia: I'd like to say thank you for recalling that because in a sense, Mr. Kraft?

Philip: Yes.

Leticia: Mr. Kraft, it was maybe an established policy, maybe not by the District but by CBOC. She is absolutely right. We did have a process and a procedure in place so we wouldn't violate the Brown Act. Whereas, we each took a site that we wanted to go see and we sent out the date. Actually, we did have a process. Thank you CBOC members for establishing that process. We do have a process, maybe not formalized by the District, but this committee, you will find we adhere to the processes, procedures, and protocols. I think we are very effective, as far as, what we do here and comply with what our responsibilities are.

Charlie: I'd like to also add we grappled early on with what is a 21st century classroom? I know we asked for some clarification and I think we did get something from District. I think we did. That was one of our main concerns. The money is supposed to spent for these specific line items to make it a 21st century classroom. That is something we focused on. Also, I know you brought up about after a projects done to make sure there is funds available to maintain it. That's not our job. That's the School Board's job.

Kelley: Correct.

Charlie: So we should not be looking at anything like that because it is a waste of our time.

Kelley: Right. Deferred Maintenance reports are much narrower.

Charlie: I understand. Same thing with the color of furniture, the color of the room, all the things that go on in construction. We could talk about it but it does us no good. It's the elected officials that makes those decisions.

Kelley: That is exactly right. Those are great examples that would fall outside the scope of the CBOC review.

Charlie: Again, it is my understanding and its been that way for 2 years. Our job is to make sure that the money is being spent for turning into 21st century classrooms and that is pretty much what we focused on. Would we have liked to focus on why is this school being done first? Why is that being

done differently? Or whatever. We're always interested in that. Again, that is not why we are here.

Kelley: Another great example of those questions that start to go outside the scope. Exactly.

Charlie: I'm excited to get this going again because I want to see where we are with, I'm assuming and hoping that a lot of these projects got finished over the last several months.

Kelley: Especially with the kids not necessarily being on site. The question about the Brown Act was a great Segway and I am happy to jump right into that section. We will have time right at the end for a few more questions. Given some of the questions about meetings. I definitely want to make sure we cover that.

If we can jump to slide 11. What we were starting to talk about and this gets really interesting in this particular time and history with social media and all of that. I'll give you a couple of examples of what we've seen lately. Really, the Brown Act is a device that primarily applies to Governing Boards, Legislative Boards, and actually its been a question in the legal community whether the Brown Act automatically applies to the CBOC. The uncertainty is kind of covered here, particularly with this CBOC because of the bylaws. The bylaws clearly state that the CBOC will follow the Brown Act. That's why we always like to do a refresher training for existing members and of course new members. The meeting, definition of the meeting really what this turns on, because the whole point of the Brown Act is to make sure if these officials are meeting, the CBOC is meeting, the public has certain rights with respect to the transparency and awareness of those meetings. A meeting is really anytime the majority of members, so right here on your slides for future reference, gather at the same time and place, ow place, we will talk about, to hear, discuss or deliberate upon any item within the subject matter jurisdiction of that body. When we get into the idea of social media now, that definition of gathering at the same time and place, place can now include online activity. And same about deliberation. Deliberation, especially in social media, could mean someone goes on and express their view on twitter and even though there is not an active discussion going on, another person on the CBOC can go on and see that and do their own response and all of a sudden you could potentially have deliberation. And that is all out in the public in social media. That's the kind of thing we see now with Facebook and anybody who goes on Facebook knows there is the actual post and then what's under the Facebook post? All the comments. This has happened much more in the Governing Board context than the CBOC context. It is a reality of if members are convening online in a way that they are participating in decision making or deliberative process, even by writing back and forth to each other, rather than having an actual conversation, rather than sending an email, even those messages back and forth to each other, if it's in view of the whole membership, if there's comments from the whole membership that's when you start to tip toe towards a meeting, which is what we want to try and refrain from doing without proper notice and agenda. Let's talk real quick about the agenda. I think this meeting is a great actual logistical example of how things do

come up. You have with the meeting agenda, in order to inform the public, you have to provide them with a description on what is going to be covered in the meeting, which is done here. And what action is going to be taken on. What is the plan, the time, the location. District's have gotten incredibly good notifying both in person and virtual meetings online. Those are the requirements of the meeting agenda. And you also have posting timelines we talked about in the beginning of the meeting, 72 hour rule. As you saw, there are ways to cure and correct those type of issues. But again, it is important to, for the transparency and adhering to the Brown Act, that the committee follows those closely as possible. If something comes up, there are ways again, to address it.

Serial meetings are also prohibited if we want to jump to the next slide. This also comes up a lot in social media and email. This is where you may not have a formal meeting. We talked a little about this with Twitter and Facebook. But this also happens with emails or texts. If the CBOC is getting ready to approve their annual report and there is an issue in there and it's really a hot button issue and its outside the meeting time. Outside of an agendized meeting. Folks maybe start texting each other with how they were going to vote. Texting each other what they are going to recommend at the meeting and those goes from one person to the next, that's not necessarily a meeting, but if that person turns around and texts 3 other people, even though that individual conversation didn't constitute a quorum all at once, its that chain of serial text messages, emails, or in person meetings over time that there could be a consensus reached or at least or an opinion reached amongst a quorum of members without anybody ever being back in the same room. That's when those serial meetings become a bit of a problem and could result in a Brown Act violation. The other thing to note, we did it tonight because of the Brown Act, these meetings are opened to the public, they are opened to public participation and comments. And you'll see that and should see that on every agenda. You don't often have closed session with CBOC's, but technically the public is allowed to speak on any matter of the agenda including closed session items.

As you proceeded tonight already, and for the new members who haven't served on boards, it's just a process of getting a feel for it but the CBOC does follow, if we go to slide 15, Robert's Rules of Order. I know maybe some of you have heard this before. I like to talk about Robert and why we do all of this now. This is our Mr. Robert and he was actually an engineer. I always thought he was legislature or something. But he was an engineer in the 19th century who was a huge fan of congressional first speakers. He thought the decorum and the order that they imposed, really should be applied both in Congress in Washington D.C., but also in the Local Legislative Body so there is uniformity, some predictability and some formality. He finally got his way and he crafted these rules of order that give us now the way these meetings proceed. As we saw tonight, there's a motion, there's a second. All those types of things that, and the vote themselves, the requirement of quorum. All that comes from the settlement he wanted to have in the formity of the process. If you ever think of why you're following that or why it is formal, that really comes from not only the rule of order, but the fact that the bylaws speak to following these rules of

order. That is a very quick overview of the Brown Act, but happy to again pause here. You have a very extensive, just in case there are times I am not here or if there are times where you are curious about how all this goes, we do a pretty comprehensive introduction document to the Brown Act, its under Tab 9. That gives you an overview if you have a question about committee member attendance, if you have a question about agenda requirements, this is a good place to go first. And if there are any questions that come up about this, you can relay those to your District staff contact and either they will have the answer for you or they can refer that question to us as Counsel so we can get that addressed for you. That's your Brown Act document. Any questions on what I covered or what you see in the materials?

Philip: Could you tell us a little bit about the remedies if we are out of compliance. For example, the serial meeting if we end up inadvertently creating a serial meeting on a particular issue or even generally. What happens?

Kelley: So there are basically 2 paths or basically 2 principals there. There's always go in favor of transparency. If it's something that you have a serial meeting and a decision is made, can that decision be properly be made at a noticed hearing meeting, at a subsequent meeting. It's really to make sure that whatever did take place improperly you can cure and correct it. Also, is it prejudice? Did anybody of the public say they were harmed by something not following the Brown Act? For example, if the agenda, we've seen this before, where the agenda is posted electronically online and there is some sort of glitch and somebody can't access it for the 24 hours before the meeting. If someone approaches the District and said they were actually harmed by that because they didn't know the meeting happened or they missed a key vote on an item or didn't get a chance to comment. Those are the things that should and can be brought to the District's attention to see what remedy could be taken. I would say in a nutshell, can you redo it in the proper way? That would the first step we're would be advising Boards and CBOC's to take. Can you cure and correct it? And whether that means, as we did here pushing action items to the next meeting, is a great example of that.

Philip: I know with a lot of local electives they get their head around the concept of a serial meeting and because of that they are often times hesitant to even talk to each other one on one outside the boundaries of a meeting.

Kelley: Right.

Philip: Just to clarify. There's nothing wrong with me, for example, calling the Chair and talking about something as long as we communicate with each other this is us and this isn't going to become a chain to become a serial meeting, right?

Kelley: That is a great clarifying question. In that hypothetical, that would be correct, that would be ok. You have a list in your materials on page 5 of your Brown Act materials, so I'll just review those really quickly.

Leticia: I just have a question regarding of what Mr. Kraft has said for some clarification. So if Mr. Kraft and we speak on something, I can't go speak to like Charlie or Reina, right? About the same thing. It just has to stay between us two.

Kelley: Correct.

Leticia: Then it becomes the serial meeting.

Philip: As long as you don't get to a quorum.

Kelley: Right. I would say because we don't know who is talking to who when it comes to that, we always our advice errs on the side of being conservative and saying keep those individual contacts and conversations separate. And when, for example, Madam Chair woman would end that conversation, she say this conversation is between us and even when she has a conversation with somebody else about the exact same item, that is something we recommend reiterating it stays between the folks. Social gatherings, community meetings, if we see somebody at the supermarket, I think the other protection you have too just being cordial and social is it has to involve something within your subject matter and jurisdiction. If you're talking about just events or the high school sports team or the basketball team, even if it's a District subject, if it is not falling under your subject matter jurisdiction, the chance of that serial meeting being a problem is even lower.

Philip: And as long as we are not getting up to 5 people. 5 is the quorum here.

Kelley: Right.

Philip: We're okay.

Kelley: Right. That's a great thing to reiterate though. Always know what is your quorum based on the number of members. So here it would be 5. Exactly. So you have that reference as things come up. Again, we are here. We're here to support the District and the District is here to support you with the questions because it is not always clear under the Brown Act on how things proceed.

Philip: If we ever have questions for you, should that go through Staff?

Kelley: Yes. Definitely.

Philip: I just want to clarify.

Kelley: We could talk a little bit about the best way to get a hold of staff. Maybe we could hold that until the end with follow up questions that will come up.

Philip: Thank you.

Leticia: I do want to acknowledge that if you do have any questions, if you can bring them here to the committee because many of us might have the same question and we all should be on the same page and be hearing the same information. I really would like that respect, if we all have that respect for one another and bring the questions here. That way the District staff too, doesn't hear by every one of us, right? Because they have their jobs to do. I want to respect their time and if it is a coordinated effort by us as CBOC members that would probably be most effective.

Kelley: I'm glad that you bring that up because that is sort of the logistical question that the CBOC can determine on its own just with a general idea in mind that legal questions, take those to staff and they refer them to us. That's really where the attorney-client privilege comes from. That's a great clarification there. Before we jump into any more of the bylaws and a little bit of ethics, any more questions?

Let's just jump to slide 18. Again, I think we started off this meeting in this way. I'll just reiterate it. And the bylaws speak to it too. The committee's purpose is to aid and conduct of the people's business. What is going on with the expenditures of bond funds is the people's business because it's the community money that is being spent. With that, the bylaws really take care to set forth things that not only are transparent to the CBOC but the bylaws become part of the public record as well. These are items that commonly come up and especially we crafted this specifically with respect to this CBOC based on questions that have come up for us in the past. Just to bring up some of the new members up to speed with questions that we might have already covered. The appointment process and the duration of terms. We are pretty bound by statute here but the way the CBOC bylaws reads here is, CBOC members serve 2 year terms, but you may serve 3 consecutive terms, but no more than those 3 consecutive terms. Section 5 basically governs a lot of the membership provisions. It covers removal. It covers appointment.

New members you just been through this process but we can cover it a little bit in detail on section 19. Sorry, slide 19. Actually section 5.5. This is typically what the Board goes through. Superintendent works with the Board. I remember when this committee was formed back in 2016-17 and the District went through the process of soliciting applications and then the Board approved and convened the CBOC committee via a resolution. That was done already. But just in case questions come up we have the guidance in section 5.5. Also this question has come up before. Amendments to the bylaws. That's in section 10. The CBOC can propose as the governing body, you have adopted the bylaws, and you can make recommendations, you can review and discuss. And then recommend any changes would go to District staff and then the District staff makes a recommendation to the Board about any changes. These are fairly rare once the bylaws are put in place. They do require a 2/3 vote of the District's Board to amend the bylaws. The only time I've really seen this come up is, for example, if the bylaws have a particular, I know in yours, you have a particular organizational meeting, has to happen in October. I had a couple of CBOC's because of Covid and because of different things their bylaws didn't exactly line up with what they needed to do. That was completely

reasonable to have the District's Board to change the bylaws for different months or convene in a different manner than their more specific bylaws set forth. That's one example I've seen. Changing term limits, we've seen that happen. But again, pretty rare.

On slide 21, if you want to jump to that. This is what your bylaws speak to as far as your meetings. It's fairly standard. Just something that is coming up is your organizational meeting in October. That's going to be, you won't necessarily have to be hearing from me. You'll be done with onboarding. You'll be ready to go and you'll be ready to focus more on your CBOC activities. It does require in your bylaws, that those meetings be held in the District. As you see here, the whole point to make sure there is communication between the CBOC and the District. And that the District staff has consultants as needed. Tonight it's a consultant like me. It might be a different consultant on a different night to report on the status of projects and related expenditures. That's just a couple of highlights of the bylaws based on questions we have gotten as legal counsel over time.

And we'll jump right into Ethics. Happy to take more questions after that. Let's talk a little bit about Ethics. As a CBOC, we talked a lot about this word, transparency. And you are charged with making sure that the District is transparent and accountable. In order to do that, you are also held at a heightened standard of transparency and ethics as CBOC members. We'll get into a little bit of examples because if you thought the Brown Act was a little gray area or muddy, Ethics can get even more so. Again, we gotten questions before. If you do have questions in line with protocols, we'll cover it at the end. If these things come and it's not clear in the moment and you get approached by somebody in the community and wants to give you a gift and it seems related to a project, things like that, that is certainly something you can flag for District staff and can be reviewed. Your financial conflict of interest is what we are really thinking about here because as the folks pointed out on the committee so much of what you are overseeing is the actual expenditures and the money. So your bylaws and the ethical code covers a lot of those financial conflicts of interest. We start in the Political Reform Act. I don't need to take you through the entire code and history of Political Reform Act. It basically is covering the fact that you as CBOC members have a duty not to accept financial benefit or have a family member, and that is all listed out in your ethics policy of who's covered by that. That would essentially modify, impact, influence your decisions over oversights of certain things. We rarely had to address these types of issues because the folks that serve here want to do the right thing and they want to oversee the expenditures properly. That's why they're here. Nevertheless, we wanted to highlight a couple of things for you. More so in from compliance aspects. As part of your duties as CBOC and part of being a member of a public body, you are required and submit and do certain things. One of them being a form 700. Just a show of hands, who has ever done a form 700 before? New for some folks. I know for this particular body, and really for any CBOC, there's certain key times when you submit a form 700. If you want to look at it, we actually put a sample in your binder. That's under section 10. It's a state of economic interests. And it's basically to say, here are the different categories of real property, gifts, income, payments for travel, that you're required to report at least in the

interest of transparency saying that if something falls within the limits of form 700, I'm going to be transparent about it. If you get a gift, I think the gift limit just increased. I think it's something high enough like \$520. We're talking about big things. It's not necessarily going to be minor things or reimbursing you for gas mileage or things like that. We're talking about big property donations, income. That's when we really get into the realm of form 700. I know members typically submit when you assume office or around that period of time or annually. I think the current sitting members before the new folks got on board, you do it maybe in earlier this spring, potentially? It may have already happened this year for the sitting members. You also do one when you leave office. You could imagine someone who doesn't have good purposes, maybe wants to leave and will try and take care of something on the way out the door. While that doesn't work with form 700, you'll still have to submit one on your way out. That is in your packet. What we recommend you do because sometimes this can create a lot of questions, from the CBOC, is one place I recommend you go individually because it's actually a really good resource on this because this is such a murky area, is the fair political practices commission website. FPPC. I think they gotten so many questions over the years from good honest folks just wanting to serve on public committees that they have created a great resource and database of frequently asked questions. Does this violate? Do I need to report this? It's right in your materials and also on your form 700. There's references to that website as well. If you have questions or just want to get a more familiar feel for it, I recommend you go there first. Then of course you refer questions to us as well.

The other thing on slide 24 is your ethics policy statement and basically takes all of the Political Reform Act, takes your conflict of interest, and incompatible duties. It sort of boils it down to one page to make it a little bit easier to show you what needs to be complied with. Also in interest of transparency, the District asked that you sign this after you review it. I believe some members have done this in the past years. We have new ones for everybody today to sign and review. I don't think it has to be tonight. This is just an example of one. I can double check if they want you to sign tonight. Really what it speaks to is your conflicts of interest. Sort of what we talked about, there is some really good examples here, a construction project using bond funds that is going to benefit a family member. If you know that the District is looking to do a project at one the high schools and the contractor that was selected paid is a family member, or is your spouse, or is your child, a parent, that's a direct conflict of interest. In that case, we recommend that you bring that attention to the Chair. Bring it to the attention of the District staff. And those things have happened before but that person typically either recuses themselves from the membership during the period of that project or if its just around a vote itself, they will recuse or abstain from voting on just that item. Just as we talked about with the Brown Act, there is a number of ways to address issues that will come up. Outside employment is one those that we don't see as much. Let's say someone is sitting on the committee and has a great deal of knowledge because they own a construction company or they worked for the city on projects and approving projects that were funded with bond funds. That's when we start to get in that area of do you have or could you potentially gain future employment by what happens here? Or by what happens in reviewing and

approving an expenditure that may benefit you personally, but could potentially cause a problem with the CBOC. It just lists and there are a lot of practical things here that even after you leave a committee, there are certain duties that you couldn't immediately leave the committee and you individually or a company that you work for, couldn't immediately go and bid on a project that the District is going to use Measure BB funds for. I think if you have questions I would make sure to go first back to this statement. Actually you have one in two places. This is just the example. I think you also have one at the end of your bylaws. And that might be the one that we sign tonight. I think that's what we did the last time. It's on page 6 of tab 5. I'll check with the District on whether or not if we are going to collect those tonight. At the bottom, this is just a good reminder you're serving the District and you have a duty to uphold the law. That's not always incredibly clear on what that means. I would just recommend err on the side of caution, if it doesn't look right, if it doesn't feel right, it may be something you want to bring to the Chair's attention. If you're getting approached with gifts, if you're getting people you know are part of the construction project or could financially benefit from by giving you something by having a discussion with you about an item you're going to be considering as a CBOC. Those are the kind of things that should at least raise some caution and that is why we are here and we could do an analysis of the conflict if anything does come up. That is your ethics portion. And I know we're getting into the weeds of it. This really covers your high level view of what you need to know on the legal side, anyway of being a CBOC board member. I'm happy to take any questions or address anything that you need further assistance with.

Leticia: I do have a question on the ethics policy. On the last item, commitment to the District. Can you give me an example of a personal interest that we may violate?

Kelley: That's a great question. I'm trying to think. We haven't had that many issues with CBOC members but if you look at that and we'll look at that together. I think if the CBOC member is consistently, let's say they come to every meeting to talk about something that is not on the agenda and is something that falls outside the scope of the CBOC duties, this might be a hot button issue with the District. It may be something that is of personal interest to them, potentially even if they politically think that would benefit them and running for Board someday. Something like that. Over time, that very clearly starts to become their focus of their service instead of the actual parameters of why they're there. That to me would start to get into the realm of serving personal or business or political interest over the District. Really when we say commitment to the District, its why exactly are you serving on the CBOC? Is it to perform that function of your duties within those parameters of the bylaws and the bond act? Or is it for some other purpose? That would be an example of that. I haven't seen it much. I could think of one example in a different area, regional, geographical area where that happened. At that point, there was so many issues that the case for removal by the Board was pretty clear. But one of the things that I think was asserted in the removal terms was that personal interest.

Leticia: Thank you.

Philip: I did have a couple other questions. First, I understand that you're from San Diego, thank you for coming up here.

Kelley: Of course. I am from San Diego, but I am a Rams fan. I also have my Dodger mask in the car, just to make it clear. But Rams fan first and foremost.

Philip: I'm quickly going back to the Brown Act. 2 things that came to mind. The first question is more of a clarification, as far as, the CBOC relates to the Board. And just to clarify, there are no Brown Act implications as far as our communication with individual board members. We are just members of the public, as far as, the board is concerned. Correct?

Kelley: That is right. You are, and I think its in the bylaws, where you have your rights as an individual member of the community as well. If you approach a board member though, I would always make sure you are clear what hat you're wearing. Are you approaching them as a member of the community to talk about an issue of concern? Or are you approaching them to talk about a matter that could potentially come before the CBOC?

Philip: Even as members of the CBOC, wouldn't it be okay to talk to Board members about board direction, their thoughts, their individual thoughts.

Kelley: Yes. I think so. I just think in terms of wearing those different hats, and especially in terms of what that Board members should have to do with that information. So if you're talking to them as just one their constituents, they may treat that information on whatever you're saying differently than if you're speaking to them out of concern for a CBOC type matter. Does that make sense?

Philip: Yeah it does. Thank you. And the 2nd question I had, I don't see anything in the bylaws as it relates to agendizing. I know that Robert's rules are quite lengthy as far as agendizing is concerned both during meetings itself and prior to agendas being posted. I just want to ask for clarification from you, possibly staff, and the Chair, as far as, what is this body's policy as far as placing items on the agenda. Is that something we reach out if we like as an individual member of the committee to have something placed on the agenda? Do we reach out to the Chair? Do we send that to staff? I just want clarification on that so that we don't have any issues.

Kelley: First and foremost, you do that under the Brown Act since your bylaws hold you to that.

Leticia: Our normal in the past we do have the chance to ask for the next meeting to hold certain agenda items. I'll ask okay, what agenda items for the next meeting. And people can ask at that time. So we do have a process. Yes.

Philip: Given that our meetings are 3 months apart, things certainly come up before the 72 hours before. Do we have an opportunity to request items to be agendized before the agenda is public under the Brown Act?

Leticia: If I understand your question, for instance, I'll ask if there are any items to be placed on the next agenda during this meeting. Then you could place those items now. Or by next week you can always send me an email and ask for items to be placed on the agenda. So yes it will be well before the 72 hours.

Philip: That's what I want to make sure. And you're the person we should reach out to if I'd like to place an item on the October 6th agenda as long as it is timed enough to get it on the agenda to get it published. That's okay?

Leticia: Absolutely, the sooner the better. That's why we do it way in advance because there is a lot of information the staff needs to prepare for, so yes.

Philip: Of course. Thank you. I just want to make sure. Thank you. That was it for my questions.

Kelley: Any other questions? Anything from the District staff as part of this presentation onboarding that I didn't cover that you wanted to clarify? Are we going to be collecting the policy statements tonight?

Joel: Yes. I think we are to collect them after.

Kelley: Okay.

Philip: And that's page 6 that we would just take out of.

Kelley: Page 6 of tab 5 because I think that is the most up to date one that has the District's name and all of that on it. It's just not an example. If you have any questions about it, I can hang back and happy to address them. If you could sign that today, that would be great. That would be one less thing the District staff has to worry about for the next meeting.

Joel: And we would also like the form 700 from the new members as well. Just the new members.

Philip: When do you need that by?

Joel: Would it be possible to get it this evening?

Philip: I don't have my list of stocks. It would be wonderful if I could pull it right now, but I don't.

Joel: We'll get back to you then. Understandable.

Kelley: You have all of that. If you need a copy, I think the District has it now on an electronic form. Anything else? That wraps up my portion. Thank you for your time. Great questions. Appreciate it.

Leticia: Thank you very much. It was very very informative. Very good presentation. I appreciate it. Thank you. And you're absolutely right. A refresher is good.

Item No. 5

IDENTIFY POINTS OF DISCUSSION FOR UPCOMING MEETING

Leticia: This is an opportunity to add items to the next agenda. Does anyone have anything they like to see at the next meeting?

Reina: I would like to see whether if it is possible or even prior to it if we can get some sort of schedules since schools are now opened. Maybe those that were in the pipeline to be upgraded and everything. I would love to go back and visit those schools. Maybe we could pick a similar schedule and send it to us and let us know which ones we could attend.

Leticia: Site visits. Thank you.

Philip: I'm not exactly sure how to word this. I know current board direction, I have been listening intently to the recent direction, current board direction has affectively stopped. What's happening? Finish what's going on. Finish the few schools and stop until they figure out how they want to proceed. I'm not sure how to best address that as CBOC. Whether that's to potentially agendized a request to meet with the Board in a joint session with the CBOC and the Board so we can determine what direction the Board would like to give. Maybe an agenda item as it relates to request for board direction. I'm not sure exactly how it could be worded.

Kelley: (inaudible)

Lelia: Kelley, the zoom members are having trouble hearing you.

Leticia: Normally what we do, we have a standing item of board bond presentations. So the staff does bring back the presentation that were provided to the Board. Maybe at that meeting you can view the information that is presented and like Kelley said, that might generate a question, then we could agendized that for the next meeting.

Philip: I think the issue is that the Board direction today is dramatically different from the Board direction twelve months ago. It is night and day. If we are going to act as an effective committee we need to know from Staff what that direction is. I agree, it's an information item. It's not an action item. But not just what staff presents to the Board, which we have access to it, that's public information. But staff's understanding is to how the Board has instructed to proceed.

Gabriela: To add to what Philip is saying, for example, I know the Board's directive is to halt, but there is a process in phase 3 and 4 that they have already started. For example, they submitted DSA application. I would like to know where are they exactly when it comes to 3 and 4. What has been spent so far? As far as DSA applications, where are they at? Because the Board has given the directive of halt. But if they are in the permitting process and there's a halt, we also need to look at how is that going to affect the expenditures of the bond. That's information I would like to know specifically to phase 3 and 4. Where are we exactly, what has been spent? So we as CBOC members can analyze it. They spent \$65K on DSA, let's say, and it's halted, that permit is going to expire and then we're going to

have to spend it again. We need to look into that and know exactly where we are when it comes to phase 3 and 4. I know 1 and 2 are already at the end. But I want to know where exactly we are at with phase 3 and 4.

Leticia: The timeline? Is that what you are looking at?

Gabriela: Timeline and expenditures. Where we are to date when it comes to the expenditures.

Leticia: Updated timeline. Expenditures, we get them quarterly. They're always updated, so that's a standing item.

Gabriela: Okay. But I would like to know what they spent so far because I know that permits and Joel could help maybe, with this. I want to know exactly has been spent when it comes to DSA because I know it's very costly to send its permits to DSA. That's why I would just like to have an actual figure that I could grasp.

Joel: If I'm understanding the question correctly, you're asking for not just timelines, but expenditures by phase, essentially.

Gabriela: Yes. That's correct.

Philip: Quite frankly, not just budget and timelines, because I'm definitely hearing from the Board at last Tuesday's meeting, the board meeting was enlightening. I'm hearing that the Board is discussing going back on the design aspect of it. Such as, we're talking about phase 3, phase 4, phase 5. That might not be part of the equation anymore. And we need to know where the Board wants to go and Staff's understanding of that. So we can analyze the expenditures. Because if we are analyzing expenditures based on a phase system that the Board no longer wants to use anymore, then we're kind of just spinning our wheels.

Charlie: Let me just say this then, I guess welcome to the circus. Any of those questions that you asked, if you wanted to as a private citizen, you can go before the school board and ask them. They have an obligation to answer. Whether you get an answer that day or not is a different story.

Gabriela: I agree with that. But we are here to inform the public based on the information.

Charlie: Let me finish my statement first then you could share your opinion. I'm just saying that my biggest concern is they floated the first bond which we already know they are past the date that the money should have been spent. So, there could be some implications from that. The 2nd bond, has that been floated yet?

Joel: No it has not.

Charlie: I'm more concerned with what was the timeframe that the first bond money should have been spent, or the project should have been completed. I would like to know that answer, as far as, are there going to be any

ramifications from us not completing the project before that time? As far as the other monies being spent, again, I go back to the Board can do whatever they want, they can postpone it, they can change it, they can do whatever. I'm just more frustrated because this project has been dragging on, and a lot of it is because of the DSA. I realize that they help dragged this project out for years. So hopefully, like the Board members are saying, we can get some answers on what the expectancy is on completing the project. I'm in agreement with what you're asking for. I'm just saying, at the end of the day, it's going to be fruitless. As far as being transparent, this board has been more than transparent. We've been asking questions since day 1 to the point of nausea. But I don't disagree.

Gabriela: But have they been providing the answers? For example, what I'm hearing, I'm brand new, I was out in the public. They're hearing phase 3 and 4 but they don't know what that means. That's why I'm asking for specifics on where we are at with phase 3 and 4. Because I know with DSA there are timelines and based on when you complete "A", you have to pay a certain amount. Based on when you complete "B", you have to pay a certain amount. If we halt the project, and we have done Part "A and B" of a permit, then that's going to expire, then we have to start all over. I want that information. Because the Board also needs that information to take into account with the decisions that they are making. From the public's standpoint, I don't feel the public is being provided with that information. That's why I'm asking so that they are informed.

Leticia: Okay, so far this is what I hear. We have to assign the positions at the next meeting. Site visits. A timeline. Expenditures by DSA. Expenditures by Phase. And the expenditure timeline on the issuance.

Philip: Charlie? Correct? I just want to mention to you at the Tuesday meeting, the issues and ramifications was brought up and discussed and the Board was told that practically the IRS tax implications/ramifications – none. That question was brought up and asked and answered because the Board brought that question up. I did want to also, I don't know how everybody else would feel about this as an agenda item. I know this committee is a bit long in its tooth. The maximum terms is 6 years. And we're coming on 6 years. I at least would like to have a discussion, perhaps an action item amending section 5.4 of the bylaws to allow a 4th term. Doesn't mean you have to, but we have such great experience up here on this committee, that to the extent that somebody would like to stay beyond that 6 year time. I'd like them to have at least that ability to.

Kelley: I don't mean to cut you off. I think it's a great idea and it does come up a lot. There are some statutory limits on that where not just the bylaws, but the actually the CBOC rules talk about consecutive terms. We can confirm that if that's a possibility. I think it does cut off at 3 consecutive terms. Which especially for this great CBOC, which would be tough. But you do have through 2022, but we could look at that.

Philip: And maybe if there is a cap, if there is any exceptions that maybe in place because of Covid and it's certainly not a requirement for anybody to

stay longer. As a newer member, I intend to lean on the expertise of those who came before to the extent they are willing to do so.

Leticia: Let's add that to the agenda. So we'll have an answer.

Charlie: If I could add just one more thing. I agree with the 2 new board members. As far as, if sometime in the future we could get together in a joint session between the Board and our Board, I think it would be a good conversation because the 2 something years we've been here we have not had that opportunity. I think it might be good to have some dialogue. So maybe something for the staff to float among the board and see if they be willing to get together with us. Even if we have to do a special meeting sometime just for an agendized special meeting. Just for a conversation, a discussion, whatever.

Philip: The Board's interest in this is extremely high.

Louis: Can I say something? Charlie is right. I think we should have a meeting with the School Board because they have the final say. No matter what we are thinking about, they could be going on a tangent somewhere, and we don't know where they are going and a lot of us don't attend their meetings. You guys did to get some kind of feedback to get what their thinking is. But even they themselves don't even know where they are going or doing. We have to get together with them and maybe have some kind of meeting, like Charlie says. Find out what their thinking is. We are in the same line together. We need to know what their thinking is and come up with some good ideas.

Gabriela: Can I add, since he talked about adding another term, if there are some limitations to that, I mean us being new, if you are going to term out in 2022, what I would also like for consideration is maybe meeting every 2 months or every month. This way we can have more discussion so that we can kind of suck the knowledge a little bit. Because if you aren't going to be able to serve another term, pretty much it's going to be me and Philip here and we would like to....

Philip: And Adria is on here.

Gabriela: Yes. I forget about zoom. That's another thing that I would like to be taken up for discussion at the next meeting.

Joel: I think Olivia may have something to say as well.

Lelia: Olivia, you need to unmute.

Olivia: Hi, can you hear me?

Lelia: Yes.

Olivia: I would like to welcome Philip and Gabriela to the committee and Adria is back from her next stint. Very excited to have you on board. I just wanted to make a suggestion. When the committee first started we were

thrown all of these acronyms. Everything from State, Counties, City, every acronym in the world. I asked for a list of acronyms and it was like a booklet this thick and I would like to ask Philip and Gabriela to be given that list. I found it to be very very helpful. Not only with our committee meetings, but following the school board meeting.

Philip: I would certainly appreciate that as a new member. My wife's a teacher in this district. We have a no acronym rule in the house. It would certainly be very helpful to have that cheat sheet in front of us.

Olivia: Terrific. Welcome aboard.

Philip: Thank you very much.

Gabriela: Thank you.

Leticia: Are there any other items to be placed on next month's agenda?

Charlie: I would like to place some things on if I could. I just asked you when the next meeting was. I think you said October 6th. I'm actually going to be in Mexico. Sorry to say I won't be able to make the next meeting.

Leticia: You could zoom.

Charlie: I thought about it, I might. I'll be out in a middle of field but I might still take my stuff with me. I'm going to try.

Philip: We just want to see video on what you are really doing at the time.

Reina: In light of the new concerns of the new members, can I make a suggestion that instead of meeting then, can we meet in 2 months? And hopefully all of us can be available to be able to start meeting every 2 months? Or do we need to put it in an agenda and vote on it?

Kelley: The only issue right now with the bylaws is that the organizational meeting has to take place in October. So pushing anything out further, it leaves it for the next meeting would be an issue there. I just wanted to mention that. Further scheduling, the October bylaw is the only limit there for your organizational meeting. Once that is done, there is more flexibility.

Charlie: If I could add, the terms expire September 2022.

Philip/Gabriela: One year.

Charlie: I didn't know if you thought it was January 1st.

Gabriela: No, no, no.

Philip: I intend to take as much knowledge as I can over the next year from you guys.

Item No. 6	<u>NEXT SCHEDULED MEETING</u> 10-6-21 6:30 pm Wednesday
Item No. 7	<u>ADJOURN</u> Moved by Philip Kraft and seconded by Charlie Klinakis for Adjournment at 8:14 pm. 9 yes 0 No 0 Abstain