

Please contact lori.rubenstein@simivalleyusd.org if you wish to attend this meeting and have not been invited.

Meeting Minutes - May 24, 2023

I. Call to Order

Time 6:56 pm by Josh Mengers

II. Roll Call

Present:

Committee Members:

- Josh Mengers, Chair
- Steven Randall, Vice Chair
- Rebecca Hopkins, Secretary/Co-Publicity Chair
- Josh Platten
- Omar Noorzai
- Ray Mehta
- Larry Borovay
- Elisse Sherman
- Jonathan Bonesteel

Other Attendees:

- Martin Hom, Bond Lawyer
- Pedro Avila, Director of Facilities and Planning
- Lori Rubenstein, Bond Program Manager
- Jake Finch, Public Information Officer
- Debbie Nelson, Bond Administrative Asst.
- Robin Rickman, Bond Project Manager
- Susan Stevenson, Bond Accountant

Absent:

- Jay Patel, Co-Publicity Chair
- John Strickler
- Ron Todo, Asst. Superintendent of Business & Facilities

III. Pledge of Allegiance: Lead By: Josh Mengers

IV. Approval of minutes: March 1, 2023

Motion: Larry Borovay Second: Ray Mehta Vote: 9/0 – Motion Passed

V. Public Comments

None

VI. Information Items

- a) Brown Act Presentation (Tabled: called out of order)

Mr. Hom put together a handout of the Brown Act for the committee and was on hand to answer any questions. He stated that the rules do apply to the CBOC.

There were questions regarding social gatherings and what constitutes a meeting. He explained that social gatherings were fine, as long as no committee business was discussed. He also explained what constitutes a serial meeting, whereby 2 or 3 members meet and discuss committee issues, and then later meet up with other members to discuss and share the information from the previous gathering, which is not allowed.

He went on to explain how the meetings need to be agendaized and that items can't be added to the agenda at the last minute due to the requirement of posting to the public 72 hours before meeting. The only exception is if there's an emergency meeting. Then only 24 hours' notice to the public is needed.

He shared the new rules that came about due to the pandemic: the ability to remove disruptive attendees and the ability to attend via Zoom without having to post a meeting notice outside of your zoom location - residence, hotel room, etc.

Ms. Finch added that the serial meeting rule as stated above includes social media posts. Mr. Hom stated that includes texts, emails, etc.

b) Project Update

Ms. Rubenstein shared a Bond Project Update PowerPoint presentation recapping the Measure X Bond and showcasing some of the recently completed projects with before, during, and after completion photos, as well as some upcoming projects.

This led to many comments and questions.

Mr. Mehta stated that his son attends Royal HS and really enjoys the new quad, and Ms. Hopkins mentioned how the new furniture at Vista can be reconfigured within the classroom.

Mr. Noorzai asked if the Royal HS MPR can hold all of the students at one time, wherein, Ms. Rubenstein stated that it could not; that it was never intended to be able to do so.

Ms. Hopkins asked if there were ADA funds to help with some costs to which Ms. Rubenstein stated there were not. There are no fund grants for ADA projects. However, there are organizations that look for ADA compliance and this can lead to fines if found in non-compliance of ADA requirements.

Mr. Noorzai asked if the same contractor was used for each project. Ms. Rubenstein explained the bidding process and how its results led us to use multiple local construction companies at different sites based on the lowest submitted bids.

Chair Mengers asked about the use of small businesses and Ms. Hopkins asked about disabled veteran businesses. Mr. Hom explained that in California, it was ruled illegal to require the use of small businesses, women owned businesses, etc. as it was considered discriminatory. However, that is not the case with the use of disabled veterans, and that construction companies needed to put forth a good faith effort to include them.

Mr. Noorzai questioned who was responsible for repairs when needed on completed projects. Ms. Rubenstein explained that it depends on the issue and whether it's still within the 2-year warranty period. If so, then the contractor is responsible, otherwise the District needs to take care of the repairs.

Questions arose regarding the Santa Susana HS (encumbrance after 6/13/23), Sinaloa MS (not initiated at this time), and Valley View MS (not initiated at this time) fencing projects. Ms. Rubenstein explained that the original bid was protested, and the re-bid prices were increased substantially due to lack of workers to complete the projects over the summer. It was therefore decided to go ahead with the Santa Susana HS Fencing Project over the summer and rebid the other two schools after summer in the hopes that the prices will come down.

Further discussion regarding the above topic, the original bid for the fencing project was accepted by one company, resulting in the other two bids (from the same company) becoming substantially more for the same company to perform the two additional bids/location fencing projects.

There were a couple of inquiries asking for clarification on the Expenditure Report. Mr. Noorzai asked about Consent #10 on 2/21/23 regarding the purchase of MFA Solution. This is a technology purchase of Multi-Factor Authentication for use district-wide. Ms. Hopkins inquired about Consents #4, #5, and #6 on 4/18/23 for the inspection contracts for the fencing projects at Santa Susana HS, Valley View MS, and Sinaloa MS at a cost of \$11,900 for each project. Ms. Rubenstein explained that these are for the inspection services. She also explained that it takes 4-5 months to complete a fencing project and that the inspectors are paid by the hour, not to exceed the contract amount.

Mr. Bonesteel had questions regarding the Simi Valley HS Kitchen and MPR Projects and what the back up plans are in case things don't go smoothly with the kitchen. Ms. Rubenstein explained the different options and costs that were evaluated before making the final decision to convert an existing building into the kitchen to enable the demo of the old MPR and building of the new one. If things don't go smoothly with DSA approval, the only repercussion is a time delay in the building of the new MPR.

Ms. Sherman inquired about what else was housed in the MPR building, as well as if the size is comparable to Royal's and whether there would be any shade structures. Ms. Rubenstein went over the layout of the new MPR building and explained how the MPR is comparable to Royal's. The building will also house four (4) science classrooms, as well as band, choir, dance and theater classrooms. Ms. Hopkins asked about the timeline for the project. Ms. Rubenstein

shared that the kitchen was projected to be finished by the fall of 2024 and the MPR by the fall of the 2026-27 school year.

Ms. Sherman asked about the current construction trend, if it appeared to be stabilizing. Mr. Avila and Ms. Rubenstein both agreed that it appears to be.

Chair Mengers asked about the Black Box Theater. Ms. Rubenstein said that would have to be put on hold until a future bond could be secured. Keeping in mind that DSA approved documents/plans remain valid automatically for four years and there is no need to apply for an extension for classroom/building from the DSA.

Ms. Sherman asked about the completion timeline for the classroom renovations that have yet to be done. Ms. Rubenstein stated most usually take 6-8 weeks, however some may take 6 months to a year to complete due to the lack of additional space that some schools have for the relocation of classes during construction. Expected completion for all schools is anticipated to be 2027.

Further discussion occurred regarding the timelines for classroom renovations:

The process is with four classes at a time to move out/in, with 6-8 weeks in duration, per classroom, for a total school classroom renovation project taking 6 months to 1 year.

Chair Mengers stated that he would like to see a schedule for all projects and asked that the PowerPoint presentation be sent to all the members. Ms. Rubenstein said she would share the presentation with the CBOC members.

c) Ongoing Projects:

Berylwood – Construction

Garden Grove – Inclusive Play Equipment – DSA

Knolls - Restroom Upgrade – Close Out

Parkview – Classroom Renovation – Design

Royal – 2 Pool Portables – Construction

Royal – Band/Choir Rooms – In Construction (completion projected end of summer 2023)

Royal – Classroom Renovation – Design (6/7 classrooms left projected 6 months-1 year, no work over the summer)

Royal - Classroom Complex – On Hold

Royal - MPR – Close Out (Proof of Completion March 2023)

Royal - MPR Plaza Courtyard – In Construction (Dec. 2022-March 2023)

Royal – East Quads – Close Out

Royal – West Quads – In Construction (March 2023)

Royal – Snack Bar – In Construction

Santa Susana HS– Fencing, Single Point of Entry – Bidding (encumbrance 6/13/23)

Simi Valley – Classroom Reno Project Bldgs. 3,4,5,6,7,8,10,11,12 – In Construction

Simi Valley – Boys Locker Room – DSA Scale Back
Simi Valley – Girls Locker Room – DSA Scale Back
Simi Valley – 3 Temp Portables Bldg–To be incorporated into the locker room projects– On Hold
Simi Valley – Kitchen - Design
Simi Valley – MPR – Design
Simi Valley – Main Quad Landscape Improvements & Shade Structures – In Construction
Simi Valley – Snack Bar – In Construction
Sinaloa – Fencing, Single Point of Entry – Bidding
Sycamore – Fencing – In Construction
Sycamore – Inclusive Play Equipment – DSA
Valley View – Fencing, Single Point of Entry – Bidding
Campus Wide Notification Project – Phase 1 – Vista ES

VII. Discussion Items

a) Annual Report

i) 2021 – 2022 Annual Report

The draft of the Annual Report was presented and a discussion ensued resulting in some verbiage changes, as well as additions.

Mr. Bonesteel wanted it noted that the inflation made it more challenging to complete projects due to the pandemic; Ms. Hopkins pointed out some grammatical issues that needed fixing, as well as the need to include the new student laptops (Microsoft Surface Pros, per Ms. Finch); and Chair Mengers suggested adding the continuous technology upgrades. Ms. Rubenstein made the corrections as directed by the committee so that it could be finalized during the meeting in preparation of its presentation to the June BOE meeting.

Ms. Sherman commended Chair Mengers on the appearance of the Annual Report and stated that it was very well done.

b) Yearly Audit Report

i) 2021 Audit Report – Financial and Performance Audit – Board Approved 4/18/23.

Chair Mengers shared that there were no findings, and that everything appeared to be in order according to the audit report. He also clarified that the report was for the last fiscal year, as we are still in the current year.

Ms. Hopkins stated that the audit could be more detailed. Ms. Sherman agreed saying they could choose a specific project and audit it. Mr. Randall stated that the auditors only need to take a sample to make sure the numbers match.

Ms. Rubenstein stated that at the end of Measure X, the state will do a more comprehensive audit of the entire bond. Mr. Avila added that the auditors only look at hard costs.

Mr. Noorzai asked if the report showed the costs of the bond. He was specifically concerned about the interest charge in the repayment of the bond. Ms. Hopkins referred him back to page 8 of the audit report and Chair Mengers explained that it was all listed on everyone's property tax bills as separate fees. Ms. Finch referred everyone to Mr. Todo's last Bond Workshop Presentation. (see: www.simivalleyusd.org/rfq2)

VIII. Action Items - Vote: with Discussion

a) CBOC Officers for next year:

Chair Mengers stated that he would like to step back from his Chair position and opened the floor to nominations.

Chair – Rebecca Hopkins was nominated and accepted.

Motion: Steve Randall Second: Omar Noorzai Vote: 9/0 – Approved

Vice Chair – Elisse Sherman was nominated, but declined.

Jonathan Bonesteel was nominated and accepted.

Motion: Rebecca Hopkins Second: Larry Borovay Vote: 9/0 – Approved

Secretary – Elisse Sherman was nominated, but declined.

Omar Noorzai was nominated and accepted.

Motion: Rebecca Hopkins Second: Larry Borovay Vote: 9/0 – Approved

Publicity Chair - Elissa Sherman was nominated and accepted.

Motion: Jonathan Bonesteel Second: Rebecca Hopkins Vote: 9/0 – Approved

b) Annual Report

i) 2021 – 2022 Annual Report

(1) Present to BOE 6/13/23

Ms. Finch stated that the CBOC should be able to present their Annual Report at the beginning of the June Board Meeting so as not to have to stay for the entire meeting.

Chair Mengers stated that he will be out of town and asked if someone else would be willing to present the report. Ms. Hopkins and Mr. Bonesteel stated that they will be out of town as well. Ms. Sherman agreed to present the report as she was already intending to be at the meeting.

Ms. Hopkins made a motion to approve the annual report as amended.

Motion: Rebecca Hopkins Second: Elisse Sherman Vote: 9/0 – Motion Passed

c) Proposed Meeting Dates for next year:

September 20, 2023; November 29, 2023; February 28, 2024; May 22, 2024

The committee discussed changing some of the meeting dates due to scheduling conflicts. Ms. Rubenstein and Ms. Finch stated that meetings can't be held on Tuesdays due to BOE meetings.

It was also suggested that there be more site visits during meetings. It was decided that the next meeting would be held at the District Office with the following meeting possibly being at a site.

Meeting dates for next year were Amended to:

September 21, 2023; November 30, 2023; March 7, 2024; May 22, 2024

Ms. Hopkins made a motion to accept the meeting dates as amended.

Motion: Rebecca Hopkins Second: Elisse Sherman Vote: 9/0 – Motion Passed

IX. Next Meeting

Date: September 21, 2023 **Time:** 6:00 PM **Location:** SVUSD District Office–Training Center

X. Other Business

a) Regular Board of Education meetings:

May 16, 2023;	June 13, 2023;
August 15, 2023;	September 12, 2023;
October 17, 2023;	November 14, 2023

b) Upcoming CBOC meetings:

September 21, 2023;	November 30, 2023;
March 7, 2024;	May 22, 2024

c) The CBOC thanked Steve Randall for his service on the CBOC committee, as this was his last meeting.

XI. Adjournment

Time 9:09 pm by Josh Mengers

Motion: Ray Mehta Second: Steven Randall Vote: 9/0 – Motion Passed

NOTICE: The School District accommodates individuals with disabilities. Forty-eight hour advance notice is required to meet special needs for public meetings. Upon written request, materials in alternate formats will be provided for individuals with disabilities. Please contact the Bond Program Manager, 306-4500 ext. 4461.



Projects		Start Planning	Start Bidding	Start Construction	Construction Complete	Comments
Berylwood	Classroom Renovations 39 Rooms			January-23	February-24	This project will be done in phases
Simi High	Classroom Renovations				September-23	This project will be done in phases
Park View	Classroom Renovations 24 Rooms	December-22	August-23	November-23	June-24	This project will be done in phases. Construction dependent on swing classroom space
Royal HS	Classroom Renovations 42 Rooms	December-22	One Building 4/2023	One Building 6/2023	One Building 8/2023	Phases (buildings) will be constructed separately - time frame depending on swing classroom space
Garden Grove	Classroom Renovations 30 Rooms	November-23	May-24	July-24	August-25	This project will be done in phases. Construction dependent on swing classroom space
Big Springs	Classroom Renovations 20 Rooms	May-24	November-24	January-25	July-25	This project will be done in phases. Construction dependent on swing classroom space
Hollow Hills	Classroom Renovations 22 Rooms	November-24	May-25	July-25	January-26	This project will be done in phases. Construction dependent on swing classroom space
Sycamore	Classroom Renovations 25 Rooms	May-25	November-25	February-26	September-26	This project will be done in phases. Construction dependent on swing classroom space
Township	Classroom Renovations 18 Rooms	November-25	May-26	July-26	January-27	This project will be done in phases. Construction dependent on swing classroom space
Apollo	Classroom Renovations					
Justin	Classroom Renovations					
Monte Vista	Classroom Renovations					

	Construction
	Planning
	Next Phase

MEMORANDUM May 22, 2023	
To: Measure X Citizen’s Bond Oversight Committee	
From: Martin A. Hom	
CC: Lori Rubenstein	
Re: Summary of the Ralph M. Brown Act	

The Ralph M. Brown Act

The Ralph M. Brown Act (“Brown Act”), Government Code section 54950 et seq., governs “meetings”, and certain other functions conducted by the legislative bodies of various local public entities, including the Measure X Citizens’ Bond Oversight Committee. Education Code section 15280 provides that, “[a]ll citizens’ oversight committee proceedings shall be open to the public and notice to the public shall be provided in the same manner as the proceedings of the governing board of the district.”

The basic intent of the Brown Act is to ensure that the actions of the public agencies are open and public, and that everyone is permitted to attend any meetings of the legislative body of the local public entity, except in those instances set forth in the Brown Act. (Gov. Code § 54953(a).) In enacting the Brown Act, the Legislature found that it was intent of the law that public entities actions are taken openly and that their deliberations be conducted openly.

Definition and Types of Meetings

1. **Definition** - A “Meeting” includes any congregation of a majority of the members of a legislative body at the same time and place to hear, discuss or deliberate on any issue under the subject matter jurisdiction of the body. (Gov. Code § 54952.2(a).) A legislative body need not take any action at a gathering in order for the gathering to be defined as a “meeting,” since the mere receiving of information/facts preliminary to legislative body’s ultimate decision on an issue and/or discussion of the member’s views on any issue to be acted on by the committee can be considered a “meeting.”

2. **Types of Meetings**

Regular Meetings – a regularly scheduled meeting of the legislative body.

Special Meetings – a special meeting is generally in addition to a regularly scheduled meeting and may be called by the presiding officer or a majority of the

legislative body. A special meeting may be called where an action or decision is required in a short time frame.

Adjourned Meetings – a regular or special meeting may be adjourned to another time and place.

Emergency Meetings – an emergency meeting may be called when prompt action is needed to address an emergency situation that is defined as: (1) a work stoppage or activity which severely impairs public health, safety, or both, or (2) a disaster that severely impairs public health, safety, or both. (Gov. Code § 54956.5.)

Closed Session Meetings – closed session meeting allows the legislative body to meet without the public to discuss items such as litigation, real estate negotiations, labor, employee matters, and legal advice.

3. Gatherings that are NOT Considered Meetings.

The following are examples of gatherings that a majority of a legislative body can attend without it being considered a meeting under the Brown Act. Members should refrain from discussing any business or issues that would come before their legislative body at these gatherings.

Conferences – a conference or gathering that is open to the public that involves a discussion of issues of general interest to the public or to other legislative bodies.

Community Meetings – an open and publicized meeting to address a local community topic by a person or organization other than the legislative body.

Other Legislative Body Meetings – an open and noticed meeting of the legislative body of another public entity.

Social Events – a purely social or ceremonial event.

Individual Contacts – a member can meet with any person, as long as a series of individual contacts does not become a “collective concurrence.”

Standing Committees – an open and noticed meeting of a standing committee, as long as those members of the legislative body who are not on the standing committee attend only as observers.

Notice of the Meeting and Agendas

1. Purpose – the purpose of the notice and the agenda is to inform the public of the time and location of the meeting and the matters that will be discussed/considered by the legislative body. Each agenda item to be discussed at the meeting need not be more than 20 words long. However, the legislative body is free to include whatever detail they deem necessary.

2. Notice – the legislative body must mail a copy of the agenda for every regular meeting to every person who files a written request for that notice. An annual fee can be charged for mailing the notices.
3. Posting of the Agenda for Regular Meeting – the agenda must be posted in an area accessible to the public at least 72 hours prior to the regular meeting. The agenda must list the time and place of the meeting as well as a description of each item being discussed. Closed session items must also be listed on the agenda. A statement stating how individuals with disabilities can attend the meeting must also be on the agenda.
4. Notice and Agenda for Adjourned Meeting – a meeting adjourned for less than 5 days does not need a new agenda posted as long as no new items are added. A copy of the adjournment must be posted within 24 hours at or near the place where the meeting was held.
5. Notice and Agenda for Special Meetings – the notice and agenda for a special meeting only needs to be posted 24 hours prior to the special meeting. The time and location must be included, as well as items that will be discussed/considered by the legislative body.

Meeting Requirements

1. Location – regular and special meetings must be held within the boundaries of the local agency.
2. Any member of the public can attend the meetings.
3. Meetings are mostly attended in person. However, during COVID new legislation was passed that allowed less than a majority to attend remotely as long as the majority meets in a single, physical location that is open to the public. The legislative body must provide a way for the public to participate remotely, and include on the agenda how the public can access the meeting and provide comments remotely.
4. The public may provide public comment on anything on the agenda during a “public comment” period, or either before or after the legislative body’s consideration of an agenda item that the legislative body will taken action. The legislative body can reasonable regulations, such as time limits, for the public comments.
5. Disruptive Behavior – as of January 31, 2023, a new law sets forth a uniform procedure for the removal of disruptive individuals from a public meeting. The presiding officer must first warn an individual that their behavior is disruptive and failure to cease the behavior will result in removal. If the individual fails to promptly cease their behavior, then the individual may be removed. A warning is not necessary if the individual is using force or makes a true threat of force.

Disruptive behavior is behavior that actually disrupts, disturbs, impedes or renders infeasible the orderly conduct of the meeting. It can include the noncompliance of the rules, such as speaking out of turn, exceeding time limits as long as it actually disrupts the meeting. Courts have held that under the First Amendment, individuals may only be removed from a public meeting if their conduct actually disrupts the meeting.

Prohibited Acts

1. **Serial Meetings** – a serial meeting is a series of meetings where two or more members of the legislative body communicate directly or through other people, or through technology to reach a collective concurrence over time so that a majority agrees on an action to be taken on an issue. The communication can be through, but is not limited to, texts, emails, telephone calls, or written correspondence. Legislative members should use caution when emailing with other members on an issue that will be addressed at a meeting unless it is simply to request that an issue be placed on the agenda. This is to prevent any serial meetings.
2. **Items not properly on the Agenda** – there can be no discussion or action on an item that was not listed on the posted agenda. This does not apply when a member or staff member asks a question for clarification, makes an announcement, or reports on their own activities. Any member can request that the staff report on a matter at a future meeting, or request that a matter be placed on a future agenda. A member may briefly respond to a comment made during the public comment period.
3. **Secret Votes or Ballots** – no secret votes or ballots are allowed as this may violate the requirement that deliberations are open to the public.

Meeting Records

All records that are provided to the legislative members are open to the public for their review, except for privileged documents. Those documents should be available to the public at the meeting if they were prepared by the public entity, or the legislative body. A fee may be charged to copy the documents. If the documents were prepared by another person, then the documents should be available the next day. The local public entity may post the meeting agendas, and backup documentation the CBOC website.

Any recordings of a public CBOC meeting made by the local public entity should also be made available to the public. All such recordings must be kept for at least 30 days. The public is entitled to make their own recordings of CBOC meetings, unless the legislative body makes a finding that such recordings will disrupt the meeting.

Violations of the Brown Act

If a member of the public believes that the legislative body has violated the Brown Act, they must submit a written demand to “cure or correct” the alleged Brown Act violation. If the demand is ignored or the violation not corrected, then the individual may,

1. Invalidation Action – the individual may bring a lawsuit to invalidate an action on the grounds that the action violated the open meeting provisions, or the notice and agenda requirements.
2. Civil Action – a civil action may be filed to ask the court to stop or prevent violations of the Brown Act, determine the applicability of the Brown Act to certain actions, determine whether a rule or action to penalize or discourage the expression of a member is valid, or compel the legislative body to record its meetings.
3. Criminal – violations may result in misdemeanor criminal action.