

WCCUSD CITIZENS' BOND OVERSIGHT COMMITTEE

Monday, July 19, 2021 at 2pm

Minutes

Zoom Conference

A. Opening Procedures

Note: this meeting was held online using the Zoom platform and was open to the public to attend.

B. Call to Order/Pledge of Allegiance

Mr. Anderson called the meeting to order at 2:01pm.

C. Roll Call

Members: John Anderson, Joseph Camacho, Maisha Cole, Guadalupe Enllana, Lorraine Humes, Jason Lindsey and Sallie DeWitt

(7 members with 4 required for a quorum)

Members Present: John Anderson, Maisha Cole, Guadalupe Enllana, Lorraine Humes, Sallie DeWitt

Members Absent: Joseph Camacho, Jason Lindsey-(present end of meeting)

Staff Present: Luis Freese, Ellen Mejia Hooper, Melissa Payne, SeungJa Cha

D. Approval of Agenda

No changes

To discuss a Consent Calendar item, it must be removed from the agenda by a member of the committee

E. Public Comment for items not on the Agenda

Items already on the agenda may not be spoken on in this section. Speakers wishing to address a specific agenda item they must fill out a Speaker Form with the appropriate agenda item listed. Speakers will be allowed three minutes

Comments

Mr. Gosney expressed his disappointment that the draft minutes from the April 1st Joint meeting were not on this agenda. Also the minutes from the February minutes have also not been finalized.

F. Bond Program Project Status and Financial Reports (Luis Freese/Melissa Payne)

Presentation on progress of current Bond Projects including newsletters and financial reports

Discussion Only

a. Facilities Master Plan Project Update

Mrs. Mejia Hooper gave the project updates.

Public Comments

Mr. Gosney asked about the delay on the fall protection for Korematsu.

Mrs. Mejia Hooper explained some of the changes that they have had to make for DSA approval. Not sure if the approval will come this year.

Ms. Humes asked about the safety precautions for the workers on the roof.

Mr. Freese responded about the precautions being taken and added that district employees are not performing the safety work, it is contracted out. When the safety railings are in place, then district employees will perform their work.

Ms. Mejia Hooper concluded her presentation sharing the community communications that have taken place.

Mr. Freese commended Mrs. Mejia Hooper on how she has reached out to social media to convey the information to the local residents.

Mrs. Payne confirmed that she would check to make sure all CBOC members are on the mailing list if they are not already on it.

Mr. Gosney stated that he has not received these mailings even though he is a resident of several of the projects.

There was further discussion on ways to improve the communications system.

Mrs. Payne presented the following financial reports and gave an explanation on how timesheets are being used by staff since March 2020.

- b. Consolidated Budget Report 2021-06-30**
- c. Consolidated Budget Report 2016 MP 2021-06-30**
- d. Report 13 Bond Program Financial Status 2021-06-30**
- e. Report 13A Variance Report 2021-06-30**
- f. Report 2 Bond Program Spending to Date 2021-06-30**
- g. 20-21 AP check list 2021-06-30**

G. Consent Items

Unless pulled from the agenda by a member of the committee, consent items are approved without discussion by unanimous consent

- a. Adoption of Minutes**
 - i. 05-17-2021 Draft Minutes**
 - ii. 06-14-2021 Draft Minutes**
- b. CBOC Records Request Log July 7, 2021**

All Consent items were approved.

H. Annual Report Update (Lorraine Humes)

Mrs. Humes stated that the committee is having trouble meeting during this transition period. Some of the work is done and some is partially prepared. Mr. Anderson and Ms. Humes will resume their meetings starting this coming Monday.

I. Chairperson's Report (John Anderson)

- a. Transmittal Letter CBOC Resolution 21-1**
- b. Comments to Facilities Committee for Discussion at 6-16-2021 Meeting**

Mr. Anderson was unable to attend the Facilities meeting so he shared the memo he sent to the Facilities Committee outlining some of the concerns of the CBOC and he also marked the policy. To his knowledge no action was taken at the meeting. One of the other concerns was the application for Senior Citizen category of the CBOC that was not approved even though it is a mandated position.

Public Comments

Mr. Gosney commented on the terms CBOC By Laws and Board Policy being used incorrectly and causing confusion. Mr. Gosney also complained that the memo to the Facilities Committee was not made public and the copy displayed was too small for anyone to be able to read. The Committee discussed the memo at great length but the public could not comment on it since it had no previous knowledge of it. He believes this is a violation of the Brown Act.

Mrs. Humes agreed with Mr. Gosney's comments and feels the memo should be part of the agenda at the next Facilities meeting.

J. Proposed Revision of Board Policy 7214.2 Citizen's Bond Oversight Committee (CBOC) (Sallie DeWitt)

Discussion

Background Material for discussion

- a. Board of Education Meeting 1/29/2020 Item E.4**
- b. Board Policy BP7214.2 Revision 11-21-19**
- c. Nixon Peabody Memorandum – CBOC Policy 10-01-19**

Mrs. DeWitt discussed the differences between the revisions of the 2019 Board Policy and the 2020 revisions. The 2019 revisions were extensively reviewed by the CBOC, district counsel and other stakeholders. The Board Governance Committee reviewed the CBOC revisions and approved sending the revisions for discussion to the full Board in November 2019. None of these reviews have been done on the current revisions. Today's proposal is that we revert back to the 2019 proposals that have been thoroughly reviews and to from there. In the future if there are further revisions, they should be reviewed by the CBOC's legal counsel and the timeframe should allow enough time for CBOC members, public and legal counsel to review.

Discussion

Ms. Humes gave recommendations on the wording of item #2. She also questioned the legality of some of the other revisions being proposed. Agrees with Mrs. DeWitt that it should go for legal review. Ms. Humes had other recommendations on the wording and proposed revisions which also included giving the proposals to a third legal party for review.

Mrs. DeWitt does not agree on a third-party counsel review. She feels the review should be done by the CBOC counsel.

Ms. Cole agreed with Mrs. DeWitt.

Mr. Anderson agreed with Mrs. DeWitt and offered a compromise on the wording of the request still having the CBOC counsel reviewing the proposals.

Public Comments

Mr. Gosney explained that there is no difference between a change and a revision. The same process is followed for both. He also explained how independence should be interpreted and that he feels the Board and staff are not allowing the CBOC to be truly independent. He hopes

everyone has had a chance to read the transcription he sent out of the last Facilities Committee meeting, which he had a service transcribe. He found Mr. Ferber to be very professional and objective counsel. He does not have the same faith in the opinion of Nixon Peabody's reviews as they seem to be written to please the Board. Mr. Gosney felt that staff's responses to some of the issues raised by Mr. Anderson's letter were not accurate. Mr. Gosney did not agree with Mr. Phillip's comments that Mr. Anderson was the Chair and representative of the CBOC and he would communicate through him and not non-CBOC members.

K. CBOC Resolution 21-2 Proposed Revisions to Board Policy 7214.2 Concerning the Citizen's Bond Oversight Committee (CBOC)

ACTION

Resolution 21-1

Mrs. DeWitt motioned to move Resolution 21-1 as presented on the agenda.

Ms. Enllana seconded the motion.

Discussion

Ms. Humes still feels it is a little heavy hand and would prefer to tone it down but will vote for it if the rest of the committee wants it.

Mr. Anderson asked for a vote"

Ms. Cole-Yes

Ms. Enllana-Yes

Mrs. DeWitt-Yes

Mr. Anderson-Yes

Ms. Humes-Yes

Mr. Lindsey-Abstain

Mr. Camacho-Absent

Motion passed – 5-1-1

L. Draft Letter to Board of Education Regarding Action on Proposed CBOC members Draft Letter to Board of Education Regarding Action on Proposed CBOC members.

Mr. Anderson reviewed the letter he drafted to the Board concerning the CBOC vacancies and Tom Panas's application. His understanding is that Mr. Panas was interviewed but the Board took no action on it. He is asking for clarification.

Discussion

Mrs. DeWitt and Ms. Humes made comments on a typo and a phrasing.

Mr. Humes commented on how the CBOC applications are processed and what the Ed Code says they should be processed.

Comments

Mr. Gosney stated that the Facilities Committee can only recommend, not approve applications. The Facilities Committee took no action on the application, but it should still have gone to the full Board for approval or not. He does not agree that past members cannot re-apply to the CBOC. If an application is denied, an explanation should be given. He stressed that the

CBOC should look into why these applications (Mr. Gosney, Mr. Jungherr and Mr. Panas) were not presented to the full Board.

Ms. Humes suggested and Mr. Anderson agreed that Mr. Gosney's and Mr. Jungherr's names should be added to the letter requesting an explanation. She also pointed out that in the revision the district is proposing the applications would be reviewed by just the official officer. This process is not transparent.

Ms. DeWitt agrees with Mr. Gosney statement that this procedure is inappropriate/illegal. All applications should go to the full Board for approval.

Mr. Anderson went over the revisions he was making to the draft letter. Mr. Gosney will send him his comments to incorporate in the letter. He will send the letter before considering a resolution.

M. Adjournment

Mr. Anderson adjourned the meeting.

Next meeting August 9, 2021 at 2 pm

Disability Information

Upon written request to the district, disability related modifications or accommodations—including auxiliary aids or services—will be provided. Contact the Superintendent's Office at (510) 231-1101 at least 48 hours in advance of the meeting