



WCCUSD

CITIZEN'S BOND OVERSIGHT COMMITTEE

Don Gosney
Chairperson

Guadalupe Enllana
Vice Chairperson

WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT CBOC

2010 Measure D and 2012 Measure E

MINUTES

Monday May 17, 2021

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

CBOC Chair Don Gosney called the meeting to order at 2:02 PM.

C) ROLL CALL

Present: John Anderson, Joseph Camacho (arrived at 2:40 PM), Maisha Cole, Sallie DeWitt, Guadalupe Enllana, Don Gosney & Lorraine Humes
[7 members ~ 4 required for a quorum]

Staff Present: SeJeung Cha, Luis Freese, Ellen Mejia-Hooper, & Melissa Payne

D) APPROVAL OF AGENDA

To discuss a Consent Calendar item, it must be removed from the agenda. Mr. Anton Jungherr requested that Items G (Adoption of Minutes from 04.01.21) and H (Information Request Log) be pulled from the Consent Calendar so they could be discussed. He also requested that, due to the expected lack of time, the Staff Reports be placed at the end of the meeting.

Chairman Gosney replied that the consent calendar items can easily be addressed but reminded the group that the main purpose of the CBOC meetings is to hear the staff reports on the status of the Bond Program and

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repositioning them might defeat that purpose. He also explained that Director of Facilities Luis Freese had an unfortunate need to leave the meeting midway so repositioning his reports would deprive the group of perspectives and information that other staff members might not be able to provide.

E) PUBLIC COMMENTS FOR ITEMS NOT ON THE AGENDA

There were no comments from the public.

D I S T R I C T R E P O R T S

F) BOND PROGRAM PROJECTS STATUS and FINANCIAL REPORTS

(Luis Freese/Melissa Payne/Ellen Meija Hooper)

Ms. Meija Hooper presented an update on the **2016 Facilities Master Plan Annual Update** highlighting the history of the 2016 FMP and the efforts to update the plan. She explained that staff would be presenting a proposal to the Board for their consideration focusing on projected budget increases on critical needs projects. She reported that if the Board approves of their plan to investigate the potential budget adjustments, the Board could then determine whether to authorize the budget increases, reduce the scope of the project or even to cancel the project. This is expected to be brought to the Board on May 19th.

She also reported on the dramatic increases in the cost of building materials such as wood and steel that will impact the budgets of these projects.

Responding to Ms. DeWitt's questions about how Measure R funds will factor into the FMP, Mr. Freese explained that the FMP is a living document and once Measure R funds become available, they may be budgeted for projects included in the updated FMP. Mr. Freese also explained that once the District completes an assessment of the HVAC and ventilation systems at each school, this information will be included in the FMP.

Mr. Gosney questioned the demolition of the L shaped building at Stege Elementary School. Since Stege is the next school on the FMP priorities list, he

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asked whether the building would be demolished prior to the reprioritizing of the list or will the District wait until the new list has been approved. He replied that they would wait.

Ms. Payne presented the **Lake DBE Process Update**.

Ms. Humes asked whether the Design Build construction model is now the standard used by the District. Ms. Payne explained that this is a model that would have to be determined by the Board as each project is approached.

Ms Payne presented the **Consolidated Budget Report 04.30.21**.

Ms Payne presented the **Consolidated Budget Report-2016 Master Plan 04.30.21**.

Ms Payne presented the **Report #2 Bond Program Spending to Date 04.30.21**.

Ms Payne presented the **Report #13 Bond Program Financial Status 04.30.21**.

Ms. DeWitt reiterated her concern about how “supplemental” funds fit into the reporting and expressed her desire that when the reports are drafted, there is a better explanation so CBOC members—who might have expertise in these matters—and the public—who are less likely to have that expertise—would have a better chance of understanding these issues.

Ms Payne presented the **Report #13A Variance Report 04.30.21**.

Ms Payne presented the **'20-'21 Accounts Payable Check List 04.30.21**.

Ms. Payne presented a comprehensive update on the **Program Management Plan (PMP)**. Because of the length of this document (more than 300 pages), the actual document was not included in the agenda packet but a link to access it was provided.

Ms. Payne reminded the group that the PMP is a “living document not meant to be printed and put on the shelf” and would be updated as needed.

Mr. Jungherr announced that the PMP was on the Board agenda for their May 19 meeting. He was concerned, however, that it was on their Consent Calendar which would allow it be accepted without discussion. His concern was that since there were many dozens of comments about the content of the PMP and there

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have not been responses to all of the concerns, that this might be accepted without discussion.

He also expressed concerns about the cross referenced table of audit recommendations. His concerns focused on the fact that out of the more than 100 recommendations, only 30 have been confirmed as being implemented.

Chair Gosney took an opportunity to get a staff update on how CBOC meeting videos can be posted on the CBOC web site. Ms. Payne reported that this was a technical issue that the District was still trying to resolve.

C B O C R E P O R T S

C O N S E N T I T E M S

G) ADOPTION OF MINUTES

02.08.21 CBOC Draft Minutes

Mr. Jungherr expressed concerns about items that were referenced but were not included in the minutes. Chair Gosney replied that these were minutes of what happened at that meeting so if an item was not brought forward, it would not be included in the minutes.

Mr. Jungherr also requested that the minutes be amended to reflect that there was \$6.6 million in expenditures that were written off because they could not be capitalized. [Staff replied that they would work with Ms. Margarita Romo to have this clarified and reported back to the CBOC.]

He further requested that on the table on the questions and comments of the 2020 Bond Program Financial Audit, that the blank RESPONSE cells be populated with the responses that were provided. His concern was that the RESPONSE cells were either incomplete or populated with inaccurate information. In either case, he suggested that the tables be revised to accurately display the responses.

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Chair Gosney suggested that **NO ACTION** taken on this set of minutes at this time. He requested that Mr. Jungherr provide a written set of his concerns that could be acted on.

03.08.21 CBOC Draft minutes

Mr. Jungherr referenced letters from the auditors in response to questions that Ms. Margarita Romo was supposed to forward to the CBOC. He asked whether those letters had been sent. Staff replied that they would work with Ms. Romo to ensure those letters went out.

Chair Gosney suggested that **NO ACTION** taken on this set of minutes at this time with the understanding that the minutes would come back for discussion and approval when more information is available.

04.12.21 CBOC Draft minutes

With no question, comment or dissent, these minutes were **ACCEPTED AS PRESENTED**.

04.01.21 Draft Minutes of WCCUSD Joint Meeting BOE/CBOC

Concerns were raised about the minutes from this joint meeting. The presented minutes were drafted by staff.

Mr. Jungherr stated that he did not believe that these minutes accurately reflected the full extent of what happened at that meeting.

Chair Gosney opined that the problem with having staff draft the minutes of CBOC meetings is that what may be important to staff may not be what is important to the CBOC—and vice versa. In particular, it was noted that there were numerous questions that were asked at this meeting but the minutes did not reflect the responses. The minutes were held over with Chair Gosney volunteering to revisit them and bring back a more comprehensive set of minutes for consideration.

H) CBOC MEMBER INFORMATION REQUEST LOG

Chair Gosney presented the **05.17.21 CBOC Member Information Requests Status Log**.

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Mr. Jungherr directed the group's attention to Item #147 which has been on the list since October 1, 2020. He expressed his concerns that this Public Records Response was not being addressed by Staff.

I) **APPROVED RECOMMENDATIONS LOG**

Chair Gosney presented the **05.17.21 CBOC Approved Recommendations.**

C O M M I T T E E R E P O R T S

J) **MEMBERSHIP**

Chair Gosney presented the **05.17.21 CBOC Attendance Review.**

K) **MEMBERSHIP ROSTER**

Chair Gosney presented the **05.17.21 CBOC Roster.**

Mr. Jungherr expressed his concerns about the failure of this roster to include the names of CBOC members appointed by Resolution 83-1920 passed on April 8th, 2020 which created the Measure R CBOC. His concerns focused on an email sent by Board President Phillips to the Mayor of Hercules claiming that "the Board did not create a new CBOC" on that date. Mr. Jungherr's concerns were that if the Board did not create the Measure R CBOC they would then be out of compliance with the Ed Code but if they did create the Measure R CBOC, that resolution added him to the CBOC.

Mr. Jungherr recommended that in future versions of this roster, it be made clear what CBOCs it referred to.

L) **NEW MEMBER APPLICATIONS**

Chair Gosney presented the new **05.05.21 Don Gosney CBOC Application (Redacted).**

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Mr. Gosney directed the attention of the group to arguments included in the application for the Board to review that would provide options to help repopulate the CBOC. One included applications by termed out CBOC members reapplying after a “reasonable amount of time”. Another option would be to create a NEW Measure R CBOC with the old CBOC being merged into the new. This would restart the clock for termed out CBOC members. In this argument, there was included documentation from bond counsels and a precedent set by the City College of San Francisco accomplishing this.

M) CBOC MEMBERSHIP

Chair Gosney presented a letter that the CBOC requested be sent to the Facilities Committee. And the response from the Facilities Committee Chair.

Ms. Humes expressed her concerns about the content of Facilities Committee Chair Phillips’ response where he had “no comment” on former CBOC Chair and Board President Tom Panas’ application. She expressed her concerns that either staff or Mr. Phillips were not processing applications.

Ms. DeWitt expressed her concerns about losing a wealth of experience with Mr. Gosney and Mr. Jungherr being termed out.

Mr. Gosney suggested that if the CBOC members cared about this, they need to reach out to the Board to let them know of their feelings.

05.13.21 CBOC Letter to Facilities Committee

05.13.21 Response to CBOC Letter to Facilities Committee

N) CHAIRPERSON REPORTS

Chair Gosney presented copies of his reports to the Board, the public and the Facilities Committee.

05.05.21 CBOC Chair Report

05.14.21 CBOC Chair Report

CBOCs ~ Frequently Asked Questions

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Chair Gosney presented a set of FAQ's about CBOCs published on CABOCs web site.

O) 2020 ANNUAL REPORT

Annual Report Chair Humes reported on the 2020 Annual Report and hosted a discussion about the next steps.

P) ELECTION OF CBOC CHAIR

Due to Mr. Gosney being termed out before the next CBOC meeting, Staff hosted an election for a new Chair. Because a nominee cannot hold two positions at the same time, Mr. Gosney pointed out that if Ms. Enllana or Mr. Anderson chose to place their names into nomination for the Chair position, they would be required to submit their resignation(s) in advance. Mr. Anderson resigned as Secretary prior to the meeting.

Ms. Meija Hooper opened nominations for the Chair of the CBOC.

Lorraine Humes nominated John Anderson.

With no other nominations being made, Mr. Gosney made a **MOTION** to cast a White Ballot to affirm the election of Mr. Anderson. Ms. DeWitt seconded the motion with a unanimous vote of the CBOC in support. [Gosney, DeWitt, Camacho, Anderson, Enllana, Humes and Cole in support with no NAYS, abstentions or absences — 7-0-0-0]

Ms. Meija Hooper opened nominations for Secretary. There were no nominations.

Q) THE CBOC ~ WHERE ARE WE GOING AND HOW DO WE GET THERE?

Lorraine Humes hosted a discussion about where the CBOC might want to go with the loss of two of the most experienced members.

Ms. Humes brought up Brown Act training, the CBOC web site, bond program training, and understanding what the CBOC members are supposed to do. An emphasis was made about Brown Act training.

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Mr. Gosney mentioned that the CBOC website used to have a lot more items but some of the items simply disappeared. In particular, there are CBOC training videos on the website.

R) CALENDAR

Mr. Gosney presented the calendar for future CBOC and Board meetings.

S) FUTURE AGENDA TOPICS

Mr. Gosney requested Future Agenda Items for consideration. None were offered.

T) ADJOURNMENT

The meeting adjourned at 4:53 PM with the next meeting scheduled for June 14th, 2021

*Drafted by CBOC Chair and Interim Secretary
Don Gosney*