

Meeting Minutes of December 14, 2021

Members Present: Sheryl Drinkwater, Carla Schneiderman, Damien Park
Wade Skeels, ~~Ken Berland~~, Alejandro Pimentel

Staff Present: John Calise, Chanita Stevenson, Carol Pacheco

Guests Present: Kelli Jurgenson, Chris Moreno, Prachi Amin, Cal Walsh
Janet from DWK

Call to Order: The meeting was called to order at 6:01 PM.

1. Procedural: Roll Call: Member Drinkwater, Member Park, Member Schneiderman and Member Pimentel are present. Member Skeels joins later.
2. Action: Approval of Agenda: Member Park moves to approve the agenda. Member Schniederman seconds the motion. Agenda approved.
3. Procedural: Public Comments on Non-Agenda items:
 - a. No members of the public present.
4. Action: Approval of Meeting Minutes from: November 9, 2021
 - a. Member Park motion to approve.
 - b. Member Schniederman seconds the motion.
 - c. Kelli Jurgenson called a vote: All in favor. Motion passes.
5. Information/ Discussion: Staff Report by Van Pelt Construction Services:
 - a. Addressing the expertise of the BUSD staff and VPCS staff. Kelli noted VPCS is paid on percentage, so having multiple staff is beneficial as BUSD will be billed regardless of how many VPCS staff attend these CBOC meetings.
 - b. Introducing all VPCS staff present, Member Park had a concern regarding efficiency; Kelli, Prachi, Chris and Cal.
 - c. Member Park is still unclear on why there should be so many staff present for these meetings. It strikes him as a little overkill. Member Park thinks that perhaps if VPCS has less responsibilities they would charge less. John Calise clarified that it is very beneficial for the CBOC to have multiple people present for these meetings in case someone needs to take time off or if a question arises. John also points out that in Berkeley because there are so many night meetings sometimes there is conflict. Also the constraints and demands put on District staff it's better if the CBOC is facilitated by our Program and CM team. John also shares that both Program Management and Construction Management is considerably less than market as per his negotiations with VPCS.

6. Information: Update from Executive Director John Calise:
- a. John Calise gives a brief update regarding the Plant Operations buildings on Russell Street and Oregon Street - There will be a Bond change to address the significant impact of closing the building due to safety and health issues. Buildings do not meet the Field Act and do not meet the structural for Field Act. Based on preliminary reports last Wednesday John went into closed session with the Board. Effective immediately shuttering the facilities and moving everyone out. Currently houses multiple divisions of BUSD: Facilities, Construction Managers, Program Managers, Print Shop, Nutrition Services Administration, Cooking and Gardening Administration, Purchasing Warehouse, the Nutrition Services warehouse, Maintenance, the Maintenance shop, All Maintenance Vehicles, and Operations. There is no alternative except to focus on the health and safety of staff. First the staff is being moved to new offices and warehouses are being rented to store vehicles, supplies and equipment. BUSD is reacting now because we have to for the safety of all staff. There will be projects added to the program to fund the relocation of the staff. Because you have a responsibility to report on the audits, and we want to give you an update that these relocation projects are coming.
 - b. Member Park asks if will be using Bond Measure G money to relocate all departments from the buildings? John replied yes, will use Bond Measure G.
 - c. Member Drinkwater asks about the viability of the building- would it be demoed or saved? John Calise answered that many different scenarios are being looked at and analyzed for best options. Will need to look at the efficiency of the building and property. Will explore different scenarios. Member Drinkwater notes that rebuilding would be the best option. John agrees, but will need to honor the Historic (City of Berkeley) designation. Member Drinkwater notes aging infrastructure all over the country.
 - d. Member Skeels asks about the need to get this done for a while. John Calise answered, yes rebuilding of the building was on the last Bond Measure I, but was removed when other pressing needs came up. Able to react because of the wording of the Bond Measure.
 - e. Member Skeels asks about what projects will be lost? John is not sure at this time what projects will be scrapped most likely focusing on the smaller projects and infrastructure. Perhaps using some of the parcel tax and maintenance funding, also beef up preventative maintenance. Will take a few months before we know for sure.
 - f. Member Park asks what is the market value? John replies, because of environmental issues and structural issues the value is probably not very high. Will consider all options including selling the property, however, where would we go? There's no empty property. Looking outside of Berkeley as well. Anticipate leasing properties for at least 5 years. Chanita Stevenson wanted to add, in order to sell this property BUSD would need to go through a formal process of surplus through a surplus committee before it could go on the market - market per-se.
 - g. Member Skeels discussed using this as an opportunity to explore all options including workforce housing or a joint venture with a developer to lease or rent out the property. John Calise points out all the parking that would be needed to partner with developers etc. We do not have enough land for the footprint it would take to have enough parking for what would be needed for a viable option.

- h. Member Skeels is curious if the meeting minutes have already been approved? John Calise asks legal to advise on reopening the meeting minutes. Member Drinkwater points out that Wade came in pretty late.
- i. DWK advises that CBOC members can motion to reopen the meeting minutes to reopen the item.
- j. Member Park moves to reopen meeting minutes.
- k. Member Drinkwater seconds.
- l. The Board votes to approve opening the meeting minutes up for comments by Member Skeels.
- m. Member Skeels does not think letter O is written correctly, "CAN" be a problem not that it "IS" a problem. Does not think the Brown Act is the problem.
- n. Letter U, Member Skeels does not think he would say he would be on the hook for inspecting the schools - better to say monitor. Kelli wants clarification: "Applicable laws" Member Skeels confirms "applicable laws". Member Skeels wants to monitor the schools, and does not want to be on the hook for inspecting. He states that monitor is a much better word than inspect.
- o. John Calise wants the minutes to truly reflect what is meant to be said. Asking Staff to check the meeting minutes to make sure they are captured appropriately.
- p. Member Park points out that his name is Park not Parks.

- 7. Information/ Discussion: Staff Report by Van Pelt Construction Services:
 - a. Presentation by Kelli Jurgeson on Delivery Methods.
 - b. Member Skeels would like to know what delivery method we will be using on future projects.
 - c. This will be added as a future Agenda Item.
 - c. Motion to push items 9 and 10 to the next meeting.
 - d. Motion to flip the agenda and address community investigation requests. Item 11 to be addressed first. Kelli Jurgeson calls a vote to review Item 11 first. All in favor and motion passes.
 - e. Legal council states that in general any member of the public can request addressing their concerns, however, taking action and other administrative ways that these concerns can be addressed is limited.
 - f. Member Drinkwater recognizes the concerns put forth in a letter sent by the public.

- 8. **Discussion:** Request for investigation, by community member
 - purchase 853 [NPBI \(Needlepoint Bipolar Ionization\) units](#)
 - a. Member Schniederma would like to clarify to the public what the role of this committee is and the best place to take their concerns. The committee has read and thought about her request, but this is not the best place to send her concern. Can the committee establish guidelines on who best to address concerns. It's outside of the CBOC purview.
 - b. Member Alajandro acknowledges we are pretty clear that this committee is not able to do the investigation of these particular air handlers properly. He knows her concerns are real, however, he does not believe the CBOC committee is the right place to bring her concerns.

- c. Member Park states that he thinks the CBOC does have some oversight, however, he is not sure he can add anything that hasn't already been addressed. She (Ceilo) can send a list of detailed questions and the board can ask, but he assumes she has already asked these questions so doesn't see the point. It doesn't seem like the board is willing at this time to look deeper into this issue.
 - d. Member Schneiderman's concern that the board doesn't have the expertise other than what she reads in trade journals to assess what's the best approach for air handlers. But she doesn't want to dismiss the concerns of the public and in particular the request to investigate the purchase of these particular air handlers. She just doesn't think it is in the puvue of the board to do that kind of assessment.
 - e. Janet from Legal comments that members of the public are welcome to sit in on these meetings, but they cannot compel the board to add it to the agenda. It is appropriate to share them with the committee, but there are other administrative ways that these concerns or issues can be addressed.
 - f. Chair Drinkwater states that it was a very thoughtful email, but she doesn't know how it can be addressed here in this meeting.
 - g. Member Skeels agrees with all the previous comments by board members and notes that the board needs to respectfully move on.
9. Discussion: Committee Comments/Discussion of updated By-Laws by DWK (legal counsel)
- a. Review of By-Laws and suggested changes
 - i. Section 17: Duties of the Chair/Secretary - finalize duties.
 - b. Member Park wonders if they are able to define these roles however they want. Legal Council notes that there would normally be duties assigned to each position in accordance with note taking and calling to order etc. There are usually 2 chairs that will: 1st run the meeting and 2nd to take meeting minutes. The secretary may be aided by the District in the performance of his or her duties. These are functions by any committee that someone takes the minutes and takes care of the documents. These positions of secretary and Chair are there to fit the workable needs of the District.
 - c. Member Skeels states that he was elected by the board to be the secretary by default, but does not take any meeting minutes and wants to make sure he is not expected to do so.
 - d. Chair Drinkwater lets Member Skeels know it is okay and he is not expected to take notes. She is concerned that she has not been holding the votes and other responsibilities of the Chair and hopes the District will continue to do so.
 - e. Member Schniederman thinks we could streamline the By-Laws and take some of the language out regarding responsibilities that are being performed by the District.
 - f. Member Park says he will try editing the By-Laws again and not be as heavy handed this time.
 - g. Kelli Jurgenson wants to understand next steps- Member Park will update this document that the board is looking at now. Should be ready for a vote at the next meeting.

- h. John Calise wants the meeting location to be updated to 1005 Parker Street.
- i. If these Guidelines are agreed upon they will need to go to the Board for approval.
- j. Member Skeels clarifies that section 16 will be amended to state that the secretary and the Chair are aided by the District.

- iii. Reflect what actual practices are being adopted.

Presentation and Follow-up Discussion

- i. Suggested CBOC Guidelines, Draft 11-2-2021

- c. Member Park is updating the Guidelines and will send a copy to Kelli Jurgenson before the next meeting 1/25/22 so she can forward it to legal for review.

- ii. Policy regarding community inquiries by Member Schneiderman.

- d. She will put something on Google Drive to update the policy regarding how to respond to the public.

- 10. **Discussion:** Process for adding items to the agenda pushed to next meeting 1/25/21
- 11. **Discussion:** CBOC Website content pushed to next meeting 1/25/21
- 12. **Action:** Approval of Resolution 22-012 Proclaiming a Local Emergency, Ratifying the Proclamation of a State of Emergency by Governor Newsom Dated March 4, 2020, and Authorizing Remote Teleconference Meetings for the Period December 31, 2021 through January 31, 2022
 - a. Member Drinkwater moves to vote to approve.
 - b. Member Schniederman seconds.
 - c. All in favor.
- 13. **Discussion:** Next Meeting January 25, 2022 (Is there anything the CBOC would like to discuss at future meetings)
- 14. **Adjournment:** The meeting adjourned at 7:34 PM.