

## Draft Meeting Minutes of August 4, 2015

Members Present: Stephanie Allan Susi Marzuola Eric Weaver  
Allen Nudel Nicolie Bolster-Ott David Goldin

Board Directors  
Present: Josh Daniels

Members of the Public  
Present: Michael Fretz

Staff Present: Timothy E. White, Executive Director of Facilities  
Chanita Stevenson, Administrative Coordinator

1. **Call to Order:** The meeting was called to order at 6:19 PM.
2. **Approval of Meeting Minutes:** Member Bolster-Ott moved to approve the minutes. Secretary Weaver seconded the motion. The minutes were approved unanimously.
3. **Public Comments:** Michael Fretz, member of the public, distributed a memo and spoke about developer impact fees. He is urging the CBOC to advocate the adoption of developer fees within the context of its cost-saving function in oversight. Co-Chair Marzuola thanked Mr. Fretz for his comments and noted that the Executive Director is working on a plan to implement the collection of fees.
4. **Staff Report**

Timothy White, Executive Director of Facilities gave the staff report.

### Project Updates:

- Summer Projects: The District has a total of 14 projects this summer. The following three projects were highlighted:
  - a. Willard: Dry rot and substandard construction in the cafeteria building has caused substantial delays to the opening of the cafeteria. These changes will require approval by DSA. These project delays are estimated to be 30-45 days. DSA is also reviewing the path of travel at the site.
  - b. King Gym: There has been an ongoing issue related to the supply of the windows for the gym. The general contractor informed the District originally that the windows would not arrive before the opening of school. The old windows

have been removed. The District since contacted the supplier and the windows will arrive August 19<sup>th</sup>. Lead was also discovered during the removal of the windows. There will be some costs associated with the lead removal.

The District is weighing whether to assess liquidated damages for Willard and King Gym projects.

- c. Donahue Gym: There was substantial dry-rot discovered in some of the glu-lam beams in the roof of the gym that requires replacement. Board Director Daniels questioned about there was any work was done at Donahue. Staff responded that the roof was done recently and no major work has been done.

Staff noted that he is reviewing the projects along with the budgets to determine if they are currently sufficient given the current escalation in construction. The committee provided some historical information on the budget process. The Measure I bond was created by given equal amounts to each school for a certain type of project. There was discussion among the committee regarding equity in the district versus the needs of the school site. The Committee ended the discussion by providing recommendations to the Director on how to move forward.

5. **Discussion regarding Maintenance:** Executive Director White gave an update on the progress on the Measure H Committee and water reduction at our sites.
6. **Discussion regarding Berkeley High Tennis Courts:** Co-Chair Marzuola provided an update on the tennis courts. She stated that she and Co-Chair Allan met with the City of Berkeley. The City has requested a grant to study the parking. Member Bolster-Ott wondered if Co-Chair Marzuola has discussed the current plan for the tennis courts with Mark Coplan, Director of Public Information, as there have been some discussions regarding adding this property to the surplus committee discussion along with the Gilman property. A handout was provided. An update will be given at the next meeting.
7. **Committee Comments:**
  - Member Bolster-Ott requested an update on capacity this fall.
  - Co-Chair Marzuola asked a question on portables and when the trigger dates will be in terms of adding capacity. Executive Director White noted that the big trigger dates are in November when REALM has to request space (the agreement with REALM and District expires in 2016) and in February when final enrollment numbers are determined.
  - Secretary Weaver provided additional comments to an earlier discussion on equity and budgets. He stated that he is in agreement with Executive Director White and Member Goldin about redefining the definition of equity. However, he would like for the Committee to think about it carefully before presenting it to the Board. The whole trend of Berkeley Schools is that each school receives the same items and to redefine that type of thinking will not be easy. Co-Chair Marzuola said that it will involve understanding what is in the bond, identifying the need and determining the equity lines between them. She added that there was thought that went into the original bond and it should be respected. Secretary Weaver stated that now is a

good time to review the bond, because of the new facilities director and the recent changes in the construction climate. Member Bolster-Ott explained that there are a lot of parents that are new to the District and have a strong interest in their schools. Member Bridgers would like for any changes to be a public process.

- Member Goldin commented on the developer impact fees. He would encourage the School Board to commission a study to establish the rates. Secretary Weaver stated that the reason it was not done in the past because BSEP already taxes its citizens and would like to avoid “double taxation”. The Director of Facilities supports a study.

8. **Monthly Report from the Subcommittees:** There were no reports.

9. **Next Scheduled Meeting Date:**

- .The next CBOC meeting will take place on Thursday, September 17<sup>th</sup>. 6-7:30 PM

10. **Adjournment:**

- The meeting adjourned at 7:19PM.

# Memo

**To:** Berkeley USD, CBOC Members  
**From:** Michael Fretz  
**Date:** August 4, 2015  
**Re:** Developer Fees

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## Background

- State law allows school districts to collect fees from new development projects to mitigate their impact on school facilities.
- Most school districts in the state assess these fees, but Berkeley USD does not.
- Since 1998, approximately \$10 billion dollars has been collected statewide by school districts from developer fees, which represents nearly 10% of all money spent on school construction over that time according to a recent report by the Legislative Analyst Office.

## Potential Revenue Collection

- Fees are capped under state law, effectively restricting what can be collected to somewhere between 25% and 40% of the real cost of development, based on studies performed for other school districts.
- ***If a developer fee had been assessed in Berkeley between 1999 - 2014, it would have generated between \$8 and \$9 million:***
  - Approximately 2400 new housing units were permitted in Berkeley during that period according to ABAG housing studies.
  - Assuming an average size of 1200 square feet per housing unit
  - Using a residential developer fee assessment of \$3 per square foot (the cap rose from \$2.50 to \$3.36 during that period)

## Potential Uses

- Restricted in the same way as local, school construction bond revenue
- Could be used to replace portable classrooms with permanent student housing

## The Time to Act is Now

- Statewide school construction bond funding has been exhausted.
- Governor Brown is proposing to increase the caps on developer fees and is opposed to a new statewide bond for school construction.
- With new development planned, the student population continues to grow in Berkeley.
- It is unfair to ask residents to bear the full cost of development's impact on the school district.
- The Berkeley CBOC should advocate for the adoption of developer fees within the context of its ***cost-saving*** function in oversight of the on-going construction bond programs.

MEMORANDUM

Date: 8/3/15

To: Timothy White, BUSD Facilities Director and members of BUSD Construction Bond Oversight Committee (CBOC)

From: Stephanie Allan and Susi Marzuola, Co-Chairs, CBOC Committee

Re: Berkeley High School Tennis Courts

**Background**

At the request of Board Member Daniels, Co-chairs Susi Marzuola and Stephanie Allan have been meeting with a group interested in restoring the tennis courts at BHS. The need for restoring the courts became critical when King Middle School evicted the BHS team (along with private teachers who were renting the courts) from the King Middle School courts to preserve them for King students.

The issue, as we have defined it, is to find substitute parking currently located on the former BHS tennis courts so that they can be restored.

**Update**

Stephanie and Susi met with Mayor Tom Bates and Chief of Staff Calvin Fong on June 8, 2015, to discuss the possibility of on-street parking solutions. As a result of this meeting, Mayor Bates requested that the City Manager apply for a Metropolitan Transportation Commission grant to study possible parking solutions as the City has successfully applied for a received parking study grants from MTC in the recent past.

In a conversation on 7/20/15, Calvin reported that the City submitted the MTC grant application. He expects that the City will receive the grant funding within the next six months and that the study will take 6 to 12 months. The study will include investigation of specialized permits for parking on the streets in the vicinity of the high school.