

Meeting Minutes of November 9, 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, Cal Walsh and Ellen Clements

1. Call to Order: The meeting was called to order at 6:02 PM.
2. Public Comments:
 - a. No members of the public were present
3. Approval of Meeting Minutes from: September 28, 2021 and October 12, 2021
 - a. Chair Drinkwater had the following comments on the meeting minutes: Laura Babitt was in attendance as a guest.
 - b. Chair Drinkwater moved to approve the minutes, with the above correction noted. Member Park seconded. All members voted to approve
 - c. No objections or revisions were made to October 12, 2021 meeting minutes.
 - d. Chair Drinkwater moved to approve the minutes, Member Schneiderman seconded. All members voted to approve
4. Staff Report by Van Pelt Construction Services: *also see below in Committee Comments*
 - a. CTE Projects at Willard and B-Tech Campuses: project design, current status and program utilizing the facility, per information provided on the meeting slides.
 - b. Financial Update on Measure G Projects in Planning and Current PCO Status: review of documents.
5. Committee Comments/Discussion of updated By-Laws by DWK (legal counsel)
 - a. Review of By-Laws and suggested changes: *also see below in Committee Comments*
 - i. Section 17: Duties of the Secretary – review of duties
 - ii. Presentation and Discussion by Member Damian Park
Suggested CBOC Guidelines, Draft 11-2-2021
6. Committee Comments
 - a. Member Park asked who was asking for these updates to be made and whether or not it was considered to use the existing cafeteria kitchens at Willard and B-Tech. Kelli (VPCS) explained that shared kitchen facilities with the food service program are not permitted. Chanita (BUSD) noted that breaching these protocols could result in consequences with the health department and/or loss of funding.

- b. Member Park asked if the PCO Status Spreadsheet, at the end of financial documents, includes everything that is in the earlier pages. Kelli replied that the spreadsheet is what the Members have seen in prior meetings with changes highlighted as requested. Member Park requested to see if he could get a live version of the document so he could post it to the CBOC website. Kelli replied that she would talk to Executive Facilities Director Calise regarding the request.
- c. Member Skeels asked if all the projects shown were Measure G. Kelli replied that there was at least one Measure I project shown. Member Skeels asked for an update on the \$70 million dollars of committed work. Kelli shared an update explaining that staff is tracking cash flow in anticipation of future bond sales as additional funds are needed.
- d. Member Park stated that the only project that is on both sheets is the IAQ project. He shared that he liked knowing the name of the contractor and asked other Members to share their perspective. Member Berland shared that he did not need the graphics and would prefer a narrative.
- e. Member Park said that when projects are in construction, the spreadsheet is sufficient although he would like the vendor to be identified.
- f. Chanita shared that the IAQ project is Design-Build, which is why you see the vendor.
- g. Chanita called everyone's attention to the King School park and the DNA structure and encouraged them to visit.
- h. Member Park asked to start a by-law review at section 17. Member Skeels shared that he feels it is antiquated and that he does not keep hard copy files anywhere and wondered if they should update this section. Member Park repeated his question about what should the Secretary do? Chair Drinkwater feels like she does not have any responsibilities other than the beginning and ending of the meeting. Member Schneiderman shared that she views the work the staff does to facilitate and assist the committee valuable and that the committee gets to do more without the physical administration of the meeting. The committee does not have to maintain files, take notes and can just focus on the roles of the committee. Member Park suggested scrapping section 17. Member Schneiderman asked if there were some portions of Section 17 that needed to be kept and while they do not physically maintain the archives, we do know that they are being maintained.
- i. Chanita summarized her understanding of the requests around Section 17 to see if we could update the technology requirements and said she could talk with legal to see what can be changed. Chanita replied that it sounds like the committee is saying we should do a refresher and update the tasks and duties as they apply to the secretary and Chair.
- j. Member Skeels said that they need to consider what to do if there is a conflict or a bad relationship with the administration. Staff agreed to confirm with legal counsel if it is possible to have administrative duties listed in the by-laws, but the option to yield the responsibility to staff (as it is currently done).
- k. Member Drinkwater shared that Section 18 requires that any changes to the By-Laws need to be approved by the Board. Staff confirmed that upon agreeing to changes at the committee level, the amended by-laws would then need to be agendized and voted on by the Board of Trustees.
- l. Member Park wondered about how the rest of the Members feel about how the agenda is currently created. There is no formal process for requesting agenda

- items. He would like it if the agenda draft was sent out and Members could add their own items. He wonders what other members thought about adding this to the By-Laws. Member Schneiderman thought that if we wanted something added to the agenda we could request that. It needs to be published 72 hours in advance and maybe 96 hours in advance Committee members could suggest.
- m. Member Berland shared that he thinks Member Park would like to have control over the agenda. Member Schneiderman thought this is currently the case and they were able to request agenda items. Kelli shared that Member Park sent items over to the District and they are on the agenda tonight. Member Park disagreed with this assessment. Member Park is happy to create the agenda and he does want to have control over their agenda.
 - n. Chanita reminded the Members against having serial meetings. Member Park shared that he does not feel they are held to the Brown Act. Member Burland noted that he is not concerned with the Brown Act. Staff noted that the District is supposed to facilitate the efforts of the Committee.
 - o. Member Park has spoken with other people and doesn't think the CBOC is even required to follow the Brown Act. Member Skeels asks; "Damien, I thought the Brown Act WAS the problem in our ability to create the agenda." Member Skeels shared that he feels the Brown Act **is** the problem with them being efficient. Member Skeels feels like he got to be a part of creating the agenda. Member Schneiderman thought that they were able to add items to the agenda currently and agreed that it was a good idea to formalize this. Member Park said that he does want to add things and would include the title, the language and the duration. He thought that a google doc with the agenda could be sent out to everyone a week before the meeting. Kelli shared that while there may not be a concern on the part of the Committee with regards to the Brown Act, she would need to check with Legal. Member Schneiderman shared that she is less comfortable with the google doc as there are privacy and legal concerns.
 - p. Member Park shared a document and clarified that their main purpose is to review financial reports but felt that audits take care of that effort, and they should switch their focus. He suggested more oversight, more interesting oversight by doing what is on the shared document. He would like to see a more formal process for creating the agenda. He would like to be more active in the agenda making process.
 - q. Member Schneiderman shared that she thinks there is value in checking to see whether projects meet or exceed the long-term goals of the District. She also shared that some of the language made her uncomfortable. She shared that they are part of a committee and not just a set of individuals. She stated that she thought that the committee was welcome to add to the agenda already.
 - r. Member Berland shared that, under the recommendations presented in Member Park's document, designated members will share with the committee and then agreed upon content will be shared with the Board.
 - s. Member Schneiderman would like a document that directs them on what to do when they receive comments or inquiry from members of the public. Member Park asked her to draft something to describe what she is looking for.
 - t. Member Park asked if the Committee was ok with changing their role. Chair Drinkwater shared a summary of the CBOC responsibilities and wanted to be sure they are staying within those guidelines. She did not feel that their role was to pick the projects or decide how the money should be spent. Member Park

Formatted: Highlight

shared that asking the listed questions will assist them in learning more about the projects. Chair Drinkwater rebutted that she feels she has been able to ask these questions and have received the responses and questioned whether it was their role to rank the projects.

- u. Member Berland felt that the provided questions were broad. Member Skeels feels that they have a broader role than just approving the audit. Member Skeels shared that they are to inspect the schools and grounds to be sure projects were completed within the applicable laws. Member Skeels states, "We do have a job to do more than seeing the audits. This document that Chanita sent says the duties are to inspect school facilities- says literally inspect. " All these mechanisms are to do our jobs. What are these mechanisms and how do we know what we're supposed to do?" This document we are tempting to create would help define that.
 - v. Member Park suggested that each member would take a project and then would rank them somehow and then ask those questions. Chair Drinkwater replied that they would need to do this ranking within the meeting, and it is only within the Board's power to approve projects. Member Park replied that he does not agree.
 - w. Member Schneiderman feels that they need to be careful not to assume that they can determine whether the projects and expenditures decided on by the Board are/were appropriate. If we have concerns with projects or spending, we need to take them to our Board Member. She also stated that she is not comfortable ranking projects.
 - x. Member Parks shared that he does not feel this is a lot of work. If the next meeting, we pick a few projects and no one else picks one then I can report back to the Committee on how much effort was involved.
 - y. Chair Drinkwater revisited a 2017 slideshow outlining what the role of the committee is. The committee is a monitor for the board, not there to suggest or choose.
 - z. Member Skeels suggested they add this to the agenda for the next meeting. He thinks it would be great for Member Park to show us what he is thinking and how long what he is suggesting takes. Member Schneiderman agreed to carry this discussion forward into the next meeting and suggested Member Park could share his concerns.
 - aa. Member Skeels asked if Member Schneiderman wanted to join the committee with Member Park and Member Berland and he, Member Skeels would step off of the committee. She replied absolutely not.
 - bb. Kelli asked the committee to consider how the information outside of the agenda would be managed on the staff workflow side and that members consider time spent by staff gathering information in an ad-hoc fashion. She also asked the Committee to consider educational presentations on various aspects of the construction program, in order to address questions regarding why and how things were managed. Kelli also expressed concern regarding the use of the term "contemplated" projects in Member Park's document. She reiterated that the power to approve projects is with the Board and the committee would not want to appear to assume that responsibility.
7. 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 November 15, 2021, through December 15, 2021.

- a. Member Park moved to approve and Member Schneiderman seconded.
- b. A roll call vote was held and all members approved.

8. Next Meeting (Is there anything the CBOC would like to discuss at future meetings)
 1. A timeline for future agenda items will be provided.
 2. Member Skeels asked if Chanita would be talking to the attorney about the change of job description related to the secretary.
 3. Member Parks document will be further discussed.
 4. Member Park would like to discuss how to make the CBOC website more useful with the public and wondered if he would receive a draft. Staff confirmed that this can be a future agenda item.
 5. Member Skeels asked if Oxford is going to be a topic in a future meeting. Staff noted that there is no further information at this time. The future of the Oxford campus is under consideration at the Board level.
 6. Member Park asked if he would receive a draft of the agenda prior to the 72 hour deadline. Staff confirmed that a draft agenda can be issued to members in advance, but that members must respond with requested items individually to prevent Brown Act violations. Staff requested that members not wait until the last moment to request agenda items, in respect of staff's time to gather information associated with the item.
9. Adjournment: The meeting adjourned at 7:35 PM.
 - a. Next meeting is December 14, 2021.