

Beverly Hills Unified School District Minutes

Regular Board of Education Meeting

March 31, 2015, 7:00 PM
STC/Jon Cherney Lecture Hall

Beverly Hills High School

Beverly Hills, California 90212

CLOSED SESSION will take place at the Administrative Building

OPEN SESSION will take place in the STC/Jon Cherney Lecture Hall at Beverly Hills High School

Attendance Taken at 7:10 PM:

Present:

Dr. Brian Goldberg
Howard Goldstein
Lewis Hall
Lisa Korbatov
Noah Margo

Absent:

Joshua Schenk

I. OPEN SESSION-5:00 P.M.

II. PUBLIC COMMENT

Minutes:

The following people addressed the Board:

Chris Bushee and Dr. Woodrow Clark

III. CLOSED SESSION-5:00 P.M.

III.a. CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: (3
Cases)

III.b. CONFERENCE WITH LEGAL COUNSEL-PENDING LITIGATION (Gov't
Code 54959.9(d)(1)) California School Employees Association & Its Chapter 328 v.

Beverly Hills USD (PERB Case No. LACE5919E)

III.c. CONFERENCE WITH LEGAL COUNSEL PENDING LITIGATION GOV. CODE 54956.9(d)(1) - (1 CASE) OAH Case No. 2015010634

III.d. CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION Beverly Hills Unified School District v. Federal Transit Administration, et al., USDC Case No. CV 12-9861-GW(SS)

III.e. CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION (Subdivision (a) of Section 54956.9):

Beverly Hills Unified School District v. Los Angeles County Metropolitan Transportation Authority (LASC Case No. BS 137606)

III.f. CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION (Subdivision (a) of Section 54956.9):

Karen Christiansen v. Beverly Hills Unified School District Case No. BC 420456 Claim of Strategic Concepts and Karen Christiansen

III.g. CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION (Subdivision (a) of Section 54956.9):

Carter Paysinger v. The Beverly Hills Unified School District, a public school district, Lewis Hall, individually(Case No. 2:14-CV-5509)

III.h. CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION (Subdivision (a) of Section 54956.9): Jeff Fisher v. Beverly Hills Unified School District, et al., (Case No. SC121947)

III.i. CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION (Subdivision (a) of Section 54956.9): Amy Golden v. The Beverly Hills Unified School District, a public school district, Brian Goldberg, an individual; Lisa Korbatov, an individual (Case No. BC573853)

III.j. Conference with Labor Negotiators

III.k. Employee Discipline/Dismissal/Release

III.l. Public Employee Appointment

III.m. Safety and Security Plan

IV. OPEN SESSION-CALL TO ORDER-FLAG SALUTE-7:00 P.M.

Minutes:

Board President Howard Goldstein called the meeting to order at 7:10 PM and asked Jesse Painter and Jason Maybaum to lead the audience in the Pledge of Allegiance.

V. APPROVAL OF THE AGENDA

Motion Passed: A motion was made to approve the Agenda with the following change: he would like to have the Board Comments moved up after the Agenda Hearing Period. Mr. Margo asked if Board Comments could also happen at the end of the meeting if necessary. Passed with a motion by Lewis Hall and a second by Lisa Korbатов.

Yes Dr. Brian Goldberg

Yes Howard Goldstein

Yes Lewis Hall

Yes Lisa Korbатов

Yes Noah Margo

Absent Joshua Schenk

VI. REPORT OF CLOSED SESSION ACTION

Minutes:

Dr. Woods reported from Closed Session that the Board approved OAH Case No. 2015010634.

VII. AGENDA HEARING PERIOD/ADDRESSING THE BOARD

Minutes:

The following people addressed the Board:

Steven Rubenstein, Mel Spitz, Shirley Zaragoza, Dr. Woodrow Clark, Greg Bell and Alma Ordaz.

Mr. Goldstein read the following letter into the record:

Board President Goldstein and members of the board.

The finance committee has been asked our opinion regarding accelerating issuance of measure E bonds. As this committee has stated in the past as well as during our study session a few weeks ago, this committee recommends accelerating issuing the bonds.

This recommendation is based on the decision that the Board of Education has decided to move forward with the various projects.

The Finance Committee feels that once the board has decided to move forward, from a financial perspective, it makes sense to accelerate the bonds. The decision to accelerate the issuance of the bonds and start the construction process sooner rather than later will help save the district and the community money.

Delaying the process once the board has voted to go ahead may cost the district and the

community money as a result of the following:

- 1. Rising construction costs**
- 2. Higher interest rates in the future**
- 3. Continue to spend money on repairs and maintenance**

The finance committee's recommendation is only based on what is financially prudent once the board of education has voted to move forward with measure E projects.

Sincerely,

Bob Sternshein, Chair, District Finance Committee

VIII. ACCOMMODATIONS AND RECOGNITION

VIII.a. Christie Shaffer-(CALPADS) DATA Management Recognition Award

Minutes:

Dr. Woods presented Christie Shaffer with a Certificate of Appreciation.

VIII.b. PTA Council 2015 Apple Award Nominees

Minutes:

PTA Co-Presidents Laurie Okum and Franny Rennie and BHEF President Ronit Stone announced the 2015 Apple Award Nominees:

Kathy Schaeffer, Pam Kraushaar, Tricia Fegan, Elaina Reilly, Kim Timmerman, Gabrielle Radonsky, April Goldsobel and Mary White.

The Apple Awards Under the Stars event will be on Thursday, April 23 at 5:30 p.m. at Greystone Mansion and Gardens.

If you would like to sponsor a teacher, please contact your PTA.

VIII.c. BHHS Academic Decathlon Team

Minutes:

Dr. Phil Chase updated the Board on the success of this years BHHS Academic Decathlon Team.

IX. CONSENT CALENDAR*

Motion Passed: A motion was made to approve the Consent Calendar minus item e. and h.
Passed with a motion by Noah Margo and a second by Lewis Hall.

Yes Dr. Brian Goldberg

Yes Howard Goldstein

Yes Lewis Hall

Yes Lisa Korbato

Yes Noah Margo

Absent Joshua Schenk

IX.a. Approval Board Meeting Minutes

IX.a.1. Special Board Meeting 3.3.15

IX.a.2. Regular Board Meeting-3.10.15

IX.a.3. Special Board Meeting 3.12.15

IX.a.4. Special Board Meeting-3.17.15

IX.b. Personnel Reports

IX.b.1. Certificated Personnel Report

IX.b.2. Classified Personnel Report

IX.c. Approval of Out-of-County Activities

**IX.c.1. BHHS DECA International Career Development Conference /
Competition in Orlando, FL from April 24 - 29, 2015**

IX.d. Approval of Certification of Signatures

**IX.e. Approval of Professional Services Agreement-John Hess-Special Education
Consultant**

Motion Passed: This item was pulled for further discussion by Mr. Margo.

**A motion was made to approve the Professional Services Agreement-John Hess-Special
Education Consultant.**

**A roll call vote was taken. Passed with a motion by Noah Margo and a second by Lisa
Korbato.**

Yes Dr. Brian Goldberg

Yes Howard Goldstein

Yes Lewis Hall

Yes Lisa Korbato

Yes Noah Margo

Absent Joshua Schenk

IX.f. Approval of Professional Services Agreement-Patricia Jaffe

IX.g. Approval of Professional Services Agreement-Mark Keriakous

IX.h. Approval of student agreement with University of Phoenix

Motion Passed: This item was pulled for further discussion by Mr. Hall.

Mr. Kessler spoke on the subject.

A motion was made to approve the student teaching agreement with University of Phoenix.

A roll call vote was taken. Passed with a motion by Noah Margo and a second by Howard Goldstein.

No Dr. Brian Goldberg

Yes Howard Goldstein

Yes Lewis Hall

Yes Lisa Korbatov

Yes Noah Margo

Absent Joshua Schenk

IX.i. Approval of Additional Master Contract for 2014-15 Fiscal Year

IX.j. Approval of Amendment to Master Contract for 2014-15 Fiscal Year

IX.k. Approval of Increase to PAWAR Transportation Services

IX.l. Approval of Budget Revision for Measure E Bond Fund

IX.m. Acceptance of Donations

IX.n. Ratification of Purchase Order #17 for 2014/2015

IX.o. Cash Collection Report #17 for 2014/2015

IX.p. Acceptance and Award of Bid # 14-15/008 digital Multifunction Copier Lease

IX.q. Rejection of Time Warner Cable (TWC) as a provider of internet services (Bid #14-15/007)

IX.r. Approval of High Speed Internet Service Provider Bid # 14-15/007

X. REPORTS

X.a. Superintendent's Report

Minutes:

Dr. Woods reminded the community that Spring Break will start on Friday, April 3. He wished our certificated and classified staff a restful time off.

X.b. Student Board Member Report

Minutes:

Mr. Schenk was not in attendance, his report was read by Mr. Hall:

***ASB hosted a successful blood drive today; staff, parent, and student collectively gave around 150 pints of blood.**

***Movie night is happening right now. Freeky Friday is playing on the lacrosse field.**

***Career Day is tomorrow. Months of planning have gone into this unique opportunity for students to learn about possible career paths. We are proud to have Ted Lieu as our keynote speaker.**

XI. EDUCATIONAL SERVICES

XI.a. Discussion and Approval of K-8 STEM Program

Motion Passed: A motion was made to approve the K-8 STEM proposal.

A new motion was made to table this item by Mr. Hall and seconded by Mrs. Korbatov.

Mr. Hall Yes

Mr. Margo No

Mrs. Korbatov Yes

Dr. Goldberg No

Mr. Goldstein No

The motion failed 2-3.

The original motion was put to a vote. Passed with a motion by Dr. Brian Goldberg and a second by Noah Margo.

Yes Dr. Brian Goldberg

Yes Howard Goldstein

Yes Lewis Hall

Yes Lisa Korbatov

Yes Noah Margo

Absent Joshua Schenk

XII. BUSINESS AND FINANCE

XII.a. Information - Resolution of the Board of Education of the Beverly Hills Unified School District Authorizing the Issuance of 2008 Election General Obligation Bond, Series 2015

Minutes:

This is a discussion item only.

XII.b. Discussion and Direction to staff commencing process to place a replacement construction bond on the June 2016 ballot

Motion Passed: A motion was made to give direction to staff to start the commencement process to place a replacement construction bond on the June 2016 ballot. Mr. Ewing will work with our Bond people. Passed with a motion by Dr. Brian Goldberg and a second by Noah Margo.

Yes Dr. Brian Goldberg
Yes Howard Goldstein
Yes Lewis Hall
Yes Lisa Korbatov
Yes Noah Margo
Absent Joshua Schenk

Minutes:

From Josh Schenk read by Lewis Hall:

It's critical to accelerate the rest of the \$334 million bond issue. There are many arguments for this, but in short, our schools aren't safe and need serious renovation. We can't afford to keep delaying this process, and students agree almost unanimously that the school need to be fixed now.

XII.c. Approval of Amendment of Resolution No. 2013-2014-09 Beverly Hills Unified School District Endowment Fund

Motion Passed: Passed with a motion by Dr. Brian Goldberg and a second by Noah Margo.

Yes Dr. Brian Goldberg
Yes Howard Goldstein
Yes Lewis Hall
Yes Lisa Korbatov
Yes Noah Margo
Absent Joshua Schenk

XIII. HUMAN RESOURCES

XIII.a. Approval-2015-2016 Superintendent's Contract

Motion Passed: A motion was made to approve the 2015-2016 Superintendent's

Contract for Steve Kessler.

A roll call vote was taken. Passed with a motion by Dr. Brian Goldberg and a second by Noah Margo.

Yes Dr. Brian Goldberg

Yes Howard Goldstein

Yes Lewis Hall

Yes Lisa Korbatov

Yes Noah Margo

Absent Joshua Schenk

XIII.b. Approval-Additional positions for the HYA Search

Minutes:

A motion was made to approve additional positions for the HYA Search by Dr. Goldberg and seconded by Mr. Goldstein.

The motion was withdrawn but direction was given to Mr. Ewing to have a conversation with HYA about the fees and to clarify some points about adding a second K-8 Principal position.

XIII.c. Approval to Hire a Chief Technology Officer

Minutes:

A motion was made to approve to initiate the hiring process of a Chief Technology Officer by Mr. Hall and seconded by Mrs. Korbatov.

The motion was pulled and the item will be brought back in two weeks.

XIII.d. Approval to Hire 1 FTE Special Education (mild/moderate) teacher at Hawthorne School for the 2015-16 school year

Motion Passed: A motion was made for Approval to Hire 1 FTE Special Education (mild/moderate) teacher at Hawthorne School for the 2015-16 school year Passed with a motion by Dr. Brian Goldberg and a second by Howard Goldstein.

Yes Dr. Brian Goldberg

Yes Howard Goldstein

Yes Lewis Hall

Yes Lisa Korbatov

Yes Noah Margo

Absent Joshua Schenk

XIII.e. Approval to Hire 1.5 FTE Special Education Teachers (mild/moderate and moderate/severe) at Horace Mann School for the 2015-16 School Year

Motion Passed: A motion was made to approve to Hire a 1.5 FTE Special Education Teachers (mild/moderate and moderate/severe) at Horace Mann School and Beverly Hills High School for the 2015-16 School Year. Passed with a motion by Noah Margo and a second by Lewis Hall.

Yes Dr. Brian Goldberg

Yes Howard Goldstein
Yes Lewis Hall
Yes Lisa Korbatov
Yes Noah Margo
Absent Joshua Schenk

XIII.f. Approval to Hire 1 FTE Special Education Teacher at Beverly Hills High School for the 2015-16 School Year

Motion Passed: A motion was made to approve to Hire a 1.5 FTE Special Education Teachers (mild/moderate and moderate/severe) at Horace Mann School and Beverly Hills High School for the 2015-16 School Year. Passed with a motion by Noah Margo and a second by Lewis Hall.

Yes Dr. Brian Goldberg
Yes Howard Goldstein
Yes Lewis Hall
Yes Lisa Korbatov
Yes Noah Margo
Absent Joshua Schenk

XIV. PLANNING AND FACILITIES

Motion Passed: At 10:30 p.m. a motion was made to extend the meeting to 11:00 p.m. Passed with a motion by Noah Margo and a second by Lewis Hall.

Yes Dr. Brian Goldberg
Yes Howard Goldstein
Yes Lewis Hall
Yes Lisa Korbatov
Yes Noah Margo
Absent Joshua Schenk

XIV.a. Approval to Authorize a "Piggyback" Agreement with Los Alamitos Unified School District for the leasing of relocatable classrooms and other buildings for the Beverly Hills High School Modernization Projects

Motion Passed: A motion was made for Approval to Authorize a "Piggyback" Agreement with Los Alamitos Unified School District for the leasing of relocatable classrooms and other buildings for the Beverly Hills High School Modernization Projects. Passed with a motion by Lewis Hall and a second by Lisa Korbatov.

Yes Dr. Brian Goldberg
Yes Howard Goldstein
Yes Lewis Hall
Yes Lisa Korbatov
No Noah Margo
Absent Joshua Schenk

XIV.b. Approval to enter into an Agreement Amendment with DLR Group for architectural/engineering design services for Beverly Hills High School

Motion Passed: A motion was made for Approval to enter into an Agreement Amendment with DLR Group for architectural/engineering design services for Beverly Hills High School. Passed with a motion by Lewis Hall and a second by Lisa Korbatov.

Yes Dr. Brian Goldberg

Yes Howard Goldstein

Yes Lewis Hall

Yes Lisa Korbatov

Yes Noah Margo

Absent Joshua Schenk

XIV.c. Approval to enter into an Agreement Amendment with DLR Group for architectural/engineering design services for a Hardship Funding Application for Beverly Hills High School Building A.

Minutes:

A motion was made for Approval to enter into an Agreement Amendment with DLR Group for architectural/engineering design services for a Hardship Funding Application for Beverly Hills High School Building A by Dr. Goldberg and seconded by Mr. Hall. After much discussion the motion was withdrawn and will be brought back in two weeks.

XIV.d. Approval to change DSA's Phase One approval for SSMP eligibility from modernization to replacement for Hawthorne's Buildings B & C

Motion Passed: A motion was made for Approval to change DSA's Phase One approval for SSMP eligibility from modernization to replacement for Hawthorne's Buildings B & C. Passed with a motion by Dr. Brian Goldberg and a second by Lewis Hall.

Yes Dr. Brian Goldberg

Yes Howard Goldstein

Yes Lewis Hall

Yes Lisa Korbatov

No Noah Margo

Absent Joshua Schenk

XIV.e. Approval for an Agreement with Resource Environmental, Inc., for the removal and disposal of asbestos containing sewer pipe at BHHS.

Motion Passed: It is respectfully requested that the Board approve a Contract with Resource Environmental. Passed with a motion by Noah Margo and a second by Dr. Brian Goldberg.

Yes Dr. Brian Goldberg

Yes Howard Goldstein

Yes Lewis Hall

Yes Lisa Korbatov

Yes Noah Margo

Absent Joshua Schenk

XIV.f. Approval of a not-to-exceed cost for Revised Installation of the Main Electrical Service at Horace Mann School

Motion Passed: A motion was made for Approval of a not-to-exceed cost for Revised Installation of the Main Electrical Service at Horace Mann School. Passed with a motion by Dr. Brian Goldberg and a second by Lewis Hall.

Yes Dr. Brian Goldberg

Yes Howard Goldstein

Yes Lewis Hall

Yes Lisa Korbatov

Yes Noah Margo

Absent Joshua Schenk

XV. COMMUNICATION FROM THE BOARD MEMBERS

Minutes:

Mr. Hall read sections of the following letter from Tim Buresh:

March 9, 2015

Vincent Ewing, General Counsel

Beverly Hills Unified School District

255 South Lasky Drive

Beverly Hills, CA 90210

Subject: BHUSD Seismic Building Safety

Mr. Ewing:

We understand that you are working on the memo to the BHUSD Board of Education concerning the potential liability associated with and resulting from the continued use and occupancy of school buildings that have been determined to be unsafe and in need of seismic upgrades. We are providing this information to you to assure there is a complete and factual understanding and analysis of this issue.

Over the past two years the Board of Education has received multiple briefings from staff, structural engineers and geologists regarding the seismic safety and risk related to various buildings on the five BHUSD campuses. The evaluation of risk requires a balancing of the structural strength of the individual buildings against the probability of a seismic event of a given strength and duration. The District understanding and knowledge of both factors has evolved significantly over the last two years. Unfortunately, that evolution has only served to underscore the seriousness of the seismic safety issue at the District. This letter is intended to provide a written summation of those assessments. All of these facts have been provided to the Board.

BHUSD has a large number of buildings that were built in 1910-1920's time frame. Age alone is no predictor of risk. However, these buildings share similar structural systems that have well known endemic weaknesses. They all received structural modifications under the infant Field

Act in the 1930s. Those modifications were directed at improving the shear strength of exterior walls, which they accomplished to a certain degree. However, the buildings still retain certain serious weaknesses: the walls contain inadequate shear resistance, the roof and floors contain inadequate diaphragm strength, the floor/wall and roof/wall connections are very weak, and, in some cases, the wall/foundation connection is very weak or absent. Buildings with these flaws are notoriously prone to collapse in a significant seismic event. "Prone to collapse" means that a significant portion or all of the building can fall down during an earthquake. If occupied at the time, there could be significant loss of life.

The State recognized this pattern in the creation of the State Seismic Mitigation Program (SSMP), a program to provide funding for structural repair of those school building types most at risk of collapse. With the Board's direction, the District pursued SSMP funding and in the process, the State Division of the State Architect has confirmed that the following fourteen District buildings fall into the structural category considered most at risk of collapse:

BHHS B1 Classroom (originally Domestic Science)

BHHS B2 Classroom and Administration

BHHS B3 Peters Auditorium

BHHS B4 Arts & Music

BHHS E Konheim Gymnasium

BHHS H Moreno Continuation School (originally Cafeteria)

El Rodeo A Kindergarten and First Grade

El Rodeo B Auditorium and Administration

El Rodeo C Classrooms

El Rodeo D Classrooms

Hawthorne A Classrooms and Auditorium (original main building)

Hawthorne B Classrooms

Hawthorne C Music and Arts

Horace Mann A Classroom and Administration

There is no debate regarding the structural weakness of these buildings. The SSMP criteria are intentionally narrow: they only include those buildings considered most at risk in a significant seismic event. Other District buildings pose seismic risk that is not included within the SSMP criteria. Of particular concern is BHHS Building A which has a gypsum panel roof system that is brittle and prone to collapse. Although the balance of the structure is relatively safe, this roof is directly over classrooms and its collapse would likely cause great injury.

Other District buildings that are seismically deficient include the wood framed single story buildings at Hawthorne and Building D, the steel framed library building at Hawthorne. The

engineering consensus is that even though these buildings may fail in a seismic event, the majority of occupants will get out alive even if the buildings are a total loss.

There is a misconception in the community that these older buildings have survived many earthquakes over their lives and therefore pose no serious or immediate safety concern. That perception ignores the fact that the District lost the majority of the Beverly Vista campus in the Northridge earthquake. Clearly the buildings are vulnerable to earthquake damage.

There is a misconception among the Board that the concern is that these buildings simply do not meet current building codes. The argument is that since building codes are ever changing, the District is dealing with a compliance issue and that the buildings are not inherently dangerous. As I have explained to the Board, that perception is incorrect. The buildings fail to meet critical elements of modern engineering practice.

There is a misperception among Board members that since the buildings met the Field Act at the time of their construction, they remain safe today. That also is not accurate. The State does not require upgrades of buildings as the Code evolves. In the case of the District, the consequence is buildings that met a 70 to 80 year old Field Act building code and remain in use without significant modification. The body of schools that were constructed under the multiple generations of the Field Act have performed well in earthquakes: there has been no loss of life (albeit many lost structures). However, the BHUSD schools are among the oldest occupied schools in the State, are based on an inherently flawed design, and are far behind current code and engineering practice. The State DSA has concluded that all fourteen buildings are seriously deficient in their structural systems. The DSA conclusion supports our findings that in a moderate earthquake the District buildings would not perform as well as the average school built under the Field Act.

The District has performed limited voluntary seismic upgrades in various buildings during earlier bond programs. Those upgrades were piecemeal and non-systemic and did not significantly improve the seismic strength of any of the structures in question.

There were initial engineering assessments based on limited field investigation and design analysis that suggested a reduced risk of collapse in certain structures. Subsequent more detailed investigation has confirmed structural weaknesses not identified in the initial assessments. For example, the initial assessment of Hawthorne A presumed the presence of concrete tie beams between the exterior wall and central corridor at the first and second floor levels; those beams are non-existent creating a greater risk of floor wall separation than earlier presumed. More detailed inspection of the plaster ceiling in the auditoriums has identified deterioration in the system not previously identified. Detailed examination of the 1930s retrofit gunnite system has identified less rebar than presumed. The conclusion is that the more optimistic assessments were not warranted.

The Board has been advised that based upon the investigations to date the engineering conclusion is that fourteen of the District buildings are seriously deficient in their structural capacity and present a very real risk of collapse in the event of a significant earthquake. How much less of an earthquake could these buildings survive? Obviously the buildings can and have survived without damage the numerous small earthquakes that regularly occur (e.g. less than 3.5 on the Richter scale). However, none of the engineers working for the District will certify in writing the capacity of these buildings to survive anything beyond that minimal recurring pattern. All of engineers retained by the District have predicted systemic failure of unmodified buildings in the event of a design criteria earthquake (the DSA minimal design standard).

During the briefings to the Board the opinion has been expressed that if a big earthquake occurs, all of the buildings will be destroyed regardless of steps taken to strengthen them. This fatalistic approach holds that the buildings might as well continue to be occupied under their current condition. This assumption is wrong. It may not be possible or practical to strengthen these buildings enough to avoid economic damage, but they can be definitely made safe enough for the majority of the occupants to escape.

The safety of the buildings must be compared against the seismic event likely to occur in the near future and over the building lifetime. Seismic risk is defined by energy and duration and by site peculiarities.

Earthquakes will occur and impact the District's facilities. No one can predict exactly when an earthquake will occur. Scientists can only look at patterns and probabilities. The scientific consensus is that a San Andreas earthquake will occur in the southern half approximately every 150 years; it is now long overdue. The scientific consensus is that a Northridge sized event (e.g. 6.5 on the Richter scale, 10-20 second duration) will occur approximately every 15 years in this area; it has been 21 years since Northridge. Proximity hurts: a Northridge sized event close to District buildings could be as destructive as a San Andreas event. The District's school sites are surrounded and underlain by numerous active faults with Northridge-level potential. The San Vicente and Newport-Inglewood are prominent examples. The geologic consensus is this area is overdue for an earthquake of at least the Northridge level of energy.

The District contains several site peculiarities that could significantly increase the effects of an earthquake on its campuses. The District will incur edge of basin effects across all campuses that cause seismic waves to reverberate and extend the duration of an earthquake. For example, computer modeling of the San Andreas southern earthquake indicates that reverberations in the general area of the District facilities would be 45 seconds longer than for surrounding areas. Even a modest Newport-Inglewood earthquake (roughly the size of Northridge) would generate reverberations 10 to 20 seconds longer than for surrounding areas. Note that the entire length of the Northridge earthquake was 20 seconds: reverberation effects are very significant. In the Northridge earthquake, blind faults (local faults that were inactive during the Northridge earthquake) caused seismic energy to be dampened or accelerated on either side of the blind fault, in some cases doubling the effective seismic energy reaching buildings. This is most likely why Beverly Vista was damaged in Northridge instead of schools closer to the epicenter. There are blind faults near all District campuses; depending on the location of the earthquake, these faults could markedly increase the energy impacting a particular building.

Based upon all of the evaluations and investigations conducted on the District's behalf, the cumulative picture is that the District has unusually weak structures that are very likely to be subjected to higher than normal seismic forces. This is a very dangerous situation.

The District Board has been briefed on the investigations, the analysis, the conclusions, and of the various expert opinions regarding the safety and continued use and occupancy of buildings which likely present an increased risk of injury or death in a seismic event. We have encouraged the Board to expeditiously upgrade the buildings which are most likely to be compromised in a seismic event, and where buildings cannot be expeditiously upgraded, to transfer students and staff into temporary housing and to reduce the risk to students and staff. We continue to await direction from the Board.

Please do not hesitate to contact me if you have any questions or would like to discuss this further.

Mrs. Korbatov read this letter from Tim Buresh:

March 31, 2015

Vincent Ewing, General Counsel

Beverly Hills Unified School District

255 South Lasky Drive

Beverly Hills, CA 902010

Subject: BHUSD Building Safety

Mr. Ewing:

We understand that you are working on the memo to the BHUSD Board of Education concerning the potential liability associated with and resulting from the continued use and occupancy of school buildings that have been determined to be unsafe and in need of seismic upgrades. There are additional safety concerns that should be considered in your analysis. We are providing this information to you to assure there is a complete and factual understanding and analysis of this issue.

While seismic risk remains the primary concern facing the District, fire safety should be a close second.

There are factors that make fire safety a greater concern at BHUSD. These buildings have a large quantity of wood framing and wooden decorative materials; wood this old burns fiercely. The buildings were constructed with rated separations between spaces, a basic and important method of containing fires. However, staff has encountered numerous penetrations, deterioration, or other conditions that have compromised the effectiveness of these barriers. Some buildings have sprinkler systems, but they only serve a portion of the buildings; the majority of occupied space is not covered by sprinkler systems. The existing sprinkler systems are not trustworthy. They are old, dating to the time of original construction, have not been regularly flushed and maintained, and are likely corroded and compromised to the point that they may not perform as designed. The existing fire alarm systems are also not trustworthy. They are tested and corrected annually, but continue to fail on a regular basis. A final concern is with the path of travel the way someone must exit a building. Hawthorne is the primary example of a path of travel that is very convoluted, requires many changes in elevation, and does not lend itself to rapid exiting in case of emergency.

How likely is a fire to occur? Every year, there are dozens of school building fires in Los Angeles County alone. This District lost its M&O shop at BHHS to fire. The possibility of another fire at a BHUSD school is very real. The leading causes of fire are electrical short circuits and vandalism. While vandalism is not a significant factor at BHUSD, electrical wiring issues are. The original wiring system has been altered, partially replaced, and manipulated in numerous ways that do not meet Code. For example, at Hawthorne last year we traced numerous power circuits to an abandoned clock system that was jury rigged to act as a junction box. There are numerous similar examples of mis-wiring encountered every year. There are

numerous examples of electrical gear that has been partially inactivated it is not in service for its original intended purpose but is still energized or partially energized. Even more alarming
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is the repeated discovery of cloth wrapped wiring dating to original construction still in use and incorporated into circuits with modern wiring. These conditions not only compromise the performance of the electrical system, they create a very real risk of circuit overloading, overheating, and fire potential. The District is faced with a set of buildings with an increased potential for fires starting, construction that will burn quickly, and inadequate fire separation, detection, suppression, alarms and escape paths. This is not safe.

Another major concern is asbestos. Several District buildings were built with significant quantities of asbestos. Most of the material used in pipe insulation and other mechanical and electrical applications has been removed over the years. However, it was also used in the fire proofing of steel members at Hawthorne D and BHHS A. It is very difficult to deal with this condition because remediation requires the safe removal of the asbestos and its replacement with some other form of fireproofing which practically requires the gutting of a space. The District opted to leave the asbestos in place with the presumption that if left alone it would remain attached to the steel and that the ceiling system would act as a barrier for any asbestos that did come loose. Our recent experience at Hawthorne A indicates that asbestos is slowly separating from the steel and landing on the ceiling system.

Ceiling systems are not reliable barriers. M&O has to enter the plenum space regularly to service MEP systems. Teachers regularly hand things from the ceiling system. Ceiling tiles get damaged and replaced all of the time from a variety of sources. There are too many possibilities of breaching the ceiling barrier and inadvertently spreading asbestos into the occupied spaces.

What happens when an earthquake hits a building like BHHA A or Hawthorne D? In the last year, earthquakes hit similar structures in Huntington Beach and in Fullerton. These were moderate to small earthquakes and the building structural systems performed fine. However, the seismic vibration caused asbestos fireproofing separation and portions of the ceiling system collapsed. At that point in time asbestos fiber spread throughout the buildings which became immediately and completely unoccupiable. Remediation and abatement has taken more than a year to accomplish at great financial cost and disruption to the respective districts.

We were dismayed to confirm the presence of asbestos in the plaster and drywall systems at BHHS Building A. This was not a common application and is not an application that is routinely screened. As long as these systems remain inert and undamaged by anything, the asbestos is considered safe. Basic M&O activities, building wear and tear, and seismic activity can break the materials loose and bring them into the occupied spaces. The question for the Board is what is the likelihood of something disrupting the systems?

All of the older buildings contain significant quantities of lead based paint. The standard protocol for lead based paint is to contain it within a sealant paint system. That protocol can fail if the underlying paint system fails and flakes, if it is disturbed by wear and tear or M&O. DSA requires that lead paint be abated in any major renovation. This is a significant cost: lead abatement costs at Horace Mann A alone will exceed \$900,000. Comparable costs will be incurred at the other older buildings being renovated. Page 2

All of these items have been noted in numerous reports and evaluations made public and brought to the Board. The consequences of these various safety issues should be considered in

the evaluation of overall risk at the District. Page

XVI. FUTURE BOARD MEETINGS

**XVI.a. Regular Board Meeting-Tuesday, April 14, 2015-7:00 PM-STC/Jon Cherney
Lecture Hall, Beverly Hills High School**

**XVI.b. Regular Board Meeting-Tuesday, April 28, 2015-7:00 PM-STC/Jon Cherney
Lecture Hall, Beverly Hills High School**

XVII. ADJOURNMENT

Minutes:

Mr. Goldstein thanked the KBEV staff and announced the Future Board Meetings. There will be a Board Study Session-Budget on Tuesday, April 21, 2015 at 6:00 p.m. in the District Office Board room. Mr. Goldstein adjourned the meeting at 11:00 p.m.