

**MINUTES OF THE JOINT ORGANIZATIONAL MEETING OF THE
MEASURES C & EE CITIZEN BOND OVERSIGHT COMMITTEE
MANHATTAN BEACH UNIFIED SCHOOL DISTRICT**

**April 20, 2017
6:00 p.m.**

The Members of the Joint Measures C and EE Bond Oversight Committee held an organizational meeting on Thursday, April 20, 2017, at 1401 Artesia Blvd, Manhattan Beach, California 90266.

Members of the Committee	<p>Attending: Jonathan Beutler, John Bushman, Tim Flake, Stewart Fournier, Michael Kiely, Larry Kleinberg, Harry Langenberg, Steven Nicholson, Greg Reynolds, Claudia Schloss, Jeffrey Serota, Mark Sprague, T. Tolga Yaprak, Larry Zimbalist</p> <p>Absent: Craig Underwood</p>
District Personnel	<p>Attending: Dr. Dawnalyn Murakawa-Leopard, Deputy Superintendent Rodney Jorgensen, Buildings Trade Specialist/CSEA Rep.</p> <p>Absent: Bill Fournell, MBUSD Board of Trustees member MBUTA Rep.</p>
Other Firms' Personnel	<p>Kevin Civale, Stradling Yocca Carlson & Rauth (Bond Counsel) Reed Glycer, Stradling Yocca Carlson & Rauth (Bond Counsel)</p>
Call to Order	<p>A quorum was met and the meeting was called to order by Dr. Dawnalyn Murakawa-Leopard at 6:05 PM.</p>
Pledge of Allegiance	<p>The Pledge of Allegiance was led by Dr. Murakawa-Leopard</p>
Announcements and Communications	<p>Welcome and expression of appreciation for participation made by Dr. Murakawa-Leopard.</p>
Public Comments	<p>None.</p>
Presentation/Discussion	<ol style="list-style-type: none"> 1. Intro of the BOC members: BOC members introduced themselves. 2. Roles & Responsibilities of BOC by Stradling Yocca Carlson & Rauth (SYCR) <ol style="list-style-type: none"> a. Brown Act: SYCR provided overview of Brown Act and the required role of the BOC to oversee bond expenditures. Specific points made by SYCR regarding the BOC's role: <ol style="list-style-type: none"> i. Oversight role only; not able to make decisions in terms of contracts, priorities, expenditures, etc. District selects contractor(s) and makes all decisions. ii. BOC can provide reports/recommendations to Board of Trustees confirming project eligibility per the measure(s) language.

	<ul style="list-style-type: none"> iii. Brown Act applies to oversight committees that can call three types of meetings: <ul style="list-style-type: none"> 1. Regular w/72-hours public notice 2. Special w/24-hours public notice 3. Emergency w/no notice (seldom used) iv. Topics can only be discussed if on the agenda. v. SYCR advises BOC to stay on topic during meetings and: <ul style="list-style-type: none"> 1. Do not have meetings outside of agendized meetings. 2. Do not have serial meeting. <p>These rules pertain to subcommittees the BOC may create, but subcommittees of less than a quorum discussing specific topics for which they were created are not subject to public meeting rules.</p> <p>b. Overview of Prop 39 & CA Ed. Code: Only 55% vote needed to issue bonds, but added requirement for annual reports of financials and performance.</p> <p>c. BOC Bylaws: Error noted on page A-3 of Board Resolution 2017-4 (EE). Reference should be “EE” vs “C” as noted in first sentence of section 5.03.</p> <p>Bylaws & Governance discussion included:</p> <ul style="list-style-type: none"> i. BOCs must meet regularly; quarterly, monthly suggested ii. BOCs make reports to the Board based on what is reviewed. Board can act on this information. BOCs can ask Board to hold special meeting to present reports. iii. SYRC emphasized theme for BOCs is to make sure bond expenditures being done correctly; it is a bully pulpit to bring issues to a public level. iv. Reports from the Measure BB BOC were four to six pages; focused on budget vs. initial scope, expenditures vs. budget, project timeliness. v. Ms. Lesserman, a member of the public, requested to ask a question, which was allowed by SYCR. She asked if there are rules or suggestions as to when things get cut from the list that was originally in the project scope in order to come in on budget. <p>Discussion: SYCR noted committee cannot make those decisions but can put in the report what they want; can suggest priorities. BOC members discussed the Measure C project list, which is broad. There will be scope/priority definition as the Measure C projects begin. Historically, BOC reports record what the District has excluded and the reasons why (maybe as an exhibit).</p> vi. SYCR discussed initial term lengths and committee roles; seven, 3-year members and eight, 2-year members (15 members total). Three officers required for each committee: Chair, Vice Chair and Secretary (this role takes notes, prepares/presents reports). vii. Oversight committees terminate once funds expended and projects done. Final reports compiled at that time. <p>d. Form 700 Members are required to file Form 700 as a public document. SYCR went over the form packet, discussed the hotline and suggested most use this resource if there are questions on completing the form(s). This is an Assuming Office Report; not an immediate requirement (Ms. Gerken to</p>
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	<p>confirm to BOC when Form 700s need to be submitted.) Dr. Murakawa-Leopard indicated BOC members fall into Category 1 and Category 4 of the MBUSD Conflict of Interest Code (published with the meeting materials). Residential property does not need to be reported. To surface and avoid conflicts of interest is the general principal behind why Form 700 is completed.</p>
<p>Committee Business</p>	<p>1. Determination of Member Terms</p> <p>a. Determination by Lot: Members pulled straws to determine term lengths. Terms were accepted by the members as follows:</p> <ul style="list-style-type: none"> • Jonathan Beutler, 2-years • John Bushman, 3-years • Tim Flake, 3-years • Stewart Fournier, 2-years • Michael Kiely, 3-years • Larry Kleinberg, 2-years • Harry Langenberg, 2-years • Steven Nicholson, 3-years • Greg Reynolds, 2-years • Claudia Schloss, 2-years • Jeffrey Serota, 3-years • Mark Sprague, 2-years • A. Craig Underwood, 3-years (by default due to absence) • T. Tolga Yaprak, 2-years • Larry Zimbalist, 3-years <p>b. Measure C term approval Dr. Murakawa-Leopard asked for all those in favor of accepting the terms-per-member as drawn for Measure C say 'Aye' : AYES: 14 NOES: 0 ABSENT: 1 ABSTENTIONS: 0</p> <p>c. Measure EE term approval Dr. Murakawa-Leopard asked for all those in favor of accepting the terms-per-member as drawn for Measure EE say 'Aye' : AYES: 14 NOES: 0 ABSENT: 1 ABSTENTIONS: 0</p> <p>2. Election of Officers: Chair, Vice Chair and Secretary</p> <p>a. Measure C: Chair – Mr. Tim Flake Mr. Flake expressed his interest and willingness to serve as Chair for Measure C. Mr. Serota called for a vote of all those in favor of electing Mr. Flake as Chair for Measure C: AYES: 14 NOES: 0</p>

ABSENT: 1
ABSTENTIONS: 0

Vice Chair – Mr. Greg Reynolds

Mr. Reynolds expressed his interest and willingness to serve as Vice Chair for Measure C. Mr. Reed Glycer called for a vote of all those in favor of electing Mr. Reynolds as Vice Chair for Measure C:

AYES: 14
NOES: 0
ABSENT: 1
ABSTENTIONS: 0

Secretary – Mr. Mark Sprague

Mr. Sprague expressed his interest and willingness to serve as Secretary for Measure C. Mr. Reed Glycer called for a vote of all those in favor of electing Mr. Sprague as Secretary for Measure C:

AYES: 14
NOES: 0
ABSENT: 1
ABSTENTIONS: 0

b. Measure EE:

Chair – Mr. Mark Sprague

Mr. Sprague expressed his interest and willingness to serve as Chair for Measure EE. Mr. Reed Glycer called for a vote of all those in favor of electing Mr. Sprague as Chair for Measure EE:

AYES: 14
NOES: 0
ABSENT: 1
ABSTENTIONS: 0

Vice Chair – Mr. Michael Kiely

Mr. Kiely expressed his interest and willingness to serve as Vice Chair for Measure EE. Mr. Reed Glycer called for a vote of all those in favor of electing Mr. Kiely as Vice Chair for Measure EE:

AYES: 14
NOES: 0
ABSENT: 1
ABSTENTIONS: 0

Secretary – Ms. Claudia Schloss

Ms. Schloss expressed her interest and willingness to serve as Secretary for Measure EE. Mr. Reed Glycer called for a vote of all those in favor of electing Ms. Schloss as Secretary for Measure C:

AYES: 14
NOES: 0
ABSENT: 1
ABSTENTIONS: 0

3. **Bond Progress Update for both Measure C & EE:** Dr. Murakawa-Leopard updated

the BOC that upon passage of the bond measures, the District initiated a competitive selection process for architectural services. The Board has already approved Gensler for the Measure EE Mira Costa gym project, primarily due to this project being smaller and therefore easier to negotiate. Gensler is on board and working on the EE project in the pre-design phase. Next week's Board Workshop (4/26/17) for EE will be a presentation/culmination of focus group and community inputs received to date.

On May 3rd the plan is for the Board to provide further direction on the concepts presented on 4/26, followed by additional visioning session(s) and another Board workshop (TBC for 5/9) to fine-tune inputs regarding uses.

Measure C: Selection committee recommended DLR as architect for all Measure C projects. DLR is the firm that prepared the District's master plan in 2015. They are familiar with District and needs. The District is still in the process of negotiating an agreement. This is more challenging as the scope is broader and less defined.

Mr. Serota noted DLR donated to the bond campaign and asked how many architects submitted to ensure there was adequate competition. Dr. Murakawa-Leopard noted that there were nine qualified responses.

Measure EE: An EIR for EE must be completed which is estimated to take four to six months. Schematic designs are needed to begin the EIR process.

4. **Bond Expenditure Update & Discussion:** The District has determined it will be more cost effective to issue bonds for both C and EE at the same time and thus no bond funds are currently available as the Measure EE EIR must be completed before Measure EE bonds can be sold. The Measure EE EIR may take 4 to 6 months. The District is spending money without bond funds; using general fund dollars that will be paid back once bonds issued. (Note: Measure C projects may require EIR but will not prevent District from issuing bonds.)

Measure C Expenditures: Dr. Murakawa-Leopard indicated that approximately \$200 for legal costs has been spent to date on Measure C.

Measure EE Expenditures: \$5,000, mostly in legal costs, has been spent to date. A purchase order (PO) for Gensler in the amount of \$1.55 million dollars has been opened. No bills have been paid against this PO yet.

Mr. Flake asked if we would be getting comparable data from other Districts' projects (El Segundo and Redondo were mentioned).

5. **Future Meeting Schedule**

Mr. Sprague suggested meeting in one month. Mr. Nicholson suggests meeting quarterly thereafter unless otherwise necessary. SYRC noted that BOC reports are due semi-annually (60 days following 6/30 and 12/31). Reed Glycer to confirm audit timing/requirements to Dr. Murakawa-Leopard.

	<p>Measure EE: MOTION Measure EE: Ms. Schloss motioned to meet in one month on May 18, 2017 (time and location to be confirmed). SECOND: Mr. Fournier seconded AYES: 14 NOES: 0 ABSENT: 1 ABSTENTIONS: 0</p> <p>Measure C: MOTION Measure C: Mr. Nicholson motioned to meet in one month on May 18, 2017 (time and location to be confirmed). SECOND: Mr. Bushman seconded AYES: 14 NOES: 0 ABSENT: 1 ABSTENTIONS: 0</p> <p>The BOC permitted Ms. Lesserman to ask a question; she asked if meetings would be posted publicly. Dr. Murakawa-Leopard indicated they would be.</p> <p>6. Other:</p> <ul style="list-style-type: none"> • Mr. Fournier inquired as to how meeting are run. SYRC and others indicated parliamentary style, but somewhat informal in that there is often a lot of discussion between the members. Ms. Lesserman was again permitted to ask a question; she asked if public comments would be limited to the Public Comment section of the agenda. SYRC indicated that would be standard practice. • General discussion on timeline and whether C will push back EE • General discussion on need to keep BOC informed so that public questions and concerns can be addressed. The BOC’s role is not to provide the public with insights but rather to provide feedback on expenditures; however members will get questions and should know where to refer them. SYCR advised BOC members not become advocates but to keep the committees’ charge in mind. These being: <ul style="list-style-type: none"> - Did voters approve project? - Are moneys being spent on project approved, and spent appropriately?
<p>Items for Future Mtgs</p>	<ol style="list-style-type: none"> 1. Insights from Prior BOC Members – Members agreed this may be good idea 2. Presentations & Updates from Measure C & EE Architects 3. Contract review 4. Cost saving measures per 5.02 (District to coordinate)
<p>Adjournment</p>	<p>Measure C: Mr. Beutler made a motion to adjourn which was seconded by Mr. Yaprak. AYES: 14 NOES: 0 ABSENT: 1 ABSTENTIONS: 0</p>

	<p>Measure EE: Ms. Schloss motioned to adjourn which was seconded by Mr. Reynolds.</p>
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AYES: 14

NOES: 0

ABSENT: 1

ABSTENTIONS: 0

The meeting was adjourned 7:45 p.m.