

SAN DIEGO UNIFIED SCHOOL DISTRICT
Physical Plant Operations Center
4860 Ruffner Street, San Diego, CA 92111
Proposition S School Bond
Independent Citizens' Oversight Committee
March 25, 2009, 4:00 p.m.

MINUTES

AGENDA ITEM	ASSIGNMENTS/UNDERSTANDINGS
Meeting Called to Order:	Mr. Markey called the meeting to order at 4:00 p.m.
Roll Call:	<p>Members In Attendance: Gregg Cantor, Jim Frager, John Gordon, Glenn Hillegas, Gil Johnson, Daniel Morales [arrived at 4:50 pm], Ray Moreno, Leonard Pinson [departed at 6:35 pm], Deanna Spehn and John Stump [arrived at 4:12 pm]</p> <p>Members Excused: Jay Wilson</p> <p>Trustees, Staff and Consultants in Attendance: Richard Barrera, Steve Bovee, Mark Bresee, Chuck Brown, Sandra Chong, Leigha Cook, Lee Dulgeroff, Terry Grier, C. J. Haskins, Shelia Jackson, Stu Markey, Cynthia Reed-Porter, Bernie Rhinerson, Joel Splittgerber, Jim Watts and Mark Young, with Gardener, Underwood & Bacon, LLC</p>
<p>1. <i>Public Testimony (PT) [No action or discussion may occur regarding public comment on matters not on the agenda. Items may be referred to staff for placement on a future agenda. Public testimony is limited to 3 minutes per person.] Deliver to ICOC Secretary and PT's will be heard after Item 7</i></p>	<p>Jay Powell – City Heights Plan Jim Ryan - Project Labor Agreement Bob Mulz - Veteran Owned Business</p>
<p>2. Introductions (Markey) 2.1. Citizens' Oversight Committee Members 2.2. District Staff</p>	<p>Mr. Markey welcomed committee members.</p> <p>All attendees introduced themselves and provided background.</p>
<p>3. Comments from the Superintendent or Board Members present (Optional)</p>	<p>Ms. Jackson thanked the committee.</p> <p>Mr. Barrera added he also wants to ensure that the community voice is really being engaged.</p> <p>Dr. Grier commented that the District is working hard on budget cuts and thanked the committee.</p>
<p>4. Purpose and Function of the ICOC (Chong/Bresee) (Information Only) (Exhibit) [Time Certain 4:15 pm]</p>	<p>Ms. Chong stated Purpose and Function of the ICOC as:</p> <p>ICOC's main function is oversight. The responsibility of ICOC is to monitor and oversee spending of Prop. S funds. ICOC is charged with this responsibility because members were appointed by the Board of Education (BOE) under Prop. 39:</p> <ul style="list-style-type: none"> • Inform the public concerning the expenditure of bond revenues; and • Actively review and report on the proper expenditure of taxpayers' money for school construction. <p>Other responsibilities are outlined in the actual ballot measure, which states ...ensure that bond proceeds are spent only for school facilities projects listed in the Bond Project List.</p> <p>Responsibilities of the ICOC</p> <p>b. Ensure that no funds are used for any teacher or administrative salaries or other school operating expenses.</p> <p>Ms. Chong clarified point b: Prop. S funds may be spent on district staff and consultants while working directly related to Prop.</p>

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	<p>S referencing an Attorney General’s opinion.</p> <p>Mr. Stump questioned management of conflict of interest. Mr. Bresee said that if a conflict occurs, the ICOC would need to get independent counsel. It is a reasonable expectation that the District would pay fees if necessary to support ICOC’s work.</p> <p><i>Disclaimer: Mr. Stump is an attorney in private practice but will not be giving legal advice while a volunteer on the ICOC Prop. S Committee only his opinion as an appointee.</i></p>
<p>5. Brown Act [California Open Meeting Law] (Chong/Bresee) (Information Only) (Exhibit) [Time Certain after Item 4]</p>	<p>Mr. Bresee provided a Brown Act handout and requested specific questions or issues be submitted for clarification as needed. He cautioned committee members regarding the Brown Act regulations.</p> <p>A updated exhibit was provided for this item with all pages included.</p>
<p>6. Conflict of Interest Laws (Chong/ Bresee) (Information Only) (Exhibit)</p>	<p>Mr. Bresee presented the exhibit and asked that specific questions or issues be submitted as needed.</p>
<p>7. Selection of ICOC Officers (Chong/Bresee) (Information Only) (Exhibit) [Time Certain after Item 6]</p> <p>7.1.1.Suggested ICOC Officers and Duties</p> <p>7.1.2.Suggested Term of Office</p> <p>7.1.3.Possible Appointment of Initial Officers</p>	<p>Ms Chong gave officer recommendations and provided term specifications.</p>
<p>8. Initial Sale of Prop. S General Obligation Bonds (Mark Young, Gardner, Underwood and Bacon (GUB) (Information Only) (Exhibit)</p>	<p>Mr. Young reported on the 13-page Proposition S Bond Finance Overview exhibit.</p> <p>Action Item: <i>Mr. Stump would like a copy of the constitutional limitation statute, which says that for a unified school district, the limitation is 2.5% of the district-wide AV. For a non-unified, i.e., high school district or an elementary/middle it is 1.25% of AV.</i></p> <p>Action Item: <i>Mr. Stump would like a copy of the BOE addendum to the resolution that was approved, which listed out every component of the cost of issuance: who, role and compensation.</i></p>
<p>9. Background/Brief Overview of Prop S (Watts) (Information Only) (Handout)</p>	<p>Mr. Watts presented the PowerPoint Prop. S Background and Overview slides dated March 25, 2009.</p> <p>There was Q & A throughout.</p>
<p>10. Project Stabilization Agreement Status (PSA) (Markey) (Information Only) (Exhibits)</p>	<p>Mr. Markey referred the ICOC to the Resolution copy (Handout 10) adopted by the BOE on January 13, 2009, directing staff to negotiate with San Diego Imperial County Building and Trades Council in an effort to enter into an agreement with them for a Project Stabilization Agreement (PSA).</p> <p>Motion: Mr. Frager moved to place the PSA financial effect on Proposition S on the ICOC April 2009 agenda. Mr. Cantor seconded the motion. The motion carried.</p> <p>Motion: Mr. Johnson moved that a subcommittee be formed to study the PSA with staff and include ICOC Committee members Mr. Frager, Mr. Moreno, Mr. Morales, Mr. Cantor and Mr. Stump. Mr. Frager seconded the motion. The motion carried.</p>

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	<p>The PSA Subcommittee is calendared for April 9, 2009, at 3 pm and the Conference Room is to be announced (TBA).</p> <p>Motion: Ms. Spehn moved that the ICOC makes a recommendation to the Board of Education on a PSA and what should be included in it. Mr. Gordon seconded the motion. The motion carried with one objection. Mr. Moreno opposed.</p>
<p>11. Proposed ICOC Meeting Schedule and Selection of Next Meeting Date and Time (Cook) (Action) (Exhibit)</p>	<p>Motion: Mr. Stump moved to start the PSA Subcommittee within two weeks and to meet for the full ICOC in three weeks and thereafter monthly. Mr. Morales seconded the motion. The motion carried.</p> <p>Motion: Ms. Spehn moved that a subcommittee be formed to study the Governance Model with staff in two weeks and be added to the full ICOC Agenda for April 2009. The ICOC Governance Model Subcommittee members include Mr. Johnson, Mr. Gordon and Ms. Spehn. Mr. Gordon seconded the motion. The motion carried.</p> <p>The Governance Model Subcommittee is calendared for April 9, 2009, at 4 pm and the Conference Room is to be announced (TBA).</p>
<p>12. Administrative and Technical Support for ICOC (Cook) (Information Only)</p> <p>12.1. ICOC Secretary</p> <p>12.2. Consultants</p> <p>12.2.1. Annual Audit</p> <p>12.2.2. Annual Report</p> <p>12.2.3. Site Walks</p>	<p>Continued to the next full ICOC meeting.</p>
<p>13. Meeting Procedures (Cook) (Information Only)</p> <p>13.1. Agenda/Handout Delivery by FedEx</p> <p>13.2. Agenda Format</p> <p>13.3. Placing Items on the ICOC Agenda by Chair and Vice-Chair with Prop. S Staff. Forward your suggestions to the ICOC Secretary by e-mail to icoc@sandi.net by deadline</p> <p>13.4. Agenda Item Presentation and Format of Minutes</p> <p>13.5. Public Comments Format</p> <p>13.5.1. Process</p> <p>13.5.2. Time Limits</p> <p>13.5.3. Speaker Slips (Exhibit)</p>	<p>Continued to the next full ICOC meeting.</p>
<p>14. Recommendations for Nomination of Officers by Committee and then Election at the Next Meeting (Markey) (Action)</p> <p>14.1. Chair</p> <p>14.2. Vice-Chair</p>	<p>Continued to the next full ICOC meeting.</p>
<p>15. Adjournment</p>	<p>Meeting adjourned at 7:40 pm</p>