

Americans with Disabilities Act of 1990 compliant. For disability-related modification or accommodation including auxiliary aids or services, please call the Recording Secretary 24-hours in advance Monday through Friday to ensure availability (858) 637-3609

SAN DIEGO UNIFIED SCHOOL DISTRICT  
 4100 Normal Street, Auditorium  
 San Diego, CA 92103  
 Proposition S School Bond  
 Independent Citizens' Oversight Committee  
 May 21, 2009, 4:00 – 6:00 p.m.  
**MINUTES**

AGENDA ITEMS	ASSIGNMENTS/UNDERSTANDINGS
Meeting Called to Order: (Johnson)	Meeting called to order at 4:02 p.m.
Roll Call: (Ross) (Action)	ICOC in attendance: Gregg Cantor, James Frager, John Gordon, Glen Hillegas, Gil Johnson, Daniel Morales, Ray Moreno, Deanna Spehn, John Stump  Mr. Pinson was absent and Mr. Wilson has resigned.
<b>Public Testimony</b> [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.] <b>Public Testimony requests are to be given to the ICOC Secretary prior to the start of the meeting.</b>	All public speakers were related to Item 3.2, so they were taken when that agenda item was presented.
1. Approval of Minutes:  1.1 3/25/09 Revised Draft Minutes (Exhibit) (Action)  1.2 4/22/09 Draft Minutes (Exhibit) (Action)	<b>Motion:</b> Mr. Stump moved that the March 25, 2009, minutes be returned to the Governance Subcommittee for conformance with direction from the Governance Subcommittee. Mr. Gordon seconded the motion. (Mr. Gordon noted that this motion was due to the lack of resolution of the liability coverage issue.)  Mr. Morales and Mr. Moreno arrived during the follow-up discussion on this motion.  <b>Motion was restated as:</b> Mr. Stump moved the minutes from March 25, 2009, and April 22, 2009, will be revised by Ms. Ross per discussion, with assistance from Mr. Gordon, noting each committee member's response to motions taken. The draft minutes will then be returned to the full ICOC meeting on June 18, 2009, for approval. Mr. Gordon seconded the motion. The motion passed. Gregg Cantor, yea; James Frager, yea; John Gordon, yea; Glen Hillegas, yea; Gil Johnson, yea; Daniel Morales, yea; Ray Moreno, yea; Deanna Spehn, yea; John Stump, yea.

AGENDA ITEMS	ASSIGNMENTS/UNDERSTANDINGS
<p>2. Governance Subcommittee (Johnson) (Action)</p> <p>    2.1 Presentation of Draft Minutes (Exhibit)</p> <p>    2.2 Selection of Chair</p> <p>    2.3 Meeting Location</p> <p>    2.4 ICOC Committee/Subcommittee Duties</p> <p>    2.5 Governance Model / Bylaws</p> <p>        2.5.1 Indemnity Memo (Exhibit)</p> <p>    2.6 ICOC Consultant</p> <p>    2.7 Communications Report (Reed-Porter)</p>	<p>Mr. Johnson presented the draft minutes from the Governance Subcommittee and provided a report.</p> <p><b>Motion:</b> Ms. Spehn moved that the Board of Education provide proof of indemnification for the ICOC. Mr. Stump seconded the motion. The motion passed. Gregg Cantor, yea; James Frager, yea; John Gordon, yea; Glen Hillegas, yea; Gil Johnson, yea; Daniel Morales, yea; Ray Moreno, yea; Deanna Spehn, yea; John Stump, yea.</p> <p>Indemnification was discussed. Ms. Chong stated that indemnification could result after the ICOC requested indemnification and it was approved, but they were not automatically covered.</p> <p><b>Motion:</b> Ms. Spehn moved to request the Board Of Education provide the ICOC proof of indemnification for their actions as ICOC members. Mr. Stump seconded the motion after advice from Ms. Chong. The motion passed. Gregg Cantor, yea; James Frager, yea; John Gordon, yea; Glen Hillegas, yea; Gil Johnson, yea; Daniel Morales, yea; Ray Moreno, yea; Deanna Spehn, yea; John Stump, yea.</p> <p><b>Motion:</b> Ms. Spehn moved to allow the subcommittee chairs to directly place items on the full ICOC agenda for discussion, with the chair of the full committee making final decisions on agenda priority and size. Mr. Stump seconded the motion. The motion passed. Gregg Cantor, yea; James Frager, yea; John Gordon, yea; Glen Hillegas, yea; Gil Johnson, yea; Daniel Morales, yea; Ray Moreno, yea; Deanna Spehn, yea; John Stump, yea.</p> <p><b>Motion:</b> Ms. Spehn moved to establish a Chair, Vice Chair and Secretary for the full ICOC. Mr. Stump seconded the motion. (Clarification was requested of Mr. Gordon regarding the Secretary positions duties. Mr. Gordon stated that his idea was that this position work with the district assigned secretary to create minutes and agendas. Mr. Johnson stated that minutes and agendas were usually created by the district appointed secretary with the chair of the committee or subcommittee.) Friendly amendment requested</p>

AGENDA ITEMS	ASSIGNMENTS/UNDERSTANDINGS
	<p>by Mr. Johnson that the motion be revised to establish just a chair and vice chair. Ms. Spehn stated that she was comfortable with designating the district secretary as the secretary to the committee. Mr. Stump was not comfortable seconding the motion with that wording. Mr. Stump then challenged the right of the committee to make the stated motion. Mr. Frager agreed to second the motion establishing a Chair and Vice Chair and designating the district assigned secretary as Secretary of the ICOC. <b>After discussion the motion was reworded as follows:</b> Ms. Spehn moved to establish officers for the ICOC as a Chair, Vice Chair. Mr. Frager seconded the motion. The following vote resulted in passing the motion. Gregg Cantor, yea; James Frager, yea; John Gordon, no; Glen Hillegas, yea; Gil Johnson, yea; Daniel Morales, no; Ray Moreno, no; Deanna Spehn, yea; John Stump, no.</p> <p>It was noted that the Governance Subcommittee will work on the definition of the officer roles.</p>
<p>3. Construction &amp; Implementation Subcommittee (Pinson)(Action)</p> <p>3.1 Presentation of Minutes (Exhibit)</p> <p>3.2 Discussion of Project Stabilizing Agreement</p> <p>3.3 Construction Status Report (Bovee) (Exhibit)</p> <p>3.4 Project Management Report (Splittgerber) (Exhibit)</p>	<p>Mr. Pinson was not present to report on the subcommittee actions. The minutes were received as the record of the report from the subcommittee.</p> <p><b>Motion:</b> Mr. Stump moved to receive the subcommittee draft minutes. Mr. Morales seconded the motion. Motion passed with the following vote: Gregg Cantor, yea; James Frager, yea; John Gordon, yea; Glen Hillegas, yea; Gil Johnson, yea; Daniel Morales, yea; Ray Moreno, yea; Deanna Spehn, yea; John Stump, yea.</p> <p>Guest Speakers Taken Regarding Item 3.2: Jim Ryan, Assoc. General Contractors (provided a handout for committee members); Eric Christen, Coalition for Fair Employment in Construction; Kevin Dayton, Associated Builders and Contractors of California.</p> <p>Committee members questioned speakers.</p> <p><b>Motion:</b> Mr. Frager moved that the ICOC recommend to the Board of Education (BOE) to add a construction agency representative selected from a field of four agencies to participate in</p>

AGENDA ITEMS	ASSIGNMENTS/UNDERSTANDINGS
	<p>Project Stabilization Agreement (PSA) negotiations. Mr. Hillegas seconded the motion. During discussion Mr. Stump questioned the committee's right to take a motion on this item. Discussion resulted in the following vote: Gregg Cantor, yea; James Frager, yea; John Gordon, no; Glen Hillegas, yea; Gil Johnson, yea; Daniel Morales, no; Ray Moreno, no; Deanna Spehn, recused herself; John Stump, no (for reasons given). <b>The tie vote ends this motion moving forward.</b></p> <p>5:43 p.m. – Mr. Moreno was excused.</p> <p>Staff (Mr. Bovee and Mr. Splittgerber) presented exhibits 3.3 and 3.4 for explanation and discussion. Questions were taken from the committee members.</p> <p>5:50 p.m. – Mr. Cantor was excused.</p> <p>Ms. Spehn requested a table of acronyms from staff be added to the document.</p> <p><b>Action: Staff provide acronyms list again for the ICOC.</b></p> <p>5:55 – Mr. Morales was excused.</p> <p><b>Action: Request to staff to provide a construction exception report regarding problems on specific projects.</b></p> <p>6:00 p.m. <b>Motion:</b> Mr. Frager moved to continue the meeting beyond the schedule end time of 6:00 p.m. Second on the motion by Mr. Stump. Vote taken resulted in passage of motion: James Frager, yea; John Gordon, yea; Glen Hillegas, no; Gil Johnson, yea; Deanna Spehn, yea; John Stump, no.</p> <p>6:05 p.m. – Mr. Hillegas was excused.</p>

AGENDA ITEMS	ASSIGNMENTS/UNDERSTANDINGS
<p>4. Finance, Planning &amp; Controls Subcommittee (Gordon) (Action)</p> <p>4.1 Presentation of Minutes (Exhibit)</p> <p>4.2 Selection of Chair</p> <p>4.3 Bond Sale &amp; Fund Management</p> <p>4.4 Planning Reports (Watts)</p> <p>4.4.1 Potential Briefing Topics</p> <p>4.5 Monthly Program Controls Report (Splittgerber) (Exhibit)</p> <p>4.6 Future Meeting Date (Exhibit)</p> <p>4.7 Meeting Locations</p>	<p>Mr. Gordon presented a one-page subcommittee’s report created by him in addition to the minutes and reports brought forward from the subcommittee.</p> <p>Mr. Gordon noted that the major issues that Finance, Planning &amp; Controls Subcommittee (FPC) will be reviewing is the effect of the major budget cuts that San Diego Unified will be facing and their effects on the performance of the Proposition S Bond projects.</p> <p>Mr. Stump requested that the Finance, Planning and Controls Subcommittee receive the Facilities, Planning and Construction department draft budget plan prior to BOE approval and the Deferred Maintenance Plan. Mr. Markey noted that the Deferred Maintenance Plan is scheduled for late July, early August 2009.</p>
<p>5. Executive Director Comments (Markey)(Action)</p>	<p>Mr. Markey presented a meeting handout, (Posted as Handout Item 5).</p>
<p>6. Trustee Comment (Johnson)(Action)</p>	<p>Mr. Johnson made comments regarding committee effectiveness.</p>
<p>7. Adjournment (Action)</p>	<p>Meeting adjourned at 6:38 p.m.</p>