



PASADENA UNIFIED SCHOOL DISTRICT

MEASURE TT CITIZENS' OVERSIGHT COMMITTEE

MINUTES of the Citizens' Oversight Committee held on Thursday, July 16, 2009 at the Education Center, 351 S. Hudson Avenue, Pasadena, CA 91101, in the Boardroom.

PRESENT:

Committee: Carolyn Carlburg, Carolyn Ellner, Charles Bryant, George Fatheree, Joanna Bauer, Jon Fuhrman, Lee Johnson, Joel Sheldon, Paul Hunt, Sid Tyler, Gregory Barna.

Board Member: Ed Honowitz.

Staff: Steve Brinkman, Frazier Thompson, Wendy Childress

ABSENT:

Arthur Aviles, James Kossler, Kenneth Hargreaves

A. CALL TO ORDER

Chairman Sid Tyler called the meeting to order at approximately 5:05 pm.

Note: approximately the first fifteen minutes of the meeting recorded by George Fatheree due to a mix-up in the meeting room location.

B. PUBLIC COMMENT

Mary Dee Romney addressed the Committee. Ms. Romney stated that Committee minutes were not posted on the website and noted that no handouts or minutes were available for the public at the meeting. [Recorder's note: The Committee meeting was held in a different room from that originally publicized. Shortly after the meeting was called to order, a number of staff members and member of the public came to the room where the meeting was being held, and staff provided handouts, including minutes from the last meeting to the members of public.] Ms. Romney also stated that the members of the community were not aware of who the chair or the secretary of the Committee are.

Ms. Romney suggested that bond funds were being spent on projects that were not needed, and cited as examples, replacement of windows at Willard, Wilson, and Audubon and

painting at San Rafael, Wilson and Willard. Ms. Romney stated that the District had too much bond money.

There were no additional public comments at that time.

[Recorder's note: At this point, members of the public who had previously been in the room originally publicized joined the meeting and Kim Kinney asked to make a comment.]

Kim Kinney, a parent, stated that she had been unable to locate minutes for the meetings on the District's website. She also stated that she had been waiting for the meeting to begin, in the room that had been publicized for the meeting. Ms. Kinney requested that the minutes of the meeting be posted shortly after the meeting, even if only in draft form, in order to increase public access.

The Committee agreed to use, only a pilot basis, the following process to post its minutes:

- (1) Shortly after each meeting, staff will circulate minutes to the members of the Oversight Committee;
- (2) Committee members will have 72 hours to reply to staff and the other Committee members with proposed changes to the minutes. These proposed changes will be added to the bottom of the minutes;
- (3) As soon as possible after waiting 72 hours after the minutes are circulated to the Committee members, and after adding any proposed changes as suggested by members of the Committee, if applicable, the staff will post the minutes to a publicly accessible website. These posted minutes shall have some conspicuous notice to the effect that the minutes are draft, have not been approved by the Committee and remain subject to alteration prior to final adoption; and
- (4) Finally, after the minutes have been discussed and approved by the Committee as its subsequent meeting, the minutes will be reposted in their final form.

[Recorder's note: At this point, a designated person from the District took over recording minutes]

C. APPROVAL OF MINUTES OF 5-21 MEETING

Jon Fuhrman moved to approve the minutes from the Committee's May Meeting. The motion was seconded by Carolyn Ellner, and passed unanimously.

D. DISCUSSION/PRESENTATION ITEMS

1. Measure TT Website Revision

Steve Brinkman provided the Committee with a layout of sample C.O.C website that was put together at no cost to the District by a local firm. He suggested that the C.O.C have a separate website, which could have a link to the PUSD site on its

site. Carolyn Ellner asked if the C.O.C tab on the District's website could be highlighted because it seems to be hidden on the PUSD site. Mr. Brinkman pointed out that it might behoove the C.O.C to have its own site for visibility and allowing the ability to disseminate information, newsletters etc. Someone asked how the site would be funded. Mr. Brinkman responded out of bond money. Mr. Fuhrman disagreed with use of bond dollars for the site. Mr. Brinkman stated that he did not believe it was inappropriate and that he would be willing to obtain legal opinion regarding the use of bond money for the setup and maintenance of a C.O.C website.

Sid Tyler asked how much would it cost to maintain this website and Brinkman replied at most \$2,000 -3,000/ month. He further elaborated this could be the best approach because it could be too time consuming for Binti Harvey's (Director of Communications & Community Engagement) staff to maintain. Carolyn Carlburg agreed with Mr. Brinkman. Ms. Carlburg also thought that using bond money for this site was an appropriate use of funds/expense, as did others.

Discussion continued and Board member Ed Honowitz stated he would be surprised if there were any legal discrepancies as it pertains to communicating information regarding bond using a website. Mr. Honowitz gave the example of Brinkman's salary coming out of the bond funds and it is a proper use of funds. Sid Tyler stated he had no problem with using bond money to fund the site.

Someone stated it was his or her understanding that the minutes had to be posted on a site hosted by the District. Joel Sheldon if there was a budget for this. Sheldon also wanted to know who prepares the budget for the C.O.C.

Mr. Honowitz explained that the Oversight Committee is to request funds as needed, and to be approved by Board. Mr. Sheldon disagreed with this process. Mr. Sheldon continued by stating that the C.O.C is in charge of \$350 million and should not have to go to the board to seek approval every time the C.O.C wants to do something. Mr. Sheldon stated he had two main questions: (1) What are the costs associated with administration and (2) what are the costs associated with the projects?

Sid Tyler interjected that he agreed that the bond funds should be budgeted in some way. Mr. Sheldon asked how is Mr. Brinkman's salary is paid. Additionally he requested a breakdown of cost and stated that if 80-90% of Brinkman's salary came out of the bond money that the C.O.C could demand work by a certain time. Messers Honowitz and Fatheree acknowledged that the C.O.C does not manage Brinkman but that Brinkman reports to District and in addition, the C.O.C does not manage the \$350 million, but oversees the use of these funds.

Carolyn Carlburg read the Attorney General's opinion of Prop 39 regarding bond requirements and Oversight Committees authority.

Mr. Tyler and Mr. Sheldon requested that Mr. Brinkman have a budget prepared and present it to the C.O.C.

Decision: Obtaining legal opinion NOT NEEDED

Mr. Tyler still was not clear on who is responsible for getting website in place. He felt that the website should be up and running as soon as possible for public use. Mr. Honowitz address earlier question on who has to host the site. He responded that it's possible to get the site up soon, whether hosted by the District or not. Mr. Honowitz did not see that as a deal breaker however, he noted in order to make the C.O.C presence more prominent on the District's site would be a major project.

Mr. Fatheree recapped the process of posting the minutes: (1) minutes should be posted somewhere with in 72hours after reviewed by the Committee review and (2) minutes should be posted within 5 working days

2. Meeting Notification Process/Outreach SubCommittee

Carolyn Ellner stated there are 3 members on outreach Committee and that their goal is to reach the general public, the business community and the public of teachers, parents, and students. She expressed the need to build public sentiment for future support from the community. She also felt that the website should be accessible and easily readable by the general public. In addition, she wanted to know if the scorecard could be placed on a local TV station. Ms. Ellner suggested that Binti Harvey could highlight important points and post them to the website so that the reports are easier to read. Ms. Ellner felt that having a banner at the schools, she mentioned Blair, stating "TT Dollars at Work" was a good idea. She also suggested having one or two Committee liaisons work with each school. Ms. Ellner stated that the email list needed enlarging and that she was going to consult the library. Ms. Ellner suggested there be a place on the website that allows the public to place themselves on the email list.

Charles Bryant will contact local contractors. He has started a list comprised of local contractors and will focus on adding small businesses to this list. He felt that teaming small businesses up with larger contractors would allow small business the opportunity to bid on open contracts and get work done that they may not be able to do alone. Mr. Bryant is looking into identifying minority contractors, trade magazines, women owned businesses and disabled veterans. He felt that reaching out to disable veterans was a top priority. Bryant noted that the Los Angeles' Unified School District's Facilities Committee has a program that really works. Bryant stated that it monitors systems being used, the goals of the Committee and how the meet those goals.

Carolyn Ellner added that this (Facilities Dept) system needs improvement as far as outreach.

Mr. Bryant referred to public comment from Ms. Romney who believes that some of the work being done isn't needed on certain schools and expressed his concern.

Bryant suggested that the C.O.C Committee should review projects that are in progress by going to the sites so they can see what work needs to be done. He suggested carpooling or taking a bus if need be to the sites so the C.O.C could fully understand what needs to be done.

Joanna Bauer, parent, is spearheading the parents/teachers/students outreach. Bauer feels the website is a great first step towards community outreach. She noted that outreach at the schools currently consists of banners on the schools, when posted. Bauer believes that outreach should be proactive and that parents, teachers and students should be privy to newsflashes that Binti Harvey transmits. She mentioned that presently communication is only going to the President of PTA Presidents and felt that all should receive information. Ms. Bauer felt each school should have a C.O.C representative. She will work with Mr. Bryant and his group to present information on architecture at the schools and this should promote community support. Contractors and architectures will make these presentations.

The following discussion ensued: Mr. Tyler noted that the Committee was set up to ensure the money is spent on that which it was designated.

Ms. Ellner advocated having school site councils. These individuals would introduce themselves suggest that parents/teachers/students call them if they have questions.

Mr. Fatheree disagreed stating that if parents, staff or principals have concerns the Board is the correct body to address those questions. Mr. Fatheree liked the idea of the schools having someone to address questions but reiterated it was not the job of the C.O.C.

Mr. Honowitz questioned how Ms. Bauer would accomplish what she described. He further noted that several areas were specific to C.O.C such as blurbs to the public, newsletters etc.

Carolyn Carlburg revisited the public comments made such as the bond measure raised too much money; things are being done too early or not needed.

Mr. Honowitz responded that the staff knows best what needs to be done and their professional opinions should be acceptable. Mr. Bryant disagreed stating that the Committee should be able to examine the schools and that even laymen can tell if painting is necessary etc. Mr. Tyler said doing this as a Committee will put the Committee in a place where they don't want to be.

Mr. Sheldon asked if the Committee doesn't track the work being done what will our annual report read. Mr. Hunt responded that it's in section 3 of the bylaws that we (the Committee) are a review board and that it isn't their job to decide what needs to be done, when or where.

Carlburg said if the public remarks have merit; then some of them are concerns of the Committee since the Committee is in charge of oversight. She asked if not what is our responsibility. Ms. Carlburg felt that once a Committee member is given certain information regarding possible financial improprieties or duplication of work it becomes an oversight issue. Mr. Sheldon agreed.

Mr. Brinkman responded by saying that every project that went out to bid was approved by the Facilities Sub-Committee and that if there were issues with the current improvements then those issues should be taken up with that Committee.

Mr. Tyler asked if someone was submitting clear requests for repairs. Mr. Honowitz replied that the staff is making recommendations that particular improvements are made. Mr. Honowitz also said they rely on staff to make judgment calls on the necessity of a project emphasizing that they are professionals and walk the schools regularly.

Mr. Fatheree said the Committee only needed the District-approved plan and then looks to see if they have done what was in plan.

Mr. Tyler said site visits would be beneficial so the Committee could see exactly what the \$350 million is being spent on. He felt each member should be assigned a school and have a project list as well. Mr. Tyler inquired about the organizational structure.

Ms. Carlburg said the Committee cannot provide adequate oversight without adequate benchmarks.

Mr. Honowitz said the Facilities Master Plan listed current projects; evolving projects. He also noted that in the packet, there is a list of the projects including time frame and the staff prioritizes based on best practices, etc.

Carolyn Ellner raised question on item 4 and was asked to wait for the report.

Gregory Barna said there should be extensive communications from facilities conveying the story. In addition, what is going on needs to be told in brief format.

Mr. Fuhrman said the data has been presented in the Master Plan. He suggested forwarding input received from the public to the Sub-Committee for response and if there are questions regarding expenditure of funds, direct those to facilities.

3. Meeting Notification List

Mr. Tyler asked if organizations and individuals should be added to the list. Mr. Sheldon suggested going through the city's list of organizations, business's, and neighborhood associations. Mr. Tyler suggested that the list should be broadened to include the above and churches. He said the Sub-Committee will augment the list.

4. Report From Liaisons To Facilities Sub-Committee

Mr. Fuhrman said he attended 3 of 5 Facilities' meetings. The Board moved aggressively regarding local hiring, progress updates were presented on projects underway and there was extensive discussion. He mentioned that projects underway have all been funded outside of Measure TT.

Mr. Brinkman corrected the last statement made by Mr. Fuhrman acknowledging that projects underway have been funded and monies borrowed against future bond proceeds.

5. District Cumulative Project Bid List

Mr. Sheldon asked if items could be dated.

Mr. Brinkman was asked to walk the Committee through the headings on the Project Out to Bid document that he provided to the Committee.

Question was raised as to whether the Board or Facilities Sub-Committee approves the estimated bids. Mr. Honowitz pointed out that the Board approves bids.

Mr. Sheldon and Carlburg agreed it would be useful to track bids. Ms. Carlburg noted the change in the original bid (\$650M) for repairing windows and painting at Audubon to the current estimate listed at (\$863M) as confirmation that there should be a system in place to track bids.

Fatheree said there is a need for an additional column to explain changes in Estimate/Bid.

Sheldon would like to have project number's assigned by school site.

Mr. Tyler said he is more interested in format of the project out to bid. Also, he would like to see spent to date and estimate to completion columns on the form. He wants to know how problems that bump up price will be reflected.

Mr. Tyler reiterated that he wanted Brinkman to provide a simple list of projects approved by Board. Mr. Brinkman replied that they have that list and it is in the Facilities Master Plan by site by project with dollars by site.

Mr. Brinkman said staff has met with every Site Council at least two times if not more and if site councils haven't responded it's probably because school is out. He pointed out that this is part of the process for developing the Program by site with input from the sites and that the Facilities Master Plan is the best first cut and the District is now in the Program phase.

Mr. Honowitz asked when Accountability software will be available to populate data. Mr. Brinkman said that for seven months he was unable to hire an accountant, and when he finally found one the District would not meet the salary requirements. However, Mr. Brinkman noted that he had spoken with Mr. Diaz to get someone hired on consulting basis and he has someone starting Monday, July 20th on two-month trial. Tyler expressed his concern about the time it will take to get the system up and running, since individual is just beginning.

Mr. Honowitz said the Committee will have some numbers at their disposal that will provide a level of overview of what we have. He asked the Committee for the time frame in which they were looking to publish information.

Mr. Fatheree stated that the Committee had agreed to make the first report in August. He said that he is concerned that the staff is not prioritizing and that the infrastructure should be established first.

Mr. Tyler said Committee wants to know how the money is being spent. Brinkman said that this information is included in the Master Plan. Mr. Barna echoed Mr. Fatheree's comment and asked Mr. Brinkman to produce a report outlining projects. Brinkman will produce brief synopsis of information requested by the Committee at the next meeting and noted that 20-30 people took six months developing the Facilities Master Plan, and that it was a Brown act process with substantial public transparency.

6. Report On Term Assignments

Mr. Tyler suggested this be turned over to staff to determine. Then asked will staff or Chair of the Committee make the decision.

Decided: Chair and Vice Chair will make decision

7. Local Hiring Update – Board Policy 2021

Mr. Brinkman noted that he had shared the legal opinion with the Board relative to charging the cost of local outreach to the Bond but did not share it publicly. For local hiring bond money can't be used based on the opinion he received. Some members did not agree but no further direction was given.

Mr. Brinkman said signage will be placed at each site undergoing improvements saying, "TT Dollars at Work" with projects listed as they are undertaken.

Other Discussion:

Mr. Fuhrman suggested that Mr. Brinkman elaborate on the upcoming bond sales and suggested offering to the public. Mr. Brinkman responded that the settlement date is scheduled for 9-24-09 and the amount is \$125 Million, but that may vary because the main objective is to protect the tax rate that was committed to the public. Mr. Brinkman also noted that the underwriter chosen had committed to a local sales program and he intended to make certain that happened.

Mr. Honowitz noted that demolishing Sierra Madre instead of modernizing saved \$10 million or so dollars and the Central Kitchen project would also save around \$9 Million versus modernizing kitchens at all sites.

Mr. Brinkman noted that he had intended to present the Facilities Master Plan to the COC at the first meeting but was not accorded any time. He asked to do a presentation at the next meeting on the Program phase to explain how it works to clear up a lot of questions.

Mr. Sheldon inquired if all of the schools are remaining open. Honowitz responded that needed to be determined but if a building is in need of repair it will be repaired because it could be leased or used in some other way.

8. COC Scope – Some Alternative Framework

No Discussion

E. ITEMS FOR RECOMMENDATION

1. Replacement Process for Members Lost

Not addressed

Adjournment

7:27 pm

Motion to Adjourn by Paul Hunt

Motion second by Carolyn Ellner

Meeting was adjourned by Chairman.

Next meeting not set.