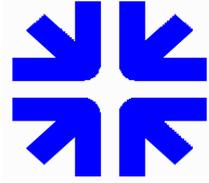


City/School Committee

Councilmember Jennifer West, Co-Chair
 School Board Member Joshua Simon, Co-Chair
 Councilmember Kurt Brinkman
 Councilmember Nora Davis
 Councilmember Ken Bukowski
 Councilmember Ruth Atkin
 School Board Member Miguel Dwin
 School Board Member Melodi Dice
 School Board Member Cheryl Webb
 School Board Member Pat Hooper
 Student Member Marcus Howard
 Student Member VACANT

**AGENDA****City/School Committee**

Regular Meeting of the Advisory Committee

Special Meeting of the Emeryville City Council and Emery Unified School District Board of Trustees

November 4, 2010 - 5:30pmEmery Secondary School, 1100 47th Street, Emeryville, CA

All Advisory Committee meetings are noticed as Special City Council and School District Board of Trustees Meetings so that any or all of the City Council or School District Board of Trustees may attend and participate in the Advisory Committee's deliberations. However, actions taken by Advisory Committees are not official actions of the City Council and School District Board of Trustees but must be ratified at a regular City Council and School District Board of Trustees Meeting. All writings that are public records and relate to an agenda item below which are distributed to a majority of the City/School Committee (including writings distributed to a majority of the City/School Committee less than 72 hours prior to the meeting noticed below) will be available at the Information Counter, 1333 Park Avenue, Emeryville, California during normal business hours (9am to 5pm, Monday through Friday, excluding legal holidays).

- I. Roll Call
- II. Public Comment
- III. Approval of 7/18/10 and 10/07/2010 Minutes
- IV. Information Items
 - A. Discussion of Ravens Football Program (Davis – 10 mins)
 - B. Update on Measure J (Sugiyama – 10 mins)
 - C. Review of Citizens Oversight Committee (COC) materials from the Partners for Community Life (Sugiyama/Miller – 15 mins)
 - D. Next Steps for the Center of Community Life (Sugiyama/Miller – 15 mins)
 - E. Partners for Community Life Report (Simon – 10 mins)
 - F. Update on Youth Sailing Program (Sugiyama – 5 mins)
- V. Action Items
 - A. Application for Membership for Partners for Community Life (Simon - 5 mins)
- VI. Staff Comments
- VII. Committee Member Comments
- VIII. Adjournment

FURTHER INFORMATION may be obtained by contacting Melinda Chinn, City/School Committee Secretary, at (510) 596-4314

Dated: 10/28/2010

Karen Hemphill, City Clerk

Post on: 11/01/2010

Post until: 11/05/2010

John Sugiyama, EUSD Superintendent

All documents are available in alternative formats, on request. In compliance with the Americans with Disabilities Act, a person requiring an accommodation, auxiliary aid or service to participate in this program should contact the sponsoring department at (510) 450-7813 or ADA Coordinator as far in advance as possible, but no later than 72 hours before the scheduled event. The best effort to fulfil the request will be made.

Dominique B. Burton, ADA Coordinator

City of Emeryville 1333 Park Avenue Emeryville, CA 94608

Direct Line: 510.596.4380, Facsimile: 510.596.3724, TTY Relay: 711 dburton@ci.emeryville.ca.us

City/School Committee
7/21/2010 Meeting Minutes
5:30pm
ESS Atrium

1. Roll Call at 5:30pm.
 - a. Committee:
 - i. Council: Davis, West, Brinkman, Atkin, Bukowski,
 - ii. School Board: Dwin, Hooper, Simon, Webb, Dice
 - iii. Students: Collins
 - iv. Absent: Williams
 - b. Staff:
 - i. City: O’Keeffe, Chinn, Laven
 - ii. School: Sugiyama, Miller, Kim, Stewart
2. Public Comments
 - a. Tito Young made a comment to visit an Emeryville company’s website, secondlife.com, to visit the virtual reality world.
3. Approval of 6/22/10 Minutes:
 - a. Davis so moved, Hooper seconded, without exception.
4. Review Items
 - a. Receive Community Survey Results
 - i. Ruth Berstein of EMC Research presented a summary of the survey results. Conclusions from the May 2010 a phone survey showed Emeryville voters are optimistic about the direction of the community, many are not familiar with the public schools, improving the safety and quality of schools is urgent and compelling even if it raises taxes, the community strongly supports a bond measure, and EMC Research recommends placement of a bond measure on the November 2010 ballot.
 - b. Bond Financing Relative to Prop 39 School Bond
 - i. Ernesto Flores, President of Caldwell-Flores-Winters, EUSD’s Bond Advisor Firm, presented that the Emery Unified School District has the capacity to issue \$97 million in General Obligation bonds in November 2011 per State law. EUSD can issue its proposed \$95 million bond for the proposed Joint-Use Facility if the voters of Emeryville pass the bond measure by 55 percent based on Proposition 39 requirements.
 - c. EUSD Educational Program Update
 - i. Kim presented the five major conditions for student learning, examples of how EUSD is currently supporting students learning, the research supporting co-location of all ages in one school, and benefits of intergenerational programming.
 - d. Receive Update on Work of Nexus Partners

- i. Kim and Miller presented the various options for future school facilities based on increasing population, demographic trends, current program assessment, development priorities of a community library/continuing education/health and wellness, facility assessments, programming capacity, site density, and cost-benefit models of various facility building options. Based on this analysis, Kim and Miller show that building a joint-use school now is the best option to meet the school board's goals as well as saving the district money over the other facility options. Staff has been able to add more student capacity, more programmable spaces and cut the cost of the facility by \$13 million from the conceptual plan.
- e. MOU Finance Update
 - i. Sugiyama presented the financial update on the MOU between the City, Redevelopment Agency, and School District. The MOU was executed to fund the work presented this evening. The School District funded this work with \$450,000 and the Redevelopment Agency contributed \$1.35 million for a total budget of \$1.8 million. The MOU indicates a regular review of expenditures throughout the process. The Committee was presented the actual detail expenditure report in the 2009-2010 Fiscal Year and the budget for the 2010-2011 Fiscal Year. The School District spent \$272,000 and the Redevelopment Agency share was \$425,000 in FY2009-2010. The Redevelopment will carryover \$265,000 into 2010-2011 Fiscal Year budget.
- f. Public Comment on Review Items
 - i. Coombs, EUSD Teacher – Benefits from a teacher's perspective on the K-12 learning site is better overall education, more teacher creativity, learning outcomes, better outcomes for students from spiraling and more follow-up between teachers between grades.
 - ii. Dr. Betty, President of Berkeley City College – Joint programs will enhance opportunity between BCC, EUSD, and City. The Joint-Use Facility is congruent with BCC's goals and beneficial for all involved.
 - iii. Lisa, Education Officer for SF Foundation – Support and commend work of School Board and Schools in Emeryville. Emeryville had the most improved schools in Alameda County and is receiving national attention due to the Community Schools approach taken in Emeryville. EUSD has influenced five pieces of national education initiatives that were mentioned in her work in Washington, D.C.
 - iv. Audrey Miles, EUSD Teacher and West Contra Costa County School Board of Trustee – Elected officials visited our sites to see what can be done with integration of City, School, and Community programs. The current ESS site provides a state of the art theater that generates revenue. Bidding for school construction is the most

favorable time in history. A school in WCCC was projected at \$90 million and came in at \$68 million.

- v. Marcus Howard, EUSD student – As a student, asks that the community support a bond to improve the library, computer lab, and classroom spaces. Students have to fight to get a seat at the computer lab, the library is small and has a minimal selection of books, and all technology areas are out of date.
- vi. Jeff Vincent, Deputy Director of the Center for Cities and Schools, UC-Berkeley – The Center is studying schools and communities throughout California, including Emeryville, and helping inform EUSD on this current Joint-Use Facility project. The work here in Emeryville is harnessing the latest research on how to improving the overall city, schools, and community.
- vii. Brian Carver, Emeryville Resident and parent of child in EUSD – Since we're maxing out our ability to bond, we need to do it right, only have one shot, and agrees that the schools and recreation center needs to be rebuilt. First, get information out there in every format. Websites are down since mid-April and needs to be fixed. Second, bond language on ballot needs to tell the story. I have doubts on shared site and need more information. Third, we need to tell people about the services provided and build trust. I have less trust in the City from our experience with the near closure at ECDC.
- viii. Scott Donahue, Resident at Artist Co-Op – Pleasure to host students in my studio. In order to sell project, we need the cost to the average person. As an example, what is that \$25 million of the Redevelopment Agency as a percentage of their whole budget compared to Emeryville's other needs? The community needs the full picture to make a good assessment of its merit.
 1. Ernesto Flores, CFW– Last year's average assessed value of a home in Emeryville was approximately \$300,000. At \$60 additional tax per this potential bond measure per \$100,000 assessed value, the average resident would pay \$180 per year.
 2. O'Keeffe – The \$25 million for this project is roughly 30 percent of the \$70 million in bonds sold in 2009. The Agency also has the ability to sell another \$60 to \$80 million dollars in its lifetime. O'Keeffe notes that this project takes away from other projects such as new parks, but this is only a small percentage of its overall ability to find future projects.
- ix. Kathy Russell, Parent of two sons at EUSD – Where will entire high school class go during this project? The students were crammed into the Ralph Hawley site during the Anna Yates construction. What is the current student density at both sites so we compare difference of today and future facility? We are

showing great improvements and have great teachers, but I have reservations about K-12 co-housing facility.

1. Simon noted 82 percent of last year's Kindergarten class was residents of Emeryville.
 2. Miller noted that the current density of each site is 191/acre at Anna Yates and 50/acre at Emery Secondary (140/acre projected at capacity for new co-housed site).
 3. Sugiyama noted that staff would not recommend anything that would harm the children and will not debate with parents on merits as it is parent's responsibility to safeguard. Sugiyama has chaired accreditation teams to review some of the top schools in the world, which are all K-12 schools. Rarely would a child of the elementary school ever cross paths with that of middle and high school students. Also note that younger students will benefit greatly from opportunities to access state of the art science labs traditionally reserved for high school students.
 4. Simon noted that principles of community engagement will be included in the bond measure.
- x. Dan Flemming, EUSD teacher – Urge you to include state of the art science facilities. Current facility has no computers, no bunsen burners, gas lines, or the usual equipment found in almost every neighboring school. Students, parents, and the visiting elected officials were amazed that we were able to provide an adequate education with our facility. I also noted that even in our current configuration at ESS, I rarely see high school students down my hallway and haven't see any issues here.
 - xi. Kevin Boyd, EUSD teacher – We have an overrun of students in each classroom and we need to bring in vocational education for those not going to a typical four year school.
 - xii. Charise Payne, EUSD teacher – ETA Vice-President and Math Teacher. Had first AP Calculus with 75 percent passing rate in part to middle school and high school teachers working together closely at ESS. We need a math lab to compete on AP and SAT tests. Most students that are gifted are being wooed away to private schools. Many teachers leave the district because we don't have the support in facilities to teach effectively.
 - xiii. David Martinez, Parent of EUSD students – Volunteers regularly and sees the dismal conditions of our facilities. 30 years ago I had better science facilities than at ESS. Lets keep the dialogue open moving forward and support this project.
 - xiv. Andre Carpio, Former educator – Family structure has changed and single adults should sponsor a child of a one or no parent household. What is the current rescue plan for those who don't care about school and drop out or get pregnant?

- xv. Manuel ???, Works in Emeryville and parent of EUSD student – Pointed out as compliment that staff was able to increase programs by lowering costs. As someone who works in construction, this is the best time to go to bid for best value for each dollar. This is not just an improvement of facilities, the facilities need to be replaced. Make sure to keep community involved unlike the ECDC process recently.
- xvi. Angela Williams, Teacher at ECDC – I really trust and hope that same amount of time is put into 0-5 year old education/care as what is put into the K-12 grades as shown in this plan. ECDC is a feeder school and needs support too.
- xvii. Kim Kurata, Emeryville Resident – Is survey valid as only 238 people responded in a community of 10,000? How can library be safe for students if it has access for public? Parking plan, what is the current status?
 - 1. Ruth Berstein, EMC Research – Margin of error and sampling not dependent on size of population in Emeryville. The margin of error is 6.8 percent based on the 238 voters sampled. The survey called every single voter from the last election from the ~700 voters.
 - 2. Kim noted that the safety aspects will be covered in the design portion of this project. Staff has not gotten to this detail, but models do exist how the community library and school programs can co-exist. Community input will be important and options on scheduling and design will work together to find the best solution.
 - 3. Miller noted additional parking has been added since conceptual plan, which has been budgeted. No design has been done, so how/where parking is accommodating and how traffic flows will be addressed in next phase.
- xviii. John Perry, Director of Technology at EUSD – Mentor’s students and organizes career day, which gives him unique insight to students. All high tech fields such as biosciences, animation, architecture, and engineering don’t have the resources to experience these fields and may miss out on their future career/education path. It is an obligation for us to enhance these experiences beyond basic math and science. I hope this project moves forward and commend work to date.

5. Informational Items

- a. Partners Finance Sub-Committee Report and Recommendation
 - i. Davis presented the Finance Sub-Committee recommendation to honor and support our communities’ support of education and safe schools in the form of a bond measure, put a bond measure on the ballot in November 2011, and allow this bond to be up to \$95 million dollars. This recommendation passed on 4-1 vote of the

Finance Sub-Committee to City/School Committee for consideration.

- b. Review current draft from bond council of proposed bond language
 - i. Sugiyama noted that the bond language was drafted by a bond council that meets the statutory requirements of Proposition 39. If School Board adopts this resolution, they also adopt full language of ballot measure and its three attachments. Note the inclusion of bond language that mandates community participation.
 - 1. Edits/comments to the draft language from the Committee:
 - a. “to prepare our students” subbed in for “to keep our kids” located in first ‘whereas’
 - b. Does the project cost include interim housing?
 - i. Staff will follow-up with bond council to make sure it is listed correctly.
 - c. This item isn’t crystal clear to me in general, so this is my concern.
 - d. Bond council should investigate parking language either onsite or offsite, make sure furniture and technology can be included, and interim housing.
 - e. Why is acquiring land in bond? Could be misleading to residents adjacent to the property.
 - i. \$95 million doesn’t include site acquisition should be noted.
 - f. Pleased to see tenets of public participation
- c. Public Comments on Information Item:
 - i. Brian Carver - Resolution is distinct from voters’ language, thanks. Also noted project is flexible. The fourth ‘whereas’ should be more accurately stated as “EUSD should provide and partner with organizations that provide” to show that we will partner with others to provide services. I also suggest striking “all” in front of schools so we don’t hem ourselves into having all areas on one site. We should have option to have more sites as we might grow beyond estimates. Can we acquire AC Transit’s property across the street from the Secondary School.
 - ii. Ingrid Vasquez, Parent of EUSD students – How will supervision be different in co-housing site?
 - 1. Sugiyama noted supervision would be no less than current site and may improve with design considerations. Play areas are separated in conceptual plan and he suspects that will remain so in design phase. The State requires that we address these safety issues to be used jointly between community and students.
 - iii. Ken Bukowski, City Councilmember – Redevelopment Agency money is a good use for this project. A new school such as this

will raise everyone's property values, thus meeting one of the key objectives of the Agency.

6. Action Items

a.

- i. Davis so moved for the City/School Committee to recommend to the School Board moving forward with a \$95 million bond measure. Brinkman seconded.
- ii. Public/staff comments on motion:
 1. Public Comment: \$95 million School bond, \$25 million City/Agency funding, but if savings in construction bids, who gets the leftover monies? Does it go to the City, Agency, Schools and how is this decided?
 - a. Staff is not prepared to answer as there are legal implications to the consider in future MOU between City, Redevelopment Agency, and School District, but it is important and will be considered by staff moving forward.
 2. West: Is there a combined bondedness of this project?
 - a. Property taxes on debt services that has been sold by RDA already comes out of the RDA area, mostly by commercial properties, so only the school bond is considered. In other words, redevelopment funds would otherwise go to state, but in a redevelopment area, these funds stay in local community, so additional debt is felt in the forms of higher taxes by the community.
 3. Sugiyama: Tonight is a critical junction in this project. We've learned a lot and tonight is a good 'restart' on how community can be engaged in a meaningful way. Strongly suggests placing this on the ballot.
 4. Bukowski: I did not support the project over the years, didn't like it being a forced measure and that many students were from Oakland. Yet having heard the ideas and seeing the need, I support this project and look forward to improved test scores, families staying in Emeryville, and Emeryville continuing to be the envy of our neighboring communities.
 5. Collins: It was jarring coming from private school to EUSD, but the community is great and with the support of great facilities and teachers, Emeryville can continue to improve. She looks forward to coming back after college to live in Emeryville and supporting the schools and the new facility.
 6. West: Came around on project as she was critical on the scale and process of the ECCL, but has seen her concerns

met after seeing desperate conditions of the secondary school through substitute teaching, the need for an updated Recreation Center for all residents, economies of scale, and the innovation of full services schools. Even though new ideas are scary, our urban, small town could be the right place to make this work. Continuing concerns are to provide communication and information to the public, governance issues on how the site will be managed, trust in elected officials, and participation of the public in making decisions this process. The project is a large amount of money, but the community has spoken through the survey and it appears we can afford this, and wants to make sure all EUSD and ECDC teachers/parents are involved and all new parents in the community.

- a. Motion passes on voice vote (no nays or abstentions, all yeas).
- b. Consideration of a Name Change of the New Facility
 - i. Bukowski recommended we call the facility the “Emeryville Learning Academy.” Brinkman and Simon noted that it’s not about the name, but the bond needs only to tell people were building safe, state of the art facilities. Name should come out of the students and community process that can help gather a lot of people through the Partners for Community Life.
 1. No formal action taken.

7. Staff Comments

- a. Laven announced that due to the good work of School Board member Dwin and former student and Mustafa, the Ravens youth football program is moving to Emeryville from Richmond to serve this ‘underserved’ areas in the East Bay.
- b. Laven noted that the Emeryville 2010 Summer Performance Series is underway in Christie Avenue Park and encourages the community to stop by and enjoy these varied free performances.
- c. Kim stated the District sent out a mailer to all addresses in Emeryville for feedback on the project and has already received great feedback from staff and community members.
- d. Laven recognized the two student members in attendance for this three plus hour meeting, Brittany Collins and Marcus Howard, and their contribution to the community via their EYE internships at the Community Services Department.

8. Committee Comments

- a. Simon acknowledged the great work of Brittany Collins as the outgoing City/School Committee member.
- b. Atkin thanked everyone who spoke tonight and those who gave prepared presentations.

- c. West thanked the staff who put together the tours of new facilities in the area.
 - d. West noted to the school district that a change to the youth bus passes. You cannot buy them at the past locations and now you need to have a photo identification to get a 'clipper' pass. EUSD was recommended to host on-site registration and should contact AC Transit to arrange this soon as school is starting in one month.
 - e. Simon noted the open schoolyard program is happening again at Anna Yates this Saturday with art programs and a community garden open house from 10:00am to 1:00pm.
9. Meeting adjourned at 8:52pm.

City/School Committee
10/7/2010 Meeting Minutes
5:30pm
ESS Atrium

1. Roll Call at 5:30pm.
 - a. Committee:
 - i. Council: Davis, West, Atkin, Bukowski,
 - ii. School Board: Hooper, Webb, Dice
 - iii. Students: Howard
 - iv. Absent (Excused): Brinkman, Dwin, Simon
 - b. Staff:
 - i. City: O’Keeffe, Laven
 - ii. School: Sugiyama, Miller, Kim, Stewart
2. Public Comments
 - a. None
3. Approval of 9/2/10 Minutes:
 - a. Davis so moved, Dice seconded, without exception.
 - b. West requested the yet to be approved 8/18/10 meeting minutes be included on the next agenda.
4. Information Items
 - a. Financing Model and Assumptions for Measure J
 - i. Sugiyama introduced on behalf Simon and West to answer questions about the financing of Measure J. Vice President of Kusharu Givara of Caldwell/Flores/Winters, a school bond financial advising company located in Emeryville, was on hand to answer questions on the bond financing plan. Questions from the community and respective organizations are below:
 - ii. Does the Measure J Bond preclude the City of Emeryville from issuing future bonds?
 1. No, the issuing of debt is sovereign.
 - iii. Is there an aggregate bond limit for a geographic territory?
 1. No, only each agency has their own limit.
 - iv. Would students or parents have to pay more for the services?
 1. No, all property owners would pay the same amount regardless of school affiliation.
 - v. Will the bonds cost more than your average mortgage?
 1. The bond market is currently 4 percent and our assumptions use 6 percent as a more conservative number to account for rising interest rates.
 - vi. Can we apply the interest rate to each owner?
 1. We can tell you that the average Emeryville home is \$300,000, so the bond taxes would be \$180 a year or \$15 a

month. At Watergate, the average price is \$200,000, so the bond taxes would be \$120 a year or \$10 a month.

- vii. Given how much we borrow, how much do we have to pay back?
 - 1. Given today's rate of 4 percent plus a cushion of 2 percent, we would pay back \$2 for every \$1 dollar. If interest rates raise above our 6 percent, tax payers will pay more in interest.
- viii. What type of bonds?
 - 1. These bonds will be issued on a fixed rate.
- ix. Is the plan that 7 years are available to sell bonds in up to 3 series?
 - 1. Yes, this is correct. The voters are given the estimated schedule as stated, but EUSD is not locked into this time frame and can legally issue bonds from Measure J for up to 40 years.
- x. Can you explain a zero coupon bond?
 - 1. A zero coupon bond is often used by many, if not most, School Districts in California. The interest on a zero interest bond is paid at the end of the borrowing period.
- xi. How does our bonds compare to Oakland and Berkeley?
 - 1. Berkeley assumes a lower interest rate and a higher assessed evaluation growth rate. We chose the estimates to be conservative, but historically the City has outperformed its conservative estimates.
- xii. Sometimes an assessor takes time to catch up on property status, such as foreclosures.
 - 1. One option available is issuing less bonds in the first bond issuance to avoid this issue.
- xiii. The Oakland Tribune had painted our ratios in a negative light. Was their story true?
 - 1. The Tribune used our conservative estimate at 6 percent and added more percentage interest points. We do not anticipate this to happen in the next few years when we will issue bonds, but we have seen interest rates in the 9-10 percent in the past.
- xiv. Would it be fair to say the Tribune penalized the School District for using a conservative approach?
 - 1. Yes, by building an extra cushion, it has added a higher burden to the taxpayers than anticipated compared to other bonds.
 - 2. Emeryville has seen a seven (7) percent assessed valuation increase in the past few years. Emeryville has already new construction in the works that will keep us comfortable within the projection of four (4) percent growth.
- xv. What is the total cost range of this bond given the assumptions?
 - 1. For anyone who realistically purchases a home, they look at the purchase price and the monthly payment. In this case,

we are purchasing a \$95 million facility and property owners are paying \$60 per \$100,000 assessed valuation.

- xvi. The zero coupon bond versus the traditional bond, is there a difference in the interest paid over the life of the bond?
 - 1. Yes, zero coupon interest will be higher. Yet, issuing both styles of bonds allows us to keep a stable interest payment each year over the life of the bond.

5. Presentation

- a. Report on the Summer Intern
 - i. Stewart reported that the EYE interns were funded through CalWorks, 15 different sites, 5 of which were City of Emeryville locations. Together, they worked 1,456 hours and earned \$37,452. Laven reported Howard did well and grew up through some first job challenges. Howard reported he also enjoyed making many contacts, new skills and getting a chance to make a mistake. Stewart thanked Congresswoman Barbara Lee for the funding, Alameda County Workforce Board, EUSD, and the City of Berkeley. Employment opportunities were provided by the City of Emeryville, Fresh Bite Tasting Company, In the Cut, California Immigration Policy Center, Computronics, Oasis Pamper Bar, EEF, Living Hope Church, Emeryville Public Market, and Woodfin Suites. Stewart and Brynnda Collins presented all of the interns present with a certificate of appreciation.

6. Information Items

- a. Partners for Community Life Report
 - i. Simon was not present, so this item was postponed until the next meeting.
- b. Blue Water Student Sailing Program
 - i. Davis presented to the City/School Committee that the Blue Water Sailing Program provides sailing opportunities to school children in Emeryville through a fully insured boat that is being housed, free of charge, at the Marina's International marina in Emeryville. Sugiyama, Chinn, and O'Keeffe will discuss which agency will take the lead and contact the program to start in Emeryville.
- c. Discussion of Proposed Community Meeting for January 2011
 - i. Bukowski presented the handout and discussed that the community meeting will recognize various community leaders. The Fire Fighters, Police, and SEIU unions have shown support. This would help connect citizens, businesses, and employees in Emeryville. Bukowski proposes a tax credit would give Emeryville businesses a voluntary tax credit of \$25 per Emeryville resident hired to track and give an incentive to hire local residents.

The schools will be involved by showing respect to those who donate to the school and recognizing a student of the year and teacher of the year. The concept would be to put a committee together to decide the length of the program. Nominations would be accepted by each entity (ie: Fire, Police, Teacher, Students, etc.) for their particular person recognized. This would be similar to Emeryville Awareness Day, which evolved into Emeryville Community Action Program (ECAP). The date is not fixed, but the Chamber may agree to do this and have it move ahead. An important portion of this event is to survey the community.

1. *NOTE: This item was not an action item, so the below motion, second, and approval is not officially recognized by the City/Schools Committee*

- a. Bukowski moved to endorse the idea of the Emeryville Annual Community Event conceptually (ie: the idea of a city-wide event, but brought back to the Committee to approve further details), Davis seconded, without exception.

7. Action Items

- a. Application for Membership for Partners for Community Life
 - i. Atkin moved to hold over approving the application of Brian Donahue until November to the Partners for Community Life due to the Co-Chair of the Partner's Committee, seconded by Davis.

1. Role Call:

- a. Ayes: West, Davis, Bukowski, Atkin, Dice, Webb, Hooper, Howard
- b. Nays: Webb
- c. Absent: Simon, Brinkman, Dwin
 - i. Motion: The motion carries 7 to 1.

8. Staff Comments:

- a. Kim announced two school tours upcoming in October for anyone who is interested. The first is October 18th and 19th to see facilities at Anna Yates, Emery Secondary, Rec Center, and El Cerrito High School. Please RSVP to Sharon Conway at 510-601-4909 or sherron.conway@emeryusd.org by Thursday, October 14th. The second tour is to visit Lighthouse Community Charter School to see a K-12 campus operate on October 21st. Please RSVP by October 15th with Sharon Conway. The RSVP are for transportation purposes to visit the out of Emeryville. A video will be created of the tour and posted on the EUSD website (www.emeryusd.org) along with comments of those in K-12 schools

9. Committee Comments:

- a. Hooper strongly encouraged all parents to see a K-12 school if they haven't already.
- b. Dice encouraged everyone to see the movie "Waiting for Superman" about educational reform and it's a powerful movie.

10. Meeting adjourned at 7:09pm.

COC Key Dates for November 2010 through January 2011

Final Draft 10.28.10

Proposed Key Dates:

4 November 2010	City/Schools meeting review the COC materials (Membership application and By-Laws) developed with input from Partners for Community Life
18 November 2010	Partners for Community Life meeting finalize the COC materials (Membership application and By-Laws) considering the review comments from the City/Schools Committee
22 November 2010	Board of Trustees accepts certification of election results from Alameda County (assuming Measure J passes on 2 November 2010)
2 December 2010	City/Schools Committee meeting approve the finalized COC materials from Partners
13 December 2010	School Board meeting to adopt the COC materials approved by the City/Schools Committee
14 December 2010	Begin distributing and accepting applications for COC membership
14 December 2010 - 5 January 2011	Application Window period
6 January 2011	City/Schools meeting to review COC membership applications and make recommendations to School Board for appointments
Not later than 19 January 2011	School Board meeting to make COC appointments

CITIZENS' BOND OVERSIGHT COMMITTEE BYLAWS

Section 1. Committee Established.

The Emery Unified School District (the "District") was successful at the election conducted on November 2, 2010, in obtaining authorization from the District's voters to issue up to \$95,000,000 aggregate principal amount of the District's general obligation bonds, pursuant to a greater than 55% vote. The election was conducted under Proposition 39, being chaptered as the Strict Accountability in Local School Construction Bonds Act of 2000, at Section 15264 et seq. of the Education Code of the State ("Prop 39"). Pursuant to Section 15278 of the Education Code, the District established the Citizens' Bond Oversight Committee (the "Committee") at a special meeting held on [insert date here] in order to satisfy the accountability requirements of Prop 39. The Board of Trustees of the Emery Unified School District (the "Board") hereby adopts the Citizens' Bond Oversight Committee Bylaws setting forth the duties and rights of the Committee.

Section 2. Purposes.

The purposes of the Committee are set forth in Prop 39, and these Bylaws are specifically made subject to the applicable provisions of Prop 39 as to the duties and rights of the Committee. The Committee shall be deemed to be subject to the Ralph M. Brown Public Meetings Act of the State of California and shall conduct its meetings in accordance with the provisions thereof. The District shall provide necessary administrative support to the Committee as shall be consistent with the Committee's purposes, set forth in Prop 39.

The proceeds of general obligation bonds issued pursuant to the Election are hereinafter referred to as "bond proceeds."

Section 3. Duties.

To carry out its stated purposes, the Committee shall perform the following duties:

3.1 Review Expenditures. The Committee shall review quarterly expenditure reports produced by the District to ensure that (a) bond proceeds are expended only for the purposes set forth in the ballot measure; (b) no bond proceeds are used for any teacher or administrative salaries or other operating expenses, (c) bond proceeds are maximized.

3.2 Annual Report. The Committee shall present to the Board, in public session, an annual written report which shall include the following: (a) A statement indicating whether the District is in compliance with the requirements of Article XIII A, Section 1(b)(3) of the California Constitution, and (b) A summary of the Committee's proceedings and activities for the preceding year.

3.3 Steering Committee. The Committee shall act as a Steering Committee for the scope of work associated with the Measure J projects.

3.4 Community Engagement. The Committee shall provide oversight of the community engagement activities stipulated by the Measure J bond language.

3.5 Relationship with City/Schools Committee. The Committee shall provide a monthly update on COC activities to the City/Schools Committee and shall make recommendations to the City/Schools Committee as needed to move the Measure J bond project work forward.

Section 4. Authorized Activities.

4.1 In order to perform the duties set forth in Section 3, the Committee may engage in the following authorized activities:

(a) Receive and review copies of the District's annual independent performance audit and annual independent financial audit, required by Article XIII A of the California Constitution.

(b) Inspect school site facilities and grounds for which bond proceeds have been or will be expended, in accordance with any access procedure established by the Director of Maintenance and Operations.

(c) Review copies of deferred maintenance proposals or plans developed by the District.

(d) Review the District's efforts to maximize bond proceeds in ways designed to: (1) reduce costs of professional fees, (2) incorporate efficiencies in school site design; (3) encourage joint use of core facilities; (4) involve cost-effective and efficient reusable facility plans, or (5) reduce costs to the bond funds for site acquisition or construction.

4.2 Make requests for copies or inspection of District records in writing to the District's Chief Business Officer, Business Services.

Section 5. Membership.

5.1 The committee shall consist of a minimum of seven (7) members appointed by the Board of Trustees from a list of candidates submitting written applications, and based on criteria established by Prop 39 as follows:

- One (1) parent.
- One (1) member active in a business organization representing the business community located in the District.
- One (1) member active in a senior citizen's organization.
- One (1) member active in a bona-fide taxpayers association.
- One (1) parent active in a support organization for the District, such as the Parent Teacher Organization.

- Two (2) members of the community at-large appointed by the Board.

In addition to the membership required by Prop 39 listed above, the following additional members shall be appointed to the COC:

- Two additional (2) Community-at-Large members - Must be resident, or work in Emeryville or has child in EUSD
- One (1) Parent member of AY PTO
- One (1) Parent member of ESS PTO
- One (1) member with experience w/Facilities Management/Dev.
- One (1) member of a recognized arts organization
- One (1) student alumni of the school district
- One (1) member who has education/community services/rec. experience
- Two (2) students currently enrolled in EUSD

Total members on the COC shall not be less than 17.

Unless otherwise stipulated, members of the COC are not required to be residents within Emeryville.

5.2 Qualification Standards. To be eligible for membership, the following qualifications must be met:

(a) To be a qualified person, he or she must be at least 18 years of age.(b) The committee may not include any employee, official of the District or any vendor, contractor or consultant of the District. The committee may not include any elected members of the City Council

5.3 Ethics; Conflicts of Interest. By accepting appointment to the Committee, each member agrees to comply with Articles 4 (commencing with Section 1090) and 4.7 (commencing with Section 1125) of Division 4 of Title 1 of the Government Code and the Political Reform Act (Gov. Code §§81000 et seq.), and to complete the Form 700 as required by all “designated employees” of the District. Additionally, each member shall comply with the Committee Ethics Policy attached as Attachment A to these Bylaws.

5.4 Term. Except as otherwise provided herein, 3 members will be appointed to one-year terms and 4 members will be appointed to two-year terms. All appointees, regardless of the original term of appointment, are limited to a second term not to exceed two years.

5.5 Removal: Vacancy. The Board, by majority vote, may remove any Committee member for cause, including failure to attend three consecutive Committee meetings, failure to comply with the Committee Ethics Policy, or for repeated disruptive behavior that interferes with the Committee’s ability to conduct its work in an orderly fashion. Upon a member’s removal, his or her seat shall be declared vacant. The Board shall fill by appointment any vacancies on the Committee or any additional membership on the Committee.

5.6 Compensation. The Committee members shall not be compensated for their services.

Section 6. Meetings of the Committee.

6.1 Regular Meetings. The Committee shall establish a schedule for the date and time of regular meetings to be held monthly to include an annual organizational meeting to be held in July.

6.2 Location. All meetings shall be held at the Emery Unified School District Offices at 4727 San Pablo Avenue, Emeryville, CA.

6.3 Procedures. All meetings shall be open to the public in accordance with the Ralph M. Brown Act, Government Code Section 54950 et seq. Meetings shall be conducted according to such additional procedural rules as the Committee may adopt. A majority of the number of Committee members shall constitute a quorum for the transaction of any business except adjournment.

Section 7. District Support.

7.1 The District shall provide to the committee necessary technical and administrative assistance as follows:

(a) preparation of and posting of public notices as required by the Brown Act, ensuring that all notices to the public are provided in the same manner as notices regarding meetings of the District Board,

(b) provision of a meeting room, including any necessary audio/visual equipment,

(c) preparation and copies of any documentary meeting materials, such as agendas and reports, and

(d) retention of all Committee records, and providing public access to such records on an Internet website maintained by the District Board.

7.2 District staff shall attend all Committee proceedings in order to report on the status of projects and the expenditures of bond proceeds.

Section 8. Reports.

In addition to the Annual Report required in Section 3.2, the Committee shall report to the Board following each quarterly meeting in order to advise the Board on the activities of the Committee. Such report shall be in writing and shall summarize the proceedings and activities conducted by the Committee. The Committee shall also give a status update monthly to the City/Schools Committee at their regular monthly meeting.

Section 9. Officers.

The Committee shall elect a chair and a vice-chair who shall act as chair only when the chair is absent, which positions shall continue for two (2) year terms. No person shall serve as chair for more than two consecutive terms.

Section 10. Amendment of Bylaws.

Any amendment to these Bylaws shall be approved by a two-thirds vote of the entire Board.

Section 11. Termination.

The Committee shall automatically terminate and disband at the earlier of the date when (a) all bond proceeds are spent, or (b) all projects funded by bond proceeds are completed.

ATTACHMENT A – CITIZENS’ BOND OVERSIGHT COMMITTEE ETHICS POLICY STATEMENT

This Ethics Policy Statement provides general guidelines for Committee members to follow while carrying out their roles. Not all ethical issues that Committee members face are covered in this Statement. However, this Statement captures some of the critical areas that help define ethical and professional conduct for Committee members. The provisions of this Statement were developed from existing laws, rules, policies and procedures as well as from concepts that define generally accepted good business practices. Committee members are expected to strictly adhere to the provisions of this Ethics Policy.

POLICY

CONFLICT OF INTEREST. A Committee member shall not make or influence a District decision related to: (1) any contract funded by bond proceeds or (2) any construction project which will benefit the committee member’s outside employment, business, or a personal finance or benefit an immediate family member, such as a spouse, child or parent.

OUTSIDE EMPLOYMENT. A Committee member shall not use his or her authority over a particular matter to negotiate future employment with any person or organization that relates to: (1) any contract funded by bond proceeds, or (2) any construction project. A Committee member shall not make or influence a District decision related to any construction project involving the interest of a person with whom the member has an agreement concerning current or future employment, or remuneration of any kind. For a period of two (2) years after leaving the Committee, a former Committee member may not represent any person or organization for compensation in connection with any matter pending before the District that, as a Committee member, he or she participated in personally and substantially. Specifically, for a period of two (2) years after leaving the Committee, a former Committee member and the companies and businesses for which the member works shall be prohibited from contracting with the District with respect to: (1) bidding on projects funded by the bond proceeds, and (2) any construction project.

COMMITMENT TO UPHOLD LAW. A Committee member shall uphold the federal and California Constitutions, the laws and regulations of the United States and the State of California (particularly the Education Code) and all other applicable government entities, and the policies, procedures, rules and regulations of the Santa Monica Community College District.

COMMITMENT TO DISTRICT. A Committee member shall place the interests of the District above any personal or business interest of the member.



Overview of the Citizens' Oversight Committee

In November, 2000, the voters of the State of California approved an amendment to the California Constitution (Proposition 39) lowering the voter approval requirement from 2/3rds to 55% for school districts that provide voters a specific list of projects, a committee of appointed citizens to oversee the expenditure of funds and an annual performance audit and financial audit of the bond funds and bond projects. Proposition 39 provides that the Citizens' Oversight shall have at least seven (7) members who shall serve up to two (2) terms of two (2) years each. Initially, 3 members will be appointed to one-year terms and 4 members will be appointed to two-year terms. All appointees, regardless of the original term of appointment, are limited to a second term not to exceed two years.

Purpose

Because the District elected to pursue a bond election under the provisions of Proposition 39, State law requires the District to establish a Citizens' Oversight Committee appointed by the District's Governing Board. The Committee purposes are:

- To actively monitor all projects and expenditures approved by the voters.
- To provide proper oversight and accountability to ensure that Measure J funds are used as they were intended.
- To report to members of the community on the progress of Measure J projects.

In addition to the purposes required by Proposition 39, the District's governing board has identified the additional purposes for the Committee:

- **Steering Committee.** The Committee shall act as a Steering Committee for the scope of work associated with the Measure J projects.
- **Community Engagement.** The Committee shall provide oversight of the community engagement activities stipulated by the Measure J bond language.
- **Relationship with City/Schools Committee.** The Committee shall provide a monthly update on COC activities to the City/Schools Committee and shall make recommendations to the City/Schools Committee as needed to move the Measure J bond project work forward.

Duties

Duties of the Committee will include:

- Ensure Bond funds are spent only on projects listed in the Bond Project List and that no funds are used for salaries or general operating expenses.
- Monitor progress of Bond projects.
- Receive and review copies of the annual performance and financial audits of Bond projects as required by California State law (Proposition 39).
- Provide information to the public on the progress of Bond projects and expenditures of Bond funds.

Committee Membership Designation

State law requires that representatives of designated special interest organizations, if any, fill certain positions on the Citizens' Oversight Committee. Please indicate the Committee designation(s) for which you are qualified:

- Active Member of a Business Organization; Company Name: _____
(e.g. Chamber of Commerce)
- Active Member of Senior Citizen Group; Group Name: _____
- Active Member of Taxpayer Organization; Organization Name: _____
- At-Large Member of the Public (must be an Emeryville resident, or work in Emeryville, or have a child attending EUSD): _____
- Parent with Child (ren) Currently Enrolled in District: _____
- Active Parent Member of a District Support Organization; Org. Name: _____
(e.g. District advisory council, PTA, etc. with Child (ren) Currently Enrolled in District)

In addition to the above designations, the Governing Board of the Emery Unified School District has identified the following additional Committee member designations for membership on the Citizen's Oversight Committee. Please indicate the Committee designation(s) for which you are qualified:

- ___ Parent member of AY PTO
- ___ Parent member of ESS PTO
- ___ Active Member of a recognized arts organization
- ___ Have experience w/Facilities Management/Dev.
- ___ Have education/community services/rec. experience
- ___ Student alumni of the school district
- ___ Student currently enrolled in EUSD

General Information

Applicant Name: _____

Home Address: _____

Home Telephone #: _____ E-mail _____

Employee Information

Name of Applicant's Employer: _____

Work Address: _____

Work Telephone #: _____ E-mail _____

Educational Background *(Response Optional)*

(e.g. college and/or university, degree/major, vocational and/or other training, certificates, technical training, etc.)

Additional Information

Are you now or have you ever been employed by the District? Yes No
If yes, please explain:

Describe your community service background including participation and membership in local civic organizations. Also specifically describe your experiences relating to educational and recreational services participation. *(Please attach an additional page if needed for this response (resume is desired but not required).)*

Describe your professional skills and training in finance, facilities, and/or construction or other relevant experience, including participation in professional organizations. *(Please attach an additional page if needed for this response (resume is desired but not required).)*

Please answer the following questions

1. How long have you lived, worked, or attended school within the boundaries of the District? ___years___months

2. Have you or your children ever attended EUSD schools? Yes No

Comments: _____

3. Do you have or have you had any other relatives or close friends who have attended EUSD schools? Yes No

Comments: _____

4. Do you know of any reason, such as a potential conflict of interest (real estate, business, litigation, etc.), which would adversely affect your ability to impartially serve on the Citizens' Oversight Committee? Yes No

Comments: _____

5. Is there any reason why you will not be able to complete a two-year term on the Committee?

Yes No

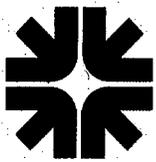
6. Explain why you would like to be appointed to this committee.

Certification of Applicant

I certify that answers and statements in this document are true and complete to the best of my knowledge and belief.

Signature: _____ Date: _____

Completed applications must be received by the Office of the Superintendent, Emery Unified School District, 4727 San Pablo Avenue, Emeryville, CA 94608, or faxed to 510 601-4913. Applications will be accepted until all vacant seats are filled. For more information or if you have any questions, please contact the Superintendent's Office at the District at (510) 601-4906.



City of Emeryville
 1333 Park Avenue, Emeryville CA 94608-3517
 TEL: (510) 596-4300 – FAX: (510) 658-8095
 www.ci.emeryville.ca.us

Emery Unified School District
 4727 San Pablo Avenue, Emeryville CA 94608
 (510) 601-4000 (510) 601-4913 Fax
 www.emeryusd.k12.ca.us

Councilmembers
 P. O'Keefe
 M. Biddle
 K. Humphreys
 M. Chinn
 J. Sugiyama



Partners for Community Life Application

The Partners for Community Life are accepting applications to fill positions in the following categories: residents, business representatives and community organization representatives. Applications should be submitted to one of the following addresses:

Melinda Chinn, Director
 Emeryville Community Services Department
 4300 San Pablo Avenue
 Emeryville, CA 94608

John Sugiyama, Superintendent
 Emery Unified School District
 4727 San Pablo Avenue
 Emeryville, CA 94608

Name:	Brian Donahue
Address:	4333 Holden St.
Phone:	(510) 717-1281
Email:	Sophbeau@yahoo.com
Occupation:	Builder
Employer:	Self
Business Address:	4333 Holden St.

Application for Position:

- Resident
- Business Representative, representing My business
- Community Organization Representative, representing _____

Please attach the following information on a separate sheet of paper. This information will be read by Committee members to get a better understanding of applicant interests, involvement and experience as it pertains to the work of the Partners for Community Life. This is for informational purposes only, not a requirement for membership.

- 1) A summary of work experience and education.
- 2) A summary of past involvement with the City of Emeryville and/or the Emery Unified School District.
- 3) A short statement discussing your interest in this advisory committee.

RECEIVED
 SEP 20 2010
 CITY CLERK
 CITY OF EMERYVILLE

Brian Donahue

Partners for community Life Application

1) university of Colorado, Kansas City
Art Institute & school of Design BFA '80
self employed designer & builder
for 29 years

2) committee work:

- Live/work
- Park Ave
- Bike/Ped
- Public Art
- Bay St. Bike/Ped Bridge

I also have a child enrolled in Kindergarten
at Anna Yates Elementary School.

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SEP 20 2010

CITY CLERK
CITY OF EMERYVILLE

(over)

3) I want to make sure transparency and dissent is allowed in the policy formulation of The Center of Community Life. I agree with Dr. Tony Smith's vision about community involvement: He says the E.C.C.L. needs to have critics in position of power for it to be successful.

FYI:

This is my 2nd-application, the first was "lost in the mail" apparently. I am applying in person at city hall.

RECEIVED

SEP 20 2010

CITY CLERK
CITY OF EMERYVILLE