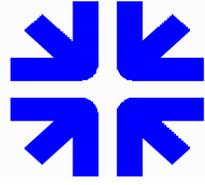


City/School Committee

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

June 2, 2011 - 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 5/5/11 Action Minutes
- IV. Staff/Committee Member Comments
- V. Information Items
 - A. Operation Lifesaver – Railroad Safety (Stephen Ceballos – 30 mins)
 - B. MOU #1 – May 2011 Expenditure Report (Miller – 5 mins)
 - C. COC Chair's Report (Carver – 10 mins)
 - D. COC, School Board, and City/Schools Role and Responsibilities (Miller –15 mins)
 - E. Golden Gate Library Status Report (Hemphill – 15 mins)
- VI. Action Items
 - A. Two Student Appointments to the City/Schools Committee for 2011/12 school year (Kim – 10 mins)
- VII. Adjournment

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

Dated: 5/27/2011 _____ Karen Hemphill, City Clerk
 Post on: 5/27/2011
 Post until: 6/3/2011 _____ 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
5/5/2011 Action Minutes +
5:30pm
ESS Atrium

1. Roll Call at 5:35pm.
 - a. Committee:
 - i. Council: Davis, West, Brinkman, Atkin,
 - ii. School Board: Dwin, Hooper, Simon, Webb, Dice
 - iii. Students: None
 - iv. Absent: Howard
 - b. Staff:
 - i. City: O’Keeffe, Chinn, Laven
 - ii. School: Sugiyama, Miller, Kim, Stewart
2. Public Comments
 - a. Deb Diamond, City Planner, announced the City’s greenway planning workshop at Ralph Hawley Middle School on May 21st.
 - b. Eugenia Bowman, EED, 250 employees from Clif Bar will be painting, renovating, and completing “extreme makeovers” to the coaches offices, locker rooms, and hallways at the Emery Secondary School on June 16th. Clif Bar will also be creating an organic garden like the one at Anna Yates Elementary School.
3. Approval of 4/7/11 Minutes:
 - a. Davis so moved, Atkin seconded, without exception.
4. Staff Comments
 - a. Davis moved to make change to staff/committee comments at front of the meetings, starting tonight and permanently thereafter. Webb seconded the motion and it passed without exception.
 - b. Sugiyama noted that the COC has formed and met twice. A lot of questions have come up on the first two meetings to clarify the roles, responsibilities of the COC and School Board. Staff will be working with the COC and School Board to meet and discuss this info.
5. Information Items
 - a. Introduction of New EUSD Superintendent
 - i. Hooper introduced Dr. Lindo as the new EUSD Superintendent. Hooper noted Dr. Lindo’s accomplishments and resume. Dr. Lindo thanked the School District for the opportunity. She noted that she chose the EUSD Superintendent position because of its resiliency to come back from tough times, its ability to set big goals for its families and students, and willing to work hard.

- b. Presentation of the City's Homebuyer Programs
 - i. Janet Anderson, the City's Homebuyer Program Coordinator, gave a presentation about the various homebuyer options available in Emeryville. Below Market Rate (BMR) units have been built in many multi-family units throughout the city, first time homebuyer loans are available for up to moderate income buyers with special financing for teachers in EUSD, low income buyers of BMR units up to \$110,000 are also available for first time homebuyers. A priority lottery was established for recent projects that favored EUSD teachers and families with students in EUSD. City staff has worked with EUSD to outreach to teachers and families in the community. The track record over the history of the homebuyer programs are as follows: 12 percent of all people using the homebuyer programs have children, which compares favorably to the census data that states 13 percent of Emeryville residents have children.
 - 1. Simon noted that the City of Emeryville's home ownership program has come a long way in setting priorities and a great message that families are supported in Emeryville.
 - 2. Dwin would like Ms. Anderson to make a full presentation to the Emery Secondary School like she does at Anna Yates. Sugiyama noted that this will happen in the future.
 - 3. Atkin noted that the very low income weren't in the the CalHOME program because it is thought that very low income would not be able to afford the house payment and associated
- c. Goldman School Report
 - i. Kim introduced Hamira Husife, Goldman School Intern. Ms. Husife presented her research findings on affordable, family friendly housing in Emeryville. Ms. Husife reported a few statistics and suggestions for the Committee. Over 45 percent of the population spends over 30 percent of their income on housing, the highest in the East Bay. 85 percent of Emeryville's housing stock is one bedroom condos or less, which creates high mobility and often results lower test scores and more drop outs in these families. The attrition rate at EUSD fluctuates between 20 to 30 percent, which is very high and makes it hard to create meaningful relationships. Suggestions are to establish a joint commitment to affordable family-friendly housing by the City and School District, create guidelines and standards for developers such as affordability and size, increase incentives for developers to create family-friendly housing, amend inclusion zoning policies to include a 20 percent minimum mandate for family friendly units on all new housing projects. Recommendations for EUSD specifically is the District should be at the forefront of advocating for family friendly policies within the city, proactively pursuing enrollment by

strengthening ties between EUSD and partners such as ECDC and Head Start, maintain more competencies and cohesive data, develop better forms of analysis to demonstrate changes that area currently occurring in the District. Next steps are to complete an economic feasibility study, survey commuter population, and market study analysis.

1. Atkins asked if this report can be provided in hard copy and Webb asked that the report be placed online. Staff commented that the report will be linked on the ECCL website.
 2. Dwin asked if the San Diego project included many multiple bedroom units? Ms. Husife reported that yes, many were three and four bedrooms.
 3. Simon noted the San Diego example is a tax credit funded model and Davis noted this model already being implemented at the Ambassador Housing project.
 4. O’Keeffe complimented her on her work for creating a great report and viable suggestions to follow through on.
 5. West appreciated the concrete recommendations.
 6. Hooper noted her presentations skills were great.
- d. MOU #1 Budget Update
- i. Miller presented the up to date budget reports to the Committee. Some categories from the previous meeting were miscategorized and have been corrected in this report.
 1. Dwin noted a large balance and wanted to know how much will carry over to the following year? Miller noted he’s not sure, but a significant portion will carry over to next year.
- e. Report from the COC
- i. Brian Carver, Chair of the Measure J Oversight Committee, thanked the Committee for appointing a great COC. Carver noted that the COC will conduct a tour of the current facilities at an upcoming special meeting. The COC is also working on creating a process in order to provide better oversight of the Measure J funding for the ECCL. He is looking for feedback from the Committee and has distributed copies to the members and staff. This process includes the following: the source of funding, amounts of funding, and whether it is a one-time or reoccurring expenditure. Each COC meeting will be provided a report covering all Measure J expenditures; the Measure J expenditures report will indicate expenditures are expected to be the subject of School Board or Programs Manager action in the next month; the COC will review each Measure J report promptly and immediately report questions or concerns about an expenditure in writing to the school board, and the school board will not contractually obligate or spend Measure J fund prior to the expenditure appearing on a Measure J report to the COC and approved by the COC.

1. Hooper thanks Mr. Carver for the detailed report and because it is not an action item, the Committee will not cover it at this meeting, but will review and discuss with the COC at a future meeting.
- f. ECCL Website
- i. Hayin Kim introduced Steve Kelly of the NEXUS Partners. Mr. Kelly was happy to present a fully functional website for the Committee to review before its implementation. Kelly gave a real time demonstration of the features of the website in his presentation.
 1. Hooper asked if this is live right now? Mr. Kelly reported yes, it is live and the website URL is <http://emeryvillecenter.org>
 2. Sugiyama noted that this site will continue to evolve and be refined. One change already is to add a “at a glance” calendar that shows key benchmark dates.
 3. West and Hooper thanked Steve for his work.
- g. School Events Policy Report
- i. Sugiyama updated the Committee on how school events are calendared. This is the result of the confusion regarding the school dance that was advertised but never approved by the administration or Police Department. Staff at EUSD admitted the confusion was on their side. The City’s procedures are clear to communicate with the School District. The specific confusion on the EUSD side is that a security contractor obtained permission from an administrator, but they weren’t aware that such a large, east bay invite dance with live music required collaboration with the Emeryville Police Department.
- h. EUSD Bond Sales Report
- i. Sugiyama reported that EUSD sold \$25 million in bonds before the last meeting and closed over a week ago. The funds are sitting in the County Treasurers Office ready to use. The 25 year maturity bonds were sold at lower interest rates (5.93) than what was indicated on the bond language (6.00), which will save money in interest payments. The underwriters noted that this is great given the volatile bond market.
 1. Webb asked why it was 25 year payout instead of 30 year payouts?
 - a. Sugiyama noted that there are different maturity rates for this project and that this offering was a 25 year maximum payout.
 2. Atkin asked if the bond money at the County is earning interest for the project at this time and what it is invested in?
 - a. Eileen Neilsen, Chief Business Official for EUSD, noted that the bond money can be invested in a

multitude of investments and the School District is beneficiary of these interest earnings. Eileen noted that in the bond language, the School District can invest in what is known as a “LAFE” investment that allows the funds to be transferred into a higher interest funds.

- i. Report on CSD afterschool program
 - i. Chinn introduced Darrell Hampton, Youth Services Supervisor, to present the information requested. Hampton reported that the program serves 95 Anna Yates students and provides an array after school enrichment programs through many community partners. Chinn noted that the original question from the Committee was why the high turnover and she noted it is due to the 1,000 hour cap on part-time employees.
 1. West asked what the cost would be to allow for PERS part-time employees in this program? Chinn noted that it is estimated that PERS benefit would cost approximately 15 percent increase in the cost of the staffing portion of the program.
 2. Simon also noted it is a shame that we have to let go Rec Leaders in the middle of a school year and wants to deepen collaboration with the District so that we can avoid this problem. Simon stated it is a crucial program for the School District and City and that he would like staff to explore the possibility of hiring staff at the District to assist in providing after school staffing. Simon would also staff to explore the coordination of using teachers and rec leaders to keep the after school program staffing stable. Simon feels the staff can focus on fun and the teachers can focus on academics. Simon noted the District has prioritized collaboration time within the District so that there is continuity between grades and staff. The City and School District should find ways to implement these collaborations between teachers and the after school staff.
 - a. Sugiyama noted the concept of the City and EUSD collaborating in new ways is a new priority and is moving forward in this project. Staff is currently working on these collaborations, such as City programs assisting the School District during the school day, and will work on Simon’s suggestions to implement them. Sugiyama also noted that the contribution to PERS is generally not a benefit to the part time employee as they are looking to maximize their current income in a part time position.

- b. Simon noted to the Committee and COC members in the audience that this is a critical time to fund these collaboration times and work so that the facility will reflect the smartest use of space and resources.
- c. O’Keeffe added two thoughts to Sugiyama’s comments. The first is that we really need to focus on what aspects of the programs need consistency. Academics are very important for consistency, but the leisure services may need less consistency. The second thought is these part time positions are resume builders and that we might focus on hiring EUSD kids for this period to help them parlay this job opportunity into a career position.
- d. Dwin asked what the historic levels of participation has been in the after school program?
 - i. Hampton noted it went from operating out of a closet at the elementary school that served 16 children. The program then moved to the Rec Center and served 135 children at its high point, but due to the recession in the past two years, the program hit a low of 65 children, but is back up to around 100 children and continuing to grow.
- e. Simon noted that he wants to enrich the program so it attracts older grades. The School District has lost Prop 39 funding as it hasn’t been able to serve the amount of children in this age group. Simon noted that critical positions need consistency.
- f. Brian Carver noted that Darrell Hampton is a real gem for the program and that parents give spontaneous praise during orientations. Mr. Carver also wanted to know when the portables will be replaced and if it will disrupt the program?
 - i. Chinn noted the portable units are coming from Temporary Police Department, so we are dependent on the timeline of the retrofit of the permanent Police Department. It is anticipated that the delivery and retrofit of the portables will be finished in the fall. During the transition in fall, the after school program will use the unoccupied rooms at Anna Yates during the fall semester, which will allow a fairly seamless program and not disrupt the quality of the program.

- g. Amy Chen, a parent of a daughter at Anna Yates and noted a long relationship with city and school, but left ECDC to move to PIXAR. She also took offense at O’Keeffe’s comments that the recreation staff positions are resume builders. She noted her child is being cared for by these staff and I think they are very important. She also noted that the City puts a lot of money into funding private property, but that the Rec Center does not have the proper funding. The tree lighting was an embarrassment as it did not have the local elementary band and had out of town boy scouts perform instead.
- h. Lynn Ballard noted that she is working on a grant to fund 60 minutes of exercise on behalf of EUSD and many partners, including the Recreation Center staff and Head Over Heels.

6. Action Items

- a. None

7. Committee Member Comments

- a. Dwin noted that he really enjoyed the SPICE report that recapped the collaboration efforts engaged between the City and EUSD staff. He would like to speak with approximately 5 individuals to hear from them on the collaboration and how it’s impacted our efforts.
- b. West noted at the City Council meeting two items may be of interest to the School Board and public. The City is exploring placing an item on the November ballot about business licenses and business taxes and is seeking community input on this item. The second item is that a time for a public meeting has been set for this Saturday at 12:30pm regarding the application for a new bilingual school in the triangle neighborhood before the May 19th Special Council meeting to hear the appeal.
- c. Webb stated through the SPAGGIA community listserv and that it is rumored all but 4 libraries will be closed in Oakland, including Golden Gate Library. Webb would staff to provide an update on what the City is planning in order to provide library services to Emeryville.
- d. Stewart made two appeals to the community. Children who plan on entering Kindergarten should contact her and find the information/applications on <http://eusd.org>. The summer youth employment program is seeking funding to continue its existence and is seeking job sites to continue employ students, please contact Wanda if you can help.

8. Meeting adjourned at 7:22pm.

What is California Operation Lifesaver?

California Operation Lifesaver (CAOL) is a nonprofit education program designed to eliminate collisions, deaths, and injuries at highway-rail intersections and on railroad rights-of-way. It is sponsored cooperatively by a wide variety of partners, including federal, state and local government agencies, highway safety and transportation organizations, and the nation's railroads. It is a member of the national organization Operation Lifesaver, Inc. which is headquartered in Alexandria, Virginia.

To meet its lifesaving goals, CAOL strives to increase public awareness about the danger at places where the roadway crosses the train tracks and on railroad rights-of-way. The program seeks to improve driver and pedestrian behavior at highway-rail intersections by encouraging compliance with traffic laws relating to crossing signs and signals. CAOL also endeavors to reduce deaths and injuries on railroad rights-of-way by educating people about the dangers on the tracks. In conjunction with its education program, CAOL emphasizes the enforcement of existing traffic and trespassing laws, consolidation and closure of redundant highway-rail crossings, and engineering improvements, including installation and upgrading of crossing warning devices and signs.

Stephen A. Ceballos / E-Mail: sace@chevron.com / Phone: 925-680-3963

Operation Lifesaver

Hello and Thank you for your invitation:

- Did you know that every 2 hours someone is injured or killed on our Nation's railroad tracks?
- Did you know there were 2,928 incidents at highway/rail grade crossings last year?
- Did you know 826 died last year because they disregarded railroad warning signs and signals?
- Did you know that it takes an average freight train over a mile to stop?
- Did you know that a penny on the track can act like a bullet when hit by a train?

Operation Lifesaver is a nationwide, non-profit, public education and information safety program dedicated to educating people on how to reduce crashes, injuries and fatalities along railroad right-of-way and at highway/rail crossings.

By inviting an Operation Lifesaver volunteer to speak at your group, in one hour you will learn:

- How trains and railroads operate
- Why crashes and trespassing occurs
- What warning signs and signals mean
- The laws that govern trespassing and grade crossings
- How you can prevent death and injury on our Nation's railroad property

Operation Lifesaver presentations have been specifically tailored to every age group. This safety information is also available to adult groups, such as school bus drivers, transit drivers, commuters, professional truck drivers, law enforcement personnel and the general public.

All Operation Lifesaver presenters are professionally trained speakers who are able to effectively share important safety information with your group. The presenters come from all walks of life, and include locomotive engineers, other railroad employees, teachers, law enforcement officers, retired citizens, truck drivers, and students.

Operation Lifesaver presentations are free.

Please invite us to share our information and experiences with your group. It could save your life or the life of a loved one. Please call me today to schedule a presentation.

Steve Ceballos
925-890-8540
E-Mail: saceol@comcast.net

Roles and Responsibilities Matrix for ECCL Project (Measure J funds plus RDA funds)

Category	Item	Responsible Group	How/When	Established by
1. Fiscal Activities	Approval of Measure J Bond Sales	School Board	School Board Action Items/ As-needed	Measure J
	Appropriation of Funds	School Board in collaboration with City/Schools	School Board and City/Schools Action Items/ As-needed	MOU & Measure J
	Review of Funds Appropriations	COC gives review input to City/Schools	Summary Spreadsheets/ As-needed	MOU & Measure J
	Budget Development	Project Staff input to City/Schools	Spreadsheets & Narratives/ As-needed	MOU
	Budget Approval	City/Schools	City/Schools Action Items/ As-needed	MOU
	Budget Management	Project Staff	On-going	MOU
	Budget Changes	Project Staff < \$15,000; City/Schools > \$15,000	City/Schools Action Items/ As-needed	MOU
	Contract Development	Project Staff input to City/Schools	City/Schools Information Items/ As-needed	District & City existing policy & procedures
	Contract Approval	City/Schools Approval & School Board Executes	School Board and City/Schools Action Items/ As-needed	MOU & Measure J
	Contract Management	Project Staff	On-going	MOU
	Invoice Review & Approval	Project Staff	Requisitions & Encumbrances/ On-going	District & City existing policy & procedures
	Warrants Review	School Board	Warrants Review/ Monthly	District & City existing policy & procedures
	Expenditure Report Development	Project Staff	Spreadsheets & Narratives/ On-going	District & City existing policy & procedures
	Expenditure Review	COC gives review input to City/Schools	Summary Spreadsheets/ COC conducts monthly review of prior month's expenditures which is then reviewed by City/Schools at their next meeting	MOU & Measure J
Expenditure Report to Public	COC	Written Report/ Quarterly & Annually	Measure J	
2. Project Scope, Project Plans & Programs, & Project Schedules	Development of Project Scope, Project Plans & Programs, & Project Schedules	Project Staff input to City/Schools	City/Schools Action Items/ As-needed	MOU
	Management of Project Scope, Project Plans & Programs, & Project Schedules	Project Staff input to City/Schools	City/Schools Action Items/ As-needed	MOU
	Direction of Project Management and Development	District Superintendent and City Manager, then referred to City/Schools As-needed	City/Schools Action Items/ As-needed	MOU & District & City existing policy & procedures
	Approvals of Project Scope, Project Plans & Programs, & Project Schedules	City/Schools	City/Schools Action Items/ As-needed	MOU & Measure J
3. Steering Committee (to make recommendations to the City/Schools Committee as needed to move the Measure J bond project work forward)	Based on City/Schools approved Scope, Plans, Programs & Schedules provide input on Project Pre-Design, Schematic Design, & Design Development Phases	All of the following: Project Staff input to City/Schools; COC input to City/Schools; Project Staff with COC input to City/Schools	COC & City/Schools meetings/ Monthly	MOU, COC By-Laws, & District & City existing policy & procedures

Roles and Responsibilities Matrix for ECCL Project (Measure J funds plus RDA funds)

Category	Item	Responsible Group	How/When	Established by
4. Project Management and Construction Activities	Approval of each design phase (Pre-Design, Schematic Design, & Design Development)	City/Schools	City/Schools Action Items/ As-needed	MOU & District & City existing policy & procedures
	Construction Documentation Phase (based on City/Schools approved Project Design)	Project Staff input to City/Schools	City/Schools meetings/ Monthly	MOU & District & City existing policy & procedures
	Approval of construction documents phase	City/Schools	City/Schools Action Items/ As-needed	MOU & District & City existing policy & procedures
	Project Permits & Approvals Phase (based on City/Schools approved plans & specs)	Project Staff input to City/Schools	City/Schools meetings/ Monthly	MOU & District & City existing policy & procedures
	Approval of Permits & Approvals Phase	City/Schools	City/Schools Action Items/ As-needed	MOU & District & City existing policy & procedures
	Project Negotiations and Construction Contracts	Project Staff input to City/Schools	City/Schools meetings/ Monthly	MOU & District & City existing policy & procedures
	Approval of Negotiations and Construction Contracts	City/Schools	City/Schools Action Items/ As-needed	MOU & District & City existing policy & procedures
	Project Construction (based on City/Schools approved plans & specs)	Project Staff input to City/Schools	City/Schools meetings/ Monthly	MOU & District & City existing policy & procedures
	Approval of Construction Phase	City/Schools	City/Schools Action Items/ As-needed	MOU & District & City existing policy & procedures
	Project Construction Change Orders	Project Staff input to City/Schools	City/Schools Action Items/ As-needed	MOU, COC By-Laws, & District & City existing policy & procedures
	Project Move-in & Occupancy (based on City/Schools approved schedules)	Project Staff input to City/Schools	City/Schools meetings/ Monthly	MOU & District & City existing policy & procedures
	Approval of Move-in & Occupancy Phase	City/Schools	City/Schools Action Items/ As-needed	MOU & District & City existing policy & procedures
	Project Close-out	Project Staff input to City/Schools	City/Schools meetings/ Monthly	MOU & District & City existing policy & procedures
	Approval of Project Close-out Phase	City/Schools	City/Schools Action Items/ As-needed	MOU & District & City existing policy & procedures
Post-project Follow-up	Project Staff input to City/Schools	City/Schools meetings/ Monthly	MOU & District & City existing policy & procedures	
5. Community Engagement (for community information, input, and participation in the design of school sites or related facilities)	Establish community engagement model	COC input to School Board whose resolution is then reviewed by City/Schools	City/Schools Action Items/ As-needed	Measure J, MOU, & City/Schools policy
	Define community engagement strategies	Both of the following: Project Staff; COC	COC and City/Schools meetings/ Monthly	MOU & City/Schools policy
	Conduct community engagement activities	Both of the following: Project Staff; COC	Forums, events, communications strategies, etc/ As-needed	MOU & City/Schools policy
	Monitor community engagement	School Board and City/Schools	School Board & City/Schools meetings/ Monthly	Measure J, MOU, & City/Schools policy

Board and COC
Roles and Responsibilities (Text Citations)

Per Statute

A. Financial Oversight Responsibilities (Required by Statute)

1. Board

Measure J text:

All funds will be spent locally to replace old schools that no longer meet current seismic safety standards, and cannot be taken away by Sacramento.

By approval of this proposition by at least 55 percent of the registered voters voting on the proposition, the District shall be authorized to issue and sell bonds of up to \$95 million dollars in aggregated principal at interest rates below the legal limit, to provide finance for the specific school facilities projects listed in the Bond Project List attached hereto as Exhibit A-1, subject to all the accountability requirements specified below.

The Board shall conduct an annual, independent performance audit to ensure that the bond proceeds have been expended only on the school facilities projects listed in Exhibit A-1.

The Board shall conduct an annual, independent financial audit of the bond proceeds until all of those proceeds have been spent for the school facilities projects listed in Exhibit A-1.

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.

Education Code Section 15280 (a):

The governing board of the district shall, without expending bond funds, provide the citizens' oversight committee with any necessary technical assistance and shall provide administrative assistance in furtherance of its purpose and sufficient resources to publicize the conclusions of the citizens' oversight committee.

Board and COC **Roles and Responsibilities (Text Citations)**

California Constitution Article XIII A Section 1(b)(3):

Bonded indebtedness incurred by a school district, community college district, or county office of education for the construction, reconstruction, rehabilitation, or replacement of school facilities, including the furnishing and equipping of school facilities, or the acquisition or lease of real property for school facilities, approved by 55 percent of the voters of the district or county, as appropriate, voting on the proposition on or after the effective date of the measure adding this paragraph. This paragraph shall apply only if the proposition approved by the voters and resulting in the bonded indebtedness includes all of the following accountability requirements:

(A) A requirement that the proceeds from the sale of the bonds be used only for the purposes specified in Article XIII A, Section 1(b)(3), and not for any other purpose, including teacher and administrator salaries and other school operating expenses.

(B) A list of the specific school facilities projects to be funded and certification that the school district board, community college board, or county office of education has evaluated safety, class size reduction, and information technology needs in developing that list.

(C) A requirement that the school district board, community college board, or county office of education conduct an annual, independent performance audit to ensure that the funds have been expended only on the specific projects listed.

(D) A requirement that the school district board, community college board, or county office of education conduct an annual, independent financial audit of the proceeds from the sale of the bonds until all of those proceeds have been expended for the school facilities projects.

Attorney General's Opinion dated 11.09.04:

A school district may use Proposition 39 school bond proceeds to pay the salaries of district employees to the extent they perform administrative oversight work on construction projects authorized by a voter approved bond measure.

2. COC

Measure J text:

This measure includes Independent Citizen's Oversight to ensure the monies are spent as promised, and no money will be spent on administrator salaries.

The Board shall establish an Independent Citizens' Oversight Committee pursuant to Education Code Section 15278 and following to ensure bond proceeds are expended only on the school facilities projects listed in Exhibit A-1.

Board and COC
Roles and Responsibilities (Text Citations)

Education Code Section 15278:

(b) The purpose of the citizens' oversight committee shall be to inform the public concerning the expenditure of bond revenues. The citizens' oversight committee shall actively review and report on the proper expenditure of taxpayers' money for school construction. The citizens' oversight committee shall advise the public as to whether a school district or community college district is in compliance with the requirements of paragraph (3) of subdivision (b) of Section 1 of Article XIII A of the California Constitution. The citizens' oversight committee shall convene to provide oversight for, but not be limited to, both of the following:

(1) Ensuring that bond revenues are expended only for the purposes described in paragraph (3) of subdivision (b) of Section 1 of Article XIII A of the California Constitution.

(2) Ensuring that, as prohibited by subparagraph (A) of paragraph (3) of subdivision (b) of Section 1 of Article XIII A of the California Constitution, no funds are used for any teacher or administrative salaries or other school operating expenses.

(c) In furtherance of its purpose, the citizens' oversight committee may engage in any of the following activities:

(1) Receiving and reviewing copies of the annual, independent performance audit required by subparagraph (C) of paragraph (3) of subdivision (b) of Section 1 of Article XIII A of the California Constitution.

(2) Receiving and reviewing copies of the annual, independent financial audit required by subparagraph (C) of paragraph (3) of subdivision (b) of Section 1 of Article XIII A of the California Constitution.

(3) Inspecting school facilities and grounds to ensure that bond revenues are expended in compliance with the requirements of paragraph (3) of subdivision (b) of Section 1 of Article XIII A of the California Constitution.

(4) Receiving and reviewing copies of any deferred maintenance proposals or plans developed by a school district or community college district, including any reports required by Section 17584.1.

Board and COC
Roles and Responsibilities (Text Citations)

(5) Reviewing efforts by the school district or community college district to maximize bond revenues by implementing cost-saving measures, including, but not limited to, all of the following:

- (A) Mechanisms designed to reduce the costs of professional fees.
- (B) Mechanisms designed to reduce the costs of site preparation.
- (C) Recommendations regarding the joint use of core facilities.
- (D) Mechanisms designed to reduce costs by incorporating efficiencies in schoolsite design.
- (E) Recommendations regarding the use of cost-effective and efficient reusable facility plans.

COC By-Laws text:

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.

Board and COC **Roles and Responsibilities (Text Citations)**

B. Duties (Required by Statute)

1. Board

COC By-Laws text:

3.7 Duties of the Board/Superintendent. The Committee shall not have responsibility for the following types of activities. Either the Board or the Superintendent, as the Board shall determine, shall have the following powers reserved exclusively to it:

- (i) Approval of construction contracts,
- (ii) Approval of construction change orders,
- (iii) Appropriation of construction funds,
- (iv) Handling of all legal matters,
- (v) Approval of construction plans and schedules,
- (vi) Approval of Deferred Maintenance Plan, and
- (vii) Approval of the sale of bonds.

2. COC

COC By-Laws text:

The Committee shall review, in summary form, items (ii) through (iii) above as part of its financial oversight duties. The Committee may review, in summary form, others of these items to the extent that the Board/Superintendent approves and to the extent that they are necessary to the Committee's duties.

3.1 Inform the Public. The Committee shall inform the public concerning the District's expenditures of bond proceeds.

3.2 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.

3.3 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.

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

3.5 Community Engagement. The Committee shall ensure community engagement as stipulated by the Measure J bond language.

Board and COC
Roles and Responsibilities (Text Citations)

3.6 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.

C. Project List (Required by Statute)

Measure J text:

BOND PROJECT LIST

- a) Construct, furnish and equip leased and owned facilities, including but not limited to classrooms, science labs, and schools.
- b) Replace, demolish or renovate District properties to meet current seismic safety standards;
- c) Replace outdated portable buildings with permanent classrooms;
- d) Construct school-site support, including libraries, physical education facilities, multipurpose rooms, food service facilities, health and recreation facilities and play fields for joint school and community use;
- e) Upgrade and replace classroom technology infrastructure and improve access to computer systems;
- f) Acquire available real property as needed to construct facilities;
- g) Provide appropriate and sufficient parking facilities;
- h) Provide interim housing as needed during the period of construction;
- i) Make additional repairs and upgrades as needed to educational facilities;
- j) Perform necessary site preparation/restoration in connection with new construction, renovation, demolition, or deferred maintenance of educational facilities;
- k) Address unforeseen conditions revealed by construction or emergency repairs (e.g., plumbing or gas line breaks, seismic, structural, asbestos and other hazardous materials);
- l) With written consent from neighbors, mitigate items identified by the Environmental Impact Review as appropriate;
- m) Install energy efficient systems including but not limited to solar electrical systems and related infrastructure to accommodate solar power as needed.

Board and COC
Roles and Responsibilities (Text Citations)

Locally Determined

A. Community Engagement (Not Required by Statute)

1. Board

Measure J text:

Should Emeryville Unified School District Voters adopt this bond, the EUSD Board of Education shall adopt a resolution defining and establishing a process for community information, input, and participation in the design of school sites or related facilities. This Community Engagement Process Resolution shall include a specific plan for soliciting community input and participation, including a working timeline of community meetings and presentations. This Plan shall include, but not be limited to workshops with District and the City's Community Services staffs; meetings hosted by the School District, City, and/or community residents; and ongoing community engagement including web-based communications, community mailings, and notices.

City/Schools Committee Approved Policy:

The City Council of the City of Emeryville and the Board of Trustees of the Emery Unified School District, who together comprise the City/Schools Committee, believe that input from staff, parents/guardians, students and members of the Community of Emeryville provides valuable perspectives and expertise to inform the work of the Committee. The Committee seeks to build a collective sense of ownership of the schools and the community by encouraging open communication and facilitating community-building across diverse interests.

Accordingly, the City/Schools Committee (or their designees), following upon, and with input from the Citizens' Oversight Committee (COC), shall:

- Adopt a resolution defining and establishing a process for community information, input, and engagement in the design of school sites or related facilities.
- Establish administrative councils, task forces, or advisory committees (and/or work in conjunction with existing bodies), that have broad community representation and embrace the "Core Values for the Practice of Public Participation."²
- Develop a specific plan for soliciting community input and participation including a working timeline of community meetings and presentations, in alignment with existing City and School District advisory committees and taskforces. This plan shall include, but not be limited to:
 - o Workshops with District and the City's Community Services staffs;

Board and COC Roles and Responsibilities (Text Citations)

- Meetings hosted by the School District, City, and/or community residents;
- Ongoing community engagement activities including web-based communications, mailings, and notices; and other elements as defined by the Resolution.
- Encourage proactive engagement of youth, families, and community members
- Develop community practices that distribute responsibility and accountability in open and transparent interactions

The community engagement activities are specifically meant to outlast the duration of the facilities project known currently as the Center of Community Life. They are intended to form relational structures and behaviors that build long-lasting and trusting relationships amongst community members.

2. COC

City/Schools Committee Approved Policy:

Accordingly, the City/Schools Committee (or their designees), following upon, and with input from the Citizens' Oversight Committee (COC), shall:

COC By-Laws text:

3.5 Community Engagement. The Committee shall ensure community engagement as stipulated by the Measure J bond language.

B. Steering Committee (Not Required by Statute)

1. Board

COC By-Laws text:

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. The Committee does not have independent legal capacity from the District.

Board and COC
Roles and Responsibilities (Text Citations)

2. COC

COC By-Laws text:

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

3.6 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.

C. Co-location (Not Required by Statute)

1. Board

Measure J text:

Instead of operating two schools and community facilities separately, the new facilities will include a range of essential services such as adult education, job training, after-school facilities, child care and public services that are available to all Emeryville children and families at the same location where schools are housed.

2. COC

N/A