



**PASADENA UNIFIED SCHOOL DISTRICT (PUSD) CITIZENS' OVERSIGHT
COMMITTEE (COC) MEETING
Meeting Minutes of September 21, 2016**

Location: PUSD Headquarters, Room 229, 351 South Hudson Avenue, Pasadena, California 91109.

Present: Gretchen Vance, Pamela Boxley, Quincy Hocutt, Willie Ordonez, Clifton Cates, Jen Wang, Steven Cole, Geoffrey Commons, Derek Walker and Diana Verdugo.

Absent: Mikala Rahn, Joelle Morisseau-Phillips, Glen De Veer, Julie Root, and Chris Romero.

Pasadena Unified School District (PUSD) Board Member Liaison: Patrick Cahalan

PUSD Staff: Nelson Cayabyab, Chief Facilities Officer; Nadia Zendejas, Executive Secretary

I. CALL TO ORDER

Ms. Vance

The meeting was called to order at 6:32 p.m.

II. PUBLIC COMMENT

None

III. APPROVAL OF JUNE 15, 2016 MEETING MINUTES

Approval of the minutes was deferred due to the inadvertent inclusion of an erroneous draft in the review package.

IV. PENDING BUSINESS, DISCUSSION AND ACTION

A. *Citizens' Oversight Committee (COC) Meeting Minutes Subcommittee* *Ms. Vance*

1. Ms. Vance expressed her appreciation to the committee members who assisted in putting together the draft minutes of the June 15, 2015 COC meeting.
2. Ms. Vance requested Staff to provide the COC with a draft of the meeting minutes within a week after the meeting, as per the agreed upon guidelines for COC meeting minutes.

B. *Independent Counsel - Retention and Function* *Mr. Cates*

1. Mr. Cates informed the committee that nine legal counsel candidates were considered to represent the committee, which has selected Mr. Sam Balisy of the law firm Kutak Rock, located in Los Angeles. Mr. Cates added that Mr. Balisy has ample experience in the field of public finance, education law and California government law. On August 25, 2016 the Pasadena Board of Education approved the agreement with Sam Balisy and authorized a maximum amount of \$10,000.00 for his services to provide counsel to the Citizens' Oversight Committee.
2. Mr. Cates advised the committee to utilize the counsel services wisely due to the costs involved. He also stressed that the committee must not abdicate the responsibility of monitoring



the expenditures of Measure TT funds simply by turning issues over to counsel. Mr. Cates added that the committee should view Mr. Balisy as a consultant and advisor with regard to difficult issues that the committee identifies.

3. Mr. Cates noted that Mr. Balisy's legal advice to the committee will be kept confidential unless the committee waives those rights. A waiver of those rights would occur by disclosing received legal advice in a public forum.

4. Mr. Cates reminded the committee that it is the committee's responsibility to evaluate the proposed Facilities expenditures contained in board reports and advise the District and the Board if the committee supports or disapproves the expenditures. [*Note: Board Reports (BR's) are documents proposing expenditures to be made for Facilities improvements. The reports are submitted to the Board of Education for approval.*] He suggested that the committee should vote yay or nay on each board report to demonstrate support or non-support. It was requested that Mr. Hocutt bring forward for discussion several examples of recent issues contained in Board Reports.

C. Proposed Measure TT Expenditures for COC Review in Board Reports 1041-F through 0905-F *Mr. Hocutt*

1. Board Report 1041-F: Mr. Hocutt questioned why the District would purchase accounting software using Measure TT funds, stating that this software does not appear to be related to physical construction activity. Mr. Cayabyab explained that the impetus for this software was to support the District's financial statements in the event that a tax audit might occur in the next three years. He also added that this board report has now been pulled from consideration and it is not being submitted for board approval.

Mr. Cates commented that this proposed expenditure is not an expenditure allowed by the law. He added that this board report was referred to their counsel and the counsel advised the committee that this software should not be funded using Measure TT funds. Lastly, Mr. Cates recommended to the committee that should this board report be submitted for board approval in the future, the committee should vote to not recommend support for this activity.

Action: Mr. Cates moved to defer any further action on board report 1041-F until such time as it might reappear, and Pam Boxley seconded the motion.

Vote: Motion carried 5-1. 2 abstained.

2. Board Report 1075-F: Mr. Hocutt questioned why eleven past projects had not been closed with the Division of State Architects (DSA) at their time of completion and why are we hiring a consultant to prepare paperwork to close them at this much later time? Mr. Cayabyab explained that in the past (before his arrival) the District Staff was not enforcing the close out of the projects with DSA. Now, before the Division of State Architects (DSA) can review new plans for new projects, any open previous projects must be closed out with certification by DSA. The process to close out a project with DSA involves gathering and submitting all the required documentation on change orders, amendments, and submitting all the test and data sheets. Mr. Cayabyab added that the new process to close out all projects with certification by DSA is now



in place and that it is the Project Inspectors' responsibility to close out each project with DSA. Before the district issues the last pay check to the inspector the project must be certified and closed out with DSA. Lastly, he mentioned that the reason why a consultant (Val Matteson) is being hired to close out the eleven projects not previously closed with DSA certification is because she has extensive experience in successfully closing projects.

Action: Mr. Cates motioned to support the board report 1075-F and Ms. Vance seconded.

Vote: Motion carried unanimously 8-0

3. Mr. Hocutt asked Staff if Board Report 1065-F expanded on Board Report 1048-F and why there were no proposed expenditures listed. Mr. Cayabyab confirmed that Board Report 1048-F was to approve the proposal for the architectural services at Jackson and Longfellow while Board Report 1065-F was to add John Muir High School to the architectural services agreement with WLC Architects.

Action: Mr. Cates moved to defer any consideration on Board Report 1065-F until there is a specific amount listed on the proposal and Mr. Cole seconded.

Vote: Motioned carried 7-1.

4. Board Report 1068-F: Mr. Hocutt questioned why the District is paying Parsons Corporation to perform the local hire monitoring. Mr. Cates mentioned that he does not believe the contract with Parsons is an expense related to construction. Also, Mr. Walker questioned if District Staff could assign personnel to monitor the local hiring so that we do not have to pay Parsons to monitor the local hiring, then this would defer the expense with Parsons Corporation. He added that he does think this expense is related to construction. Mr. Cayabyab recommends not to renew the contract with Parsons when it expires in February 2017. Mr. Cates added that this Board Report was referred to counsel and that the counsel advised the committee that if the contract with Parsons is designed to monitor the construction projects funded through Measure TT then it can be funded; however, it seems to be more of a public relations effort.

Action: Ms. Boxley motioned to support Board Report 1068-F and Mr. Walker seconded the motion.

Vote: Motion carried 5-2; 1 abstained.

5. Board Report 1069-F: Mr. Hocutt commented that if the contractor did not perform required work correctly, why would the District be charged for change orders. Mr. Cayabyab clarified that the additional services proposal is actually for architectural fees on the design and continued service in response to the Contractor's request for information (RFIs).

Action: Ms. Vance motioned to support Board Report 1069-F and Mr. Cates seconded the motion.

Vote: Motion carried 7-1.

6. Board Report 1070-F: Mr. Hocutt questioned why an expenditure for portable structures is being proposed under Measure TT when one purpose of Measure TT was to provide permanent improvements and not to perpetuate portable structures. Mr. Cayabyab informed the Committee that the use of portables in this board report is for interim housing only. This interim housing gives the noted school an opportunity to continue with their programs while construction is in process.



Action: Mr. Cates motioned to support Board Report 1070-F and Ms. Boxley seconded.

Vote: Motion carried unanimously 8-0.

7. Board Report 1079-F: Mr. Walker questioned if the district has insurance that would cover the change order request from the contractor. Mr. Cayabyab responded in the negative, because this change order was due to unforeseen conditions. That is the reason why the contractor had to add it to the contract and incurred the additional cost. He also added that the soils testing Phase I Environmental Assessment (PEA) was never conducted on this project under the past administration, and for this reason the unsuitable soils on the site were not detected. To prevent this from recurring, Mr. Cayabyab now makes it mandatory for all new construction projects to have a PEA completed prior to beginning construction. Mr. Walker asked if the District has insurance that would cover the change order request on the wheel chair ramp and Mr. Cayabyab replied in the negative because this change order was due to a District requested scope change in the plans.

Action: Mr. Cates motioned to support Board Report 1079-F and Mr. Walker Seconded.

Vote: Motioned carried 7-0: 1 abstained.

8. Board Report 1090-F: Mr. Hocutt asked if this board report is a duplicate of Board Report 1055-F. Mr. Cayabyab clarified that Board Report 1055-F was to approve the proposal of the lease for a portable trailer and Board Report 1090-F was to approve the agreement of the lease.

Action: Mr. Commons motioned to support Board Report 1090-F and Ms. Boxley seconded.

Vote: Motion was carried unanimously 8-0

D. Process for Review of TT Expenditures

Mr. Cates & Ms. Vance

Ms. Vance asked District Staff how quickly they could send the COC committee proposed board reports for review before they go to the Facilities Committee. Mr. Cayabyab replied that the board reports are sent to the Facilities Committee 72 hours before their meeting. Mr. Cayabyab agreed to send the proposed board reports to the COC at the same time that the board reports are sent to the Facilities Committee. That would allow the COC to have 48 hours to review the board reports and make their recommendations to the Facilities Committee before their meeting. Nadia will email the proposed board reports to Mr. Cates, Mr. Hocutt, Mr. Cole, Mr. Walker and Ms. Vance.

E. Performance and financial audits

Messrs. Whittington and Cates

This item was postponed until the October meeting. Ms. Vance recommended to the committee that they read the draft audit report that was provided to them so that they can have questions to ask Jimmy Whittington at the next meeting when he presents the audit report.

F. School Site Counsel Representatives and Schedule

Ms. Vance

- Ms. Vance shared with the committee that on the first Monday of each month the District Advisory Council (DAC) meets at the Education Center at 6:00 p.m. she



asked committee members to volunteer to attend the DAC meeting to get feedback from multiple school site council representatives.

- Mr. Walker volunteered to be added to the Marshall Fundamental School site council meetings schedule.
- Ms. Verdugo volunteered to be the DAC representative for the committee and attend the DAC meetings.
- Mr. Hocutt requested assistance from the committee with updating the School Site council spreadsheet. He mentioned that there is missing information on the list, for example, some office managers' names and e-mail addresses. He asked that they send him the information so that he could update the spreadsheet.
- Mr. Hocutt attended the John Muir High School site council meeting and reported that Principal Sippel was very pleased with Mr. Cayabyab's efforts with moving the school's plans ahead.
- Mr. Cole shared that the upcoming Site Council training is scheduled for September 28, 2016 from 9 to 11 am and 6 to 8 pm. He encouraged all to attend.
- Ms. Vance attended the Pasadena High School site council meeting and she requested that Mr. Cayabyab schedule a visit with the new Principal at PHS to inform him of the construction plans at that site. Staff will schedule a meeting to brief the Principal on the school plans.
- Ms. Verdugo asked about the status of issuing badges for the COC members to use when they visit school sites. Mr. Cahalan said he would follow-up with the Superintendent's office on this.

G. COC Website

Messrs. Cahalan and Cates

- Mr. Cates mentioned that there has been progress on the COC website but there is still significant work to be done. He requested a meeting with Project Manager Kris Zazirski to inform him of the changes the Committee would like to see on the Measure TT webpage and to work more closely with him to ensure completion.
- Mr. Cahalan commented that Mr. Zazirski has accomplished all of the items that Mr. Cates and Ms. Vance had requested to date, a description with which Mr. Cates did not agree. He added that he had sent Kris Mr. Cates request to give the COC members access to the COC member page so that they would be able to update the page and post meeting materials themselves. Once this request is completed an account can be set for Ms. Vance. Mr. Cahalan also offered to sit down with Mr. Zazirski, Mr. Cates and Ms. Vance to show them how to modify and make updates to the webpage.

V. REPORT BY COC PROJECT FINANCE MONITOR

Ms. Boxley

- Ms. Boxley shared that the District's accounting staff has added an extra column to the consolidated budget status spreadsheet that will show any changes to the projects' costs. The report also allows one to look at the detail data to see where the changes occurred.
- Ms. Boxley asked Nadia to e-mail the budget spreadsheet to all members and post the spreadsheet with the meeting materials online.



VI. REPORT BY CHIEF OF FACILITIES

Mr. Cayabyab

A. Proposed Future Measure TT Expenditures

i. Historical Significance Survey Cost for Linda Vista and San Rafael Elementary Schools.

- Mr. Cayabyab explained that the Pasadena Heritage community has expressed concerns that historical sites be maintained. There has never been an historical survey done at any PUSD site. This survey is proposed to perform the research necessary to determine if a school site is considered of historical significance. If a site is considered to have historical significance, it will then dictate the way construction is planned due to a requirement to preserve the site's historical significance.
- Mr. Cates was dubious about the propriety of charging the expense of the survey to Proposition TT funds and requested that Staff provide the committee with a board report on this proposal so that it can be further analyzed.

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ii. California Financial Services costs for records and PeopleSoft (software) reconciliation (Tax Audit Preparation).

- Mr. Cayabyab informed the committee that this item was pulled by Staff and was not submitted for board approval.

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iii. Consideration of water testing at school sites.

- Mr. Cayabyab informed the committee that there was an issue with drinking water not being tested at school sites often enough. Mr. Cayabyab is proposing to have this proposal approved under Measure TT on the basis of student safety.
- Again, Mr. Cates expressed doubt as to whether this is a proper Proposition TT expenditure but recommended that the committee take no action until it received a formal Board Report. Mr. Cates added that moving forward the Committee should be given the opportunity by the District to review all proposed Proposition TT expenditures before they are submitted to the Board for approval.

B. Facilities Organization Charts with proposed new hires.

- Mr. Cayabyab informed the committee that one of his construction specialists has resigned from the District and he has replaced her with the second candidate on the eligibility list for this position. A third construction specialist position is being advertised to fill that position. He also stated that he has started the process with the Personnel Commission to hire a Director of Construction and it will take approximately six months to fill this position. Mr. Walker asked if the new hire would be able to replace Parsons Corporation local hire monitoring, and Mr. Cayabyab confirmed this.

VII. REPORT BY BOARD OF EDUCATION LIAISON

Mr. Cahalan

- Mr. Cahalan informed the committee that the Educational Master Plan was presented last week and the documents are available to view on the PUSD website under the meeting documents heading. He added that the full PUSD board meeting is scheduled for



September 22, 2016. He also reported that the Facilities and Finance committee meetings may change their meeting dates and he will know definitive dates by Friday, September 23, 2016.

VIII. REPORT BY COC LIAISON TO FACILITIES COMMITTEE

Mr. Cole

- Mr. Cole informed the COC that he had attended all of the PUSD Facilities committee meetings over the summer months and everything discussed there had been covered in tonight's meeting. He noted it was unclear if the impending high school swimming pool projects would be funded by Measure TT. Mr. Cayabyab informed the committee that the pool projects will be funded under Measure TT and that the projects are currently in the planning process.

IX. FUTURE MEETING AGENDA ITEMS, DATES, AND LOCATIONS

- Ms. Vance requested that the upcoming October 19 meeting be held at Pasadena High School.

X. ADJOURNMENT

The meeting was adjourned at 9:15 p.m.