



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



**Emery Unified School District**  
4727 San Pablo Avenue, Emeryville, CA 94608  
(510) 601-4000 (510) 601-4913 Fax  
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## **Citizens Oversight Committee (COC)**

### **Measure J and the Emeryville Center of Community Life (ECCL)**

Meeting Agenda

May 18, 2011 at 6:00 p.m.

***Anna Yates Elementary School Conference Room, 1070 41<sup>st</sup> Street***

1. Introduction/Public comments on items not on the agenda/Questions from prior meeting
2. Approval of Minutes for April 20, 2011 Meeting
3. Information Items
  - a. Review of past community engagement efforts, 2000-2009 (Miller/Kim)
4. Action Items
  - a. Request for clarification regarding payment of administrator salaries (Enomoto)
  - b. Oversight Committee proposal for Measure J expenditure reports (Carver)
  - c. Oversight Committee statement on role as Steering Committee (Carver)
  - d. Discussion/possible creation of subcommittees (Schuman)
  - e. Setting a date for a Special Meeting to tour Emery Unified properties (Carver)
5. Q&A, Member comments
6. Adjournment

### OBJECTIVES of this meeting:

1. COC members will discuss committee protocol on asking for clarifying information
2. COC members will discuss their initial ideas on Measure J expenditure reports, Steering Committee roles, and creation of COC subcommittees
3. COC members will set a date to tour EUSD facilities

**FURTHER INFORMATION** may be obtained by contacting Hayin Kim or Roy Miller at (510) 601-4750 or (510) 224-7384.

DATED: 04/15/2011

Post on: 04/15/2011

Post until: 04/21/2011

*Pursuant to the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990, any individual with a disability who requires reasonable accommodation related to COC meetings, may request assistance by contacting the Emery Unified School District, 510-601-4000.*



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### Citizens Oversight Committee (COC)

April 20, 2011 at 6:00 p.m.

#### COC members present:

Lisa Carlisle  
Brian Carver  
Elizabeth Cooley  
Shirley Enomoto  
Mitchell Fine  
Joy Kent  
Marcelline Krafchick  
Dave Martinez  
Barbie Robinson  
Andrea Sanchez-Cortez  
Charlie Schuman  
Frank Aalbers  
Rodney Wong  
Kelly Maddox

Tom Rauch  
Ronald Henry

#### COC members absent:

Judy Inouye

#### Others present:

Miguel Dwin (EUSD School Board President)  
Melinda Chinn (City of Emeryville)  
Roy Miller (EUSD Architect)  
Hayin Kim (EUSD Dir. of Youth & Community Engagement)  
Brynnda Collins (Minutes)  
Matt Johnson (Community Member)

#### AGENDA ITEMS- Major Focus of Meeting: COC Scope of work

##### **Introductions/Comments/Questions from prior meetings**

- Brian Carver relayed clarified information regarding Form 700 (statement of economic interests), as he received from Lisa Taymuree
- Brian requested opportunity for the COC to view other facilities including but not limited to Ralph Hawley site
- Brian requested itemized list where Measure J funds will be spent
  - Important that the COC Committee and School Board develop relationship regarding Measure J funds
  - COC clarification of process on what it means to oversee expenditures, and how City/Schools decides on expenditures
- Shirley Enomoto requested that the COC review monthly expenditures reports instead of quarterly
- Staff wants to meet with COC to lay out "What Community Engagement looks like" in time for resolution to be written
- Mitch Fine asked for clarifications on expenditures, e.g. is there a place to find Measure J money?
  - Roy Miller: 25.5 million in sold bonds has not been spent, Measure J funds don't yet exist
  - MOU # 1 is the agreement currently in place that provides the structure for the current work

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- MOU #2 had passed City/School and the School Board; waiting for next Council meeting for full ratification
  - Mitch proposed to COC that there be a structural way to view the budget
    - Roy clarified that the COC job is to review expenditures
    - Hayin offered to review by-laws in regards to the COC's role re: expenditures
  - Staff suggested that information will be presented to the COC in May to discuss community engagement
  - Brian addressed k-12 co- location and perceptions of community concerns; encouraged the School Board to keep an open mind
    - Frank asked if k-12 co-location is set in stone – in terms of Board direction
    - Roy stated it is an official decision coming from the School Board as to the educational program direction of the District
- 1. COC Scope of Work discussion and “Web” look ahead**
- Roy presented a power point presentation that contained one element of the new ECCL website describing the several activity stands that comprise the ECCL project work
    - Exhibit C, MOU #2 handout of Written Strands (included in meeting packet)
    - COC viewed the ESS Site Activity Strands and Calendar of Milestones (Comprehensive Schedule)
  - The ECCL Website will be updated once weekly
    - Facilities Development – ECCL main project, AY, Rec, Ralph Hawley (including interim housing)
    - Relationship Development (staff, youth, community)
      - Including specific links for the COC; meeting calendars; packets/agendas, etc.
    - Project support and Activities
- 2. Bond Sale Update(Roy)**
- April 8, 2011; EUSD sold \$25.5 million in Bond sales (See handout)
- 3. Brown Act Recap**
- Under the Brown Act, COC agendas must be made public
  - COC will have agendas and supporting documents e-mailed to them in a timely manner
  - Roy explained how to go to website for full content
- 4. Q&A**
- Brian Carver would like for COC to remain as transparent as possible

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- Marcelline would like to see in writing, what can change, what is the entry point?
  - Betsy asked how do we operationalize the COC?
  - Mitch reviewed the by-laws and shared his interpretation of the scope of work, section 3.Duties 3.4, 3.5
  - Joy strongly recommends COC members attend the City/Schools meeting on May 5<sup>th</sup>, 2011
    - Roy mentioned City/Schools Committee has a place holder for COC on monthly agenda
  - Hayin addressed question presented to her at the last City/Schools meeting regarding the visibility and accessibility of the COC meeting location

**Adjournment, 7:39 PM**

**Citizens' Oversight Committee Meeting**  
*Anna Yates Elementary School, Conference Room (Mod. 12)*  
*1070 41st Street, Emeryville*

- PLEASE USE ENTRANCE GATE at 43<sup>rd</sup> and Salem, see map 
- The conference room is on the 2<sup>nd</sup> floor of the modular building, see map 
- Elevator access is available, see map 



Questions? Call Hayin Kim, 510-224-7384

TO BE PUBLISHED IN THE OFFICIAL REPORTS

OFFICE OF THE ATTORNEY GENERAL  
State of California

BILL LOCKYER  
Attorney General

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|                         |   |                  |
|-------------------------|---|------------------|
| OPINION                 | : | No. 04-110       |
|                         | : |                  |
| of                      | : | November 9, 2004 |
|                         | : |                  |
| BILL LOCKYER            | : |                  |
| Attorney General        | : |                  |
|                         | : |                  |
| DANIEL G. STONE         | : |                  |
| Deputy Attorney General | : |                  |
|                         | : |                  |

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THE HONORABLE MANNY DIAZ, MEMBER OF THE STATE ASSEMBLY, has requested an opinion on the following question:

May a school district use Proposition 39 school bond proceeds to pay the salaries of district employees who perform administrative oversight work on construction projects authorized by a voter approved bond measure?

CONCLUSION

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.

## ANALYSIS

On November 8, 2000, California voters approved Proposition 39, which amended the Constitution to allow the issuance of bonds for the construction of school facilities if approved by 55 percent of a school district's voters and if specified conditions are met.<sup>1</sup> Among other things, subdivision (b)(3) was added to section 1 of article XIII A of the Constitution, providing that the one percent property tax limitation does not apply to:

“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.” (Italics added.)

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<sup>1</sup> Normally, approval of a school district's bonded indebtedness would require a two-thirds approval vote of a district's voters. (See Cal. Const., art. XIII A, § 1, subd. (b)(2), art. XVI, § 18, subd. (a).)



We are asked to determine whether the prohibition against using Proposition 39 school bond proceeds for “teacher and administrator salaries and other school operating expenses” (Cal. Const., art. XIII A, § 1, subd. (b)(3)(A)) applies to the payment of salaries of school district employees who perform administrative oversight work on construction projects authorized by a voter approved bond measure. We conclude that the prohibition is inapplicable to such salary expenses.

Preliminarily, we note that Proposition 39 also amended section 18 of article XVI of the Constitution in several respects, including the addition of subdivision (b), as follows:

“. . . [O]n or after the effective date of the measure adding this subdivision, in the case of any school district, community college district, or county office of education, any proposition for the incurrence of indebtedness in the form of general obligation bonds 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, shall be adopted upon the approval of 55 percent of the voters of the district or county, as appropriate, voting on the proposition at an election. This subdivision shall apply only to a proposition for the incurrence of indebtedness in the form of general obligation bonds for the purposes specified in this subdivision if the proposition meets all of the accountability requirements of paragraph (3) of subdivision (b) of Section 1 of Article XIII A.”

In addition, to implement the provisions of Proposition 39, the Legislature has enacted “The Strict Accountability in Local School Construction Bonds Act of 2000” (Ed. Code, §§ 15264-15288; “Act”),<sup>2</sup> targeting “unauthorized expenditures” of Proposition 39 school bond proceeds. Section 15264 thus provides:

“It is the intent of the Legislature that all of the following are realized:

“(a) Vigorous efforts are undertaken to ensure that the expenditure of bond measures, including those authorized pursuant to paragraph (3) of subdivision (b) of Section 1 of Article XIII A of the California Constitution, are in strict conformity with the law.

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<sup>2</sup> All references hereafter to the Education Code are by section number only.



“(b) Taxpayers directly participate in the oversight of bond expenditures.

“(c) The members of the oversight committees appointed pursuant to this chapter promptly alert the public to any waste or improper expenditure of school construction bond money.

“(d) That unauthorized expenditures of school construction bond revenues are vigorously investigated, prosecuted, and that the courts act swiftly to restrain any improper expenditures.”

Section 15278 requires the establishment of a citizens’ oversight committee with the following duties:

“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.” (§ 15278, subd. (b).)

Oversight committees are expressly permitted to engage in a number of review and inspection activities, including review of school districts’ efforts “to maximize bond revenues by implementing cost-saving measures,” specifically including “[m]echanisms designed to reduce the costs of professional fees.” (§ 15278, subd. (c)(5)(A).)

Finally, section 15284 provides for the filing of expedited civil actions, known as “School Bond Waste Prevention Actions,” by persons residing in the school district when, among other things, it appears that bond proceeds are being spent “for purposes other than those specified in paragraph (3) of subdivision (b) of Section 1 of Article XIII A of the California Constitution.” (§ 15284, subd. (a)(1).)

With these constitutional and statutory provisions in mind, we return to the language of section 1, subdivision (b)(3)(A), of article XIII A of the Constitution. School bond proceeds may be expended only for “the construction, reconstruction, rehabilitation, or replacement of school facilities” and *not* “for any other purpose, including teacher and administrator salaries and other school operating expenses.” In which of these categories are the salaries of district employees whose work involves oversight of the construction projects authorized by a voter approved bond measure?

We believe that the phrase “the construction, reconstruction, rehabilitation, or replacement of school facilities” embraces project administrative costs, such as monitoring contracts and project funding, overseeing construction progress, and performing overall project management and accounting that facilitates timely completion of the construction project. A construction project generates not only the costs of materials and equipment, architectural and engineering design work, and construction worker salaries, but also costs of project administration -- work that the school district would not be required to undertake or to fund *but for* the existence of the construction project. This administrative work is performed, whether by private consultants under contract with the school district or by school district employees with expertise in project management, to ensure that all aspects of the construction project are properly coordinated; that each step satisfies the specifications; that invoices are reviewed, revised where appropriate, and paid in a timely manner; that costs do not exceed the project’s budget; and that the project is completed on schedule. (See 78 Ops.Cal.Atty.Gen. 48 (1995).)<sup>3</sup>

Some of these administrative tasks -- specifically, conducting an annual independent performance audit and an annual independent financial audit during the life of the construction project -- are expressly required by Proposition 39 itself, as a condition of qualifying for the 55 percent voter approval requirement. (See Cal. Const., art. XIII A, § 1, subds. (b)(3)(C), (b)(3)(D).) We view these kinds of project administration costs, because they relate directly to the bond projects and are an integral part of the construction process,

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<sup>3</sup> We distinguish these “management costs” from actual construction labor that district employees might contribute to the project -- such as electrical work, carpentry, painting, or plumbing. The use of district employees for construction labor is subject to separate legal restrictions. (See, e.g., Pub. Contract Code, § 20114; cf. Pub. Contract Code, § 22032.) However, the question posed here concerns only those administrative duties required for oversight of the construction project.

as coming within “the purposes specified in Article XIII A, Section 1(b) (3).” (Cal. Const., art. XIII A, § 1, subd. (b)(3)(A); see § 15278, subd. (b).)<sup>4</sup>

Such project management costs may therefore be funded by Proposition 39 school bond proceeds unless the expenditures are specifically prohibited under the phrase “teacher and administrator salaries and other school operating expenses.” The “teacher and administrator salaries” in question are limited to those that qualify as “school operating expenses” because of the word “other” contained in the phrase.<sup>5</sup> We believe that “school operating expenses” are those regular, ongoing, day-to-day costs associated with maintaining and operating a school. Among such expenses would be (1) the cost of managing the educational services provided, including the salaries of school administrators, and (2) the cost of providing instruction to students, including the salaries of teachers. (See 22 Ops.Cal.Atty.Gen. 105, 108 (1953) [school district’s normal operating expenses include purchase of supplies and payment of salaries of school administrators, teachers, and janitors].)<sup>6</sup>

We distinguish between routine, everyday school operating expenses and the narrow category of costs and salaries of concern here -- costs that arise only in connection with, and are incurred only for the duration of, construction projects authorized by a voter approved school bond measure. The latter expenses are not incurred in the school’s ordinary ongoing operation, but are instead an integral part of the construction process and “in the nature of an investment for the future.” As the court explained in *Marin U. Junior College Dist. v. Gwinn* (1930) 106 Cal.App. 12:

“For years the legislature has recognized the well-established economic

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<sup>4</sup> To the extent the management services consist of onsite assessment of technical matters involving, for example, design, materials, building standards, or workmanship, a project manager may be required to be licensed and have experience in the particular subject area. (Cf. Gov. Code, §§ 4525-4529.5; 78 Ops.Cal.Atty.Gen. 48, *supra*; 57 Ops.Cal.Atty.Gen. 421 (1974).)

<sup>5</sup> In interpreting the constitutional language added by Proposition 39, “our paramount task is to ascertain the intent of those who enacted it. [Citation.]” (*Thompson v. Department of Corrections* (2001) 25 Cal.4th 117, 122.) In determining that intent, we “look first to the language of the constitutional text, giving the words their ordinary meaning.” (*Leone v. Medical Board* (2000) 22 Cal.4th 660, 665.) “A constitutional amendment should be construed in accordance with the natural and ordinary meaning of its words. [Citation.]” (*Hi-Voltage Wire Works, Inc. v. City of San Jose* (2000) 24 Cal.4th 537, 559.)

<sup>6</sup> We read Proposition 39’s use of the term “teacher . . . salaries” as meaning salaries for teaching, thus corresponding with “salaries of classroom teachers” as defined for school accounting purposes in section 41011. Appropriate definitions of “teacher” and “administrative employee” are contained in section 41401.

distinction between cost of capital expenditures and cost of maintenance. Throughout the school law this distinction has appeared in the special provisions for taxation (or for the issue of bonds) for the purchase of school lands and erection of school buildings and in the special provisions for maintenance. It is further illustrated by the numerous statutes calling for the creation of special building funds as distinct from the general, or maintenance, funds. It is based upon the sound economic principle that a capital expenditure is in the nature of an investment for the future, whereas the cost of maintenance is a definite present expense.” (*Id.* at pp. 13-14.)

Accordingly, we believe that Proposition 39’s prohibition against the use of school bond proceeds for “school operating expenses” does not bar use of the proceeds for the payment of salaries of school district employees performing oversight work on construction projects authorized by a voter approved bond measure.

Our interpretation of the language of Proposition 39 allows school districts, where feasible, to implement “cost-saving measures” and “reduce the costs of professional fees” on voter approved construction projects -- objectives promoted by the Legislature in implementing Proposition 39. (See § 15278, subd. (c)(5)(A).) School district employees with the requisite expertise may be able to perform project management work at less cost to the district than if the work were performed by private consultants.

It is also consistent with other legislative schemes dealing with similar types of costs. (See, e.g., Gov. Code, § 16727, subd. (a) [“costs of construction or acquisition of capital assets” for which bond proceeds may be expended “include costs incidentally but directly related to construction or acquisition”]; Pub. Resources Code, § 5096.674 [bond proceeds for site acquisition and development of parks and recreation areas may be applied to “costs incurred in connection with administering” bond programs]; Wat. Code, § 13959, subd. (f) [defining “construction” of bond-funded water treatment facilities to include “legal, fiscal, or economic investigations or studies, surveys, designs, plans, . . . or the inspection or supervision of any of the foregoing items”].) Administrative oversight work is an integral part of the construction process.

Finally, we note that a contrary conclusion would permit the use of the school bond proceeds for administrative oversight work if performed by private consultants under contract with a school district while forbidding the use of such proceeds for the same work performed, presumably at lower cost, by district employees. Nothing in the November 8, 2000 ballot pamphlet remotely suggests that California voters intended such a result when they adopted Proposition 39.

We conclude that 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.

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OFFICE OF THE ATTORNEY GENERAL  
State of California

BILL LOCKYER  
Attorney General

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|                         | : |                  |
| of                      | : | November 9, 2004 |
|                         | : |                  |
| BILL LOCKYER            | : |                  |
| Attorney General        | : |                  |
|                         | : |                  |
| DANIEL G. STONE         | : |                  |
| Deputy Attorney General | : |                  |
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“(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.” (§ 15278, subd. (b).)

Oversight committees are expressly permitted to engage in a number of review and inspection activities, including review of school districts’ efforts “to maximize bond revenues by implementing cost-saving measures,” specifically including “[m]echanisms designed to reduce the costs of professional fees.” (§ 15278, subd. (c)(5)(A).)

Finally, section 15284 provides for the filing of expedited civil actions, known as “School Bond Waste Prevention Actions,” by persons residing in the school district when, among other things, it appears that bond proceeds are being spent “for purposes other than those specified in paragraph (3) of subdivision (b) of Section 1 of Article XIII A of the California Constitution.” (§ 15284, subd. (a)(1).)

With these constitutional and statutory provisions in mind, we return to the language of section 1, subdivision (b)(3)(A), of article XIII A of the Constitution. School bond proceeds may be expended only for “the construction, reconstruction, rehabilitation, or replacement of school facilities” and *not* “for any other purpose, including teacher and administrator salaries and other school operating expenses.” In which of these categories are the salaries of district employees whose work involves oversight of the construction projects authorized by a voter approved bond measure?

We believe that the phrase “the construction, reconstruction, rehabilitation, or replacement of school facilities” embraces project administrative costs, such as monitoring contracts and project funding, overseeing construction progress, and performing overall project management and accounting that facilitates timely completion of the construction project. A construction project generates not only the costs of materials and equipment, architectural and engineering design work, and construction worker salaries, but also costs of project administration -- work that the school district would not be required to undertake or to fund *but for* the existence of the construction project. This administrative work is performed, whether by private consultants under contract with the school district or by school district employees with expertise in project management, to ensure that all aspects of the construction project are properly coordinated; that each step satisfies the specifications; that invoices are reviewed, revised where appropriate, and paid in a timely manner; that costs do not exceed the project’s budget; and that the project is completed on schedule. (See 78 Ops.Cal.Atty.Gen. 48 (1995).)<sup>3</sup>

Some of these administrative tasks -- specifically, conducting an annual independent performance audit and an annual independent financial audit during the life of the construction project -- are expressly required by Proposition 39 itself, as a condition of qualifying for the 55 percent voter approval requirement. (See Cal. Const., art. XIII A, § 1, subds. (b)(3)(C), (b)(3)(D).) We view these kinds of project administration costs, because they relate directly to the bond projects and are an integral part of the construction process,

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<sup>3</sup> We distinguish these “management costs” from actual construction labor that district employees might contribute to the project -- such as electrical work, carpentry, painting, or plumbing. The use of district employees for construction labor is subject to separate legal restrictions. (See, e.g., Pub. Contract Code, § 20114; cf. Pub. Contract Code, § 22032.) However, the question posed here concerns only those administrative duties required for oversight of the construction project.

as coming within “the purposes specified in Article XIII A, Section 1(b) (3).” (Cal. Const., art. XIII A, § 1, subd. (b)(3)(A); see § 15278, subd. (b).)<sup>4</sup>

Such project management costs may therefore be funded by Proposition 39 school bond proceeds unless the expenditures are specifically prohibited under the phrase “teacher and administrator salaries and other school operating expenses.” The “teacher and administrator salaries” in question are limited to those that qualify as “school operating expenses” because of the word “other” contained in the phrase.<sup>5</sup> We believe that “school operating expenses” are those regular, ongoing, day-to-day costs associated with maintaining and operating a school. Among such expenses would be (1) the cost of managing the educational services provided, including the salaries of school administrators, and (2) the cost of providing instruction to students, including the salaries of teachers. (See 22 Ops.Cal.Atty.Gen. 105, 108 (1953) [school district’s normal operating expenses include purchase of supplies and payment of salaries of school administrators, teachers, and janitors].)<sup>6</sup>

We distinguish between routine, everyday school operating expenses and the narrow category of costs and salaries of concern here -- costs that arise only in connection with, and are incurred only for the duration of, construction projects authorized by a voter approved school bond measure. The latter expenses are not incurred in the school’s ordinary ongoing operation, but are instead an integral part of the construction process and “in the nature of an investment for the future.” As the court explained in *Marin U. Junior College Dist. v. Gwinn* (1930) 106 Cal.App. 12:

“For years the legislature has recognized the well-established economic

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<sup>4</sup> To the extent the management services consist of onsite assessment of technical matters involving, for example, design, materials, building standards, or workmanship, a project manager may be required to be licensed and have experience in the particular subject area. (Cf. Gov. Code, §§ 4525-4529.5; 78 Ops.Cal.Atty.Gen. 48, *supra*; 57 Ops.Cal.Atty.Gen. 421 (1974).)

<sup>5</sup> In interpreting the constitutional language added by Proposition 39, “our paramount task is to ascertain the intent of those who enacted it. [Citation.]” (*Thompson v. Department of Corrections* (2001) 25 Cal.4th 117, 122.) In determining that intent, we “look first to the language of the constitutional text, giving the words their ordinary meaning.” (*Leone v. Medical Board* (2000) 22 Cal.4th 660, 665.) “A constitutional amendment should be construed in accordance with the natural and ordinary meaning of its words. [Citation.]” (*Hi-Voltage Wire Works, Inc. v. City of San Jose* (2000) 24 Cal.4th 537, 559.)

<sup>6</sup> We read Proposition 39’s use of the term “teacher . . . salaries” as meaning salaries for teaching, thus corresponding with “salaries of classroom teachers” as defined for school accounting purposes in section 41011. Appropriate definitions of “teacher” and “administrative employee” are contained in section 41401.

distinction between cost of capital expenditures and cost of maintenance. Throughout the school law this distinction has appeared in the special provisions for taxation (or for the issue of bonds) for the purchase of school lands and erection of school buildings and in the special provisions for maintenance. It is further illustrated by the numerous statutes calling for the creation of special building funds as distinct from the general, or maintenance, funds. It is based upon the sound economic principle that a capital expenditure is in the nature of an investment for the future, whereas the cost of maintenance is a definite present expense.” (*Id.* at pp. 13-14.)

Accordingly, we believe that Proposition 39’s prohibition against the use of school bond proceeds for “school operating expenses” does not bar use of the proceeds for the payment of salaries of school district employees performing oversight work on construction projects authorized by a voter approved bond measure.

Our interpretation of the language of Proposition 39 allows school districts, where feasible, to implement “cost-saving measures” and “reduce the costs of professional fees” on voter approved construction projects -- objectives promoted by the Legislature in implementing Proposition 39. (See § 15278, subd. (c)(5)(A).) School district employees with the requisite expertise may be able to perform project management work at less cost to the district than if the work were performed by private consultants.

It is also consistent with other legislative schemes dealing with similar types of costs. (See, e.g., Gov. Code, § 16727, subd. (a) [“costs of construction or acquisition of capital assets” for which bond proceeds may be expended “include costs incidentally but directly related to construction or acquisition”]; Pub. Resources Code, § 5096.674 [bond proceeds for site acquisition and development of parks and recreation areas may be applied to “costs incurred in connection with administering” bond programs]; Wat. Code, § 13959, subd. (f) [defining “construction” of bond-funded water treatment facilities to include “legal, fiscal, or economic investigations or studies, surveys, designs, plans, . . . or the inspection or supervision of any of the foregoing items”].) Administrative oversight work is an integral part of the construction process.

Finally, we note that a contrary conclusion would permit the use of the school bond proceeds for administrative oversight work if performed by private consultants under contract with a school district while forbidding the use of such proceeds for the same work performed, presumably at lower cost, by district employees. Nothing in the November 8, 2000 ballot pamphlet remotely suggests that California voters intended such a result when they adopted Proposition 39.

We conclude that 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.

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PROPOSITION **2000 General**

**39** **SCHOOL FACILITIES. 55% LOCAL VOTE. BONDS, TAXES. ACCOUNTABILITY REQUIREMENTS.**

Text of Proposed Law

This initiative measure is submitted to the people of California in accordance with the provisions of Section 8 of Article II of the California Constitution.

This initiative measure amends provisions of the California Constitution and the Education Code; therefore, existing provisions proposed to be deleted are printed in ~~strikeout type~~ and new provisions proposed to be added are printed in *italic type* to indicate that they are new.

#### PROPOSED LAW

#### SMALLER CLASSES, SAFER SCHOOLS AND FINANCIAL ACCOUNTABILITY ACT

#### SECTION ONE. TITLE

This act shall be known as the Smaller Classes, Safer Schools and Financial Accountability Act.

#### SECTION TWO. FINDINGS AND DECLARATIONS

The people of the State of California find and declare as follows:

- (a) Investing in education is crucial if we are to prepare our children for the 21st Century.
- (b) We need to make sure our children have access to the learning tools of the 21st Century like computers and the Internet, but most California classrooms do not have access to these technologies.



(c) We need to build new classrooms to facilitate class size reduction, so our children can learn basic skills like reading and mathematics in an environment that ensures that California's commitment to class size reduction does not become an empty promise.

(d) We need to repair and rebuild our dilapidated schools to ensure that our children learn in a safe and secure environment.

(e) Students in public charter schools should be entitled to reasonable access to a safe and secure learning environment.

(f) We need to give local citizens and local parents the ability to build those classrooms by a 55 percent vote in local elections so each community can decide what is best for its children.

(g) We need to ensure accountability so that funds are spent prudently and only as directed by citizens of the community.

### SECTION THREE. PURPOSE AND INTENT

In order to prepare our children for the 21st Century, to implement class size reduction, to ensure that our children learn in a secure and safe environment, and to ensure that school districts are accountable for prudent and responsible spending for school facilities, the people of the State of California do hereby enact the Smaller Classes, Safer Schools and Financial Accountability Act. This measure is intended to accomplish its purposes by amending the California Constitution and the California Education Code:

(a) To provide an exception to the limitation on ad valorem property taxes and the two-thirds vote requirement to allow school districts, community college districts, and county offices of education to equip our schools for the 21st Century, to provide our children with smaller classes, and to ensure our children's safety by repairing, building, furnishing and equipping school facilities;

(b) To require school district boards, community college boards, and county offices of education to evaluate safety, class size reduction, and information technology needs in developing a list of specific projects to present to the voters;

(c) To ensure that before they vote, voters will be given a list of specific projects their bond money will be used for;

(d) To require an annual, independent financial audit of the proceeds from the sale of the school facilities bonds until all of the proceeds have been expended for the specified school facilities projects; and

(e) To ensure that the proceeds from the sale of school facilities bonds are used for specified school facilities projects only, and not for teacher and administrator salaries and other school operating expenses, by requiring an annual, independent performance audit to ensure that the funds have been expended on specific projects only.

#### SECTION FOUR

Section 1 of Article XIII A of the California Constitution is amended to read:

SEC. 1. (a) The maximum amount of any ad valorem tax on real property shall not exceed One percent (1%) of the full cash value of such property. The one percent (1%) tax to be collected by the counties and apportioned according to law to the districts within the counties.

(b) The limitation provided for in subdivision (a) shall not apply to ad valorem taxes or special assessments to pay the interest and redemption charges on ~~(1) any indebtedness of the following:~~

*(1) Indebtedness approved by the voters prior to July 1, 1978. ~~or (2) any bonded~~*

*(2) Bonded indebtedness for the acquisition or improvement of real property approved on or after July 1, 1978, by two-thirds of the votes cast by the voters voting on the proposition.*

*(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.*

*(c) Notwithstanding any other provisions of law or of this Constitution, school districts, community college districts, and county offices of education may levy a 55 percent vote ad valorem tax pursuant to subdivision (b).*

## SECTION FIVE

Section 18 of Article XVI of the California Constitution is amended to read:

SEC. 18. (a) No county, city, town, township, board of education, or school district, shall incur any indebtedness or liability in any manner or for any purpose exceeding in any year the income and revenue provided for such year, without the assent of two-thirds of the ~~qualified electors thereof,~~ voters of the public entity voting at an election to be held for that purpose, except that with respect to any such public entity which is authorized to incur indebtedness for public school purposes, any proposition for the incurrence of indebtedness in the form of general obligation bonds for the purpose of repairing, reconstructing or replacing public school buildings determined, in the manner prescribed by law, to be structurally unsafe for school use, shall be adopted upon the approval of a majority of the ~~qualified electors~~ voters of the public entity voting on the proposition at such election; nor unless before or at the time of incurring such indebtedness provision shall be made for the collection of an annual tax sufficient to pay the interest on such indebtedness as it falls due, and ~~also provision to constitute~~ provide for a sinking fund for the payment of the principal thereof, on or before maturity, which shall not exceed forty years from the time of contracting the same; ~~provided, however, anything to the contrary herein notwithstanding, when~~ indebtedness.

*(b) Notwithstanding subdivision (a), on or after the effective date of the measure adding this subdivision, in the case of any school district, community college district, or county office of education, any proposition for the incurrence of indebtedness in the form of general obligation bonds 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, shall be adopted upon the approval of 55 percent of the voters of the district or county, as appropriate, voting on the proposition at an election. This subdivision shall apply only to a proposition for the incurrence of indebtedness in the form of general obligation bonds for the purposes specified in this subdivision if the proposition meets all of the accountability requirements of paragraph (3) of subdivision (b) of Section 1 of Article XIII A.*

*(c) When two or more propositions for incurring any indebtedness or liability are submitted at the same election, the votes cast for and against each proposition shall be counted separately, and when two-thirds or a majority or 55 percent of the ~~qualified electors~~ voters, as the case may be, voting on any one of ~~such~~ those propositions, vote in favor thereof, ~~such~~ the proposition shall be deemed adopted.*

## SECTION SIX

Section 47614 of the Education Code is amended to read: 47614. ~~A school district in which a charter school operates shall permit a charter school to use, at no charge, facilities not currently being used by the school district for instructional or administrative purposes, or that have not been historically used for rental purposes provided the charter school shall be responsible for reasonable maintenance of those facilities.~~

*(a) The intent of the people in amending Section 47614 is that public school facilities should be shared fairly among all public school pupils, including those in charter schools.*

*(b) Each school district shall make available, to each charter school operating in the school district, facilities sufficient for the charter school to accommodate all of the charter school ~~as~~ in-district students in conditions reasonably equivalent to those in which the students would be accommodated if they were attending other public schools of the district. Facilities provided shall be contiguous, furnished, and equipped, and shall remain the property of the school district. The school district shall make reasonable efforts to provide the charter school with*

*facilities near to where the charter school wishes to locate, and shall not move the charter school unnecessarily.*

*(1) The school district may charge the charter school a pro rata share (based on the ratio of space allocated by the school district to the charter school divided by the total space of the district) of those school district facilities costs which the school district pays for with unrestricted general fund revenues. The charter school shall not be otherwise charged for use of the facilities. No school district shall be required to use unrestricted general fund revenues to rent, buy, or lease facilities for charter school students.*

*(2) Each year each charter school desiring facilities from a school district in which it is operating shall provide the school district with a reasonable projection of the charter school's average daily classroom attendance by in-district students for the following year. The district shall allocate facilities to the charter school for that following year based upon this projection. If the charter school, during that following year, generates less average daily classroom attendance by in-district students than it projected, the charter school shall reimburse the district for the over-allocated space at rates to be set by the State Board of Education.*

*(3) Each school district's responsibilities under this section shall take effect three years from the effective date of the measure which added this subparagraph, or if the school district passes a school bond measure prior to that time on the first day of July next following such passage.*

*(4) Facilities requests based upon projections of fewer than 80 units of average daily classroom attendance for the year may be denied by the school district.*

*(5) The term "operating," as used in this section, shall mean either currently providing public education to in-district students, or having identified at least 80 in-district students who are meaningfully interested in enrolling in the charter school for the following year.*

*(6) The State Department of Education shall propose, and the State Board of Education may adopt, regulations implementing this subdivision, including but not limited to defining the terms "average daily classroom attendance," "conditions reasonably equivalent," "in-district students," "facilities costs," as well as defining the procedures and establishing timelines for the request for, reimbursement for, and provision of, facilities.*

#### SECTION SEVEN. CONFORMITY

The Legislature shall conform all applicable laws to this act. Until the Legislature has done so, any statutes that would be affected by this act shall be deemed to have been conformed with the 55 percent vote requirements of this act.

#### SECTION EIGHT. SEVERABILITY

If any of the provisions of this measure or the applicability of any provision of this measure to any person or circumstances shall be found to be unconstitutional or otherwise invalid, such finding shall not affect the remaining provisions or applications of this measure to other persons or circumstances, and to that extent the provisions of this measure are deemed to be severable.

#### SECTION NINE. AMENDMENT

Section 6 of this measure may be amended to further its purpose by a bill passed by a majority of the membership of both houses of the Legislature and signed by the Governor, provided that at least 14 days prior to passage in each house, copies of the bill in final form shall be made available by the clerk of each house to the public and the news media.

#### SECTION TEN. LIBERAL CONSTRUCTION

The provisions of this act shall be liberally construed to effectuate its purposes.

CALIFORNIA EDUCATION CODE SECTIONS 15278(b)-15282

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.

(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.



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.

(b) All committee proceedings shall be open to the public and notice to the public shall be provided in the same manner as the proceedings of the governing board. The citizens' oversight committee shall issue regular reports on the results of its activities. A report shall be issued at least once a year. Minutes of the proceedings of the citizens' oversight committee and all documents received and reports issued shall be a matter of public record and be made available on an Internet website maintained by the governing board.

15282. (a) The citizens' oversight committee shall consist of at least seven members to serve for a term of two years without compensation and for no more than two consecutive terms. While consisting of a minimum of at least seven members, the citizens' oversight committee shall be comprised, as follows:

(1) One member shall be active in a business organization representing the business community located within the district.

(2) One member shall be active in a senior citizens' organization.

(3) One member shall be active in a bona fide taxpayers' organization.

(4) For a school district, one member shall be the parent or guardian of a child enrolled in the district. For a community college district, one member shall be a student who is both currently enrolled in the district and active in a community college group, such as student government. The community college student member may, at the discretion of the board, serve up to six months after his or her graduation.

(5) For a school district, one member shall be both a parent or guardian of a child enrolled in the district and active in a parent-teacher organization, such as the Parent Teacher Association or schoolsite council. For a community college district, one member shall be active in the support and organization of a community college or the community colleges of the district, such as a member of an advisory council or foundation.

(b) No employee or official of the district shall be appointed to the citizens' oversight committee. No vendor, contractor, or consultant of the district shall be appointed to the citizens' oversight committee. Members of the citizens' oversight committee shall, pursuant to Sections 35233 and 72533, abide by the prohibitions contained in Article 4 (commencing with Section 1090) and Article 4.7 (commencing with Section 1125) of Division 4 of Title 1 of the Government Code.

CALIFORNIA CONSTITUTION ARTICLE XIII A SECTION 1(b)(3)

(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.

(c) Notwithstanding any other provisions of law or of this Constitution, school districts, community college districts, and county offices of education may levy a 55 percent vote ad valorem tax pursuant to subdivision (b).

**Oversight Committee proposal for Measure J expenditure reports.**

**DRAFT FOR DISCUSSION – DRAFT FOR DISCUSSION – DRAFT FOR DISCUSSION**

To enable the Measure J Oversight Committee to perform its obligation to actively review and report on the proper expenditure of taxpayers' money for school construction and to ensure that bond revenues are expended only for the purposes described in the Measure J bond project list, and with the overall understanding that the purpose of the following agreement is to enable the Measure J Oversight Committee and the District to identify any potentially problematic expenditures at the earliest possible time, the Measure J Oversight Committee and the Emery Unified School District agree that:

1. Each School Board staff report discussing a potential District expenditure will clearly indicate:
  - a. the *source* of funds to be used for that potential expenditure;
  - b. the *amounts* of funds to be approved, contractually obligated, or expended; and
  - c. whether the expenditure is a *one-time or recurring* expenditure and if recurring, its frequency.
2. At each monthly meeting of the Oversight Committee, the Committee will receive a report covering all Measure J expenditures since the last such report, whether spent or approved by the School Board directly or by the Program Manager. The report shall indicate whether an expenditure is:
  - a. approved by the School Board but not yet the subject of a contractual obligation,
  - b. the subject of a contractual obligation, but not yet spent, or
  - c. spent.
3. The Measure J Expenditures Report will also indicate, so far as is possible, Measure J expenditures that are expected to be the subject of School Board or Program Manager action within the next month.
4. The Measure J Expenditures Report will, to the extent possible, also be provided to the Committee in an agreed-upon electronic format.
5. The Oversight Committee will review each Measure J Expenditure Report promptly and will immediately report any questions or concerns about an expenditure in writing to the School Board.
6. Members of the Oversight Committee will commit to raising any concerns regarding Measure J Expenditures, in the first instance, with the Oversight Committee.
7. The School Board will not contractually obligate or spend Measure J funds prior to the expenditure appearing on a Measure J Expenditure Report reviewed and approved by the Measure J Oversight Committee.

**DRAFT FOR DISCUSSION – DRAFT FOR DISCUSSION – DRAFT FOR DISCUSSION**

**Oversight Committee statement on role as Steering Committee.**

**DRAFT FOR DISCUSSION – DRAFT FOR DISCUSSION – DRAFT FOR DISCUSSION**

The Measure J Oversight Committee is charged with being a Steering Committee for the scope of work and with ensuring community engagement as stipulated by the Measure J bond language. The Core Values of Public Participation that were incorporated into the Measure J bond language commit the School District to engaging in a public participation process that, among other things:

- involves those affected by a decision in the decision-making process;
- promises that the public's contribution will influence the decision;
- promotes sustainable decisions by recognizing and communicating the needs and interests of all participants, including decision makers;
- seeks out and facilitates the involvement of those potentially affected by or interested in a decision;
- seeks input from participants in designing how they participate;
- provides participants with the information they need to participate in a meaningful way; and
- communicates to participants how their input affected the decision.

The Oversight Committee believes that these commitments dictate that its role as a Steering Committee for the scope of work must be based in a response to such a community engagement process and to such information as is provided by the District. The Oversight Committee will implement a community engagement process that honors these principles and then will endeavor to make the best recommendations regarding the scope of work to the District that it can, informed by this community engagement process.

**DRAFT FOR DISCUSSION – DRAFT FOR DISCUSSION – DRAFT FOR DISCUSSION**



## Meetings

The City of Emeryville holds regular public community meetings; we encourage residents to attend and share their thoughts on this ongoing project. Upcoming meeting information is listed below.

All City public meetings are conducted in accessible locations. If you require accommodations to participate in this meeting, these may be requested by calling 510-450-4813 or 771 (TTY relay) or by contacting ADA Coordinator Dominique B. Burton by phone (510-596-4380) or email ([dburton@emeryville.org](mailto:dburton@emeryville.org)) at least 72 hours in advance.



### Upcoming Meetings

| Meeting Title                              | Location   | Date                           | Time                     |
|--|--|--------------------------------|--------------------------|
| <b>Conceptual Master Plan Presentation</b> | <b>Pacific Park Plaza<br/>Christie Room<br/>6363 Christie Ave<br/>Emeryville, CA 94608</b>               | <b>03/19/2009<br/>Thursday</b> | <b>6:30 PM – 7:45 PM</b> |
| Conceptual Master Plan Presentation        | <b>Anna Yates Elementary School</b><br>Multi-Purpose Room<br>1070 41st Street<br>Emeryville, CA 94608    | 03/24/2009<br>Tuesday          | 6:15 PM – 7:30 PM        |
| Conceptual Master Plan Presentation        | <b>Emery Bay Village</b><br>EBV Community Room<br>Emery Bay Drive at 53rd Street<br>Emeryville, CA 94608 | 03/31/2009<br>Tuesday          | 7:00 PM – 8:15 PM        |

### Previous Meetings

| Meeting Title                       | Location  | Date                    | Time               |
|-------------------------------------|---|-------------------------|--------------------|
| Conceptual Master Plan Presentation | <b>Fire Station #2</b><br>Training Room<br>6303 Hollis Street<br>Emeryville, CA 94608       | 03/14/2009<br>Saturday  | 9:30 AM – 10:45 AM |
| Conceptual Master Plan Presentation | <b>City Hall</b><br>Council Chambers<br>1333 Park Avenue<br>Emeryville, CA 94608            | 03/04/2009<br>Wednesday | 11:45 AM – 1:00 PM |
| Conceptual Master Plan Presentation | <b>Watergate Condos</b><br>Clipper Club (B Room)<br>8 Captain Drive<br>Emeryville, CA 94608 | 03/09/2009<br>Monday    | 7:00 PM – 8:15 PM  |

You are invited to help shape the future of the  
**EMERYVILLE CENTER OF COMMUNITY LIFE!**

Come see what it's all about...

The Emeryville Center of Community Life (ECCL) is the community's vision of a unique and special place where schools, community services and arts and recreation programs are integrated to serve the entire Emeryville community efficiently and effectively. A conceptual master plan has been created and refined over the past year from citizen, staff, and architect input. Now is your time to view the most recent plan and give a final round of input/ideas before it moves forward.

- **Wednesday, March 4, 2009, 11:45am-1:00pm /  
City Hall and Civic Center, 1333 Park Avenue**
- **Monday, March 9, 2009, 7:00pm-8:15pm /  
Watergate Condo's Clipper Club, 5 Captain Drive**
- **Saturday, March 14, 2009, 9:30am-10:45am /  
Fire Station #2, 6303 Hollis Street**

Every presentation is open to the public. Please attend and bring a neighbor!

Food will be served at each meeting, and childcare will be provided!

**CAN'T MAKE THESE DATES?**

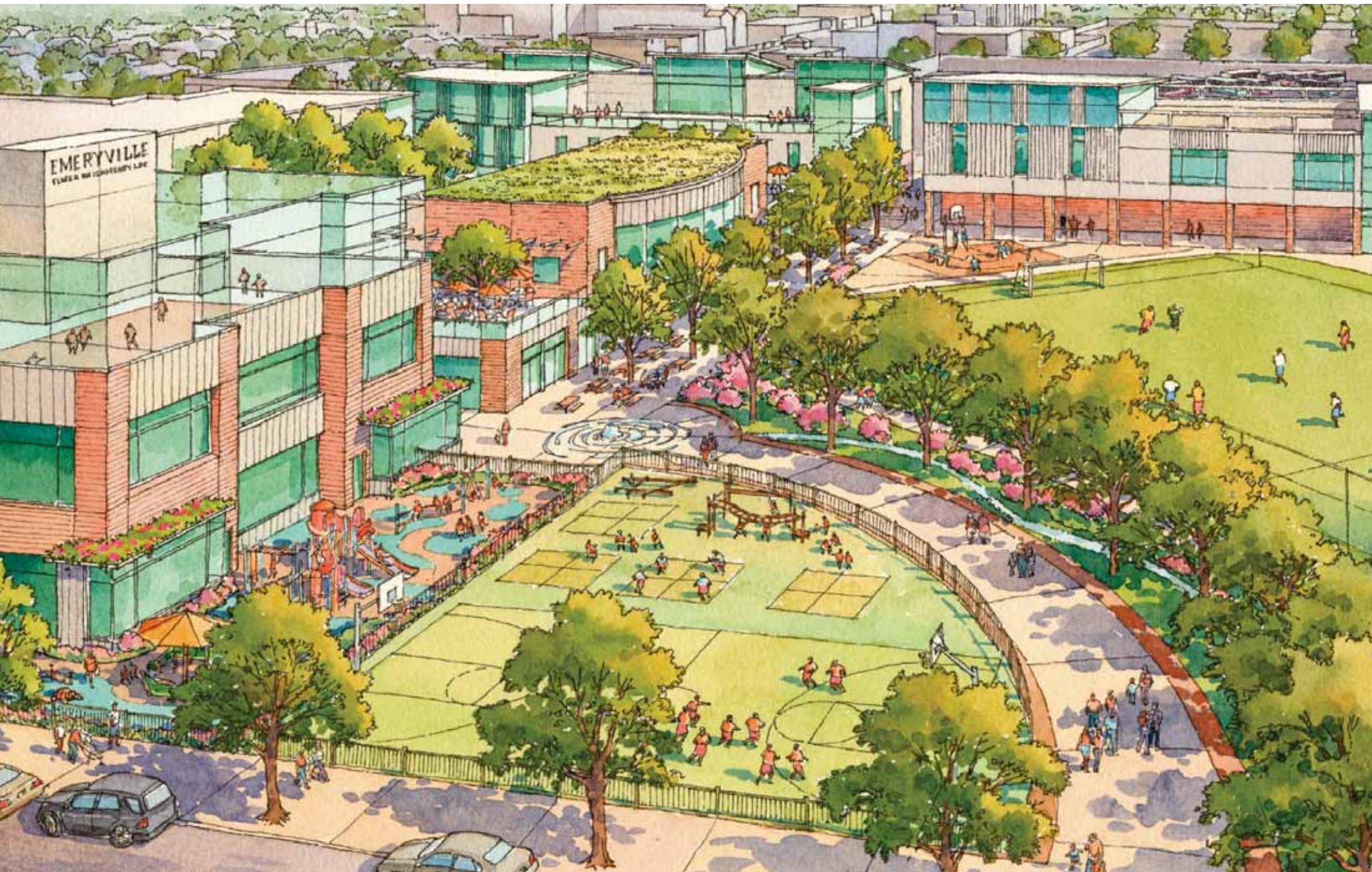
Three more presentations will be held at Pacific Park Plaza, Anna Yates Elementary School, and Emery Bay Village in late March. Look for another postcard announcing the details soon.

**QUESTIONS?**

Contact Melinda Chinn at 510-596-4314 or [mchinn@emeryville.org](mailto:mchinn@emeryville.org)









You are invited to help shape the future of the  
**EMERYVILLE CENTER OF COMMUNITY LIFE!**

Come see what it's all about...

The Emeryville Center of Community Life (ECCL) is the community's vision of a unique and special place where schools, community services and arts and recreation programs are integrated to serve the entire Emeryville community efficiently and effectively. A conceptual master plan has been created and refined over the past year from citizen, staff, and architect input. Now is your time to view the most recent plan and give a final round of input/ideas before it moves forward.

- **Thursday, March 19. 6:30pm-7:45pm /**  
Pacific Park Plaza @ 6363 Christie Avenue
- **Tuesday, March 24, 2009. 6:15pm-7:30pm /** Anna Yates  
Elementary School @ 1070 41st Street
- **Tuesday, March 31, 2009. 7:00am-8:15am /** Emery Bay  
Village @ Corner of Emery Bay Dr. & 53rd Street

Every presentation is open to the public. Please attend and bring a neighbor!

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BROUGHT TO YOU BY:



**ALL CITY PUBLIC MEETINGS ARE CONDUCTED IN ACCESSIBLE LOCATIONS.**

If you require accommodations to participate in this meeting, these may be requested by calling 510-450-4813 or 771 (TTY relay) or contact the ADA Coordinator, Dominique B. Burton 510-596-4380 [dburton@emeryville.org](mailto:dburton@emeryville.org), at least 72 hours in advance.







## EMERYVILLE CENTER OF COMMUNITY LIFE CONCEPTUAL MASTER PLAN PRESENTATIONS

**1** EMERYVILLE POLICE STATION @ 2449 POWELL STREET  
Mon, Mar 9, 7:00pm-8:15pm

**2** FIRE STATION #2 @ 6303 HOLLIS STREET  
Sat, Mar 14, 9:30am-10:45am

**3** PACIFIC PARK PLAZA @ 6363 CHRISTIE AVENUE  
Thu, Mar 19, 6:30pm-7:45pm

**4** ANNA YATES ELEMENTARY SCHOOL @ 1070 41ST STREET  
Tues, Mar 24, 6:15pm-7:30pm

**5** EMERY BAY VILLAGE @ CORNER OF EMERY BAY DR. & 53RD STREET  
Tues, Mar 31, 7:00pm-8:15pm

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Imagine a place ...





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- **Wednesday, March 4, 2009. 11:45am-1:00pm /**  
City Hall and Civic Center, 1333 Park Avenue
- **Monday, March 9, 2009. 7:00pm-8:15pm /**  
Watergate Condo's Clipper Club,  
5 Captain Drive
- **Saturday, March 14, 2009. 9:30am-10:45am /**  
Fire Station #2, 6303 Hollis Street

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- **Thursday, March 19.** 6:30pm-7:45pm / Pacific Park Plaza @ Christie Room
- **Tuesday, March 24, 2009.** 6:15pm-7:30pm / Anna Yates Elementary School @ Multi-Purpose Room
- **Tuesday, March 31, 2009.** 7:00am-8:15am / Emery Bay Village @ EBV Community Room

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EMERYVILLE CENTER OF COMMUNITY LIFE  
COMMUNITY PARTICIPATION







Count On Me  
**DRUG FREE**  
**THAT'S ME**  
COURT ON ME

EXIT



ECCL Presentation  
2/4/09  
5:45am-7:00pm  
Emeryville Child Development Center

Minutes/Comments:

Mayor Dick Kassis welcomed audience introduced Mark Schatz and Dara Youngdale from the Field/Paoli and HKIT Architect Team.

Mark and Dara presented the power point presentation on the Emeryville Center of Community Life.

Verbal comments at the presentation by the audience included:

- When is this facility going to be built and open to the public?
  - Estimation based on full funding is begin digging in 2011, with the facility completed and opened in 2013
- How is the facility being funded? Is the City paying for the whole facility?
  - Funding will come from a partnership between the City and School District sharing the costs. Funding is expected through a series of grants, state school funds, and possibly a bond measure approved by the voters. The City has committed \$25 million to the project and the District would provide the land in the proposed site.
- How can we get the community involved? Many people I know didn't know about this workshop?
  - The City handed out fliers to all ECDC parents, in the community public spaces, its website, and in the schools for this meeting. Due to the low turnout, the City will increase its reach by sending out by mail notification to all residents/businesses, create door hangers for the neighborhoods near each meeting, as well as continue the previous efforts. We as staff/architects need your help too to spread the news by word of mouth to family and friends in the area.

ECCL Presentation  
3-24-09  
6:45pm-7:45pm  
Emeryville Anna Yates Elementary School

Comments/Minutes:

John Sugiyama introduced Mark Schatz and Dara Youngdale from the Field/Paoli and HKIT Architect Team.

Mark and Dara presented the power point presentation on the Center of Community Life.

Verbal comments/questions and answers given at the presentation included:

- Projected enrollment at the school in the next 20 years?
  - New facility is planned for 800, same as now. The split is cohorts of 60 per grade level. The building is constructed to be expanded already if needed (won't have to tear down, add a new level). Also, some extra rooms have been built in. EUSD had a study done on demographics and trends in enrollment. Our growth depends on the quality of its schools, if we continue to improve as we are, we'll expand and not squeeze out kids.
- Are there many examples of schools that have all levels on one campus and how do they address security?
  - School sizes and grade configuration are more determined by site size. Also, most top international schools are k-12
- Has son entering kindergarten and was scared having K-6 on one site, how to keep out all of the community to be a safe site?
  - Security is an issue and we're addressing it, we don't have the answers yet, but this center is intended to welcome everyone. Maybe we have expanded security staff or movable gates during the date.
- Funding of the project? I heard 1/3 is redevelopment, good, but what about the other 2/3's in this economy considering? Also, I live next door, how long will construction cost? Finally, what are we doing with the school that just had \$9 million invested?
  - City has \$25 million set aside, using for planning. Designs will help us apply for state school construction funding and federal dedication to improving schools, finally, if we have a gap, a possibility of a bond issue to vote on by community. The land is worth \$25 million roughly and this is the initial investment by the school district.
  - The construction will take 2 years.
  - Anna Yates was built to serve the kids now, we can't forget about them while reaching this dream. We also wanted to test ideas thoughtfully and pragmatically like multiple stories, science centers, etc. We're learning how to share facilities and have programs for the whole community. Finally,

the current ESS is really old/out-of-date and the City needs to build a recreation center regardless because its in portable facilities.

- Emeryville doesn't have a place for the whole community together to make us a real community. We have many pods of small communities but nothing that draws everyone. We also will have a wing dedicated to social services, not all by the city, non-profits need space and would love to provide for us.
- Finally, this is not pie in the sky anymore. When we were looking at not only building, but buying land and then cleaning it up, that was an exobanate amount and pie in the sky. Now that were utilizing clean land and have paired down the design to the nuts and bolts, this building can happen.
- We also traveled to Washington DC as a team of school, city, and businesses in Emeryville and they were really impressed.

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ECCL Presentation  
3/4/09  
11:45am-1:00pm  
Emeryville City Hall Council Chambers

Comments/Minutes:

Melinda Chinn introduced Mark Schatz and Dara Youngdale from the Field/Paoli and HKIT Architect Team.

Mark and Dara presented the power point presentation on the Center of Community Life.

Verbal comments (by person, if known, the question, and answer given) at the presentation included:

- ???
  - As part of the activities at the new center, you listed blood pressure screenings, and computer trainings. Does this mean we are eliminating the current Senior Center and its activities?
    - No, the new center will augment the programs and services currently offered at the senior center.
  - Can users of the Senior Center park in the ECCL deck?
    - This is to be determined, but it will most likely depend on the availability of the spaces.
  - Any new taxes, fees, or levees for this project?
    - A Finance Committee has been established and is working on these figures. The Emeryville City Council has Capital Improvement Project (CIP) funds set aside in the amount of \$25 million so far for this project. State funds are also set aside for school construction and will be used for this project. The new Federal Economic Stimulus package has new school construction funding that may also qualify for this project. State bond measures for parks and recreation are also available and will be sought for funding this project. Finally, if a gap in funding exists between the funding measures listed above, a bond measure approved by the community may be needed to complete the funding.
- Joyce Alotino, Eville Resident
  - Statement: He didn't know about this project recently until he got the postcard advertising the presentations.
  - Are all of the schools moving to the Center of Community Life?
    - Yes, all schools K-12 would move to this site.
  - How would you build the Center on the high school site?
    - We would demolish everything but the gym/pool, which are the only areas able to be retrofitted and refurbished. We would then rebuild on the previous footprint of the school.
- ???

- What is the number of acres for the ECCL site?
  - Approximately 347,000 square feet or 7.5 acres.
- Ken Bukowski, vice-mayor
  - What is the projected total cost of this project?
    - The ECCL estimate is at a \$125 million total project cost currently. We also just learned that this figure will lower about \$7 million in construction costs due to economy. This is for the full project and contingencies, which is down from \$175 million on the previous design with the reuse of gym/pool and more shared spaces.
- Sharon Wilsure, 45<sup>th</sup> Street
  - San Pablo Avenue is still in transition (ie: still somewhat unsafe), what is the security planned for the ECCL?
    - Optimistically, the ECCL would be open 24/7 for public use and enjoyment. Yet, if needed, gates and security features will be designed into the building. We don't know the exact security needed as this would be refined in the next stage of architectural planning.
    - Another issue of security has been planned. The separation of grade levels and their daily interactions is built in to the plans. This includes how students access shared areas and where they are dropped off and picked up at the site.
- Peter Schultze-Allen
  - What is the total number of students the Center will hold?
    - The ECCL will house the same amount of students as the current two schools, which is around 800. Keep in mind that the School District currently serves around 40-50 percent "out of district" student population. When the school fills up with more Emeryville residents as the population increase, they will take less and less out of district students. It should also be noted that the building is being designed to expand in the future if an 800 student school is not enough.
- ???
  - You stated in the presentation that people who live and/or work in Emeryville can use the ECCL, but what about people in nearby Oakland?
    - Yes, everyone will be able to use and access the center, not just people in Emeryville.
- Ignacio Dayrit
  - If parking becomes an issue and more is needed, can we put more under the fields?
    - Yes, but it's very expensive. The current plans have been thought out and are the best scenario as directed by a parking consultant company.
  - My wife is a teacher and I feel teachers and students are very territorial of their spaces, will these 'shared' spaces really work?
    - This is always a concern will take an adjustment by teachers/students, but the design will appropriately take into

account the shared use. Most notably, the shared classrooms are larger than a standard classroom to accommodate the extra storage space needed for multiple uses.

- As an example, the Jewish Community Center in Marin is same 'shared use' style of school and community center. It has been in existence roughly 10 years and has been very successful.
- Local Architect 1
  - Statement: Please design the building to not look so plain. Add some historical designs that reflect Emeryville's character and nice architecture.
- Local Architect 2
  - The designs are beautiful. Will the gym and pool have an indoor or outdoor transition?
    - Not sure, this will be completed in the architectural designs.
  - Can we see some of the room on the street level design?
    - There are conceptual drawings that show this.
  - Will the green roof be accessible?
    - Not to the public.
  - Statement: The dining area between building doesn't seem to promote a healthy interaction between nature and users.
  - The playground looks "cookie cutter" and not custom to the site.
    - That is true because the playground has not been designed in this phase of conceptual master plans. The current drawings are just a rendering from a custom playground we built in San Jose.
- Gene Sway, Emeryville Architect (Local Architect 3)
  - Statement: The architecture is not innovative. Residents are critical of existing architecture in Emeryville because it's too bland and modern looking. His feeling is people want a remarkably distinctive building as a civic center. The current design looks like Bay Street Emeryville.
  - How are we going to not have this be sterile?
    - It's not designed yet, the actual architectural designs will be completed in the near future.
  - There has not been enough 'east' Emeryville proactive participation. How do we plan to capture real feedback and participation?
    - The City has been spreading these meetings throughout the City. A total of 8 meetings will be held that include Emery Bay Village, this presentation at City Hall, and Anna Yates Elementary School. Two postcards will be or have been mailed out, door hangers were placed on east Emeryville homes, and flyers are being distributed at local markets/businesses. Also two presentations have been held recently at the Senior Center and a presentation at the MLK Day (Emeryville Yes We Can! Event) had a great east Emeryville participation with an estimated 600 people in attendance.
  - You mentioned the ECCL is going to be a LEED certified project, can we lessen the footprint of this building?
    - Yes, we will be working on creating a green design that emphasizes height to lessen the footprint.

- Overall, please note Emeryville citizens are getting ‘burned out’ on modern architecture!
- Written Question: Ellen Dektar, Alameda County Early Childhood (LINCC) Coordinator
  - Will the center have pre-k and early childcare service?
- Written Question: Marcy Greenhut, City Waste Reduction Employee
  - Please design the center have a waste station for composting and recycling on-site to promote a more green facility.

ECCL Presentation  
3-31-09  
3:00 – 4:15pm  
Anna Yates Elementary School Staff Meeting

Comments/Minutes:

Mark Schatz of Field/Paoli and Tad Sekino of HKIT presented the abbreviated power point presentation on the Center of Community Life (did not show the video giving project background due to time constraints).

Verbal comments/questions and answers given at the presentation included:

- Anna Yates Librarian Comments:
  - Isolating the library away from the elementary grades is a concern. Currently the library is in the middle (heart) of the campus and is open during recess for drop-in use. One of the most important things we do here is getting young people to read and making the library a fun site. She likes that the library is a place for fun and hanging out, it took her a long time to build this ethic and it helps encourage life long reading.
  - Sharing the library could also be a problem, could be intimidating to have older children in the room at the same time.
  - Collection at golden gate library is small, not really a great resource to students or the community. AYES has many books that are not available at golden gate for students.
    - Mark commented we could design two separate libraries or a joint library with two separate areas of circulation.
- Access to the library for public?
  - It's a school library only at the moment.
- Is the play area secure?
  - Yes, its fenced from public/street and different ages are also separated.
- I want to know more about sharing space? My concern is I might be working after school and someone else would kick me out for another program.
  - We want people to be able to share these spaces to be more efficient. There are more complications to work out, but its more environmentally sound to make less impact on the communities.
  - There is a next phase that this will be flushed out with teachers, probably workshops, to get the consensus and best idea to work this out...because its not settled yet.
- Will there be weekends access?
  - Yes, this is when the adults/general community will most likely use building.
- A suggestion to deal with shared space: Please incorporate little offices attached to each classroom that offer secure space and places to work if others are using the classroom.



- San Rafael plan designed by Field/Paoli had ‘teacher resource rooms’ between each room, works really well. This could be an option here too.
- Where do people park?
  - Convert 47<sup>th</sup> into a parking lot for the most part. A little parking on 53<sup>rd</sup>...and an underground parking lot to hold the rest. If large event, people may have to park off-site and use shuttle.
  - AC Transit employees take up a lot of spaces on 47<sup>th</sup> street during the day, this plan may not work or please consider how to control this so its for use by ECCL.
- How many spaces are on site?
  - 215, plenty enough for employees. This amount is not ideal, but it is ecologically sound. Urban sites should not have massive parking lots, many people can commute here without cars due to small proximity of town and high amount of public transit.
- Full service community schools (in today’s complex form) is a new concept, only 10-15 years old. Do we have any successful full service community schools to base this on?
  - Yes, we’ve been exploring a few, but were looking to explore this further.
  - The idea of community schools has gone back many years, but this is a new, unique school that is encompassing much more than the standard community school. Many of the top schools in the world are K-12.
  - The challenge is to embrace the concept of a center for community life, its an opportunity to think outside the box and create the ideal school of the future.
    - Is their anything within a drive we could visit that is like this?
      - Marin Jewish Community Center is somewhat similar, but could get the feel of multi-use space that we’re referring too.
      - Tenderloin School has this concept too and many other SF schools.
  - The City/School District has taskforces on instruction and many other ideas to help shape the next phase now. We welcome you to help on instruction or the others that interest you.
- I would say as someone who spends a lot of time in school, we only have so much time for instruction during the day and must work at night. Currently we’re hurried out of the building b/c it closes. It would be very advantageous to have a building we don’t have to take everything home.
- I like the idea of intergenerational instruction and having all of the resources on site to provide teachers and the community a place that is welcoming/inviting. It will be a magnet to people everywhere.
- Will there be teacher’s daycare available?
  - TBA
- In my world travels, I’ve seen some great ideas. One is an intergenerational space in Rome that was amazing...seniors, kids, couples, everyone enjoying this space and it felt like a true community. Let’s look at wider areas around the world that encompasses these successful concepts.

- The two features that are the most attractive to me are the oval courtyard and the creek/playground area.
- Another request would be to have a round table area, for SST's and parent-teacher conferences.
  - We didn't show it today, but on the website, you can see there is a lot of square footage dedicated to teacher offices, collaborating areas.
- Also think of other adults and the spaces to foster this relationship with students as we want to integrate their talents into the curriculum.
- What is the access to the computer labs and how many are planned?
  - One tech lab for the elementary and also one for the secondary school.
- Security and other operational needs?
  - Security is being designed by the architects with the police and school district security to make sure we think of all areas to make a safe space.
  - Operationally this site shouldn't require more staff, we're just folding everyone into one site.
- We have this site that was just created, with a nice science center, new nature center, etc? Was this a waste? With the economy, this seems hard to swallow.
  - Seven years ago, we started working on this and it was unlikely the center was to be built for 15-20 years due to purchasing and clean-up. We couldn't out all growth and leverage today's kids for tomorrows growth. Now that we have the programs on ESS, we moved ahead very fast.
    - The improvement won't be lost, the improvements will be passed on to the next users, whoever that may be.
- No mechanical arts on this site, we send lots of kids to 'the crucible' through scholarships. They are planning on expanding and teach classes off site. Can we have spaces that can accommodate welding, glass making, etc. on site?
  - We've heard this from both adults, students and teachers. We've noted it for the next set of planning.
- Is the design created in such a way to not hear sounds throughout building, especially hearing HS children?
  - Areas will be separated and an acoustical engineer will design this to not allow sound to transfer through the walls.
- You mentioned it could be expanded?
  - Yes, add a 3<sup>rd</sup> and 4<sup>th</sup> floor over 2 wings of the ECCL.
- In AK, the schools dedicated funding to art for permanent display, can we do this?
  - Not all AYES art has been installed, but it will be designed so it can travel with us to ECCL. Also, City has public art funding that could be used for this project.
- The total cost is \$125 million and ground breaking is 2011, how is this going to be financed?
  - City put in \$25 million, School put up land worth \$25-30 million, we need school construction funds from State worth \$10-20 million, also federal monies and finally a local bond measure approved by citizens.

ECCL Presentation  
3/4/09  
11:45am-1:00pm  
Emeryville City Hall Council Chambers

Comments/Minutes:

Melinda Chinn introduced Mark Schatz and Dara Youngdale from the Field/Paoli and HKIT Architect Team.

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  - Statement: He didn't know about this project recently until he got the postcard advertising the presentations.
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  - Will the green roof be accessible?
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  - Statement: The dining area between building doesn't seem to promote a healthy interaction between nature and users.
  - The playground looks "cookie cutter" and not custom to the site.
    - That is true because the playground has not been designed in this phase of conceptual master plans. The current drawings are just a rendering from a custom playground we built in San Jose.
- Gene Sway, Emeryville Architect (Local Architect 3)
  - Statement: The architecture is not innovative. Residents are critical of existing architecture in Emeryville because it's too bland and modern looking. His feeling is people want a remarkably distinctive building as a civic center. The current design looks like Bay Street Emeryville.
  - How are we going to not have this be sterile?
    - It's not designed yet, the actual architectural designs will be completed in the near future.
  - There has not been enough 'east' Emeryville proactive participation. How do we plan to capture real feedback and participation?
    - The City has been spreading these meetings throughout the City. A total of 8 meetings will be held that include Emery Bay Village, this presentation at City Hall, and Anna Yates Elementary School. Two postcards will be or have been mailed out, door hangers were placed on east Emeryville homes, and flyers are being distributed at local markets/businesses. Also two presentations have been held recently at the Senior Center and a presentation at the MLK Day (Emeryville Yes We Can! Event) had a great east Emeryville participation with an estimated 600 people in attendance.
  - You mentioned the ECCL is going to be a LEED certified project, can we lessen the footprint of this building?
    - Yes, we will be working on creating a green design that emphasizes height to lessen the footprint.

- Overall, please note Emeryville citizens are getting ‘burned out’ on modern architecture!
- Written Question: Ellen Dektar, Alameda County Early Childhood (LINCC) Coordinator
  - Will the center have pre-k and early childcare service?
- Written Question: Marcy Greenhut, City Waste Reduction Employee
  - Please design the center have a waste station for composting and recycling on-site to promote a more green facility.

ECCL Presentation  
2/4/09  
5:45am-7:00pm  
Emeryville Child Development Center

Minutes/Comments:

Mayor Dick Kassis welcomed audience introduced Mark Schatz and Dara Youngdale from the Field/Paoli and HKIT Architect Team.

Mark and Dara presented the power point presentation on the Emeryville Center of Community Life.

Verbal comments/questions (and answers) at the presentation by the audience included:

- When is this facility going to be built and open to the public?
  - Estimation based on full funding is begin digging in 2011, with the facility completed and opened in 2013
- How is the facility being funded? Is the City paying for the whole facility?
  - Funding will come from a partnership between the City and School District sharing the costs. Funding is expected through a series of grants, state school funds, and possibly a bond measure approved by the voters. The City has committed \$25 million to the project and the District would provide the land in the proposed site.
- How can we get the community involved? Many people I know didn't know about this workshop?
  - The City handed out fliers to all ECDC parents, in the community public spaces, its website, and in the schools for this meeting. Due to the low turnout, the City will increase its reach by sending out by mail notification to all residents/businesses, create door hangers for the neighborhoods near each meeting, as well as continue the previous efforts. We as staff/architects need your help too to spread the news by word of mouth to family and friends in the area.

ECCL Presentation  
3-31-09  
7:00 – 8:15pm  
Emery Bay Village

~47 people attended

Comments/Minutes:

Kevin Laven introduced Mark Schatz and Tad Sekino from the Field/Paoli and HKIT Architect Team.

Mark and Tad presented the power point presentation on the Center of Community Life.

Verbal comments/questions and answers given at the presentation included:

- Parking is a joke, not enough by any means.
- Parking will impact us in Emery Bay no matter how its designed.
- What is your plan for safety/security? Have you consulted the police?
  - We will be doing this in next phase along with school security, but will note this is a serious concern.
- To reiterate safety, there was a murder in my back yard a few years ago. Response from City/School was he was not a resident and it was a targeted hit, but it doesn't matter to me. Neighborhood already unsafe at current level of use.
- I'm a natural supporter of this project as family, resident with kids, but I have a huge concern. It's a \$125 million project, but we don't have any family housing in town and no plans for future plans. Family housing and ECCL should be linked in a package, all for one or neither project.
  - Financing of building was explained by Pat O'Keeffe, many sources used to fund construction with the possibility of a voter approved bond for any remaining funding.
- What about the actual business community, what is there share of paying for this building?
  - As a resident of Emeryville, City services are paid in the 70-75% range by businesses as well as hotel taxes, licenses, etc. The bond measure mirrors this percentage, so essentially you as residents can leverage their funding for a facility serving the community.
- I got a phone call asking if I was willing to vote for a bond measure to keep parks, streets, etc. or if not we won't be able to clean parks, fix potholes, etc. How can we think of this big project when the economy is so down and we can't even afford what we do now?
  - Project was started years ago in a good economy. We all know economies are cyclical and it will pick up. Instead of waiting until this point, we have to move forward with plans and getting input now so that when the economy is good, we're ready to start construction.



- I think the noise will be unbearable for residents of Emery Bay and across the street in Oakland.
- I have to ship my kids to another community to get a good education? Why not work on getting 'honor roll' quality education in this District? To that note, what is the percentage of college bound kids from Emery?
  - 90% accepted into college last year stated Josh Simon, school board president. He noted they had 3 or 4 from in a class of 20 even go to UC-Berkeley.
  - We need facilities that match the improvements we've made in other areas, like teachers/technology/curriculum development.
- What is the percentage of students from Oakland and elsewhere?
  - Roughly 40% are inter-district transfer students.
- If 40% of the residents are from Oakland, were subsidizing them and I can't support that.
- I also live across from the ESS school now, we send our 1<sup>st</sup> grader to private school because the school facilities and previous state of education was terrible, but I'm excited for this concept and will consider putting our younger kids in Emery schools in the future if this project moves forward.
- I'm also an Emeryville parent, who owns a home here and has lived there many years. I had two kids in catholic school originally, then moved them to Anna Yates, and it's been a great school. I had to send my older son to Berkeley b/c of current shape of education at the ESS school. I love the design, have seen the improvement at Anna Yates, and would like her younger child to attend Emeryville public school all the way through if this project moves forward.
- Would the project involve pile driving?
  - Geotechnical report said it would not need pile driving.
- I'm working on open school yards in Oakland, how is it working here?
  - Were testing it now, volunteer basis, limited weekends, but we want to work towards having the schoolyards open much more.
- I'm concerned about traffic patterns and making this area safe with all of the new traffic and drop-offs. What is the plan?
  - We will work with the traffic consultants, it doesn't seem safe on San Pablo Avenue for a drop off, so 47<sup>th</sup> and 53<sup>rd</sup> are the other streets for this.
- What about the use of the money to rebuild Anna Yates, was that a waste?
  - Four main areas on why this wasn't a waste: \$4.5 million was from developer fees which EUSD had to spend or it would be returned to the developer. We also decided that today's kids deserved a good education and space to promote such work. Third, if we're going to spend \$125 million, we should test out these ideas to make sure they are working and assure new designs are based on experiences. Lastly, the former time frame of having to acquire a site, clean it up, and then build the ECCL would have taken many more years. Only after Anna Yates reconstruction was underway did we decide to use the current ESS site for the project and move forward.
- When is the school district going to move the wellness trailer out of my backyard?
  - Not sure, we'll discuss afterwards.

- Why did we abandon the AC Transit yard? It seems like a blown opportunity.
  - We can't force them to sell...and we could still purchase it down the road for other uses.
- Does the school district own the current middle school? Also, what will happen to these sites?
  - Yes, EUSD owns Ralph Hawley.
  - Not sure yet, currently its being leased to Piedmont to make revenue for our district as Piedmont renovates one of their schools. School board also is committing this site in the future to infant/toddler/pre-k needs that aren't being served by the City's ECDC.
- Do we have any backup plan for something in terms of more modest plans? Like instead of three big ballrooms, just one...
  - We have scaled back the project from 230,000 to 175,000 square feet, reusing site areas, so were saving a lot of money now. This is based on what a finance committee said we could reasonably afford.
- I don't have children, so the building doesn't have much appeal to me now. I'm concerned about security plans for events, like monitors for neighborhood parking similar to what is seen at UC-Berkeley's campus.
  - These areas are not fully vetted yet, but we didn't want to wait until the building is built to think of them. We noted your idea and concern for the next round of planning.
- Also remember Emery Bay residents are going to face much more impact from this site because school and recreation centers aren't on one site now.
- Can we just have a good plan/building to serve youth on this site? I think just a school and rec center would be good. Also, as a parent, I'm not thrilled on social services being at the same site for safety reasons.

ECCL presentation at Emery Secondary School  
Grades 7-12  
3-20-09  
8:30am – 2:30pm

Antonio Cediell introduced Mark Schatz and Dara Youngdale from the Field/Paoli and HKIT Architect Team for each grade level.

Mark and Dara presented a paired down version of the full power point presentation on the Center of Community Life (ie: removed the lengthy intro video and altered the delivery of the presentation to be more engaging with the students.

Questions posed to each grade and verbal comments/questions by students (and the answers given) at the presentation included:

## What do you know about the ECCL?

- 7<sup>th</sup> Grade
  - Fun, bigger
  - New
- 8<sup>th</sup> Grade
  - Its new
- 9<sup>th</sup> Grade
  - Nothing
- 10<sup>th</sup> Grade
  - Nothing
- 11<sup>th</sup> Grade
  - How many were involved in the early stages?
    - About 10-15 people acknowledged
- 12<sup>th</sup> Grade
  - How many were involved in the early stages?
    - About 15-20 people acknowledged

## What I like about the school now?

- 7<sup>th</sup> Grade
  - Emery theater
- 8<sup>th</sup> Grade
  - Outdoor space and fields, minus goose poop
  - Big gym
  - Emery theater
  - Pool on site

- 9<sup>th</sup> Grade
  - Likes that its small, keeps us close knit
  - Basketball courts/gym
  - Track is okay
  - Trees, redwoods
- 10<sup>th</sup> Grade
  - Gym
  - Nothing
- 11<sup>th</sup> Grade
  - Nothing
- 12<sup>th</sup> Grade
  - Everything can go...but the gym.

## What I don't like about the school?

- 7<sup>th</sup> Grade
  - Lack of outdoor space
  - Goose poop on field
  - Too small
  - No room for activities
  - Small rooms
  - No middle school sports
  - Not enough activities
  - Rodents and roaches
- 8<sup>th</sup> Grade
  - Too small
  - Not comfortable
  - Bathrooms
  - Field without goose poop
- 9<sup>th</sup> Grade
  - Bathrooms
  - Hecka small school
  - Rats in building
  - Cafeteria
  - Field / goose poop
  - Halls/School is dirty
  - AC doesn't work when its hot out.
  - Dingy building, too old
  - Need off campus lunch
- 10<sup>th</sup> Grade
  - Classes too small
  - Bathrooms
  - Off campus lunch
  - Better AC, heating,

- All rooms looks dingy and dirty
- 11<sup>th</sup> Grade
  - Not big enough
  - Hall isn't big enough
  - Bathrooms hella small
  - Number of bathrooms
  - Football field is small and goose covered.
  - More space needed
  - Better studios, like recording studio
  - Not enough basketball courts
  - Dirty bleachers
  - Change the gym floor, walls, stage...logo on the floor.
  - Bigger classrooms
- 12<sup>th</sup> Grade
  - Heated pool and make it bigger
  - Jacuzzi
  - Bathrooms, small, no soap, hot water
  - Football fields
  - Real cafeteria with doors and walls
  - Heaters need to be real, not clinking old ones that take a long time.

## What I'd like to see in a new school?

- 7<sup>th</sup> Grade
  - Separate middle school
  - Bigger pool
  - Better basketball spaces
  - Bigger pool
  - Better bathrooms
  - No geese on the field
  - More room
  - 2<sup>nd</sup> floor
- 8<sup>th</sup> Grade
  - Bigger/better classrooms
  - Better cafeteria
  - Bigger pool
  - Bigger computer lab
  - Two story school
- 9<sup>th</sup> Grade
  - New football field
  - Lounge
  - More room for snack bar
  - Different food
  - Bigger school

- Drama class space, theater bigger
- More plasma tv's in school
- 10<sup>th</sup> Grade
  - A lot of windows
- 11<sup>th</sup> Grade
  - A place where you want to be, programs and buildings that are attractive
  - Still keep spirit now, not too professional, we like to know everyone and not be too big.
- 12<sup>th</sup> Grade
  - Another gym
  - A real auditorium

## Questions and comments from throughout and after the presentation:

- 7<sup>th</sup> Grade
  - Will we have gyms?
    - Yes, one new gym and refurbishing the current gym.
  - Is there a café in the plans?
    - Yes.
  - Why more space for younger kids?
  - Who shares the gym?
    - Everyone
  - Will we get a map of it?
  - Will it be hard to travel between the classes?
  - Are all of the spaces connected?
  - What happens around the site?
  - We should have scooters to get around.
  - Are we tearing down the old buildings down?
    - Yes.
  - What happens to this building (theater)?
    - Torn down.
  - Will we have a theater?
    - Not a raked theater, but gyms and mutli-purpose space will have stages for theater.
  - Will our schedules change?
  - Same teachers?
  - Will we hear footsteps from top floors?
  - Is it earthquake proof?
  - Where are the bathrooms?
  - Game room for everyone?
  - Where will lockers be?
  - Will there be a nurse on site?
  - Will we have pool tables?

- What happens to the old senior center if the seniors are coming here?
  - The old senior center stays open, we'll just augment their programming here (ie: fitness room, classes).
- Will we have yellow school buses to pick us up and take us to school like other places?
- Won't more outsiders come in? If so, will we have more security?
  - Security is a major concern. Community will be one site, but not in school area. We still need to work through the details.
- We need video games in the game room.
- Can we store our bikes and scooters in the garage too?
- 8<sup>th</sup> Grade
  - Is there going to be restaurants on site?
    - Yes, plans
  - Is there still going to football/soccer field?
    - Yes, this time with artificial turf so
  - How long until its ready?
    - Your senior year
  - Technically making our area bigger and bring in the little ones?
    - No bringing in the whole community
  - Safety concerns with gym...carry terraces so that students and public are kept separate and safe.
    - Yes, its been a concern and will be safe. Part of the next step.
  - Security...I think that we should have elevators to take us everywhere
    - They are for
  - Many skateboarders in ESS, students are going to ride on property anyways, lets give them some designed elements or safe areas to ride.
  - Is the turf going to have a nasty sand/dirt like Anna Yates?
    - It will be field turf (artificial).
  - Why did you fix Anna Yates if we're not going to use it?
    - To test ideas and that every year is important for education, the school need remodeling asap.
  - Roof top yard for elementary?
    - No, for middle school kids.
  - How big is the elementary school yard compared? Even though shared spaces, having all grades in one school won't be enough room for outdoor spaces. He suggests keeping Anna Yates at current site and making this a middle/high school.
    - Not sure...we'll check the sizes. Good points.
  - Are we crowding together? It looks too cramped.
  - Likes rooftop basketball courts.
  - Is the pool indoor/outdoor?
    - Outdoor
  - Can we put a sport court on top of the high school too (add more roof top play areas)? Let's exploit this vertical space and make the kids feel this is a really special space.
  - Is the food the same?

- Not in control of that. We are one of the few schools in the area
  - Production room in Hayward...what about a mechanics class to learn working on cars?
  - How can we get to class on time between the upper floors and gym...takes a lot of time?
    - The plan is for the walkways between floors, but mostly you'll walk there.
  - Can we have escalators to the different floors?
    - Probably not because they are expensive, but its been brought up before and we'll consider it.
- 9<sup>th</sup> Grade
  - When is this being done?
    - 2013 finished, so you won't be here as a student, but you'll use it as a community member and hopefully your children.
  - Will we make the school look better now?
    - ESS is re-doing the bathrooms, but otherwise we'll wait until the new building
  - Two schools on the site? Is that too small?
    - Multistory so we can get everyone on site and still have outdoor spaces.
  - Is the current gym going to be bigger?
    - No, refurbishing it...but we're building a second gym too.
  - Why not right now?
    - Took a long time to get community's input and programs, then we need to find the money and drawings as well as approvals from the city, state.
  - We're going to be graduated, why have us here?
    - Because you'll help shape the future as current users, we're not?
  - Can we change the name of the school?
    - The name of the center is the center of community life. The actual schools are still to be decided.
  - If its open to everyone, will it be safe for students?
    - This is a big concern and were working on how this will happen, but it will be safe.
  - When done with the project, what happens to Anna Yates?
    - Not resolved, but could be sold, used for pre-k, or other uses.
  - Can we have a fast food restaurant on site?
    - Café on site
  - Why combine the school when they're moving here in a few years?
    - Anna Yates needed renovation now, testing ideas of the ECCL.
  - Where are we going to school when the ESS is tore down?
    - Not fully resolved, but most likely Ralph Hawley
  - Are we being bused to the temporary school?
    - Maybe, not resolved
  - I liked the whole thing, especially the fields.



- How do we plan for these folks to be access after graduation? Need guarantees that these kids, even if outside of Emeryville, will be welcome back.
  - The city is clear this is open to all, not just Emeryville people.
- Can we get hired here?
  - Yes, you have to apply.
- We should have the community services throughout the building so that it's used more by all students.
  - That's a good idea, we'll take it into consideration.
- 10<sup>th</sup> Grade
  - Worried that a bigger school will also get filthy quicker.
  - Won't it be too crowded?
  - If it's going to be that big, where is it going to be?
    - On this site, but from 1 to 3 stories throughout site.
  - Why rebuild Anna Yates, was that a waste?
    - No. It needed refurbished.
  - I came from a multi-story school in MA, so I don't think it will work.
  - How are we going to keep the different age groups apart...what if more 12<sup>th</sup> grade guys hook up with middle school girls because were all on the same site?
    - Good questions and very serious, were planning different academies to make it safe.
  - Is the community going to be on the school campus? If yes, how do we keep the crackheads out and the campus site safe?
    - We're working with school and police to address security
  - What about Anna Yates, what will that be?
    - Not sure, could be many things.
  - What about new sports fields and its size?
    - Using artificial grass, but about the same size
  - Reminds me of former school in MA, with walkways and multiple stories.
  - Where will the kids move when this being going?
    - Not sure yet, but Ralph Hawley School on 61<sup>st</sup> and Doyle may be an option.
  - If this is supposed a school, are we going to be too crowded with the community on site?
  - Will we have lighting for evening activities and library open to the public?
    - Yes.
  - What happens when the district grows? This looks like it only holds the current students?
    - The district isn't projected to grow too rapidly, we have a few extra classrooms and can add a whole third story on a portion to hold 1,200 students in the future.
  - What is the total price and where do the funds come from?
    - \$125 M, \$25 M
  - This will be a hecka tight schedule, how is this going to happen?
  - Can we get sound proof windows? It gets hecka loud from outside noise.

- Yes, full acoustical and work
  - School schedules could be staggered so that ages start at different times?
    - Yes.
  - I live near here and I don't like it because it is too big of a dream. Most kids in the school are from Oakland and elsewhere, Emeryville kids go to non-Emeryville schools? Why build this for the outsiders?
  - Can we come back here and work here?
  - Parking lots?
    - Underground parking and 47<sup>th</sup> and 53<sup>rd</sup> streets.
  - Why didn't you just do it bigger building?
  - They are already talking about cutting sports, how are we going to have money for operating this bigger building?
    - The city leaders are working on the financing and will continue to refine the areas to make sure they can be funded properly.
- 11<sup>th</sup> Grade
  - Can't we just build more fields and gyms on the other sites?
    - They don't want to sell it, so we gotta move forward on this site.
  - How can we fit everything on a small space?
    - Three stories tall
  - How are we not going to go bankrupt again?
  - How is going to be safe with all of the different community on a school site?
  - Where is the funding for this?
  - Can we have TV's to see games in an eating area?
  - Where does everyone go when this is being built?
  - What is there is a fire?
    - Fire resistant, and full sprinklers
  - Can we come and use it even if were out of school?
  - Is this being built bigger that the HS?
  - You just built Anna Yates, why another school?
  - How about use AYES for administration?
  - What about parking?
    - 80 spots underground and widening 47<sup>th</sup> street for more spots.
  - Keep the elementary on Anna Yates, and then keep middle and high school on this site.
  - Can we put a tennis court on the roof?
  - Can we get speakers in the gyms?
  - Can we have a skate park?
  - Drivers Ed for students?
  - Is it going to have woodshops or auto shops?
    - Good ideas...not in current plans?
  - Hours of the center?
    - Could be 5-6am to 11pm-12am...this is almost a 24/7 center
  - Driver Ed program spaces?
  - Job opportunities programs and spaces?
- 12<sup>th</sup> Grade

- Where are the schools going to go during construction?
- Why did it take so long, we've heard about this forever ago.
- We should have an actual music studio for recording.
- When is this going to happen?
- Why can't we do the shared use now with what we have?
- How much will it cost?
- They just rebuilt Anna Yates, so isn't that a waste?
- Have we considered security?
- Football field is real or artificial turf?
- Can we have a café area?
- Are the gyms open for the public?
- Do you feel the population will increase at Emery?
  - Nothing says a fast, large growth...so we're planning for 800 and can expand to a 4th floor
- Need to keep field area
- Infections from field turf cuts, is this an issue?
- Is it a good idea to put k-12 on the same site?
  - The school and city leaders think it's great idea, it's just not common and has a lot of potential
- Are we doing this to save money and cut corners?
  - No, this is to bring all people together
- Are we having a clinic?
  - Yes, potential for non-profits to provide healthcare
- Can I work for this building?
- Is there a wood shop in the building?
  - No, not yet but have heard it a few times
- Can we build a jamba juice or starbucks?
- Can we have Bowling, La Crosse, Golf, or other sports complexes too?
- Tare we having a café and kitchen?
- Are we really going to put Basketball on the roof?
- Earthquake safe?
- To get up and down, stairs or elevators?
  - Both, no escalators. Elevators are for people with disabilities.
- Can the basketball court have a cage on top to keep balls inside (so they don't fly out on the street)?
- Will there be enough stairs for safety?
- Will we have yellow school buses?
- Concrete and reinforced steel core?
- Parking lot on site?
- Is the school going to have more spaces for better/new programs like cosmetology?
- Please bring back drivers education to the school.
- Can we have a farm on site?
- Bigger theater? We want the real theater style.
- Please include a business studio.
- How much did the underground parking cost?

- 7 million dollars for the 80 spaces.
- Has the economy impacted the costs?
  - Yes, down 35% now
- Can there be a skate park on the premises?
- I don't think underground parking is a cost worthy, we should find other way to park.
- Are these programs going to have charges like other community centers?

ECCL Presentation  
3-14-09  
9:30 – 10:45am  
Emeryville Fire Station #2

Comments/Minutes:

Kevin Laven introduced Mark Schatz and Dara Youngdale from the Field/Paoli and HKIT Architect Team.

Mark and Dara presented the power point presentation on the Center of Community Life.

Verbal comments/questions and answers given at the presentation included:

- Eugene Sway, 20 year resident, past co-president of PTO, architect.
  - Joe Frantz was adamant about class and race issues dividing Emeryville, I define Emeryville by east and west and split in socio-economic conditions in each half, also 40% of our school's participation is from Oakland and are they being reached for comments, how are we addressing these concerns?
    - The goal of the ECCL is to be open and accessible, not asserting racism or classism, its open to all in the community. MLK day festival was very open and vibrant, we feel this will continue to happen here by providing a space that welcomes all neighborhoods and groups in the community together. Postcards, meals, and childcare are available for each meeting. We are presenting the ECCL plans to each grade at the secondary school for questions and comments to capture real user feedback from students who are from Emeryville and Oakland.
  - Also if we have 15-20 people per meeting, are we getting enough input?
    - We've had many more attend other meetings held, but we're also getting feedback from the community who can't come to the meetings. We had 600 people at MLK day that were able to view the presentation, many people stopped by that day.
  - What about community organizing efforts?
    - The next phase specifically requires a community organizing component. We realized that these types of meetings/presentations are good and we've had many of them, but we need to reach out even further.
- The master plan for the ECCL is out of date on current website, is an amphitheater still in plans?
  - No, site is too small for dedicated wing to a theater. We do have stages and spaces for theater productions and seating for 300 roughly in the gym and multipurpose room.

- I have reservations about having young kids on this site that is really busy. Since this is not the first presentation, what has been the feedback on this concept of elementary school on this crowded site?
  - Heard that we need separate drop-off zones, separate playgrounds and play areas, and safe neighborhoods within site that is controlled and keeps children safe.
  - Other feedback has been on the shared pieces like the gym, how do children navigate to these spaces? We have created bridges and walkways to take children to the shared areas without crossing paths of the public or other grade levels to address these concerns.
  - Overall there has been a lot curiosity overall on this design.
  - This includes feedback sessions with the school staff and more are upcoming to make sure this is fully addressed.
  - We have created successful shared use between schools and community in bay area.
  
- Concerned about dialogue I've seen in these meetings. Is the pleasantries and niceness covering up the real 'east' Emeryville. It's a war zone oaround San Pablo Avenue, just this morning I saw a series of fresh bullet holes in Bucci's windows on Hollis Street. Also, a child was shot at the high school a few years ago. The history is that the problems and issues go much deeper than just a building and safety needs to be a top priority if the building is to be used. How are we addressing these issues?
  - We still need to have interactions with police department and school security, this could help us know how to deal with these issues in the next phase of design.
  - We've also completed successful, safe buildings in at-risk neighborhoods in San Jose and Sacramento, it can work.
    - Ruth Atkins commented that safety is necessary for equality in life. ECCL builds relational infrastructure to build more safety and security through the community's relationships. We want to promote and nurture the feeling of a village and that concept of people looking out for each other. An example is Emery Bay Village. 14 burglaries happened, but finally people looked out for their neighbors and called police when suspicious activity occurred and the burglar was caught. This concept of caring and community is at work in the ECCL.
  - Unidentified Guy Response to Atkin: Outreach and communication is the only way to solve this, to think architecture can solve this is delusion and not a due diligence to the community. I will sue the City to keep this waste of time and money from happening.
  
- Emery Bay Village is also having issues with prostitution, how are we going to stop this behavior near a school?
  - Unsure of the issue or problem, but it would be a concern and be addressed.

- I'm unsure of the plans at the Cultural Arts Center project behind City Hall, are we sure these aren't repetitive spaces?
  - Pat O'Keeffe noted the ECCL is for community/student art programs, where as the cultural arts center is professional/adult and regional oriented arts.
  - Pat also responded to comments on security, racism. This project is addressing these issues. First, I don't know any other school district that is guided by the principle to end racist and classist practices...its what they live by. Also, this building brings everyone together, not just for rich or poor.
- Cheryl Webb, school board member, asked Eugene how his time as PTO president offered effective measures to fight the issues he has brought up today?
  - Eugene stated that in-fighting within school staff was a major issue and that it was a challenge to get staff and parents out of the resentment to school and community. Parents and the PTO felt that staff didn't need them, and it was frustrating.
  - Overall, we need to have many more of these meetings, get into heart of the community and different demographics.
- Three comments by a community member:
  - 1: As for turnout for government meetings and attendance, I live in the Bridgewater Apartments, most go to the mail to the recycle bin, general apathy as most civic plans
  - 2: As far of the plan, he likes it...great having the central concept for Emeryville.
  - 3: As far as school growth, isn't the building only going to hold current size?
    - Yes, but 40% of district is outside Emeryville, so first growth is that area (ie: taking less out of district transfers). After 40% is vanquished and its all Emeryville students, then we can add another level, the structure is designed to hold this next level already without having to tear up existing buildings.
- What is next step after these meetings?
  - Take comments and incorporate them into finished plan, get plans approved at city/schools and separate city council/school board meetings.
  - Note: Not only is final project/ECCL important, but how we get there and heal the rifts in the community through this process is just as important. Again, the next RFP will require in a community organizing component.
- I think the project has had a lot of outreach to the community. I saw at least six meetings advertised and usually one or two is plenty for one building.
  - Yes, but this is not enough either as we have heard. Since this is such a unique and special building, we want everyone on board and shaping their future school and community center.
- What is the LEED rating for this building?
  - It will be a minimum silver designation, but were hoping for gold or better. We have a lot of linking with transportation that usually scores high and helps keep the building green outside of the actual site.

- Also note the building is going to be designed to “universal design”, which is above and beyond ADA standards.
- Also the building is being designed to CHIP standards, which is like LEED standards, but for educational buildings. CHIP really accounts for acoustics and lighting/glare that make a building more functional.
- Where is the underground parking?
  - Under administration and fitness areas. Trying to minimize the parking lot to under one wing.
- Does this building access the bike path by 47<sup>th</sup> Street (behind Head Over Heels)?
  - Not at this point, but we had not thought of this...so we'll investigate it.
- Is this replacing the current schools and how much does it cost?
  - Yes, and it is about \$125 million total cost for everything.
- Can we generate power from culvert of temescal creek underneath the site?
  - We had not thought of that yet, we'll look into it. Great idea!
- We should learn a lot about safety of public recreation spaces from the opening of the new park between Doyle and Hollis streets.
- Can we contact the architects directly?
  - No, all comments are taken by the City...we are their clients.



ECCL Presentation  
3-19-09  
6:30 – 7:45pm  
Pacific Park Plaza

Comments/Minutes:

Mayor Dick Kassis introduced Mark Schatz and Dara Youngdale from the Field/Paoli and HKIT Architect Team.

Mark and Dara presented the power point presentation on the Center of Community Life.

Verbal comments/questions and answers given at the presentation included:

- Dick Kassis explained why the city is involved in this project. ECCL isn't just a school, it's a place for drawing all of Emeryville together. Also it is our civic responsibility to support our community's children and their education,
- Brian Donahue, resident of 27 years, adopted 3 year old, public education product, wants to support this project by nature, but has concerns:
  - He feels it will be a boondoggle due to lack of family friendly housing in Emeryville. Most developers build only 1 or 2 bedroom condos, so not enough family housing exists. The project, which is projected to cost \$125 million, will be a gift to the City of Oakland and not used much by Emeryville.
    - Pat O'Keeffe stated a housing committee discusses how to create more family housing in the City. The top reason families decide on a community to live in, especially in the Bay Area, is how good is the school district. The second most needed family draw is the related support services for families, like great parks and recreation programs. This project addresses both.
    - Kassis also noted that the city is requiring condos to build larger units and create price controlled areas for families. Also the City is putting in a new park. He feels it's the 'chicken or the egg' case, once we build it, the families will come.
  - Brian's follow-up is no to family housing component, this is a big gamble and we don't know that the families will come.
- Cost of the project...is the capital and operated projected?
  - \$125 million estimated total cost, we'll have better estimates as we get more detailed. We have \$25 million set aside for capital funds in the City. This will allow us to complete some design work and qualify for state funding such as school construction funds. Also on the federal level, a lot of funds are being lined up for school construction. A bond by the school district to cover the remaining gap may be proposed if necessary.
  - Dick Kassis supplemented this answer that the ECCL isn't a pie in the sky concept, the ability to fund it is real. The city, schools, and community leaders go to Washington to lobby for Emeryville each year. This project

- is seen by our leaders in Washington, and Sacramento, as the future of community schools and a great pilot program worthy of their funding.
- Follow-up question to the lack of family housing. We have children spending lots of time in public spaces, has any thought been put into security and safety between children and the public?
    - Yes, separate areas with fences or on roofs for children is most likely, but will be carefully planned out in the net phase. During the day, the fields and playgrounds are for schools, but at night and the weekends, these areas are for the community.
    - Also the site features separate age play areas, separate drop-offs, walkways between buildings using separate paths to keep children safe. Safety is absolutely a concern and will be considered in future planning.
  - Would it be possible to phase the building to so the school doesn't need to shut down?
    - Yes it is possible, but we feel the best way to make this happen is to move the school to an alternative site and get the construction finished as soon as possible. Having an active construction site while a school is in use is not optimal for learning or safety.
  - This is too grandiose of a plan during this time of economic crisis. The mayor and city manager talk about how we anticipate funding, but it's not a guarantee. If we reach a point of no return, then the cost is passed on to the residents. Please reconsider the idea to phase the project so we start with a small building, then build it bigger when the community funding and need?
    - Good suggestion. This is why we come out to the public for ideas and concerns early, so we can hear your requests and concerns. If we come with all the answers, the public feels that they weren't included or involved.
    - Dick stated it's not a grandiose plan, maybe the idea of taking AC Transit and PG&E site was, but we went to a more shared, tall, urban school and community center on land we own.
  - If the high school moved to the middle school and then back again, are we ever going to use Ralph Hawley again?
    - Roy Miller, EUSD, noted that the uses are not fully resolved. It's still very early and up for discussion. The school board passed a resolution to use that site for pre-natal/pre-k in the future. This could be leased to non-profits who operate per-natal/pre-k centers.
  - I heard at a Council meeting that Mayor Dick Kassis had to be brought 'kicking and screaming' to sign on and support this project. What changed your mind Dick?
    - At first he was disappointed on not getting a bigger site and the higher initial costs due to purchasing and clean-up of the other sites, but once he realized the expenses would drop by using site already owned by the District, most of the essential programs fit on this site, and that it shouldn't raise operating costs, I felt it was a more than worthy project.
  - Is selling an extra site that the school or city owns a possibility?

- Can't speak for the board or council, but many ideas have been brought up for future uses, including selling the other properties to help fund the construction of the new property.
- I wasn't on board with the project when I first heard about it before seeing the drawings/presentation, but now I'm warming up to this not being pie in the sky. I work at UC-Berkeley and colleagues note that they would never have families in Emeryville due to the condition of the schools. I don't agree its about family housing as someone else noted, we already have lots of families in Emeryville that are being forced to go outside of the City for services and schools that this project provide.
- Please take a look at really bulking up the garden area...it has been really successful/popular at other nearby public spaces and schools.
- If were going to do this, lets shoot for the moon. Why not bid out the design to come up with the best design for the least amount of money?
  - On 3-20-09, the RFP for this ECCL will go public and be open for bid. A team of community members and leaders will select the best architect to create the next phase of the plans and design as you suggested.
  - Field/Paoli worked on conceptual plan now, but also will bid for the next phase. They've built a successful center like the ECCL in San Rafael, the Marin Jewish School Community Center.
- Clustering K-6 and 7-12 together...is there a reason for this configuration or what? Are we short changing the middle school age (5-8 grade) students by not having an academy for them?
  - This was the best model chosen by the school leaders and architects, but the design has flexibility to take shape for different programs (like a elementary, middle, and high school).
- I enjoyed seeing Tony Smith on the video, very nicely done and explains the vision well, but another piece of his vision called democracy is not being followed. Parents are not being allowed to be on the committee that has dissenting voices and this is not right.
  - Dick Kassis commented that people have been welcomed and it is open to everyone in the community. The only exception is Brian Donahue, because he has caused too much disruption in past civic committees and bully's or stops the progress of other committee members when he doesn't get his way.
- Informational comment: We're investing in schools and community centers. What is the most efficient way to provide education to our kids? Do we need a separate school district? Are we improving graduation rates and scores to make it worth this investment?
  - Dick commented that scores are going up. Tony's vision is being implemented. We have better teachers by cutting dead wait, more families sticking around to place their children in our schools. By keeping a separate school district, we can ensure the success of our town. Not only is investing in our children important for moral reasons, but having a high quality school will improve our property values.

ECCL Presentation  
3-9-09  
7:00-8:15pm  
Emeryville Police Station

Comments/Minutes:

Melinda Chinn introduced Mark Schatz and Dara Youngdale from the Field/Paoli and HKIT Architect Team.

Mark and Dara presented the power point presentation on the Center of Community Life.

Verbal comments/questions and answers given at the presentation included:

- Zero depth entry at pool?
  - Not currently, but it is possible.
- I'm unsure about the actual relationship between the current ESS and the ECCL?
  - Everything but the pool and the gym will be torn down and rebuilt to 2-3 stories.
  - The building will be able to expand if more than 800 people is needed.
- Where will the lower grades be?
  - In the ECCL
  - Concentrating in one site, we won't be able to have everything we wanted in original plans.
- What about security with such an open design?
  - Haven't delved into security, but there will be opportunities for gates/fences and users.
- What about children of different ages crossing paths, is this safe?
  - During the school day, the paths of different grades have been designed to avoid crossing for young and old.
- Is the current pool Olympic?
  - No
- Two stages?
  - Yes, neither are dedicated and are part of multipurpose rooms.
- How large are these rooms for theaters?
  - Both would hold 300 or so people currently.
- Would everything fit on this city property?

- It is EUSD property, and everything in this presentation will be on this site. Not all the elements brought to the architects from the Partners of Community Life will fit.
- Where will the HS go during construction?
  - Either phasing or move all kids to Ralph Hawley site
  - Really likes open space, too many brick walls on current site and didn't know about it was a public school.
- I'm still worried about security?
  - Will have to be vetted in later designs...
- Route of the shuttle for this center?
  - TBA, hoping the Emery-Go-Round will create a stop and route people to the center
- The Marin Jewish Community Campus in San Rafael is a K8 school, preschool, senior housing, community center, pools all on one site...and very successful.
- How in the school does one get to different floors?
  - Elevators and stairs to link the levels – looking to create universal design which goes above ADA standards
- Location of ESS is also on site, and will also house K-8 school.
  - Yes, all students will be on site
- What is the timeframe?
  - Intention is that it will be under construction in 2011, open in 2013 school year.
- Curious if this is funded by tax dollars or revenue generating idea?
  - Pat O'Keeffe stated that it will be combo funding, including \$25 million from the City RDF, State school funds for construction money (couple of pots, not constrained by the state budgets), Federal priorities for school reconstruction through stimulus and DOE funding, if anything is needed after that, a tax levy could be used...but remember that 80% of taxes are paid by businesses, which is a nice perk for residents not having to bear a lot of the brunt.
  - Dick Kassis also stated that the Washington DC delegation of city, school, business leaders have been pitching this idea and they see it as a pilot project that could be funded, great example of sharing facilities and build a sense of community. Film pointed out that Emeryville lacks a community gathering space, as well as social services, and great schools. We have lots of cubby holes in emville, but this is the focal gathering point that is open 24/7.

- We can't afford to have our schools fail and young black drop out rate of 55%. Even if we don't have kids, it's a civic duty, bring meaningful space, brings a cohesive space
  - To Pat, thank you for answering financial questions.
  - To Dick, we appreciate the Washington dc and make it an earmark.
- Are the schools each going to have separate principals or one for the whole site?
  - At this time, one per school. But were also creating space for parents and community interaction.
- Funding answer good, but programs will be memberships?
  - Rec programs as they are will be priced for residents and non-residents
- Is the senior center going to stay and maintain?
  - Yes, the current time is to keep it in place.
- Cultural arts building stages, please explain?
  - The CA building is behind city hall on 40<sup>th</sup> and Hollis and will be a professional PA space and stages.
  - It is 75% funded and PIXAR committed make a contribution too. The rest of the space will need funding too.
- I would also like to see more yoga studios.
- As a student athlete of a non-varsity sport at Cal, we always struggled to find fields. This new field will be a great revenue generating area.
- Rock climbing wall would be nice niche market to generate revenue, not many walls in the area.
- Roof top garden...is it flower or herbs/food gardens?
  - Now it is a green roof, like the academy of sciences, diverts storm water from bay
  - Planters at school and rec center now, will be part of the ECCL

ECCL Presentation  
2-11-09  
10:00am-11:15am  
Emeryville Senior Center

Comments/Minutes:

Melinda Chinn introduced Mark Schatz and Dara Youngdale from the Field/Paoli and HKIT Architect Team.

Mark and Dara presented the power point presentation on the Center of Community Life.

Verbal comments and the answer given at the presentation included:

- What's the time frame for this project?
  - Projecting construction starting in 2011, building opens in 2013.
- What is the total cost and how much money do we have now?
  - \$125 million is the cost, and we have \$25 from the City and the land from the school district.
- How many people will the new schools hold?
  - The same as the current schools, about 800.
- I just moved from Oakland to Emeryville, I am excited by the project.
- How are the seniors envisioned to belong at the ECCL?
  - It is a multigenerational center, which is a good thing and based on the belief of small town/close knit community lifestyles are healthy. Seniors will interact with all ages using the fitness area, arts rooms, etc. They will also have their own space/lounge in the building.
- Where is the money coming from? We're already cutting back services in the city?
  - Not all the details have been finalized, but there are two pots of money, capital funds pay for the building and the operation funds will be for the staff, which won't go up at this time.
  - One thing to consider is that businesses make up about 80% of the tax base in Emeryville, which means residents who would benefit greatly from this project only pay 20% of the cost. Let's leverage this opportunity.
- 53<sup>rd</sup> Street will become an important street in the future general plan with great pedestrian and bike access, lets make sure that's highlighted in the next presentation.
- Berkeley has a great warm pool for physical therapy in their social and well being center...this would be great for the those with disabilities and seniors in Emeryville. Can we add this to the project? This would be a heavily used and appreciated feature for the seniors. Also a current pool would be nice.
  - It may be hard to fit two or more pools on this small site, currently this is not planned. We possibly could look into a hot tub/jacuzzi because they're smaller.

- The drop off areas are a joke, they are way too small for the buildings. Secondly, there is not enough parking in and around the center.
  - Parking and drop-off times are always an issue. We would suggest the school stagger its starting and finishing times for different grade levels like many schools do to help ease this congestion and make it a safer area.
- I'm a big fan of windows and like the many shown on the building, but I discovered at my own workplace the need for controlling this light too. How does this get handled?
  - South facing windows have louvers to block sun but let in light. West side is always problematic, interior shades are usually the best, but also could design exterior features to help. Either way, the next phase of the design will use modeling and other technology to account for and mitigate these lighting impacts on working in and using the building.
- I applaud the city's efforts for making Emeryville a more livable city. What is the current heart or center of Emeryville?
  - There is no current social 'center' of Emeryville, many pocket areas with their own centers like the Peninsula residences, Pacific Park Plaza, Northern Hollis Street new condos, San Pablo Avenue and the Triangle neighborhood. This would be a space that attracts and is open to all of Emeryville to use, thus becoming the heart of the community.