



City of Emeryville
1333 Park Avenue, Emeryville, CA 94608-3517
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Emery Unified School District
4727 San Pablo Avenue, Emeryville, CA 94608
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www.emeryusd.k12.ca.us

Citizens Oversight Committee (COC)

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

June 14, 2011 at 5:30 p.m.

EUSD Facilities Tour – Emery Secondary School and Anna Yates Elementary School

5:30 PM – COC Members meet at the Emery Secondary School Atrium (1100 47th Street).
Entrance to ESS is on 47th Street.

5:35 PM – Introduction and ESS walk through

- Room 16 – Classroom (John Perry, Director of IT)
- Room 18 – Science Classroom
- Art Studio
- Room 4 – Science Classroom
- Gym/Locker Rooms
- Computer Lab
- Library

6:10 PM – Walk to Anna Yates Elementary (1070 41st Street)

6:15 PM – Introduction and AY walk through (tentative tour)

- Mod 2/Mod 14
- Library
- Room 6/Room 5
- Computer Lab
- Science Center
- Multi-purpose room

6:45 PM – Debrief and Adjournment

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

DATED: 06/10/2011

Post on: 06/10/2011

Post until: 06/15/2011

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

Meeting Agenda

June 15, 2011 at 6:00 p.m.

Billiards Room, Emeryville Senior Center – 4321 Salem Street

1. Facilitated conversation on community engagement
The COC will devote 90 minutes to this conversation. Margit Birge, a trained facilitator, will guide a constructive conversation amongst COC members with the goal of providing input to the School Board and City/Schools Committee on defining and establishing a process for community engagement.
2. Approval of minutes for May 18, 2011 meeting
3. Additional items for discussion (as time allows)
 - a. Clarification of COC roles and responsibilities to review Measure J expenditures
 - b. COC Subcommittee structure proposal
 - c. Presentation of information about the ECCL Fellows program
4. Comments on items not on the agenda
5. Adjournment

OBJECTIVES of this meeting:

1. COC members will give input to the EUSD School Board and City/Schools related to defining and establishing a process for Community Engagement.

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Citizens Oversight Committee (COC)

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

Meeting Minutes

May 18, 2011 at 6:00 p.m., Anna Yates Conference Room

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
Tom Rauch
Ronald Henry

Judy Inouye

COC members absent:

Kelly Maddox

Others present:

Josh Simon (EUSD School Board Member)
Roy Miller (EUSD Architect)
Hayin Kim (EUSD Dir. of Youth & Community Engagement)
John Sugiyama (EUSD Superintendent)
Debra Lindo (Appointed EUSD Superintendent)
Matt Johnson (Community Member)
Margit Birge (Community Member)

1. Introduction/Public comments on items not on the agenda/Questions from prior meeting

- a. Introduction of Debbra Lindo
- b. EUSD End of year events (Josh Simon)
 - i. AY Open House, May 19th at 5:30 PM
 - ii. 6/1 ESS Open House (with the AY Band performing)
 - iii. 6/3-6/4; AY production of the Lion King (Senior Center or location TBA)
 - iv. 6/13, ESS graduation
- c. Form 700 update (Brian Carver)
 - i. Called 800 number and it was only moderately helpful; was told that the school district should have the answers; suggested a conservative approach to property disclosures;
 - ii. BC suggests that either the district or district counsel should tell the COC what category of disclosure that should be followed

2. Approval of Minutes for April 20, 2011 Meeting

- a. Typo, change "activity stand" to "activity strand" (Marcelline Krafchick)
- b. In future minutes, highlight actions taken (Marcelline Krafchick)



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- c. Approved with changes; no objections

3. Information Items

- a. Review of past community engagement efforts, 2000-2009 (Miller/Kim)
- i. BC: included in packets is information from past meetings in 2009 so the COC is on the same page; might be indicative of some current questions; a place to start providing answers
 - ii. Difficult to talk about 10 years of community engagement; genesis of the ECCL began as community work as the school district was coming back together under state administration
 - iii. Community development of the Youth Master plan (community survey and report, 2002) led to further ideas (supported by City Council and state administrator) to continue the development of the work; putting ideas into action
 - iv. Expanding beyond just Youth Services, to all of Emeryville → ECCL ideas; a place for all of Emeryville (Community Services, activities, education)
 1. Drawing from community surveys
 2. Understanding “community life” in Emeryville
 3. Exploring related facilities implications
 4. 3-4 year process of developing these initial sets of ideas
 - v. 2005-6: first set of ideas included the AC Transit site (and AC Transit relocation)
 - vi. 2009 – Field Paoli conceptual plan (see handouts)
 - vii. 2010 – conceptual plan refinement with input from Nexus Partners; consolidating space? Phasing?
 1. Refined concept directed by the goal of creating a highly utilized set of facilities and programs;
 2. The basis for Measure J
- b. See www.emeryvillecenter.org for more archival documents about the ECCL history
- i. BC: from the 2009 minutes, might get some ideas about places to engage the community
 - ii. Mitch Fine: is there a way to be listed on the master calendar? See www.emeryvillecenter.org
- c. Public Comment
- i. Charlie Schuman: from the meeting minutes, and the February 2011 EUSD meeting in the library, I hear a community thread of safety, and k-12 co-location; some of these issues are still current
 - ii. Roy Miller: CA new legislation to make this project even possible, AB 1080 (http://www.leginfo.ca.gov/cgi-bin/postquery?bill_number=ab_1080&sess=PREV&house=B), to allow for different public entities to come together and do projects together; requires a



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- safety plan to be produced and approved by Department of Education
- iii. Barbie Robinson: I know of a school in Marin that is k-8; are there similar designs, places? For visiting? To help with design and community understanding?
 1. Roy Miller: Staff is already thinking about how we present a “primer” about some of the foundational ideas, e.g. community schools; and to provide examples of where some of these ideas have been done before
 2. Hayin Kim added information about various community schools efforts and scenarios in practice across the US.
 - iv. Barbie Robinson: would be helpful for the COC to understand the district’s activities and the safety plan; having an on-going dialogue with the district on these topics
 - v. Tom Rausch: I’d also like to know about those k-12 schools that haven’t been successful; including parent perspectives as part of the conversation
 - vi. Barbie Robinson: The visuals will also help to communicate the idea;
 1. Roy Miller: That visual is a Field Paoli CONCEPT, as a 1st shot to take the ideas that were talked about from concept to design. They have not been approved as the “Project Design” by anyone and were not vetted as such by the community – that is the work that will have to happen once the conceptual plan is revised and brought up to date
 - vii. Rodney Wong: requesting information on what has been done within the district; accreditation information of schools in Emeryville?
 1. Hayin Kim/Brian Carver: glad to share information with individuals, but much of that is beyond the scope of the COC
 - viii. Betsy Cooley: Are we meeting the architectural team before community engagement, since they are doing work?
 1. Roy Miller: the architectural team has NOT been doing any design work; mostly working with 1) staff on understanding program considerations; 2) how young people are involved in the conversation?
 - ix. Rodney Wong: When will program information be presented?
 1. Roy Miller: the COC sets their own agendas, but we have suggested ideas as to timing of various benchmarks
 2. Brian Carver: when we talk about the community engagement process, we will talk about this too; need to strike a balance between listening to community, as well as presenting ideas that we want the community to consider; COC should talk about how we strike that balance; a conversation for next meeting?
 - x. Lisa Carlisle: Consider the way we define “community,” especially in consideration of the



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school district, Allen Bill transfers, and other inter-district transfers; we need to think about how we engage community including people who DO NOT live in Emeryville; those youth also attend the schools here

4. Action Items

- a. Request for clarification regarding payment of administrator salaries (Enomoto)
 - i. Brian Carver: not an expert on school bond law, but the AG's opinion makes a distinction between district administrators engaged in activities of the school versus the activities of a bond project
 - ii. Marcelline Krafchick: it's a clear document for our use; if not for Measure J, staff would be doing something else; if we give staff more work, it costs more
 - iii. Roy Miller: Also, Measure J funds are prohibited from being spent on the COC; staff has to be careful about spending time with the COC
 - iv. Rodney Wong: Measure J for project management team, is for design, construction, post-instruction and includes the city and others?
 - v. Roy Miller: 2 years ago, we did an RFP/RFQ process for the architectural team, builders, environmental consultants; Board and Council have approved; those teams are ready to go; there are preliminary contracts with architectural team, though no contracts with builder or environmental consultants yet
 - vi. John Sugiyama: the intent of Prop 39 is to not supplant district funds for administrators solely bc you have the money; to the extent that staff is integral to the project work, able to use the money
 - vii. Frank Aalbers: do you track the hours charged/worked for staff?
 - viii. John Sugiyama: it's not quite that rigid; some federal funding streams require hourly records;
 - ix. Barbie Robinson: what's the allocation method for salary?
 - x. John Sugiyama: the only staff funded by Measure J are Roy and Hayin
 - xi. Brian Carver: and the future Administrative project assistant; I sympathize with Shirley's concerns and it would be prudent for the state to change the language to clarify;
 - xii. John Sugiyama: issue of personnel costs, depending on the full time equivalency; what is recommended to the board regarding the need for project staff
 - xiii. Barbie Robinson: will we be notified ahead of time if there is a need?
 - xiv. Mitch Fine: we need a methodology for review put in place, e.g. 100% allocation? 30-40% allocation? The goal of the COC is not to micro-manage staff process but to properly review
 - xv. Brian Carver: it would be a problem if the APA were supervising study hall; need to know that funds are legitimately used
 - xvi. Mitch Fine: The opinion is very clear, especially on p. 6: "routine" vs. "only project costs" with



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- a lot of specificity; school district should adhere to a methodology
- b. Oversight Committee proposal for Measure J expenditure reports (Carver)
- i. Brian Carver: I reported at the last City/Schools meeting and stated I was very impressed by the COC and their level of commitment
 - ii. Also told them about if we are having to dig around to find “Measure J” expenditures, it’s hard to oversee we are relying on incomplete staff reports and board agendas; we as a committee want to propose a better process; I gave C/S a preview of the proposal to speed up the conversation and said I would take this proposal also to the COC; we are constrained by the Brown Act so timing can be an issue
 - iii. Marcelline Krafchick: I take issue with what you said;
 1. Did COC authorize you to speak on their behalf? I felt uncomfortable because I felt I was being represented;
 2. Substantively and procedurally, the COC’s role is to “re-view:” to look over something that has already happened;
 3. Temper that with my own view; you are asking a lot of staff and City/Schools (C/S)? Shirley asked for monthly rather than quarterly; I would like to hear the benefit, or the cost/benefit, of making those requests
 - iv. Brian Carver – I included CA Ed code in your packet; this part of state law that gives some guidance on what an independent COC is supposed to do: “actively review and report;” “advise public” if the district is in compliance
 1. “actively review”: BC’s proposal to find out about problems while they can be remedied, in as timely a manner as possible;
 2. As general practice, we can get timely reports so when something’s approved we can go ahead
 3. “ensure bond revenues...”: how to “ensure” without careful review? The proposal is to come to consensus on how COC wants to work with C/S; how we can do OUR job
 - v. Mitch Fine: this is about the procedural process of the COC
 1. If we’re reporting to the Board or C/S, we need to explicitly empower you to do that, but I felt that your proposal at the last C/S was jumping the gun
 2. The Board has never dealt with the COC before; so if you wanted to do that, you should do so as an individual
 3. The committee’s decision to empower you needs to be established; we should talk about what your authority is or is not; maybe spend time at our meetings to decide what the C/S report should be
 - vi. Frank Aalbers: is this part of the by-laws? The general responsibility of the COC to report out?



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- vii. Marcelline Krafchick: When is it “too late?” e.g. misspent funds? What’s the alternative to “pre-empting?”
1. Brian Carver: I’m hopeful that will never happen
 2. Charlie Schuman: we’re obligated to report on compliance
 3. Brian Carver: This might be different for certain situations
- viii. Lisa Carlisle: re: expenditures; the COC is looking to approve expenditures for Measure J; we may not like what those expenditures are, but if they fall in line with the guidelines, then they are approved; this has to be in line with the plan and Measure J language
1. Brian Carver: this could be hard because the language is ambiguous
 2. Barbie Robinson: we should refrain from a judgment call on expenditures
- ix. John Sugiyama – staff is as committed to this process because staff is held accountable to C/S; when we have a question about meeting Measure J intent, we call bond counsel who helped draft the language for Measure J [Bill Cadi at Jones Hall]
1. For School Board, although there are board meetings every 2 weeks, standard procedure is monthly review of warrants register (payments made) made against budget items
- x. Barbie Robinson: does this (BC’s) proposal mirror the COC charge? Is this stuff that is beyond our charge? I propose that we strike language about “problematic expenditures”; as far as digging through reports, my assumption is that there is a Measure J report that comes to COC; I’m in “compliance”; I think we flag things that aren’t doable
1. #6 – need a reasoned **process** for the COC
- MINUTES NOTES: look to proposal – last page of minutes – for suggested changes**
2. Why is #6 in that? What is the COC standard operating procedure? What is the scope of the COC’s authority?
- xi. Lisa Carlisle: I want to be diligent, but I don’t want us to overstep our scope and require a greater burden for reporting; Brian, you’re brave to bring this to us; I want to make sure that while we are creating our process, we don’t want to slow the project down.
- xii. Mitch Fine: this should be a dialogue with the school board
- xiii. Marcelline Krafchick: the important word is “review”
- xiv. Mitch Fine: We are an advisory body; and to the extent that we are antagonistic to the process of the school board, I’m not comfortable with that; we don’t want to subject them to COC approval before spending \$\$
- xv. Brian Carver: then a limit of \$15K? the project manager can spend that much without going to the school board
- xvi. Marcelline Krafchick: Can we cut 6 and 7? Is it necessary?



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- xvii. Barbie Robinson: Is this our scope? “approving?”
- xviii. Charlie Schuman: the COC needs to gain **understanding**, so maybe not proactively, but being involved to be more effective;
1. re: a project manager, in a construction project there is a change-order process (budgets, timelines, etc.) and things will change; what’s the orderly process
 2. there’s a \$\$ figure for project manager to make changes; there are people standing by then and the clock is pressing;
 3. Is this part of the project? We’re not controlling the \$\$ but our job is to make sure the \$\$ is being controlled
- xix. Brian Carver: #7 is intended to be an agreed process for talking to one another; not “telling” but a suggesting; “look at it, and does it raise questions?”
- xx. Barbie Robinson: We are over-reading our scope of responsibilities; our role is to review in a TIMELY manner
- xxi. Brian Carver: it gives the whole thing no teeth; this proposed commitment would make things work; we would know more
- xxii. Barbie Robinson: there are 2 contexts; there is” recourse” and there is tempering and balancing expectations within our relationships with C/S; we can temper
- xxiii. Vote to strike 6 and 7
- xxiv. Brian Carver: with those changes, is this a proposal that we can take to C/S?
1. Brian motion, Barbie 2nd:
 2. Passed for Items 1-5 and an introductory sentence
 3. Majority passed
- xxv. Mitch Fine: add more in the pre-able to have communication and dialogue; we do not want to be antagonistic
1. This needs to be reflected in the language that this is a first shot in an effort to ensure effective communication and to work in partnership around the oversight of Measure J funds
- xxvi. Lisa Carlisle: an introduction to opening lines of communication;
- xxvii. Barbie Robinson: can we work offline to send this to the committee?
- xxviii. Brian Carver: if we’re going to adopt something, I prefer we do it in public; we can authorize Charlie to write the introductory sentence and COC can send feedback on the process?
- xxix. Marcelline Krafchick: is there a deadline for this?
- xxx. Brian Carver: we need to have the community engagement conversation; next time?
Brian Carver’s report to C/S in June will include:



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1. We reviewed past community engagement efforts in 2009
 2. Intend to discuss community engagement next time
 3. Learned about Administrator salaries and the AG's opinion
 4. Discussed a proposal for a communications procedure bt COC and C/S
 5. Some items were postponed for next time
- c. Oversight Committee statement on role as Steering Committee (Carver)
 - i. Will need to pick- up on other agenda items from this week at another time
 - d. Discussion/possible creation of subcommittees (Schuman)
 - i. Will need to pick- up on other agenda items from this week at another time
 - e. Setting a date for a Special Meeting to tour Emery Unified properties (Carver)
 - i. Calendar to tour EUSD properties?
 - ii. Hayin will send possible dates for a tour

5. Q&A, Member comments

- a. Rodney Wong: The Senior Center could be available for COC meetings with proper planning
- b. Marcelline Krafchick: this will be a great adventure given how we try to clarify our role and process
- c. Charlie Schuman: Emery Bay Village will be voting on whether or not the COC can use the community center room for meetings; will be voted on next week
- d. Change Frank Aalbers's email
- e. John Sugiyama: there are assisted hearing devices available by request

6. Adjournment, 7:46 PM



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Last Revised ~~May 13, 2011~~ May 18, 2011
~~Oversight Committee proposal for Measure J expenditure reports.~~

DRAFT FOR DISCUSSION – DRAFT FOR DISCUSSION – DRAFT FOR DISCUSSION

REQUIRES INTRODUCTORY SENTENCE TO BE DRAFTED BY CHARLIE SCHUMAN

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 **Measure J** 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 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 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