Regular Meeting Minutes of the Citizens Oversight Committee

July 20, 2011 – 6:00 p.m. – Anna Yates Elementary School

Emery Unified School District Guiding Principles
We Hold High Academic, Social, and Professional Expectations
We Create a Sense of Family
We Inspire and Support Innovation to End Racist and Classist Practices

PUBLIC AGENDA

A. OPENING CEREMONY/ROLL CALL (approximately 6:00 p.m.)

Brian Carver, Chair
Charlie Schuman, Vice Chair
Francisco Aalbers, Member
Lisa Carlisle, Member
Betsy Cooley, Member
~~Shirley Enomoto, Member~~
Mitchell Fine, Member
Ron Henry, Member
Judy Inouye, Member
Joy Kent, Member
Marcelline Krafchick, Member
~~Kelly Maddox, Member~~
~~Dave Martinez, Member~~
~~Tom Rauch, Member~~
Barbie Robinson, Member
~~Andrea Sanchez Cortez, Member~~
Rodney Wong, Member

Staff
Dr. Debbra Lindo, Superintendent of Schools
Roy Miller, Project Director
Dr. Hayin Kim, Director of Community and Youth Engagement
Shamelah Davis, Administrative Program Assistant

B. APPROVAL OF AGENDA (approximately 6:05 pm)

- ***In light of recordings, keep minutes concise, and highlight action items distinctly. (Motion: R. Wong, Second: C. Schuman; R. Henry: No; All others present: Yes; B. Carver: Abstain)***
- Suggestions to re-order agenda?
    i. First item, F-II, chair's terms; second item, F-VIII, as committee to discuss/clarify "community engagement" for City/Schools and EUSD Board; then otherwise as listed (Motion: M. Krafchick; Motion withdrawn)
        1. First item, F-II; second item, F-III as most important before anything else (Discussion: J. Kent)
        2. Items 1-4 are priorities for the meeting chosen by chair; additional items listed on agenda there to get COC consensus on how to prioritize for future meetings
        3. EUSD Board waiting for COC input; staff will provide a draft definition that Board is working on for COC reaction and feedback will go back to the board for incorporation into the final resolution.

C. REPORTS (approximately 6:10 p.m.)

I. Superintendent's Report: Excitement around EUSD Summer Programs, i.e. STEM; looking forward to hearing and participating in the best way possible.

II. COC Chairperson's Report: Pleased that so many members spoke up at last meeting; apology to Kelly Maddox if she felt offended by Chair's attempts to keep COC on task/agenda; Shirley Enomoto wishes to resign from COC; thanks to C. Schuman for giving the City/Schools COC report

D. VISITORS (approximately 6:15 p.m.)

Citizens Oversight Committee Procedures: Community members are encouraged to attend Citizens Oversight Committee meetings. Each agenda contains a "Visitors" section, to allow the public comment on items NOT listed on the agenda. However, by law, COC members may not enter into discussion nor take action on any item not previously published on the agenda. Speakers must complete a "Record of Participation" form and submit the form to the Superintendent prior to the start of the meeting. When recognized by the COC Chair, speakers shall come to the podium and state their name and address before addressing the COC. Speakers are asked to limit their comments to three (3) minutes. Speakers are also asked to refrain from using names of individuals if their comments are critical in nature.

This is a public meeting. Under the Ralph M. Brown Act, any person has the right to record these proceedings with an audio or video tape recorder so long as they do so without causing a persistent disruption. Cal. Gov. Code 54953.5(a). Please note that an official audio recording of the meeting is taking place and is available upon request to the Emery Unified School District. All writings that are public records and relate to an agenda item below which are distributed to a majority of the Oversight Committee (including writings distributed to a majority of the Oversight Committee less than 72 hours prior to the meeting noticed below) will be available at the Emery Unified School District, 4727 San Pablo Avenue, Emeryville, CA during normal business hours (8am to 4pm, Monday through Friday, excluding legal holidays) and at www.emeryvillecenter.org. Cal. Gov. Code. 54957.5(a)-(d).

- Brian Donahue, Visitor: Raises issue with COC text re: Brown Act and public procedure; "COC member may not enter into discussion;" "Record of Participation;" "State their name and address before addressing the COC;" all Brown Act violations; can use names of people in criticisms. Staff is over-represented and should not be pushing their own agenda; should only be there for informational purposes. Asks for accurate reflection of Brown Act.
  - *Chair will ask the issue be part of agenda-setting for next time, if Superintendent, Chair, and Vice-Chair need COC input for final resolution.*

E. APPROVAL OF MINUTES (approximately 6:20 pm) Action

The COC will consider the approval of minutes for the Regular Meetings of June 15, 2011 – community engagement

1. Correction: Page 3: "don't need extra meeting because we have the momentum"
2. Comment/Correction: clarification when identifying COC members by initials
3. ***Motion to approve 6/15/11 minutes as corrected: M. Krafchick; without objection***

COC will consider the approval of minutes for the Regular Meetings of June 29, 2011

4. Correction: page 3: bullet point Item 2: "the chair observed that the committee had already limited his role to calling on people"
5. Correction: page 2, Re: agenda setting process motion, "Everyone else except chair, who abstained."
6. ***Motion to approve 6/29/11 minutes as corrected: M. Krafchick; without objection***

F. ACTION/DISCUSSION ITEMS (approximately 6:25 pm), PUBLIC COMMENT INVITED

I. COC Expenditure Report #1 (20 minutes)

The COC will review "COC Expenditure Report #1, Measure J Expenditures as of 30 June 2011"

- *Staff goes through Budget/Budget narrative; expenditures listed to align with bond list categories as per Measure J; warrants list; covers 2 fiscal years; different from the budget format from MOU #2 since COC is looking at how expenditures relate to bond project list; expenditure report is meant to show Measure J expenditures; MOU #2 is for total project including funds that are not part of Measure J.*
- *Process Clarification about public comment in order to stay on track with the agenda; Chair agrees to hold public comment until end of COC discussion.*
- *Question: useful to have Measure J lines separate but could be useful to include information on other fund sources – e.g. RDA, FEMA, etc.; staff will see how this request can be accommodated*
- *Reimbursements questions: largely staff working on the ECCL; $500,000 cap per board resolution; source documents are available, if requested, by subcommittee?*
- *Issuance costs are onetime costs, covered within the issuance; each issuances will have associated costs; staff would need to go to the bank to get breakdown of issuance costs*

- *Last year's budget developed on issuance costs when bonds were issued; other budget developed for technology in advance to order materials;*
- *Can COC see list of warrants, total on warrants, and encumbrances? To what extent is the COC role to conceptually review and clear expenditures, versus a detailed audit? Prop 39 requires 2 annual audits; will start to see the expenditure processes over time – encumbrances will start appearing;*
- *Column 1 budgeted, Column 3 encumbered, Column 2 expended; staff will switch order of table; flow sheet of where funds are*
- *How much Measure J funds has been spent on COC, especially staff?*
- *Technology upgrades on existing classrooms? IT research on technology investments, i.e. Ipad initiative*
- *COC asks for itemization of EUSD reimbursement for prior years; itemization of bond issuance costs, if it becomes available; CBO can generate report of overall balance of the bond with the county treasury, Local Agency Investment Fund (LAIF); minor items about format of spreadsheet to visualize represent timeflow*
- *Public Comment:*
  - *Interim Housing clarification? For students, not residential;*
  - *Seismic upgrading of a building that is going to be torn down? Minor completion of project that was started 10 years ago; needs to be completed bc students are using facilities; bc it was never completed, the state architect carries that as an open file on their books that hamper our efforts to move new projects on quickly.*
  - *Concerns that these expenditures were not what the public "intended" as part of Measure J*
- ***Committee requested an itemized list of expenditures about reimbursements and underwriting expenses, and that given that information, COC opinion is that expenditures are appropriate (Motion: M. Krafchick, Second: R. Wong; without objection, motion passes).***

II. Chair/Vice-Chair 2 year term (20 minutes)

The COC will continue their conversation on COC Chair/Vice Chair roles and responsibilities. COC will also address the By-Laws conflict which has occurred due to both the Chair and Vice Chair having initially drawn one year term lots.

- *School district to provide us with something about roles and responsibilities? Have not yet provided that yet.*
- *Nominees for Chair and Vice-Chair drew 1 –year terms, although the positions in the By-laws state that the chair/vice-chair are 2-year terms*
  - *According to the by-laws, members with 1-year terms can't serve as chair/vice-chair; current chair/vice-chair were voted in inappropriately*
  - *Amend by-laws to make Chair/Vice-chair as 1 year terms so that anyone can serve*
  - *Alternate reading: chair/vice-chair term ends with the term of the member*
  - *COC can ask for EUSD Board to amend by-laws*
- ***Ask the EUSD board to re-consider terms of office and terms of membership of the COC; consider changes to the by-laws that might alleviate confusion about who is eligible to serve as chair/vice-chair (Motion, J. Kent; Seconded, C. Schuman)***
  - ***Recommendation: suggest one-year terms for Chair and Vice-Chair (Substitute Motion: F. Aalbers; Seconded, M. Fine; All members present voted in favor except Chair who abstained)***
  - *Public Comment: extra diligence for fairness/equality re: public comment*

III. Review of "COC Roles and Responsibilities Matrix" as approved by the City/Schools Committee including discussion of COC role as steering committee (20 minutes)

- *Staff highlights changes to the Matrix, from the last City/Schools meeting; shortened document of just the COC roles/responsibilities*
- *Questions about "Steering Committee" role; don't have authority to do anything with that role outside of COC "opinion" and "input;"*

- *Concerns about the role of COC in community engagement, EUSD Board as the responsible group; does not preclude the COC from being involved in community engagement;*
- *COC role to ensure that community engagement happens; make sure that staff has done their job re: community engagement; COC members can (and should) participate and be involved but they are not responsible for it.*
- *If staff is doing community engagement, how does COC "ensure" that it happens? There needs to be a level of trust that staff is doing their job. COC's role falls in between non-involvement and total involvement.*
- *Reviewing of expenditures and giving input to City/Schools; what does COC "prompt review" require? Define COC options for inappropriate Measure J expenditures;*
  - *If simple majority of COC reaches consensus, will check with the entity that approved the funding (EUSD Board, in writing) and ask for review of expenditure and report back to COC;*
  - *Evaluated by EUSD staff and bond council and brought back to COC;*
  - *Split COC? Simple majority and minority reports to School Board;*
  - *If, after working with staff, there continues to be a conflict, then COC will tell the public.*
- *Public Comment*
  - *Community engagement is happening, and open for review to the public*
  - *Not clear that community engagement is approved by Measure J; community engagement has historically been used as government propaganda; asks COC to keep watchful*

IV. Policies and procedures for conducting the business of the COC as adapted from the Policies and Procedures of the EUSD Board of Trustees (20 minutes)
  - *Postponed to next meeting*

And as time permits (to be considered for next regular meeting):

V. Committee Agreements and Norms discussion

VI. Subcommittee Proposal discussion tabled from last COC meeting

VII. Fellows Program discussion tabled from last COC meeting

VIII. Community Engagement, Round 2

G. INFORMATION ITEMS

H. NEXT COC MEETING AGENDA ITEMS (August 3, 2011; August 17, 2011)

- *August 3rd*
  - *Community partnerships and community schools presentation (OUSD)*
  - *COC feedback on the draft definition related to Community Engagement*
- *August 17th*
  - *How does COC get information out to the public? Not urgent (M. Krafchick)*
  - *Carryover of additional items*

I. COC CHAIR REPORT TO CITY-SCHOOLS
- *Decided we wanted short minutes*
- *Reviewed first expenditure report, requested itemization and other clarifications*
- *Ask for clarification from EUSD Board on Chair/Vice-Chair terms and suggested modification to the by-laws*
- *Reviewed Roles/Responsibilities Matrix and clarified COC response to inappropriate expenditures*
- *Whatever happens at 3rd*

J. STAFF COMMENTS

K. COC COMMITTEE MEMBER COMMENTS

- *B. Carver: Vacancy of a state-mandated position that needs to be filled; EUSD should solicit applications to replace; need to understand what COC members are in which category*

L. CALENDAR REVIEW

M. ADJOURNMENT ***(Motion: M. Krafchick, Second: R. Wong)***

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