

Measure M Citizens' Bond Oversight Committee Agenda

Tuesday, February 6, 2024 - 7:00 p.m. – 8:30 p.m.

Small Conference Room – 526 B Street Davis, Ca 95616

Mission Statement

The mission of the Measure M Citizens' Oversight Committee is to actively review and report to the public on Measure M expenditures. The committee, among other things, ensures 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 and ensuring that no funds are used for any teacher or administrative salaries or for other school operating expenses.

- I. CALL TO ORDER
- II. ROLL CALL
- III. APPROVAL OF THE AGENDA
- IV. APPROVAL OF MINUTES FROM PRIOR MEETING
- V. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA (5 Minutes)
In the interest of conducting the business of public education in a timely manner, there is a three-minute limit per individual speaker which, at the discretion of the chairperson, may be modified depending on the number of speakers. A maximum time limit for general public comment may be imposed. During this public comment period, the law does not allow the committee to deliberate or take action on any item not explicitly posted on the published agenda. However, committee members may ask for clarification, refer concerns to staff, and/or request that an item be placed on a future agenda.
- VII. DISCUSSION OF ECE PROJECT (Best/Burke)
- VIII. ELECTION OF CBOC OFFICERS FOR THE REMAINDER OF 2024
- IX. COMMITTEE COMMENTS AND DISCUSSION (Nason)
- X. ADJOURNMENT
- XI. COMPLIANCE INFORMATION

In compliance with the Ralph M. Brown Act, this agenda was posted at least 72 hours prior to this meeting. Agenda packets are available for review at:

<https://www.djUSD.net/cms/one.aspx?pageId=6722238>

Measure M Citizens' Oversight Committee

Meeting Minutes from Wednesday May 17, 2023

- I. Call to Order:** Meeting called to order by Bret Hewitt at 7:04pm.
- II. Roll Call:** Present: Bret Hewitt, Grace Bassett, Amanda Cattivera, Michael Lehner, Linda Lingbloom, Ken Nason, Jim Knight, Alan Fernandez, Jeff Lee, Dave Burke, Heather Turner, Kimberly Wright, Alan Contreras, Marilu Contreras.

Not present: Andrew Cullen, James Belenis
- III. Approval of Agenda for meeting:** Mike Lehner made a motion to approve the agenda, followed by a second from Ken Nason. None opposed, motion carries.
- IV. Approval of minutes from prior meeting:** Mike Lehner made a motion to approve the minutes for the October 18, 2022, meeting with clerical adjustments, followed by a second from Grace Bassett. No opposed, motion carries.
 - I. Meeting called to order by **Bret Hewitt**.
 - II. Based on Resolution 77-22, in accordance with the Brown Act; next meeting to be held **virtually**.
 - III. Roll Call - Ken **Nason**.
- V. Public Comment on items not on the agenda:** No public comment.
- VI. Annual Report Preparation:** Marilu Contreras presented the Annual Report. The Committee agreed to edit the clerical errors as well as adding verbiage to *THE DISTRICTS CONTINUED PRACTICE OF MAKING INTEREST-FREE LOANS FROM THE BUILDING FUND TO ITS GENERAL FUND DEPRIVES THE BUILDING FUND OF INTEREST EARNINGS TO WHICH IT IS ENTITLED* Section. Linda Lingbloom motioned to approve this final Annual Report with the above changes, for the DJUSD Board of Education on June 15, 2023, followed by a second from Grace Bassett. None opposed, motion carries.
- VII. Measure M Program Update:** Marilu Contreras presented the DJUSD Bond Program Update Slide Show to the committee.

- VIII. Recognizing Members Terming Out / Welcoming New:** Selection of Officers for the 2023-24 School Year. Bret Hewitt nominates Ken Nason as CBOC Chair; Linda Lingbloom motioned to approve Ken Nason as CBOC Chair, followed by a second by Grace Bassett. None opposed, motion carries. Alan Fernandes motions to approve Linda Lingbloom as CBOC Vice-Chair; followed by a second from Ken Nason. None opposed, motion carries.

Ken Nason - Chair, DJUSD Parent/PTA Member

Linda Lingbloom - Vice Chair, DJUSD Parent/PTA Member

Amanda Cattivera - Tax Payer Organization Member (second term)

Andrew Cullen - At Large Member

Michael Lehner - DJUSD Parent/PTA Member

Jim Knight - Senior Citizens' Organization Member

Alan Fernandes - Business Organization Owner Member

Jeff Lee - DJUSD Parent/PTA Member

IX. Committee Comments on Discussion:

Alan Fernandes brings up the field condition and emergency vehicle routing to the fields at Davis Senior High School. Dave Burke explained that DJUSD partners with the Davis Fire Chief on all Emergency Vehicle Routes during construction.

Michael Lehner brings up the Lease-Leaseback California Supreme Court case that was featured in the Davis Enterprise on May 15, 2023. Dave Burke will provide the CBOC with research and information on this via email/in person.

Michael Lehner also raises concerns regarding the District's planned use of bond funds for the ECE Project and whether the project was listed in the bond language. Dave Burke will provide the CBOC with research and information on this via email/in person.

- X. Adjournment:** Alan Fernandes made the motion to adjourn the meeting, followed by a second from Linda Lingbloom, in honor of members terming out; Bret Hewitt, Grace Bassett and Jim Belenis. Meeting adjourned at 8:54pm. None opposed, motion carries.



DANNIS WOLIVER KELLEY

Attorneys at Law

MEMORANDUM

750 B Street, Suite 2600
San Diego, CA 92101

Tel 619.595.0202
Fax 619.702.6202

TO: Matthew Best
Superintendent
Davis Joint Unified School District

CC: David Burke
Executive Director of Capital Operations
Members, Citizens' Bond Oversight Committee

FROM: Janet L. Mueller

DATE: February 1, 2024

RE: Measure M Bond Projects
Our file 2640.1121

You requested we review the Measure M bond project list to provide feedback to the Davis Joint Unified School District ("District") and its Citizen's Bond Oversight Committee to determine whether it provides a lawful source of funding for the construction of new kindergarten and transitional kindergarten classrooms. We understand that the creation of new classrooms will facilitate the ability of the District to offer extended day kindergarten programs as well as to provide instructional space to house newly mandated transitional kindergarten programs.

As you know, the District's expenditures are guided by both the California Constitution as well as the Measure M bond project list. The California Constitution provides the general legal framework for school district bond measures, and states specifically that bond measure funds may be used 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" (Cal. Const., art. XIII A, Section 1(b)(3).) However, the ballot measure itself, including the Measure M bond project list, narrows and refines the specific projects that the District is authorized to make.

We believe that the proposed expenditures are consistent with Measure M. Specifically, the Bond Project List includes three broad categories of project types that may be completed with Measure M funds: (A) Complete Basic Upgrades to Meet Current Student health and safety standards; (B) Improve Schools to Meet Current Academic Standards and Provide Access to Modern Instructional Technology; and (C) Provide Dedicated Space for Science, Math, Engineering, Arts/Music Instruction, Support 21st Century Learning and Address Specific Priorities at Individual School Sites.

Section C of the Bond Project List is the most on point for this project as it contemplates the creation and furnishing of spaces to fit new needs and programs, specifically:

- To accommodate 21st century learning methods, renovate, reconfigure, replace and/or repurpose or relocate existing classrooms, programs and buildings, including roofs, walls, windows, doors, floors, ceiling and paint; and

- Construct, furnish and equip flexible classrooms, learning studies, innovation centers, performance spaces, collaboration spaces and maker spaces for STEM, art, robotics, woodshop, technology, computer lab, broadcast media, music, drama and dance.

It is important to note that the Bond Project List is comprised of more than the bullet point projects listed within each classification of the Full Ballot Text. In particular, all of Section III of the Full Ballot text outlines the kinds of expenditures that may be made with bond proceeds. For example, Section III begins with the following statement:

"This Bond Project List, which is an integral part of this proposition, described the specific projects the District proposes to finance with proceeds of the bonds. All information contained within this 'Section III: Bond Project List' comprises the list and description of permissible projects and expenses that may be paid from bond proceeds."

(Measure M, Full Ballot Text.)

Because it is difficult to anticipate all unforeseen conditions and new requirements over the 10+ year life of many construction programs, after the bullet point list and site list, Section III of the Full Ballot Text expressly provides the Board of Education with authority to exercise some discretion over projects and to make certain adjustments to its plans. Specifically, the language makes clear that any and all listed projects may be completed where deemed necessary by the Board and further that:

"Where terms such as "renovate," "upgrade," "repurpose" and "improve" are used in the Bond Project List, the Board of Education has the discretion to determine the best method for accomplishing the project's objective. For any listed project involving renovation or modernization of a building or the major portion of a building, the District may proceed with new replacement construction instead . . . *if the District determines that replacement and new construction is more practical than renovation, consider the building's age, condition, expected remaining life, comparative cost and other relevant factors.*" (See Full Ballot Text, Section III, *emph. added*).

Furthermore, any listed project "may be completed at any site or facility where deemed necessary by the Board."

If the construction of new classrooms is required to accommodate 21st Century learning objectives and standards, and the Board has determined that new construction is more practical than renovation of existing space, for example, we believe the Board is permitted to make that determination as noted in Measure M. Our understanding is that the District fully evaluated the options available and determined that it was more practical to construct new classrooms than to renovate, reconfigure, replace or repurpose existing space.

When the entirety of the Bond Project list is read together, it is clear that the Board is within its authority to construct new early childhood education learning spaces to meet current and emerging program needs. Voters in the District were apprised of this authority by the express language of Measure M.

Please let me know if you have further questions regarding this matter.