
526 B Street · Davis, CA 95616 · (530) 757-5323 · FAX: (530) 757-5323 · www.djUSD.net

Measure M Citizens' Oversight Committee Agenda

Tuesday, September 28, 2021

6:30 p.m. – 8:30 p.m.

Consistent with the Shelter in Place orders from the Governor and Yolo County, this meeting is compliant with the Governor's Executive Order N-29-20 which allows for a deviation of teleconference rules required by the Ralph M. Brown Act. In person attendance will not be permitted. Please email public comment to: dburke@djUSD.net by 5:00 p.m. on September 28, 2021. The meeting will be available for viewing and participation via Zoom at the following address:

<https://djUSD-net.zoom.us/j/86768544257?pwd=V0x5UDMwNnBIL29UNIFKQWU4cE0xdz09>

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 (1 Minute)
- II. ROLL CALL (2 Minutes)
- III. APPROVAL OF THE AGENDA (1 Minute)
- IV. APPROVAL OF MINUTES FROM PRIOR MEETING (5 Minutes)
- 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. Announcements from Chairperson and members regarding any status updates or outreach communications. Consistent with the Governor's Executive Order N-29-20, public comment may be emailed to dburke@djud.net by 5:00 p.m. on September 28, 2021.

- VI. COUNSEL PRESENTATION OF CBOC ROLES AND RESPONSIBILITIES (Mueller) (20 Minutes)
- VII. CONFIRMATION OF COMMITTEE MEMBERSHIP (Hewitt) (5 Minutes)
- VIII. PROJECT AND BUDGET UPDATE (Burke) (30 Minutes)

September Bond Financial Package,
<https://djud.net/cms/one.aspx?pageId=6722238>
- IX. COMMITTEE COMMENTS AND DISCUSSION (Hewitt) (15 Minutes)
- X. ADJOURNMENT
- XI. COMPLIANCE INFORMATION

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

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

Measure M Citizens' Oversight Committee

Meeting Minutes from Tuesday, May 11, 2021

I. Call to Order: Committee Chairperson Neville called the meeting to order at 6:36 p.m.

II. Roll Call: Committee members present: Bret Hewitt, Donna Neville, Eric Roe, Jim Belenis, and Ken Nason.

Grace Bassett and Linda Lingbloom arrived at approximately 7:00 p.m.

Committee members not present: Jacques Franco.

III. Approval of the Agenda: There was no public comment on this item. The motion to approve was made by Bret Hewitt and seconded by Eric Roe. All members present voted to approve the agenda, with the exception that Jacques Franco and Linda Lingbloom were absent.

IV. Approval of Minutes from Prior Meeting: There was no public comment on the minutes. The committee approved the minutes from the March 30, 2021, meeting. The motion to approve was made by Bret Hewitt and seconded by Ken Nason. All members present voted to approve the minutes.

V. Public Comment on items not on the agenda: There was no public comment.

VI. Review and Approval of draft 2020-2021 CBOC Annual Report: Review of draft 2020-21 CBOC Annual Report.

Public Comment: Andrew Cullen complements the Report Writing Committee.

Motion to approve the draft report was moved by Bret Hewitt and seconded by Ken Nason.

VII. Acknowledge that Donna Neville, Eric Roe, and Jim Belenis will be leaving the Committee: Thanking Donna Neville, Eric Roe, Jim Belenis, and Jacques Franco for their service throughout the Bond Program.

Public Comment: There was no public comment.

VIII. Seat New CBOC Members: Amanda Cattivera for the Taxpayer Organization member and Andrew Cullen member at large.

IX. Elect New CBOC Officers: Election of Vice Chair will be made at the following Measure M Citizens' Oversight Committee.

Motion to elect Bret Hewitt as Chair of Committee was moved by Ken Nason and seconded by Ted Tucker. All members present approved, with the exception that Bret Hewitt abstains.

X. Adjournment: Meeting adjourned at 7:57 p.m.



DANNIS WOLIVER KELLEY

Attorneys at Law

The Role and Duties of the Citizens' Bond Oversight Committee

**Davis Joint Unified School District
September 28, 2021**

Presented by:

Janet L. Mueller

This training is provided for educational, compliance and loss-prevention purposes only, and absent the express prior agreement of DWK, does not create or establish an attorney-client relationship.
The training is not itself intended to convey or constitute legal advice for particular issues or circumstances. Contact a DWK attorney for answers to specific questions.

Some Background

- Measure M passed November 2018
 - Resolution, Ballot Summary and Full Ballot Text with Project List comprise the full Measure
 - \$150.9M Authorization approved
- Board appointed initial CBOC on February 7, 2019
- Bond Sales
 - All bonds have been issued

CBOC Composition

- 9 Members, representing various constituencies
 - 1 current vacancy (at-large position)
 - a quorum of a 9-member committee is **5**
- Terms generally 2 years, with a maximum of 3 consecutive terms
- Committee exists until bond proceeds are fully expended

Measure M – ballot summary

“To update classrooms, science/innovation labs, and facilities to meet current academic standards, improve accessibility for students, upgrade school safety/security, keep schools well-maintained, and modernize classroom learning technology, shall Davis Joint Unified School District issue \$150,900,000 in bonds, at legal interest rates, raising \$11,000,000 on average annually to repay bonds while outstanding, at an estimated rate of \$60 per \$100,000 of assessed value, with citizen oversight, annual audits, no funds for administrator salaries, and funds staying local?”



4

www.DWKesq.com

Purposes of the CBOC

- Mandated by “Proposition 39” implementing legislation as an accountability component of a voter-approved bond measure
- Purpose:
 - To inform the public concerning the expenditure of bond revenues
 - Actively review and report on proper expenditure of taxpayers’ money for school construction
 - Advise public re: whether District has met CA Constitutional requirements



5

www.DWKesq.com

CA Constitutional Requirements

- Ensuring bond revenues are expended only for construction, reconstruction, rehabilitation, or replacement of school facilities. (Article XIII A, Section 1(b)(3) of the California Constitution.)
- Ensuring no funds are used for any teacher and administrative salaries or other school operating expenses. (Article XIII A, Section 1(b)(3)(A) of the California Constitution.)



6

www.DWKesq.com

Sources of CBOC Authority

- Ballot Measure
- Education Code Sections 15264; 15278-15282
 - Composition; terms; duties; accountability, reports
- DJUSD Board Policy/AR No. 7214



7

www.DWKesq.com

Permissible CBOC Activities

- ✓ Committee may engage in the following activities:
 - Review annual, independent financial and performance audits performed by an independent consultant.
 - Inspect school facilities and grounds to ensure that bond revenues are expended in compliance with law.
 - Review any deferred maintenance proposals or plans.
 - Review efforts by District to maximize revenues by implementing cost saving measures
 - Professional fees
 - Site preparation cost and other efficiencies
 - Joint use



8

www.DWKesq.com

CBOC Activities (cont'd.)

- CBOC has an **review/audit** function, responsible to report to the public
- CBOC must produce at least one annual written report each year
- Decisions reserved for the District:
 - Determining how bond funds may be spent (within the parameters of Bond Project List)
 - Determining project timing, terms, priorities
 - Timing for issuance of bonds



9

www.DWKesq.com

Technical Assistance to CBOC

- District's Board/Staff to provide technical and administrative assistance to CBOC, such as:
 - ✓ Website information posting
 - ✓ Assist with preparation/posting of agendas; create minutes; provide Brown Act guidance
 - ✓ Provide financial and progress reports
 - ✓ Submit independent financial and performance audits to CBOC, no later than March 31 for prior fiscal year
 - ✓ Respond to findings, recommendations and concerns addressed in audits within 3 months



10

www.DWKesq.com

Meeting Schedule

- Quarterly meetings
 - CBOC to receive fiscal and performance audits no later than March each year;
 - CBOC annual report to Board in June (2020+)
- Project/Program updates at every meeting
- Meetings MUST HAVE a quorum (5 members) to be convened



11

www.DWKesq.com

Permissible Uses of Bond Proceeds

- Construction, reconstruction, rehabilitation or replacement of school facilities
- Furnishing and equipping of school facilities
- Acquisition or lease of real property

Note:

All projects must be within scope of Bond Project List adopted by Board as part of the measure



12

www.DWKesq.com

Operating vs. Capital Expenses

- Despite prohibition on use for “school operating expenses,” bond funds may cover:
 - ✓ District employee salaries to the extent employees are engaged in construction-related services for bond-funded projects
 - ✓ Overseeing construction progress
 - ✓ Performing overall project management
 - ✓ Accounting that facilitates timely completion of the construction project
 - ✓ Costs incidental, but directly related, to bond-funded projects



13

www.DWKesq.com

Operating vs. Capital Expenses

- Other permissible expenditures:
 - ✓ Construction labor and materials costs;
 - ✓ Professional fees (e.g. architects, construction managers, attorneys) and
 - ✓ Other costs directly connected to real property acquisition and improvement projects (e.g. environmental review, relocation costs, temporary moves, etc.)



14

www.DWKesq.com

CBOC Meeting Requirements

- ✓ The Ralph M. Brown Act
(Government Code §54950 et seq.)



15

www.DWKesq.com

Intent of the Brown Act

- To keep the public informed of the actions, debates and views of locally elected representatives.
- To provide the procedural framework for local legislators to meet, debate, act and listen collectively to their constituents.



16

www.DWKesq.com

The Brown Act: “Meetings”

■ Definition of Meeting:

“Any congregation of a **majority** of members of a legislative body at the **same time and place**, including teleconference locations, **to hear, discuss, or deliberate** upon any item within the subject matter jurisdiction of the legislative body.”



17

www.DWKesq.com

Prohibited Communications

- A majority of the members of a . . . body shall not, outside a noticed meeting, use a **series of communications** of any kind, directly or through **intermediaries** or **technological devices**, to discuss, deliberate, or take action on any item of business that is within the [CBOC's] jurisdiction.
- “Direct communication, personal intermediaries, or technological devices” include:
 - ✓ Telephone, e-mail, internet, instant messaging, texts
 - ✓ Social media – new rules as of January 1, 2021



18

www.DWKesq.com

New Social Media Rules

- **CBOC members:**
 - May use social media unrelated to CBOC business.
 - May use social media to provide/solicit information to/from members of the public or answer questions
 - May not directly respond to any communication from another member regarding CBOC business (even if less than a majority).
 - Must avoid otherwise permissible use of social media which results in a discussion between majority of CBOC members regarding business of a specific nature.

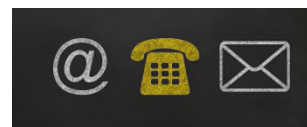


19

www.DWKesq.com

Communication Recommendations

- Carefully evaluate any communication with CBOC members outside a noticed meeting via any means
 - Emails received on CBOC business should not be shared or discussed with the group – no use of “Reply All”
 - If using social media, only elicit information or share information with the public but do not use as a discussion forum involving other CBOC members



www.DWKesq.com

20

Meeting Logistics

- Meetings are open to the public with a posted agenda and minutes
 - ✓ 72 hours' notice for all “regular” meetings
- Brown Act physical location requirements were suspended with Governor’s pandemic order in 2020;
- Virtual meetings will follow same requirements and protocols as DJUSD board meetings.



www.DWKesq.com

21

Ethics Compliance

- CBOC is subject to ethics doctrines:
 - ✓ No participation in District decision making, or attempt to use influence on construction program contracts in which member has a financial or personal interest or prospective interest
 - ✓ No bidding on District construction project by company of Committee member
 - ✓ Place District interests above personal interests
 - ✓ Notify District if conflict concern arises



22

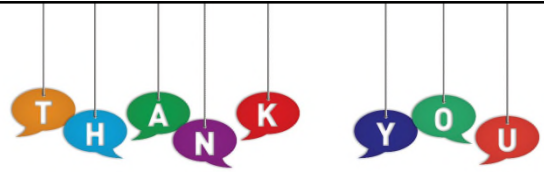
www.DWKesq.com

Questions?



23

www.DWKesq.com



Janet Mueller
Shareholder
San Diego Office
jmueller@DWKesq.com

SAN FRANCISCO
LONG BEACH
SAN DIEGO
CHICO
SACRAMENTO
BERKELEY
FRESNO
www.DWKesq.com

Davis Joint Unified School District
Measure M Citizens' Oversight Committee Membership
September 2021

Original Board Assignment		
Name	Organization	Term
James Belenis	Business	2
Donna Neville	Senior	2
Eric Roe	Tax	2
Brett Hewitt	Parent	2
Linda Lingbloom	Parent/PTA	1
Grace Bassett	At large	2
Jacques Franco	At large	1
Ken Nason	At large	1
Ted Tucker	At large	1

Feb. 6, 2020 CBOC Update		
Name	Organization	Term
James Belenis	Business	2
Donna Neville (Chair)	Senior	2
Eric Roe	Tax	2
Brett Hewitt	Parent	2
Linda Lingbloom	Parent/PTA	3
Grace Bassett	At large	2
Jacques Franco	At large	3
Ken Nason	At large	3
Ted Tucker	At large	3

May 6, 2021 Update			Cur. Term Expires
Name	Organization	Term	
James Belenis	Business	+2	Feb. 2023
Andrew Cullen	At large	+2	Feb. 2023
Amanda Cattivera	Tax	+2	Feb. 2023
Brett Hewitt (Chair)	Senior	+2	Feb. 2023
Linda Lingbloom	Parent/PTA	3	Feb. 2022
Grace Bassett	Parent	+2	Feb. 2023
Ken Nason	At large	3	Feb. 2022
Ted Tucker	At large	3	Feb. 2022
Vacant	At large		

Termed out, did not re-up

Neville

Roe

Resigned

Franco

DJUSD Bond Program











**Citizens' Bond Oversight Committee
Bond Program Update**

September 28, 2021



Current Phases of DJUSD Bond Projects



-  Early Learning Center at Korematsu Elementary- **COMPLETE**
-  Emerson/Da Vinci Junior High Science Labs- **COMPLETE**
-  Birch Lane MPR- **CONSTRUCTION**
-  César Chávez MPR- **CONSTRUCTION**
-  North Davis MPR- **CONSTRUCTION**
-  Willett MPR- **CONSTRUCTION**
- Hydration Stations- **CONSTRUCTION**
-  Pamela Mari Da Vinci Tech Hub at Da Vinci High School- **CONSTRUCTION**
-  Davis Senior High School Aquatic Center- **DESIGN**
-  Davis Senior High School Career Technical Education- **DESIGN**
-  Davis Senior High School STEM Building- **DESIGN**

Tree Mitigation During Construction

Protecting and caring for our trees during the construction of the Bond Program projects is of the highest priority. Ongoing mitigation measures include:

- Reducing the number of trees to be removed by rerouting utility lines (North Davis MPR, Birch Lane MPR, Da Vinci High School)
- Contracting an “on-call” certified arborist to advise on general and specific tree care issues
- Fencing off significant trees and trees immediately adjacent to the construction
- Boring instead of trenching when possible in root zones
- Ensuring appropriate watering and mulching is done
- Ongoing consultation with Tree Davis



Neighborhood Impact Mitigation



Any large construction project will impact adjacent residents. DJUSD wants to be a good neighbor and we are doing everything reasonably possible to reduce traffic, noise and dust. Ongoing mitigation measures include:

- Traffic control plans
- Adhering to the City construction work hour ordinance
- Frequent watering of construction areas to reduce dust
- Close coordination with the City of Davis and the Davis Police Department
- Thorough communication plans with school sites and adjacent neighbors



Early Learning Center at the Korematsu Campus

Project Budget: \$7.0 million.

Status: Complete

Project Update: On September 13, DJUSD celebrated the opening of the new Early Learning Center preschool campus at Korematsu Elementary. The ribbon cutting commemorated seven new classrooms, a playground, an expanded parking lot and the student drop-off/pick-up area that is available to all students campus-wide.



Emerson and Da Vinci Junior High Science Labs

Project Budget: \$7.6 million

Status: Complete

Project Update: A ribbon cutting ceremony will be scheduled to celebrate the expansion of the Emerson and Da Vinci Junior High campus. Each of the four classrooms is consistent with the Next Generation Science Standards and features eight dedicated 21st Century lab stations, as well as flexible furniture to support lecture and small group instruction.



Elementary Multipurpose Rooms

Summer construction activities concluded on August 24, in advance of the first day of school. These activities included campus-wide upgrades to ADA paths of travel, parking lot accessibility improvements and upgrades to existing and new utility distribution. Now that school is in session, construction activities are limited to the immediate vicinity of the new multipurpose room site.

Birch Lane Elementary



Project Budget: \$14.1 million

Status: Construction

Expected completion and occupancy is April 2022.



César Chávez Elementary



Project Budget: \$16 million

Status: Construction

Expected completion and occupancy is June 2022.



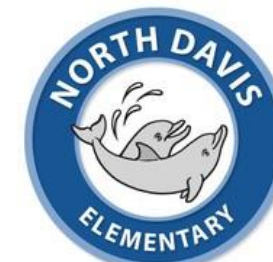
North Davis Elementary



Project Budget: \$14.8 million

Status: Construction

Expected completion and occupancy is June 2022.



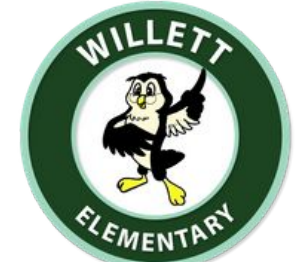
Willett Elementary



Project Budget: \$13.2 million

Status: Construction

Expected completion and occupancy is May 2022.



Construction at Da Vinci High

Project Budget: \$16.4 million with CTE Grant

Status: Construction

Project Update: This Bond project broke ground in July, 2021. Summer construction activities included the demolition of three existing portable classrooms, site work related to utilities and the construction of a building pad for the new Tech Hub.

Project completion is anticipated in Summer 2022 with a planned occupancy in Fall 2022.



Davis Senior High School Aquatic Center

Project Budget: \$13.6 million

Status: Design

- **Project Update:** The current Aquatic Center design includes:
 - Proposed location immediately east of large gym
 - 25 yard x 50 meter pool with 17 lanes and two - 1 meter diving boards
 - Space for two regulation floating goal water polo courses
 - Changing rooms, restrooms, equipment room, deck space, spectator space
- The second round of community outreach for this project will occur this Fall. Completion is anticipated in Summer 2023 with planned usage to begin in Fall 2023.



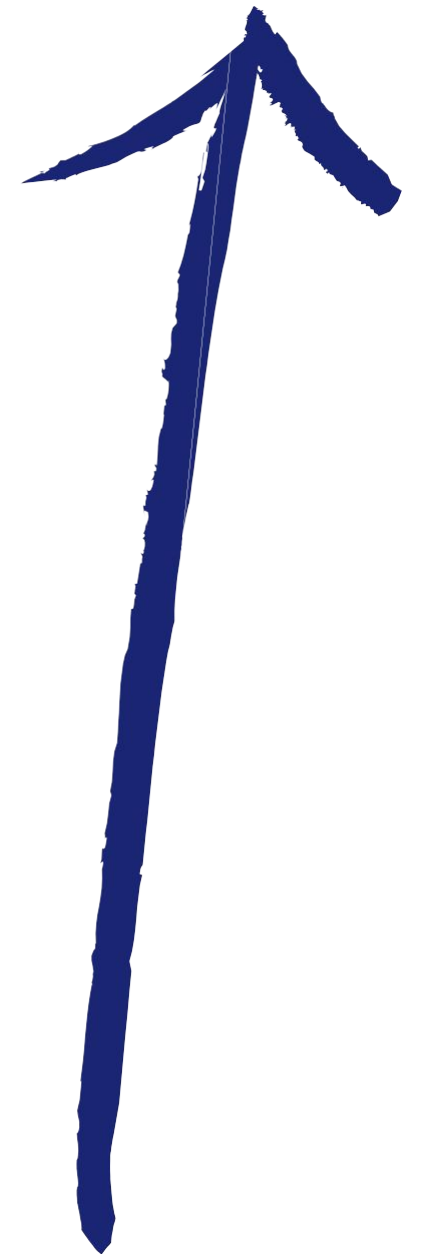
Davis Senior High School STEM Building

Project Budget: \$29.7 million with CTE Grant

Status: Design

Project Update: The new DSHS STEM Building has a proposed accommodation of twelve, 1,440 sq. ft. lab classrooms. This space will also include a large collaboration space of 2,800 sq. ft. as well as prep rooms, restrooms and storage.

- The second round of community outreach for this project will occur Fall 2021. Completion is anticipated in Winter 2023 with planned occupancy in Spring 2023.



Hydration Stations



The installation of hydration stations was one of the first district-wide Bond Projects and began construction in 2019. This student-initiated project allows students and staff to contribute to a sustainable environment by filling reusable water bottles throughout the day.

- North Davis Elementary and Pioneer Elementary are the last two school sites to receive hydration station installations and will be complete in the next two months.
- Hydration stations already exist at Davis Senior High School, however, additional stations will be installed as part of the CTE, STEM and Aquatic Center projects.



DSHS Career Technical Education

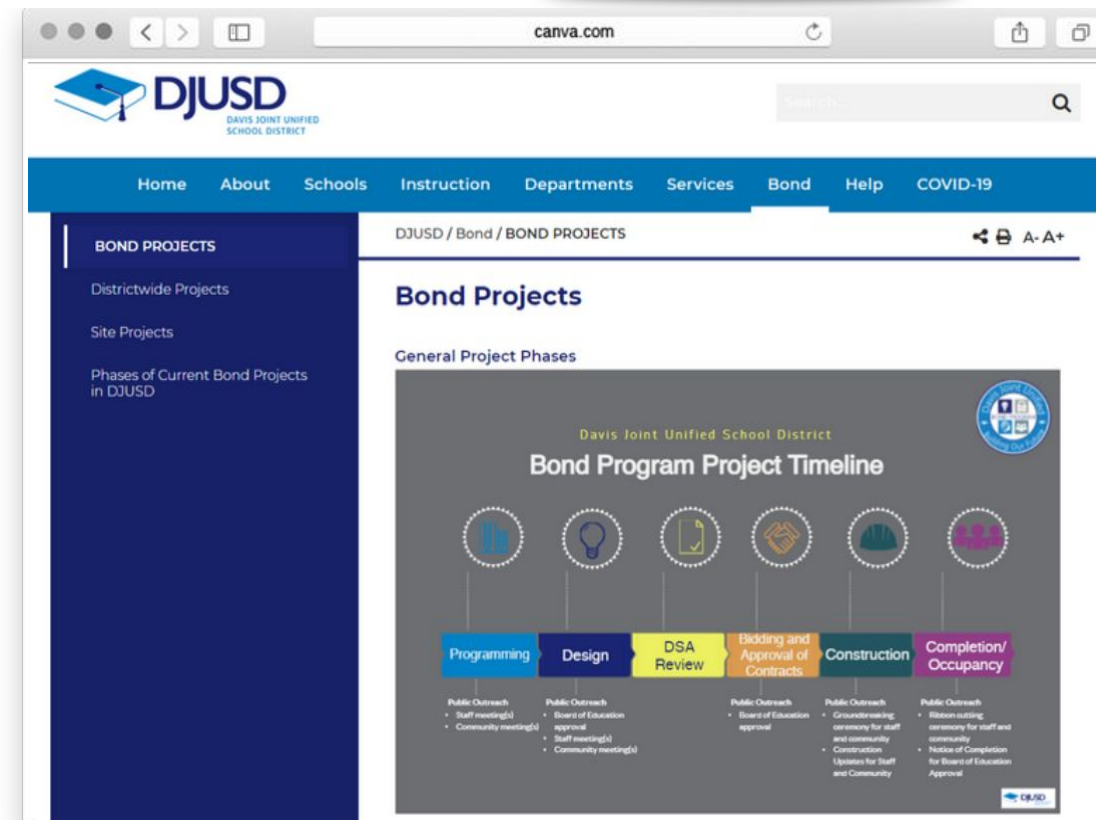
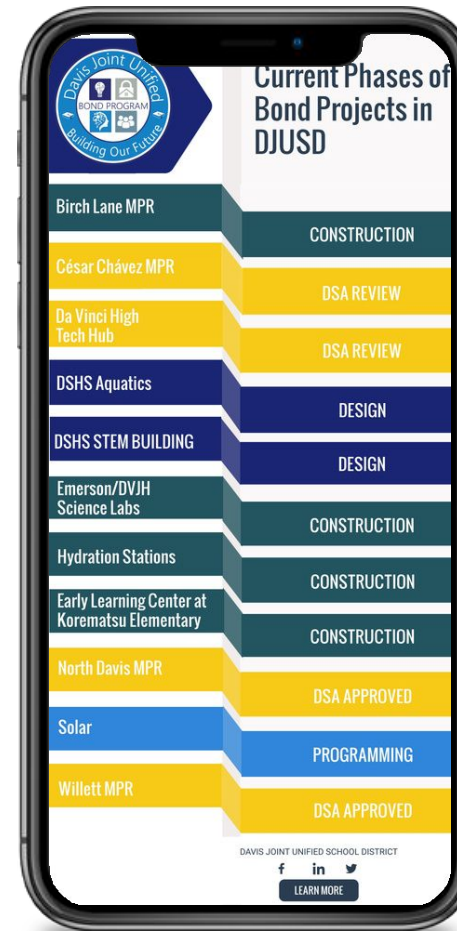
DJUSD has received \$6.2MM in facility grants from the State to improve and expand three CTE pathways at DSHS. When combined with required matching funds from the district (Measure M), the total combined projects budgets are \$14.5MM.

- The Engineering/Robotics Pathway scope includes 7,800 sq ft of additional instructional space and new outdoor learning spaces.
- The Transportation Pathway scope includes construction of an additional vehicle repair bay specific to electric vehicles, a new canopy shade structure in front of vehicle bays and an additional restroom.
- The Agriculture Pathway scope includes improvements to existing shops, improvements to the barn and greenhouse, a shade structure and improvements to the animal care area.

All three projects have completed thorough stakeholder engagement in the programming phase and are now in the design phase. Construction is anticipated to begin in Spring/Summer 2022 and completion is anticipated in Spring/Summer 2023.

Share Your Thoughts and Learn More

- Additional feedback can be sent to FacilityPlanning@djUSD.net
- Webpage by project with Key Aspects of the Project, milestones and FAQs www.djUSD.net/bond
- Subscribe to the DJUSD Bond Program e-newsletter by visiting the Bond website.



Questions

