



CITIZENS' BOND OVERSIGHT COMMITTEE (CBOC)

MEETING MINUTES

Wednesday, October 19, 2022

Tour: 6:00 p.m.

Meeting: 6:30 p.m.

Silver Creek High School (Room J3)

3434 Silver Creek Rd

San Jose, CA 95121

The following were in attendance:

CBOC

Got-Lopez, Melissa

Harkins, Cody (Alt # 2)

Hermange, Debbie

Meadows, Abigail (joined @ 7:21)

Pefley, Carol (Alt # 1)

Roberts, Christopher

Traynor, Patrick

ESUHSD

Huntoon, Michele

Kwong, Kelly

Lucas, Julio

Nguyen, Cathy

Nguyen, Nhu

Nguyen, Sandy

Tran, Shelby

Vander Zee, Glenn

Board of Trustees

Do, Bryan

Guest(s)/Community Member(s)

Choi, Kwan (Gilbane)

Larsen, Kevin (Mr. Larsen,
Community Member)

Morrison, Alex (Gilbane)

CBOC Member(s) Not Present

Pham, Paul (Khoa)

Schimmel, Barry

1. CALL TO ORDER/ROLL CALL

1.01 Call to Order/Roll Call

Roll call was taken at 6:30 p.m. by Vice-Chair Melissa Got-Lopez.

A motion to add an item (item 4.01) to the agenda for the discussion of the CABOC workshop/conference on Saturday, October 15, was made by Melissa Got-Lopez and seconded by Christopher Roberts. Alternate member Carol Pefley voted in place of absent Chair Barry Schimmel (at-large member) and Cody Harkins for Abigail Meadows (at-large member). Motion was carried (6 – 0). Aye.

2. PUBLIC COMMENT

2.01 Public Comment



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A public comment was made by Mr. Larsen (Kevin Larsen, parent). Mr. Larsen also submitted a written comment, which can be found [here](#).

3. APPROVAL OF MINUTES OF PREVIOUS MEETING

3.01 Action to Approve the Meeting Minutes of July 20, 2022 Meeting

Motion to approve the July 20, 2022, Meeting Minutes was made by Christopher Roberts and seconded by Carol Pefley. Cody Harkins voted abstain. Motion was carried (5 – 0). Aye.

4. UPDATED ITEM(S) FROM CBOC CHAIR

4.01 CABOC virtual conference/workshop

Debbie Hermange, Patrick Traynor, and Melissa Got-Lopez discussed the virtual CABOC conference/workshop on October 15, 2022. Debbie Hermange stated that she found the conference interesting and informative. Melissa Got-Lopez felt that the presentation was extremely helpful, valuable, especially the slides about the different reports (financial and performance reports). Vice-Chair commented that she was pleased to see that a lot of the challenges other districts have have been addressed by East Side. Vice-Chair complimented the district's CBOC website and also mentioned the recently added feature that allows the public to contact the committee directly through the website (a contact form that, once submitted, will be emailed directly to current CBOC Chair and Vice-Chair).

The members continued to discuss their experience and understanding of the materials presented at the workshop on various topics. Conclusively, the members who attended the workshop agreed that the workshop provided helpful information and gave them insight into their roles and duties as CBOC members.

Q: Carol Pefley asked if the East Side CBOC bylaws were written by the District.

A: Melissa Got-Lopez stated that although the Board of Trustees approved the bylaws, it was written by the CBOC. The committee has the ability to update the bylaws if needed.

C: Christopher Roberts emphasized that the CBOC has control over their bylaws and can update it.

Q: Carol Pefley asked if the committee can meet among themselves outside of the regular quarterly meetings just to discuss other issues that they might have.

A: Melissa Got-Lopez advised that it is possible for the committee to meet outside of the regular meetings, however, if quorum is met, Brown Act requirements will need to be followed.

C: Patrick Traynor mentioned that we have subcommittee meetings that do not have to follow Brown Act requirements because the subcommittees have less member counts than quorum.



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C: Patrick Traynor commented that the presenter at the workshop suggested that the committee members check a sampling of invoices. However, Patrick Traynor also commented that this is not part of the requirements of Prop 39.

In Melissa Got-Lopez's opinion, not all CBOC members have the skill sets as full auditors or financial advisors. That is why we have the external auditors perform the audits.

Q: Carol Pefley asked if the Audit Committee works only for CBOC.

A: Melissa Got-Lopez said that the Audit Committee is for the whole District [and not the same as the independent auditor who performs the annual audits of the bonds]. However, to be in compliance with Prop 39, the District has contracted an external auditor to perform the annual financial and performance audits of the bonds.

C: Patrick Traynor also commented that the external auditor comes in once a year (in April) to present the completed annual audit reports to the CBOC so the members have a chance to review the reports and ask clarification questions.

C: Melissa Got-Lopez noted that these reports are presented at the Board meeting (available on BoardDocs) and also available on the bond website. That gives full transparency to the public.

4.02 Proposal of Revised Meeting Calendar 2022-2023

Motion to approve the revised meeting dates for the two remaining meetings of fiscal year 2022-2023 from the 3rd Wednesday of January and April (1/18/23 and 4/19/23) to the 4th Wednesday of January and April (1/25/23 and 4/26/23), respectively, was made by Cody Harkins and seconded by Christopher Roberts. Motion was carried (6 – 0). Aye.

4.03 Election of new CBOC Chair and Vice-Chair for Calendar Year 2023

Melissa Got-Lopez explained the responsibilities of the Chair and Vice-Chair and noted that the term of these two positions are for the following calendar year, from January to December.

CHAIR: Barry Schimmel was nominated for Chair by Carol Pefley and seconded by Christopher Roberts. Aye. (6-0). This will be the 2nd term for Chair Barry Schimmel.

VICE CHAIR: Patrick Traynor and Christopher Roberts nominated Melissa Got-Lopez for Vice-Chair. Melissa Got-Lopez noted that her CBOC term will end in June and that at that time, the committee will need to nominate a new Vice-Chair.

Q: Melissa Got-Lopez asked if an alternate member can be nominated for an officer position when Cody Harkins self-nominated for Vice-Chair.



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A: Nhu Nguyen said that it was not mentioned in the bylaws whether or not an alternate member can be nominated for an officer position. However, alternate members' term is only one year, so Cody Harkins' term also ends in June.

C: Melissa Got-Lopez said the intent of having an alternate member is for the alternate member to move into a regular member position when their alternative member term ends.

Motion to approve the position of Chair and Vice-Chair for the new calendar year was made by Carol Pefley and seconded by Christopher Roberts. Motion was carried (6 – 0). Aye.

4.04 Solicitation of Volunteers for the Bylaws Subcommittee

Melissa Got-Lopez briefly expressed the need for an update to the bylaws and solicited volunteers for the Bylaws Subcommittee. Melissa Got-Lopez, Christopher Roberts, and Patrick Traynor agreed to be on the Bylaws subcommittee. Vice-Chair reminded the committee that per Brown Act, subcommittee cannot have more than three members. Christopher Roberts asked staff to verify if the alternative members (who have no voting power) can attend the meeting. Nhu Nguyen will check with legal and provide the information.

5. REPORTS

5.01 Presentation on the Capital Construction Project Updates – Julio Lucas, Senior Manager of the Bond Program

- **Andrew Hill - New Student Union**

Schedule: December 2022 – Total Cost: \$23,666,525

Area: 23,000 square feet – Construction Team: VPCS (CM), XL Construction/ Aedis Architects DBE

Project is on schedule and will be ready in late December/early January. The learning center/library is surrounded by academic student support spaces.

- **Foothill - Modernization of Building G**

Schedule: TBD (Board Approved 5/6/2021) – Estimated Total Cost: \$4,935,054

Area: 6,690 square feet – Construction Team: Gilbane (CM), TBD

Project is tracking and trending well. The building will have showers and a place to wash clothes to help support unhoused students. Foothill is a continuation high school. Glenn Vander Zee shared that currently, there are over 800 unhoused students in the district and these types of facility provide students with a place to refresh for the next school day.



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- **Mt. Pleasant - Modernization of Building 500**

Schedule: April 2025 – Estimated Total Cost: \$18,444,202

Area: Approximately 11,500 square feet – Construction Team: VPCS (CM), Rodan Builders/ SVA Architects DBE (pending Board approval)

Existing building 500 will be demolished. This indoor space will be the place to make food, serve food, and enjoy food and will bridge over to the Learning Center.

- **Oak Grove - Modernization of Building K** ([Member Abigail Cruz-Meadows joined the meeting at this time](#))

Schedule: April 2025 – Estimated Total Cost: \$19,356,870

Area: Approximately 12,000 square feet – Construction Team: VPCS (CM), Alten Construction/ SVA Architects DBE (pending Board approval)

Similar to Mt. Pleasant, the building will have a dining hall/severy where food will be made, served, and enjoyed.

- **Piedmont Hills - Performing Arts Building with Classrooms**

Schedule: September 2024 – Estimated Total Cost: \$17,871,012

Area: Approximately 10,500 square feet – Construction Team: VPCS (CM), Gilbane Building Company/ Perkins Eastman DBE

We are putting a building near the Senior Glen. We are working with Gilbane Building Company as the builder and Van Pelt Construction Services as the construction manager on this project. Currently, we are working on the interior finish selections with the site and it will be going to the Division of the State Architect (DSA) next month. We are trending well with the dollars. Once we finalize the buyout process, we will take it to the Board for approval in January/February.

- **Independence - New Student Union**

Schedule: November 2023 – Total Cost: \$27,076,792

Area: 35,000 square feet – Construction Team: Gilbane (CM), Alten Construction/ SVA Architects DBE

This project is under construction. We are working with Alten Construction, who is new to us. They are doing a great job. This is a full student union. The administration will move into this building. We also have the learning center and dining components.

- **Silver Creek - Building K**

Schedule: April 2023 – Total Cost: \$23,200,000



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Area: 17,810 square feet – Construction Team: Gilbane (CM), Rodan Builders, Inc./ Cody Anderson Wasney DBE

This is the building we just toured. It is a new two-story classroom building with five classrooms on the top floor and five classrooms on the bottom floor.

- **Santa Teresa - New Building**

Schedule: September 2023 – Total Cost: \$12,477,277

Area: 9,450 and 9,654 square feet – Construction Team: Gilbane (CM), BCA Architects, DL Falk Construction

We are building the classrooms that are science-ready. There are maker space and robotic space. It is currently in construction.

- **Evergreen Valley - New Student Union**

Schedule: November 2022 – Total Cost: \$23,559,518

Area: 33,000 square feet – Construction Team: Gilbane (CM), Rodan Builders/ SVA Architects DBE

Administrative spaces spread throughout the new student union. It connects the existing Cougar Hall and Library into one big space that consists of a dining hall, a learning center, and the surrounding administrative and student support spaces.

- **Yerba Buena - Performing/Fine Arts Classrooms and Theater Building**

Schedule: March 2025 – Estimated Total Cost: \$25,039,127

Area: Approximately 19,430 square feet – Construction Team: Gilbane (CM), TBD

We just went through the selection process. Capital Purchasing just sent out the letter today letting the participating teams know the result of the selection. The selected team will be recommended to the Board of Trustees for contract approval.

- **Yerba Buena - Ball Field Improvements**

Schedule: October 2023 – Estimated Total Cost: \$9,500,000

Area: _____ square feet – Construction Team: Gilbane (CM), Robert A. Bothman Inc./ Lloyd Engineering, Inc. DBE

This project is currently in DSA. It will be the first synthetic turf baseball/softball field at East Side.

Q: Is there an area square feet? (Cody Harkins)

A: We will add that information to the next presentation. It is a highschool regulation football field. (Julio Lucas)



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Q: Will the school have funding for the professionals (assumably new hires) that will be occupying the new student unions (i.e. counselors, health clerks, etc.)? (Cody Harkins)

A: The District does not build spaces that do not intend to support an existing program. We have about 26 social workers and an intern program with San Jose State University. The new buildings are to accommodate the existing programs and staff to support the students. (Glenn Vander Zee)

Melissa Got-Lopez requested that Julio Lucas present the vendor selection process for the bond projects at the next meeting in January.

5.02 Information on the Capital Program Budget Adjustment Report – Sandy Nguyen, Construction Bond Program Controls Manager

Sandy Nguyen provided the Board approved Capital Program Budget Adjustment Report for the month of June 2022 thru August 2022. These reports show board approved changes to a project budget within the last three months.

Q: Where can you find the Ballot/Bond language for each measure? (Cody Harkins)

A: Bond language can be found on the bond website. (Melissa Got-Lopez)

5.03 Presentation and Action to Receive and Approve the Budgets and Expenditures Report – Cathy Nguyen, Capital Budget Manager

Cathy Nguyen presented and provided an update of the Board Approved Budgets and Expenditures on all bond measures (Measure G, E, I, I-Technology, and Z) through August 31, 2022. A summary of the overall budget, including the total current encumbrance balance, total expenditures/disbursements, and total remaining budget balance, was presented.

Q: Is the "Remaining Site Allocation" money that is available and [the sites] have not determined how to spend it? (Carol Pefley)

A: Those line items are committed to a project but not committed to a contract. (Sandy Nguyen)

Motion to accept the Budgets and Expenditures Report was made by Christopher Roberts and seconded by Carol Pefley. Motion was carried (7 – 0). Aye. The motion passed unanimously.

6. CONFIRMATION OF NEXT MEETING LOCATION

6.01 Confirmation of Meeting Location for Next Meeting: Wednesday, January 25, 2023 @ 6:30 p.m. (TBD)

The next meeting will be on Wednesday, January 25, 2022 at Mt. Pleasant High School at 6:30 p.m.



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7. ADJOURNMENT

7.01 Chair Adjourns the Meeting

Vice-Chair Melissa Got-Lopez adjourned the meeting at 7:52 p.m.

Minutes approved by: **BARRY SCHIMMEL**

Barry Schimmel

Barry Schimmel (Jan 26, 2023 14:48 PST)

Print Name

Signature

Jan 26, 2023

Date






2022 1019 CBOC Meeting Minutes

Final Audit Report

2023-01-26

Created:	2023-01-26
By:	Nhu Nguyen (nguyennq@esuhsd.org)
Status:	Signed
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