



# CITIZENS' BOND OVERSIGHT COMMITTEE (CBOC)

## MEETING MINUTES

**Wednesday, July 17, 2024  
Room)**

*Tour: 5:30 p.m.*

*Meeting: 6:00 p.m.*

**Yerba Buena High School (LINK**

*1855 Lucretia Avenue*

*San Jose, CA 95122*

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*The following were in attendance:*

### **CBOC**

Harkins, Cody

Hermange, Debbie

Nair, Rajani

Pefley, Carol

Pham, Paul (Khoa)

Joglekar, Kaushik (Zoom)

Schimmel, Barry

Traynor, Patrick

Udasco, Aldrin

### **ESUHSD**

Huynh, Tom

Kwong, Kelly

Lucas, Julio

Nguyen, Cathy

Nguyen, Nhu

Nguyen, Sandy

Phelps, Randy

Soto, Moises

Tran, Shelby

### **Board of Trustees**

Do, Bryan

### **Guest(s)/Community Member(s)**

Morrison, Alex (Gilbane)

### **CBOC Member(s) Not Present**

Roberts, Christopher

## **1. CALL TO ORDER/ROLL CALL**

### **1.01 Call to Order/Roll Call**

Roll call was taken at 6:04 p.m. by Chair Barry Schimmel.

## **2. PUBLIC COMMENT**

### **2.01 Public Comment**

No general public comments at this time.

## **3. APPROVAL OF MINUTES OF PREVIOUS MEETING**

### **3.01 Action to Approve the Meeting Minutes of April 17, 2024 Meeting**

Motion to approve the April 17, 2024, Meeting Minutes was made by Patrick Traynor and seconded by Debbie Hermange. Motion was carried (7 – 0). Aye. Paul Pham was not present at the time of voting.



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### 4. UPDATED ITEM(S) FROM CBOC CHAIR

#### 4.01 Introduce New CBOC Members for Fiscal Year 2024-2025

Chair Barry Schimmel briefly introduced and welcomed the two new alternate members, Kaushik Joglekar (Alternate #1), who was not present at the time but joined later via Zoom, and Aldrin Udasco (Alternate #2). Since Kaushik Joglekar was absent in person, the Chair briefly shared with the committee that Kaushik Joglekar is a parent in our school district with a lot of experience with committees. He has experience with project management, technology skills, and state governmental agencies, as well as knowledge with building contracts.

The Chair then introduced Aldrin Udasco II and asked him to tell the committee about himself. Aldrin Udasco is a student at Independence High School who has been involved in various school and community organizations, such as school site council and student clubs. He is interested in being a CBOC member because he wants to see how efficiently counties across the states operate and know how bonds can be used.

Renewed members were Christopher Roberts, Patrick Traynor, and Paul Pham.

#### 4.02 Action to Approve the Final Draft of the CBOC Annual Report Fiscal Year 2022-2023 and Discussion on New Timeline for Next Fiscal Year Report

Motion to approve the Final Draft of the CBOC Annual Report Fiscal Year 2022-2023 was made by Patrick Traynor and seconded by Rajani Nair. Member Paul Pham had joined the meeting at this point. Motion was carried (8 – 0). Aye.

Cody Harkins addressed his original request to put the repayment amount of each bond measure on the annual report and expressed his understanding of why this information was not part of the report. Chair Barry Schimmel clarified by adding that the school district does not repay the bonds; the home owners within the district boundaries repay them through their property tax bills and the information is maintained by the county.

Member Rajani Nair remarked on the positive experience of working with Patrick Traynor and Cody Harkins on the Annual Report Subcommittee. She thought it was a nice experience and very informative.

Chair Barry Schimmel mentioned last year's submission of the annual report to CABOC, which was unsuccessful in obtaining an award since CABOC canceled the award category. The Chair thought that they should include the category every year and that we should resubmit the report if the category is open.



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#### 4.03 Idea Discussion on How the Committee May Encourage Public Engagement

Carol Pefley raised concerns about sharing the legal counsel with the District and wanted the CBOC to have a separate legal counsel. She believed it would be the same cost, not taking up additional bond or public money, whether the committee uses the District legal counsel or has its own counsel. By having its own legal representation, whenever the CBOC has an issue, the committee members can go directly to their legal counsel and not have to go through the District.

Chair Barry Schimmel stated that the bond does not have a budget for legal services and, therefore, to obtain a separate legal counsel for the bond, the CBOC will need to ask the District school board for approval. The chair also brought up Member Patrick Traynor's previous concern regarding the CBOC approving its own bylaws instead of having the board approve them. He said that Michele Huntoon, the previous Associate Superintendent of Business Services, was supposed to check with legal and explain why the CBOC could or could not approve its bylaws; however, she had moved on to another district. Ultimately, the chair believed that there is a fine line between how independent the CBOC is supposed to be as it is still under the jurisdiction of the board, similar to the Budget Advisory Committee. Chair Barry Schimmel has asked the new Associate Superintendent of Business Services, Tom Huynh, to look into it and come back with an explanation for the committee and, if possible, have the legal representative meet the committee via video conference to help explain it from the legal perspective.

Carol Pefley asked if any school districts have their own legal counsel. Tom Huynh stated that from his own experience, the CBOCs from other districts do not have their own legal counsel. He said that the school board ultimately oversees all district functions, including other committees within the district. Carol Pefley said she would look more into this issue as she does not think it made sense. She believed that the CBOC is supposed to be the watchdog of the school board and that from a business perspective, there would be liability issues if something were to ever happen and the CBOC does not have its legal counsel separate from the school board's.

Paul Pham chimed in that last year, one of the board members attending a CBOC meeting mentioned that the CBOC should be allowed to seek its own legal counsel. It was a topic that the CABOC conference also emphasized in many of their presentations and examples. Member Paul Pham believed that the District should support the CBOC in obtaining its own legal counsel in order for it to be independent of the District. Paul Pham also recommended that language be added to the bylaws regarding this concern.

Chair Barry Schimmel recommended that the committee get a consultation on the cost of legal counsel and the answer to whether or not the CBOC falls under the school board's jurisdiction.



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Carol Pefley mentioned that when she spoke to Board Member Pattie Cortese, she agreed that the CBOC could have its own separate legal counsel. Carol Pefley brought up the concern of personal legal liability of the committee members if they did not do what they were supposed to do as a committee member because she thought it would discourage people from volunteering if they were to be liable for any oversight during their terms. Chair Barry Schimmel and Tom Huynh assured her that the committee members would not be liable. The chair added that the CBOC has no budget or authority to hire or fire contractors. All construction contracts are approved by the board and managed by the Senior Manager of the Bond Program, Julio Lucas.

The chair recommended that the District look into the legal counsel concern and bring it back to the next meeting.

Member Rajani Nair suggested checking with the state CBOCs to compare. Chair Barry Schimmel asked if she could take the initiative to find out which school districts have their own legal counsel and approve their own bylaws. Rajani Nair agreed.

**Q:** If we have separate legal counsel, will the school board pay for it? (Cody Harkins)

**A:** Yes, they would, but it is not inexpensive. (Barry Schimmel)

Barry Schimmel then officially announced that Michele Huntoon had taken another opportunity at another school district and introduced Tom Huynh, the new Associate Superintendent of Business Services. Chair Barry Schimmel remarked on the positive reputation Tom Huynh carried from Newark School District and complimented his expansive background from being a school teacher, principal, Senior Project Manager of the bond program to, most recently, the Associate Superintendent of Human Resources. The chair believed that his experience and knowledge of the District operation and staff will positively contribute to his role as the new Associate Superintendent of Business Services. The chair then asked Tom Huynh to introduce himself briefly.

Barry Schimmel concluded the meet and greet by informing the committee that Tom Huynh would check with the attorney and bring back the subject of bylaws approval and legal counsel for the CBOC at the next meeting.

## 5. REPORTS

### 5.01 Information on Questions/Requests From April's Meeting – Tom Huynh, Associate Superintendent of Business Services

The Associate Superintendent of Business Services, Tom Huynh, addressed the question by member Paul Pham from the April meeting. The question was regarding the disproportionate amounts between salaries and benefits on the audit report of measure G. According to Tom Huynh, the numbers on the



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report reflect the STRS on behalf amount for the training of staff on the new learning management system, CANVAS, that was launched a year after we came back from COVID. IT Tech bond allowed for technology training. The District is required to recognize the contribution made by the State of California to Cal STRS on behalf of school districts for their employees. Therefore, it is a pass-through amount; there is an income entry and an expense entry. Member Paul Pham said that he did not recall seeing the state revenue on the report. Staff Sandy Nguyen showed Member Paul Pham the income entry on the financial statement.

#### **5.02** Presentation on the Information Technology Updates – Randy Phelps, Chief Technology Officer

Randy Phelps presented an update on project progress, planning, and implementation for the IT Division including current and future activities.

**COMMUNITY WIRELESS:** The network is fully functioning. We already upgraded three of the networks in the neighborhood. Our feeder districts have been onboarded and financially support maintaining the network. The community WiFi is supporting 70 thousand users a day.

**SAFETY:** The new bell and paging system has been installed at all the sites. We went hybrid instead of a fully modern paging system, so it does not just rely on the network in case it goes offline. We revamped our camera system from ten years ago. We are also using a new camera software; videos can track activities around the campus and be shared with others. We will distribute ID cards this Fall. Staff had been adopting the smart ID cards. This coming Fall, students will have smart ID cards that can be used with several of our systems, including paying for ball game tickets, etc.

**NETWORK:** We have the fastest speed in the neighborhood. Our new network allows up to 100G. We only upgraded a part called SFP (Small Form-factor Pluggable), which is cheaper on the higher end. We do a lot of data projection based on students' and staff's activities. Our WiFi cutover was about a week and a half ago, earlier than planned.

**SUCCESS:** We have had minimal network interruptions this year; one was due to vandalism, and one was due to power. Most of them were no more than a couple of hours. We replaced the infrastructure of the fire alarm six years ago. We just completed the first phase of the modernization of the security system, which is now on our internet network. We are about to start the second phase, which allows badging in for your code so people will not set off the alarm if they accidentally put the wrong code. Teachers and students have been utilizing all the software and systems provided to them at their own pace, and it has been successful.

Randy Phelps provided a graph showing a positive progression of the status of IT Helpdesk tickets between July 2023 and May 2024.



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**Q:** At Independence HS, there is a rolling back of Windows computers, meaning computers are being confiscated because students are installing unapproved applications from the internet. I want to know if those students can gain back those computers because they have classes that require complex applications due to the course requirements. (Aldrin Udasco II).

**A:** I have not heard of this situation, but I will contact the school principal and get back to you. It is not so much of one student installing an application; our main concern is that the network firewall is open to suspicious activity from the outside, which would affect others. I recommend that students go directly to their principal and let them know which applications they need. (Randy Phelps)

**Q:** Which are the feeder school districts that we provided the WiFi to? (Rajani Nair)

**A:** Berryessa, Franklin-Mckinley, Evergreen, Mt. Pleasant. (Randy Phelps)

**Q:** Do the user ID smart cards allow access to facilities? (Aldrin Udasco II)

**A:** During the extension period, students can use their ID cards to gain access to certain areas as needed if they have to see a counselor or have classes, etc. (Randy Phelps)

**Q:** Who will be in charge of assigning access, District IT Department or site staff? (Aldrin Udasco II)

**A:** I have the responsibility of making sure that we are secure. I am careful about where and when we provide access. However, the site principals have the ability to say whether or not access is wanted/needed. I will explain my concerns. In nine out of 10 cases, access would be provided. However, if we cannot come to an agreement on certain issues, the principal and I will meet with the Associate Superintendent of Business Services to discuss them and ask for approval. (Randy Phelps)

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

- **Foothill - Modernization of Building G**

Schedule: Spring 2025 – Estimated Total Cost: \$4,935,054

Area: 6,690 square feet – Construction Team: Gilbane Building Company (CM), Studio Lin (Architect), Beals Martin (Contractor)

Funding Sources: Measures E, I, and Z

Programmatically, this is a wellness center and food service area for Foothill HS.

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

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

Area: Approximately 11,500 square feet – Construction Team: Van Pelt Construction Services (CM), Rodan Builders/SVA Architects DBE

Funding Sources: Measures E and Z



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This is where Building 500 once sat. The new building will bridge over to the Learning Center, which is in the back of the photo. The windows will be open up for foot traffic between the two buildings.

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

Schedule: Fall 2024 – Estimated Total Cost: \$17,910,478

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

Fund Sources: Measures G, E, I, and Z

This project will be finished in December of this year.

- **Oak Grove - Modernization of Building K**

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

Area: Approximately 12,000 square feet – Construction Team: Van Pelt Construction Services (CM), Alten Construction/SVA Architects DBE

Funding Sources: Measures E, I, and Z

Another dining hall is coming up to replace the old building K.

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

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

Area: Approximately 19,430 square feet – Construction Team: Gilbane Building Company (CM), BHM Construction, Inc/HED DBE

Funding Sources: Measures G, E, and Z

We just toured this site.

- **Santa Teresa - New Building**

Schedule: Winter 2024 (moved from Summer 2024) – Total Cost: \$13,477,277

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

Funding Sources: Measures E, I, and Z

The scheduled date has changed again due to the issues with the contractor. There is also a steel issue, and we are backtracking it.

Julio Lucas then presented the Measure Z Distribution Plan (Board Meeting Jan 19, 2017, item 8.10) per a request from April meeting. Julio Lucas explained that the allocation distribution plan shown on the slide had nothing to do with buildings. It is an allocation based on the number of people (student population), the number of people in need and their sites, and how we can allocate the money to sites





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that could serve the most underserved people. Julio Lucas briefly went over the calculation to clarify how the numbers were formulated.

**Q:** I can see that Tech bonds can benefit underserved students; however, I do not see how construction bonds would help with special low-income student groups. Why use that as the driver in allocating funds and not deferred maintenance? The District should have supplemental and title funds that address the underserved students. (Paul Pham)

**A:** These underserved student groups might not have the same access as their counterparts from more privileged areas. We provide opportunities for facility access to the students in places where they have less means at home. That was part of the rationale. (Tom Huynh)

**C:** We are not necessarily looking to repeat this formula for measure N. The master planning team is developing a formula based on facility needs. (Julio Lucas)

Chair Barry Schimmel complimented the great improvements of district facilities and acknowledged the challenge of weighing the needs of the students and the needs of building improvements to accomplish the best allocation model at the time.

**Q:** Has there been any analysis as to how these impact the student test scores/learning or anything like that? (Carol Pefley)

**A:** Yes, definitely. (Barry Schimmel)

**Q:** Are the distribution approaches for the other bond measures the same as the approach for Z? (Rajani Nair)

**A:** Similar, except for Measure A. (Julio Lucas)

**Q:** When do you expect to receive the allocation distribution for Measure N? (Patrick Traynor)

**A:** It is hard to predict. There are two committees working with the master planning team: the Vision Committee and the Process Committee. We are in the process of assessing the buildings. The Vision Committee will finalize the formula for Measure N. (Julio Lucas)

Patrick Traynor had a question about the amount on the spreadsheet, which appeared to be smaller than the total authorized amount. Julio Lucas explained that there were different pockets of money, such as Board Discretionary, Alternative Education, and Infrastructure, that made up the total authorized amount. The table on the slide presentation was only for site allocations.

**C:** It is a very complicated process, trying to keep everybody happy and recognizing that there are schools that were built eras apart. (Barry Schimmel)

**Q:** Is there a way to compare with other school districts in terms of buildings' age? (Najani Nair)

**A:** East Side is technically younger than other school districts. (Julio Lucas)





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#### **5.04** 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 period of March 2024 through May 2024. These reports show Board-approved changes to a project budget within the last three months. For this period, we have two reports.

**Q:** Is the practice of rolling the budget forward if there are excess funds ongoing? (Paul Pham)

**A:** That is the decision of the Board. (Julio Lucas)

#### **5.05** 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, Z, and N) through May 31, 2024. A summary of the overall budget was presented, including the total current encumbrance balance, total expenditures/disbursements, and total remaining budget balance.

**Q:** Do we have to spend all the allocations by those years/dates specified on the slide? (Rajani Nair)

**A:** The dates can be pushed out. (Sandy Nguyen)

**Q:** What happens if you pay over the allowed allocation? (Rajani Nair)

**A:** All costs are within the project budget. We track everything through budget workbooks, and all costs must be recorded and tracked within the approved budget (e.g., fees, construction costs, etc.). (Julio Lucas)

Motion to receive and approve the Budget and Expenditures Report was made by Patrick Traynor and seconded by Cody Harkins. Motion was carried (8-0). Aye.

## **6. COMMITTEE COMMUNICATIONS / COMMENTS**

#### **6.01** Opportunity for Committee Members to Share Additional Comments

Member Kaushik Joglekar posted a question via Zoom asking if the CBOC members or community members can request projects. Chair Barry Schimmel mentioned that he had talked with Kaushik Joglekar about an issue with the water bottle dispenser/fountain at one of the school sites, so he knew what the question was about. He planned to talk with Julio and come back to this question at the next meeting.

**Q:** Does the District look for ways to minimize the cost, i.e., maintenance cost? (Rajani Nair)



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**A:** Yes. (Julio Lucas)

**7. CONFIRMATION OF NEXT MEETING LOCATION**

**7.01** Confirmation of Meeting Location for Next Meeting: Wednesday, October 16, 2024 @ 6:00 p.m.  
(TBD)

The next meeting will be on Wednesday, October 16, 2024, at Foothill High School at 6:00 p.m. The tour of the site starts at 5:30 p.m.

**8. ADJOURNMENT**

**8.01** Adjournment

Chair Barry Schimmel adjourned the meeting at 8:08 p.m.

Motion to adjourn the meeting was made by Patrick Traynor and seconded by Paul Pham. Motion was carried (8-0). Aye.

Minutes approved by: BARRY SCHIMMEL   
Print Name Signature

10/21/2024  
Date






# 2024 0717 CBOC Meeting Minutes

Final Audit Report

2024-10-21

Created:	2024-10-21 (Pacific Daylight Time)
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