

Measure Q Citizens' Bond Oversight Committee

Wednesday, June 27, 2018 – 6:30 P.M.

City Council Chambers

600 East A St., Dixon, CA 95620

Unadopted Minutes

I. CALL TO ORDER

A. Roll Call:

Robert Strong, Chairperson -A
Tad Smith, Co-Chairperson -P
Jack Caldwell, Member -P
Andrea Kett, Member -P
Julie Mustard, Member -P
Jorget Potier, Member -P
Gary Riddle, Member -P

B. Adoption of the Agenda

A motion was carried by the following vote to adopt the agenda:

AYES: Smith, Kett, Mustard, Potier, Riddle

NOES:

C. Reading and Approval of Minutes – Tad Smith, Co-Chairperson

A motion to approve amended minutes was made by all.

D. Consent Calendar – None

II. AGENDA-

A short video was presented by John Calise on the work being completed at the Dixon Middle School.

A. Communication between DUSD and the CBOC regarding the audit report-

Member Riddle stated that going back to the June 28, 2017 meeting, he felt that it was apparent to him and others that the Board wanted to take charge of the Committee. He went on to say that he's wondering if at this point, the Board is still confused to who has the oversight role. He said that the Committee has a legal requirement of oversight for Measure Q which is the oversight of the School District and their expenditures and management of those funds. He also stated that the Board has no authority for oversight of this Committee. He feels that it's obvious that the members of the Board have not read the various Ed. Codes that pertain to the Committee. The auditor agreed to the changes that were recommended so he doesn't understand why the Board is not agreeable to that. Specifically, the performance audit was a compliance audit and a compliance audit under the government standards that are required include provisions of law and the auditor understood that. It was not in the scope of the performance audit. He continued to state that if there was anything pertaining to the Measure Q where there are provisions of law that were not followed, it should have been noted in the compliance report.

The District's attorney, David Soldani wanted to address the issues that have been raised and provide clarification. He stated that due to the Committee being a body that is covered by the Brown Act, it's one thing if one individual member has a request but if its committee business, he said it should be

an official action taken up by the CBOC by majority vote. He went on to say that at the beginning of the letter there was an attempt by the District to say; does this represent the will of just one committee member or did the CBOC take official action wanting certain things addressed and if so, what are those things, what are the areas of agreement. Attorney Soldani also agreed with Member Riddle in saying that the audit should have been provided at the same time as the District. He said that because this Governing Board is still learning as they go, they appreciate these issues being raised and the District is doing its due diligence to address those issues. His suggestion to the Committee is if they want specific changes or amendments made to that audit then it should be voted on as a committee and if the majority agrees on what those things should be, then they would take it to the Board and place on as a Board agenda item so it can be discussed at a School Board meeting.

Member Kett said perhaps they can bullet point what the Committee is looking for in the future and take it to the Board.

Public Comment-

A public comment was made stating that he sent an email to Ms. Maseda in which she responded. He went on to say that Mr. Calise did not give this document to the Committee. He said that in that email, he addressed all of her points. He felt that if the District was interested, they could have taken care of this issue. He felt that the Committee took action to address what was missing in that auditor's report. He said that the audit did not address the fact that this Committee was formed late as well as not addressing several other things. Mr. Calise responded by first stating that as far as discussing it at the Board meeting, it was, during a three minute report but if the Committee wants the Board to take action on anything, it has to be on the Governing Board agenda.

Co-Chair Smith mentioned that the Committee has new email addresses that have been posted on the Dixon Measure Q website for the public.

Member Kett moved that the Committee prepare a concise statement for the Board which then will get on to the Board. Member Portier second the motion.

Mr. Calise told the CBOC members that anything that needs to go to the Governing Board agenda needs to be sent in the Monday 2 weeks prior to the meeting.

Attorney Soldani said that process-wise, the only step they would be missing under that scenario is that the Committee wouldn't have taken official action. He went on to say that a minority of the Committee is going to put something together but in order for them to take a vote, you have to do so at a public meeting for transparency purposes. If something has already been voted on and approved then nothing else has to be done if it was an item that has been voted on. If it's something that is being developed by the minority of the Committee, at one point it has to be adopted by the majority of the Committee which has to be done at a public meeting so that members of the public can have an opportunity to comment on that as well before it goes to the Board.

Co-Chair Smith said that they will put that on as an agenda item to approve whatever the subcommittee completes. He went on to say that he thinks its correct that they did not vote on it because he said he would give the three minute update at the school board meeting if they didn't get a response then Member Riddle was going to send a letter which is what happened so they still have that proposal out on the table for a vote to authorize the subcommittee to work on this issue. He would like a vote on having the subcommittee draft an action item then they vote on it in the next committee meeting to formalize it.

Public Comment-

There was a public comment stating that all the Committee has to do is to forward the letter to the Board and ask to place it on the agenda.

Member Kett read the letter addressed to James Marta & Company regarding the Committee's questions and comments of the financial and performance audit reports performed by the firm. (See attached letter)

Co-chair Smith made a motion for the CBOC to send the March 28th letter to the school board as an agenda item at their next meeting. The subcommittee will discuss this letter and select a representative to attend that school board meeting and briefly go over the letter with school board members. The motion was second by Member Caldwell. Everyone was in favor.

Public Comment-

Speaker wanted to point out that the auditor sent a memo out to the school district and to the CBOC dated April 25, 2018 in regards to this year's audit and to this date she said she doesn't think that the Committee has received this memo that was addressed to the Committee.

Member Riddle stated that this was the point that he made with the auditor when he asked him if a member of the CBOC should be present when they do the audit planning so that if there's something where they feel strongly about being in the audit before they establish the scope of the audit. He feels that at least they can have a say before the fact instead of criticizing after the fact and he thinks that the auditor understood that.

B. Interim Report Update-

Co-Chair Smith stated that there was a draft proposed but the Committee had not taken any action on that. He suggested they set up a subcommittee to get it completed and also putting some photos of the walkthrough that is coming up. He also stated that an article to be put on the CBOCs website that is more detailed but for general public consumption, more streamlined and simplified with more distinct conclusions. The Committee agreed that Member Kett, Member Riddle and Co-Chair Smith will work together to get it drafted and send it out to the rest of the Committee.

Public Comment-

A member of the public suggested looking at the Measure Q website because she said she saw that the interim report was posted. Co-Chair Smith responded to her it was the interim draft report that was posted.

C. Annual Report Update –

Co-chair Smith said that they still had their September target date and they are still working on the interim. Member Riddle said everyone should submit ideas on what should be in the introduction. The interim report on the audits should be part of this report. He said the introduction should let the public know what they are up to and where they can get information. Member Potier said the chair or co-chair should do the introduction about the Committee and then assign other "homework" to the other committee members to put information on other topics. Co-chair Smith recapped that for the month of August, Member Potier will work with him and they will assign tasks to the Committee members and get a draft by the end of August for review by the Committee.

Member Riddle questioned that if there's a discussion about what's going into a report, he doesn't know if that falls under any scrutiny of the Brown Act. The Committee is making a decision but a decision on how they are going to write a report.

Attorney Soldani replied by saying that if you are emailing back and forth and talking about an item that's the purview of the Committee such as taking action on something very important which is what's in the report then it should be done in public. This gives the public the opportunity to hear the deliberation within the Committee. He went on to say that you can have subcommittees made up of a minority of the Committee which would be 3 out of the 7 and then that subcommittee can report back.

Member Potier mentioned that the importance of the goal of having it ready by September. The Committee should have a draft ready for the July meeting and so that way everyone will have their say on it including the public then that way if they need to do a revised draft and then finally be able to get an approval to publish it for September.

Member Riddle, Member Potier and Co-chair Smith will be on the subcommittee for the annual report.

Member Potier had a question to Mr. Calise as to when the Committee has questions for the District or they are requesting pictures, for example; do they email the Chair or vice chair? Mr. Calise replied by saying that if it's a specific question, then he has no issues with a member emailing him directly. If it is an agenda item request, or a large request concerning the entire committee then it should go through the Chair/Co-chair.

D. Practical Aspects and Interpretation of the Brown Act -

Co-chair Smith said it is difficult to get feedback from the Committee members due to fear of violation of Brown Act. He feels that it would be a good idea to revisit some of the practical aspects of what the Committee has to look out for and what the Committee doesn't have to worry about. Mr. Calise reminded everyone that when an email goes out to the Committee it would be safe to just hit the "reply" rather than to "reply all" and that way you would definitely not be violating the Brown Act.

Attorney Soldani stated that it's whether it's the conduct of the people's business such as if you are developing a consensus over an item that's under the jurisdiction of the Committee. Things like scheduling or meeting locations, those are not substantive matters that the Committee should be concerned about. Mr. Soldani said if the Committee would like he can send Mr. Calise a PowerPoint of the Brown Act which is a good resource which Mr. Calise can then share with the CBOC.

Public Comment-

There was a comment made regarding any questions the Committee may have, she can ask an expert, Terry Francke, who has written the book, "Open Meeting Laws in California" or she can ask him to come to address the Committee. She agrees with Mr. Soldani do not "reply to all". She went on to say that she has seen emails that she has received from other committees where the bottom of the emails, they have a statement saying, "please do not reply to all to avoid a serial meeting". She said this might be something she can provide the language to the Committee. She also talked about there being opinions out there who say that the Bond Oversight Committees do not come under the provisions of the Brown Act which she sent that opinion to Co-chair Smith.

Public Comment-

A public comment was made saying that the thing the Committee needs to understand is it's about coming to consensus on items that comes before the Committee for a vote.

Mr. Calise will send out the power point (Brown Act) for a review to the entire Committee.

E. Schedule Site Visit for the DMS Project -

Mr. Calise gave out hard hats to the Committee members just as he did to the Governing Board. There are a few evening dates for the month of July and one date for August for the tour of the school. He also gave out a release of liability form in order for them to go on this tour.

- July 10th
- July 12th
- July 17th
- July 31st
- August 7th

The Committee members will email Co-chair Smith with the dates of their availability and then he will get back to Mr. Calise.

III. REPORTS OF OFFICERS AND SUBCOMMITTEES

A. Committee Interim Report to Citizens

Member Kett said that the CBOC email addresses have been added to the Measure Q website. All communications will go to all of the CBOC email addresses.

Member Riddle said that the results for the scoring for the RFPs for the architect contractors to come to a decision aren't ordinarily shared. He asked if it was a public record. Mr. Calise replied by saying that the scoring was internal to the consultant who handled that for the District. The consultant put out the RFP and did the scoring and then told the District who was actually qualified and where they ranked which is their information. The scoring process is not publicized. Member Riddle said that the whole purpose of the Committee in his opinion is looking at the contracts because they are the biggest part of the expenditure of the bond money. He feels he can't make an opinion unless he saw the whole process. Mr. Calise responded by saying that the RFP process is based on price and also on best value. All of the documentation is weighed in but also a lot is based on the interview as well. Member Riddle said that just seeing the process and he feels that there has to be some kind of documentation of that process and what was considered to reach that opinion.

IV. PUBLIC COMMENT

A public comment was made regarding the bylaws calling for the election of a chair and vice-chair every year. He said that Chair Strong hasn't been able to make these meetings so probably it could be addressed during future agenda items to elect a new chair and vice chair.

V. UNFINISHED BUSINESS AND GENERAL ORDERS

A. None

VI. NEW BUSINESS

A. Set dates and times for future meetings

- July 18th or July 25th

B. Discussion of future agenda items

- Elections of Chair and Vice-chair
- Charles Lomeli, County Treasurer
- Topics of the Report

VII. ANNOUNCEMENTS-

VIII. ADJOURNMENT- 8:49pm

