



MINUTES
ORANGE UNIFIED SCHOOL DISTRICT
Measure S
Citizens' Oversight Committee
District Office – 5:00 p.m.
CONFERENCE ROOM B
January 25, 2023
Meeting No. 23

1.0 CALL TO ORDER

Chair Diana Fascenelli called the meeting to order at 5:02pm.

2.0 PLEDGE OF ALLEGIANCE

3.0 ESTABLISHED QUORUM

Present: Diana Fascenelli, Dan Slater, Nicol Jones, Bill Utter, Mrunal Shah

Not Present: Bill Campbell, Patricia Buttress

Staff Present: Edward Velasquez, Dave Rivera, Scott Harvey, Meghna Bulsara, Rory Lorenzo

4.0 PUBLIC COMMENTS

There were no public comments.

5.0 APPROVAL OF AGENDA

Action

Member Mrunal Shah motioned to accept the agenda for January 25, 2023. Second by Member Bill Utter.

Motion Passed: 5-0-2

6.0 APPROVAL OF MINUTES

Action

Member Nicol Jones requested that the statement regarding the portables to be revised. The statement should read "*Ms. Jones stated the OUSD Board members agreed to less portables for our students so they could use quad areas instead parents and students agreed to more portables so that they could use the quad areas.*"

Member Dan Slater motioned to accept the minutes for November 3, 2022 **with one amendment**. Second by Member Bill Utter.

Motion Passed: 5-0-2

**Note: Revised Minutes added to this transcript and to the November 3, 2022 minutes.*

7.0 TERM LIMITS – David Casnocha (Measure S Bond Counsel)

Information

Mr. Dave Rivera presented to the committee members the terms and explained the term limits. Mr. Rivera discussed term extension options needing to be presented to the Orange Unified School District (OUSD) Board of Trustees at the March 2023 meeting as several current members' terms are expiring in May of 2023.

Mr. David Casnocha, guest speaker, explained that the current bylaws state each term is for two years and can be no more than three consecutive terms. He further explained that amending the current bylaws would be necessary to allow for term extension to take the members to the end of the Measure S construction projects. He stated that a three-year term would only provide one extra year and would cause member terms to end

before the anticipated completion of the Bond program in 2026. He proposed a four-year term amendment or some type of staggered term approach to allow members to reach the end of the projects.

Ms. Fascenelli asked if position changes within the Committee affected the term times. Mr. Casnocha stated it did not, as the terms were service time not specific to the position itself.

Mr. Utter stated it might be a good idea to have phased cycles for some members. He asked if members could be off and return to the committee. Mr. Casnocha responded the current bylaws allow for a member to be off the Committee for one year and return which would start a new three-year cycle. He also stated there could be certain members with different terms.

Mr. Rivera stated that a meeting in February 2023 would be needed to verify the verbiage to be proposed to the OUSD Board of Education and amend the bylaws proposing the term extension. This proposal would be presented at the March 2023 Board meeting.

Ms. Jones stated that some members would be phased as some began in the year 2018. Mr. Harvey stated the information on the graph provided to the members was incorrect due to a typo and the year should state 2017 not 2018, which would mean two members would not be terming out their times this May 2023. Mr. Harvey and Mr. Rivera continued to state that the staggering was also contributed to the fact that filling these vacancies is difficult.

Ms. Shah suggested that the applications for new members be provided to the public maybe six months in advance to allow for the vacancies to be filled with enough time.

Ms. Fascenelli agreed that the direction the Committee chose to move forward with was a four-year term extension to be presented to the OUSD Board by the staff. Ms. Shah stated that the six-month application period in advance also be taken into consideration.

8.0 MEASURE S BOND AUDIT 2021-22 – Presented by Jessica Berry, Nigro & Nigro Information

Ms. Jessica Berry presented the Measure S General Obligation Bond Building Fund audit for Orange Unified on behalf of Nigro & Nigro for the 2021-2022 school year. Ms. Berry discussed items including a balance sheet showing assets and liabilities; a statement of revenues, expenditures, and changes in the fund balance; and notes of the financial statements. She went on to discuss the methodology of how her organization performs this audit.

Ms. Berry stated that in their opinion letter they agree that the financials presented are presented fairly.

Mr. Rivera discussed the section regarding liquidated damages and why there was movement in the accounts as Ms. Berry pointed out. Mr. Rivera explained this was in relation to the El Modena High School and Villa Park High School contractor who failed to follow the contract and timelines.

Ms. Shah asked if the next audit would explain how the Measure S bond money was evenly split between all four high schools. She stated that the community was under the impression all schools received an equal amount of money. Ms. Berry explained that Nigro & Nigro was auditing the transactional part of the budgets and not necessarily the way the funds were split. Mr. Rivera explained that due to the way each school's progress moved forward and timelines, each school would have varied amounts in funding as interest accrued, and expenses were made differently. He stated that all schools were provided with an even amount of money from the beginning of the fund distribution. Ms. Shah recommended that at the next audit have a breakdown per school to get a better overall view of the financial progress and where it started.

9.0	MEASURE S UPDATE PRESENTATION – Phase II and Bid Award	Information
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Mr. Harvey presented the Measure S update for the current construction projects for Phase II.

Mr. Harvey stated the Villa Park High School Phase II project, which was awarded to Pinner Construction Co. in October 2022, was currently in the grading and site preparation stage as the area was demolished at the end of 2022. He stated this project would provide 18 classrooms and there would be upgrades to the 100/200 building.

Mr. Harvey went on to discuss the changes at Orange High School during Phase II. The project, which was awarded to PCL Construction in November 2022, began this month of January 2023 with the abatement and demolition of the 100/200 building. This modernization would generate 6 new classrooms and a Student Services building after the rebid was updated to rework the budget. Mr. Rivera explained that after the first bid was over budget, changes addressed by value engineering brought down the project by around \$2.5 million. Mr. Utter asked if we would be adding back any items we could to the original scope. Mr. Rivera stated that with any items we could bring back we would but keep in mind the possibility of change orders of up to 10%. Mr. Slater asked if the same bidders from the first-round bid again. Mr. Harvey stated they did not. Ms. Fascenelli asked if the items taken off the scope were needed and if they needed to be re-added. Mr. Harvey stated that items such as different types of benches, landscaping or less embellished products were changed, which brought down the cost and that educational needs were kept.

Mr. Harvey continued his presentation for the El Modena High School Phase II project, which included upgrades to all four two-story classroom buildings, the modernization of Building 800 and the Administration Office. This modernization would include the connection of all four two-story buildings and new elevators, which would make the facility more accessible among other changes. Mr. Harvey stated the bid was awarded to Bernard Bros, Inc. last week on January 19, 2023. The bid was roughly \$2 million under the budget and construction will begin in late February 2023. Mr. Rivera explained that El Modena High School would be the site with the most work. Mr. Rivera also stated that a batch of matched funds would be disbursed to OUSD. Ms. Jones asked if this would need to be used for a specific school, to which Mr. Rivera responded they did not.

Mr. Harvey continued his presentation for Canyon High School and stated the bidding would take place next month and board approval would be obtained in April 2023. This modernization would renovate the old science classrooms as well as ancillary rooms and restrooms. This modernization would also add living skills spaces. Mr. Harvey pointed out that in this project we would see the addition of more natural light via a window near the room entrance.

Mr. Rivera discussed the process for matching funds due to the Fred Kelly Stadium project. Mr. Rivera stated matching funds are deposited to a fund (Fund 35) and reallocated to the General Fund which are in turn used for various other District needs. Mr. Rivera explained that the District is expecting \$2.5 million but the funds have not been received yet. Mr. Rivera explained these funds could be used for elementary school needs, HVAC replacements. Mr. Rivera also stated the funds could be used for Orange High School's Little Theater as renovating it is of great need.

10.0 CALENDAR APPROVAL FOR 2023

Mr. Harvey proposed four meeting dates for the COC to meet in the 2023 year: *January 25, 2023 (current meeting); April 26, 2023; July 26, 2023 and October 25, 2023.*

The Committee discussed several availability conflicts and added one more date for a virtual meeting on February 15, 2023 to discuss the proposed new term limits. The location for these meetings was proposed to be the OUSD Conference Room B at 5:00pm.

Mr. Utter suggested some of the meetings be held at the school sites with construction work being carried out. The Committee agreed on the last two meetings taking place at two different high schools with open construction projects.

The final meeting dates were established below:

- January 25, 2023
- February 15, 2023 (Virtual)
- April 19, 2023
- August 23, 2023
- October 25, 2023

Member Mrunal Shah motioned to accept the COC meeting dates for 2023 as stated above. Second by Member Bill Utter.

Motion Passed: 5-0-2

11.0 AGENDA ITEMS FOR NEXT MEETING

Term Limits and COC Bylaws Amendment No. 1

12.0 ADJOURNMENT

The meeting was adjourned by Chair Fascenelli at 6:18pm.