

**BANNING UNIFIED SCHOOL DISTRICT  
161 W. WILLIAMS STREET  
BANNING, CALIFORNIA**

**MINUTES OF THE 20<sup>th</sup> GENERAL MEETING OF  
CITIZENS OVERSIGHT COMMITTEE, MEASURE M**

**Monday August 10, 2020  
6:00pm**

Meeting held:

**Via ZOOM from home due to COVID-19 Health Emergency**

**1. Call to Order**

The meeting was called to order at approximately 6:05 p.m.

**2. Roll Call and Establishment of Quorum**

Present: Ron Duncan; Richard Krick; Diana Benhar; Frank Diaz, Chris McCallum

Absent: Susan McQuown, Veronica Topete

Community Member Present: None

BUSD Staff Present: Dr. Natasha Baker, Superintendent; Kookie Williams, Executive Secretary

Guests Present: Tom Kruse & Mason McCarthy, PJHM Architects; Tim Ledesma, Larry Flickenger, Ledesma & Meyer Construction Management; Bob Nicholson, Eric Hall & Associates

**3. Approval of Minutes**

Ron Duncan motioned to approve the Minutes for the June 8, 2020 meeting, and those for June 19, 2020 with corrections as to Ron being at the June 19<sup>th</sup> meeting and Richard Krick asked that it be noted that he did not sign the Annual COC report taken to Board June 2020. Chris McCallum seconded the motion.

**Ayes: 5**

**Nays: 0**

**Abstains: 0**

**Motion Carried**

**4. Communications**

**Community Concerns**

None

*Minutes respectfully submitted by Kookie Williams, Executive Secretary, Business Services*

**Committee Concerns**

None

**Cabinet Comments**

No concerns. Dr. Baker mentioned that the elephant in the room is to provide the gap in funding to finish the project, which is the most pressing component from a District perspective. She was not sure of funding from outside sources at that time.

Bob Nicholson gave an update saying it is indeed a looming challenge, but that he had reached out to colleagues in touch with the State Allocation Board (SAB) who verified that our CTE grant application is going through the process to be funded for \$3,000,000. The process had been delayed due to COVID-19, so instead of knowing the outcome in August, it won't be until the end of September that any information will be shared from the SAB. EH&A has evaluated the funds available for the grants and we are at around \$128MM of the \$300MM available. With that line of reasoning, we are expecting that we could potentially be funded for this CTE grant for the Performing Arts sector. He is looking at other potential funding to close the gap—each one of them having the constraint of time and availability. So the gap will continue to be looming until we have something more concrete, hopefully in September.

Richard Krick asked how much the District was short. Mr. Nicholson answered \$2,049,626.49, but the grant is for \$3,000,000. Kookie Williams mentioned that the gap amount did not include Furniture & Equipment for the buildings so the extra will come in handy for that.

Mr. Krick asked if the \$2MM gap is the adjusted down figure after the Value Engineering deducts? Bob responded that it is not but we have had good success with taking out some Landscaping, etc., without causing issues, and continue to evaluate possibilities to ensure that we can meet the obligations of the contracts.

**5. Information/ Discussion**

**5.1 COC Financial Report**

Because of the Annual Year-End Rollover, amounts from the Galaxy financial database were not available to extract for this report. RCOE gives the District a couple of months to make sure all invoices are received and paid for the prior Fiscal Year before making the remaining balance of funds available. We will make sure the Committee gets this information on revenue and expenditures when it becomes available.

Bob mentioned that in the area of the Change Orders, we have put back into the project more than we have taken out.

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**5.1 COC Financial Report.... Cont'd**

Mr. McCallum made the motion to approve the financial report as of August 10, 2020. Diana Benhar seconded.

**Ayes: 5**

**Nays: 0**

**Abstains: 0**

**Motion Carried**

**5.2 Update on Construction**

Tim Ledesma gave a progress update. The Performing Arts building was approximately 99% complete with structural steel with a week and a half left to complete welding. Metal stud framing is underway as well as HVAC, plumbing, electrical system installations. On the exterior of the building, the roof is being installed, as well as plaster.

For the Construction Academy, the electrical trim is being installed along with plumbing fixtures, ceiling tiles, doors and windows, with flooring about to being. On the exterior, plaster was complete and were installing sheet metal coping and paneling. Building was at 90% complete. They were still testing systems, flooring and touchups.

Ms. Williams shared pictures of the buildings from Ledesma & Meyer as Tim Ledesma described what we were looking at.

Tom Kruse asked Tim what percentage he would say the average percentage total of the entire project was at this point. Tim answered about 65%-70%.

Mr. Duncan posed a question to Dr. Baker, asking if the District does not get the \$3MM from the CTE grant, would we just site on it and not complete the project? The short answer was "No, probably not." She said that we have a structural deficit in the District and if it is not rectified for this fiscal year we will have a \$7MM deficit that does not include the project deficit of \$2MM. That deficit will continue to grow if not resolved. She is working with EH&A to figure out how to mitigate the structural deficit. We may have to pull from some fundraising to cover gaps.

Tom Kruse clarified the Value Engineering brought up earlier by saying that even though the project is approximately 70% complete, PJHM Architects is investigating every available option to try and put a dent into that \$2MM shortfall. Many of the options were not plausible to the District at this point, because overall, the objective is to complete the project in the same quality as it was designed and bid. We do not want to artificially cheapen the buildings. Mason touched on the nuances of Value Engineering in not creating a negative impact on the buildings and their future functional use, after taking a second look at everything.

## **5.2 Update on Construction .... Cont'd**

Mr. Nicholson made recognition of the fact that PJHM and LMCCI worked very hard alongside one another to try to come up with ways to reduce the cost, stressing the CTE necessities and opportunities for our students.

## **5.3 BHS 2-story (5000) Building Solar Settlement**

Mr. Nicholson answered that if there was money that came back to the District, then it would be available for the capital facility program. EH&A is evaluating all of the funds to determine if there are any available for this project. We are working diligently to get an update to this committee.

Mr. Krick asked how much the settlement was and Ms. Williams answered it was in the \$300,000 range.

## **5.4 BHS Tennis Court Cracking**

Mr. Nicholson answered that this item has gone to mediation and the court on July 29, 2020. Courts were favorable to both parties in varying degrees. The outcome is that there were sanctions against the other party in the minimal amount of \$5,010.00. We are currently in an effort to bring it back to table discussions. The District is looking to receive a long-lasting repair of the cracks which would be far less expensive than to remain in the courts. It could be a five-year agreement to resolve crack issues as they appear over the next five years to make and keep them usable according to CIF regulations.

There was further discussion on the cement pours and the bad conditions under which they happened.

## **5.5 Current COC Members and their Terms**

Mr. Duncan asked if the applications that had been submitted for an additional term had been approved? Ms. Williams stated that since there was plenty of time she was waiting for all of the applications to be submitted to her before placing them on the agenda. Mr. Krick asked her to reach out to those who had not yet submitted to her.

## **6. Action**

### **6.1 Confirm Next Meeting Date and Time**

After discussion, October 12, 2020 was decided upon, and the committee agreed that they would like to do another site walk before this next meeting.

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**7. Future Agenda Items**

**8. Adjournment**

Ron Duncan motioned for the meeting to adjourn and Chris McCallum seconded the motion. Motion carried and the meeting adjourned at 7:12 p.m.

**Ayes: 5**

**Nays: 0**

**Abstains: 0**

**Motion Carried**