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**REGULAR MEETING OF THE
CITIZENS' OVERSIGHT COMMITTEE OF THE
DEL MAR UNION SCHOOL DISTRICT
(MEASURE MM - APPROVED BY DISTRICT VOTERS ON NOVEMBER 6, 2018)**

**June 2, 2021
5:30 p.m.**

The Measure MM Citizens' Oversight Committee (Committee) will attend, and participate in, this Committee meeting via teleconferencing. Pursuant to Executive Order N-29-20 issued by the Governor of the State of California, certain provisions of the Ralph M. Brown Act applicable to meetings of the Committee concerning teleconferencing have been suspended due to concerns relative to COVID-19 Coronavirus and public gatherings.

In line with State and local directives concerning physical distancing under the current emergency situation, this meeting of the Committee will be conducted by conference/video call only.

THERE WILL BE NO PHYSICAL MEETING LOCATION FOR THIS COMMITTEE MEETING

Please click the link below to join the webinar:
<https://delmarschools.zoom.us/j/82809503261>

Or One tap mobile :

US: +16699009128,,82809503261# or +13462487799,,82809503261#

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Webinar ID: 828 0950 3261

International numbers available: <https://delmarschools.zoom.us/j/82809503261>

Please see link under the heading AGENDA below for a link to written materials.

Persons wishing to address the Committee concerning items on the agenda are invited to do so when the item is addressed at the meeting. Please complete and submit the Request to Provide Public Input Form (see link below). When the Chairperson invites you to speak, the moderator will unmute your device. Please state your name for the record. In the interest of time and order, each speaker is allotted a maximum of three (3) minutes. When your speaking time expires you will be prompted with a 15-second warning, after which the moderator may mute your device.

For access to the Request to Provide Public Input Form please use the link below:

[Public Input Form Link](#)

This link to the Request to Provide Public Input Form will be available one hour prior to the meeting, beginning at 4:30 pm, Wednesday, June 2, 2021, in order to give the public an opportunity to complete a request to speak.

If you are unable to access the live link to the Request to Provide Public Input Form, please email Chris Delehanty at cdelehanty@dmusd.org.

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AGENDA

June 2, 2021

5:30 p.m.

Citizens' Oversight Committee website with downloadable written materials:

<https://www.dmusd.org/Page/8772>

A. CALL TO ORDER: 5:30 p.m.

Acting Chairperson: Robert E. Anslow, Esq.

B. ROLL CALL (Establishment of a Quorum)

Committee Members:

Katie Hazen	Parent-Teacher Organization Representative
Kathy Huang	Business Community Representative
Mark Maggenti	Parent of Enrolled DMUSD Student Representative
Sandip Patel	Taxpayer Organization Representative
Joe Smith	Community-At-Large Representative
Fuxiao Xin	Community-At-Large Representative
Vacant	Senior Citizen Organization Representative

C. PUBLIC COMMENTS

1. At this time, the Committee welcomes public comments. As set out in the Committee Policies, a total of 30 minutes is provided so members of the public can address the Committee. Speakers are limited to three (3) minutes. Unless the item has been placed on the published agenda in accordance with the Brown Act, there shall be no action taken in response to public comments submitted. The Committee may: (1) acknowledge receipt of the information; (2) refer the matter to staff with no direction as to action or priority; and/or (3) direct that the matter be agendaized for a future meeting of the Committee.

For access to the Request to Provide Public Input Form please use the link below:

[Public Input Form Link](#)

D. INTRODUCTIONS

1. Citizens' Oversight Committee Members, District Staff and Consultants

E. APPROVAL OF MARCH 8, 2021, MINUTES

F. PRESENTATION/DISCUSSION OF PURPOSE AND FUNCTIONS OF CITIZENS' OVERSIGHT COMMITTEE

G. PRESENTATION/DISCUSSION OF THE RALPH M. BROWN ACT (California Open Meeting Law).

H. PRESENTATION REGARDING CONFLICTS OF INTEREST

- I. PRESENTATION/DISCUSSION ON SCHOOL DISTRICT FACILITIES PROJECTS, PROPOSED CONSTRUCTION SCHEDULING AND CAPITAL IMPROVEMENT PLANNING
- J. PRESENTATION OF MEASURE MM, SERIES 2019 A, BOND PAYMENT LOG
- K. MEASURE MM PROJECT PROGRESS UPDATE
- L. DISCUSSION AND POSSIBLE ACTION(S) ON CITIZENS' OVERSIGHT COMMITTEE ELECTION OF OFFICERS
- M. DISCUSSION AND POSSIBLE ACTION(S) RELATIVE TO PROPOSED COMMITTEE MEETING SCHEDULE
 - 1. Set date, time and place for the next meeting(s) of Citizens' Oversight Committee
- N. COMMENTS FROM COMMITTEE MEMBERS
- O. ADJOURNMENT

Compliance with the Requirements of California Government Code Section 54954.2 In compliance with California law and the Americans with Disabilities Act, if you need special disability-related modifications or accommodations, including auxiliary aids or services in order to participate in this meeting, or if you need this agenda provided in an alternative format, please contact the District Office Administration at telephone (858) 755-9301 (as representative of the Committee) at least 72 hours in advance of the scheduled Committee meeting. Notification 72 hours prior to the meeting will assist the Committee and the District in making reasonable arrangements to accommodate your request.

Availability of Agenda Materials: Agenda exhibits and other writings that are disclosable public records distributed to all or a majority of the members of the Del Mar Union School District Citizens' Oversight Committee in connection with a matter subject to discussion or consideration at an open meeting of the Citizen's Oversight Committee(s) are available for public inspection at the District's website listed below. For meetings with attendance locations(s) if such writings are distributed to members of the Committee less than 72 hours prior to the meeting, they will be available in the District's Business Offices at the same time as they are distributed, except that, if such writings are distributed immediately prior to, or during, the meeting, they will be available in the District's Business Offices. If the meeting is conducted by teleconference only the writings/documents will be posted at Citizens' Oversight Committee website with downloadable written materials: <https://www.dmusd.org/Page/8772>

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MINUTES

March 8, 2021

5:30 p.m.

Citizens' Oversight Committee website with downloadable written materials:

<https://www.dmusd.org/Page/8772>

A. CALL TO ORDER: 5:34 p.m.

Acting Chairperson: Robert E. Anslow, Esq.

B. ROLL CALL (Establishment of a Quorum)

Committee Members:

Neelum Arya	Vice President, Community-At-Large Representative
Ira Sharp	Clerk, Senior Citizens' Organization Representative
Kathy Huang	Business Community Representative
David Jackson	Taxpayer Organization Representative
Katie Hazen	Parent-Teacher Organization Representative
Sameer Vora	Parent of Enrolled DMUSD Student Representative
Fuxiao Xin	Community-At-Large Representative

All Present

C. PUBLIC COMMENTS

1. At this time, the Committee welcomes public comments. As set out in the Committee Policies, a total of 30 minutes is provided so members of the public can address the Committee. Speakers are limited to three (3) minutes. Unless the item has been placed on the published agenda in accordance with the Brown Act, there shall be no action taken in response to public comments submitted. The Committee may: (1) acknowledge receipt of the information; (2) refer the matter to staff with no direction as to action or priority; and/or (3) direct that the matter be agendaized for a future meeting of the Committee.

Public comments regarding non-agenda items:

1. Rosanna Martin spoke regarding the audit report, district litigation, and Mr. Anslow acting as chairperson but is a district vendor.

- D. APPROVAL OF DECEMBER 7, 2020, MINUTES
On a motion by Ira Sharp, seconded by Sameer Vora and carried by seven yes votes, the COC approved the minutes of the December 7, 2020 meeting as shown.
- E. REVIEW, RECEIVE, AND FILE THE FISCAL YEAR 2019 – 2020 MEASURE MM BOND FUNDS ANNUAL AUDIT REPORT BY WILKINSON HADLEY KING & CO. LLP
On a motion by Neelum Arya, seconded by Katie Hazen and carried by seven yes votes, the COC approved to review, receive and file the fiscal year 2019-2020 Measure MM Bond Funds Annual Audit Report.
- F. CONSIDERATION OF AND POSSIBLE ACTION ON CITIZENS' OVERSIGHT COMMITTEE ANNUAL REPORT FOR FISCAL YEAR 2019 – 2020
On a motion by Ira Sharp, seconded by Neelum Arya and carried by seven yes votes, the COC approved the fiscal year 2019-2020 Citizens' Oversight Committee Annual Report.
- G. PRESENTATION OF MEASURE MM, SERIES 2019 A, BOND PAYMENT LOG
Mr. Pong presented on the budget and expenditures for Measure MM funded projects as of February 28, 2021.
- H. MEASURE MM PROJECT PROGRESS UPDATE
Ms. Birks presented a progress update on the Pacific Highland Ranch School #9 Project and the Del Mar Heights School Rebuild Project.
- I. REVIEW CITIZENS' OVERSIGHT COMMITTEE MEMBER APPOINTMENTS AND TERM DATES
Mr. Anslow clarified he has been asked by the Committee to Chair the meetings and be the moderator only. He is not a committee member and does not vote on agenda items. Mr. Anslow asked each COC Member if they will be returning for a second term. Neelum Arya, Ira Sharp, David Jackson and Sameer Vora are unable to return.
- J. DISCUSSION AND POSSIBLE ACTION(S) ON CITIZENS' OVERSIGHT COMMITTEE ELECTION OF OFFICERS
No action at this time for this agenda item. At the next COC Meeting, COC Members may elect new Chairperson, Vice President and Clerk. At that time, the COC Members can also choose a new Chairperson.
- K. DISCUSSION AND POSSIBLE ACTION(S) RELATIVE TO PROPOSED COMMITTEE MEETING SCHEDULE
1. Set date, time and place for the next meeting(s) of Citizens' Oversight Committee
The next COC Meeting is scheduled for June 2, 2021 at 5:30 pm.
- L. COMMENTS FROM COMMITTEE MEMBERS
No comments
- M. ADJOURNMENT 6:31 pm

The foregoing minutes of the March 8, 2021 have been reviewed and approved by the Citizens' Oversight Committee.

Name, Clerk

**DEL MAR UNION SCHOOL DISTRICT
CITIZENS' OVERSIGHT COMMITTEE
(MEASURE MM)**

PURPOSE OF THE CITIZENS' OVERSIGHT COMMITTEE

The statutes governing the Citizens' Oversight Committee ("COC") established by the Del Mar Union School District ("District") are set forth in Education Code Sections 15278, 15280 and 15282, copies of which are attached hereto as Attachment 1. The following is a summary of guidelines that the COC may use in its activities in order to ensure compliance with the Education Code, Proposition 39 ("Prop 39"), and the Regulations adopted to implement Prop 39.

Purpose of the COC:

Inform the public concerning the expenditure of bond revenues to be received from sale of bonds authorized at Measure SA Bond Election.

[See Education Code §15278(b)]

- This purpose is derived from the provisions of Prop 39 that specify the need to ensure accountability in the spending of funds prudently as directed by citizens of the community.

Responsibilities of the COC: [Education Code §15278(b), §15280(b)]

1. Review and report on the proper expenditure of the taxpayers' money for school construction;
2. Advise the public as to whether the District is in compliance with the requirements of Prop 39;
3. Convene to provide oversight for:
 - a. Ensuring that bond revenues are only expended for the construction, reconstruction, rehabilitation or replacement of school facilities, including the furnishing and equipping of school facilities, or the acquisition or lease of real property for school facilities as approved by the voters and as identified in the District's school facilities project list prepared for Measure SA (see Attachment 2); and
 - b. Ensuring that no bond revenues are expended for any teacher or administrative salaries or other school operating expenses;

4. Conduct open meetings which comply with the requirements of the Ralph M. Brown Act, including notice provisions which are the same as those followed by the Board of Trustees of the District;
5. Issue regular reports on the results of its activities, and issue a report at least once per year; and
6. Make all documents and reports available to the public via the internet website of the District.

Compliance with Assembly Bill 1908 (“AB 1908”) – The COC must also comply with:

Education Code §15264(c) which mandates that members of the COC shall promptly alert the public to any waste or improper expenditure of school construction bond money.

Authorized Activities of COC: [Education Code §15278(c)] – In carrying out its responsibilities, the COC may engage in any of the following activities:

1. Receiving and reviewing copies of the annual, independent performance audit conducted to ensure that the bond revenues have been expended only on the specific projects listed in Measure SA;
2. Receiving and reviewing copies of the annual, independent financial audit of the bond revenues from Measure SA;
3. Inspecting school facilities and grounds to ensure that the bond revenues are expended in compliance with the requirements of paragraph (3) of subdivision (b) of Section 1 of Article XIII A of the California Constitution;
4. Receiving and reviewing copies of any deferred maintenance proposals or plans developed by the District, including any reports required by Section 17584.1; and/or
5. Reviewing efforts by the District to maximize bond revenues by implementing cost-saving measures, including, but not limited to, the following:
 - (A) Mechanisms designed to reduce the costs of professional fees;
 - (B) Mechanisms designed to reduce the costs of site preparation;
 - (C) Recommendations regarding the joint use of core facilities;
 - (D) Mechanisms designed to reduce costs by incorporating efficiencies in schoolsite design; and/or
 - (E) Recommendations regarding the use of cost-effective and efficient reusable facility plans.

The foregoing information has been prepared by Atkinson, Andelson, Loya, Ruud & Romo, A Professional Law Corporation as an overview of the subjects discussed and should not be construed as individual legal advice. The applicability of the legal matters discussed may differ substantially in individual situations. In the event that you perceive that you are in a conflict situation, you should consult with appropriate legal counsel.

ATTACHMENT 1

RELEVANT CODE SECTIONS

CALIFORNIA EDUCATION CODE

ARTICLE 2. Citizens' Oversight Committee [15278 - 15282]

15278.

(a) If a bond measure authorized pursuant to paragraph (3) of subdivision (b) of Section 1 of Article XIII A of the California Constitution and subdivision (b) of Section 18 of Article XVI of the California Constitution is approved, the governing board of the school district or community college shall establish and appoint members to an independent citizens' oversight committee, pursuant to Section 15282, within 60 days of the date that the governing board enters the election results on its minutes pursuant to Section 15274.

(b) The purpose of the citizens' oversight committee shall be to inform the public concerning the expenditure of bond revenues. The citizens' oversight committee shall actively review and report on the proper expenditure of taxpayers' money for school construction. The citizens' oversight committee shall advise the public as to whether a school district or community college district is in compliance with the requirements of paragraph (3) of subdivision (b) of Section 1 of Article XIII A of the California Constitution. The citizens' oversight committee shall convene to provide oversight for, but not be limited to, both of the following:

- (1) Ensuring that bond revenues are expended only for the purposes described in paragraph (3) of subdivision (b) of Section 1 of Article XIII A of the California Constitution.
- (2) Ensuring that, as prohibited by subparagraph (A) of paragraph (3) of subdivision (b) of Section 1 of Article XIII A of the California Constitution, no funds are used for any teacher or administrative salaries or other school operating expenses.

(c) In furtherance of its purpose, the citizens' oversight committee may engage in any of the following activities:

- (1) Receiving and reviewing copies of the annual, independent performance audit required by subparagraph (C) of paragraph (3) of subdivision (b) of Section 1 of Article XIII A of the California Constitution.
- (2) Receiving and reviewing copies of the annual, independent financial audit required by subparagraph (C) of paragraph (3) of subdivision (b) of Section 1 of Article XIII A of the California Constitution.

- (3) Inspecting school facilities and grounds to ensure that bond revenues are expended in compliance with the requirements of paragraph (3) of subdivision (b) of Section 1 of Article XIII A of the California Constitution.
- (4) Receiving and reviewing copies of any deferred maintenance proposals or plans developed by a school district or community college district, including any reports required by Section 17584.1.
- (5) Reviewing efforts by the school district or community college district to maximize bond revenues by implementing cost-saving measures, including, but not limited to, all of the following:
 - (A) Mechanisms designed to reduce the costs of professional fees.
 - (B) Mechanisms designed to reduce the costs of site preparation.
 - (C) Recommendations regarding the joint use of core facilities.
 - (D) Mechanisms designed to reduce costs by incorporating efficiencies in schoolsite design.
 - (E) Recommendations regarding the use of cost-effective and efficient reusable facility plans.

15280.

- (a)
 - (1) The governing board of the district shall, without expending bond funds, provide the citizens' oversight committee with any necessary technical assistance and shall provide administrative assistance in furtherance of its purpose and sufficient resources to publicize the conclusions of the citizens' oversight committee.
 - (2) The governing board of the district shall provide the citizens' oversight committee with responses to any and all findings, recommendations, and concerns addressed in the annual, independent financial and performance audits required by subparagraphs (C) and (D) of paragraph (3) of subdivision (b) of Section 1 of Article XIII A of the California Constitution within three months of receiving the audits.
- (b) All citizens' oversight committee proceedings shall be open to the public and notice to the public shall be provided in the same manner as the proceedings of the governing board of the district. The citizens' oversight committee shall issue regular reports on the results of its activities. A report shall be issued at least once a year. Minutes of the proceedings of the citizens' oversight committee and all documents received and reports issued shall be a matter of public record and be made available on an Internet Web site maintained by the governing board of the district.

15282.

(a) The citizens' oversight committee shall consist of at least seven members who shall serve for a minimum term of two years without compensation and for no more than three consecutive terms. While consisting of a minimum of at least seven members, the citizens' oversight committee shall be comprised, as follows:

- (1) One member shall be active in a business organization representing the business community located within the school district or community college district.
- (2) One member shall be active in a senior citizens' organization.
- (3) One member shall be active in a bona fide taxpayers' organization.
- (4) For a school district, one member shall be the parent or guardian of a child enrolled in the school district. For a community college district, one member shall be a student who is both currently enrolled in the community college district and active in a community college group, such as student government. The community college student member may, at the discretion of the governing board of the community college district, serve up to six months after his or her graduation.
- (5) For a school district, one member shall be both a parent or guardian of a child enrolled in the school district and active in a parent-teacher organization, such as the Parent Teacher Association or schoolsite council. For a community college district, one member shall be active in the support and organization of a community college or the community colleges of the district, such as a member of an advisory council or foundation.

An employee or official of the school district or community college district shall not be appointed to the citizens' oversight committee. A vendor, contractor, or consultant of the school district or community college district shall not be appointed to the citizens' oversight committee. Members of the citizens' oversight committee shall, pursuant to Sections 35233 and 72533, abide by the prohibitions contained in Article 4 (commencing with Section 1090) and Article 4.7 (commencing with Section 1125) of Chapter 1 of Division 4 of Title 1 of the Government Code.

ATTACHMENT 2

SCHOOL FACILITIES PROJECT LIST

Proceeds from the general obligation bonds of the Del Mar Union School District ("District") would be used to repair, renovate, upgrade, replace, modernize, and construct school facilities, and fund related facilities costs, including, but not limited to, repair and replacement of lighting and electrical systems, heating, ventilation and air conditioning (HVAC) systems, flooring, roofing, plumbing, renewable energy (including, but not limited to, solar energy/solar generating and /or storage facilities), windows, wall systems, security, communication systems, shade structures, fencing, walkways, parking lots, landscaping, handicap accessibility improvements, conservation measures, network infrastructure, fields, and related projects to meet current health, safety and instructional standards which will improve the overall educational experience for all students in the District.

MASTER PLAN FACILITIES PROJECTS AND OBJECTIVES

The following are master plan facilities projects and objectives to be implemented throughout the District that can be funded by this bond measure:

- Install and upgrade Security/Safety systems to meet needs for Student Safety and Campus Security
- Redesign and reconstruct Del Mar Heights School
- Modernize and upgrade District school facilities at Ashley Falls School, Carmel Del Mar School, Del Mar Hills Academy, Ocean Air School, Sage Canyon School , Sycamore Ridge School, and Torrey Hills School
- Design and construct a new elementary school in East Pacific Highlands Ranch
- Renovate, upgrade, replace, install, and provide repairs of school site infrastructure (Plumbing, Electrical, HVAC, Communications, and Security Networks)
- Ensure safety and structural integrity of buildings for student and employee safety by making seismic and safety upgrades and retrofits
- Remove and/or replace portable classrooms with permanent classrooms
- Install infrastructure and supporting wiring in order to support broadband access for high-speed data and communications
- Relocate technology offices and Main Distribution Frame (MDF)
- Upgrade and modernize District schools to provide for compliance with Americans with Disabilities Act (ADA)
- Improve energy efficiency to reduce costs and reduce energy consumption (producing reductions in environmental impacts), through the use/installation of energy-efficient facilities including the construction/installation of solar energy facilities
- Upgrade Landscape and Irrigation, using recycled water where available
- Provide facilities for Storm Water Management
- Provide facilities for Child Nutrition Services and centralized District kitchen
- Replace, update and improve access and parking facilities with the goal of reducing traffic congestion in the vicinity of District schools

RENOVATION, MODERNIZATION AND REPAIR OF EXISTING DISTRICT SCHOOLS AND SCHOOL FACILITIES

Ashley Falls School

- Modernize, upgrade, renovate, rehabilitate, reconfigure, construct, expand, and equip classrooms, classroom buildings, STEAM+, restrooms, common areas, and school support facilities, including library and multipurpose room/auditorium
- Security/Safety - Update/install security systems, access control, surveillance systems, exterior lighting, office reconfiguration, fencing, and fire alarm systems
- Repair or replace deteriorated roofing and HVAC systems
- Provide new outdoor student dining areas with shade structures
- Replace Play Structures to include equipment and increased shade
- Remove and or replace portable classrooms with permanent classrooms
- Install technology infrastructure and supporting wiring in order to support broadband access for high-speed data and communications
- Repair or upgrade play structures/ fields for improved student safety
- Update interior lighting and lighting controls to improve energy efficiency
- Improve landscape, drought tolerant material s, irrigation controls, and recycled water (where and as available)
- Provide/install solar energy and /or storage facilities
- Provide/install lunch service area and student dining area(s)
- Upgrade Main Distribution Frame
- Construct/install ADA path of travel and accessibility upgrades

Carmel Del Mar School

- Modernize, upgrade, renovate, rehabilitate, reconfigure, construct, expand, and equip classrooms, classroom buildings, STEAM+, restrooms, common areas, and school support facilities, including library and multipurpose room/auditorium
- Security/Safety- Update/install security systems, access control, surveillance systems, exterior lighting, office reconfiguration, fencing, and fire alarm systems
- Repair or replace deteriorated roofing and HVAC systems
- Expand and update the Multi-Use Room for large group instruction
- Replace deteriorated sewer line(s)
- Install pedestrian ramp from Carmel Park Drive to school site
- Remove and or replace portable classrooms with permanent classrooms
- Install technology infrastructure and supporting wiring in order to support broadband access for high-speed data and communications
- Repair or upgrade play structures/fields for improved student safety
- Install/replace shade structures
- Update interior lighting and lighting controls to improve energy efficiency
- Improve landscape, drought tolerant materials, irrigation controls, and recycled water (where and as available)
- Provide/install solar energy and/or storage facilities
- Provide/install lunch service area and student dining area(s)
- Construct/install ADA path of travel and accessibility upgrades

Del Mar Heights School

- Redesign and reconstruct the campus. This includes construction and/or reconstruction of classrooms, support buildings, campus administration facilities, and other buildings necessary for non-instructional purposes
- Security/Safety - Update/install security systems, access control, surveillance systems, exterior lighting, office reconfiguration, fencing, and fire alarm systems
- Reconfigure and reconstruct drop off/pick-up areas and parking for improved traffic flow and student safety
- Design, construct and install supporting facilities and infrastructure, including, but not limited to, roadways, electrical systems, plumbing, HVAC, parking, hardscape, interior and exterior lighting, and lighting controls
- Make necessary site improvements including grading, infrastructure, and roadway access
- Install solar energy and/or storage facilities
- Install/replace shade structures
- Repair or upgrade play structures/fields for improved student safety
- Interior lighting and lighting controls
- Improve landscape, drought tolerant materials, irrigation controls, and recycled water (where and as available)
- Provide/install lunch service area
- Provide/install covered student dining area

Del Mar Hills Academy

- Modernize, upgrade, renovate, rehabilitate, reconfigure, construct, expand, and equip classrooms, classroom buildings, STEAM+, restrooms, common areas, and school support facilities, including library and multipurpose room/auditorium
- Security/Safety - Update/install security systems, access control, surveillance systems, exterior lighting, office reconfiguration, fencing, and fire alarm systems
- Increase natural light in all learning spaces and common areas
- Improve campus layout and classroom configuration
- Add restrooms in proximity to Kindergarten classrooms
- Increase parking and improve ingress/egress
- Improve drop-off/pick-up area and parking for improved traffic flow and student safety
- Repair or replace deteriorated roofing and HVAC systems
- Remove and or replace portable classrooms with permanent classrooms
- Install technology infrastructure and supporting wiring in order to support broadband access for high-speed data and communications
- Repair or upgrade play structures/fields for improved student safety
- Install/replace shade structures
- Update interior lighting and lighting controls to improve energy efficiency
- Improve landscape, drought tolerant materials, irrigation controls, and recycled water (where and as available)
- Provide/install solar energy and/or storage facilities
- Construct facilities for Child Nutrition Services and centralized District kitchen
- Provide/install lunch service area and student dining area(s)
- Construct/install ADA path of travel and accessibility upgrades

Ocean Air School

- Modernize, upgrade, renovate, rehabilitate, reconfigure, construct, expand, and equip classrooms, classroom buildings, STEAM+, restrooms, common areas, and school support facilities, including library and multipurpose room/auditorium
- Security/Safety - Update/install security systems, access control, surveillance systems, exterior lighting, office reconfiguration, fencing, and fire alarm systems
- Modify ingress and egress for student drop off and pick up to improve pedestrian safety
- Repair or replace deteriorated roofing, HVAC systems, and carpeting
- Install or replace shade structures to include outdoor student dining areas
- Install technology infrastructure and supporting wiring in order to support broadband access for high-speed data and communications
- Repair or upgrade play structures/fields for improved student safety
- Update interior lighting and lighting controls to improve energy efficiency
- Improve landscape, drought tolerant materials, irrigation controls, and recycled water (where and as available)
- Provide/install solar energy and/or storage facilities
- Provide/install lunch service area and student dining area(s)
- Construct/install ADA path of travel and accessibility upgrades

Sage Canyon School

- Modernize, upgrade, renovate, rehabilitate, reconfigure, construct, expand, and equip classrooms, classroom buildings, STEAM+, restrooms, common areas, and school support facilities, including library and multipurpose room/auditorium
- Security/Safety - Update/install security systems, access control, surveillance systems, exterior lighting, office reconfiguration, fencing, and fire alarm systems
- Repair or replace deteriorated roofing and HVAC systems
- Install or replace shade structures to include outdoor student dining areas
- Remove and or replace portable classrooms with permanent classrooms
- Install technology infrastructure and supporting wiring in order to support broadband access for high-speed data and communications
- Repair or upgrade play structures/fields for improved student safety
- Update interior lighting and lighting controls to improve energy efficiency
- Improve landscape, drought tolerant materials, irrigation controls, and recycled water (where and as available)
- Provide/install solar energy and/or storage facilities
- Provide/install lunch service area and student dining area(s)
- Construct/install ADA path of travel and accessibility upgrades

Sycamore Ridge School

- Modernize, upgrade, renovate, rehabilitate, reconfigure, construct, expand, and equip classrooms, classroom buildings, STEAM+, restrooms, common areas, and school support facilities, including library and multipurpose room/auditorium
- Security/Safety - Update/install security systems, access control, surveillance systems, exterior lighting, office reconfiguration, fencing, and fire alarm systems
- Repair or replace deteriorated roofing and HVAC systems
- Expand and update the Multi-Use Room for large group instruction

- Install technology infrastructure and supporting wiring in order to support broadband access for high-speed data and communications
- Repair or upgrade play structures/fields for improved student safety
- Install/replace shade structures
- Update interior lighting and lighting controls to improve energy efficiency
- Improve landscape, drought tolerant materials, irrigation controls, and recycled water (where and as available)
- Provide/install solar energy and /or storage facilities
- Provide/install lunch service area and student dining area(s)
- Construct/install ADA path of travel and accessibility upgrades

Torrey Hills School

- Modernize, upgrade, renovate, rehabilitate, reconfigure, construct, expand, and equip classrooms, classroom buildings, STEAM+, restrooms, common areas, and school support facilities, including library and multipurpose room/auditorium
- Security/Safety - Update/install security systems, access control, surveillance systems, exterior lighting, office reconfiguration, fencing, and fire alarm systems
- Improve Science Lab
- Improve layout and configuration for Technology Lab and Library
- Repair or replace deteriorated roofing and HVAC systems
- Remove and or replace portable classrooms with permanent classrooms
- Install technology infrastructure and supporting wiring in order to support broadband access for high-speed data and communications
- Repair or upgrade play structures/fields for improved student safety
- Install/replace shade structures
- Update interior lighting and lighting controls to improve energy efficiency
- Improve landscape, drought tolerant materials, irrigation controls, and recycled water (where and as available)
- Provide/install solar energy and /or storage facilities
- Provide/install lunch service area and student dining area(s)
- Construct/install ADA path of travel and accessibility upgrades

NEW ELEMENTARY SCHOOL IN EAST PACIFIC HIGHLANDS RANCH

- Purchase land, design, and construct a comprehensive elementary school campus. This includes classrooms, support buildings, campus administration facilities, and other buildings necessary for non-instructional purposes
- Security/Safety - Provide/install security systems, access control, surveillance systems, exterior lighting, fencing, and fire alarm systems
- Make necessary site improvements including site preparation, grading, supporting infrastructure, roads, and roadway access
- Design and construct fields, landscaping, parking, and drop off/pick-up
- Design, construct and install supporting facilities and infrastructure, including, but not limited to, roadways, electrical systems, plumbing, HVAC, parking, hardscape, interior and exterior lighting, and lighting controls
- Provide/install solar energy and/or storage facilities
- Provide/install Playground facilities and equipment

- Provide/install landscaping, including, but not limited to, drought tolerant materials, irrigation controls and use of recycled water (where and as available)
- Provide/install lunch service area and student dining area(s)
- Construct facilities for Child Nutrition Services and centralized District kitchen
- Relocate technology offices and/or Main Distribution Frame

ALL DISTRICT SCHOOL SITES WHERE RENOVATION, MAJOR REPAIRS AND/OR NEW CONSTRUCTION TO BE UNDERTAKEN:

- Remove and mitigate hazardous materials (e.g. asbestos, lead, PCB, mold, mildew, etc.) where necessary.
- Improve contingencies as required to comply with existing building codes and state/federal requirements, including access requirements of the ADA.
- Provide adequate furniture and equipment for all classrooms, and spaces to be newly constructed or reconstructed.
- Acquisition of any of the facilities on this School Facilities Project List through temporary lease or lease-purchase arrangements or execute purchase option under lease for any of these authorized facilities.
- Necessary site preparation/restoration in connection with renovation or remodeling, including ingress and egress, removing, replacing, or installing irrigation, utility lines, trees and landscaping, relocating fire access roads, and acquiring any necessary easements, licenses, or rights of ways to property.
- If the Governing Board of Trustees determines that replacement is more economical than rehabilitation, improvement, or renovation of existing classrooms/school facilities, in those particular cases replacement/new construction will be explored/pursued.
- Provide temporary (interim) classrooms and other school facilities as needed to accommodate students and school functions displaced during construction, including, but not limited to, relocation costs.
- The costs to demolish/remove facilities when no longer needed and the costs to restore site and utility systems after removal.
- Modernization upgrade or replacement of structures includes permanent, portable, or modular structures.

Project Costs for Furnishings and Equipment

Project Costs for furnishings and equipment for some or all of the within-identified District campuses may include, but are not limited to, some or all of the following: security, safety and communication systems and equipment, storage and casework, school furniture; window, wall, and durable floor coverings (including tiles and carpeting); media recording, distribution and presentation equipment, including, but not limited to, audio systems, kitchen equipment, improvements and furnishings, fire alarm, security; science laboratory equipment; and/or other infrastructure equipment and systems.

Project costs for the above-referenced projects may include installation costs, engineering and design costs, project management/construction management costs, warranty costs, master facilities planning, state or local costs or expenses involving design, planning, site and facilities

development costs and charges, environmental review(s) and proceedings, necessary supporting infrastructure costs, relocation costs and expenses, necessary contingency plans and related costs construction and completion of the aforementioned facilities projects, audit costs, direct legal costs and related costs. Project costs may also include the payment or prepayment of existing or future lease payments and/or interim financing costs for lease of authorized facilities, property or buildings, prepayment of lease obligations for facilities purposes (including temporary classroom facilities) and payment of costs and expenses for interim financing of authorized facilities (including, but not limited to, financing delivery costs). Proceeds of the bonds may be used to pay or reimburse the District for the cost of District staff when performing work on, or necessary and incidental to, bond projects. Allowable project costs also include: costs of issuing the bonds or other securities (as authorized under California law), informational distribution costs and election costs authorized under State law.

The scope and nature of any of the specific projects described above may be altered by the District as required by unforeseen conditions that may arise during the course of design and accomplishment of the projects. In the event that a modernization or renovation project is more economical for the District to be undertaken as new construction, this bond measure authorizes land acquisition, relocation and construction and/or reconstruction, and all costs relating thereto, for said reason or, alternatively, based on other considerations deemed in the best interest of the District by the Governing Board of Trustees. In addition, this measure authorizes the acquisition of real property, including necessary rights of ways or other real property interests, required to expand District facilities, to provide access to school or other District facilities, or to provide additional school or related facilities.

This School Facilities Project List describes the specific facilities and capital projects the District may finance with proceeds of the Bonds. In addition, authorized projects include reimbursements for paid project costs and paying and/or prepaying interim or previously obtained financing for the types of projects included on the project list, such as bond anticipation notes, and including payment and prepayment of lease payments relating to projects and/or equipment previously financed. Listed projects will be completed as needed at a particular school site according to Board-established priorities, and the order in which such projects appear on this School Facilities Project List is not an indication of priority for funding or completion. The final cost of each project will be determined as plans are finalized, construction bids are awarded, and projects are completed. Certain construction funds expected from non-bond sources, including State grant funds for eligible projects, have not yet been secured. Until all project costs and funding sources are known, the Governing Board of Trustees cannot determine the amount of bond proceeds available to be allocated for each project, nor guarantee that the bonds will provide sufficient funds to allow completion of all listed projects. Completion of some projects may be subject to further government approvals by State officials and boards, to local environmental review, and to input from the public. For these reasons, inclusion of a project on the Bond Project List is not a guarantee that any specific project listed herein will be funded, completed or completed by a specific date.

In preparing the foregoing list, the Board of Trustees of the Del Mar Union School District has evaluated safety, class size and information technology needs.

The District will also aggressively pursue funds from the State of California to complete facilities projects.

No Administrator Salaries. Proceeds from the sale of Bonds authorized by this measure shall be used only for the construction, acquisition, repair, renovation, rehabilitation, or replacement of school facilities, including the furnishing and equipping of school facilities, or the lease of real property for school facilities as identified herein, and not for any other purpose, including teacher and non-construction related administrator salaries and other operating expenses.

**DEL MAR UNION SCHOOL DISTRICT
CITIZENS' OVERSIGHT COMMITTEE
(MEASURE MM)**

SUMMARY OF THE RALPH M. BROWN ACT

I. What is the Ralph M. Brown Act?

The Ralph M. Brown Act ("Brown Act") governs "meetings", and certain other functions conducted by the legislative bodies of various local political agencies, and, pursuant to the Policy and Regulations adopted by the Board of Trustees ("Board") of the Del Mar Union School District ("District") includes the Citizens' Oversight Committee established by the District Board ("COC"). (Government Code § 54950¹, *et seq.*)

A. What is the Basic Intent of the Brown Act?

To ensure that the actions of public agencies will be taken openly and that their deliberations are conducted openly, since such agencies exist to aid in the conduct of people's business. (§ 54950)

B. What is the Essential Legal Provision of the Brown Act?

"All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of the local agency, except as otherwise provided in this chapter." (§ 54953(a))

II. What Constitutes a "Meeting" for Purposes of the Brown Act?

A. Statutory definition: "Meeting" includes any congregation of a majority of the members of a legislative body at the same time and place to hear, discuss or deliberate on any issue under the subject matter jurisdiction of the body. (§ 54952.2(a)) A legislative body need not take any *action* at a gathering in order for the gathering to be defined as a "meeting," since the mere receiving of information/facts preliminary to legislative body's ultimate decision on an issue and/or discussion of the member's views on any issue to be acted on by the committee can be considered a "meeting."

B. What types of "Meetings" are subject to the Brown Act?

- 1. Regular Meetings** - A regular meeting is a regularly scheduled meeting of the legislative body. This will include regular meetings of the COC.
- 2. Special Meetings** - A special meeting is in addition to the regularly scheduled meetings, but is conducted for a specific purpose and usually limited to one or two items that require the attention of the legislative

¹ All code references are to the Government Code unless otherwise noted.

body prior to the next regularly scheduled meeting. A special meeting may be called by the presiding officer or a majority of the legislative body at any time. A special meeting of the COC might be called where some action or decision on a very short time frame is required. The COC would not be expected to normally call or conduct special meetings.

3. **Adjourned Meetings** - A regular or special meeting can be adjourned to be continued to another time and place in the future. This might occur where the COC needs to continue the business of a regular meeting to another time or place.
4. **Emergency Meetings** - Emergency meetings can be called only when prompt action is needed due to an emergency situation, defined as either:
 - (a) Work stoppage or other activity which severely impairs public health, safety, or both; or
 - (b) A crippling disaster which severely impairs public health, safety, or both. (§ 54956.5)

Except for the 24-hour notice requirement, the special meeting provisions apply to emergency meetings. In general, the COC will not have a reason to conduct an emergency meeting.

5. **Closed Session Meetings** - Closed session meetings are meetings which are exempted from having to be discussed and deliberated in public.
 - a. Examples: Litigation, Real Estate Negotiations, Labor Negotiations, Personnel Matters, Security.

The COC will probably not have a need to conduct closed sessions as part of its meetings.

C. What types of gatherings are not “Meetings” under the Brown Act?

1. **Conferences Open to the Public**: The attendance of a majority of the members of a legislative body at a conference or similar gathering open to the public that involves a discussion of issues of general interest to the public or to other legislative bodies.
2. **Community Meetings**: The attendance of a majority of members of a legislative body at an open and publicized meeting organized to address a topic of local community concern by a person or organization other than the legislative body. This might include, for example, a community meeting on issues of concern to the ABC community.
3. **Other Legislative Body Meetings**: The attendance of a majority of members of a legislative body at an open and noticed meeting of another

body of the local agency, or at an open and noticed meeting of a legislative body of another local agency. This would include attendance by COC members at a meeting, for example, of the District Board or the Santa Clarita City Council.

4. **Social Events**: The attendance of a majority of the members of a legislative body at a purely social or ceremonial occasion. (§ 54952.2(c)) This would include sporting events or a ceremony held for the opening of a new or renovated school campus.
5. **Individual Contacts**: Individual contacts or conversations between a member of a legislative body and any other person, so long as a series of individual contacts does not lead to a “collective concurrence.” This would include contacts between elected officials and constituents or voters. This allows members of the COC to meet with, or discuss with, members of the public concerning matters under the purview of the COC.
6. **Standing Committees**: The attendance of a majority of the members of a legislative body at an open and noticed meeting of a standing committee of that body, provided that the members of the body who are not members of the standing committee attend only as observers. (*Id.*) This might apply if the COC were to form a standing committee to review or consider a particular matter.

In each of the foregoing cases, the general prohibition against a majority of the members of the legislative body (in this case the COC) discussing among themselves, directly or indirectly, matters under the jurisdiction or review of the COC would continue to apply. In attending or participating in the foregoing activities, members of the COC should be mindful of this restriction.

III. **Attendance at a “Meeting”.**

A. **Where can COC meetings occur?**

Regular and special meetings must be held within the boundaries of the territory over which the local agency exercises jurisdiction, with some specific exceptions not relevant to the COC. Legislative bodies must set the time and place for their regular meetings by ordinance, resolution, bylaws or similar formal rule for conducting business. The setting of the time and place for regular meetings of the COC will be addressed at the organizational meeting of the COC. The COC does have the authority to call and conduct meetings at any of the District’s campuses.

B. **Who can attend a COC meeting?**

Any member of the public may attend the meeting.

C. How can the meeting be attended?

Most often, meetings are attended in person. However, teleconferencing is also permissible, so long as the meeting is made available to the public at all of the teleconference locations, notice of the locations are provided and at least a quorum of the members participate from locations within the local agency's jurisdiction. (§§ 54953(b)(4), (b)(1))

D. When can the public address the COC?

Usually, the agenda identifies a "Public Comments" section where any member of the public may address the committee on any issue listed on the agenda for that meeting. Section 54954.3(a) requires that such public input occur either before or during the legislative body's consideration of the issue to be commented on. The legislative committee may adopt reasonable regulations, including time limits, on public comments. (§ 54954.3(b)) We suggest that the COC agendas include a specific item to allow for public comments. The limitations on time for speakers will be discussed with the COC at the organizational meeting of the COC.

IV. What Actions are Prohibited under the Brown Act?

- A. "Serial Meetings"** - Serial meetings include a series of meetings where two or more members of a legislative body use direct communication, personal intermediaries, or technological devices to reach a collective concurrence over time of a majority of the legislative body as to an action to be taken on a matter. Such a chain of communications between members constitutes a "meeting," and are prohibited. (§ 54952.2(b)) This type of communication can include e-mail, telephone calls or written correspondence.
- B. No Secret Votes or Ballots** - Members of a legislative body may not vote on an action item by secret vote or secret ballot, since this violates the Brown Act's mandate to have its deliberations open to the public. A balloting process may be used, provided that the ballots are available for public review and inspection.
- C. E-mail Communications:** Members of a legislative body exercise caution in using e-mail to communicate with any member on issues to be addressed at the legislative body's meetings, other than requesting that an issue be placed on the agenda. (§ 54952.2) E-mail is very susceptible to redistribution and can result in a Serial Meeting occurring even when not so intended.
- D. Items Not on the Agenda:** A legislative body generally cannot undertake any discussion or action on a matter which does not appear on the posted agenda. The agenda requirement does not apply, however, when a member of a legislative body or a staff member asks a question for clarification, makes a brief announcement, or makes a brief report on his or her own activities. Also, any

member of a legislative body, or the body as a whole, may request staff to report back to the body at a subsequent meeting concerning any matter, or take action to direct staff to place a matter of business on a future agenda. Finally, if a member of the public raises a matter which has not yet come before a legislative body, the body may “briefly respond.”

1. Exceptions: There are three (3) exceptions to the general rule:

(a) Emergency Situation: Upon a determination that an emergency situation exists. This likely will not occur in the case of the COC.

(b) Immediate Need Arising after Posting of Agenda: Upon a determination by a two-thirds vote of the members of the legislative body present at the meeting, or, if less than two-thirds of the members are present, a unanimous vote of those members present, that there is a need to take immediate action and that the need for action came to the attention of the legislative body subsequent to the agenda being posted. This situation would only be applicable where the COC needs to take an action, or render a decision on a matter prior to the next COC meeting.

(c) Continued Matter: The matter was posted for a prior meeting of the legislative body occurring not more than five calendar days prior to the date action is taken on the matter, and at the prior meeting the legislative body continued the matter to the meeting at which action is being taken.

V. What are the Notice & Agenda Requirements under the Brown Act?

- A. Purpose** - The purpose of the agenda and notice requirements is to inform interested members of the public about the matters under consideration at the meeting so that they can determine whether to attend and/or participate in the meeting. The descriptions of the items to be discussed generally need not exceed 20 words, but where necessary, a legislative body is free to provide more detail. (§ 54954.2)
- B. Notice of Hearing for Regular Meetings** - Legislative bodies must give mailed notice of every regular meeting to any person who has filed a written request for that notice. (§ 54954.1) Requests for notice are valid for one year from the date on which they were filed. (Id.) Legislative bodies may establish a reasonable annual fee for sending these notices based on the estimated costs of providing service. (Id.)
- C. Posting of the Agenda for Regular Meeting** - At least 72 hours prior to conducting a regular meeting, the legislative body must post an agenda for the meeting in an area freely accessible to the public. (§ 54954.2(a)) The agenda must specify the time and location of the meeting and contain a brief general description of each item to be discussed at the meeting, including items to be

discussed in closed session. (Id.) The COC agenda's will be posted in compliance with the law by the District and will be posted at the District's normal Board meeting posting location(s).

- D. Notice & Agenda Requirements for Adjourned Meeting** - If the meeting is adjourned for less than five (5) calendar days, a new agenda need not be posted so long as a new item of business is not introduced at the continued meeting. (§ 54954.2(b)(3)) A copy of the order of adjournment must be posted within 24 hours after the adjournment, at or near the place where the meeting was held. (§ 54955)
- E. Notice & Agenda Requirements for Special Meetings** - At least 24 hours prior to a special meeting, the legislative body must provide written notice of the meeting to all of the members of the body (who must receive such notice) and provide written notice to all media outlets who have requested such notification (by personal delivery or other means which ensures receipt). (§ 54956) The legislative body must also post such notice, indicating the time, place and business to be transacted at the meeting, and no other business can be considered. (Id.) Notice is required even if the meeting is conducted in closed session, and even if no action is taken. (Id.)
- F. Agenda Requirements** – In addition to other requirements discussed in this summary, the agenda should contain the location of whether agendas and other documents distributed to the COC less than 72 hours prior to a regular meeting will be made available (§ 54957.5) and a statement explaining how individuals with disabilities can attend the COC meeting pursuant to the Americans with Disabilities Act (§ 54953.2).

VI. Records & Recordings of Meetings.

The public has the right to review agendas and other writings distributed to the legislative body. Pursuant to recently enacted legislation, there are updated requirements for when and how certain documents must be made available to the public. (SB 343, Statutes of 2008, Chapter 298, became effective on July 1, 2008). To ensure that action is only taken on documents available to the public, writings must be made available to the public at the meeting if they were prepared by the local agency or a member of the legislative body, or after the meeting if the documents were prepared by any other person. (§ 54957.5) Except for privileged documents, these materials must be available to the public, and a fee may be charged for the reproduction costs of such records. (Id.) Agendas and other documents distributed to the COC less than 72 hours prior to a regular meeting must, at the same time, be made available concurrently to the public. (Id.) The District must designate a public office or other location at which such documents will be available for public inspection, and that the District specify the address of that office or location on the agenda for all COC meetings (this requirement is for all regular and special meetings). (Id.) The District may, but is not required, to make these documents available on the COC's website, in a manner that makes it clear that the documents relate to an agenda item for an upcoming COC meeting.

(Id.) The District staff will arrange for copies of documents submitted to the COC to be available at meetings of the COC.

Any tape or film record of an open and public meeting made by or at the direction of the local agency must also be made available to the public, and must be kept for 30 days after which time it may be erased or destroyed. The public may use audio or video tape recorders or still or motion picture cameras at the meeting, absent a reasonable finding by the legislative body that the recorders or cameras would persistently disrupt the proceedings. (§ 54953.5(a)) The District staff may use a tape recorder to assist in the preparation of the minutes of the COC meetings. Under the requirements of law, the COC minutes must be posted on the COC website. Minutes of the COC will be subject to approval of the COC.

VII. Remedies to Violations of the Brown Act.

Violations of the Brown Act may result in a misdemeanor criminal conviction. The Brown Act specifies three types of actions that a member of the public may take against the legislative body, after a written demand to “cure or correct” is either ignored or if the invalid action is not corrected:

- A. Invalidation Action** - To invalidate a legislative body’s action that violates the basic open meeting provision (§ 54953), notice and agenda requirements for regular and special meetings and closed sessions (§§ 54954.2, 54954.5) and special meetings (§ 54956).
- B. Civil Action** - To ask the court to (1) stop or prevent violations or threatened violations of the Brown Act; (2) determine the applicability of the Brown Act to actions or threatened actions; (3) determine whether any rule or action to penalize or otherwise discourage the expression of one or more of its members is valid under state or federal law; or (4) compel the legislative body to tape record its closed sessions.
- C. Criminal Complaint** - If there is an overt act plus the intent to deprive the public of information.

The foregoing information has been prepared by Atkinson, Andelson, Loya, Ruud & Romo, A Professional Law Corporation as an overview of the subjects discussed and should not be construed as individual legal advice. The applicability of the legal matters discussed may differ substantially in individual situations. In the event that you perceive that you are in a conflict situation, you should consult with appropriate legal counsel.

**DEL MAR UNION SCHOOL DISTRICT
CITIZENS' OVERSIGHT COMMITTEE
(MEASURE MM)**

CONFLICTS OF INTEREST OVERVIEW

Citizens' Oversight Committee ("COC") members are subject to the Conflict of Interest Code in the Political Reform Act ("Act") and the Del Mar Union School District ("District") Conflict of Interest Code under the provisions of the Citizens' Oversight Committee Policy and Regulations adopted by the District's Board of Education. Under California law, COC members are expressly subject to certain Government Code sections that apply in this area. Together, the Act and the Regulations prohibit COC members from making, participating in, or using their official position to influence any governmental decision which will likely have a material impact on their economic interests.

1. COC members are public officials for purposes of the Act.

California law makes the Act applicable to public officials at State and local governmental levels. The Regulations define "public officials" to include the following:

- A. Officers and employees of school districts; and
- B. Members of school districts including, but not limited to, salaried or unsalaried members of boards or commissions with decision making authority (this includes COC members under the Regulations).

2. The District's Regulations and Education Code Section 15282 Prohibit Certain Conflicts of Interest for Appointees to the District's COC.

Education Code Section 15828 provides that:

- a. No employee or official of the District shall be appointed to the COC.
- b. No vendor, contractor, or consultant of the District shall be appointed to the COC.

COC members shall abide by the prohibitions contained in Government Code Section 1090, *et seq.*, which prohibits involvement in public agency contracts, sales and/or purchases in which one of the committee members has a financial interest. Government Code section 1090 provides that person subject to that code section shall "*not be financially interested in any contract made by them in their official capacity, or by any body or board of which they are members. Nor shall [COC members] be purchasers at any sale or vendors at any purchase made by them in their official capacity.*"

COC members must also abide by the prohibitions contained in Government Code Section 1125, *et seq.*, which prohibits incompatible public offices. In sum, a COC member shall not engage in any employment, activity or enterprise for compensation which is inconsistent,

incompatible, in conflict with, or contrary to his or her duties as a COC member or with the duties, functions, or responsibilities of the District. The COC member shall not perform any work, service, or counsel for compensation outside of his or her COC membership where any part of his or her efforts will be subject to approval by any officer, employee, board, or commission of the District.

3. In the Event that a Conflict of Interest Exists, the COC Member Concerned Must Generally do the Following:

- a. state the conflict for the record either as part of the District's official record or in writing to the COC member's supervisor;
- b. withdraw from discussion and participation on the matter (this should occur when the "give and take discussions" first start, not when the matter gets to the COC meeting);
- c. refrain from using his or her official position to influence the decision on the matter; and
- d. refrain from voting or otherwise participating in the governmental decision.

The foregoing information has been prepared by Atkinson, Andelson, Loya, Ruud & Romo, A Professional Law Corporation as an overview of the subjects discussed and should not be construed as individual legal advice. The applicability of the legal matters discussed may differ substantially in individual situations. In the event that you perceive that you are in a conflict situation, you should consult with appropriate legal counsel.



2018 General Obligation Bond Measure

Measure MM
Cumulative Project Expenditures
as of May 31, 2021

Measure MM
Current and Completed Projects
as of May 31, 2021

District Project Name	Measure MM Project Commitments	Measure MM Project Expenditures	Remaining Commitments	Project Status
A	B	C	D (B - C)	

Del Mar Heights School				
School Rebuild	58,008,782	3,836,810	54,171,972	In Progress
Campus Total	58,008,782	3,836,810	54,171,972	

Del Mar Hills Academy				
Modernization	19,975,957	14,788	19,961,169	In Progress
Campus Total	19,975,957	14,788	19,961,169	

Carmel Del Mar School				
Flooring Replacement	45,416	45,416	-	Complete
Campus Total	45,416	45,416	-	

Ashley Falls School				
Flooring Replacement	9,083	9,083	-	Complete
Campus Total	9,083	9,083	-	-

Torrey Hills School				
Field Upgrade	929,246	929,246	-	Complete
Flooring Replacement	13,625	13,625	-	Complete
Campus Total	942,871	942,871	-	

Sage Canyon School				
MUR Audio Visual	29,131	29,131	-	Complete
HVAC Controllers	108,559	108,559	-	Complete
Flooring Replacement	9,083	9,083	-	Complete
Campus Total	146,773	146,773	-	

Sycamore Ridge School				
Flooring Replacement	9,083	9,083	-	Complete
Campus Total	9,083	9,083	-	

Ocean Air School				
Flooring Replacement	9,083	9,083	-	Complete
Campus Total	9,083	9,083	-	

Pacific Sky School				
New School	24,354,494	2,757,171	21,597,323	In Progress
Campus Total	24,354,494	2,757,171	21,597,323	

Project Commitments Total	103,501,542
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Measure MM Remaining Funds	82,498,458
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Del Mar Union School District
2018 General Obligation Bond Measure MM
Expenditures Through 5/31/21

Del Mar Heights School Rebuild Project Budget						
Object Code	Description	Budget as of 2/28/21	Budget Adjustments	Revised Budget as of 5/31/21	Actual Expenditures 5/31/21	Balance
FUNDING SOURCES:						
	Proceeds from General Obligation Bond	57,945,340	63,442	58,008,782		
	TOTAL FUNDS AVAILABLE	57,945,340	63,442	58,008,782		
EXPENDITURES:						
1. Site						
6100-040	Surveying Costs	31,300	-	31,300	31,300	-
6100-052	Dept. of Toxic Substance Control Fees	1,792	-	1,792	1,792	-
6100-057	Environmental Costs	300,000	-	300,000	240,819	59,181
6100-060	Other Site Costs	128,000	-	128,000	73,799	54,201
2. Planning						
6200-001	Architect Fees	2,800,000	-	2,800,000	2,091,756	708,244
6200-020	Division of State Architecture Fees	342,428	-	342,428	342,428	-
6200-030	California Dept. of Education Fees	35,000	-	35,000	-	35,000
6200-040	Preliminary Tests	20,000	-	20,000	16,653	3,348
6200-050	Other Costs	318,000	63,442	381,442	378,774	2,668
3. Construction						
6200-070	Prelim. Svcs./Preconstruction	215,000	-	215,000	215,000	-
6200-070	Main Construction	49,168,585	-	49,168,585	281,956	48,886,629
6200-074	Other Construction	323,000	-	323,000	31,061	291,939
6200-076	Interim Housing	245,000	-	245,000	128,209	116,791
6200-080	Inspections	450,000	-	450,000	3,264	446,736
6200-090	Construction Tests	317,235	-	317,235	-	317,235
6400-000	Furniture and Equipment	3,250,000	-	3,250,000	-	3,250,000
	Project Contingencies	-	-	-	-	-
	TOTAL BUDGET	57,945,340	63,442	58,008,782	3,836,810	54,171,972

Del Mar Union School District
2018 General Obligation Bond Measure MM
Expenditures Through 5/31/21

Del Mar Heights School Rebuild Project Summary								
Vendor	Description	Commitments as of 2/28/21	Additions/ Reductions	Commitments as of 5/31/21	Expenditures as of 2/28/21	Current Expenditures	Total Expenditures	Remaining Commitment
AALRR (Legal)	Other Planning Costs	311,266.87	63,476.42	374,743.29	311,266.87	63,476.42	374,743.29	-
Air America Testing	Asbestos Survey & Abatement	20,966.00	-	20,966.00	16,023.00	-	16,023.00	4,943.00
Aztec Storage	Interim Housing	695.00	-	695.00	695.00	-	695.00	-
Baker Nowicki Design Studio	Architect Fees	2,792,408.00	-	2,792,408.00	2,071,274.53	20,481.65	2,091,756.18	700,651.82
Balfour Beatty Construction	Prelim. Svcs./Preconstruction	215,000.00	-	215,000.00	215,000.00	-	215,000.00	-
Balfour Beatty Construction	Main Construction	7,797,624.23	-	7,797,624.23	281,955.61	-	281,955.61	7,515,668.62
Bluebeam Inc	Software	698.00	-	698.00	698.00	-	698.00	-
California Geological Survey	Surveying	3,600.00	-	3,600.00	3,600.00	-	3,600.00	-
City of San Diego Dev. Svcs.	Other Site Costs	64,735.93	-	64,735.93	64,735.93	-	64,735.93	-
Cogstone Resource Management	Other Site Costs	12,850.00	-	12,850.00	6,331.35	-	6,331.35	6,518.65
Consulting and Inspection	Inspections	442,090.00	-	442,090.00	3,264.00	-	3,264.00	438,826.00
County of San Diego	CEQA Fee	2,456.75	-	2,456.75	2,456.75	-	2,456.75	-
DataPro Mapping Solutions	Other Site Costs	275.00	-	275.00	275.00	-	275.00	-
Dept. of Toxic Substance Control	DTSC Fee	1,791.93	-	1,791.93	1,791.93	-	1,791.93	-
Division of the State Architect	Plan Check Fees	342,428.05	-	342,428.05	342,428.05	-	342,428.05	-
Elite Modular Leasing & Sales	Interim Housing	143,686.50	54,781.50	198,468.00	103,685.00	-	103,685.00	94,783.00
Elite Relocation Services	Interim Housing	22,289.22	-	22,289.22	22,289.22	-	22,289.22	-
Engineering Economics	Other Construction Costs	35,675.00	-	35,675.00	3,630.93	-	3,630.93	32,044.07
Foxlin	Other Planning Costs	6,000.00	-	6,000.00	3,332.50	-	3,332.50	2,667.50
Loveless Linton	Other Site Costs	47,030.00	-	47,030.00	-	-	-	47,030.00
Nova Services	Geotechnical Services	16,800.00	-	16,800.00	16,652.50	-	16,652.50	147.50
Nova Services	Construction Tests	317,235.00	-	317,235.00	-	-	-	317,235.00
Placeworks, Inc	Environmental Consultant	216,034.41	75,535.59	291,570.00	196,743.60	44,075.56	240,819.16	50,750.84
San Diego Gas & Electric	Other Construction Costs	11,407.00	-	11,407.00	11,407.00	-	11,407.00	-
Snipes Engineering, Inc	Surveying	27,700.00	-	27,700.00	27,700.00	-	27,700.00	-
Specialist Install	Interim Housing	1,540.00	-	1,540.00	1,540.00	-	1,540.00	-
Grand Total		12,854,282.89	193,793.51	13,048,076.40	3,708,776.77	128,033.63	3,836,810.40	9,211,266.00

Del Mar Heights School Rebuild Project Vendor Detail				
Vendor	Description	Current Expenditures	Invoice #	Payment Date
AALRR (Legal)	Other Planning Costs	46,363.42	615531	3/8/2021
		10,101.00	618411	4/19/2021
		7,012.00	620925	5/6/2021
	Subtotal	63,476.42		
Baker Nowicki Design Studio	Architect Fees	15,259.00	19009-07-01	3/8/2021
		5,200.00	19009-07-02	3/8/2021
		22.65	19009-00-21	5/17/2021
	Subtotal	20,481.65		
Placeworks, Inc	Environmental Consultant	33,809.06	74809	5/27/2021
		10,266.50	75332	5/27/2021
	Subtotal	44,075.56		
Grand Total		128,033.63		

Del Mar Union School District
2018 General Obligation Bond Measure MM
Expenditures Through 5/31/21

Pacific Sky School Project Budget						
Object Code	Description	Budget as of 2/28/21	Budget Adjustments	Revised Budget as of 5/31/21	Actual Expenditures 5/31/21	Balance
FUNDING SOURCES:						
	Proceeds from General Obligation Bond	22,648,362	1,706,132	24,354,494	2,757,171	21,597,323
	Other Funding Sources - CFD 99-1	47,397,638	2,207,511	49,605,149	11,699,939	37,905,210
	TOTAL FUNDS AVAILABLE	70,046,000	3,913,643	73,959,643	14,457,110	59,502,533
EXPENDITURES:						
1. Site						
6100-010	Land Purchase	10,891,014	-	10,891,014	10,891,014	-
6100-040	Surveying Costs	36,666	4,000	40,666	36,666	4,000
6100-050	Site Support Costs	81,822	-	81,822	71,798	10,024
6100-051	Phase I Environ. Site Assessment Costs	6,892	-	6,892	6,892	-
6100-052	Dept. of Toxic Substance Control Fees	6,000	-	6,000	3,027	2,973
6100-060	Other Site Costs	87,000	40,500	127,500	107,394	20,106
2. Planning						
6200-001	Architect Fees	2,600,000	-	2,600,000	1,958,249	641,751
6200-020	Division of State Architecture Fees	355,100	-	355,100	355,100	-
6200-030	California Dept. of Education Fees	50,000	-	50,000	-	50,000
6200-040	Preliminary Tests	30,000	-	30,000	15,065	14,935
6200-050	Other Costs	55,000	-	55,000	12,132	42,868
3. Construction						
6200-070	Prelim. Svcs./Preconstruction	165,648	-	165,648	165,648	-
6200-070	Main Construction	45,920,000	7,691,129	53,611,129	718,185	52,892,944
6200-074	Other Construction	532,000	(327,128)	204,872	115,060	89,812
6200-080	Inspections	616,000	-	616,000	880	615,120
6200-090	Construction Tests	368,000	-	368,000	-	368,000
6400-000	Furniture and Equipment	3,750,000	-	3,750,000	-	3,750,000
6400-003	Technology	1,000,000	-	1,000,000	-	1,000,000
	Project Contingencies	3,494,858	(3,494,858)	-	-	-
	TOTAL BUDGET	70,046,000	3,913,643	73,959,643	14,457,110	59,502,533

Del Mar Union School District
2018 General Obligation Bond Measure MM
Expenditures Through 5/31/21

Pacific Sky School Project Summary								
Vendor	Description	Commitments as of 2/28/21	Additions/ Reductions	Commitments as of 5/31/21	Expenditures as of 2/28/21	Current Expenditures	Total Expenditures	Remaining Commitment
AALRR (Legal)	Other Site Costs	62,887.60	-	62,887.60	62,887.60	-	62,887.60	-
AALRR (Legal)	Other Planning Costs	9,425.00	1,595.00	11,020.00	9,425.00	1,595.00	11,020.00	-
Alpers Engineering Group	Other Construction Costs	43,850.00	-	43,850.00	5,377.50	-	5,377.50	38,472.50
Blackhawk Environmental	Other Planning Costs	-	11,200.00	11,200.00	-	-	-	11,200.00
Blue Coast Consulting	Inspections	615,592.00	-	615,592.00	-	880.00	880.00	614,712.00
California Geological Survey	Surveying	3,600.00	-	3,600.00	3,600.00	-	3,600.00	-
Chicago Title	Land Purchase	10,891,014.00	-	10,891,014.00	10,891,014.00	-	10,891,014.00	-
City of San Diego Dev. Svcs.	Surveying	10,915.88	-	10,915.88	10,915.88	-	10,915.88	-
City of San Diego Dev. Svcs.	Other Site Costs	23,731.30	20,500.00	44,231.30	23,731.30	20,500.00	44,231.30	-
City of San Diego Dev. Svcs.	Other Planning Costs	2,400.00	-	2,400.00	2,400.00	(2,400.00)	-	2,400.00
City of San Diego Dev. Svcs.	Other Construction Costs	-	108,821.60	108,821.60	-	108,821.60	108,821.60	-
County of San Diego	CEQA Fee	2,456.75	-	2,456.75	2,456.75	-	2,456.75	-
County of San Diego	Other Planning Costs	1,112.00	-	1,112.00	1,112.00	-	1,112.00	-
DataPro Mapping Solutions	Other Site Costs	275.00	-	275.00	275.00	-	275.00	-
Dept. of Toxic Substance Control	Environmental Fee	3,027.22	-	3,027.22	3,027.22	-	3,027.22	-
Division of the State Architect	Plan Check Fees	355,100.00	-	355,100.00	355,100.00	-	355,100.00	-
DUDEK	Phase I Environ. Rpt	6,892.46	-	6,892.46	6,892.46	-	6,892.46	-
Erickson-Hall Construction	Prelim. Svcs./Preconstruction	165,648.00	-	165,648.00	165,648.00	-	165,648.00	-
Erickson-Hall Construction	Main Construction	4,451,163.00	49,159,966.00	53,611,129.00	-	718,185.01	718,185.01	52,892,943.99
Ninyo & Moore	Construction Tests	367,515.50	-	367,515.50	-	-	-	367,515.50
Nova Services	Geotechnical Services	15,300.00	-	15,300.00	15,065.00	-	15,065.00	235.00
OBR Architecture, Inc	Architect Fees	2,578,792.00	-	2,578,792.00	1,862,852.18	95,396.35	1,958,248.53	620,543.47
Placeworks, Inc	Environmental Consultant	79,365.00	(5,000.00)	74,365.00	69,341.49	-	69,341.49	5,023.51
San Diego Gas & Electric	Other Construction Costs	3,352.00	-	3,352.00	-	-	-	3,352.00
Snipes Engineering	Surveying	22,150.00	-	22,150.00	22,150.00	-	22,150.00	-
State Water Resource Control Board	Other Construction Costs	861.00	-	861.00	861.00	-	861.00	-
Grand Total		19,716,425.71	49,297,082.60	69,013,508.31	13,514,132.38	942,977.96	14,457,110.34	54,556,397.97

Pacific Sky School Vendor Detail Summary				
Vendor	Description	Current Expenditure	Invoice #	Payment Date
AALRR (Legal)	Other Planning Costs	755.00	615531*	3/8/2021
		840.00	620925*	5/6/2021
	Subtotal	1,595.00		
Blue Coast Consulting	Inspections	880.00	1	5/17/2021
	Subtotal	880.00		
City of San Diego Dev. Svcs.	Other Construction Costs	108,821.60	28246	4/26/2021
	Other Site Costs	20,500.00	974145	5/6/2021
	Other Planning Costs	(2,400.00)	Expired Check	5/6/2021
	Subtotal	126,921.60		
Erickson-Hall Construction	Main Construction	35,607.05	1*	3/1/2021
		1,874.06	1 Retention*	3/1/2021
		646,668.71	2*	5/12/2021
		34,035.19	2 Retention*	5/12/2021
	Subtotal	718,185.01		
OBR Architecture, Inc	Architect Fees	30,526.20	006-23	3/22/2021
		23,776.20	006-24	4/8/2021
		25,723.95	006-25	5/20/2021
		15,000.00	006B-1	3/22/2021
		370.00	006A-6	4/8/2021
	Subtotal	95,396.35		
Grand Total		942,977.96		

* CFD 99-1 Expenditure

Del Mar Union School District
2018 General Obligation Bond Measure MM
Expenditures Through 5/31/21

Del Mar Hills Academy Modernization Project Budget						
Object Code	Description	Budget as of 2/28/21	Budget Adjustments	Revised Budget as of 5/31/21	Actual Expenditures 5/31/21	Balance
FUNDING SOURCES:						
	Proceeds from General Obligation Bond	19,425,957	550,000	19,975,957		
	TOTAL FUNDS AVAILABLE	19,425,957	550,000	19,975,957		
EXPENDITURES:						
6200-001	Architect Fees	1,154,450	363,900	1,518,350	9,228	1,509,122
6200-050	Other Costs	5,495	10,065	15,560	5,560	10,000
	Main Construction	14,389,597	407,408	14,797,005	-	14,797,005
	Project Contingencies	719,480	20,370	739,850	-	739,850
	Soft Costs	3,156,935	(251,743)	2,905,192	-	2,905,192
	TOTAL BUDGET	19,425,957	550,000	19,975,957	14,788	19,961,169

Del Mar Hills Academy Modernization Project Summary							
Vendor	Description	Commitments as of 2/28/21	Additions/ Reductions	Commitments as of 5/31/21	Expenditures as of 2/28/21	Current Expenditures	Remaining Commitment
AALRR (Legal)	Other Planning Costs	5,495.00	65.00	5,560.00	5,495.00	65.00	-
Baker Nowicki Design Studio	Architect Fees	3,900.00	-	3,900.00	3,900.00	-	-
Lionakis	Architect Fees	1,154,450.00	360,000.00	1,514,450.00	5,328.00	-	1,509,122.00
Grand Total		1,163,845.00	360,065.00	1,523,910.00	14,723.00	65.00	1,509,122.00

Del Mar Hills Academy Modernization Project Vendor Detail				
Vendor	Description	Current Expenditures	Invoice #	Payment Date
AALRR (Legal)	Other Planning Costs	65.00	620925	5/6/2021
	Subtotal	65.00		
	Grand Total	65.00		