

# Whiteford Measure G Bond Expenditures

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## 2 SUB-COMMITTEE REPORT REGARDING THE 2016-2017 WHITEFORD BOND EXPENDITURES

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### 2.1 SUB-COMMITTEE CONCLUSIONS

#### 2.1.1 Overview of Activities

The sub-committee gathered all relevant public information and studied the Whiteford expenditures for 2016-2017. It composed this document, which includes conclusions and recommendations for the CBOC.

### 2.2 CONCLUSIONS

The sub-committee would like to bring the following suggested findings for discussion to the CBOC and for possible inclusion in the Annual Report:

**A. THE WHITEFORD BOND EXPENDITURES IN 2016-2017 WERE CONFORM THE LANGUAGE AND RULES OF THE BOND**

The sites listed in the bond language <sup>(3.1)</sup> are all sites that are used predominately for student teaching, it included the Whiteford site. The bond language did not include the District Office and explicitly stated that no funds can be used for administration and that every penny from this measure must stay in Newark to benefit local schools.

During the planning and implementation stages, the Whiteford site was still in use as a pre-school site.

**B. NO WHITEFORD BOND EXPENDITURES WERE SPECIFICALLY MADE FOR A FUTURE DISTRICT OFFICE MOVE**

The scheduled Whiteford projects for 2016-2017 only included roofing and HVAC replacements. On 6/17/16 a change order was placed for an "Acoustical Ceiling Grid" <sup>(3.4)</sup> for about \$83,000 and on 7/19/16 a change order was placed for "New lighting in lieu of rebuilding existing lighting" <sup>(3.4)</sup> for about \$93,000. The CFS report lists a lighting project; however, the amount budgeted and expensed is \$0.

**C. BOND FUNDS MAY HAVE BEEN SAVED OR MAY HAVE BEEN REDIRECTED TO OTHER PROJECTS IF THE IMPLICATIONS AND TIMING OF MOVING THE WHITEFORD PRE-SCHOOL IN RELATION TO BOND EXPENDITURES WERE CONSIDERED BY THE SCHOOL BOARD**

Whiteford students and teachers did benefit from the projects for one school season. The Whiteford pre-school move was first brought up in April 2014 <sup>(3.9)</sup>. However, neither the District Office nor the School Board followed up in public on this item after an approved one-year extension on the study. Only in May 2017 did the District Office report to the board that a move to Musick was imminent. Implications and timing with respect to bond expenditures were never addressed in public.

***D. AS LONG AS WHITEFORD IS NOT PREDOMINATELY USED FOR STUDENT TEACHING USING BOND FUNDS FOR THIS SITE IS AGAINST THE BOND LANGUAGE AND RULES***

The bond language exclusively lists sites that are predominately used to teach students, the District Office is not mentioned and the bond language explicitly states that no funds can be used for administration.

A site that was originally listed but that currently no longer functions as a site used predominately to teach students becomes, in the opinion of the CBOC, no longer a valid site for bond expenditures.

**2.3 REPORT WHITEFORD FINDINGS IN THE ANNUAL REPORT**

The sub-committee would like to recommend placing the final findings about the Whiteford expenditures in the Annual Report.

**2.4 ACTION ITEMS FOR THE COMMITTEE**

The sub-committee would like to recommend a motion to allow the Chair to state the CBOC position on expending bond funds on sites that are not predominately used to teach students:

**MOTION**

***UNTIL CANCELED BY MOTION THE COMMITTEE ALLOWS THE CHAIR TO COMMUNICATE ON BEHALF OF THE CBOC, AT ANY TIME, THE CBOC POSITION THAT EXPENDING BOND FUNDS FOR SITES THAT ARE NOT PREDOMINATELY USED TO TEACH STUDENTS IS NOT CONSIDERED A VALID USE OF BOND FUNDS.***

### 3 SOURCES

#### 3.1 MEASURE G BOND LANGUAGE

	<b>BALLOT MEASURE SUBMITTAL FORM</b>	<div style="border: 1px solid black; padding: 5px;"> <small>Official Use Only: Date Stamp</small>  <b>RECEIVED</b>                  Alameda County                  AUG 11 2011                  Reg. of Voters             </div>
<b>BALLOT MEASURE QUESTION</b>		
Jurisdiction Name: <b>Newark Unified School District</b>		Election Date: <b>November 8, 2011</b>
Note: The information as it appears within the measure question text box will be printed on the ballot.  Insert ballot question text here:		
<div style="border: 1px dashed black; padding: 10px;">                     "To preserve quality education, provide safe and modern schools, and qualify for matching funds, shall Newark Unified School District update aging classrooms, libraries, and science labs to meet earthquake/fire/safety standards; improve access for students with disabilities; remove asbestos, lead and hazardous materials; and improve energy/operational efficiency to maximize funding for instructional programs; by issuing \$63 million in bonds at legal rates, with independent oversight, no money for administrators' salaries, and all funds staying in Newark?"                 </div>		
<b>PERCENTAGE NEEDED TO PASS</b>		
55%		
<b>FULL TEXT OPTION</b>		
Full Text to be printed in the Voter Information Pamphlet:		
<input checked="" type="checkbox"/> YES (note: must submit separate copy of Full Text along with this form)		
<input type="checkbox"/> NO		
<b>AUTHORIZED REPRESENTATIVE</b>		
Print Name: <b>Elaine Neilsen, Chief Business Official</b>		Date: <b>August 11, 2011</b>
Signature: 		
<b>CONTACT INFORMATION (for office use)</b>		<b>CONTACT INFORMATION (for public)</b>
Phone #: 		Phone #: <b>510-818-4115</b>
E-Mail: 		E-Mail/Website: <b>http://nUSD.ca.schoolloop.com/</b>

**COUNTY COUNSEL'S IMPARTIAL ANALYSIS OF MEASURE G****ANALYSIS BY THE ALAMEDA COUNTY COUNSEL OF THE  
NEWARK UNIFIED SCHOOL DISTRICT BOND MEASURE**

Measure G, a Newark Unified School District ("District") bond measure, seeks voter approval to authorize the District to cause general obligation bonds to be issued and sold in a principal amount not to exceed \$63,000,000.00 (sixty three million dollars) at interest rates within the statutory limit. The primary purpose of the bonds is to finance specific school facilities projects in the measure.

Pursuant to California Constitution Section 18 of Article XVI and Section 1 of Article XIII A and California Education Code Section 15274, this measure will become effective upon the affirmative vote of at least 55% of the qualified electors voting on this measure.

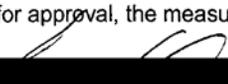
California Education Code Section 15100 restricts the use of the proceeds from the bonds sale to construction, reconstruction, rehabilitation or replacement of school facilities, and the acquisition of real property for school facilities. In addition, proceeds may only be used for the projects listed in the measure. Measure G provides that its proceeds will fund projects outlined in the measure (reproduced in the sample ballot) that include, among others: removing hazardous materials from school sites; updating school facilities to meet current earthquake, fire and safety standards; providing disabled access; modernizing classrooms and science laboratories; and improving energy efficiency. Proceeds may not be used for any other purpose, such as administrator salaries.

If 55% of those who vote on the measure vote "yes", the District will be authorized to issue bonds in an amount not to exceed \$63,000,000.00 (sixty three million dollars). Approval of this measure will authorize a levy on the assessed value of taxable property within the District by an amount needed to pay the principal and interest on these bonds in each year that the bonds are outstanding.

The Tax Rate Statement for Measure G in this Voter Pamphlet reflects the District's best estimates, based upon currently available data and projections, of the property tax rates required to service the bonds. The best estimate of the average tax rate required to be levied to fund the bonds is 3.9¢ (three point nine cents) per \$100.00 (one hundred dollars), which is \$39.00 (thirty-nine dollars) per \$100,000.00 (one hundred thousand dollars), of the assessed valuation of taxable property on the County's official tax rolls. The highest tax rate estimated to be levied to fund the bonds is the same as the average tax rate estimate, as set forth more fully in the Tax Rate Statement in this Voter Pamphlet.

An independent citizens' oversight committee will monitor the bond expenditures.

If 55% of those voting on this measure do not vote for approval, the measure will fail and the District will not be authorized to issue the bonds.

  
  
RICHARD R. KARLSSON  
Interim County Counsel

The above statement is an impartial analysis of Measure G, which is printed in full in this sample ballot pamphlet. If you desire an additional copy of the measure, please call the Elections Official's office at (510) 272-6933 and a copy will be mailed at no cost to you.

**APPENDIX A**

**Newark Quality Education and Safe Classrooms Measure  
BALLOT MEASURE  
FULL TEXT**

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**Newark Quality Education and Safe Classrooms Measure**

“To preserve quality education, provide safe and modern schools, and qualify for matching funds, shall Newark Unified School District update aging classrooms, libraries, and science labs to meet earthquake/fire/safety standards; improve access for students with disabilities; remove asbestos, lead and hazardous materials; and improve energy/operational efficiency to maximize funding for instructional programs; by issuing \$63 million in bonds at legal rates, with independent oversight, no money for administrators’ salaries, and all funds staying in Newark?”

Bonds – Yes

Bonds – No

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Purpose

Student achievement in Newark schools is on the rise. Test scores in Newark have consistently increased over the last five years.

However, most local schools are over 40 years old, and some are close to 50 years old. School buildings throughout Newark do not meet current earthquake and safety standards. Many classrooms are not accessible for students with disabilities. Some classrooms contain, asbestos, lead and other hazardous materials. Roofs leak, heating and electrical systems are outdated and aging plumbing needs to be replaced. High school science labs are overcrowded and outdated. Schools are not energy efficient, which increases our utility costs and takes money away from instructional programs.

Upgraded classrooms, libraries and science labs are needed to provide a safe and modern learning environment for students.

If approved, the Newark Quality Education and Safe Classrooms Measure will provide local funding that cannot be taken away by the State to complete the highest priority projects that impact student safety, quality instruction and operational efficiency.

To protect student safety, Measure \_\_ will:

- Remove asbestos, lead and other hazardous materials are removed from school sites
- Update classrooms, libraries, science labs other school facilities to meet current earthquake, fire and safety standards for students

- Improve security systems, fire alarms, fencing and exterior lights for student and teacher safety in an emergency

To provide a learning environment that supports outstanding student achievement, Measure \_\_ will:

- Update classrooms to provide access for students with disabilities
- Upgrade school libraries to accommodate computers and book collections for students
- Modernize science labs, classroom computers teaching tools and technology to prepare students for 21st century jobs
- Replace outdated electrical systems and wiring to accommodate modern technology

To reduce costs, improve efficiency and maximize available funding for classroom teachers and instructional programs, Measure \_\_ will:

- Improve energy efficiency to reduce utility costs by an estimated half-million dollars per year
- Replace outdated heating, ventilation and other mechanical systems that often break and are expensive to repair

Measure \_\_ requires mandatory fiscal accountability, including:

- Every penny from this measure must stay in Newark to benefit local schools
- No funds can be taken away by Sacramento.
- No funds can be used for administrator salaries or administration
- An independent citizens' oversight committee will review the use of funds to ensure they are spent properly
- Annual performance and financial audits are required

The Newark Quality Education and Safe Classrooms Measure is designed to provide the best possible education for Newark students and to benefit the entire Newark community. Good schools make our neighborhoods more desirable, which protects the value of our homes. This measure will create local construction jobs, boost economic activity in the area and protect jobs for local teachers and staff.

#### Project List

Every school within the Newark Unified School District will receive funding from Measure \_\_, the Newark Quality Education and Safe Classrooms Measure. Bond funds, in conjunction with State matching funds as may become available, will be used to make necessary repairs and upgrades to existing school campuses, as well as replace old portable classrooms and buildings, and upgrade the technology infrastructure to support student learning. The campuses and support facilities listed below will receive the following repair, upgrade and construction projects as necessary:

Bunker Elementary School  
Graham Elementary School  
Kennedy Elementary School

Lincoln Elementary School  
Milani Elementary School  
Musick Elementary School  
Schilling Elementary School  
Snow Elementary School  
Newark Junior High School  
Newark Memorial High School  
Macgregor Alternative School  
Whiteford Preschool

1. Complete health and safety improvements required to comply with current student safety standards and codes, including removing hazardous materials such as asbestos and lead, completing seismic safety upgrades to make facilities earthquake safe, improving electrical systems and fire safety, upgrading communication and security systems, providing lighting for safety, repairing cracked and uneven pavement and stairs, and improving safety in school parking areas
2. Provide access to classrooms, science labs, restrooms and other school facilities for students with disabilities
3. Improve student access to classroom computers and modern technology by upgrading electrical and technology infrastructure and distribution
4. Complete repairs, renovations and upgrades to school sites including replacing outdated electrical systems, sewer, water, gas, paving, walkways, fencing, landscaping and drainage systems
5. Complete major upgrades and renovations to building exteriors and interiors, such as walls, painting, lighting, roofing, floor coverings, doors, windows and hardware
6. Upgrade science labs to support instructional programs and provide advanced courses now required by colleges and universities for admission
7. Provide facilities and equipment necessary to effectively implement career and technical programs so students can compete for today's in-demand jobs
8. Update and improve building systems including heating, ventilation and plumbing systems to reduce energy consumptions and school utility costs
9. Evaluate and implement energy generation, management and conservation systems to improve environmental sustainability and effectively reduce on-going energy and utility costs incurred by the District
10. Construct, furnish and equip new classrooms to replace outdated/aging portable classrooms

11. Renovate, expand, and construct student support facilities throughout the District as needed
12. Acquire and install instructional, maintenance, and operational equipment including but not limited to: desks, computers, printers/reprographic equipment, computer stations, smart boards, whiteboards, tack boards; science, art, and instrumental program equipment; window coverings, cafeteria tables, and maintenance equipment to the extent permitted by law
13. Upgrade and replace as necessary outdoor play equipment, protective play surfaces, and fields as needed to meet new safety standards and keep our children healthy
14. Provide adequate shade structures and lunch shelters to protect students
15. Expand and upgrade multi-purpose rooms, cafeterias and kitchen areas as needed to efficiently prepare food and serve students in a safe and sanitary environment
16. Refinance or retire existing debts and leases in order to secure more favorable terms for taxpayers and/or free up funding for classroom instruction

#### Priority of Projects

The listed projects will be prioritized and completed as needed with the following projects being prioritized first: projects dealing with safety and security for students, teachers and school staff; items with immediate impact on classrooms and instruction; items which protect the structural integrity of our schools protect taxpayer investments in these community assets; projects that maximize additional funding resources or that generate ongoing funding or expense reduction.

#### Project Costs

Each project is assumed to include its share of furniture, equipment, architectural, engineering, and similar planning costs, program/project management, staff training expenses and a customary contingency for unforeseen design and construction costs. In addition to the listed projects stated above, the Project List also includes the acquisition of a variety of instructional, maintenance and operational equipment, including the reduction or retirement of outstanding lease obligations and interim funding incurred to advance fund projects from the Project List; installation of signage and fencing; payment of the costs of preparation of all facility planning, facility studies, assessment reviews, facility master plan preparation and updates, environmental studies (including environmental investigation, remediation and monitoring), design and construction documentation, and temporary housing of dislocated District activities caused by construction projects. In addition to the projects listed above, the repair and renovation of each of the existing school facilities may include, but not be limited to, some or all of the following: renovation of student and staff restrooms; repair and replacement of heating and ventilation systems; upgrade of

facilities for energy efficiencies; repair and replacement of worn-out and leaky roofs, windows, walls, doors and drinking fountains; installation of wiring and electrical systems to safely accommodate computers, technology and other electrical devices and needs; upgrades or construction of support facilities, including administrative, physical education and performing arts buildings and maintenance yards; repair and replacement of fire alarms, emergency communications and security systems; resurfacing or replacing of hard courts, turf and irrigation systems and campus landscaping; expand parking; install interior and exterior painting and floor covering; demolition; and construction of various forms of storage and support spaces, upgrade classrooms, repair, upgrade and install interior and exterior lighting systems; replace outdated security fences and security systems. The upgrading of technology infrastructure includes, but is not limited to, computers, LCD projectors, portable interface devices, servers, switches, routers, modules, sound projection systems, laser printers, digital white boards, document projectors, upgrade voice-over-IP, call manager and network security/firewall, wireless technology systems and other miscellaneous equipment and software.

The allocation of bond proceeds will be affected by the District's receipt of State matching funds and the final costs of each project. In the absence of State matching funds, which the District will aggressively pursue to reduce the District's share of the costs of the projects, the District will not be able to complete some of the projects listed above. The budget for each project is an estimate and may be affected by factors beyond the District's control. Some projects throughout the District, such as gyms, fields and performing arts facilities, may be undertaken as joint use projects in cooperation with other local public or non-profit agencies.

The final cost of each project will be determined as plans and construction documents are finalized, construction bids are received, construction contracts are awarded and projects are completed. Based on the final costs of each project, certain of the projects described above may be delayed or may not be completed. Demolition of existing facilities and reconstruction of facilities scheduled for repair and upgrade may occur, if the Board determines that such an approach would be more cost-effective in creating more enhanced and operationally efficient campuses. Necessary site preparation/restoration may occur in connection with new construction, renovation or remodeling, or installation or removal of relocatable classrooms, 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 way to the property. 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. Bond proceeds shall only be expended for the specific purposes identified herein. The District shall create an account into which proceeds of the bonds shall be deposited and comply with the reporting requirements of Government Code § 53410.

#### Accountability Requirements

The provisions in this section are specifically included in this measure in order that the voters and taxpayers in the District may be assured that their money will be

spent wisely. Expenditures to address specific facilities needs of the District will be in compliance with the requirements of Article XIII A, Section 1(b)(3), of the State Constitution and the Strict Accountability in Local School Construction Bonds Act of 2000 (codified at Education Code Sections 15264 and following.)

**Evaluation of Needs.** The Board has identified detailed facilities needs of the District and has determined which projects to finance from a local bond at this time. The Board hereby certifies that it has evaluated safety, class size reduction, enrollment growth, and information technology needs in developing the Bond Project List.

**Independent Citizens' Oversight Committee.** The Board shall establish an Independent Citizens' Oversight Committee under Education Code Section 15278 and following to ensure bond proceeds are expended only on the school facilities projects listed below. The committee will be established within 60 days of the date when the results of the election appear in the minutes of the Board.

**Performance Audits.** The Board shall conduct an annual, independent performance audit to ensure that the bond proceeds have been expended only on the school facilities projects listed below.

**Financial Audits.** The Board shall conduct an annual, independent financial audit of the bond proceeds until all of those proceeds have been spent for the school facilities projects listed below.

**Special Bond Proceeds Account: Annual Report to Board.** Upon approval of this measure and the sale of any bonds approved, the Board shall take actions necessary to establish an account in which proceeds of the sale of bonds will be deposited. As long as any proceeds of the bonds remain unexpended, the Superintendent of the District shall cause a report to be filed with the Board annually, stating (1) the amount of bond proceeds received and expended in that year, and (2) the status of any project funded or to be funded from bond proceeds. The report may relate to the calendar year, fiscal year, or other appropriate annual period as the Superintendent shall determine and may be incorporated in the annual budget, audit, or another appropriate routine report to the Board.

#### Further Specifications

**No Administrator Salaries.** Proceeds from the sale of bonds authorized by this measure shall be used only for the construction, reconstruction and/or rehabilitation of school facilities including the furnishing and equipping of school facilities or acquisition or lease of real property for school facilities and not for any other purpose, including administrator salaries.

**APPENDIX C****TAX RATE STATEMENT IN CONNECTION WITH  
NEWARK UNIFIED SCHOOL DISTRICT  
BOND MEASURE TO BE SUBMITTED TO VOTERS ON NOVEMBER 8, 2011**

An election will be held in the Newark Unified School District (the "District") on November 8, 2011, on the question of whether to authorize up to \$63,000,000 in bonds to be issued by the District to finance school facilities as described in the ballot measure. If the bonds are approved, the District expects to sell the bonds in three series over time. Principal and interest on the bonds will be paid from taxes levies on the taxable property in the District. The information contained in numbered paragraphs 1 - 3 below is provided in compliance with Sections 9400-9404 of the Elections Code of the State of California. This information is based on the best estimates and projections presently available from official sources, experience within the District and other demonstrable factors.

1. The best estimate of the tax which would be required to be levied to fund this bond issue during the first fiscal year after the sale of the first series of bonds, based on estimated assessed valuations available at the time of filing of this statement, is 3.9¢ per \$100 (\$39.00 per \$100,000) of assessed valuation in fiscal year 2012-13.
2. The best estimate of the tax rate which would be required to be levied to fund this bond issue during the first fiscal year after the sale of the last series of bonds, based on estimated assessed valuations available at the time of filing of this statement, is 3.9¢ per \$100 (\$39.00 per \$100,000) of assessed valuation in fiscal year 2016-17.
3. The best estimate of the highest tax rate which would be required to be levied to fund this bond issue, based on estimated assessed valuations available at the time of filing of this statement, 3.9¢ per \$100 (\$39.00 per \$100,000) of assessed valuation in fiscal year 2016-17.
4. The best estimate of the average annual tax rate which would be required to be levied to fund this bond issue through the entire repayment period, based on estimated assessed valuations available at the time of filing of this statement, is 3.9¢ per \$100 (\$39.00 per \$100,000) of assessed valuation.

Voters should note that the estimated tax rates are based on the *ASSESSED VALUE* of taxable property on the County's official tax rolls, not on the property's market value. Property owners should consult their own property tax bills to determine their property's assessed value and any applicable tax exemptions.

Attention of all voters is directed to the fact that the foregoing information is based upon the District's projections and estimates only, which is not binding upon the District. The actual tax rates and the years in which they will apply may vary from those presently estimated, due to variations from these estimates in the timing of bond

sales, the amount of bonds sold and market interest rates at the time of each sale, and actual assessed valuations over the term of repayment of the bonds. The dates of sale and the amount of bonds sold at any given time will be determined by the District based on its need for construction funds and other factors, including the legal limitations on bonds approved by a 55% vote. The actual interest rates at which the bonds will be sold will depend on the bond market at the time of each sale. Actual future assessed valuation will depend upon the amount and value of taxable property within the District as determined by the County Assessor in the annual assessment and the equalization process.

Dated: August 9, 2011.

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Superintendent  
Newark Unified School District

### 3.2 EDUCATION CODE

**ARTICLE 1. Purposes for Authorizing Bonds [15100 - 15111]** (*Article 1 added by Stats. 1996, Ch. 277, Sec. 2.*)

**15100.** (a) Except as otherwise provided by law, the governing board of any school district or community college district may, when in its judgment it is advisable, and shall, upon a petition of the majority of the qualified electors residing in the school district or community college district, order an election and submit to the electors of the school district or community college district, as applicable, the question whether the bonds of the school district or community college district shall be issued and sold for the purpose of raising money for the following purposes:

- (1) The purchasing of school lots.
- (2) The building or purchasing of school buildings.
- (3) The making of alterations or additions to the school building or buildings other than as may be necessary for current maintenance, operation, or repairs.
- (4) The repairing, restoring, or rebuilding of any school building damaged, injured, or destroyed by fire or other public calamity.
- (5) The supplying of school buildings and grounds with furniture, equipment, or necessary apparatus of a permanent nature.
- (6) The permanent improvement of the school grounds.
- (7) The refunding of any outstanding valid indebtedness of the school district or community college district, evidenced by bonds, or of state school building aid loans.
- (8) The carrying out of the projects or purposes authorized in Section 17577.
- (9) The purchase of schoolbuses the useful life of which is at least 20 years.
- (10) The demolition or razing of any school building with the intent to replace it with another school building, whether in the same location or in any other location.

(b) Any one or more of the purposes enumerated in subdivision (a), except that of refunding any outstanding valid indebtedness of the school district or community college district evidenced by bonds, may, by order of the governing board of the school district or community college district, as applicable, that is entered in its minutes, be united and voted upon as one single proposition.

(c) Before the governing board of a school district or the governing board of a community college district may order an election for purposes of this section, it shall obtain reasonable and informed projections of assessed property valuations that take into consideration projections of assessed property valuations made by the county assessor.

*(Amended by Stats. 2016, Ch. 129, Sec. 1. Effective January 1, 2017.)*

### 3.3 DEPARTMENT OF EDUCATION'S POSITION ON LRE FOR SPECIAL EDUCATION

If there is an LEA public preschool program available, the LEA may choose to make FAPE available to a preschool child with a disability in the LEA's public preschool program. While the number of public pre-kindergarten programs has increased, many LEAs do not offer, or offer only a limited range of, public preschool programs, particularly for three-year-olds. In these situations, the LEA must explore alternative methods to ensure that the LRE requirements are met for each preschool child with a disability. These methods may include: (1) providing opportunities for the participation of preschool children with disabilities in preschool programs operated by public agencies other than LEAs (such as Head Start or community-based child care); (2) enrolling preschool children with disabilities in private preschool programs for nondisabled preschool children; (3) locating classes for preschool children with disabilities in regular public elementary schools; or (4) providing home-based services.

See for more info: <https://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/preschool-lre-dcl-1-10-17.pdf>

### 3.4 WHITEFORD BUDGETS AND ACTUALS

#### **BID PACKAGE**

The Whiteford, MacGregor and Musick projects were bundled under the name Package #2.

#### **2016, OCTOBER 1 - VANIR PRESENTATION TO THE SCHOOL BOARD**

### Whiteford Preschool

Estimated Budget: \$2,244,972

Construction Contract: \$1,339,623

Scope: Roof replacement entire site; Asphalt shingles replacement at mansard roofs; Rooftop HVAC package units; Trimming of Trees; Hazardous materials abatement during roof tear-off; Clean and service electrical panels.

Construction Phase: May 5, 2016 to Aug 18, 2016

#### **2017, MAY 2 - CONSTRUCTION CHANGE DIRECTIVES PRESENTED TO THE SCHOOL BOARD**

Whiteford	01	6/17/16	Acoustical Ceiling Grid	\$ 82,932.48
Whiteford	02	6/24/16	Whiteford Mansard Sheathing	\$ 16,407.06
Whiteford	03	7/20/16	deteriorated leaking pipes near roof hatch and water heater	\$ 1,876.02
Whiteford	04	11/3/16	Electrical T&M charges	\$ 3,229.37
Whiteford	05	7/19/16	new lighting in lieu of rebuilding existing lighting	\$ 93,090.57
Whiteford	06	8/11/16	plywood wall above ceiling that interfaces with HVAC ductwork	\$ 621.70
Whiteford	07	7/6/16	Install Metal Trim at Mansard Roof	\$ 5,775.48
Whiteford	08	9/6/16	Premium Time for ceiling tile installation	\$ 2,902.59
Whiteford	09	9/6/16	Added 6X10 beam per DSA approved drawings	\$ 634.19
Whiteford	11	8/22/16	Dispose of existing lights	\$ 6,084.09
Whiteford	13	3/14/17	Credit for Damaged Matts	\$ (2,000.00)

#### **2017, DECEMBER 1 - EXPENDITURES CFS SYSTEM**

PROJECT	BUDGET	ENCUMBERED
420-650 - Whiteford - Facilities	\$421.85	\$421.85
420-800 - Whiteford - Building (Closed)	\$1,263.75	\$1,263.75
420-809 - Whiteford Playground, Concrete & Asphalt (Closed)	\$44,908.11	\$44,908.11
420-815 - Whiteford - HVAC System	\$1,450,877.18	\$1,450,877.18
420-816 - Whiteford - Classroom Office Lighting	\$0.00	\$0.00
420-824 - Whiteford - Roof Repair	\$231,848.47	\$231,848.47
420-827 - Whiteford - Exterior Painting (Closed)	\$0.00	\$0.00

<b>VENDOR</b>	<b>ENCUMBRANCE</b>	<b>EXPENDITURE</b>	<b>BALANCE</b>
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HVAC

BRCO Construction	\$1,339,999.93	(\$1,329,139.93)	\$10,860.00
Corovan Moving	\$28,299.02	(\$28,299.02)	(\$0.00)
DSA	\$14,452.59	(\$14,452.59)	\$0.00
Salas O'Brien	\$56,721.64	(\$56,721.64)	\$0.00
United Inspection	\$11,404.00	(\$11,404.00)	\$0.00
	\$1,450,877.18	(\$1,440,017.18)	\$10,860.00

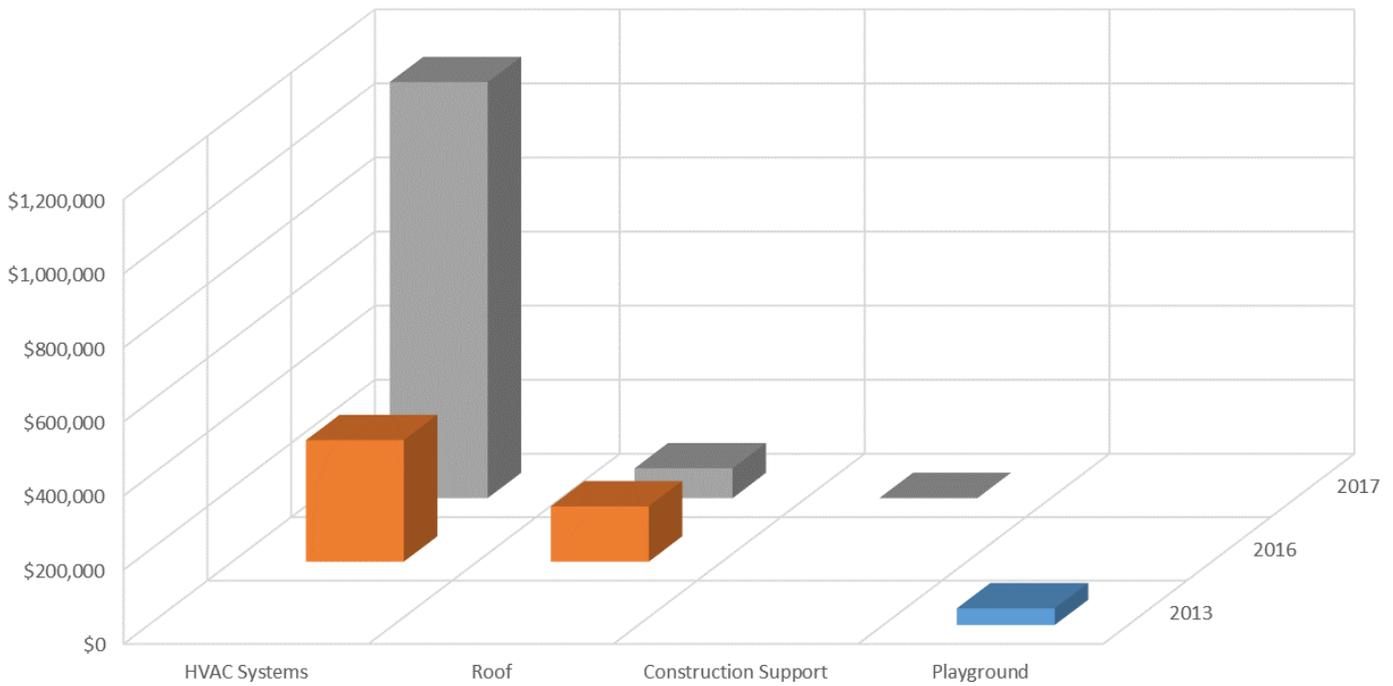
ROOFING

BRCO Construction	\$208,873.47	(\$207,373.47)	\$1,500.00
Independent Roofing	\$12,975.00	(\$12,975.00)	\$0.00
United Inspection	\$10,000.00	(\$6,493.00)	\$3,507.00
	\$231,848.47	(\$226,841.47)	\$5,007.00

Draft

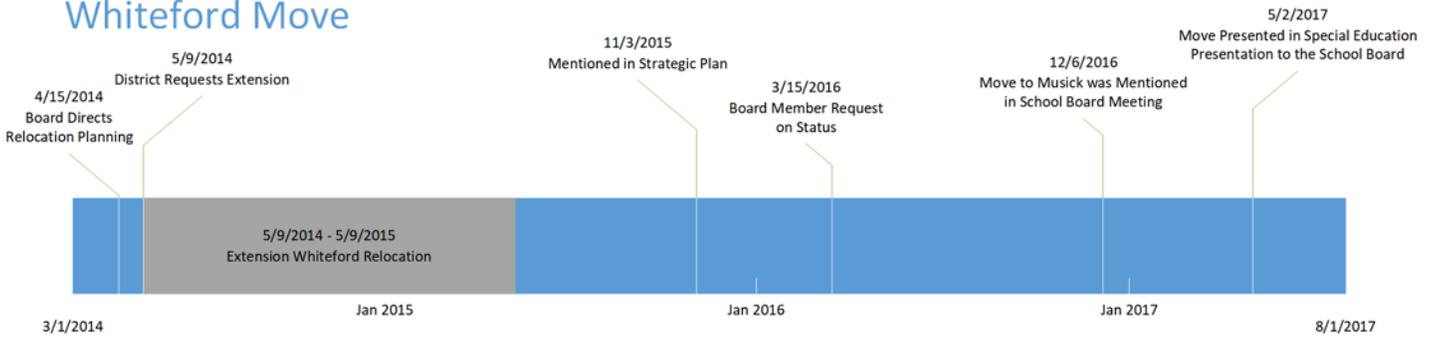
### 3.5 WHITEFORD PROJECT EXPENDITURES BY FINANCIAL YEAR

Activity	2012-2013	2015-2016	2016-2017	Grand Total
HVAC Systems		\$327,730	\$1,123,147	\$1,450,877
Roof		\$149,147	\$80,458	\$229,605
Construction Support			\$222	\$222
Playground	\$44,908			
<b>Grand Total</b>	<b>\$44,908</b>	<b>\$476,877</b>	<b>\$1,203,827</b>	<b>\$1,725,612</b>

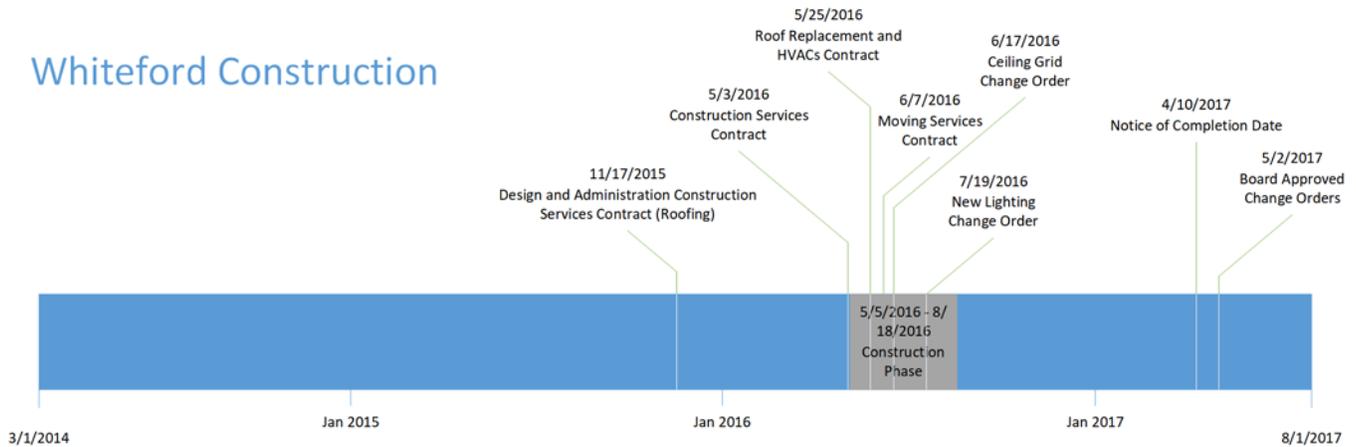


### 3.6 TIMELINE

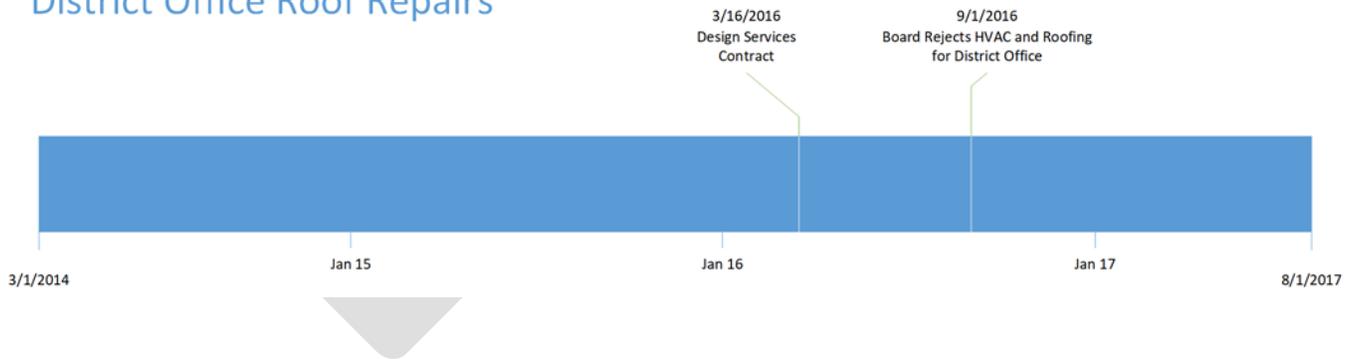
#### Whiteford Move



#### Whiteford Construction



#### District Office Roof Repairs





### 3.8 CHILD, FAMILY & COMMUNITY SERVICES (HEAD START) LEASE AGREEMENT



## NEWARK UNIFIED SCHOOL DISTRICT

5715 Musick Avenue  
Newark, CA 94560-2554  
510-818-4103 Fax: 510-794-2199

**BOARD OF EDUCATION**  
Jan Crocker, President  
Nancy Thomas, Vice President  
Charlie Mensinger, Member  
Gary Stadler, Member  
Ray Rodriguez, Member

**SUPERINTENDENT**  
Dave Marken, Ed.D.

**Date:** August 30, 2013  
**To:** Board of Education  
**From:** Elaine Neilsen  
**Subject:** Child, Family & Community Services (Head Start) Lease Agreement

#### Quick Summary

Staff recommends the approval of a five-year lease between Child, Family & Community Services, Inc. (Head Start) and Newark Unified School District.

#### Purpose

The purpose of the agreement is to extend the lease for five years.

#### Background

For many years Child, Family & Community Services has leased rooms at Whiteford for the purpose of providing their Head Start program. The current lease has expired, and they are requesting an updated lease agreement to continue using Whiteford.

#### Details

The lease is for use of a classroom at Whiteford ten months each year, September through June. Child, Family & Community Services, Inc. agrees to pay operational costs to Newark Unified School District in the amount of \$1,245.13 each month for the first year, to be increased by 5% each year thereafter. Newark Unified School District shall furnish light, heat, power, water, and janitorial services and the use of existing restrooms without any additional cost.

#### Financial Impact

\$12,451.30 in annual revenue.

**LEASE AGREEMENT**

THIS AGREEMENT made and entered into this \_\_\_\_ day of \_\_\_\_\_ 2013, by and between the BOARD OF EDUCATION of the NEWARKUNIFIED SCHOOL DISTRICT, 5715 Musick Avenue, Newark, Alameda County, California, hereinafter called DISTRICT and CHILD, FAMILY & COMMUNITY SERVICES, INC., 35699 Niles Boulevard, Fremont, California, hereinafter called LESSEE mutually agree as follows:

1. DISTRICT hereby permits LESSEE to use the facilities known as the Whiteford School classroom, together with the furniture and equipment therein, for the purpose of providing education for students in programs carried on by LESSEE.
2. LESSEE in consideration for the use of said facilities hereby agrees to pay operational costs to DISTRICT in the amount of One Thousand Two Hundred Forty-Five and 13/100 (\$1,245.13) Dollars per month for the first year, to be increased by 5% each year thereafter for the duration of the agreement. The lease is for one (1) room September 1<sup>st</sup> through June 30<sup>th</sup> (10 months each year) commencing September 1, 2013 to June 30, 2018. Payments are due and payable immediately after the last day of each and every month.
3. In consideration of the rights and privileges granted to it by the DISTRICT pursuant to this agreement, LESSEE hereby agrees to defend, indemnify, and hold harmless the DISTRICT, its officers, employees, agents, and servants from any and all liability for loss of or damage to property, and for death of or injury to persons arising from the use of the premises pursuant to this agreement; and LESSEE hereby waives and releases any right of action it may otherwise have against the DISTRICT, its officers, employees, agents, or servants arising from the initiation, authorization, approval, operation, maintenance, or use of the premises by said LESSEE.
4. It is mutually agreed that the classroom furniture and equipment currently in the facility shall remain and be for the use of LESSEE and are accepted on an "as is" basis without guarantee on the part of the DISTRICT as to their operating condition.
5. It is agreed that the DISTRICT shall furnish light, heat, power, water, and janitorial services and the use of existing toilets without any additional cost to LESSEE.

6. It is expressly understood and agreed that all improvements constructed, erected, or installed in the demised premises by the LESSEE become the property of the DISTRICT except those specifically agreed to in advance and in writing.

7. Either party may terminate this lease by providing the other with sixty (60) days written notice of cancellation. At the point of termination LESSEE shall return the property, furniture, and equipment in as good a condition as when received, normal wear and tear excepted.

8. It is agreed that LESSEE will provide a certificate of insurance (minimum of \$1,000,000 liability) naming DISTRICT as additional insured and MUST be stated as such on certificate.

9. This agreement may be extended for an additional year upon the mutual consent of both parties.

IN WITNESS WHEREOF, the said parties hereto have subscribed their names, the date and year first hereinabove written.

NEWARK UNIFIED SCHOOL DISTRICT  
OF ALAMEDA COUNTY

CHILD, FAMILY & COMMUNITY  
SERVICES, INC.

By \_\_\_\_\_  
President, Board of Education

By \_\_\_\_\_  
Executive Director

As of this writing, there is no (amended) contract for Musick presented to the board.

### 3.9 WHITEFORD RELOCATION PLANNING

#### **2014, APRIL 15 – BEGIN THE PLANNING PHASE**

On April 15, 2014, the following item was placed on the School Board agenda:

<b>G. Whiteford Plan</b>	<b>(DISCUSSION / ACTION)</b>
Board members have requested this item be agendaized for the purpose of requesting staff to begin planning relocation of Whiteford classes to elementary school sites for the 2014-2015 school year.	
<b>Motion</b> _____ <b>Second</b> _____ <b>Vote</b> _____	

The minutes recorded:

<b>G. Whiteford Plan</b>
Member Rodriguez moved, Member Stadler seconded approval of New Business Item G. to have staff begin a plan to relocate Whiteford classes to elementary school sites. The motion passed, 4 AYES (Nancy Thomas, Charlie Mensinger, Gary Stadler, and Ray J. Rodriguez, with Jan Crocker being absent.).

**2014, MAY 9 - REQUEST FOR EXTENSION TILL APRIL 2015**

On May 9, 2014 the District requested an extension on the School Board request, the School Board approved the extension.



To: Executive Board

From: Nanette Gray, Director of Special Education

Date: May 9, 2014

Re: Whiteford Preschool Study

After much consideration and feedback from stakeholders I recommend an extension of the study period to April 2015. The purpose of my recommendation is to draft a detailed plan developed by a range of stakeholders that will focus on a strategic proposal and address the issues and concerns.

On March 4, 2014 I provided an update on the special education department to the Board. Included in that update were the following Whiteford Preschool issues;

- Safety of students and staff
- Limited access administrator on premises
- Limited access to typical peers for least restrictive environment (LRE)
- No general education teacher at IEPs. (*required*)
- Increased Speech Pathologist due to current structure

As a result of the update, the Board requested me to conduct a study on the feasibility of a possible move of the 4 preschool classes from the Whiteford Campus to elementary school sites. I submitted my study on April 11, 2014 with data that included pros and cons from the Whiteford staff, elementary school principals, availability of space and proposed timelines.

If the Board grants the extension, stakeholders will be able to participate in this move process. The District Office will have adequate time for questions and proper responses as we work to ensure our students have appropriate and compliant programs.

**B. Whiteford Study**

[Exhibit](#)

**(DISCUSSION / ACTION)**

Staff recommends an extension of the study period to April 2015. The purpose of this recommendation is to draft a detailed plan developed by a range of stakeholders that will focus on a strategic proposal and address the issues and concerns.

Motion \_\_\_\_\_ Second \_\_\_\_\_ Vote \_\_\_\_\_

**B. Whiteford Study**

Community member and employee Megan McMillen addressed the Board, stating she appreciated the delay of the Whiteford study.

Member Stadler moved, Member Crocker seconded approval of Old Business Item B. The motion passed, 6 AYES (Nancy Thomas, Charlie Mensinger, Gary Stadler, Jan Crocker, Ray J. Rodriguez, and student Board Member Nicole Chi).

**2015, APRIL – NO FOLLOW UP**

No formal follow up was found.

**2015, NOVEMBER 3 - MOVE MENTIONED IN STRATEGIC PLANNING PRESENTATION TO THE BOARD**



**2016, MARCH 15 - BOARD MEMBER REQUEST ON WHITEFORD MOVE STATUS**

Minutes of the March 15, 2016 School Board meeting stated:

President Rodriguez requested an update on moving the 6<sup>th</sup> grade to the junior high and an update on the status of Whiteford.

**2016, DECEMBER 6 - MOVE PRE-SCHOOL FROM WHITEFORD TO MUSICK ON "PARKING-LOT"**

The minutes of the December 6, 2016, School Board Meeting related to the workshop state:

- Items added to "Parking lot":
  - Move central office to MacGregor
  - Schilling K-8
  - Employee affordable workforce housing
  - Move preschool from Whiteford to Musick
  - 6<sup>th</sup> classroom from Jr. High to the Middle college model
  - New school, area 3

**2017, MAY, 2 - MOVE ANNOUNCED IN SPECIAL EDUCATION UPDATE TO THE SCHOOL BOARD**

## Move from Whiteford to Musick Elementary

Planning for the move for two years

Met this year four times

Met with teachers, Vince Belloni , NTA and Human Resources to negotiate move and address staff needs

Communicated with parents through a letter and upcoming Information event with Principal Golliher

### 3.10 DISTRICT OFFICE CONSTRUCTION ACTIVITIES (FOR REFERENCE)

#### **2016, MARCH 15 - APPROVAL OF CONTRACT AMENDMENT FOR DESIGN SERVICES**

On March 15, 2016, the School Board approved the following item:

#### **B5. Approval of Contract Amendment for Design Services**

The original contract was approved by the Board of Education on October 2, 2013 to design and provide construction administration services for HVAC replacements and upgrades. This amendment addresses additional professional services not included in the scope of the Master Agreement between Newark Unified School District and Salas O'Brien Engineers for the Measure G Bond Program.

#### **2016, JUNE 7 – REJECTION OF HVAC AND ROOF REPAIR PROJECT**

On June 7, 2016, the School Board rejected the following item:

#### **Financial Impact**

The bid amount for the HVAC Upgrades and Roof Replacement Project, including allowances, is \$669,000 and will be funded by Capital Facilities Fund.

#### **Recommendation**

District Staff recommends Board approval of the above listed Project and corresponding contract to D.L. Falk Construction, Inc. in the amount of \$669,000.

Two fragments from the accompanied letter:

#### **I. Approval of Contract for District Administration HVAC Upgrades and Roof Replacement**

**(DISCUSSION / ACTION)**

This contract is to perform construction services for Heating, Ventilating, and Air Conditioning (HVAC) Upgrades and Roof Replacement at the District Administrative Offices and is scheduled to place summer break through fall of 2016.

#### **Background**

On May 6, 2016, District Staff issued Bid #16-824 for HVAC Upgrades and Roof Replacement projects at the District Administration Offices. This delivery method allows the District to select contractors based on lowest-responsive and responsible bid.

The work for this Project shall be performed at the following sites:

- 1) District Administration Offices

### 3.11 WHITEFORD PROJECTS

#### **2015, NOVEMBER 17 - APPROVAL OF DESIGN AND CONSTRUCTION ADMINISTRATION SERVICES**

##### **B17. Approval of Design and Construction Administration Services for Summer 2016 Roofing Projects**

Staff recommends|Board approval of contract to award Design and Construction Administration Services for the Summer 2016 Roofing Replacement Projects to Independent Roofing Consultants in the amount of \$159,400. Locations include Lincoln Milani, Musick/District Office, Newark Memorial High School Part III, MacGregor and Whiteford.

#### **2016, MAY 3 - HVAC UPGRADES AND ROOF REPLACEMENT**

On May 3, 2016, the School Board approved the following items:

##### **B8. Approval of Contract for HVAC Upgrades and Roof Replacement – Package #2**

This contract is to perform construction services for Package #2, HVAC Upgrades and Roof Replacement projects, and is scheduled to take place summer of 2016 as part of the Measure G Bond Program.

##### **Background**

On March 25, 2016, District Staff issued Bid #16-815 Bid Packages #1 and #2 for HVAC Upgrades and Roof Replacement projects. This delivery method allows the District to select contractors based on lowest-responsive and responsible bid.

The work for this Project shall be performed at the following sites:

- 1) Musick - Roof System Replacement, Mechanical Upgrades and HVAC Units Replacement
- 2) MacGregor - Roof System Replacement, Mechanical Upgrades and HVAC Units Replacement
- 3) Whiteford - Roof System Replacement, Mechanical Upgrades and HVAC Units Replacement

##### **Financial Impact**

The bid amount for the HVAC Upgrades and Roof Replacement Project, including allowances and alternate costs, is \$7,547,000 and will be funded by Measure G. There is no financial impact to the general fund.

**2016, JUNE 7 - MOVING SERVICES**

On June 7, 2016, the School Board approved the following moving expenses:

**M. Approval of Contract for Moving Services**

**(DISCUSSION / ACTION)**

This contract is to perform moving services for the HVAC Upgrades and Roof Replacement projects at Whiteford Pre-school and the merger of Bunker Elementary and Milani Elementary schools.

A fragment from the accompanied letter:

The proposal for moving services for the merger of Bunker ES and Milani ES is recommended for Corovan, Inc. to be issued for a not to exceed amount of \$26,200.38, and is funded by Special Reserve Capital Fund P.

The proposal for moving services on the Summer 2016 HVAC Upgrades and Roof Replacement project at Whiteford Pre-school is recommended for Corovan, Inc. to be issued for a not to exceed amount of \$15,483.69 and is funded by Measure G. There is no financial impact to the general fund.

