

**Manhattan Beach Unified School District
Measure BB Oversight Committee
Report Dated September 30, 2010**

I. Purpose of the Report

The Manhattan Beach Unified School District (“MBUSD”) Resolution No. 2008-12 called for an election authorizing the issuance of general obligation bond of MBUSD at an election to be held November 4, 2008. The Bond Measure (more commonly referred to as “Measure BB”), which was passed by the voting residents of Manhattan Beach, read as follows:

“To attract and retain quality teachers, improve instruction, and ensure college and career readiness for local students, shall Manhattan Beach Unified School District rehabilitate 58-year old Mira Costa High School including replacing deteriorated classrooms with new classrooms and science labs, upgrading technology, replacing deteriorated plumbing/restrooms, and improving safety/energy-efficiency, by issuing \$67,480,000 in bonds at legal rates, with independent oversight, mandatory audits, no money for administrator salaries, and all funds staying local to improve Manhattan Beach schools.”

In conjunction with the passing of Measure BB, the MBUSD Board appointed a Citizens Oversight Committee (“the Committee”) to insure the MBUSD’s compliance with Proposition 39 (as discussed below).

The purpose of this report is to inform the MBUSD Board and the public, concerning the expenditure of the bond proceeds and compliance with Proposition 39 and the MBUSD Measure BB Bylaws. This report addresses activities during the period from March 11, 2010 to September 30, 2010.

II. Purpose and Responsibility of the Committee

On November 7, 2000, California voters approved Proposition 39, the Smaller Classes, Safer Schools and Financial Accountability Act. Within the text of Proposition 39 various accountability requirements, including requirements for certain types of audits, were specifically required. In addition, Assembly Bill 1908 (“AB 1908”) was passed, which provided additional requirements relative to school district general obligation bond elections conducted pursuant to Proposition 39. Those requirements included provisions for school districts conducting Proposition 39 elections and thereafter establishing and appointing members to a Citizens Oversight Committee.

As stated by AB 1908, the purpose of the Committee is to inform the public at least annually in a written report concerning the expenditure of the bond proceeds. In carrying out this purpose the Committee will:

- a. Actively review and report on the proper expenditure of the taxpayers' money for school construction.
- b. Advise the public as to whether the school district is in compliance with the requirements of Article XIII A, Section 1(b)(3) of the California Constitution, which provides that: (i) bond funds are expended only 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; (ii) no bond funds are used for any teacher or administrative salaries or other school operating expenses; (iii) a list of projects to be funded was included in the ballot; (iv) an annual independent performance audit is performed; and (v) an annual independent financial audit is performed.

The Manhattan Beach Unified School District Board of Trustees ("the Board") has further clarified that the objectives for the Committee shall include the following purpose and goals:

Purpose: To ensure that General obligation Bond funds are used in accordance with the intention of the voters and with the highest possible level of efficiency so that Mira Costa High School is renovated and improved to better serve the educational needs of the students in our community.

Goals: To validate to the community and to the Board of Trustees that all funds are expended as stated in the bond proposal and as approved by voters on November 4, 2008.

To provide progress reports to the Board of Trustees, MBUSD staff, parents, and members of the community.

The MBUSD Board also established Bylaws for the Measure BB Committee which identified additional duties and responsibilities of the Committee. In addition to the responsibilities required by Proposition 39, the following are highlights from those Bylaws.

Committee's Mission: The Measure BB Committee is to independently review and authenticate the planning and execution of the MBUSD Measure BB bond program and inform the public and Board concerning the expenditure of bond proceeds and to ensure that such bond proceeds are expended in accordance with the intention of the voters and state law.

The Committee is required by Proposition 39 to issue a report on an annual basis. The Measure BB Committee By-Laws, however, require that a report be issued on a quarterly basis. The By-Laws require that each quarterly report

concern the events of the preceding calendar quarter, each report is to be issued within 60 days of the end of the calendar quarter to which it pertains.

At the time that Measure BB was approved by the voters, a list of proposed projects, along with the initial estimates of spending, was provided to the voters. The intent of the MBUSD was to allocate spending based on a preliminary construction plan for the high school. MBUSD is not required to complete all projects on the initially adopted project list, but Measure BB funds cannot be used for work outside of the project list. The Committee is required to report on whether the project expenditures are consistent with Measure BB.

During 2009, the Committee meetings were suspended until the first bond sale was completed. As previously communicated by MBUSD management through local newspaper articles and other sources, the early months of 2009 were not active months for the bond market. As further discussed below, the first Measure BB bond was not issued until June 2009. Due to limited activity with the Measure BB Project in 2009 and 2010, and limited project spending during the months since Measure BB was adopted, this is the second report issued by the Committee. Future reports will be made on a quarterly basis or as the Committee deems necessary.

III. Recent Developments and Project Highlights

The Measure BB project involves three major construction projects: (1) addition of a math and science building, (2) modernization of the “finger buildings” and (3) modernization of the performing arts buildings and quad development. Each of these three projects contributes to the majority of the planned capital spending. Additional program elements and the full list of voter-approved projects, not all of which are required to be constructed as part of the Measure BB program, are presented in attached “**Exhibit A.**”

With construction scheduled to first begin on the new math and science building in June 2011, the primary Project activities in 2010 related to the overall design of the buildings and complex. The Measure BB project design has and will continue to be lead by Harley Ellis Devereaux (“the Architect”), and has been organized into three phases.

The first phase of the design (schematic design) was based on input of the teachers, students and the community through a series of meetings in 2009 and 2010. The schematic design was approved by the MBUSD Board on May 19, 2010. While the schematic design phase extended a month beyond the original schedule, the project is still on target to begin construction in June 2011.

The design development phase (second phase) is in process and is expected to be completed during the third quarter of 2010. Finalized construction documents (third phase) are scheduled to be submitted to the Division of the State Architect (DSA) for approval on October 18, 2010.

MBUSD, with input from the Committee, retained the construction management services of Bernards in April 2010. Bernards will oversee the construction of the entire project and will work closely with the Architect and all contractors. Bernards will also monitor and report on project spending, and will recommend changes to the budget as necessary.

Based on the results and completion of the schematic design phase, Bernards completed their projection of total spending for the three primary construction projects. Bernards' projected spending by major construction projects varies from what was presented previously by the MBUSD Board. The spending variances were determined based on more specific planning information, which was gathered through detailed discussions with teaching staff, condition assessments, and concept refinements made during the schematic design.

The Bernards' budget assumes: (1) increased cost for the math and science building in consideration of space needs, (2) remodeling of existing "M&O" building rather than a new building, (3) reconfiguration of the second floor of the existing administration building to accommodate the learning center, which will allow more classroom space in the "finger buildings".

A summary of the Bernards' budget, as compared to the most recent budget prepared and reported by the MBUSD Board, is as follows (amounts in thousands):

	<u>MBUSD</u>	<u>Bernards</u>
<u>Construction Costs:</u>		
Phase I	\$24,360	\$26,163
Phase II	13,983	6,616
Phase III	<u>9,420</u>	<u>14,154</u>
Sub-total Construction	\$47,473	\$46,933
All Soft Costs	<u>7,012</u>	<u>7,012</u>
Total Projection	\$54,775	\$53,945
Potential Cost Reduction		\$830

Based on the most recent projection, total construction costs are forecasted to be \$829,692 below the current budgeted amount. However, since the Measure BB project is still in the early phases of design, the MBUSD Board as elected to maintain the current budget until more specific estimates are identified in upcoming phases of the project. The Committee agrees with the MBUSD Board to maintain the current targeted budget.

In July 8, 2010, the MBUSD Board issued additional Series B bonds, with a par value totaling \$9,738,877. The receipts from the bond issuance will fund on-going design and consulting fees in 2010 and 2011, and early stages of construction in mid 2011. In addition, \$738,978 was used to pay down existing debt from previous construction.

IV. Measure BB Project Scope, Budget and Spending Summary

The Measure BB initial project scope and budget, totaling \$67,480,000, included: (1) \$13,500,000 for the payoff of exiting debt and (2) \$53,980,000 for new construction and enhancements. The Attached “**Exhibit B**” outlines the Measure BB budget as revised and reported in the Committee’s report dated March 11, 2010. In addition, actual spending as of July 31, 2010 is compared to the budgeted amounts in “**Exhibit B**”.

As of July 2010, the following amounts have been disbursed related to Measure BB (as summarized on the Attached “**Exhibit B**”):

Existing Debt: a total of \$5,149,856 from Measure BB funds was used to pay down the existing debt (incurred during previous MBUSD projects). Payments have and will be made to pay down the unretired debt during the years 2009 through 2016 in compliance with the financing agreement. These payments were made in compliance with the Measure BB guidelines.

Current Project Expenses: \$512,047 has been spent on the Measure BB initiatives through July 31, 2010. Expenditures to date include the following, which are all within the expected spending levels:

Architect Fees	\$409,214
Engineer & Consultant Fees	68,610
Legal Fees	32,813
Advertisements	<u>1,410</u>
Total	\$512,047

V. Recent Committee Activities and Measure BB Highlights this Reporting Period

The following activities have been conducted and milestones achieved during the period from February 2010 through July 2010 by the Committee:

1. The Committee reviewed and provided comments on the construction management contract and DSA consultant contract.

2. Bernards construction management firm was retained to oversee management of the Measure BB project. Bernards has experience with the design and development of other schools within California. The Committee reviews and provides guidance on the periodic status reports prepared by Bernards.
3. The Committee requested additional information and provided the MBUSD Board with comments for inclusion in the agreement for architectural services between MBUSD and Harley Ellis Devereaux.
4. The first phase of design (“schematic design”) was approved by the MBUSD Board on May 19, 2010. The approved schematic design reflects proposed program revisions resulting from detailed discussions with teaching staff, condition assessments, and concept refinements made during the schematic design phase. In conjunction with the schematic design, the Committee reviewed the updated Measure BB project budget provided by Bernards. The budget will not be formally updated until later phases of the design process are completed.
5. Finalized construction documents are scheduled to be submitted to the Division of the State Architect (“DSA”) for approval on November 3, 2010.
6. The MBUSD removed Tony Gonzales from the Committee. He was replaced by Jim Sepanek.

VI. Committee Appointment and Membership

Pursuant to Proposition 39 and the MBUSD Bylaws, the Committee shall consist of at least seven members (and may be larger) to serve for a term of two years, without compensation, and for no more than two consecutive terms. The Committee may not include any employer or official of the school district or any vendor, contractor, or consultant of the school district. The Committee must include all of the following:

- One member who is active in a business organization representing the business community located within the school district;
- One member active in a senior citizen’s organization
- One member active in a bona fide taxpayer association;
- One member shall be the parent or guardian of a child enrolled in the district.
- One member shall be both a parent (or guardian) of a child enrolled in the district and active in a parent-teacher organization, such as the Parent Teacher Association or school site council.

As of the date of this report, there are thirteen Committee members, and all of the above committee member requirements have been met.

VII. Conclusion

It is the opinion of this Committee that:

- The projected budget for Measure BB is in compliance with Proposition 39 and with the Measure BB as approved by the Manhattan Beach community voters on November 4, 2008, with two exceptions: (1) an annual audit will need to be performed of the project spending, and (2) \$786,389 of existing bond interest payments will be paid from other MBUSD funds and not Measure BB funds. MBUSD management has made arrangements for an audit of Measure BB in conjunction with the audit of the MBUSD spending, which is currently scheduled for November 2010.
- All Measure BB spending incurred as of July 31, 2010 appears to be appropriate based on the projected budget of Measure BB. Completion of the annual audit will provide an additional opinion as to its accuracy.
- The Committee and the Committee members meet the requirements as set forth in Proposition 39 and the Bylaws.
- The MBUSD Board and management have been cooperative with requests for information from the Committee, and have been attentive and responsive to the Committee's recommendations.

Respectively submitted by Measure BB Oversight Committee Members:

Robert Daviduk:	Parent of MBUSD student
Timothy Flake:	Parent of MBUSD student and PTO member
Michael Kling:	Parent of MBUSD student
Ed Lear:	Parent of MBUSD student
Tim Lilligren:	Manhattan Beach business member
Gary Osterhout:	Taxpayers' Organization member
Noel Palm:	Senior Citizens member
Kathleen Paralusz:	Manhattan Beach citizen
George Reppucci:	Manhattan Beach citizen
Kimberly Robinson:	Parent of MBUSD student and PTO member
Jim Sepanek:	Parent of MBUSD student
Rod Spackman:	Parent of MUUSD student
Rachel Vandenberg:	Parent of MBUSD student

EXHIBIT "A"

PROJECT LIST

The District intends to use the proceeds of the Bonds to finance or refinance some or all of the below-listed projects, upon voter approval:

MIRA COSTA HIGH SCHOOL

NEW MATH/SCIENCE INSTRUCTIONAL BUILDING (Building A)

- Replace deteriorated, outdated classrooms with 20 new math/science classrooms
- Replace 58-year-old obsolete science labs with 6 new science labs aligned to current science curriculum standards and graduation requirements
- Construct 3 science/math teacher preparation rooms
- Replace deteriorated restrooms, plumbing and water/sewer systems with new facilities
- Replace all deteriorated electrical, mechanical, heating, cooling, ventilation and utility systems and improve energy efficiency to meet new construction high efficiency standards

NEW ACADEMIC INSTRUCTIONAL BUILDING (Building B)

- Replace aging classrooms with 27 new academic classrooms
- Construct a multi-purpose large lecture hall for large group instruction/events
- Construct 2 lecture classrooms.
- Replace deteriorated restrooms, plumbing and water/sewer systems with new facilities
- Replace all deteriorated electrical, mechanical, heating, cooling, ventilation and utility systems and improve energy efficiency to meet new construction, high efficiency standards

TECHNOLOGY UPGRADES: Improve educational technology infrastructure throughout campus, including upgrading outdated cable, fiber-optics, hardware, technology and telecommunications infrastructure

CAREER/TECHNICAL SKILLS CENTER: Repair and renovate large multi-purpose classroom for high-tech job training (Career Technical Education) including auto diagnostics, computer aided design (CAD), sheet metal fabrication, etc.

ARTS INSTRUCTIONAL BUILDING: Repair/renovate/reconfigure deteriorated 58-year old classrooms, studios, art labs, practice rooms, etc. in this building

SAFETY: Upgrade fire safety, emergency communications systems indoor/outdoor lighting, walkways, hardscape, fencing and security systems for improved safety/security

STUDENT SERVICES: Relocate/reconstruct/reconfigure school spaces/facilities to improve one-stop access for student support services—e.g. counseling, administration, special education, speech therapy, occupational therapy, health services, Independent Study, food services, etc.

HIGH SCHOOL MAINTENANCE BUILDING: reconstruct facility to replace 58-year old deteriorated, inadequate maintenance/grounds building.

DISTRICT-WIDE

- Pay or prepay certain existing long-term debt obligations of the District

AT LOCATIONS WHERE RENOVATION, MAJOR REPAIRS AND/OR NEW CONSTRUCTION IS UNDERTAKEN

- Remove hazardous materials (asbestos, lead, mold, mildew, etc.) where necessary
- Address unforeseen conditions revealed by construction/modernization (e.g. plumbing, or gas line breaks, dry rot, seismic structural, etc.)
- Improve schools as required to comply with existing building codes, including the Field Act, and access requirements of the Americans with Disabilities Act
- Provide adequate furniture and equipment for all classrooms, and spaces to be newly constructed or reconstructed, including classroom technology, computer and science equipment, and book storage, and replacement of worn/broken/out-of-date furniture and equipment
- Demolition of existing buildings to be replaced
- Acquisition of any of the facilities on the Project List through temporary lease or lease-purchase arrangements, or execution of purchase options under a lease for any of these authorized facilities
- Necessary site preparation/restoration in connection with new construction, 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 way to property
- Replacement construction if Board of Trustees determines that replacement is more economical than rehabilitation/renovation of existing classrooms
- Provide temporary (interim) classrooms and other school facilities as needed to accommodate students and school functions displaced during construction

MBUSD Measure BB Oversight Committee
 Exhibit B to Report Dated September 30, 2010
 Actual Spending as of July 31, 2010

MANHATTAN BEACH UNIFIED SCHOOL DISTRICT

Exhibit B

REVISED BOND PROJECT BUDGET

Budget as of 9-27-09, revised 2-16-10

	Budget	Revised Budget	Expenditures	Encumbrances	Balance Available
1 Phase I:					
2 meadows parking area	\$ 350,000	\$ -	\$ -	\$ -	\$ 350,000
3 math science building	\$ 17,500,000	\$ -	\$ -	\$ -	\$ 17,500,000
4 peck ave parking and traffic management	\$ 100,000	\$ -	\$ -	\$ -	\$ 100,000
5 m and o building and parameter fire lane	\$ 850,000	\$ -	\$ -	\$ -	\$ 850,000
6 Total Construction cost	\$ 18,800,000	\$ -	\$ -	\$ -	\$ 18,800,000
7 Construction Support and Services	\$ 1,500,000	\$ -	\$ -	\$ -	\$ 1,500,000
8 Contingency	\$ 4,060,000	\$ -	\$ -	\$ -	\$ 4,060,000
9 Total Cost Phase I	\$ 24,360,000	\$ -	\$ -	\$ -	\$ 24,360,000
10 Phase II:					
11 modernization of finger buildings A, M, N	\$ 5,250,000	\$ -	\$ -	\$ -	\$ 5,250,000
12 administration building classrooms renovation	\$ 500,000	\$ -	\$ -	\$ -	\$ 500,000
13 Total Construction cost	\$ 5,750,000	\$ -	\$ -	\$ -	\$ 5,750,000
14 Construction Support and Services	\$ 862,500	\$ -	\$ -	\$ -	\$ 862,500
15 Contingency	\$ 1,322,500	\$ -	\$ -	\$ -	\$ 1,322,500
16 Sub-total	\$ 7,935,000	\$ -	\$ -	\$ -	\$ 7,935,000
18 Renovation of English, foreign languages, and learning center	\$ 4,200,000	\$ -	\$ -	\$ -	\$ 4,200,000
19 Total Construction cost	\$ 4,200,000	\$ -	\$ -	\$ -	\$ 4,200,000
20 Construction Support and Services	\$ 840,000	\$ -	\$ -	\$ -	\$ 840,000
21 Contingency	\$ 1,008,000	\$ -	\$ -	\$ -	\$ 1,008,000
22 Sub-total	\$ 6,048,000	\$ -	\$ -	\$ -	\$ 6,048,000
23 Total Cost Phase II	\$ 13,983,000	\$ -	\$ -	\$ -	\$ 13,983,000
23 Phase III:					
24 Demolition of old administration building and buildings C, D, K	\$ 250,000	\$ -	\$ -	\$ -	\$ 250,000
25 Renovation of Building S new career technical center	\$ 600,000	\$ -	\$ -	\$ -	\$ 600,000
26 Construction of multipurpose hall, satellite food service	\$ 2,900,000	\$ -	\$ -	\$ -	\$ 2,900,000
27 renovation to exterior of Cafeteria	\$ 500,000	\$ -	\$ -	\$ -	\$ 500,000
28 Total Construction cost	\$ 4,250,000	\$ -	\$ -	\$ -	\$ 4,250,000
29 Construction Support and Services	\$ 1,000,000	\$ -	\$ -	\$ -	\$ 1,000,000
30 Contingency	\$ 1,050,000	\$ -	\$ -	\$ -	\$ 1,050,000
31 Sub-total	\$ 6,300,000	\$ -	\$ -	\$ -	\$ 6,300,000
33 Hardscape and landscape of new commons	\$ 800,000	\$ -	\$ -	\$ -	\$ 800,000
34 Campus wide safety improvements	\$ 500,000	\$ -	\$ -	\$ -	\$ 500,000
35 furniture and equipment	\$ 1,000,000	\$ -	\$ -	\$ -	\$ 1,000,000
36 Total Construction cost	\$ 2,300,000	\$ -	\$ -	\$ -	\$ 2,300,000
37 Construction Support and Services	\$ 300,000	\$ -	\$ -	\$ -	\$ 300,000
38 Contingency	\$ 520,000	\$ -	\$ -	\$ -	\$ 520,000
39 Sub-total	\$ 3,120,000	\$ -	\$ -	\$ -	\$ 3,120,000
Total Cost Phase III	\$ 9,420,000	\$ -	\$ -	\$ -	\$ 9,420,000
40 Total for Construction and Contingencies	\$ 47,763,000	\$ -	\$ -	\$ -	\$ 47,763,000
41 Architect, CM, Services and Attorney	\$ 5,600,000	\$ 512,047	\$ -	\$ -	\$ 5,087,953
42 Architect, CM and Attorney Contingency	\$ 1,120,000	\$ -	\$ -	\$ -	\$ 1,120,000
43 Available for Future Design Enhancement	\$ 292,000	\$ -	\$ -	\$ -	\$ 292,000
44 Grand Total	\$ 54,775,000	\$ 512,047	\$ -	\$ -	\$ 54,262,953
Debt Payments	\$ 12,705,000	\$ 5,149,856	\$ -	\$ -	\$ 7,555,144
Total Measure BB Proceeds & Forecasted Spending	\$ 67,480,000	\$ 5,661,903	\$ -	\$ -	\$ 61,818,097