

**MINUTES OF THE MEASURE BB OVERSIGHT COMMITTEE
MANHATTAN BEACH UNIFIED SCHOOL DISTRICT
325 S. Peck Ave., Manhattan Beach, CA 90266
March 1, 2010
7:00 p.m.**

The Members of the Measure BB Bond Oversight Committee held its regularly scheduled meeting on Monday, March 1, 2010, at 325 S. Peck Avenue, Manhattan Beach, California. The following were present:

Members of the Committee	Ed Lear, George Reppucci, Michael Kling, Tim Lilligren (absent), Kathleen Paralusz, Kimberly Robinson, Noel Palm, Rod Spackman, Tim Flake, Tony Gonzales (absent), Gary Osterhout, Robert Daviduk, & Rachel Vandenberg .
District Personnel	None
Board of Trustees	Bill Fournell Ida VanderPoorte
Call to Order	The meeting was called to order by Mr. Lear at 7:06 p.m.
Pledge of Allegiance	The Pledge of Allegiance was led by Mr. Lear.
Announcements and Communications	No public comments were made.
Presentation	None
Committee Business	<p>1. Input from Bond Oversight Committee to Board Subcommittee on Construction Management Contract</p> <p>The Committee received the draft Construction Management contract for review in advance of the meeting. Mr. Reppucci and Ms. Vandenberg prepared written review comments, which were presented and discussed with the Committee (see attached). The following additional verbal comments were made:</p> <ul style="list-style-type: none">• Ms. Paralusz noted that the termination for convenience provisions in Sections 9.2 and 9.5 are duplicative and recommended deleting Section 9.5.• Ms. Paralusz expressed concern about the vague and subjective provisions for language in Section 11.3; “profanity” would be more definitive than the current reference to “unacceptable language.”• Mr. Lear noted the Exhibit B, which describes payment for extra work, would be a critical component in any potential litigation and asked members to review closely. Ms. Vandenberg suggested that Item 8 is vague and should be more clearly defined.• Mr. Spackman commented that contract Section 11.2, which discusses drug use and smoking, is also vague and should be revised to clarify the District’s policies.

2. Input from Bond Oversight Committee to Board Subcommittee on Department of State Architect (DSA) Inspector of Record Contract

The Committee received the draft DSA Inspector contract for review in advance of the meeting. The following verbal comments were provided at the meeting:

- Ms. Paralusz noted that the contract includes multiple grammatical and typographical errors. For example, the use of “ its’ ” throughout. The author should check for appropriate use of possessive.
- Ms. Vandenberg noted that payments to inspector are monthly, regardless of hours worked, unless considered “intermittent,” which is not clearly defined.
- Mr. Spackman pointed out that hourly rate for intermittent inspections is higher than calculated rate for the highest grade inspector. Additionally, he noted that the calculation of monthly inspector rates assumes a total of 174 hours per month, which assumes no holidays, vacations, and sick leave.
- Mr. Spackman suggested that, since the District now has a preliminary schedule as presented in the draft CM agreement, that Pringle prepare an estimate of total project inspection costs.

3. Bond Oversight Committee Quarterly Report

The committee received a revised draft quarterly report, as prepared by Mr. Flake to incorporate comments received at the last Committee meeting. Minor revisions to draft text were proposed by Ms. Vandenberg, including clarification of the intent of the project list that was adopted by the Board in advance of the Measure BB ballot. Mr. Reppucci expressed concern regarding the Committee’s responsibilities regarding any changes to the project list. Mr. Lear suggested, and the committee agreed, that this issue would be discussed further to bring to resolution at the next Committee meeting.

It was further agreed that Mr. Gonzalez’ name would be removed from the list of preparers. Because Mr. Gonzalez has been absent from three consecutive Committee meetings and has expressed his interest to be removed from Committee distribution lists, the Board will seek his replacement.

The Committee unanimously agreed that Mr. Flake finalize and submit the quarterly report, incorporating the meeting’s comments and discussion.

4. Approval of January 10, 2010 Bond Oversight Committee Meeting Minutes

Ms. Paralusz submitted a motion to approve the minutes of the prior Committee meeting. This motion was seconded by Mr. Spackman. The minutes were unanimously approved without amendment.

Public Comments

None

Items for Future Meetings

The following items will be discussed at the next meeting:

1. The Board will consider whether they will present the Committee with attorney-client privileged opinion regarding Measure BB project list.
2. Look-ahead to next two major project milestones (to be presented by District staff).
3. Master schedule.

The next regularly scheduled Committee meeting will be held on May 10, 2010.

Adjournment

Mr. Reppucci moved to adjourn the meeting at 8:54 pm, seconded by Ms. Paralusz and unanimously approved by the Bond Oversight Committee.