



## Minutes

### Ojai Unified School District Board of Education Regular Open Session Meeting

📅 Wed May 6th, 2020

🕒 5:00pm - 6:00pm PDT

📍 Notice of Teleconference Meeting will be accessible electronically to members of the Public.

#### 👥 In Attendance

### 1 Call Meeting to Order Open Session at 5:00 p.m.

#### 1.1 Flag Salute

#### 1.2 Emergency Additions/Modifications to Agenda

Action

Member Griffen recognized and thanked District teachers as this week is Teacher Appreciation Week.

There were no additions or modifications made to the agenda.

#### 1.3 Approval of Agenda

Action

Member Weil moved to approve the agenda as presented. Member Whipple seconded the motion which carried with a roll call vote of 5:0.

### 2 Monthly Communications

#### 2.1 Public Comments

Dr. Morse read into the record a series of questions from Mr. Larry Steingold, "Does Sage Realty have any financial or family connection to anyone on the board or any staff member in the Ojai District Hierarchy. Will Sage Real Estate be required to cooperate with other licensed real estate brokers and split the fee equally. What person or committee approves the tenants, and what is the time line to respond to offers etc and negotiate a lease. Will the leases be pre printed or will the District require each to be drafted and negotiated by an attorney (ie spend money). What will be the time line and lack of tenants to drop the rent and change the lease terms. Who will manage the property and will the management person have any family or financial connection to any board member or a the OD staff hierarchy."

She also read into the record the question received from Debora Kirkland, "Why is the sale of the San Antonio Elementary not seriously considered to help with the district budget shortfalls? Like Summit, it serves very few students at a very high cost."

Member Weil emphasized that funds received from the sale of a property is not added to the general fund, but instead can only be used for construction or facility expenses.

## 2.2 **Employee Union Presidents' Comments**

### 2.2.1 **California School Employee Association (CSEA) president Chuck Crawford**

Mr. Crawford commented on the uniqueness of Ojai, we are all adapting on a daily basis to the changes in our community.

He reported that some union members had concerns about past comments made at Board meetings, and about hiring practices due to Assembly Bill known as AB 5, layoffs, the bidding process for Measure J projects. He is however grateful for the collaborative efforts between the District and CSEA members.

He recognized how significant funds are raised by the parent teacher organizations to help fund employment positions.

He believes the board is taking a long-term approach when they consider various budgetary issues and thanked them for doing the hard work required.

### 2.2.2 **Ojai Federation of Teachers (OFT) president Angie Genasci**

Ms. Genasci thanked the Board for inviting the union presidents to this particular meeting regarding the District Office property. She added that if you don't move forward with the development of the District Office property and there is a real concern that budgetary issues will not be met. The Exclusive Right to Negotiation (ERN) for discussion tonight, provides a six-month period to discuss potential development and further opportunities to participate in planning. Zoning issues, relocation fees, lease terms and the impact of development on the community are all of concern to OFT constituents. Teachers live in the valley and they would like to see a positive development for the community. If moving of current offices and departments could occur over the next few years, and alleviate some of the relocations costs ahead of time, that could be a positive result.

## 2.3 **Superintendent's Report**

Dr. Morse echoed the appreciation of teachers during Teacher Appreciation Week. While different than a typical school year, the District is very proud of our teachers and special events have been planned for this week.

# 3 **Business/Operations/Facilities**

## 3.1 **Exclusive Right to Negotiate (ERN Regarding Chaparral/District Office Property)**

Dr. Morse introduced District counsel David Soldani who was present and available to answer questions as needed regarding the District Office property Exclusive Right to

Negotiate (ERN) agreement.

Mr. Soldani outlined the process of updating the ERN. He indicated that the most significant change of substance within the process has been tightening the conceptual design timeline to a six-month period.

The Board participated in a conversation, Member Ruf said it is important to clarify that this is the beginning of the negotiations, in an attempt to review an acceptable plan to develop the District Office property. He reiterated that the Board is an elected body which has and will continue to change, one thing is clear, there has never been a desire to sell the District property, we are only considering a lease.

Michael Shanahan indicated that he appreciated the additional language added within the ERN that confirms there are many opportunities for the Board to reconsider participation. He also commented further that within the contract, Board goals are consistent with reviewing a project with a focus on community values within any proposed development.

Member Weil indicated that the questions she had have now been answered in the edited agreement as it stands.

Member Whipple indicated that he is grateful for the updates and hard work done by Mr. Soldani and Dr. Morse and other Board members. This is one of the bigger financial decisions a Board might make and this needs to proceed carefully and wisely.

Member Griffen indicated that this is a community project and community conversation. When entering into the ERN she hopes to see additional public forums and continued conversations.

Member Whipple moved to approve the ERN agreement. Member Shanahan seconded the motion which carried with a roll call vote of 5:0.

3.2

### **Approval of Contract with Sage Realty for Property Consulting and Brokering Services Related to Lease of District Office Property at 414 E. Ojai Ave.**

Dr. Morse presented information on the continued review of the Sage Realty contract discussions. The hourly rates for Sage Realty have been added as an addendum to the contract.

Mr. Soldani answered questions of Board members confirming that detailed invoicing will be provided by Sage Realty. He also described the method of payment over the term of the lease.

Member Weil explained her concerns regarding the provisions for industry standard fees and commissions. She added that District administration, classified and certificated staff don't receive industry standard wages and she has concerns about a consulting firm not reflecting these practices as well. While she agrees the District needs expert representation, her concerns remain with the issue of the fee percentage and the length of time that the service continues.

Member Whipple added that with the complicated nature of the lease provisions, permitting and zoning processes, that it is important for the District to be well represented with an expert negotiator. He clarified that the challenge was to find a person who provides these services and a compensation rate that is sufficient.

Member Griffen reiterated that individual Board members do not have a relationship with Sage Realty and until this process began they had never previously met.

Member Ruf remarked that in his opinion, the ideal situation would be to hire a consultant without an incentive for a final deal. He confirmed that he will continue to reach out to Mr. Kirschenstein to seek the best deal for the District as well as seek potential favorable alternatives.

Member Shanahan asked for clarification from Mr. Soldani regarding the land lease options and potential commercial lease phase fee provisions. Mr. Soldani indicated that the provisions are in the contract and in place for both pending the direction the process takes moving forward.

Member Shanahan asked, and Mr. Soldani to confirmed that the fee percentages are not negotiable, what is negotiable is the base price to which the percentages are applied.

Member Shanahan moved to approve the contract with Sage Realty. Member Whipple seconded the motion which carried with a roll call vote of 4:1. Yes: Members Griffen, Ruf, Shanahan, Whipple. No: Member Weil.

#### **4 Governing Board/Superintendent**

##### **4.1 Board Members' Report**

Member Weil asked for clarification of Mr. Crawford's comments regarding "inside baseball" and AB 5. Dr. Morse indicated that she would forward information to the Board on that topic through a weekly update.

##### **Future Agenda Items - Parking Lot Report**

Not items were suggested as future agenda items at this time.

#### **5 Adjourn Meeting**

At 5:57 p.m. the meeting adjourned.