

Portland Public Schools Board of Education

Regular Meeting Minutes

Tuesday, November 17, 2020

Virtual

Attendance

Present: Chair Lowery, Directors Bailey, Brim-Edwards, DePass, Kohnstamm, Moore, Scott; Student Representative Shue

Absent: None

Actions Taken

Motion to approve Resolution 6203: Resolution Proclaiming the Celebration of National Native American Indian Heritage Month in Portland Public Schools. This motion, made by Director Michelle DePass and seconded by Director Andrew Scott, Passed.

Director Scott Bailey: Yes, Director Julia Brim-Edwards: Yes, Director Michelle DePass: Yes, Director Amy Kohnstamm: Yes, Director Eilidh Lowery: Yes, Director Rita Moore: Yes, Director Andrew Scott: Yes, Student Representative Shue (unofficial)

Yes: 7, No: 0

Motion to approve the Consent Agenda which includes Resolutions 6204 through 6207. This motion, made by Director Amy Kohnstamm and seconded by Director Julia Brim-Edwards, Passed.

Director Scott Bailey: Yes, Director Julia Brim-Edwards: Yes, Director Michelle DePass: Yes, Director Amy Kohnstamm: Yes, Director Eilidh Lowery: Yes, Director Rita Moore: Yes, Director Andrew Scott: Yes, Student Representative Shue (unofficial)

Yes: 7, No: 0

Motion to approve RESOLUTION 6208: Student Investment Account Grant Approval. This motion, made by Director Michelle DePass and seconded by Director Amy Kohnstamm, Passed.

Director Scott Bailey: Yes, Director Julia Brim-Edwards: Yes, Director Michelle DePass: Yes, Director Amy Kohnstamm: Yes, Director Eilidh Lowery: Yes, Director Rita Moore: Yes, Director Andrew Scott: Yes, Student Representative Shue (unofficial)

Yes: 7, No: 0

Motion to approve RESOLUTION 6209: Resolution Authorizing the Sale of General Obligation Bonds and Related Matters. This motion, made by Director Andrew Scott and seconded by Director Amy Kohnstamm, Passed.

Director Scott Bailey: Yes, Director Julia Brim-Edwards: Yes, Director Michelle DePass: Yes, Director Amy Kohnstamm: Yes, Director Eilidh Lowery: Yes, Director Rita Moore: Yes, Director Andrew Scott: Yes, Student Representative Shue (unofficial)

Yes: 7, No: 0

Motion to elect Katrina Doughty for Position 17 on the the Oregon School Board Association (OSBA) Board of Directors. This motion, made by Director Michelle DePass and seconded by Director Scott Bailey, Passed.

Director Scott Bailey: Yes, Director Julia Brim-Edwards: Yes, Director Michelle DePass: Yes, Director Amy Kohnstamm: Yes, Director Eilidh Lowery: Yes, Director Rita Moore: Yes, Director Andrew Scott: Yes, Student Representative Shue (unofficial)

Yes: 7, No: 0

Motion to elect Sonja Mckenzie for Position 19 on the Oregon School Board Association (OSBA) Board of Directors. This motion, made by Director Scott Bailey and seconded by Director Rita Moore, Passed.

Director Scott Bailey: Yes, Director Julia Brim-Edwards: Yes, Director Michelle DePass: Yes, Director Amy Kohnstamm: Yes, Director Eilidh Lowery: Yes, Director Rita Moore: Yes, Director Andrew Scott: Yes, Student Representative Shue (unofficial)

Yes: 7, No: 0

RESOLUTION No. 6203

Resolution Proclaiming the Celebration of National Native American Indian Heritage Month in Portland Public Schools

RECITALS

- A. Native American Indians are descendants of the original, indigenous inhabitants of what is now the United States;
- B. The Portland Metro region rests on the traditional lands of the Bands of the Chinook, Multnomah, Clackamas, Tualatin, Molalla, Kalapuya, Wasco, Cowlitz and Kathlamet tribes. These tribes established their communities in a resource rich area where they traded and fished along the rivers and harvested those natural resources that fed and maintained their families. In the 1950's, under Federal Relocation Policy a large segment of the Native population in the US was forced to relocate to several major cities of which Portland was one. This has added to the diversity of tribal representation in the region;
- C. Native American Indians people whose history is rich with those who positively influence and enrich our nation, our society, our region, our state, and our schools through their entrepreneurship, commitment to community service, deep value of justice and liberty, and social and cultural life;
- D. On August 3, 1990, President of the United States George H. W. Bush declared the month of November as National American Indian Heritage Month, thereafter commonly referred to as Native American Heritage Month;
- E. Native American Indians have made profound contributions and continue to make advances in education, medicine, art, culture, and public service and been a consistent and vital influence in our nation's growth and prosperity;
- F. The Portland Metro's Native American Indian Community is diverse and growing with the population estimated to be nearly 70,000. As Portland is a relocation site, PPS students represent more than 150 tribal nations. As such, we are humbled by Native American Indian employee, families and community's contribution to the accomplishment of PPS's mission;
- G. Understanding Native American Indian history is an important part of celebrating Native American Heritage Month; Background:
- H. The Oregon Indian Education Association introduced and Oregon Governor Brown signed into law Senate Bill 13, Tribal History/Shared History in the 2017 legislative session. This Bill called upon the Oregon Department of Education (ODE) to develop a statewide curriculum relating to the Native American experience in Oregon, including tribal history, tribal sovereignty, culture, treaty rights, government, socioeconomic experiences, and current events.

Tribal History/Shared History is one of 11 objectives identified in ODE's American Indian/Alaska Native State Plan, in which "Every school district in Oregon implements historically accurate, culturally embedded, place-based, contemporary, and developmentally-appropriate American Indian curriculum..." Oregon is one of several states adopting similar efforts to reaffirm the state's commitment in preserving tribal cultural integrity and the education of our citizens.

In May 2018, ODE facilitated coordination of the creation of Essential Understandings of Oregon's American Indians, which has been used to develop American Indian curriculum and assessment tools for 4th, 8th, and 10th grades aligning with state standards in the following content areas: English Language Arts, Science, Math, Social Science, and Physical Education/Health. Portland Public Schools Office of Indian Education, Office of Teaching and Learning and Office of Schools are engaged in this vital statewide work.

As of January 2020 the State of Oregon requires implementation of Tribal History Shared History within all K-12 school districts throughout the state. The Office of Schools and Office of TEaching and Learning are working together to support the implementation of this curriculum, as a foundational and fundamental element of our culturally responsive teaching and learning for the students in Portland Public Schools.

- I. Portland Public Schools has a Racial Education Equity Policy that states our commitment to affirmatively overcome the educational barriers that have resulted in a persistent, unacceptable achievement gap for students of color and to give each student the opportunity and support to meet his or her highest potential;
- J. Closing opportunity gaps while raising achievement for all students is the top priority of the Board of Education, the Superintendent and all district staff;
- K. The Portland Public Schools Board of Education believes each and every student is to be celebrated and appreciated for the distinct and vibrant contributions made by sharing cultures, language, ideas, beliefs and values within a school community.

RESOLVED

- 1. The Portland Public Schools Board of Education hereby promotes November 1 through November 30th as Native American Indian Heritage Month and encourages staff, students, and community to observe, recognize, and celebrate the culture, heritage, and economic contributions of Native Americans to our Oregon and the United States through culturally relevant activity, and to learn from the past and understand the experiences that have shaped the United States.
- 2. The Superintendent or his designee shall work with all schools in the district to recognize Native American Indian Heritage Month through culturally relevant lessons and activities.

RESOLUTION No. 6204

Resolution to Waive the Cash Management Policy 8.20.010-P

RECITALS

1. Portland Public Schools (PPS) is required by statute to obtain an annual audit of the District's accounts and fiscal affairs. PPS contracts with an independent auditing firm for these services.
2. The COVID-19 health crisis has caused a huge disruption in the capital markets. The Federal Reserve and US Treasury have taken unprecedented steps to provide liquidity to the market. In spite of these extraordinary efforts, the crisis has continued to have a devastating impact on security prices and returns. US Treasury securities are now yielding negative returns out to one-year maturities. This means if the District purchases one of those lowest risk securities, the district will receive less at maturity than was originally invested.
3. Investing in US Treasury Securities in the current market would contradict the overall objective of Board Policy 8.20.010-P: Cash Management:

"Safety of principal is the foremost objective of the investment program. Investments shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio."
4. Policy 8.20.10-P also restricts the amount that can be invested or deposited in any one banking institution to 10% of the total portfolio.
5. The Finance leadership of the district requests the Board grant a temporary suspension to Board Policy 8.20.10-P, Section VII (2), which limits deposits to 10% of the portfolio in any one banking institution. This will allow the District's Treasury Department greater flexibility in managing excess cash and avoid investments that will not return a positive yield.

RESOLVED

Effective November 17, 2020, the Portland Public Schools Board of Education hereby authorizes a temporary waiver of Section VII (2) of Board Policy 8.20.10-P: Cash Management through June 30, 2021, and allows up to 25% of the district's investment portfolio in a single banking institution.

RESOLUTION No. 6205

A Resolution Regarding Depository Banks for the Funds of the Portland Public School District (School District No. 1-J, Multnomah County Oregon)

RECITALS

- A. At the beginning of each fiscal year, the Portland Public Schools Board of Education, establishes depositories for school funds (ORS 328.441, 294.805 – 294.895).
- B. At the July 14, 2020 meeting, the Portland Public Schools Board of Education passed Resolution No. 6139 to approve as official depositories of Portland Public School funds during the 2020-21 fiscal year:

Institution

- U.S. Bank
- Wells Fargo Bank
- Umpqua Bank
- Washington Federal Bank
- Willamette Bank
- BNY Mellon Bank
- JPM Chase Bank
- Bank of America
- Local Government Investment Pool (LGIP)

- C. The District desires to pass a resolution to name additional official depositories during the 2020-21 fiscal year:

RESOLUTION

- 1. RESOLVED that the following depositories are hereby, approved as official depositories of Portland Public Schools funds during the 2020-21 fiscal year:

Institution

- U.S. Bank
- Wells Fargo Bank
- Umpqua Bank
- Washington Federal Bank
- Willamette Bank
- BNY – Mellon Bank
- JPM Chase Bank
- Bank of America
- Local Government Investment Pool (LGIP)

Key Bank

Bank of the West

- 2. RESOLVED that any of the following of the District’s officers [designate titles only]; and in their absence as the Superintendent designates:

Deputy Superintendent of Business & Operations

Chief Financial Officer

(each such designated officer an “Officer”), is individually authorized to: (a) open or close one or more deposit and/or securities accounts (the “Accounts”) with any depository institution qualified by the Oregon State Treasurer under Oregon Revised Statutes (ORS) 295 (herein after called “Bank” which account shall be in the name of the District; (b) execute and deliver in the District’s name such agreement (s) regarding the Accounts and the services related thereto as Bank may from time to time require; (c) authorize and execute transactions on the Accounts, including, without limitation, (i) signing checks and other instruments withdrawing funds from the Accounts, (ii) requesting funds transfers by Bank to and from the Accounts, (iii) entering into arrangements for the processing of automated clearing house (“ACH”) debit entries and/or ACH credit entries to and from the Accounts, and (iv) endorsing on behalf of the District, and otherwise negotiating, checks and other items payable to the District; (d) incur

overdrafts and other obligations in the Accounts at Bank in connection with any of the products, services, or activities authorized by these resolutions;

3. RESOLVED, that any one of the following of the District's officers [designate titles only]:

Senior Director of Financial Services
Senior Manager, Treasury

(each such designated officer a "Limited Officer"), is authorized to: i) request funds transfers by Bank to and from the Accounts, (ii) enter into arrangements for the processing of automated clearing house ("ACH") debit entries and/or ACH credit entries to and from the Accounts.

4. RESOLVED, that each Officer and each Limited Officer is individually authorized to designate one or more District officials [each such designated official, an "Official"] to: (a) sign checks withdrawing funds from their respective school checking Accounts, including those payable to cash; and (b) issue and release stop payments on checks drawn on their respective school checking Accounts.
5. RESOLVED, that the District is authorized to enter into any other arrangements, agreements and documents with respect to any Bank's deposit and treasury management products and services, in such form and on such terms and conditions as may be agreed to by an Officer signing such agreements and documents, after appropriate Board of Education approval is obtained, if necessary;
6. RESOLVED, that except to the extent provided otherwise in any agreement between the District and Bank, the District authorizes Bank to rely on any act or communication, including telephone, wire or electric communication, purporting to be done by any Officer, Limited Officer or Official of the District if such reliance is in good faith, and the District shall be bound to Bank by such act or communication relied on by Bank in good faith;
7. RESOLVED, that these resolutions are in addition to, and not by way of limitation on, other resolutions, if any, of the District in favor of Bank, and that the authority conferred by these resolutions shall be deemed retroactive and any and all acts authorized by these resolutions performed prior to the passage of these resolutions are hereby approved and ratified as the official acts and deeds of the District; and
8. RESOLVED, that each of these resolutions shall continue in full force and effect until Bank has received express written notice of its rescission or modification by a resolution duly adopted by the District's Board of Education and certified by a Secretary or Deputy Clerk of the District.

RESOLUTION No. 6206Expenditure Contracts that Exceed \$150,000 for Delegation of Authority**RECITAL**

Portland Public Schools (“District”) Public Contracting Rules PPS-45-0200 (“Authority to Approve District Contracts; Delegation of Authority to Superintendent”) requires the Board of Education (“Board”) enter into contracts and approve payment for products, materials, supplies, capital outlay, equipment, and services whenever the total amount exceeds \$150,000 per contract, excepting settlement or real property agreements. Contracts meeting this criterion are listed below.

RESOLUTION

The Superintendent recommends that the Board approve these contracts. The Board accepts this recommendation and by this resolution authorizes the Deputy Clerk to enter into the following agreements.

NEW CONTRACTS

Contractor	Contract Term	Contract Type	Description of Services	Contract Amount	Responsible Administrator, Funding Source
Oh Planning & Design	11/18/20 through 12/31/21	Architectural Services ARCH 89487	Complete architectural and engineering services to design roof replacement at MLC. Request for Proposals 2020-2857	\$508,896	C. Hertz Fund 456 Dept. 5511 Project DS006
Otak, Inc.	11/18/20 through 6/30/21 Option to renew for up to two additional one-year terms through 6/30/23	Related Services RS 89510	Project Management/ Construction Management (PM/CM) Services for the 2017 Bond Program. Request for Proposals 2017-2352	\$5,000,000	C. Hertz Funding Source Varies
IBI Group	11/18/20 through 12/31/21	Architectural Services ARCH 89484	Complete architectural and engineering services to design roof replacement at Duniway. Request for Proposals 2020-2857	\$384,172	C. Hertz Fund 456 Dept. 5511 Project DS006
IBI Group	11/18/20 through 12/31/21	Architectural Services ARCH 89485	Complete architectural and engineering services to design roof replacement at Rieke. Request for Proposals 2020-2857	\$323,767	C. Hertz Fund 456 Dept. 5511 Project DS006
Todd Construction, Inc.	TBD	Construction *C XXXXX	Construction of four new classrooms and a Career & Technical Education (CTE) addition to Roosevelt. Request for Proposals 2020-2770	\$4,571,000	C. Hertz Fund 452 Dept. 3124 Project DA003

* Contract is in negotiation and not finalized at this time. Staff seeks advanced authorization for this contract pursuant to the Purchasing & Contracting Delegation of Authority Administrative Directive, 8.50.105-AD, Section X(4): “The District may seek an ‘advanced authorization’ from the PPS Board of Education for any contract upon the approval of the Director of Purchasing & Contracting. The cost of the contract shall be a ‘Not to Exceed’ amount. Once the Board has approved it, no further authorization for the contract is required, providing the contract value remains at or below the ‘Not to Exceed’ amount.”

NEW INTERGOVERNMENTAL AGREEMENTS (“IGAs”)

No New IGAs

AMENDMENTS TO EXISTING CONTRACTS

No New Amendments

RESOLUTION No. 6207

The Following Minutes are offered for Adoption

- November 10, 2020 – Regular Meeting

RESOLUTION No. 6208

Resolution to Approve the Student Investment Account Grant Agreement

RECITALS

- A. The Student Success Act requires that the Student Investment Account (SIA) Grant Agreement be presented to the Portland Public Schools Board of Education for approval with the opportunity for the public to provide comment.
- B. The Portland Public Schools Board of Education voted unanimously to approve the Student Investment Account (SIA) Grant Agreement No. 13723, which was publicly posted, on October 20, 2020, in the consent agenda and offered the opportunity for public comment.
- C. Following the approval by the Board, the Oregon Department of Education issued additional guidance which stated that the SIA Grant Agreement cannot be part of the consent agenda.

RESOLVED

Following posting on the PPS website and the oral presentation and opportunity for public comment at a public meeting, the Board of Education approves the Student Investment Account Grant Agreement in the same form previously approved on October 20, 2020.

RESOLUTION No. 6209

Resolution Authorizing the Sale of General Obligation Bonds and Related Matters

RECITALS

- A. On August 3, 2020, the Board of Portland Public Schools, Multnomah County, Oregon also known as Multnomah County School District 1J (“PPS” or the “District”) adopted a resolution, as amended, authorizing submission to the voters of PPS on November 3, 2020, of a ballot measure authorizing PPS to issue general obligation bonds not exceeding \$1,208,000,000 to finance capital costs to improve health, safety, learning by modernizing, repairing schools, as described in the 2020 ballot measure. This resolution refers to costs that are eligible to be financed with bonds authorized by the 2020 ballot measure as “2020 Capital Costs.”
- B. The election was duly and legally held on November 3, 2020 (the “2020 Bond Election”) and the general obligation bonds were approved by a majority of the qualified voters of PPS voting at the election.
- C. It is now desirable to authorize the sale of the general obligation bonds authorized by the 2020 Bond Election.

RESOLUTION

- 1. The Board hereby authorizes the issuance and sale of up to \$1,208,000,000 in principal amount of general obligation bonds to pay for 2020 Capital Costs (the “Bonds”).
- 2. The District’s Superintendent, Deputy Superintendent of Business & Operations, Chief Financial Officer, or the person designated by any of those individuals to act under this resolution (each of whom is referred to in this resolution as a “District Official”) may, on behalf of the District and without further action by the Board:
 - a. Sell and issue the Bonds in one or more series, which may be sold at different times.
 - b. Participate in the preparation of, authorize the distribution of, and deem final any official statement or other disclosure documents relating to each series of the Bonds.
 - c. Establish the form, final principal amount, maturity schedule, interest rates, and other terms of each series of Bonds.
 - d. Execute and deliver a bond declaration for each series of Bonds. The bond declaration for each series may specify the terms under which the series is issued, and may contain covenants for the benefit of Bond owners and any providers of credit enhancement for the Bonds.
 - e. Publish a notice of sale, receive bids and award the sale of each series of Bonds to the bidder complying with the notice and offering the most favorable terms to the District, or select one or more underwriters, commercial banks or other investors, and negotiate the sale of any series of the Bonds with those underwriters, commercial banks or investors.
 - f. Undertake to provide continuing disclosure for each series of Bonds in accordance with Rule 15c2-12 of the United States Securities and Exchange Commission.
 - g. Apply for ratings for each series of Bonds, determine whether to purchase municipal bond insurance or obtain other forms of credit enhancement (such as the Oregon School Bond Guaranty Program) for each series of Bonds, enter into agreements with the providers of credit enhancement, and execute and deliver related documents.
 - h. Appoint paying agents and other service providers for the Bonds, and negotiate the terms of and execute agreements with those service providers.
 - i. Determine whether each series of Bonds will bear interest that is excludable from gross income under the Internal Revenue Code of 1986, as amended, or is includable in gross

income under that code. If a series bears interest that is excludable from gross income under that code, the District Official may enter into covenants to maintain the excludability of interest on that series of the Bonds from gross income.

- j. If permitted by federal law, issue any series of Bonds as taxable bonds that are eligible for federal interest subsidies or tax credits, and enter into related covenants.
- k. Sell and issue one or more series of the Bonds to provide interim financing, enter into lines of credit or similar documents which permit the District to draw Bond proceeds over time, and issue Bonds to refund the Bonds that provide interim financing for those capital costs. Bonds that are issued to refund any interim financing Bonds are not be subject to the limit in Section 1 on the principal amount of Bonds that may be issued.
- l. Execute any documents and take any other action in connection with the Bonds which the District Official finds will be advantageous to the District.