

WCCUSD



Citizens' Bond Oversight Committee

Meeting Agenda and Packet for July 19, 2021

1400 Marina Way South Richmond, ca 94804

NORMS OF BEHAVIOR

Every team has two components that team members must keep in mind if the team is going to succeed.

- The team must pay attention to the Committee's purpose.
- The team must also carefully shape and monitor the team process it uses to accomplish its purpose.

Team process includes:

- How team members interact with and communicate with each other
- How team members will be responsible and accountable for accomplishing the CBOC's purpose

These team norms or ground rules are established with all members of the team participating equally:

- Recognize cross-disciplinary interaction requires patience and openness to diverse perspectives
- All views are important
- Participation needs to be equitable and balanced
- Expect, respect, and accept disagreements
- Reducing defensiveness is the responsibility of all
- Be tough on issues not on each other
- Place cell phones on silent
- Read agenda packet before the meeting

CBOC Chair John Anderson can be reached at:

email janorwoodpark@gmail.com

CBOC members are requested to contact the chairperson if they are unable to attend a CBOC meeting

WCCUSD

CITIZEN'S BOND OVERSIGHT COMMITTEE

BASIC PARLIAMENTARY PROCEDURES

THE CBOC CONDUCTS THEIR AFFAIRS USING ROBERTS RULES OF ORDER

All discussions and actions go through the Chair.

All actions require a MOTION and a SECOND before proceeding.

- Once a MOTION has been seconded, it then belongs to the body.
- There is no such thing as a friendly (or unfriendly) amendment. Amendments are made and seconded, discussed and then the amendment is voted on for acceptance or rejection.
- If an amendment is passed, then the AMENDED MOTION is voted on.

Motions and amendments need to be clear and concise in what is being discussed and voted on. The CBOC does not vote on general ideas—they vote on specific language. Words matter.

A MOTION TO END DEBATE must be seconded and requires a 2/3 majority for passage.

- A MOTION TO TABLE is used to postpone the vote on an issue until a later date.
- A MOTION TO TABLE **cannot** be used as a means to kill a motion—only postpone it.
- When a MOTION TO TABLE is made, it must also be stated when the item is to be removed from the table for a vote.

Motions require a simple majority (50%+1 of those voting) for passage.

An ABSTENTION does not count as a 'YES' or a 'NO' vote. An ABSTENTION is used to validate that a quorum exists.

A quorum (50%+1 of the total number of CBOC members) must be present to vote on any issue.

A MOTION TO ADJOURN is always in order.

WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT Citizens' Bond Oversight Committee

AGENDA

Monday, July 19, 2021 at 2:00 PM

Viewing and Participating in the CBOC Meetings

As authorized by the Governor's Emergency Executive Order issued on March 17, 2020, the West Contra Costa Unified School District Citizens' Bond Oversight Committee will conduct meetings via video conference/teleconference until further notice. The meeting will be streamed via Zoom using the following link:

By computer, please click the link below to join the webinar:

<https://wccusd.zoom.us/j/94978999187?pwd=dGxPVnNZT2RMaThaYWJYVlkwRnR2QT09>

Or by Telephone:

US: 1+(669) 900 6833

Webinar ID: 949 7899 9187

Passcode: 657852

Participating in Board Meetings:

The WCCUSD CBOC welcomes participation from concerned citizens. Participants must provide their first and last name and either an email address or phone number.

Note: The full agenda packet may be viewed on the CBOC website.

AGENDA

WCCUSD CITIZENS' BOND OVERSIGHT COMMITTEE

Monday, July 19, 2021 at 2pm

Zoom Conference

A. Opening Procedures

B. Call to Order/Pledge of Allegiance

C. Roll Call

John Anderson, Joseph Camacho, Maisha Cole, Guadalupe Enllana, Lorraine Humes, Jason Lindsey and Sallie DeWitt

(7 members with 4 required for a quorum)

D. Approval of Agenda

To discuss a Consent Calendar item, it must be removed from the agenda by a member of the committee

E. Public Comment for items not on the Agenda

*Items already on the agenda may not be spoken on in this section.
Speakers wishing to address a specific agenda item they must fill out a Speaker Form with the appropriate agenda item listed.
Speakers will be allowed three minutes*

F. Bond Program Project Status and Financial Reports (Luis Freese/Melissa Payne)

Presentation on progress of current Bond Projects including newsletters and financial reports

Discussion Only

- a. Facilities Master Plan Project Update**
- b. Consolidated Budget Report 2021-06-30**
- c. Consolidated Budget Report 2016 MP 2021-06-30**
- d. Report 13 Bond Program Financial Status 2021-06-30**
- e. Report 13A Variance Report 2021-06-30**
- f. Report 2 Bond Program Spending to Date 2021-06-30**
- g. 20-21 AP check list 2021-06-30**

G. Consent Items

Unless pulled from the agenda by a member of the committee, consent items are approved without discussion by unanimous consent

- a. Adoption of Minutes**
 - i. 05-17-2021 Draft Minutes**
 - ii. 06-14-2021 Draft Minutes**
- b. CBOC Records Request Long July 7, 2021**

H. Annual Report Update (Lorraine Humes)

I. Chairperson's Report (John Anderson)

- a. Transmittal Letter CBOC Resolution 21-1**
- b. Comments to Facilities Committee for Discussion at 6-16-2021 Meeting**

J. Proposed Revision of Board Policy 7214.2 Citizen's Bond Oversight Committee (CBOC) (Sallie DeWitt)

Discussion

Background Material for discussion

- a. Board of Education Meeting 1/29/2020 Item E.4**
- b. Board Policy BP7214.2 Revision 11-21-19**
- c. Nixon Peabody Memorandum – CBOC Policy 10-01-19**

K. CBOC Resolution 21-2 Proposed Revisions to Board Policy 7214.2 Concerning the Citizen’s Bond Oversight Committee (CBOC)

ACTION Resolution 21-1

- L. Draft Letter to Board of Education Regarding Action on Proposed
CBOC members Draft Letter to Board of Education Regarding
Action on Proposed CBOC members.**
- M. Adjournment Next meeting August 9, 2021 at 2 pm**

Disability Information

Upon written request to the district, disability related modifications or accommodations—including auxiliary aids or services—will be provided. Contact the Superintendent’s Office at (510) 231-1101 at least 48 hours in advance of the meeting

F. Bond Program Project Status and Financial Report Attachments



Projects Status Update

Citizens' Bond Oversight Committee
July 19, 2021

Project Status Update

	SITE	PROJECT	TYPE	STATUS
PLANNING	District Wide	HVAC Assessment	BOND	Field investigation completed Report writing is being completed
	SITE	PROJECT	TYPE	STATUS
DESIGN	Cameron School	Critical Needs: HVAC Addition	BOND	Design Development
	Collins ES	Critical Needs: HVAC Addition	BOND	Design Development
	Hercules M/HS	Critical Needs: Science Labs	BOND	Schematic Design
	Shannon ES	Critical Needs: MPR	BOND	Programing
	Riverside ES	Site Improvements	BOND	Conceptual Design
	Korematsu MS	Fall Protection	BOND	Pending DSA Approval
	SITE	PROJECT	TYPE	STATUS
PROCUREMENT	E-Rate Year 24	Indoor & Outdoor Wireless Upgrades	E-RATE & BOND	Pending E-Rate (federal funding) approval
	Lake ES	Campus Replacement	BOND	Pending Award
	Pinole Valley HS	Fields Restoration & Bleachers	BOND	Pending Award
	Pinole Valley HS	RFQ/P Testing & Inspection	BOND	Pending Award
	SITE	PROJECT	TYPE	STATUS
DESIGN-BUILD	Riverside ES	Soil Stabilization	BOND	Under Construction
	SITE	PROJECT	TYPE	STATUS
CONSTRUCTION	E-Rate Year 23	Wireless Upgrades @ 6 sites	E-RATE & BOND	Closeout

LEGEND & ACRONYMS

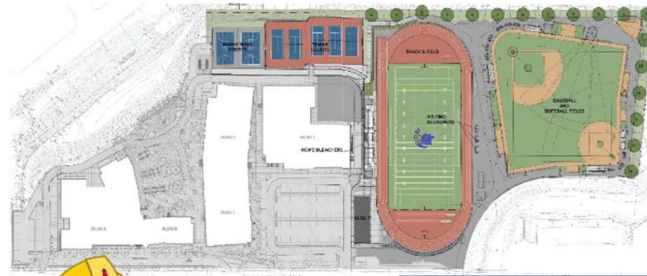
DSA) Division of the StateArchitect (RFQ) Request for Qualification
(RFP) Request for Proposal

Community Communication

Postcards to Neighbors and School Community

Pinole Valley High School will commence the final phase of the construction known as the Fields project this summer. The project will convert the temporary campus area to a combination baseball and softball field and restore the tennis and basketball courts. The project also includes building a field house, home side bleachers/press box, and resurface the stadium field and track. We anticipate that the stadium will be closed for the 21/22 season to accommodate the construction with the projected completion Fall of 2022. This project is an investment in our community through the use of taxpayer bond dollars. If you would like to receive a monthly newsletter on the progress of the project, please complete the survey by using the QR code or signing up at <https://forms.gle/NL3B5ZBcSPZ5GZSA8>

Pinole Valley High Construction Project

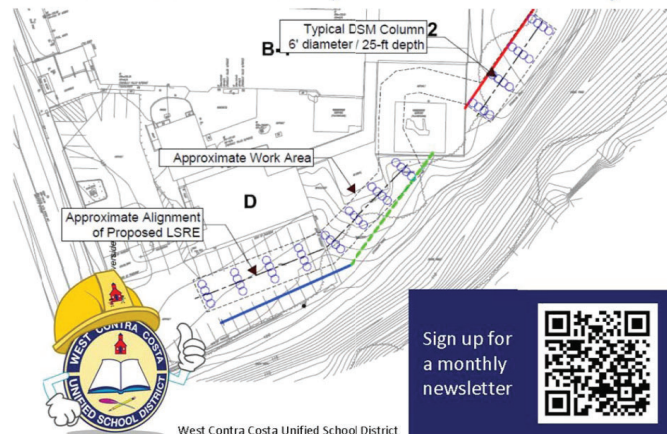


West Contra Costa Unified School District

Sign up for a monthly newsletter



Riverside Elementary Construction Project



West Contra Costa Unified School District

Sign up for a monthly newsletter



Social Media

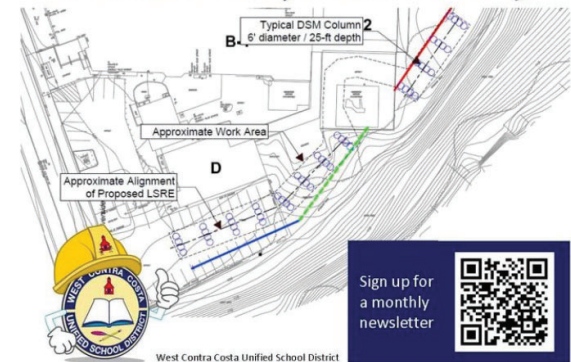


WCCUSDfacilities

Published by Ellen Mejia Hooper · June 28 at 6:05 PM ·

Construction is starting at Riverside Elementary! Sign up for the construction newsletter by going to the QR code or <https://forms.gle/TG2EqsY28Gg1uKvM8>

Riverside Elementary Construction Project



West Contra Costa Unified School District

Sign up for a monthly newsletter



Project Websites:

Riverside -

<https://www.wccusd.net/Page/15627>

Pinole Valley High School –

<https://www.wccusd.net/Page/15634>

Riverside Elementary School



The purpose of the Critical Needs Project is to reinforce soil adjacent to Wildcat Creek. Additionally, the project will include repaving the parking lot, building a new trash enclosure, and removing trees along the creek. This project is an investment in our community through the use of taxpayer bond dollars.

Construction Photos



Before



Late June – Cleared Path for Construction Equipment

Construction Photos



Tree Removal

Construction Photos



Removal of the Lunch Area



RIVERSIDE SOIL STABILIZATION

July 2021

Work Completed Last Month

- Construction began with mobilization on June 16th
- Mobilization included setting up a temporary fence around the construction site and clearing a path for the construction equipment
- Tree removal

Work to be Completed This Month

- Complete tree removal
- Complete underground soil columns and remove excess soil
- Relocate underground conduit and reconnect data lines

Project Facts

- **Project Scope:** The primary purpose of this project is to reinforce soil adjacent to Wildcat Creek. Additionally, the project will include repaving the parking lot, building a new trash enclosure, and removing trees along the creek. This project is an investment in our community through the use of taxpayer bond dollars.
- **Architect:** Gouldevans
- **Anticipated Completion:** October 2021



Contact Information
Design Build Contractor:
Overaa –
Austin Moreau
510-234-0926

To subscribe to this monthly newsletter or ask a project questions, please email:
Facilitiesplanning
@wccusd.net





Consolidated Budget Status Report

Budgets versus Commitments and Expenditures for multiple Projects

Budget vs. Commitments and Expenditures

Fund 21 and Fund 35

Data as of 6/30/2021

School/Project Name	Budget	Commitments			Expenditures	
	Total Budget	Total Commitments	% Budget Committed	Remaining Against Budget	Total Expenditures	% Budget Spent
1 Bayview Elementary School						
Legacy Project	19,850,802	19,850,802	100.0%	-	19,850,802	100.0%
	19,850,802	19,850,802	100.0%	-	19,850,802	100.0%
1 Cameron						
* Critical Needs	1,300,000	82,400	6.3%	1,217,600	4,514	0.3%
Legacy Project	122,195	122,195	100.0%	-	122,195	100.0%
	1,422,195	204,595	14.4%	1,217,600	126,709	8.9%
1 Castro Elementary School						
Legacy Project	620,944	620,944	100.0%	-	620,944	100.0%
	620,944	620,944	100.0%	-	620,944	100.0%
1 Chavez Elementary School						
Critical Needs	72,847	72,847	100.0%	-	72,847	100.0%
Legacy Project	985,387	985,387	100.0%	-	985,387	100.0%
	1,058,234	1,058,234	100.0%	-	1,058,234	100.0%
1 Collins Elementary School						
* Critical Needs	3,500,000	221,000	6.3%	3,279,000	12,128	0.3%
Legacy Project	1,638,871	1,638,871	100.0%	-	1,638,871	100.0%
	5,138,871	1,859,871	36.2%	3,279,000	1,650,998	32.1%
1 Coronado Elementary School						
Legacy Project	43,022,627	43,022,627	100.0%	-	43,022,627	100.0%
	43,022,627	43,022,627	100.0%	-	43,022,627	100.0%
1 Dover Elementary School						
Legacy Project	35,095,267	35,095,267	100.0%	-	35,095,267	100.0%
	35,095,267	35,095,267	100.0%	-	35,095,267	100.0%
1 Downer Elementary School						
Legacy Project	33,415,902	33,415,902	100.0%	-	33,415,902	100.0%
	33,415,902	33,415,902	100.0%	-	33,415,902	100.0%
1 El Sobrante Elementary School						
Legacy Project	536,231	536,231	100.0%	-	536,231	100.0%
	536,231	536,231	100.0%	-	536,231	100.0%
1 Ellerhorst Elementary School						
Legacy Project	13,931,806	13,931,806	100.0%	-	13,931,806	100.0%
	13,931,806	13,931,806	100.0%	-	13,931,806	100.0%
1 Fairmont Elementary School						
* Critical Needs	3,000,000	2,678,683	89.3%	321,317	2,676,833	89.2%
Legacy Project	3,864,259	3,864,259	100.0%	-	3,864,259	100.0%
	6,864,259	6,542,941	95.3%	321,317	6,541,091	95.3%
1 Ford Elementary School						
Legacy Project	30,817,526	30,817,526	100.0%	-	30,817,526	100.0%
	30,817,526	30,817,526	100.0%	-	30,817,526	100.0%
1 Grant Elementary School						
Critical Needs	211,467	211,467	100.0%	-	211,467	100.0%
Legacy Project	1,944,098	1,944,098	100.0%	-	1,944,098	100.0%
	2,155,565	2,155,565	100.0%	-	2,155,565	100.0%
1 Hanna Ranch Elementary School						
Legacy Project	783,349	783,349	100.0%	-	783,349	100.0%
	783,349	783,349	100.0%	-	783,349	100.0%
1 Harbour Way						
Legacy Project	121,944	121,944	100.0%	-	121,944	100.0%
	121,944	121,944	100.0%	-	121,944	100.0%



Consolidated Budget Status Report

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Budget vs. Commitments and Expenditures

Fund 21 and Fund 35

Data as of 6/30/2021

School/Project Name	Budget	Commitments			Expenditures	
	Total Budget	Total Commitments	% Budget Committed	Remaining Against Budget	Total Expenditures	% Budget Spent
1 Harding Elementary School						
Legacy Project	22,632,446	22,632,446	100.0%	-	22,632,446	100.0%
	22,632,446	22,632,446	100.0%	-	22,632,446	100.0%
1 Harmon Knolls						
Critical Needs	406,946	406,946	100.0%	-	406,946	100.0%
Soil Testing	41,489	41,489	100.0%	-	41,489	100.0%
	448,435	448,435	100.0%	-	448,435	100.0%
1 Highland Elementary School						
* Water & Power Upgrade	747,125	-	0.0%	747,125	-	0.0%
Critical Needs	52,875	52,875	100.0%	-	52,875	100.0%
Legacy Project	1,879,839	1,879,839	100.0%	-	1,879,839	100.0%
	2,679,839	1,932,714	72.1%	747,125	1,932,714	72.1%
1 Kensington Elementary School						
Legacy Project	19,343,892	19,343,892	100.0%	-	19,343,892	100.0%
	19,343,892	19,343,892	100.0%	-	19,343,892	100.0%
1 King Elementary School						
Legacy Project	25,342,166	25,342,166	100.0%	-	25,342,166	100.0%
	25,342,166	25,342,166	100.0%	-	25,342,166	100.0%
1 Lake Elementary School						
* Campus Replacement	65,600,000	193,089	0.3%	65,406,911	191,489	0.3%
Legacy Project	1,500,322	1,500,322	100.0%	-	1,500,322	100.0%
Portable Demolition	147,501	147,501	100.0%	-	147,501	100.0%
	67,247,823	1,840,912	2.7%	65,406,911	1,839,312	2.7%
1 Lincoln Elementary School						
Legacy Project	17,676,561	17,676,561	100.0%	-	17,676,561	100.0%
	17,676,561	17,676,561	100.0%	-	17,676,561	100.0%
1 Lupine Hills Elementary School						
Legacy Project	15,395,678	15,395,678	100.0%	-	15,395,678	100.0%
	15,395,678	15,395,678	100.0%	-	15,395,678	100.0%
1 Madera Elementary School						
Legacy Project	12,233,801	12,233,801	100.0%	-	12,233,801	100.0%
	12,233,801	12,233,801	100.0%	-	12,233,801	100.0%
1 Michelle Obama School						
* Campus Replacement	40,300,000	39,313,309	97.6%	986,691	39,298,757	97.5%
Legacy Project	3,829,324	3,829,324	100.0%	-	3,829,324	100.0%
	44,129,324	43,142,634	97.8%	986,691	43,128,082	97.7%
1 Mira Vista K-8						
Legacy Project	16,651,130	16,651,130	100.0%	-	16,651,130	100.0%
	16,651,130	16,651,130	100.0%	-	16,651,130	100.0%
1 Montalvin K-8						
Additional New Classrooms	4,028,011	4,028,011	100.0%	-	4,028,011	100.0%
Legacy Project	12,763,017	12,763,017	100.0%	-	12,763,017	100.0%
	16,791,028	16,791,028	100.0%	-	16,791,028	100.0%
1 Murphy Elementary School						
Legacy Project	15,619,655	15,619,655	100.0%	-	15,619,655	100.0%
	15,619,655	15,619,655	100.0%	-	15,619,655	100.0%



Consolidated Budget Status Report

Budgets versus Commitments and Expenditures for multiple Projects

Budget vs. Commitments and Expenditures

Fund 21 and Fund 35

Data as of 6/30/2021

School/Project Name	Budget	Commitments			Expenditures	
	Total Budget	Total Commitments	% Budget Committed	Remaining Against Budget	Total Expenditures	% Budget Spent
1 Nystrom Elementary School						
Classroom Renovation	30,233,455	30,233,455	100.0%	-	30,233,455	100.0%
Demo Portable and Sitework	518,285	518,285	100.0%	-	518,285	100.0%
Legacy Project	5,442,234	5,442,234	100.0%	-	5,442,234	100.0%
Multi-purpose Room	11,606,839	11,606,839	100.0%	-	11,606,839	100.0%
	47,800,813	47,800,813	100.0%	-	47,800,813	100.0%
1 Ohlone Elementary School						
Classroom and Admin Building	24,508,510	24,508,510	100.0%	-	24,508,510	100.0%
Critical Needs	623,885	623,885	100.0%	-	623,885	100.0%
Legacy Project	3,962,598	3,962,598	100.0%	-	3,962,598	100.0%
Portable Removal and Playground	5,397,758	5,397,758	100.0%	-	5,397,758	100.0%
	34,492,752	34,492,752	100.0%	-	34,492,752	100.0%
1 Olinda Elementary School						
Critical Needs	793,247	793,247	100.0%	-	793,247	100.0%
Legacy Project	1,286,942	1,286,942	100.0%	-	1,286,942	100.0%
	2,080,188	2,080,188	100.0%	-	2,080,188	100.0%
1 Peres K-8						
Legacy Project	21,424,293	21,424,293	100.0%	-	21,424,293	100.0%
	21,424,293	21,424,293	100.0%	-	21,424,293	100.0%
1 RCP Charter School						
Legacy Project	4,415,204	4,415,204	100.0%	-	4,415,204	100.0%
	4,415,204	4,415,204	100.0%	-	4,415,204	100.0%
1 Riverside Elementary School						
* Critical Needs	6,900,000	3,152,028	45.7%	3,747,972	617,787	9.0%
Legacy Project	14,611,005	14,611,005	100.0%	-	14,611,005	100.0%
	21,511,005	17,763,033	82.6%	3,747,972	15,228,792	70.8%
1 Seaview Elementary School						
Legacy Project	499,116	499,116	100.0%	-	499,116	100.0%
	499,116	499,116	100.0%	-	499,116	100.0%
1 Shannon Elementary School						
* Critical Needs	7,100,000	400,138	5.6%	6,699,862	2,800	0.0%
Legacy Project	1,555,163	1,555,163	100.0%	-	1,555,163	100.0%
	8,655,163	1,955,301	22.6%	6,699,862	1,557,963	18.0%
1 Sheldon Elementary School						
Legacy Project	15,102,837	15,102,837	100.0%	-	15,102,837	100.0%
	15,102,837	15,102,837	100.0%	-	15,102,837	100.0%
1 Stege Elementary School						
* Critical Needs	2,900,000	35,900	1.2%	2,864,100	35,900	1.2%
Legacy Project	3,445,886	3,445,886	100.0%	-	3,445,886	100.0%
	6,345,886	3,481,786	54.9%	2,864,100	3,481,786	54.9%
1 Stewart K-8						
Legacy Project	16,737,037	16,737,037	100.0%	-	16,737,037	100.0%
	16,737,037	16,737,037	100.0%	-	16,737,037	100.0%
1 Tara Hills Elementary School						
Legacy Project	14,975,067	14,975,067	100.0%	-	14,975,067	100.0%
	14,975,067	14,975,067	100.0%	-	14,975,067	100.0%
1 TLC Elementary School						
Legacy Project	116,673	116,673	100.0%	-	116,673	100.0%
	116,673	116,673	100.0%	-	116,673	100.0%



Consolidated Budget Status Report

Budgets versus Commitments and Expenditures for multiple Projects

Budget vs. Commitments and Expenditures

Fund 21 and Fund 35

Data as of 6/30/2021

School/Project Name	Budget	Commitments			Expenditures	
	Total Budget	Total Commitments	% Budget Committed	Remaining Against Budget	Total Expenditures	% Budget Spent
1 Valley View Elementary School						
Critical Needs	1,091,447	1,091,447	100.0%	-	1,091,447	100.0%
Existing Campus Demo	33,096	33,096	100.0%	-	33,096	100.0%
Legacy Project	3,908,093	3,908,093	100.0%	-	3,908,093	100.0%
Portables	5,189,726	5,189,726	100.0%	-	5,189,726	100.0%
	10,222,362	10,222,362	100.0%	-	10,222,362	100.0%
1 Verde K-8						
Legacy Project	16,065,870	16,065,870	100.0%	-	16,065,870	100.0%
	16,065,870	16,065,870	100.0%	-	16,065,870	100.0%
1 Washington Elementary School						
Legacy Project	15,322,847	15,322,847	100.0%	-	15,322,847	100.0%
	15,322,847	15,322,847	100.0%	-	15,322,847	100.0%
1 West Hercules						
Legacy Project	56,847	56,847	100.0%	-	56,847	100.0%
	56,847	56,847	100.0%	-	56,847	100.0%
2 Adams Middle School						
Legacy Project	691,211	691,211	100.0%	-	691,211	100.0%
	691,211	691,211	100.0%	-	691,211	100.0%
2 Betty Leid Soskin Middle School						
Legacy Project	1,245,896	1,245,896	100.0%	-	1,245,896	100.0%
Critical Needs	5,169,597	5,169,597	100.0%	-	5,169,597	100.0%
	6,415,493	6,415,493	100.0%	-	6,415,493	100.0%
2 DeJean Middle School						
Legacy Project	381,209	381,209	100.0%	-	381,209	100.0%
	381,209	381,209	100.0%	-	381,209	100.0%
2 Helms Middle School						
Legacy Project	83,432,888	83,432,888	100.0%	-	83,432,888	100.0%
	83,432,888	83,432,888	100.0%	-	83,432,888	100.0%
2 Hercules Middle School						
Legacy Project	699,000	699,000	100.0%	-	699,000	100.0%
	699,000	699,000	100.0%	-	699,000	100.0%
2 Korematsu Middle School						
* New Buildings	53,439,076	52,983,581	99.1%	455,495	52,718,451	98.7%
Legacy Project	19,943,103	19,943,103	100.0%	-	19,943,103	100.0%
	73,382,179	72,926,684	99.4%	455,495	72,661,554	99.0%
2 Pinole Middle School						
Legacy Project	56,689,430	56,689,430	100.0%	-	56,689,430	100.0%
	56,689,430	56,689,430	100.0%	-	56,689,430	100.0%
3 De Anza High School						
Legacy Project	132,236,248	132,236,248	100.0%	-	132,236,248	100.0%
	132,236,248	132,236,248	100.0%	-	132,236,248	100.0%
3 DELTA NSS						
Legacy Project	152,226	152,226	100.0%	-	152,226	100.0%
	152,226	152,226	100.0%	-	152,226	100.0%
3 El Cerrito High School						
Legacy Project	128,477,500	128,477,500	100.0%	-	128,477,500	100.0%
Stadium	18,372,605	18,372,605	100.0%	-	18,372,605	100.0%
	146,850,105	146,850,105	100.0%	-	146,850,105	100.0%



Consolidated Budget Status Report

Budgets versus Commitments and Expenditures for multiple Projects

Budget vs. Commitments and Expenditures

Fund 21 and Fund 35

Data as of 6/30/2021

School/Project Name	Budget	Commitments			Expenditures	
	Total Budget	Total Commitments	% Budget Committed	Remaining Against Budget	Total Expenditures	% Budget Spent
3 Greenwood High School						
Legacy Project	79,583,607	79,583,607	100.0%	-	79,583,607	100.0%
	79,583,607	79,583,607	100.0%	-	79,583,607	100.0%
3 Hercules High School						
* Critical Needs	14,700,000	763,640	5.2%	13,936,360	24,615	0.2%
Legacy Project	3,295,019	3,295,019	100.0%	-	3,295,019	100.0%
	17,995,019	4,058,659	22.6%	13,936,360	3,319,634	18.4%
3 KAPPA NSS						
Legacy Project	109,831	109,831	100.0%	-	109,831	100.0%
	109,831	109,831	100.0%	-	109,831	100.0%
3 Kennedy High School						
* Critical Needs	12,200,000	-	0.0%	12,200,000	-	0.0%
Legacy Project	33,854,981	33,854,981	100.0%	-	33,854,981	100.0%
	46,054,981	33,854,981	73.5%	12,200,000	33,854,981	73.5%
3 North Campus High School						
Legacy Project	205,450	205,450	100.0%	-	205,450	100.0%
	205,450	205,450	100.0%	-	205,450	100.0%
3 OMEGA NSS						
Legacy Project	118,313	118,313	100.0%	-	118,313	100.0%
	118,313	118,313	100.0%	-	118,313	100.0%
3 Pinole Valley High School						
* Campus Replacement	154,548,190	154,109,282	99.7%	438,908	154,109,282	99.7%
* Fields/Sitework	19,184,130	237,456	1.2%	18,946,674	215,860	1.1%
* Interim Campus Demo	3,628,013	3,625,096	99.9%	2,917	3,625,096	99.9%
* Site Design	17,951,414	17,951,414	100.0%	-	17,342,224	96.6%
Detention Basin and Paving	3,517,521	3,517,521	100.0%	-	3,517,521	100.0%
Existing Building Demolition	2,511,397	2,511,397	100.0%	-	2,511,397	100.0%
Hillside Stabilization	2,199,821	2,199,821	100.0%	-	2,199,821	100.0%
Interim Campus	8,796,248	8,796,248	100.0%	-	8,796,248	100.0%
Legacy Furniture & Equipment	36,520	36,520	100.0%	-	36,520	100.0%
Legacy Program Cost	696,938	696,938	100.0%	-	696,938	100.0%
Legacy Restroom Renovation	167,601	167,601	100.0%	-	167,601	100.0%
Legacy Technology	37,165	37,165	100.0%	-	37,165	100.0%
Legacy Track	1,676,771	1,676,771	100.0%	-	1,676,771	100.0%
Off Site Parking and Traffic	1,240,584	1,240,584	100.0%	-	1,240,584	100.0%
Video Surveillance System	357,268	357,268	100.0%	-	357,268	100.0%
	216,549,580	197,161,081	91.0%	19,388,499	196,530,295	90.8%
3 Richmond High School						
* Gym and Seismic Classroom	21,000,000	20,737,480	98.7%	262,520	19,447,266	92.6%
Legacy Project	21,622,087	21,622,087	100.0%	-	21,622,087	100.0%
	42,622,087	42,359,567	99.4%	262,520	41,069,353	96.4%
3 SIGMA NSS						
Legacy Project	110,949	110,949	100.0%	-	110,949	100.0%
	110,949	110,949	100.0%	-	110,949	100.0%
3 Vista High School						
Legacy Project	7,236,543	7,236,543	100.0%	-	7,236,543	100.0%
	7,236,543	7,236,543	100.0%	-	7,236,543	100.0%



Consolidated Budget Status Report

Budgets versus Commitments and Expenditures for multiple Projects

Budget vs. Commitments and Expenditures

Fund 21 and Fund 35

Data as of 6/30/2021

School/Project Name	Budget	Commitments			Expenditures	
	Total Budget	Total Commitments	% Budget Committed	Remaining Against Budget	Total Expenditures	% Budget Spent
4 Technology						
* Infrastructure	15,366,976	14,633,594	95.2%	733,382	14,558,551	94.7%
Computer Common Core	3,903,858	3,903,858	100.0%	-	3,903,858	100.0%
District Network Backbone	568,416	568,416	100.0%	-	568,416	100.0%
IT Data Center	1,400,746	1,400,746	100.0%	-	1,400,746	100.0%
Teacher Equipment	112,360	112,360	100.0%	-	112,360	100.0%
Tech Communication	1,130,966	1,130,966	100.0%	-	1,130,966	100.0%
Technology Equipment	1,885,661	1,885,661	100.0%	-	1,885,661	100.0%
Technology Wireless	10,993,016	10,993,016	100.0%	-	10,993,016	100.0%
	35,362,000	34,628,618	97.9%	733,382	34,553,575	97.7%
4 Central						
District Support	56,308,712	53,783,700	95.5%	2,525,011	53,734,316	95.4%
Program Coordination	55,022,923	48,811,082	88.7%	6,211,841	47,391,536	86.1%
	111,331,634	102,594,782	92.2%	8,736,852	101,125,852	90.8%
Totals	1,765,061,243	1,624,077,557	92.0%	140,983,686	1,616,372,090	91.6%

Note 1: * Site Projects are under planning, construction or in closeout.

Note 2: 1 School Name - Elementary school site name

Note 3: 2 School Name - Middle school site name

Note 4: 3 School Name - High school site name

Note 5: 4 Central/Program Name

Note 6: BOE approved supplemental fund for Michelle Obama school: Fund 25 of \$1.75M and Fund 01 MRAD of \$0.85M on 6/26/19

Note 7: BOE approved supplemental fund for Richmond HS: Fund 40 of \$1M on 11/06/19

Note 8: BOE approved supplemental fund for Michelle Obama school: Fund 25 of \$2M on 06/24/20

Note 9: BOE approved supplemental fund for Richmond HS: Fund 40 of \$0.6M on 09/09/20

Note 10: 2016 FMP budget for Hercules MS & Hercules HS is combined and reported under Hercules HS

Note 11: Measure 1998E is not covered under Proposition 39 regulations for school bonds, and is not ordinarily reported in the Bond Program expenditure reports. The following report shows Measure 1998E projects by site with state funded DeJean middle school project.

Measure 1998E Project

DeJean Middle School	36,836,215.33	36,836,215.33	100.0%	-	100.0%
1998E Project	23,994,285.33	23,994,285.33	100.0%	-	100.0%
State Fund Project	12,841,930.00	12,841,930.00	100.0%	-	100.0%
Pinole Valley High School	190,570.61	190,570.61	100.0%	-	100.0%
Central Program Coordination	16,276,517.57	16,276,517.57	100.0%	-	100.0%
Total	53,303,303.51	53,303,303.51	100.0%	-	100.0%



Consolidated Budget Status Report

Budgets versus Commitments and Expenditures for multiple Projects

Budget vs. Commitments and Expenditures

2016 MASTER PLAN PROJECT

Fund 21 and Fund 35

Data as of 6/30/2021

School/Project Name	Budget			Commitments			Expenditures	
	Original Budget	Approved Budget Changes	Total Budget	Total Commitments	% Budget Committed	Remaining Against Budget	Total Expenditures	% Budget Spent
1 Cameron								
* Critical Needs	1,300,000	-	1,300,000	82,400	6.3%	1,217,600	4,514	0.3%
	1,300,000	-	1,300,000	82,400	6.3%	1,217,600	4,514	0.3%
1 Chavez Elementary School								
Critical Needs	600,000	(527,153)	72,847	72,847	100.0%	-	72,847	100.0%
	600,000	(527,153)	72,847	72,847	100.0%	-	72,847	100.0%
1 Collins Elementary School								
* Critical Needs	3,500,000	-	3,500,000	221,000	6.3%	3,279,000	12,128	0.3%
	3,500,000	-	3,500,000	221,000	6.3%	3,279,000	12,128	0.3%
1 Fairmont Elementary School								
* Critical Needs	3,000,000	-	3,000,000	2,678,683	89.3%	321,317	2,676,833	89.2%
	3,000,000	-	3,000,000	2,678,683	89.3%	321,317	2,676,833	89.2%
1 Grant Elementary School								
Critical Needs	900,000	(688,533)	211,467	211,467	100.0%	-	211,467	100.0%
	900,000	(688,533)	211,467	211,467	100.0%	-	211,467	100.0%
1 Harmon Knolls								
Critical Needs	200,000	206,946	406,946	406,946	100.0%	-	406,946	100.0%
Soil Testing	100,000	(58,511)	41,489	41,489	100.0%	-	41,489	100.0%
	300,000	148,435	448,435	448,435	100.0%	-	448,435	100.0%
1 Highland Elementary School								
* Water & Power Upgrade	-	747,125	747,125	-	0.0%	747,125	-	0.0%
Critical Needs	800,000	(747,125)	52,875	52,875	100.0%	-	52,875	100.0%
	800,000	-	800,000	52,875	6.6%	747,125	52,875	6.6%
1 Lake Elementary School								
* Campus Replacement	65,600,000	-	65,600,000	193,089	0.3%	65,406,911	191,489	0.3%
Portable Demolition	500,000	(352,499)	147,501	147,501	100.0%	-	147,501	100.0%
	66,100,000	(352,499)	65,747,501	340,590	0.5%	65,406,911	338,990	0.5%
1 Michelle Obama School								
* Campus Replacement	40,300,000	-	40,300,000	39,313,309	97.6%	986,691	39,298,757	97.5%
	40,300,000	-	40,300,000	39,313,309	97.6%	986,691	39,298,757	97.5%
1 Ohlone Elementary School								
Critical Needs	800,000	(176,115)	623,885	623,885	100.0%	-	623,885	100.0%
	800,000	(176,115)	623,885	623,885	100.0%	-	623,885	100.0%
1 Olinda Elementary School								
Critical Needs	1,000,000	(206,753)	793,247	793,247	100.0%	-	793,247	100.0%
	1,000,000	(206,753)	793,247	793,247	100.0%	-	793,247	100.0%
1 Riverside Elementary School								
* Critical Needs	6,900,000	-	6,900,000	3,152,028	45.7%	3,747,972	617,787	9.0%
	6,900,000	-	6,900,000	3,152,028	45.7%	3,747,972	617,787	9.0%
1 Shannon Elementary School								
* Critical Needs	7,100,000	-	7,100,000	400,138	5.6%	6,699,862	2,800	0.0%
	7,100,000	-	7,100,000	400,138	5.6%	6,699,862	2,800	0.0%
1 Stege Elementary School								
* Critical Needs	2,900,000	-	2,900,000	35,900	1.2%	2,864,100	35,900	1.2%
	2,900,000	-	2,900,000	35,900	1.2%	2,864,100	35,900	1.2%
1 Valley View Elementary School								
Critical Needs	1,000,000	91,447	1,091,447	1,091,447	100.0%	-	1,091,447	100.0%
	1,000,000	91,447	1,091,447	1,091,447	100.0%	-	1,091,447	100.0%
2 Betty Leid Soskin Middle School								
Critical Needs	3,100,000	2,069,597	5,169,597	5,169,597	100.0%	-	5,169,597	100.0%
	3,100,000	2,069,597	5,169,597	5,169,597	100.0%	-	5,169,597	100.0%
3 Hercules High School								
* Critical Needs	14,700,000	-	14,700,000	763,640	5.2%	13,936,360	24,615	0.2%
	14,700,000	-	14,700,000	763,640	5.2%	13,936,360	24,615	0.2%



Consolidated Budget Status Report

Budgets versus Commitments and Expenditures for multiple Projects

Budget vs. Commitments and Expenditures

2016 MASTER PLAN PROJECT

Fund 21 and Fund 35

Data as of 6/30/2021

School/Project Name	Budget			Commitments			Expenditures	
	Original Budget	Approved Budget Changes	Total Budget	Total Commitments	% Budget Committed	Remaining Against Budget	Total Expenditures	% Budget Spent
3 Kennedy High School								
* Critical Needs	12,200,000	-	12,200,000	-	0.0%	12,200,000	-	0.0%
	12,200,000	-	12,200,000	-	0.0%	12,200,000	-	0.0%
3 Richmond High School								
* Gym and Seismic Classroom	15,100,000	5,900,000	21,000,000	20,737,480	98.7%	262,520	19,447,266	92.6%
	15,100,000	5,900,000	21,000,000	20,737,480	98.7%	262,520	19,447,266	92.6%
4 Central								
Program Coordination (Ed Specs & School Size)	200,000	-	200,000	148,128	74.1%	51,872	148,128	74.1%
	200,000	-	200,000	148,128	74.1%	51,872	148,128	74.1%
Totals	181,800,000	6,258,426	188,058,425	76,337,095	40.6%	111,721,330	71,071,517	37.8%

Note 1: * Site Projects are under planning, construction or in closeout.

Note 2: 1 School Name - Elementary school site name

Note 3: 2 School Name - Middle school site name

Note 4: 3 School Name - High school site name

Note 5: 4 Central/Program Name

Note 6: BOE approved supplemental fund for Michelle Obama school: Fund 25 of \$1.75M and Fund 01 MRAD of \$0.85M on 6/26/19

Note 7: BOE approved supplemental fund for Richmond HS: Fund 40 of \$1M on 11/06/19

Note 8: BOE approved supplemental fund for Michelle Obama school: Fund 25 of \$2M on 06/24/20

Note 9: BOE approved supplemental fund for Richmond HS: Fund 40 of \$0.6M on 09/09/20

Note 10: 2016 FMP budget for Hercules MS & Hercules HS is combined and reported under Hercules HS



WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT

Bond Program Financial Status

As of June 30, 2021 Preliminary

Cash Projection to June-2023

		<u>Notes</u>
<u>Adjusted Cash Balance</u>	161,394,912	1
 <u>Projected Revenues</u>		
Bond Sales 2020 Measure R	\$ 300,000,000	2
Less: Cost of Issuance	\$ (782,514)	2
Interest Earning & Other Revenue	\$ 2,005,000	2
	<u>\$ 301,222,486</u>	
 <u>Projected Available Funds</u>	 \$ 462,617,398	
 <u>Budget Balance</u>		
Board Approved Budget	\$ 1,765,061,243	3
Less Expenses to Date	<u>\$ (1,616,372,090)</u>	3
<u>Current budget balance</u>	\$ 148,689,154	

Projected Cash Balance June 2023 **\$ 313,928,245**

*The Projected Cash Balance June 2023 is less \$782,514 due to the Cost of Bond Issuance is included both Revenue and Board Approved Budget (Central Program Budget).

State Facility Grants Pending State Approval

Estimated after current planning period: \$ 12,340,748 4

Items Pending Board Approval

Bond Sale 2020 Measure R \$ 275,000,000



WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT

Bond Program Financial Status

As of June 30, 2021 Preliminary

Note 1 Adjusted Cash Balance

Description	Amount	Comments
Cash & Equivalents Building Fund 21	\$ 161,417,910	A
Cash & Equivalents County School Facilities Fund 35	\$ -	B
Cash with Fiscal Agent (contract retentions)	\$ 1,461,774	C 3rd-Party held Retention
Accounts Receivable	\$ -	
Accounts Payable	\$ -	D
Contract Retention	\$ (1,484,771)	C District held Retention
Adjusted Cash Balance	\$ 161,394,912	

Comments

A. The cash balance is reflective of financial data from MUNIS.

B. California School Facilities Grants are deposited into the County School Facilities Fund 35 and subsequently transferred to the Building Fund 21.

C. This liability is deducted from the contractor's process payment and retained; it is deposited in a Third party escrow account or accumulated and held by the district. The amounts are reflective of financial data from MUNIS.

D. Accounts payable is reflective of financial data from MUNIS.

Note 2 Projected Revenues

Fiscal Year	Bond Sales 2020 Measure R	Less: Cost of Bond Issuance	Interest Earnings & Other Revenue	Total
FY2021			\$ 160,000	\$ 160,000
FY2022	\$ 75,000,000	\$ (272,514)	\$ 845,000	\$ 75,572,486
FY2023	\$ 225,000,000	\$ (510,000)	\$ 1,000,000	\$ 225,490,000
Grand Total	\$ 300,000,000	\$ (782,514)	\$ 2,005,000	\$ 301,222,486



WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT

Bond Program Financial Status

As of June 30, 2021 Preliminary

Note 3 Budget Balance

Description	Note
Board Approved Budget	This represents the current board approved budget amount and should agree with Report#2, Bond Program Spending by Site.
Expenses to Date	This is total expended amount from FY 1999-01 thru Current Fiscal Year Period and should agree with Report#2, Bond Program Spending by Site.

Note 4 State Facility Grants

Upon release of funds by the California State Allocation Board the State Controller prepares the checks which are then mailed to the County Treasurer for deposit into the District's bank account Fund 35 (County School Facilities Fund) and subsequently are transferred to Fund 21, Building Fund.

School	Funding	OPSC * Status	SAB** Approval ¹	SAB** Funded	Amount
Helms MS	Modernization	On Workload List	Est: 01/23-06/23	Est: Jul-23	\$ 4,133,414
B.R.Soskin MS	Modernization	On Workload List	Est: 07/23-12/23	Est: Feb-24	\$ 3,482,164
De Anza IT Academy	CTE	Approved	9/30/2020		\$ 462,307
De Anza Health Academy	CTE	Approved	9/30/2020		\$ 1,223,970
De Anza Law Academy	CTE	Approved	9/30/2020		\$ 1,348,434
El Cerrito IT Academy	CTE	Approved	9/30/2020		\$ 1,037,417
El Cerrito Media Academy	CTE	Approved	9/30/2020		\$ 653,042
Total					\$ 12,340,748

*Office of Public School Construction - OPSC

**State Allocation Board - SAB

¹ Last updated 09/30/2020



WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT

Bond Program Financial Status

As of June 30, 2021 Preliminary

Note 5: 2016 Facilities Master Plan Projects

The Board of Education received the Implementation Plan with the draft Master Plan on June 15, 2016 and approved them unanimously. The Board approved Implementation Plan - Model one, which includes the following projects with the project cost, including inflation:

School	Project Type	FMP 2016	Current Budget
Ed Specs & School Size		\$ 200,000	\$ 200,000
Cameron School	Critical Needs	\$ 1,300,000	\$ 1,300,000
Chavez Elementary School	Critical Needs	\$ 600,000	\$ 72,847
Collin Elementary School	Critical Needs	\$ 3,500,000	\$ 3,500,000
B.R.Soskin Middle School	Critical Needs	\$ 3,100,000	\$ 5,169,597
Fairmont Elementary School	Critical Needs	\$ 3,000,000	\$ 3,000,000
Grant Elementary School	Critical Needs	\$ 900,000	\$ 211,467
Harmon Knolls	Critical Needs	\$ 200,000	\$ 406,946
Harmon Knolls	Soils Testing	\$ 100,000	\$ 41,489
Hercules Middle School***	Critical Needs	\$ 7,500,000	\$ 7,500,000
Hercules High School***	Critical Needs	\$ 7,200,000	\$ 7,200,000
Highland Elementary School	Critical Needs	\$ 800,000	\$ 800,000
Kennedy High School	Critical Needs	\$ 12,200,000	\$ 12,200,000
Lake Elementary School	Critical Needs	\$ -	\$ 147,501
Lake Elementary School	RS Replacement	\$ 66,100,000	\$ 65,600,000
M Obama Elementary School*	RS Replacement	\$ 40,300,000	\$ 40,300,000
Ohlone Elementary School	Critical Needs	\$ 800,000	\$ 623,885
Olinda Elementary School	Critical Needs	\$ 1,000,000	\$ 793,247
Richmond High School**	Critical Needs	\$ 15,100,000	\$ 21,000,000
Riverside Elementary School	Critical Needs	\$ 6,900,000	\$ 6,900,000
Shannon Elementary School	Critical Needs	\$ 7,100,000	\$ 7,100,000
Steger Elementary School	Critical Needs	\$ 2,900,000	\$ 2,900,000
Valley View Elementary School	Critical Needs	\$ 1,000,000	\$ 1,091,447
TOTAL IMPLEMENTATION PLAN MODEL 1		\$ 181,800,000	\$ 188,058,425

* BOE approved supplemental fund for Obama ES: Fund 25 of \$1.75M and Fund 01 MRAD of \$0.85M on 06/26/19

* BOE approved supplemental fund for Obama ES: Fund 25 of \$2M on 06/24/20

** BOE approved supplemental fund for Richmond HS: Fund 40 of \$1M on 11/06/19

** BOE approved supplemental fund for Richmond HS: Fund 40 of \$0.6M on 09/09/20

*** 2016 FMP scope and budget for Hercules MS & Hercules HS is for a singular project so the combined budget will be reported under Hercules HS on various financial reports

Definition of ROM¹

Five percent inflation has been applied from mid-2016 to the scheduled midpoint of construction, compounded yearly, to account for inflation. These "Rough Order of Magnitude" (R.O.M.) cost estimates, which are based on general cost per square foot, do not include market-based contract escalation (if any) above 5% annual inflation.

Additionally, the cost of temporary housing has been included where it was known to be required at the time of the Master Plan (e.g., at Lake Elementary). It has not been included where it was not anticipated prior to the release of the Master Plan (e.g., at M Obama Elementary).

Note that further Architectural and Engineering studies are required, including scoping and budgeting, for all Critical Needs.

*In June 2016 the Board approved \$181,800,000 FMP since then the following budget revisions have been approved by the Board:

- Harmon Knolls \$250,000 and Valley View \$150,000 on 08/09/17; Grant <\$688,533>, Harmon Knolls <\$101,565>, Lake <\$352,499>, Ohlone <\$176,115>, & Valley View <\$58,553> on 07/25/18; Richmond \$3,900,000 on 11/14/18; Crespi \$2,200,000 on 03/20/19; Chavez <\$572,153> on 06/26/19; Richmond \$2,000,000 on 11/06/19; Olinda <\$206,753.35> on 02/26/20, Crespi <\$130,402.83> on 12/16/20



WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT
Financial Impact of Report 13 Analysis
From May 2021 to June 2021 Preliminary

Updated 7/5/2021

Items	Beginning Balance	Ending Balance	Variance	Notes
Adjusted Cash Balance	161,900,492	161,394,912	(505,580)	<\$680,579.62> expended in June 2021 \$175,000 Settlement for Nystrom Closed Project
Projected Revenue				
Bond Sales 2020 Measure R	-	300,000,000	300,000,000	\$75M Bond Sale July 15, 2021 \$225M Scheduled Bond sale March 2023
Less: Cost of Issuance	-	(782,514)	(782,514)	<\$272,514.02> Cost of Issuance July 15, 2021 <\$510,000> Estimated Cost of Issuance March 2023
Interest Earning & Other Revenue	2,005,000	2,005,000	-	
Projected Revenue Total	2,005,000	301,222,486	299,217,486	
Projected Available Funds	163,905,492	462,617,398	298,711,906	
Budget Balance				
Board Approved Budget	1,765,061,243	1,765,061,243	-	
Less Expenses to Date	(1,615,691,510)	(1,616,372,090)	(680,580)	<\$680,579.62> expended in June 2021
Budget Balance Total	149,369,733	148,689,154	(680,580)	
Projected Cash Balance June 2023	14,535,759	313,928,245	299,392,486	\$175,000 Settlement for Nystrom Closed Project \$75M Bond Sale July 15, 2021 \$225M Scheduled Bond sale March 2023 <\$272,514.02> Cost of Issuance July 15, 2021 <\$510,000> Estimated Cost of Issuance March 2023
State Facility Grants				
Estimated during current planning period	-	-	-	
Estimated after current planning period	12,340,748	12,340,748	-	
Items Pending Board Approval	-	-	-	
Bond Sale 2020 Measure R	575,000,000	275,000,000	(300,000,000)	\$300M Bond Sale move to July 2021 and March 2023



WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT
Bond Program Spending to Date by Site
Data as of 6/30/2021 Preliminary

Updated 7/5/2021

Site Name	Original Budget *	Board Approved Budget 04/14/21	Expended FY 99-01 thru FY 19-20	Expended FY 20-21 Jul-Jun	Expended Total thru 06/30/21	Committed Balance as of 06/30/21	Budget Balance as of 06/30/21	Notes
BAYVIEW	17,732,392	19,850,802	19,850,802	-	19,850,802	-	-	Footnote 1
CHAVEZ	1,339,784	1,058,234	1,058,234	-	1,058,234	-	-	Footnote 1
COLLINS	993,294	5,138,871	1,638,871	12,128	1,650,998	208,873	3,279,000	Footnote 3
CORONADO	11,278,047	43,022,627	43,022,627	-	43,022,627	-	-	Footnote 1
DOVER	13,070,243	35,095,267	35,095,267	-	35,095,267	-	-	Footnote 1
DOWNER	28,819,079	33,415,902	33,415,902	-	33,415,902	-	-	Footnote 1
ELLERHORST	11,238,341	13,931,806	13,931,806	-	13,931,806	-	-	Footnote 1
FAIRMONT	10,971,356	6,864,259	4,809,942	1,731,149	6,541,091	1,850	321,317	Footnote 3
FORD	11,839,322	30,817,526	30,817,526	-	30,817,526	-	-	Footnote 1
GRANT	1,409,600	2,155,565	2,155,565	-	2,155,565	-	-	Footnote 1
HANNA RANCH	680,923	783,349	783,349	-	783,349	-	-	Footnote 1
HARDING	15,574,211	22,632,446	22,632,446	-	22,632,446	-	-	Footnote 1
HARMON KNOLLS	-	448,435	448,435	-	448,435	-	-	Footnote 1
HIGHLAND	13,504,714	2,679,839	1,932,714	-	1,932,714	-	747,125	Footnote 3
KENSINGTON	16,397,920	19,343,892	19,343,892	-	19,343,892	-	-	Footnote 1
KING	16,688,732	25,342,166	25,342,166	-	25,342,166	-	-	Footnote 1
LAKE	822,657	67,247,823	1,745,473	93,839	1,839,312	1,600	65,406,911	Footnote 3
LINCOLN	15,225,821	17,676,561	17,676,561	-	17,676,561	-	-	Footnote 1
LUPINE HILLS	16,111,242	15,395,678	15,395,678	-	15,395,678	-	-	Footnote 1
MADERA	11,088,764	12,233,801	12,233,801	-	12,233,801	-	-	Footnote 1
MICHELLE OBAMA**	13,673,885	44,129,324	37,302,187	5,825,894	43,128,082	14,552	986,691	Footnote 3
MIRA VISTA	13,928,364	16,651,130	16,651,130	-	16,651,130	-	-	Footnote 1
MONTALVIN	15,904,716	16,791,028	16,791,028	-	16,791,028	-	-	Footnote 1
MURPHY	13,554,495	15,619,655	15,619,655	-	15,619,655	-	-	Footnote 1
NYSTROM	20,999,690	47,800,813	47,800,813	-	47,800,813	-	-	Footnote 1
OHLONE	14,174,928	34,492,752	34,492,752	-	34,492,752	-	-	Footnote 1
OLINDA	1,170,596	2,080,188	2,080,188	-	2,080,188	-	-	Footnote 1
PERES	19,752,789	21,424,293	21,424,293	-	21,424,293	-	-	Footnote 1
RIVERSIDE	13,439,831	21,511,005	14,741,225	487,567	15,228,792	2,534,241	3,747,972	Footnote 3
SHANNON	1,157,736	8,655,163	1,555,163	2,800	1,557,963	397,338	6,699,862	Footnote 3
SHELDON	14,968,745	15,102,837	15,102,837	-	15,102,837	-	-	Footnote 1
STEGE	13,000,749	6,345,886	3,481,786	-	3,481,786	-	2,864,100	Footnote 3
STEWART	12,710,427	16,737,037	16,737,037	-	16,737,037	-	-	Footnote 1
TARA HILLS	14,160,935	14,975,067	14,975,067	-	14,975,067	-	-	Footnote 1
VALLEY VIEW	11,117,405	10,222,362	10,222,362	-	10,222,362	-	-	Footnote 1
VERDE	15,709,690	16,065,870	16,065,870	-	16,065,870	-	-	Footnote 1
WASHINGTON	14,051,720	15,322,847	15,322,847	-	15,322,847	-	-	Footnote 1
Elementary Total	438,263,142	699,062,105	603,697,297	8,153,377	611,850,674	3,158,454	84,052,978	
B R SOSKIN MS***	1,205,711	6,415,493	6,218,766	196,726	6,415,493	-	-	Footnote 1
DEJEAN MS	64,929	381,209	381,209	-	381,209	-	-	Footnote 1
HELMS MS	61,287,986	83,432,888	83,432,888	-	83,432,888	-	-	Footnote 1
HERCULES MS	602,982	699,000	699,000	-	699,000	-	-	Footnote 1
KOREMATSU MS	37,937,901	73,382,179	72,657,291	4,264	72,661,554	265,130	455,495	Footnote 2
PINOLE MS	38,828,979	56,689,430	56,689,430	-	56,689,430	-	-	Footnote 1
Middle Sch Total	139,928,488	221,000,199	220,078,584	200,990	220,279,574	265,130	455,495	



WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT
Bond Program Spending to Date by Site
Data as of 6/30/2021 Preliminary

Updated 7/5/2021

Site Name	Original Budget *	Board Approved Budget 04/14/21	Expended FY 99-01 thru FY 19-20	Expended FY 20-21 Jul-Jun	Expended Total thru 06/30/21	Committed Balance as of 06/30/21	Budget Balance as of 06/30/21	Notes
DE ANZA HS	105,389,888	132,236,248	132,236,248	-	132,236,248	-	-	Footnote 1
EL CERRITO HS	93,605,815	146,850,105	146,850,105	-	146,850,105	-	-	Footnote 1
GREENWOOD	35,315,772	79,583,607	79,583,607	-	79,583,607	-	-	Footnote 1
HERCULES HS	12,603,343	17,995,019	3,295,019	24,615	3,319,634	739,025	13,936,360	Footnote 3
KENNEDY HS	89,903,130	46,054,981	33,854,981	-	33,854,981	-	12,200,000	Footnote 3
PINOLE VALLEY HS	124,040,286	216,549,580	196,481,690	48,604	196,530,295	630,786	19,388,499	Footnote 2
RICHMOND HS	94,720,910	42,622,087	30,559,099	10,510,254	41,069,353	1,290,214	262,520	Footnote 3
VISTA HS	3,566,208	7,236,543	7,236,543	-	7,236,543	-	-	Footnote 1
High Sch Total	559,145,352	689,128,170	630,097,292	10,583,474	640,680,766	2,660,025	45,787,379	
ADAMS MS	703,660	691,211	691,211	-	691,211	-	-	Footnote 1
CAMERON	284,012	1,422,195	122,195	4,514	126,709	77,886	1,217,600	Footnote 3
CASTRO	11,901,504	620,944	620,944	-	620,944	-	-	Footnote 1
DELTA NSS	152,564	152,226	152,226	-	152,226	-	-	Footnote 1
EL SOBRANTE	187,343	536,231	536,231	-	536,231	-	-	Footnote 1
HARBOUR WAY	121,639	121,944	121,944	-	121,944	-	-	Footnote 1
KAPPA NSS	109,809	109,831	109,831	-	109,831	-	-	Footnote 1
NORTH CAMPUS	169,849	205,450	205,450	-	205,450	-	-	Footnote 1
OMEGA NSS	117,742	118,313	118,313	-	118,313	-	-	Footnote 1
SEAVIEW	178,534	499,116	499,116	-	499,116	-	-	Footnote 1
SIGMA NSS	110,728	110,949	110,949	-	110,949	-	-	Footnote 1
TLC	118,020	116,673	116,673	-	116,673	-	-	Footnote 1
WEST HERCULES	-	56,847	56,847	-	56,847	-	-	Footnote 1
Closed/Program Total	14,155,404	4,761,930	3,461,930	4,514	3,466,444	77,886	1,217,600	
CENTRAL	67,713,312	111,331,634	98,466,020	2,659,832	101,125,852	1,468,930	8,736,852	Budget thru 22-23
RCP CHARTER	8,148,550	4,415,204	4,415,204	-	4,415,204	-	-	Footnote 1
TECHNOLOGY	35,000,000	35,362,000	34,294,330	259,245	34,553,575	75,043	733,382	Footnote 2
Admin/Other Total	110,861,862	151,108,838	137,175,554	2,919,077	140,094,631	1,543,973	9,470,234	
GRAND TOTAL	1,262,354,248	1,765,061,243	1,594,510,658	21,861,432	1,616,372,090	7,705,467	140,983,686	

* Original Budget provided is based on Report#2 dated April 30, 2018, and has not been reconciled.

** Board approved renaming of Wilson Elementary school to Michelle Obama School on 02/12/20.

*** Board approved renaming of Crespi Middle school to Betty Reid Soskin on 06/23/21.

Footnote 1: Site projects are completed.

Footnote 2: Site Legacy projects are under planning, construction or in closeout.

Footnote 3: Site Legacy projects are completed and 2016 Facilities Master Plan Projects are under planning, construction or in closeout.

Note: Measure 1998E is not covered under Proposition 39 regulations for school bonds, and is not ordinarily reported in the Bond Program expenditure reports.

The following report shows Measure 1998E projects by site with state funded DeJean middle school project.

Measure 1998E Project	Budget	Expended	
DeJean Middle School	36,836,215	36,836,215	-
1998E Project	23,994,285	23,994,285	-
State Fund Project	12,841,930	12,841,930	-
Pinole Valley High School	190,571	190,571	-
Central Program Coordination	16,276,518	16,276,518	-
Total	53,303,304	53,303,304	-



A/P Check List

June, 2021
Fund 21

Updated 07/05/2021

Vendor Name	Check No.	Check Date	Short Account	Invoice Number	Invoice Date	Amount	Invoice Description
Site 000 - UNDISTRIBUTED						7,659.99	
LATHROP CONSTRUCTION ASSOCIATE	203959	06/22/21	21-9745-9135-000	1000003023-00029TRUS	06/22/21	7,659.99	1000003023 APRIL 2021 RETAINAGE
Site 108 - CAMERON						3,695.04	
WOLF/LANG/CHRISTOPHER ARCHITEC	204254	06/29/21	21-9745-6201-108	0021007002	06/22/21	2,866.50	CAMERON SCHOOL ARCHITECT SVC APRIL 2021 CNP
WOLF/LANG/CHRISTOPHER ARCHITEC	204254	06/29/21	21-9745-6201-108	0021007003	06/01/21	828.54	CAMERON SCHOOL ARCHITECT SVC MAY 2021 CNP
Site 110 - COLLINS						9,922.50	
WOLF/LANG/CHRISTOPHER ARCHITEC	204254	06/29/21	21-9745-6201-110	0021008002	06/22/21	7,717.50	COLLINS ES ARCHITECT SVC APRIL 2021 CNP
WOLF/LANG/CHRISTOPHER ARCHITEC	204254	06/29/21	21-9745-6201-110	0021008003	06/01/21	2,205.00	COLLINS ES ARCHITECT SVC MAY 2021 CNP
Site 150 - RIVERSIDE						108,078.21	
C OVERAA & CO	204071	06/29/21	21-9745-6170-150	1000003589-03	06/08/21	7,866.81	RIVERSIDE ES CNP CONSTRUCTION MAY 2021
C OVERAA & CO	204071	06/29/21	21-9745-6201-150	1000003589-03A	06/08/21	100,211.40	RIVERSIDE ES CNP DESIGN MAY 2021
Site 165 - MICHELLE OBAMA ELEM						72,954.96	
C OVERAA & CO	204071	06/29/21	21-9745-6211-165	1000002635-35	06/21/21	69,611.20	M OBAMA ES - CONSTRUCTION MAY 2021
CRAIG FAITEL	203926	06/22/21	21-9745-5890-165	03272	06/14/21	375.00	M OBAMA PLAYGROUND RE-INSP USING ASTM & CPSC
FISHMAN SUPPLY CO	203762	06/15/21	21-9745-4400-165	1287385.2	02/10/21	2,968.76	MICHELLE OBAMA ES CUSTODIAL SUPPLIES
Site 362 - PINOLE VALLEY HIGH						1,000.00	
KLEINFELDER INC	204146	06/29/21	21-9745-6190-362	001332556	06/17/21	1,000.00	PVHS GEO SVC FIELDS PHASE 5/10/21-6/6/21
Site 364 - RICHMOND HIGH						169,823.85	
ALAN KROPP AND ASSOCIATES INC	204042	06/29/21	21-9745-6190-364	27562	06/01/21	3,475.00	RHS GEOTECHNICAL INVES 3/23/21-4/29/21
B.T. MANCINI CO. INC	203888	06/22/21	21-9748-4300-364	0131635-IN	05/25/21	2,924.27	RHS SPORTS EQUIPMENT FOR NEW GYMNASIUM
B.T. MANCINI CO. INC	203888	06/22/21	21-9748-4400-364	0131635-IN	05/25/21	3,745.73	RHS SPORTS EQUIPMENT FOR NEW GYMNASIUM
LATHROP CONSTRUCTION ASSOCIATE	203794	06/15/21	21-9745-6211-364	1000003023-00029	06/01/21	145,539.72	RHS - CONSTRUCTION 4/30/21
MICHAEL D. MURPHY	203806	06/15/21	21-9748-4400-364	77234	10/22/20	1,610.35	RHS AUXILIARY GYM WASHER/DRYER
SAMSON EQUIPMENT	203992	06/22/21	21-9748-4300-364	1142	06/08/21	4,732.71	RHS WEIGHT ROOM EQUIPMENT
TROXELL COMMUNICATIONS INC	204239	06/29/21	21-9748-4360-364	286194	06/07/21	5,779.07	RHS AIRTAME DEVICES FOR GYM & SCIENCE BLDG
VALLEY RELOCATION AND STORAGE	204025	06/22/21	21-9745-5890-364	11476-1	06/14/21	2,017.00	RHS FURNITURE RELOCATION 3/17/21-5/19/21
Site 376 - HERCULES SR HIGH						24,615.00	
DSK LLP	203919	06/22/21	21-9745-6201-376	001-2156	06/10/21	18,025.00	HERCULES M/H SCHOOL CNP ARCHIT MAY 2021
KISTER SAVIO AND REI INC	203617	06/08/21	21-9745-6190-376	9414	06/02/21	6,590.00	HERCULES M/HS TOPOGRAPHIC SURVEY
Site 615 - OPERATIONAL SUPPT SRVS CE						140,536.21	
AA OFFICE EQUIPMENT CO INC	203710	06/15/21	21-9745-5640-615	AR76071	05/31/21	32.65	FOC COPIERS- SERVICE MAINT. AG 4/25/21-5/24/21
AREY JONES EDUCATIONAL Solutio	203544	06/08/21	21-9748-4460-615	0195642-IN	03/02/21	1,242.63	FOC - QUOTE#: 038652.1 LENOVO LAPTOP
BAKER VILAR ARCHITECTS	203889	06/22/21	21-9748-5860-615	0062101	06/11/21	2,200.00	RHS DSA CLOSEOUT SVCS 3/1/21-6/11/21
BPXPRESS REPROGRAPHICS	203558	06/08/21	21-9748-6207-615	RICH-4920	05/26/21	344.15	PVHS FIELDS, FIELD HOUSE & BLEACHERS, #1000003314
KBA DOCUMENT SOLUTIONS, LLC	203614	06/08/21	21-9745-4300-615	55Y1181605	05/26/21	38.74	SVCS TONER FOR DESKTOP PRINTERS 5/25/21
KBA DOCUMENT SOLUTIONS, LLC	203949	06/22/21	21-9745-4300-615	55Y1186359	06/14/21	44.22	BLANKET PO-SVC TONER DESKTOP PRINTERS 6/10/21
LISA NAGAI	203636	06/08/21	21-9745-6217-615	55	06/01/21	2,480.00	CONSTRUCTION MANAGEMENT-PROJ 5/31/21
ORBACH HUFF AND SUAREZ LLP	203977	06/22/21	21-9745-5895-615	93909	06/10/21	1,250.50	BOND LEGAL FUND 21 MAY 2021
ORBACH HUFF AND SUAREZ LLP	203977	06/22/21	21-9745-5895-615	93911	06/10/21	15,856.72	NYSTROM ES MAY 2021
RGM KRAMER INC	204196	06/29/21	21-9745-6202-615	6725 REVISED INV	06/17/21	18,360.00	FOC PROJECT & CONSTRUCTION MGMT APRIL 2021
RGM KRAMER INC	204196	06/29/21	21-9745-6217-615	6725 REVISED INV	06/17/21	32,200.00	FOC PROJECT & CONSTRUCTION MGMT APRIL 2021
SWINERTON MANAGEMENT & CONSUL	204232	06/29/21	21-9745-6202-615	18100022-025	06/10/21	13,746.50	FOC - STAFF AUGMENTATION MGMT MAY 2021
SWINERTON MANAGEMENT & CONSUL	204232	06/29/21	21-9745-6217-615	18100022-025	06/10/21	32,888.00	FOC - STAFF AUGMENTATION MGMT MAY 2021
SWINERTON MANAGEMENT & CONSUL	204232	06/29/21	21-9748-6203-615	18100022-025	06/10/21	5,555.00	FOC - STAFF AUGMENTATION MGMT MAY 2021
TIMOTHY R. HALEY	203602	06/08/21	21-9748-6203-615	5	06/02/21	7,050.00	FOC DESIGN MANAGEMENT 5/1/21-5/31/21
WEI JUN WANG	203706	06/08/21	21-9745-6202-615	0010	06/01/21	6,532.50	DISTRICT WIDE FACILITIES MGMT MAY 2021
WEST COUNTY TIMES	203754	06/15/21	21-9748-5890-615	0001297049	05/31/21	714.60	FOC - BID ADVERTISEMENTS ANNUAL 5/1/21-5/31/21
Site 686 - TECHNOLOGY - OPERATIONAL						39,605.42	
DECOTECH SYSTEMS	203443	06/02/21	21-9745-6460-686	1000003341-02	05/25/21	39,605.42	OLINDA - E RATE YEAR 23 WIRELESS UPGRADE TECH
Grand Total						577,891.18	



A/P Check List

June, 2021
Fund 21

Updated 07/05/2021

Vendor Name	Check No.	Check Date	Short Account	Invoice Number	Invoice Date	Amount	Invoice Description
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AP CHECKS TOTAL	577,891.18
Non expense account - RETENTION TO VENDOR'S ESCROW ACCOUNT	(7,659.99)
unpaid RETENTION WITHHELD AMOUNT	13,822.28
June.2021 PAYROLL	130,564.89
MANUAL JOURNAL ENTRY	(34,038.74)
TOTAL Jun.21 EXPENSE AMOUNT	680,579.62

Object 9570 - Retention withheld amount:

Vendor Name	Check No.	Check Date	Short Account	Invoice Number	Invoice Date	Amount	Invoice Description
C OVERAA & CO	204071	06/29/21	21-9745-6170-150	1000003589-03	06/08/21	414.04	RIVERSIDE ES CNP CONSTRUCTION MAY 2021
C OVERAA & CO	204071	06/29/21	21-9745-6211-165	1000002635-35	06/21/21	3,663.75	M OBAMA ES - CONSTRUCTION MAY 2021
LATHROP CONSTRUCTION ASSOCIATE	203794	06/15/21	21-9745-6211-364	1000003023-00029	06/01/21	7,659.99	RHS - CONSTRUCTION 4/30/21
DECOTECH SYSTEMS	203443	06/02/21	21-9745-6460-686	1000003341-02	05/25/21	2,084.50	OLINDA - E RATE YEAR 23 WIRELESS UPGRADE TECH
Grand Total						13,822.28	

Payroll

Project#	Check No.	Check Date	Short Account	Invoice Number	Invoice Date	Amount	Notes
66901396-01		06/30/21				103,285.99	Facility Program Staff June Pay
67001396-01		06/30/21				27,278.90	Assoc Supt Operation Staff June Pay
Grand Total						130,564.89	

Manual Journal

Vendor Name	Check No.	Check Date	Short Account	Invoice Number	Invoice Date	Amount	Notes
May 2021 Facility Staff Salary Adjustment thru Timesheet						(25,471.25)	See 3rd page for detail
May 2021 Assoc Supt Operat Staff Salary Adjustment thru Timesheet						(8,567.49)	See 3rd page for detail
Grand Total						(34,038.74)	

May 2021 Payroll Data (Salary + Benefits)

Facility Program Staff	Regular Payroll	Adjustment	Adjusted Amount
DIRECTOR FAC/PLANNING	\$ 12,381.26	\$ -	\$ 12,381.26
BOND REGIONAL FACILT	\$ 14,141.50	\$ (5,232.36)	\$ 8,909.14
BOND REGIONAL FACILT	\$ 2,230.93	\$ (1,933.47)	\$ 297.46
DIRECTOR OF CONTRACT	\$ 13,552.94	\$ 722.82	\$ 14,275.76
ADMIN SVCS MANAGER	\$ 5,152.05	\$ (3,606.42)	\$ 1,545.63
ADMIN SVCS MANAGER	\$ 5,049.72	\$ (1,615.91)	\$ 3,433.81
ADMINISTRATIVE TECH	\$ -		\$ -
COORDINATOR-FISCAL	\$ 27,772.64	\$ (4,483.19)	\$ 23,289.45
ACCOUNTING TECH	\$ -	\$ 143.75	\$ 143.75
ACCOUNTING TECH	\$ 5,535.13	\$ (3,468.70)	\$ 2,066.43
SR BUDGET CLERK	\$ 5,997.77	\$ (5,997.77)	\$ -
			\$ -
Facility Program Staff Total	\$ 91,813.94	\$ (25,471.25)	\$ 66,342.69

Assoc Supt Operations Staff			
ASSO SUPT-FAC MAI BO	\$ 15,914.34	\$ (6,631.02)	\$ 9,283.32
SR ADMIN SECRETARY	\$ 2,689.53	\$ (1,936.47)	\$ 753.06
Assoc Supt Operations Staff Total	\$ 18,603.87	\$ (8,567.49)	\$ 10,036.38
Total Payroll	\$ 110,417.81	\$ (34,038.74)	\$ 76,379.07

G. Consent Item Attachments



WCCUSD
CITIZENS' BOND OVERSIGHT COMMITTEE
Don Gosney Guadalupe Enllana
Chairperson Vice Chairperson

**WEST CONTRA COSTA
UNIFIED SCHOOL DISTRICT
CBOC**

**2010 Measure D and 2012 Measure E
DRAFT MINUTES**

Monday May 17, 2021

A) OPENING PROCEDURES

Note: this meeting was held online using the Zoom platform and was open to the public to attend.

B) CALL TO ORDER/PLEDGE OF ALLEGIANCE

CBOC Chair Don Gosney called the meeting to order at 2:02 PM.

C) ROLL CALL

Present: John Anderson, Joseph Camacho (arrived at 2:40 PM), Maisha Cole, Sallie DeWitt, Guadalupe Enllana, Don Gosney & Lorraine Humes [7 members ~ 4 required for a quorum]

Staff Present: SeJeung Cha, Luis Freese, Ellen Mejia-Hooper, & Melissa Payne

D) APPROVAL OF AGENDA

To discuss a Consent Calendar item, it must be removed from the agenda. Mr. Anton Jungherr requested that Items G (Adoption of Minutes from 04.01.21) and H (Information Request Log) be pulled from the Consent Calendar so they could be discussed. He also requested that, due to the expected lack of time, the Staff Reports be placed at the end of the meeting.

Chairman Gosney replied that the consent calendar items can easily be addressed but reminded the group that the main purpose of the CBOC meetings is to hear the staff reports on the status of the Bond Program and

WCCUSD

CITIZENS' BOND OVERSIGHT COMMITTEE

repositioning them might defeat that purpose. He also explained that Director of Facilities Luis Freese had an unfortunate need to leave the meeting midway so repositioning his reports would deprive the group of perspectives and information that other staff members might not be able to provide.

E) PUBLIC COMMENTS FOR ITEMS NOT ON THE AGENDA

There were no comments from the public.

D I S T R I C T R E P O R T S

F) BOND PROGRAM PROJECTS STATUS and FINANCIAL REPORTS

(Luis Freese/Melissa Payne/Ellen Meija Hooper)

Ms. Meija Hooper presented an update on the **2016 Facilities Master Plan Annual Update** highlighting the history of the 2016 FMP and the efforts to update the plan. She explained that staff would be presenting a proposal to the Board for their consideration focusing on projected budget increases on critical needs projects. She reported that if the Board approves of their plan to investigate the potential budget adjustments, the Board could then determine whether to authorize the budget increases, reduce the scope of the project or even to cancel the project. This is expected to be brought to the Board on May 19th.

She also reported on the dramatic increases in the cost of building materials such as wood and steel that will impact the budgets of these projects.

Responding to Ms. DeWitt's questions about how Measure R funds will factor into the FMP, Mr. Freese explained that the FMP is a living document and once Measure R funds become available, they may be budgeted for projects included in the updated FMP. Mr. Freese also explained that once the District completes an assessment of the HVAC and ventilation systems at each school, this information will be included in the FMP.

Mr. Gosney questioned the demolition of the L shaped building at Stege Elementary School. Since Stege is the next school on the FMP priorities list, he

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asked whether the building would be demolished prior to the reprioritizing of the list or will the District wait until the new list has been approved. He replied that they would wait.

Ms. Payne presented the **Lake DBE Process Update**.

Ms. Humes asked whether the Design Build construction model is now the standard used by the District. Ms. Payne explained that this is a model that would have to be determined by the Board as each project is approached.

Ms Payne presented the **Consolidated Budget Report 04.30.21**.

Ms Payne presented the **Consolidated Budget Report-2016 Master Plan 04.30.21**.

Ms Payne presented the **Report #2 Bond Program Spending to Date 04.30.21**.

Ms Payne presented the **Report #13 Bond Program Financial Status 04.30.21**.

Ms. DeWitt reiterated her concern about how “supplemental” funds fit into the reporting and expressed her desire that when the reports are drafted, there is a better explanation so CBOC members—who might have expertise in these matters—and the public—who are less likely to have that expertise—would have a better chance of understanding these issues.

Ms Payne presented the **Report #13A Variance Report 04.30.21**.

Ms Payne presented the **'20-'21 Accounts Payable Check List 04.30.21**.

Ms. Payne presented a comprehensive update on the **Program Management Plan (PMP)**. Because of the length of this document (more than 300 pages), the actual document was not included in the agenda packet but a link to access it was provided.

Ms. Payne reminded the group that the PMP is a “living document not meant to be printed and put on the shelf” and would be updated as needed.

Mr. Jungherr announced that the PMP was on the Board agenda for their May 19 meeting. He was concerned, however, that it was on their Consent Calendar which would allow it be accepted without discussion. His concern was that since there were many dozens of comments about the content of the PMP and there

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have not been responses to all of the concerns, that this might be accepted without discussion.

He also expressed concerns about the cross referenced table of audit recommendations. His concerns focused on the fact that out of the more than 100 recommendations, only 30 have been confirmed as being implemented.

Chair Gosney took an opportunity to get a staff update on how CBOC meeting videos can be posted on the CBOC web site. Ms. Payne reported that this was a technical issue that the District was still trying to resolve.

C B O C R E P O R T S

C O N S E N T I T E M S

G) ADOPTION OF MINUTES

02.08.21 CBOC Draft Minutes

Mr. Jungherr expressed concerns about items that were referenced but were not included in the minutes. Chair Gosney replied that these were minutes of what happened at that meeting so if an item was not brought forward, it would not be included in the minutes.

Mr. Jungherr also requested that the minutes be amended to reflect that there was \$6.6 million in expenditures that were written off because they could not be capitalized. [Staff replied that they would work with Ms. Margarita Romo to have this clarified and reported back to the CBOC.]

He further requested that on the table on the questions and comments of the 2020 Bond Program Financial Audit, that the blank RESPONSE cells be populated with the responses that were provided. His concern was that the RESPONSE cells were either incomplete or populated with inaccurate information. In either case, he suggested that the tables be revised to accurately display the responses.

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Chair Gosney suggested that **NO ACTION** taken on this set of minutes at this time. He requested that Mr. Jungherr provide a written set of his concerns that could be acted on.

03.08.21 CBOC Draft minutes

Mr. Jungherr referenced letters from the auditors in response to questions that Ms. Margarita Romo was supposed to forward to the CBOC. He asked whether those letters had been sent. Staff replied that they would work with Ms. Romo to ensure those letters went out.

Chair Gosney suggested that **NO ACTION** taken on this set of minutes at this time with the understanding that the minutes would come back for discussion and approval when more information is available.

04.12.21 CBOC Draft minutes

With no question, comment or dissent, these minutes were **ACCEPTED AS PRESENTED**.

04.01.21 Draft Minutes of WCCUSD Joint Meeting BOE/CBOC

Concerns were raised about the minutes from this joint meeting. The presented minutes were drafted by staff.

Mr. Jungherr stated that he did not believe that these minutes accurately reflected the full extent of what happened at that meeting.

Chair Gosney opined that the problem with having staff draft the minutes of CBOC meetings is that what may be important to staff may not be what is important to the CBOC—and vice versa. In particular, it was noted that there were numerous questions that were asked at this meeting but the minutes did not reflect the responses. The minutes were held over with Chair Gosney volunteering to revisit them and bring back a more comprehensive set of minutes for consideration.

H) CBOC MEMBER INFORMATION REQUEST LOG

Chair Gosney presented the **05.17.21 CBOC Member Information Requests Status Log**.

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Mr. Jungherr directed the group's attention to Item #147 which has been on the list since October 1, 2020. He expressed his concerns that this Public Records Response was not being addressed by Staff.

I) **APPROVED RECOMMENDATIONS LOG**

Chair Gosney presented the **05.17.21 CBOC Approved Recommendations.**

C O M M I T T E E R E P O R T S

J) **MEMBERSHIP**

Chair Gosney presented the **05.17.21 CBOC Attendance Review.**

K) **MEMBERSHIP ROSTER**

Chair Gosney presented the **05.17.21 CBOC Roster.**

Mr. Jungherr expressed his concerns about the failure of this roster to include the names of CBOC members appointed by Resolution 83-1920 passed on April 8th, 2020 which created the Measure R CBOC. His concerns focused on an email sent by Board President Phillips to the Mayor of Hercules claiming that "the Board did not create a new CBOC" on that date. Mr. Jungherr's concerns were that if the Board did not create the Measure R CBOC they would then be out of compliance with the Ed Code but if they did create the Measure R CBOC, that resolution added him to the CBOC.

Mr. Jungherr recommended that in future versions of this roster, it be made clear what CBOCs it referred to.

L) **NEW MEMBER APPLICATIONS**

Chair Gosney presented the new **05.05.21 Don Gosney CBOC Application (Redacted).**

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Mr. Gosney directed the attention of the group to arguments included in the application for the Board to review that would provide options to help repopulate the CBOC. One included applications by termed out CBOC members reapplying after a “reasonable amount of time”. Another option would be to create a NEW Measure R CBOC with the old CBOC being merged into the new. This would restart the clock for termed out CBOC members. In this argument, there was included documentation from bond counsels and a precedent set by the City College of San Francisco accomplishing this.

M) CBOC MEMBERSHIP

Chair Gosney presented a letter that the CBOC requested be sent to the Facilities Committee. And the response from the Facilities Committee Chair.

Ms. Humes expressed her concerns about the content of Facilities Committee Chair Phillips’ response where he had “no comment” on former CBOC Chair and Board President Tom Panas’ application. She expressed her concerns that either staff or Mr. Phillips were not processing applications.

Ms. DeWitt expressed her concerns about losing a wealth of experience with Mr. Gosney and Mr. Jungherr being termed out.

Mr. Gosney suggested that if the CBOC members cared about this, they need to reach out to the Board to let them know of their feelings.

05.13.21 CBOC Letter to Facilities Committee

05.13.21 Response to CBOC Letter to Facilities Committee

N) CHAIRPERSON REPORTS

Chair Gosney presented copies of his reports to the Board, the public and the Facilities Committee.

05.05.21 CBOC Chair Report

05.14.21 CBOC Chair Report

CBOCs ~ Frequently Asked Questions

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Chair Gosney presented a set of FAQ's about CBOCs published on CABOCs web site.

O) 2020 ANNUAL REPORT

Annual Report Chair Humes reported on the 2020 Annual Report and hosted a discussion about the next steps.

P) ELECTION OF CBOC CHAIR

Due to Mr. Gosney being termed out before the next CBOC meeting, Staff hosted an election for a new Chair. Because a nominee cannot hold two positions at the same time, Mr. Gosney pointed out that if Ms. Enllana or Mr. Anderson chose to place their names into nomination for the Chair position, they would be required to submit their resignation(s) in advance. Mr. Anderson resigned as Secretary prior to the meeting.

Ms. Meija Hooper opened nominations for the Chair of the CBOC.

Lorraine Humes nominated John Anderson.

With no other nominations being made, Mr. Gosney made a **MOTION** to cast a White Ballot to affirm the election of Mr. Anderson. Ms. DeWitt seconded the motion with a unanimous vote of the CBOC in support. [Gosney, DeWitt, Camacho, Anderson, Enllana, Humes and Cole in support with no NAYS, abstentions or absences — 7-0-0-0]

Ms. Meija Hooper opened nominations for Secretary. There were no nominations.

Q) THE CBOC ~ WHERE ARE WE GOING AND HOW DO WE GET THERE?

Lorraine Humes hosted a discussion about where the CBOC might want to go with the loss of two of the most experienced members.

Ms. Humes brought up Brown Act training, the CBOC web site, bond program training, and understanding what the CBOC members are supposed to do. An emphasis was made about Brown Act training.

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Mr. Gosney mentioned that the CBOC website used to have a lot more items but some of the items simply disappeared. In particular, there are CBOC training videos on the website.

R) CALENDAR

Mr. Gosney presented the calendar for future CBOC and Board meetings.

S) FUTURE AGENDA TOPICS

Mr. Gosney requested Future Agenda Items for consideration. None were offered.

T) ADJOURNMENT

The meeting adjourned at 4:53 PM with the next meeting scheduled for June 14th, 2021

*Drafted by CBOC Chair and Interim Secretary
Don Gosney*

WCCUSD CITIZENS' BOND OVERSIGHT COMMITTEE
Monday, June 14, 2021
Draft Minutes
Zoom Conference

A. Opening Procedures

Note: this meeting was held online using the Zoom platform and was open to the public to attend

B. Call to Order/Pledge of Allegiance

Mr. Anderson called the meeting to order

C. Housekeeping

- a. Welcome Jason Lindsey as new member
- b. Volunteer to take minutes

Mr. Anderson asked for a volunteer to take the minutes as there is no secretary at this time. This will be addressed at the next meeting. There was no volunteer. Mr. Freese stated that staff would take the minutes.

- c. Chairperson's remarks

Mr. Anderson stressed the importance of capturing all the action items that the District agreed to furnish information for. All meetings are recorded and posted on the committee's webpage.

D. Roll Call

Present: John Anderson, Guadalupe Enllana, Lorraine Humes, Sallie DeWitt

Absent: Joseph Camacho, Maisha Cole, Jason Lindsey (all excused)

(7 members with 4 required for a quorum)

Staff Present: Luis Freese, Melissa Payne, Ellen Mejia Hooper, SeungJa Cha

E. Approval of Agenda

Mr. Anderson moved to move up items J and K before the Consent items and after the district's presentations.

There were no objections.

F. Public Comment for items not on the Agenda

Mr. Jungherr moved to have the agenda minutes from 2-8-21 removed from the Consent calendar

Mr. Anderson asked if there was a committee member who agreed with this move. Ms. DeWitt agreed to pull it off Consent.

Mr. Gosney stated the importance of posting the meeting minutes as soon as possible after the meetings.

His second item of concern refers to the statement on the agenda that states only members of the CBOC committee can remove items from the calendar which is a violation of the Brown Act. He recommends removing this statement.

G. Bond Program Project Status and Financial Reports (LuisFreese/Melissa Payne)

Presentation on progress of current Bond Projects including newsletters and financial reports

Discussion Only

Mrs. Mejia Hooper presented the following updates:

a. Facilities Master Plan Project Update

Mr. Anderson had questions concerning the soil stabilization at Riverside.

Public Comments

Mr. Gosney asked why the fall protection at Korematsu was taking so long for DSA approval. Mrs. Mejia Hooper responded.

Mrs. Payne presented the following projects updates and reports:

b. Consolidated Budget Report 2021-05-31

c. Consolidated Budget Report 2016 MP 2021-05-31

Ms. Humes questioned the delay at Highland for the water and power upgrades. Mr. Freese responded and reviewed some of the challenges with this project.

d. Report 13 Bond Program Financial Status 2021-05-31

e. Report 13A Variance Report 2021-05-31

f. Report 2 Bond Program Spending to Date 2021-05-31

g. 20-21 AP check list 2021-05-31

h. Bond Program Management Plan Comment Spread Sheet with responses 6-1-21

**J. Proposed Revision of Board Policy 7214.2 Citizen's Bond Oversight Committee (CBOC)
(John Anderson, Sallie DeWitt and Lorraine Humes)**

Discussion

Discussion of Proposed Policy which was on the BOE agenda for first reading at the June 2, 2021 but has been sent back to the Facilities Committee for action prior to consideration by the Board.

Background Material for discussion

Revised Board Policy 7214.2

Present Board Policy 7214.2

Sallie DeWitt Comments on Revised Policy

Dr. John Anderson Comments on Revised Policy

California Education Code Sections 15278, 15280 and 15282 (Citizens' Oversight Committee)

2015 Contra Costa Civil Grand Jury Report No. 1514 "West Contra Costa Unified School District, "Bond Program and Citizens' Bond Oversight Committee-A Case Study in Stymied Oversight."

2016 Contra Costa Civil Grand Jury Compliance and Continuity Report

Transcript of Facilities Committee Meeting discussion of

CBOC on February 12, 2021

Dr. John Anderson Memo to Board member Gonzalez-Hoy March 31, 2021 relative to comments of Mr. Wold and Mr. Phillips comments on CBOC

Mr. Anderson started the discussion noting that the Revised Board Policy was on the agenda of the Facilities Committee for their next meeting. Ms. DeWitt stressed that the

language the district wrote in the latest Bond Measure assured voters that there would be an independent CBOC overseeing Bond funds. Now the BOE is trying to revise the policy they committed to previously. Ms. Humes agreed with Ms. DeWitt and added her concerns of the revised policy. She feels it is important to adopt this resolution to show the voters that the CBOC is truly an independent committee. Mr. Anderson reviewed his 6-2-21 email to the Board outlining his concerns and also suggestions for the policy. Ms. Enllana agreed with all comments that have been made. She feels the CBOC needs to stand their ground and make sure the BOE knows what the committee wants.

Public Comments

Mr. Gosney stressed his concerns on the revised policy and the timing of the policy to come before the BOE. He talked about his conversations with Dr. Hurst and his recommendation that the policy should not go back to the Facilities Committee. He is disappointed that Dr. Hurst's staff could not find a follow-up appointment for at least a month out. He went on to make comments on the background material on the agenda. He feels that the district did not properly address the recommendations made on the report.

Mr Anderson agreed with Mr. Gosney's comments concerning the Grand Jury's report and the district's responses.

Mr. Panas totally opposes these revisions and feels the proposed revisions to the Board policy is an affront to the Ed Code and to the residents of west county. Supports Mr. Gosney's recommendation of going back to the policy that was negotiated with the BOE last year.

K. CBOC Resolution 21-1 Revised Board Policy 7214.2

ACTION

Resolution 21-1

Mr. Anderson read Resolution 21-1

Mr. Anderson asked for a motion to approve the resolution.

Ms. DeWitt motioned and Ms. Humes second the motion

Ms. Humes, Ms. DeWitt, Ms. Enllana, Mr. Panas, Mr. Jungherr and Mr. Gosney shared comments of their support and on how to proceed on submitting the resolution and wording of submittal. There was discussion on adding a bullet to the resolution asking that the revised policy be removed from the 6-16-21 Facilities meeting agenda to give CBOC members an opportunity to review.

Ms. DeWitt motioned to accept the amended the first motion.

Ms. Humes second the motion and all were in favor.

Consent Items

Adoption of Minutes

i. 02-08-2021 Draft Minutes - pulled

ii. 03-08-2021 Draft Minutes

CBOC Records Request Log June 7, 2021

All consent items with the exception of i. were passed.

Mr. Jungherr pointed out what he considered to be errors on the minutes of 2-8-21.
Mr. Anderson will investigate and the minutes will be brought back to another meeting.

Annual Report Update (Lorraine Humes)

Ms. Humes reported that the report is not ready yet.

Mr. Gosney commented on the dangers of limiting the CBOC membership to seven making it difficult to complete reports in a timely manner.

Adjournment

Mr. Anderson adjourned the meeting.

Next meeting July 12, 2021 at 2 PM

DRAFT

July 7, 2021

NAME of REQUESTER	DATE OPERATIONS OFFICE RVCD.	SUBJECT	FORWARDED FOR RESPONSE TO:	RESPONSE	RESP. DATE
134)Anton Jungherr	10/11/2019	District's CBOC budget for FY 2019	10-14-19 to L. Freese & T. Wold	10-16-19 Emailed response to A. Jungherr	10/16/2019
135)Anton Jungherr	1/15/2020	Request for copies of Orbach's invoices for check #190261	1-15-20 to S. Cha	1-21-20 emailed to A. Jungherr & D. Gosney	1/21/2020
136)Anton Jungherr	2/2/2020	Detailing variances from Report 13A	2-2-20 M. Payne	2-7-20 emailed A. Jungherr & D. Gosney information requested.	2/7/2020
137)Greg Visineau	2/12/2020	Settlement Agreement-District & RCI for Nystrom	2-13-20 to M. Payne	2-25-20 emailed G. Visineau and D. Gosney copy of settlement	2/25/2020
138)Lorraine Humes	7/14/2020	Copy of current Chart of Accounts for Fund 21	7-14-20 to M. Payne	7-22-20 M. Payne emailed L.Humes requested chart.	7/22/2020
139)Anton Jungherr	8/10/2020	Back-up documents for charges shown on the A/P Check List Fund 21 July 2020 for Facility Program Staff and Assoc. Supt Operations Staff for July pay.	8-10-20 to M. Payne	8-12-20 emailed A. Jungherr back-up document.	8/12/2020
140)Anton Jungherr	8/13/2020	Copies of supporting documents for the back-up documents for Facility Program Staff and Assoc. Sup. Operations Staff July pay that was sent on 8-12-20.	8-17-20 to M. Payne	8-27-20 Request being reviewed. Also see #144. See #144 response.	10/13/2020
141)Lorraine Humes	8/19/2020	Copy of December 2018 Report #13 and Variance Report for it.	8-19-20 to M. Payne	8-26-20 M. Payne emailed reports to L. Humes.	8/26/2020
142)John Anderson	8/24/2020	Copy of documents for 2019 Property tax rates and bond program key performance indicators summary.	8-24-20 to M. Payne	8-26-20 M. Payne emailed KPI report and report 13 variance report. Due to Covid 19 the 20-21 tax rates have been delayed. They may be available in September.	8/26/2020
143)Anton Jungherr	9/4/2020	Final copy of RFQ-RFP 2021-01	9-8-20 to D. Johnston	9-8-20 to A. Jungherr & D. Gosney-This has not been issued yet.	9/8/2020

July 7, 2021

NAME of REQUESTER	DATE OPERATIONS OFFICE RVCD.	SUBJECT	FORWARDED FOR RESPONSE TO:	RESPONSE	RESP. DATE
144)Anton Jungherr	9/11/2020	Back up worksheets and documents for the 2 Aug. 2020 payrolls and the 2 July 2020 adjustments.	9-14-20 to M. Payne	Sent to A. Jungherr and D. Gosney on 10-13-20. This also satisfies request #140.	10/13/2020
145)Anton Jungherr	9/18/2020	Nixon Peabody 8-19-16 ltr. Copies of 303 Task Order, all relating to Recent & Ongoing Projects.	9-18-20 to T. Wold	9-24-20 T. Wold sent letter of response to A. Jungherr	9/24/2020
146)Anton Jungherr	9/18/2020	Nixon Peabody 8-19-16 ltr. Copies of 184 Task Orders relating to the Past & Completed Projects.	9-18-20 to T. Wold	9-24-20 T. Wold sent letter of response to A. Jungherr	9/24/2020
147)Anton Jungherr	10/1/2020	From the Implementation of Recommendations report: number of In Process recommendatons-number of Implemented & Ready for Review recommendations-copies of all Internal Auditor reviews of the 60 implemented and ready to review as of 9-30-20.	10-13-20 to M. Romo	5-26-21 Mr. Jungherr withdrew his request.	5/26/2021
148)Anton Jungherr	10/26/2020	Funding source for FY2020 Christy White, Inc., FY2020 Eide Bailly, LLP FY2020 Performance, Moss Adams, LLP Phase 2 Forensic, Eide Bailly Forensic Review.	11-3-20 to T. Wold & M. Romo	11-17-20 sent response to A. Jungherr & D. Gosney	11/17/2020
149)Anton Jungherr	10/26/2020	Provide worksheet used to calculate July 2020 reg. payroll and time sheets and worksheet used to calculate the July payroll adjustment.	10-27-20 to M. Payne	12-15-20 sent response to A. Jungherr & D. Gosney	12/15/2020

July 7, 2021

NAME of REQUESTER	DATE OPERATIONS OFFICE RVCD.	SUBJECT	FORWARDED FOR RESPONSE TO:	RESPONSE	RESP. DATE
150)Anton Jungherr	10/26/2020	Provide detail for the Sept. 2020 Fund 21 Bond Funds payroll of \$97,601.13 in the format provided for Aug. 2020.	10-27-20 to M. Payne	Response sent to A. Jungherr and D. Gosney 12-10-20	12/10/2020
151)Anton Jungherr	10/26/2020	Detail of Lead Auditor July 2020 credit of \$991.48 and confirm that no payroll for the Lead Internal auditor was charged to the Fund 21 Bond Fund in July 2020. Confirm that there was no payroll for the Lead Internal reported in Aug. 2020. Will the Lead Auditor's payroll be charged to the Fund 21 Bond Funs when she reviews the implementation of forensic/audit recommendations?	10-27-20 to M. Payne	Document sent to A. Jungherr and D. Gosney 12-10-20	12/10/2020
152)Anton Jungherr	11/9/2020	Mr. Jungherr inquired whethere the district followed appropriate procedures for hiring Eide Bailly.	11-9-20 M. Romo	12-14-20 answers were emailed to A. Jungherr and D. Gosney. 12-15-20 additional document sent.	12/14/2020 & 12-15-20
153)Don Gosney	3/5/2021	Copies of Orbach's invoices for 12-15-20 and 12-22-20	M. Payne	3-22-21 sent to D. Gosney by M. Payne	3/22/2021

I. Chairman's Report Attachments



WCCUSD

Citizens' Bond Oversight Committee

John E Anderson, PhD
Chairperson

Guadalupe Enllana
Vice Chairperson

June 14, 2021

WCCUSD Board of Education Trustees

Superintendent Chris Hurst

Dear Trustees and Superintendent Hurst,

On behalf of the WCCUSD Citizens' Bond Oversight Committee (CBOC), I am respectfully submitting the attached Resolution 21-1 passed by the committee today during our monthly meeting. The CBOC demands that the proposed revision of Board Policy 7214.2 be withdrawn from discussion and consideration at the Facilities Meeting this Wednesday, June 14, 2021. There needs to be time allowed to discuss the proposed revision with the CBOC.

Sincerely,

John E Anderson, PhD

Chairperson

WCCUSD Citizens' Bond Oversight Committee

Attachment: Resolution 21-1 "Revision of Board Policy 7214.2 Citizen's Bond Oversight Committee

cc. CBOC members

RESOLUTION 21-1

Revision of Board Policy 7214.2 Citizens' Bond Oversight Committee (CBOC)

WHEREAS:

- Five of seven WCCUSD bond measures were set up for voter approval at a threshold of 55%, instead of a 2/3 vote, and thus require oversight by a Citizens' Bond Oversight Committee (CBOC) per California Education Code Sections 15278, 15280 and 15282. These five are referred to here as "Prop 39" bond measures.
- For all Prop 39 bond measures, ballot measure language approved by WCCUSD's Board of Education promised voters an "independent" CBOC and "strict citizens' oversight". For example, in Measure R, under the heading, Financial Accountability, the Board promised (all caps included): "ALL BOND EXPENDITURES WILL BE MONITORED BY AN INDEPENDENT CITIZENS' BOND OVERSIGHT COMMITTEE (EDUCATION CODE SECTION 15278 ET SEQ.) TO ENSURE THAT FUNDS ARE SPENT AS PROMISED AND SPECIFIED...."
- Based on promises made about an "independent" CBOC and "strict citizens' oversight" in bond measure language, it is reasonable that voters would expect a CBOC that is *exact, demanding, rigorous, autonomous and self-governing*, and anything other than that will be perceived by voters as promises not kept.

California Education Code 15278 (a) established Prop 39 CBOCs as independent entities as follows: "... the governing board of the school district or community college shall establish and appoint members to an independent citizens' oversight committee"

- In 2015, the grand jury investigation of WCCUSD's Board of Education and CBOC, entitled ***Stymied Oversight***, included 11 recommendations all focused on the independence of the CBOC from the Board of Education.
- A proposed revision to Board Policy 7214.2 that would allow District Managers to choose CBOC members, tell the CBOC how many meetings they

can have, set the agenda for CBOC meetings and review and filter CBOC reports:

- Erroneously assumes District Managers and the Board of Education are authorized to exercise such authority over the CBOC which is not explicit in the Education Code
- Is inconsistent with the definition of an “independent” CBOC and “strict citizen’s oversight” explicitly promised to voters in Prop 39 bond measure ballot language and, thus, will most likely lead to distrust of all school-related ballot measures by local voters for years to come.
- Negates the 11 recommendations made by the Grand Jury in 2015

BE IT RESOLVED;

The CBOC demands the following be done by WCCUSD’s Board of Education without delay:

- Reject consideration of changes to Board Policy 7214.2 proposed by District managers
- Re-commit to promises made to voters who approved passage of Prop 39 bond measures, specifically that WCCUSD’s CBOC is regarded by both the Board of Education and District Managers as an “independent” entity charged with exercising strict citizens’ oversight of bond-related expenditures.
- Implement all 11 recommendations made by the Grand Jury in 2015
- Remove consideration of changes to Board Policy 7214.2 from the June 16, 2021, Facilities Committee Meeting Agenda to allow time to discuss changes with the CBOC.

June 16, 2021

Memo

To: WCCUSD Facilities Committee—Messrs. Phillips, Christian, and Freeze

From: CBOC Chairperson, Dr. John E Anderson

Subject: CBOC Resolution 21-1 Revision of Board Policy 7214.2

Mr. Phillips invited me last night to present the views of the CBOC at today's Facilities Committee meeting. Unfortunately, I'm committed to an engineering design review meeting for one of my company's projects and cannot rearrange that schedule to accommodate making a presentation at today's meeting. As an alternative I understand from Mr. Phillips that the CBOC resolution, this memo and attached market would be put into the minutes of the Facilities Meeting as a record of the CBOC's concerns.

As request last night by Mr. Phillips I have identified specific sections in the proposed policy that resulted in CBOC Resolution 21-1 of June 14, 2021. Also attached is a detailed markup that was used in understanding the proposed revision. It contains proposed changes and comments.

The bulleted items are fatal flaws relative to the loss of independence of the WCCUSD CBOC

- Major point is independence of promised to the voters in Prop 39 Bond Measures references and independent CBOC and strict citizen oversight as required by California Education Code Sections 15278, 15280 and 15282. The policy provides no inclusion of the phrase **"independent citizens' oversight committee."**
- Starts at the very beginning of the document where the second paragraph paraphrases parts of section 15278 but leaves out the word independent.
- The Policy is intended to be the Bylaws for the CBOC. If the CBOC is an independent committee it would prepare its' own Bylaws and operating procedures
- As one reads through the document there are other points where there are numerous issues related to independence (these are noted in the following marked copy—it is a pdf of track changes word document and comments are on the left side).
- In Section 3.5 there is a phrase "the Board has not charged the Committee with responsibility for:". The California Education Code 15278 clearly lists activities of the CBOC on behalf of the citizens. At the very end of paragraph 15278 (b) it also includes the phrase "but not be limited to,". Section 3.5 is in conflict with this section of the Education Code. The CBOC is independent and not a subcommittee or advisory committee to the WCCUSD Board.
- The major issues relative to independence come in section 5.8 (b) and 6.1 where the CBOC members are prohibited from speaking without the permission of an Authorized Officer of the District and the number of meeting, time, agenda, communication to the public and board are controlled by the same Authorized Officer. **The oversight committee is controlled by the entity that is being overseen.** This negates the Education Code requirements.
- Another concern relative to independence is section 5.5 regarding review and appointment of CBOC members. The Authorized Officer reviews applicants and makes recommendation to the

Board. **Again, the selection of oversight members is done by the entity being overseen.** The 2015 Contra Costa Civil Grand Jury has a good recommendation on how to deal with the transparency with a committee of two CBOC members, two Board members and the Superintendent (or designee).

The independence of the CBOC goes away and so do the promises to the Prop 39 voters if this new policy is adopted. It should be withdrawn from further consideration and rejected.

West Contra Costa USD

Board Policy

Citizens Bond Oversight Committee (CBOC)

BP 7214.2

Facilities

Proposition 39, approved by California voters in the General Election of November 7, 2000 provides that the Governing Board of a school district may pursue the authorization and issuance of general obligation bonds passed by a vote of 55 percent or more of the electorate.

As a result of the passage of Proposition 39, ~~Education Code~~ California Education Code Section 15728 was added. The requirements of Section 15728 are as follows:

(a) If a bond measure authorized pursuant to paragraph (3) of subdivision (b) of Section 1 of Article XIII A of the California Constitution and subdivision (b) of

Section 18 of Article XVI of the California Constitution is approved, the governing board of the school district or community college shall establish and appoint members to an independent citizens' oversight committee, pursuant to Section 15282, within 60 days of the date that the governing board enters the election results on its minutes pursuant to Section 15274.

(b) The purpose of the citizens' oversight committee shall be to inform the public concerning the expenditure of bond revenues. The citizens' oversight committee shall actively review and report on the proper expenditure of taxpayers' money for school construction. The citizens' oversight committee shall advise the public as to whether a school district or community college district is in compliance with the requirements of paragraph (3) of subdivision (b) of Section 1 of Article XIII A of the California Constitution. The citizens' oversight committee shall convene to provide oversight for, but not be limited to, both of the following:

(1) Ensuring that bond revenues are expended only for the purposes described in paragraph (3) of subdivision (b) of Section 1 of Article XIII A of the California Constitution.

(2) Ensuring that, as prohibited by subparagraph (A) of paragraph (3) of subdivision (b) of Section 1 of Article XIII A of the California Constitution, no funds

Commented [J1]: This is verbatim and clearly defines the requirements in this section deal with requirement for a bond oversight committee, it's purpose and responsibilities.

are used for any teacher or administrative salaries or other school operating expenses.

(c) In furtherance of its purpose, the citizens' oversight committee may engage in any of the following activities:

(1) Receiving and reviewing copies of the annual, independent performance audit required by subparagraph (C) of paragraph (3) of subdivision (b) of Section 1 of Article XIII A of the California Constitution. (2) Receiving and reviewing copies of the annual, independent financial audit

required by subparagraph (C) of paragraph (3) of subdivision (b) of Section 1 of Article XIII A of the California Constitution.

(3) Inspecting school facilities and grounds to ensure that bond revenues are expended in compliance with the requirements of paragraph (3) of subdivision (b) of Section 1 of Article XIII A of the California Constitution.

(4) Receiving and reviewing copies of any deferred maintenance proposals or plans developed by a school district or community college district, including any reports required by Section 17584.1.

(5) Reviewing efforts by the school district or community college district to maximize bond revenues by implementing cost-saving measures, including, but not limited to, all of the following:

(A) Mechanisms designed to reduce the costs of professional fees.

(B) Mechanisms designed to reduce the costs of site preparation.

(C) Recommendations regarding the joint use of core facilities.

(D) Mechanisms designed to reduce costs by incorporating efficiencies in school site design.

(E) Recommendations regarding the use of cost-effective and efficient reusable facility plans.

Language was added to the Education Code requiring school districts passing a bond designated as a Proposition 39 bond to establish a Citizens' Oversight Committee (the "Committee" or "CBOC") to actively review and report on uses of bond proceeds to ensure that they are spent only on school facilities improvements allowed under each bond measure and not for any other purpose. The Committee shall be established within sixty (60) days of the date that the Board enters the election

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results in its minutes. A school district may also establish a voluntary bond oversight committee for a general obligation bond adopted by a two-thirds (2/3) vote of the electorate.

The Board of Education, through this policy outlines the bylaws for which the Committee shall operate.

**WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT
CITIZENS' BOND OVERSIGHT COMMITTEE
POLICY BYLAWS**

Adopted by the Governing Board of the District on ____ ##, 2021

Section 1. Committee Established. The West Contra Costa Unified School District (the "District") was successful at elections conducted (i) on March 5, 2002 (the "2002 Bond Election") in obtaining authorization from the District's voters to issue up to \$150 million aggregate principal amount of the District's general obligation bonds (the "2002 Authorization"), (ii) on November 8, 2005 (the "2005 Bond Election") in obtaining authorization from the District's voters to issue up to \$400 million aggregate principal amount of the District's general obligation bonds (the "2002 Authorization"), (iii) on June 8, 2010 (the "2010 Bond Election") in obtaining authorization from the District's voters to issue up to \$380 million aggregate principal amount of the District's general obligation bonds (the "2010 Authorization"), (iv) on November 6, 2012 (the "2012 Bond Election") in obtaining authorization from the District's voters to issue up to \$360 million aggregate principal amount of the District's general obligation bonds (the "2012 Authorization"), and (v) on March 3, 2020 (the "2020 Bond Election" and, together with the 2002 Bond Election, the 2005 Bond Election, the 2010 Bond Election, and the 2012 Bond Election, the "Elections") in obtaining authorization from the District's voters to issue up to \$575 million aggregate principal amount of the District's general obligation bonds (the "2020 Authorization" and, together with the 2002 Bond Authorization, the 2005 Bond Authorization, the 2010 Bond

Commented [J2]: This section paraphrases the requirements and leaves out the important phrase—"an independent citizen's oversight committee."

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Commented [J3]: This is the Board's Policy. The CBOC will set up its By Laws (and operating procedures) based on the information in the policy. Board providing Bylaws is counter to the Ed Code requirements of an independent Citizen's oversight committee

Authorization, and the 2012 Bond Authorization, the “Existing Authorizations”). Each Election was conducted under Proposition 39, chaptered as the Strict Accountability in Local School Construction Bonds Act of 2000, at Section 15264 *et seq.* of the Education Code of the State (“Prop. 39”). Pursuant to Section 15278 of the Education Code, the District is obligated to establish this Citizens’ Bond Oversight Committee (the “Committee”) in order to satisfy the accountability requirements of Prop. 39.

In adoption of this new Board Policy, the Board of Education (the “Board”) of the District recognizes that a future Board may call an election under Prop. 39 wherein the voters in the District may authorize an issue of general obligation bonds, and should such a measure be approved by the requisite fifty-five percent (55%) of such voters, it is referred to herein as a “Future Authorization.” The Existing Authorizations and any Future Authorization are collectively referred to herein as the “Authorizations.”

The Board hereby establishes the Committee, to be known as the “Citizens’ Bond Oversight Committee,” which shall have the duties and rights set forth in this Policy, ~~and Bylaws~~. The Committee does not have independent legal capacity from the District.

Section 2. Purposes. The purpose of the Committee is to inform the public at least annually concerning the expenditure of bond proceeds as set forth in Prop. 39, and these Bylaws are specifically made subject to the applicable provisions of Prop. 39 as to the duties and rights of the Committee. The Committee shall be deemed to be subject to the *Ralph M. Brown Public Meetings Act* of the State of California and shall conduct its meetings in accordance with the provisions thereof. The District shall provide necessary administrative support to the Committee as shall be consistent with the Committee’s purposes, as set forth in Prop. 39, but without expending bond funds on such support.

The proceeds of general obligation bonds issued pursuant to the Authorizations are hereinafter referred to as “bond proceeds.” The Committee shall confine its review of District expenditures specifically to expenditures of bond proceeds generated under the Authorizations. Regular and deferred maintenance projects and all monies generated under other sources shall fall outside the scope of the Committee’s review.

Section 3. Duties. To carry out its stated purposes, the Committee shall perform only the following duties:

3.1 **Inform the Public.** The Committee shall inform the public concerning the District’s expenditure of bond proceeds. In fulfilling this duty, all official communications of the Committee ~~to either the Board or to the public-public (including the Board)~~ shall come from the Chair acting on behalf of the Committee. The Chair shall only release information that reflects the consensus view of the Committee.

3.2 **Review Expenditures.** The Committee shall review expenditure reports produced by the District to ensure that (a) bond proceeds were expended only for the purposes set forth in the applicable Authorization; and (b) no bond proceeds have been used for teacher or administrative salaries or other operating expenses, except

Commented [J4]: The duties are established by Ed Code unless the Board is going to give the CBOC responsibilities beyond what is required by the code.

Commented [J5]: The CBOC does presently have its own independent counsel paid for by the District—cost on the order of \$2000 per year.

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Commented [J6]: Check for consistency with Ed Code 15278 and 15280 it should repeat those sections essentially verbatim

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Commented [J7]: Based on California Code 15278 (b) the CBOC’s duty is to inform the public. It is independent from the Board of Education. It is not a Board Subcommittee

Commented [J8]: Check for consistency with the Ed Code Section 15278

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Commented [J9]: This explanation of the ex seems confusing.

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for salaries of bond facilities project administrators paid pursuant to the November 2001 and February 2003 resolutions validated by the Judgment of Validation in the Superior Court of California, Contra Costa County Action No. N03-0216, and in accordance with the guidance of California Attorney General Opinion No. 04-110, dated November 9, 2004.

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3.3 Annual Report. At least one time annually, commencing with the end of the first fiscal year in which any bond proceeds are expended, and continuing through the end of the fiscal year in which bond proceeds have been spent in full, the Committee shall prepare an annual written report, the findings of which shall be summarized and included in the agenda to the Board in public session, which annual written report shall include the following:

- (a) A statement indicating whether the District is in compliance with the requirements of Article XIII A, Section 1(b)(3) of the California Constitution; and
- (b) A summary of the Committee's proceedings and activities for the preceding year.
- (c) Annual reports shall be posted on the District's website in accordance with Sections 7 and 8 hereto.

3.4 Duties of the Board and Authorized Officers. Either the Board or the Superintendent, Associate Superintendent, Business Services, Associate Superintendent, Maintenance and Operations, or the designee of any of them (each, an "Authorized Officer"), as the Board shall determine, shall have the following powers reserved to it, and the Committee shall have no jurisdiction over the following types of activities:

- (a) Approval of contracts,
- (b) Approval of change orders,
- (c) Expenditures of bond funds,
- (d) Handling of all legal matters,
- (e) Approval of project prioritization, project plans and schedules,
- (f) Approval of all deferred maintenance plans, and
- (g) Approval of the sale of bonds.

Commented [J10]: This is not independence as any legal advice required by the CBOC comes from the entity that the CBOC is overseeing

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3.5 Authorization Projects Only. In recognition of the fact that the Committee is charged with overseeing the expenditure of bond proceeds, the Board has not charged the

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Committee with responsibility for:

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- (a) Projects financed through the State of California, developer fees, certificates of participation, lease/revenue bonds, the general fund or the sale of surplus property without bond proceeds shall be outside the oversight of the Committee.
- (b) The establishment of priorities and order of construction for bond projects shall be outside the oversight of the Committee.
- (c) The selection of architects, engineers, soils engineers, construction managers, project managers, CEQA consultants and such other professional service firms as are required to complete the project based on District criteria shall be outside the oversight of the Committee.
- (d) The approval of the design for each project including exterior materials, paint color, interior finishes, site plan and construction methods (modular vs. permanent) which shall be outside the oversight of the Committee.
- (e) The selection of independent audit firm(s), performance and financial audit consultants and such other consultants as are necessary to support the activities of the Committee shall be determined by the Superintendent/Designee as approved by the Board.
- (f) The appointment or reappointment of qualified applicants to serve on the Committee, subject to legal limitations, shall be based on criteria adopted by the Board's and shall be outside the oversight of the Committee.
- (g) The bond issuance process and all decisions concerning the timing, terms, or structure of a bond issuance or refunding shall be outside the participation of the committee. The Committee may review the district's bond issuance documents upon the conclusion of a bond sale if desired.

Commented [J11]: Much of this section is in conflict with Ed Code 15278 section (b) end of first paragraph "The citizens' oversight committee shall convene to provide oversight for, but not limited to the following."

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Section 4. Authorized Activities.

4.1 In order to perform the duties set forth in Section 3, the Committee may engage in the activities authorized under Education Code Section 15278 subsection (c), including:

- (a) Receive and review copies of the District's annual independent performance audit and annual independent financial audit, required by Article XIII A of the California Constitution.

- (b) Inspect school facilities and grounds for which bond proceeds have been or will be expended, in accordance with any access procedure established by an Authorized Officer. Visits to job sites require that the Committee member(s) be accompanied by a representative of the District and require that all safety measures in effect at the job site be followed.
- (c) Review copies of deferred maintenance plans developed by the District.
- (d) Review efforts by the District to maximize bond proceeds by implementing various cost-saving measures.

Commented [J12]: This section needs to the exact wording of the referenced Ed Code section.

Section 5. Membership.

5.1 Number.

The Committee shall consist of at least seven (7) members appointed by the Governing Board upon the recommendation of an Authorized Officer from a list of candidates submitting written applications, and based on criteria established by Prop. 39, to wit:

- One (1) member shall be the parent or guardian of a child enrolled in the District.
- One (1) member shall be the parent or guardian of a child enrolled in the District and active in a parent-teacher organization, such as the P.T.A. or a school site council.
- One (1) member active in a business organization representing the business community located in the District.

Commented [J13]: Seven members are MINIMUM required by the Ed Code. Expect that would be adequate for a District with smaller construction bond program but experience with the existing CBOC has shown that the VOLUNTEER members have issues (illness, work, family situation etc. that require them to miss meetings. In addition, subcommittees of the CBOC (annual report, audit, etc.) cannot function effectively and end up being a committee of "one." The number needs to be include something like 4 more at large members. The 7 members presently specified is the minimum the CBOC could fall to in order to be in compliance with the Ed Code

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- One (1) member active in a senior citizens' organization.

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- One (1) member active in a bona-fide taxpayers association.

- Two (2) members of the community at-large.

Commented [J14]: There is no District residency requirement for these. Code Section 15282 is silent on these. District needs to clarify.

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5.2 Qualification Standards.

(a) To be a qualified person, Committee members must be at least 18 years of age.

(b) As specifically prohibited by Education Code Section 15282 (5b), the Committee may not include any employee or official of the District or any vendor, contractor or consultant of the District.

~~(b)(c)~~ Elected Officials are precluded from serving on the CBOC

Commented [J15]: This needs to be added.

~~(c)(d)~~ Preference will be given applicants who reside within District

boundaries; however, residency within District boundaries is not a necessary qualification.

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Commented [J16]: This needs to be struck from the section. The CBOC should only include those residing within WCCUSD boundaries.

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- 5.3 Ethics: Conflicts of Interest. The prohibitions contained in Article 4 (commencing with Section 1090) and Article 4.7 (commencing with Section 1125) of Chapter 1 of Division 4 of Title 1 of the Government Code (the “Conflicts Laws”) apply to members of the Committee. As provided therein, members of the Committee shall not be financially interested in District contracts within the meaning of State law, or engage in any activity for compensation that is in conflict with such member’s duties described herein. The Committee is established to inform the public regarding the expenditure of bond proceeds. Committee members are not public officials of a government agency with decision-making authority within the meaning of the Political Reform Act of 1974, and the Committee is not a decision-making authority. By accepting appointment to the Committee, each member agrees to comply with the Committee Ethics Policy attached as “Appendix B” to these Bylaws, and to complete and file with the District’s business official each year the Fair Political Practice Commission Form 700 Statement of Economic Interests.

- 5.4 Term. Except as otherwise provided herein, each member shall serve a term of two (2) years, commencing on the date of the first meeting of the Committee. No member may serve more than three (3) consecutive terms. A former Committee member who has not served on the Committee for at least one-year may reapply to the Committee and such future term shall not be considered “consecutive”. Should the Board approve the appointment, such member may be reappointed to the Committee pursuant to the process described in Section 5.5 below. As part of the initial appointment of the new Citizens’ Bond Oversight Committee, the District shall select three (3) members to serve for an initial one (1) year term and the remaining four (4) members to serve an initial two (2) year term.

Commented [J17]: This seems to be the first section where a New Committee is mentioned.

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- 5.5 Appointment. Members of the Committee shall be appointed by the Board through the following process:

Commented [J18]: This is not an independent selection process. The recommendation as to who goes on the CBOC is made by someone who the CBOC is overseeing. This section must be revised

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- (a) the District shall notify the public through its customary forums that it is accepting applications for Committee members, which may include posting at school sites, advertising in the local newspapers, and posting notice on the District’s website, as well as the solicitation of local groups for applications;

- (b) applications shall be made available at the District office and/or through the District’s web site;

- (c) an Authorized Officer will review the applications which have been submitted by the stated deadline; and

- (d) an Authorized Officer will make recommendations to the Board with respect to appointment. Appointments shall be made by the Board at an open meeting

Commented [J19]: In the 2015 Contra Costa Civil Grand Jury Investigation of WCCUSD’s Board of Education and the CBOC entitled “A Case of Stymied Oversight” one of the recommendations to provide independence to CBOC was the creation of an independent selection committee to select new nominees for CBOC, comprised of the CBOC and a designated appointee from the CBOC, two members of the Board of education, and the School Superintendent or designee, for a committee of five. Selection should be based on merit and to be transparent to ensure public confidence in this vital selection process.

This section needs to follow that recommendation.

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and recorded in the minutes.

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5.6 Removal; Vacancy. The Board may remove any Committee member for cause, which includes failure to attend two consecutive Committee meetings without reasonable excuse or for failure to comply with the Committee Ethics Policy. Upon a member's removal, the seat shall be declared vacant. The Board, in accordance with the established appointment process shall fill any vacancies on the Committee. The District shall make best efforts to fill vacancies within 90 days. Members whose terms have expired may continue to serve on the Committee until their successor has been appointed. In the event the District is unable to appoint members meeting the criteria listed in Section 5.1, the Committee may proceed with one or more vacancies.

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Commented [J20]: If there are only 7 members and one is removed from the CBOC then the CBOC is not in compliance with the Ed Code requirements. Another reason to increase the number of members previously commented on in Section 5.1

5.7 Compensation. The Committee members shall not be compensated for their services.

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5.8 Authority of Members.

(a) Committee members shall not have the authority to direct staff of the District;

Commented [J21]: The CBOC is an independent oversight committee and doesn't direct staff. It makes requests of staff but does not provide direction. The section needs to provide that clarity

(b) individual members of the Committee retain the right to address the Board as an individual or, on behalf of the Committee if said member has been authorized to do so by an Authorized Officer; and

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(c) the Committee shall have the right to request and receive only copies of any public records relating to Authorization-funded projects.

Commented [J22]: This is a complete violation of the independence mandated by the Education and promised by the WCCUSD to the voters who approved the construction bonds (oversight of spending of the funds is the task of CBOC). The oversight committee can't speak unless it is permitted to speak by the very entity it is charged with overseeing.

Section 6. Meetings of the Committee.

6.1 Regular Meetings. The Committee shall meet at least once per year, but no more frequently than quarterly, unless needed, as an Authorized Officer deems it necessary for the Committee to discharge its duty. At the end of each meeting, the Authorized Officer shall identify the next approximate meeting date. Members of the Committee may request an Authorized Officer to include an item on the agenda for an upcoming meeting, however the agenda for any meeting of the Committee shall be determined by an Authorized Officer of the District.

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Commented [J23]: Any citizen can request documents by filing a public records request. Why is this in the document?

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6.2 Location. All meetings shall be held within the West Contra Costa Unified School District, located in Contra Costa County, California. To increase the access of the meetings to the public, the meetings shall utilize telecommunications options, to the extent allowable under the law.

Commented [J24]: THE AUTHORIZED OFFICER CONTROLS THE CBOC!!! NUMBER OF MEETINGS, DATE, TIME AND MORE IMPORTANTLY THE INDEPENDENCE. As noted in comment on item 5.8 (b) the CBOC is not independent as it is controlled by the District—the entity that it is supposed to be reviewing.

6.3 Procedures. All meetings shall be open to the public in accordance with the *Ralph M. Brown Act*, Government Code Section 54950 *et seq.* Meetings shall be conducted according to such additional procedural rules as the Committee may adopt. A majority of the number of Committee members shall constitute a quorum

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for the transaction of any business.

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Section 7. District Support.

7.1 Technical and Administrative Support. As provided by Education Code Section 15280, the District shall provide to the Committee necessary technical and administrative assistance in furtherance of its purposes and to publicize its conclusions. Such support shall include:

Commented [J25]: This should be in the CBOC Bylaws and not a Board Policy. Presently CBOC uses Roberts Rules where a quorum is 50 percent plus one of the seats filled. Business requires majority of those present for an issue to pass. Again, the independence of CBOC is taken away by Board determining how the CBOC operates.

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- (a) preparation of and posting of public notices and agendas as required by the *Brown Act*, ensuring that all meetings notices and agendas are provided in the same manner as meetings of the District Board;
- (b) provision of a meeting room, including any necessary audio/visual equipment;
- (c) preparation and copies of any documentary meeting materials, such as agendas, minutes and reports;
- (d) providing bond expenditure reports produced by the District for review at each meeting; and
- (d) retention of all Committee records and reports, and
- (e) providing public access to Committee meeting minutes and reports on an Internet website maintained by the District.

Commented [J26]: This puts District Staff in control of agenda's, minutes and reports. The CBOC isn't independent if they prepare the agenda, minutes and CBOC reports

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7.2 Copies of Bond Audits. Pursuant to Education Code Section 15286, the District shall submit a copy of its annual bond financial audit and performance audit, prepared each fiscal year, to the Committee at the same time such audits are submitted to the Governing Board, and in any event no later than March 31 of each year. In addition, pursuant to Education Code Section 15280(a)(2), if findings, recommendations or concerns are identified in such audits, within three months of receiving the audits, the District shall provide the Committee with responses to such findings.

7.3 Staff Support. A member of the District staff shall attend Committee meetings in order to report on the status of projects and the expenditure of bond proceeds.

Section 8. Reports. The Committee must produce at least one annual report as referenced in Section 3.3. In addition, the Committee may report to the Board from time to time in order ~~in~~ **order** to inform the Board on the activities of the Committee. Any such reports shall be in writing and shall summarize the proceedings and activities conducted by the Committee. Such reports shall also be made available on the District's internet web site.

Section 9. Officers. An Authorized Officer shall appoint the initial Chair for purposes of

conducting the first meeting of the Committee. At the first meeting, the Committee shall elect by majority vote of its members a Chair and a Vice-Chair, **who** shall act as Chair only when the Chair is absent. The Chair and Vice-Chair shall serve in such capacities for a term of one year and may be re-elected by vote of a majority of the members of the Committee.

Section 10. Amendment of Bylaws. These **Bylaws** may only be amended by the Board of Trustees of the District. Any amendment to these **Bylaws** shall be approved by a majority vote of the Board.

Section 11. Termination. The Committee shall automatically terminate and disband concurrently with the Committee's submission of the final Annual Report which reflects the final accounting of the expenditure of all bond proceeds under the Authorizations.

Legal Reference

EDUCATION CODE

15278-15288

CALIFORNIA CONSTITUTION

Article, XIII A, Section 1 (b)

Article, XVI, Section 18 (b)

GOVERNMENT CODE

Article 4 (commencing with Section 1090)

Article 4.7 (commencing with Section 1125) of Chapter 1 of Division 4 of Title 1

Section 54950

POLITICAL REFORM ACT OF 1974

Legal Reference:

Judgment of Validation in the Superior Court of California, Contra Costa County Action No.

N03-0216,

California Attorney General Opinion No. 04-110, dated November 9, 2004.

Policy WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT

adopted: _____, 2021 Richmond, California

These bylaws shall replace the current BP 7214.2 upon adoption

Commented [J27]: There needs to be a recording secretary if the CBOC is independent. Of course, this is likely written like this because in previous sections the District staff controls the agenda, prepares minutes—i.e., approves every element of the CBOC.

Commented [J28]: This should say Policy. It is a Board Policy and not the By-laws of the CBOC

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CITIZENS' BOND OVERSIGHT COMMITTEE ETHICS POLICY STATEMENT

This Ethics Policy Statement provides general guidelines for Committee members in carrying out their responsibilities. Not all ethical issues that Committee members face are covered in this Statement. However, this Statement captures some of the critical areas that help define ethical and professional conduct for Committee members. The provisions of this Statement were developed from existing laws, rules, policies and procedures as well as from concepts that define generally accepted good business practices. Committee members are expected to strictly adhere to the provisions of this Ethics Policy.

POLICY

- **CONFLICT OF INTEREST.** A Committee member shall not make or influence a District decision related to: (1) any contract funded by bond proceeds, or (2) any construction project which will benefit the Committee member's outside employment, business, or a personal finance or benefit an immediate family member, such as a spouse, child or parent.
- **OUTSIDE EMPLOYMENT.** A Committee member shall not use his or her authority over a particular matter to negotiate future employment with any person or organization that relates to: (1) any contract funded by bond proceeds, or (2) any construction project. A Committee member shall not make or influence a District decision related to any construction project involving the interest of a person with whom the member has an agreement concerning current or future employment, or remuneration of any kind. For a period of two (2) years after leaving the Committee, a former Committee member may not represent any person or organization for compensation in connection with any matter pending before the District that, as a Committee member, he or she participated in personally and substantially. Specifically, for a period of two (2) years after leaving the Committee, a former Committee member and the companies and businesses for which the member works shall be prohibited from contracting with the District with respect to: (1) bidding on projects funded by the bond proceeds; and (2) any construction project.
- **COMMITMENT TO UPHOLD LAW.** A Committee member shall uphold the federal and California Constitutions, the laws and regulations of the United States and the State of California (particularly the Education Code) and all other applicable government entities, and the policies, procedures, rules and regulations of the West Contra Costa Unified School District.
- **COMMITMENT TO DISTRICT.** A Committee member shall place the interests of the District above any personal or business interest of the member.

Proposed Revision of Board Policy 7214.2 CBOC Discussion Documents



Printed : 6/23/2021 9:02 AM PT

ITEM : E.4. CBOC Bylaws

Item Type

Discussion

Contact Person

Dr. Tony Wold, Ed.D., Associate Superintendent Business Services

Comments

At the November 21, 2019 Governance Committee meeting revisions to the CBOC bylaws were discussed. Quite a bit of work has been done by the District and the Committee to revise these bylaws and there has been great collaboration. We want to continue to build upon this collaboration as we move forward. Our office is strongly supporting the efforts to ensure that we close out all of the areas in the forensic audit and Facilities have built fantastic processes that need to be completed. In the past decade we have expanded from the CBOC to three full board committees that focus on Facilities. These committees meet often to the point that District staff is spending significant time and resources to attend to the agenda item requests from the outside committees. Within the law, the CBOC is not required to meet monthly and best practices has those meetings semi-annually or quarterly. Our practice due to the previous complexity of our programs has moved us to monthly meetings of the CBOC with subcommittee meetings in between. The bond program has moved down to a project level progress and the fact that staff does not create the timeline for meeting or the agenda is not aligned with best governance practice.

An independent evaluation of our current, and the new proposed bylaws by Bond Counsel, Nixon Peabody, outlined several concerns regarding the revisions and some of the existing language that is not aligned to best practices. The Board may create policies that go beyond the law, and it was essential to have the CBOC function with more oversight to build trust. That being said, based upon the current focus in the district on balancing the budget, reviewing the facilities master plan, closing the Moss Adams audit and building upon best practices the timing of adding additional adjustments to the bylaws is not something that should be considered at this time.

The recommendation of staff is that the current bylaws for the CBOC have been in place for several years and there is a need to complete revisions, but this should be aligned to best practices and since we have legal opinions regarding some of the components of the revisions the best course of action would be to slow down and not take any action at this time. While this may be disappointing to a small group of individuals, our responsibility is to the total school district to ensure that our policy revisions do not create new expense or administrative burdens at a time where the District is considering reductions.

In short, the revisions to the CBOC bylaws are something that needs to remain as an area of focus, but the timeline for this work needs to slow down to allow us to first resolve the ongoing operational issues within the district to ensure that new financial and operational costs are not added to the District. We recommend that this item be tabled at this time.

Recommendation

Staff strongly recommends that no action be taken at this time until the budget situation and structure of the district, post reductions is completed to ensure that new undue burdens are not created.

Financial Impact

None

Supporting Documents

[1. BP7214.2 CBOC Revision 11-21-19.pdf](#)

[2. NP Memorandum - CBOC Policy 100119.pdf](#)

Proposed Revision 11/21/19

West Contra Costa USD

Board Policy

Citizens' Bond Oversight Committee (CBOC)

BP 7214.2

Facilities

Proposition 39, approved by California voters in the General Election of November 7, 2000 provides that the Governing Board of a school district may pursue the authorization and issuance of general obligation bonds passed by a vote of 55 percent or more of the electorate.

As a result of the passage of Proposition 39, language was added to the Education Code requiring school districts passing a bond designated as a Proposition 39 bond to establish a Citizens' Oversight Committee ("Committee" or "CBOC") to actively review and report on uses of bond proceeds to ensure that they are spent only on school facilities improvements allowed under each bond measure and not for any other purpose. The Committee shall be established within sixty (60) days of the date that the Board enters the election results in its minutes. A school district may also establish a voluntary bond oversight committee for a general obligation bond adopted by a two-thirds (2/3) vote of the electorate.

District voters have approved ~~four~~ multiple Proposition 39 School Bond Measures requiring a CBOC. The District has established an independent CBOC to provide oversight for these ballot measures. California Education Code Sections 15264 through 15288 govern the operation of the CBOC.

The purpose of this policy is to establish the practices and procedures for CBOC selection and supports its operations.

- The CBOC is independent of the Board of Education, and
- The Board and Superintendent shall not adopt any policy, administrative regulation, practice or procedure that would interfere with the independence of the CBOC. In the event of any conflict between this policy and the Education Code, the provisions of the Education Code shall apply.

1. Committee's Purpose

The purpose of the Committee is to inform the public concerning the expenditure and uses of bond revenues. The Committee's legal charge is to actively review and report on the expenditure of taxpayer's money for school construction. The Committee shall convene to provide oversight of the following:

- a. That bond revenues from bonds adopted by a 55 percent vote of the electorate are expended only for the purpose described in Article 13A, section 1, subdivision (b)(3) of the California Constitution including the construction, reconstruction, rehabilitation or replacement of school facilities, including for a Proposition 39 bond measure the furnishing and equipping of school facilities, or the acquisition or lease of real property for school facilities; and
- b. That, for bonds adopted by a 55 percent vote of the electorate, as prohibited by Article 13A, section 1, subdivision (b)(3)(A) of the California Constitution, no funds are used for any teacher and administrative salaries or other school operating expenses, except for salaries of bond facilities project administrators paid pursuant to the November 2001 and February 2003 resolutions validated by the Judgment of Validation in the Superior Court of California, Contra Costa County Action No. N03-0216; and
- c. That, for bonds adopted by a two-thirds (2/3) vote of the electorate, funds are used only for the purposes described in Article 13A, section 1, subdivision (b)(2) of the California Constitution including the acquisition or improvement of real property.

2. Committee's Duties

The Committee may engage in the following activities in furtherance of its purpose:

- a. Receiving and reviewing copies of the annual performance audits required by Article 13A, section 1, subdivision (b)(3)(C) of the California Constitution.
 - (1) The Auditor shall deliver directly to the Audit Subcommittee a draft copy of each audit report at the same time as delivery is made to the district.
 - (2) The Auditor shall deliver directly to the Committee progress reports at the same time at these reports are issued to the district.
 - (3) The Committee shall participate with the district in a yearly review of the Auditor's performance.
- b. Receiving and reviewing the annual financial audits required by Article 13A, section 1, subdivisions (b)(3)(D) of the California Constitution.
 - (1) The Auditor shall deliver directly to the Audit Subcommittee a draft copy of each audit report at the same time as delivery is made to the district.
 - (2) The Auditor shall deliver directly to the Committee progress reports at the same time at these reports are issued to the district.
 - (3) The Committee shall participate with the district in a yearly review of the Auditor's performance.
- c. Inspecting school facilities and grounds to ensure that Bond revenues are expended in

compliance with the requirements of Article 13A, section 1, subdivision (b)(3) of the California Constitution.

d. Receiving and reviewing copies of any deferred maintenance proposals or plans developed by the district, including any reports required by Education Code section 17584.1.

e. Reviewing efforts by the district to maximize Bond revenues by implementing cost-saving measures including, but not limited, to the following:

- (1) Mechanisms designed to reduce the costs of professional fees;
- (2) Mechanisms designed to reduce the cost of site preparation;
- (3) Recommendations regarding the joint use of core facilities;
- (4) Mechanisms designed to reduce costs by incorporating efficiencies in school site design;
- (5) Recommendations regarding the use of cost-effective and efficient reusable facility plans.

3. Committee Operations

The Committee's legal charge is to review Bond expenditures and to inform the public about the uses of Bond proceeds.

The Committee shall have the authority to:

- a. Inspect a job site or construction project in coordination with the district Superintendent or designee. Visits to job sites require that the Committee member(s) be accompanied by a representative of the district and require that all safety measures in effect at the job site be followed.
- b. Contact district staff, district contractors or consultants, including without limitation, accountants, auditors, architects, financial advisors and legal counsel in coordination with district Superintendent or designee.

The Committee shall not have the authority to:

- a. Participate in the bond sale and issuance process or make decisions concerning the timing, terms or structure of a bond issuance, except that the Committee may review the district's plans for any bond sale and may review bond issuance documents upon the conclusion of a bond sale if desired;
- b. Determine how bond funds shall be spent;
- c. Select contractors or consultants for bond projects or participate in the negotiation or bid process for such contractors and consultants;

d. Require the district to prepare reports or conduct audits more frequently than those required by law.

The Committee shall not be entitled to legal representation by district legal counselor at district expense, unless permitted by the Board.

The Superintendent or his/her designee shall attend Committee meetings. Members of the Board shall attend as necessary or desirable.

Upon completion of all Bond projects, the Committee shall prepare a final written report summarizing its activities and conclusions.

The Board shall, without expending Bond funds:

- a. Provide the Committee with any necessary technical assistance;
- b. Provide administrative assistance in furtherance of the Committee's purpose; and
- c. Provide the Committee with sufficient resources to publicize the Committee's conclusions.

The Associate Superintendent of Operations will serve as a resource to the Committee. He/she shall assign such other district staff and professional service providers as needed to assist the Committee in carrying out its duties.

The Committee and Board shall hold joint meetings during the first quarter (January through March) and third quarter (July through September) of each year.

The Committee shall make reports to the Board of Education at each regular Board meeting. This report shall be placed on the Board's agenda. All recommendations approved by the Committee shall be presented to the Board of Education. The Board shall respond to the Committee's recommendation(s) within sixty (60) days after receipt of the recommendation(s).

The CBOC shall establish a set of bylaws and operational rules to manage the operation of the committee. These bylaws and operational rules shall be in compliance with Board Policy and all applicable laws.

4. Financial Operations

The Board of Education shall adopt an annual Facilities Program Budget.

- a. District staff shall identify the budget by fund and account code on each Board action memo that recommends the expenditure of funds for facility projects.
- b. The Facility Program Budget shall be formally amended by the board of Education

during the calendar year, as needed, for new and revised projects and change orders.

5. Committee Selection and Composition

The Superintendent or designee and the CBOC shall solicit by all means available applications for membership on the Committee. **Every effort will be made to recruit committee members reflective of the diversity of the District.**

The Committee shall be comprised of individuals who either live or work within the boundaries of the district, except that no elected officials shall be appointed to the Committee.

Nominations for the five positions required by law shall be made by the respective organization for each position shown below.

Nominations for all the other positions on the Committee shall be by self-nomination.

All nominations shall be made using the CBOC approved Application Form and shall include a resume and statement as to why the candidate wants to be a Committee member.

Applicants shall submit all application documents to the Superintendent and CBOC Chair.

The Application Package for all nominees shall be published in a regular Facilities Subcommittee Agenda Package and all candidates shall be interviewed by the Facilities Subcommittee at a regular public meeting.

The Facilities Subcommittee shall make recommendations based on merit to the Board of Education for appointment to the CBOC.

The Board of Education shall appoint the Committee members. While the Committee must consist of at least seven members, the Board intends the Committee to consist of ~~17~~ 14 members as shown below.

As required by law, Committee membership shall include the following categories:

- a. One member shall, at the time of appointment, be active in a business organization representing the business community of the district;
- b. One member shall, at the time of appointment, be active in a senior citizens' organization, which may be a local, regional, statewide or national organization;
- c. One member shall, at the time of appointment, be active in a bona fide taxpayers' organization, which may be a local, regional, statewide or national organization;
- d. One member shall, at the time of appointment, be the parent or guardian of at least one child currently enrolled in a school of the district;

e. One member shall, at the time of appointment, be a parent or guardian of at least one child currently enrolled in a school of the district and be an active member in a district parent-teacher organization, such as the PTA or school site council.

f. Committee membership shall also include the following community members:

(1) Seven members shall be selected at-large including three residents of the City of Richmond, one resident each from the Cities of El Cerrito, Hercules, Pinole, and San Pablo, excluding sitting elected officials;

(2) ~~One~~ member shall reside in unincorporated areas of the district and shall be selected at-large from unincorporated areas of the district, excluding sitting elected officials;

(5) One member shall, at the time of appointment, be a WCCUSD student, and represent district students.

~~Pursuant to Education Code Section 15282(b), no employee or official of the district shall be appointed to the Committee. Additionally, no vendor, contractor, or consultant of the district shall be appointed to the Committee. If, while serving on the Committee, a member becomes an official or employee of the district or becomes a vendor, contractor or consultant of the district, their membership on the Committee shall cease immediately.~~

Members of the Citizens' Oversight Committee ~~may~~ shall serve for no more than three consecutive terms of two years each. Committee members who wish to be appointed for a second or third two-year term shall reapply to the Board for consideration. (Education Code 15282) Committee members shall receive no remuneration for their participation on the Committee.

A Committee member who no longer serves as a representative of the designated group she/he was appointed to represent (e.g., ceases to be active within a taxpayers' organization, or ceases to have a child enrolled in the district) shall be allowed to complete his/her term. However, that Committee member shall not be entitled to serve a subsequent term as a representative of the designated group.

Within sixty (60) days of being notified of a Committee vacancy, the Board will appoint a new member to complete the term of the vacancy following the process used to select the original Committee members, provided an eligible and willing candidate is available and ready to serve.

~~Committee members shall be subject to prohibitions regarding incompatibility of office pursuant to Government Code 1125-1129 and financial interest in contracts pursuant to Government Code 1090-1098.~~

~~The Committee will determine when a seat on the Committee becomes vacant. and a new Committee member will be named by the Board if one or more of the following events occur:~~

~~Support for Committee Operations~~

Audits

In accordance with Education Code 15278, 15286, and 15280, the Committee receives and reviews the annual bond financial and bond performance audits required by Article 13A, section 1, subdivision (b)(3)(C) and (D) of the California Constitution.

The District shall solicit input from the Committee on the scope and objectives of the bond performance audit.

The District shall solicit input from the CBOC on the nature, timing, and extent of the bond financial audit work. To accomplish this, the District shall coordinate input from the CBOC to the auditors at the beginning and end of each bond financial audit, including an entrance conference and an exit conference with the CBOC or its Audit Subcommittee.

The District shall direct the Bond Auditors to deliver progress reports, and draft and final copies of the bond audits to the Committee at the same time as they are delivered to the District. The Committee shall participate in the interviews to select bond auditors and shall participate with the District in a yearly review of the Auditor's performance.

~~The District shall direct the Auditors to deliver progress reports, and draft the final copies of the audits to the Committee at the same time as they are delivered to the District.~~

The District shall provide the Committee with the formal management response to any and all findings, recommendations, and concerns addressed in the annual financial and performance Audits within three months of receiving the Audits.

Liaison and Joint Meetings

In order to foster good communication between the Committee, the District, and the Board:

The Associate Superintendent of Operations will serve as a resource and District liaison to the Committee and shall attend Committee meetings. He / she shall assign such other district staff and professional service providers as needed to assist the Committee in carrying out its duties.

A member of the Board shall act as liaison to the Committee and attend Committee meetings.

The Committee and Board shall hold joint meetings during the first quarter (January through March) and third quarter (July through September) of each year.

The Committee may report to the Board of Education at the last regular Board meeting of each month. Space for this report shall be placed on the Board's agenda. All recommendations approved by the Committee shall be presented to the Board of Education. The Board shall respond to the Committee's recommendation(s) within sixty (60) days after receipt of the recommendation(s).

Publicizing Committee Work

Education Code Section 15280 establishes that the Board shall provide sufficient resources to publicize the conclusions of the Committee. The District shall:

~~Provide resources to publicize the annual report on the District websites.~~

Make available as a matter of public record, minutes of the proceedings to the Citizens' Bond Oversight Committee and all documents received and reports issued on an internet website maintained by the governing board of the district.

Publicize Committee membership vacancies and recruit new members.

Technical and Administrative Assistance

Education Code 15280 establishes that the Board shall, without expending bond funds, provide the Committee with any necessary technical assistance and shall provide administrative assistance in furtherance of its purpose. To this end, the District shall:

- Establish in June the annual cost of the operation of the Committee in the following fiscal year as mutually agreed between the District and the Committee.
- Provide financial reports to the Committee, with form and frequency as mutually agreed between the District and the CBOC.
- Provide administrative support for Committee and subcommittee meetings including assistance in preparing agenda packets, meeting logistics, meeting notes and recordings, posting agendas, minutes, and recordings to the Committee website.
- Provide Committee members training on the Brown Act on an annual basis.
- ~~Provide the Committee independent legal counsel with preapproval and within agreed-upon budget.~~
- ~~The CBOC shall consult with the Superintendent or designee prior to requesting an opinion from the CBOC independent legal counsel and provide a copy of the opinion to the Superintendent or designee at the same time it is provided to the CBOC.~~
- ~~Facilitate committee inspection of school sites and construction projects.~~
- ~~Facilitate Committee member contact with district staff, district contractors or consultants, including accountants, auditors, architects, financial advisors and legal counsel.~~
- Access to the Committee's independent legal counsel shall be limited to seeking legal opinions.
- There shall be a yearly mutually agreed upon "not to exceed" financial obligation for these services.
- The CBOC Chairperson shall be the only CBOC member to be authorized to contact the Committee's legal counsel.
- All correspondence between the CBOC Chairperson and the CBOC legal counsel shall simultaneously be provided to the Superintendent or designee.
- Facilitate committee inspection of school sites and construction projects.
- Facilitate Committee member contact with district staff, district contractors or consultants, including accountants, auditors, architects, financial advisors and legal

counsel.

Board Policies Relevant to School Bond Construction Program

Board Policy 3400 Management of District Assets/Accounts and Administrative Regulation
3400

Board Policy 7000 Facilities

Legal Reference

EDUCATION CODE

- 15264-15288

CALIFORNIA CONSTITUTION

Article, XIII A, Section 1 (b)

Article, XVI, Section 18 (b)

Policy WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT

adopted: August, 2008 Richmond, California

revised: January 9, 2008

revised: November 16, 2011

revised: May 14, 2014

revised: December 9, 2015

revised:



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MEMORANDUM - PRIVILEGED AND CONFIDENTIAL; ATTORNEY-CLIENT
COMMUNICATION

TO: Dr. Tony Wold
Associate Superintendent, Business Services,
West Contra Costa Unified School District

FROM: Graham Beck
Lisel Wells

SUBJECT: Proposed Amendments to Board Policy 7214.2 **DATE:** October 1, 2019

Dear Dr. Wold,

On behalf of West Contra Costa Unified School District (the “District”), you have asked us to examine and advise you concerning certain proposed revisions to Board Policy 7214.2 (the “2019 Proposal”) prepared and provided to the District and by its Citizens Bond Oversight Committee (the “CBOC”) on September 25, 2019. The subject matter of Board Policy 7214.2, first adopted in 2008 and amended to date (as currently enacted, the “Current Policy”), was to set forth the establishment, operating and funding guidelines for the CBOC, following the District’s successful bond election conducted under the provisions of Proposition 39 (“Prop 39”).¹ The CBOC has operated continuously since its inception.

Conclusion. A number of the requests included in the 2019 Proposal describe obligations of the District and the Board of Education (the “Board”) under Prop 39, and although in some cases imperfectly drafted, could be included in an expanded Board Policy if the Board so desires. Others represent modifications to the CBOC which would be within the purview of the Board and are legally unobjectionable. Certain other suggestions merely describe activities that it appears the District is already undertaking in support of the CBOC. In any event, however, the 2019 Proposal would require a number of editorial changes to insure full compliance with Prop 39, prior to its adoption by the Board.

Generally speaking, the requests listed as items 1, 2, 4, 6, 7, 8, 9, 10, 11, 12, and 14 below are legally unobjectionable, should the Board in its discretion desire to amend the Board Policy and make the desired changes. Certain of the changes to the Board Policy included in this list would constitute improvements to the Board Policy, if adopted.

We find that one of the requested amendments, listed as item 3, runs counter to the Ed Code’s prohibition on District vendors and contractors serving on the CBOC. As making the proposed revision may increase the chance that the District inadvertently runs afoul of the Ed Code, we would strongly recommend this change be rejected.

We find that three of the requested amendments included in the 2019 Proposal present the risk of increasing the District’s expenses associated with supporting the CBOC to an unpredictable degree. For this reason, we recommend against the District’s approving items 5, 13 and 15 in the below list. We note that one of the primary purposes of the CBOC is to reduce costs to the District. There is a significant

¹ Prop 39 is comprised of Article XIII A of the California Constitution and related provisions of the Education Code of the State of California (the “Ed Code”), commencing at Section 15264.
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likelihood that these proposals, if accepted, would lead to significant expense, thus running counter to the guiding principles of Prop 39 as they pertain to oversight committees. Furthermore, we believe the District will be able to provide the desired support to the CBOC without exposing its General Fund as severely, given the CBOC's present ability to deal directly with the Board of Education (the "Board") and its members who attend CBOC meetings.

Elements of the 2019 Proposal. In the 2019 Proposal, the CBOC has requested the District take certain actions and make certain changes to the CBOC, summarized as follows:

- 1) Addition of introductory language, acknowledging the independence of the CBOC and the applicability of the Ed Code to its operations;
- 2) Request to change the number and types of members to serve on the CBOC;
- 3) Removal of certain provisions related to financial conflicts of interest
- 4) Changes to provisions regarding CBOC member attendance requirements and vacancies;
- 5) Addition of detail regarding CBOC access to bond financial and performance audits, and progress reports thereon, addition of CBOC input on auditor selection;
- 6) Addition of detail regarding District staff and Board Member participation in CBOC meetings;
- 7) Addition of specificity regarding the periodicity of CBOC meetings and annual reports to the Board;
- 8) Posting of CBOC reports and solicitations for CBOC member vacancies;
- 9) Creation of a CBOC budget for each fiscal year;
- 10) Provision to the CBOC of periodic financial reports;
- 11) Provision of administrative support to the CBOC with regard to agendas, meetings, minutes, and the CBOC website
- 12) Provision of annual training to CBOC members on the Brown Act²;
- 13) Retention of independent legal counsel for the CBOC, subject to Superintendent approval prior to obtaining a legal opinion, with a copy thereof provided to the District;
- 14) Facilitation of CBOC inspection visits to bond-financed sites; and
- 15) Permission to CBOC members to interface freely with District staff and consultants, including attorneys, accountants, financial advisors, and other vendors.

Analysis of the 2019 Proposal. Numbers below correspond to the above-listed elements.

1) As a matter of public policy, the request to point out the independence of the CBOC and the applicability of the Ed Code is entirely reasonable and provides a good baseline for the remainder of the Board Policy. In the event the Board wished to entertain any amendment to the Board Policy, we would endorse the inclusion of Item 1 in such revised Policy.

2) This item requests the removal of members representing certain trade councils and employee unions, as well as one at large member residing in an unincorporated area of the District, with the membership of the CBOC decreasing correspondingly from 17 to 14. While Prop 39 requires the CBOC contain members in certain categories, none of the proposed deletions would eliminate a required category of membership. As such, in our view the decision as to whether to incorporate the changes indicated in the 2019 Proposal as Item 2 is entirely within the discretion of the Board; however, in order to avoid tie votes, we recommend an odd number of members.

² Cal. Government Code Sections 54950-54963.

3) This item asks for the removal of the current Board Policy prohibition against any member of the CBOC's having a financial conflict of interest or a financial interest in certain contracts. We strongly believe this prohibition should remain in the Board Policy, as the CBOC is a Board Committee and subject to Board rules. In particular, there are prohibitions in Prop 39 against contractors of vendors serving on the CBOC, which we recommend be reflected in the Board Policy. Most California school districts with bond construction programs under Prop 39 have implemented a Conflicts of Interest Policy for their oversight committees. If the District has not previously adopted one for the CBOC, we would be pleased to provide samples. Additionally, it may be appropriate, if the Board so chooses, to have CBOC members execute Form 700 on an annual basis, as a best practice to insure against financial conflicts.

4) Beyond holding one required annual meeting to approve its report to the public, the Ed Code is silent as to the number of meetings a bond oversight committee should have, or how many meetings any member need attend. The question of whether a failure of attendance should be grounds for removal from the CBOC is up to the Board. Likewise, it is within the Board's discretion as to whether to require members re-submit applications in order to remain on the Board. We note that a strict policy of removal for absence may result in significant turnover on the CBOC, which may in turn lead to difficulties in filling required member categories to remain in compliance with Prop 39.

5) There is no requirement in Prop 39 that the Board solicit input from the CBOC as to the scope, objectives, timing, or extent of the bond financial audit, or allow the CBOC to address the Auditors in any fashion, or receive progress reports or drafts of the report. Many of these requests would require the Auditors spend additional time communicating with the CBOC and responding to their requests. There is no suggestion in the 2019 Proposal of any limitation as to the CBOC's requests, and as such, there is the potential for requests that are significant, time consuming, and of little ultimate relevance. It is highly likely that any Auditor will require additional fees to compensate them for this additional work, which is in our experience, not typical in connection with a bond performance audit. Due to the potential for such expense and the lack of limitation on the CBOC's ability to make requests, we recommend against approval of this request.

6) Pursuant to Prop 39, the District is required to provide administrative support to the CBOC, which typically would include availability of District staff to answer questions and/or attend meetings. If the Board desires the Associate Superintendent of Operations perform this role in a formal sense as a "Liaison," it is in their discretion to do so.

7) There is no requirement or prohibition in the Ed Code as to whether the Board may hold a joint meeting with the CBOC (though we note that any such meeting would need to be held in compliance with the Brown Act.) Likewise, members of the CBOC may speak at any Board meeting as members of the public during the public comment period, and we believe that CBOC members have done so in the past when they desire an issue to be brought to the Board's attention. As such, it is entirely within the discretion of the Board whether to grant these requests.

8) As to Item 8, we note that the Ed Code provides at Section 15280(b) that the documents received by and reports of the CBOC be posted on the District's website. Based on our review of the District website, we are of the view that the District is complying with this provision of the Ed Code. However, there is certainly no reason to object to the inclusion of this provision in the Board Policy.

9) As stated in Prop 39 and reiterated in the Board Policy, the costs of administering the CBOC must be paid from the District's General Fund, and not from bond proceeds. During each of the

past eleven fiscal years, we are informed and believe that the District's budget for that fiscal year has included a line item associated with the District's support of the CBOC. Item 9 may simply be a request that the District provide the CBOC with the line item and its elements. Should the Board desire to make any of the changes in the 2019 Proposal, this would be an appropriate inclusion.

10) Pursuant to Part 2(a)(2) and 2 (b)(2) of the current Board Policy, the District has already agreed to provide financial and performance progress reports to the CBOC as and when they are delivered to the District. Item 10 therefore seems redundant and the existing provisions should instead be relied on. To the extent that Item 10 requests financial reports other than those pertaining to the bond program, it would be outside the statutory scope of the CBOC. We would recommend the Board consider the added cost of any additional reports prior to approval.

11) Members of our firm have attended several meetings of the CBOC over the past several years, where District staff has provided a freely accessible space for the conduct of CBOC meetings, copies of the agendas and meeting materials, assigned an individual to take minutes, as well as had district staff attend (similar to the requested District Liaison), and done all things reasonably necessary for the orderly conduct and reporting of CBOC meetings in accordance with the Brown Act. The District website currently includes appropriate information regarding the CBOC. Accordingly, it appears that Item 11 describes obligations that the District is already meeting. To the extent that Item 11 requests that additional detail be written into the Board Policy, the Board Policy may be amended to include it.

12) We have also attended at least one CBOC meeting where training on the Brown Act was offered to members of the CBOC. It is of course important for members of the CBOC to receive training on their obligations under the Brown Act, which governs the conduct of their meetings in all respects. We encourage annual training, and between annual sessions, individual or small group training for newly appointed CBOC members who are filling vacancies in mid-year. The District's general counsel or bond counsel could provide this training. Members of the CBOC should also have available to them a summary of the pertinent portions of the Brown Act to which they could refer from time to time. Inasmuch as the current Board Policy does not address such training, we recommend that the Board Policy be amended to include Item 12.

13) Item 13 requests that the District select and pay for legal counsel for the CBOC, who would be independent of the District. Item 13 also indicates that the fees for legal counsel be included within the budget described in Item 9. We understand that the CBOC presently retains its own outside counsel and that the District has been invoiced for the fees of such counsel. However, the Board Policy has not memorialized this as a right of the CBOC going forward. Truly independent legal counsel is, of course, subject only to the internal rules and regulations of the CBOC and is obligated under professional standards to address questions and issues brought to them by the CBOC and its members. This is not a process that can easily be managed by reference to a District-approved budget for CBOC expenditures. That is, if legal issues arise, legal counsel will need to address them, whether or not their hours exceed the District's budget. Since legal counsel is engaged under the understanding that they have an attorney-client relationship solely with the CBOC, such counsel will not be accountable in any way to the District or the Board. Issues brought to the attention of legal counsel by members of CBOC may be entirely outside the statutory purview of the CBOC and the Board Policy; legal counsel will nonetheless address them to the best of their ability, with the expectation that the District will pay all fees and expenses. We have assumed that legal counsel would typically require the District to execute an agreement to that effect, as the CBOC has no outside source of funding. Any attorney-client privilege related to such requests would

be at the CBOC's discretion to waive. In an extreme case, the District might find itself paying the legal fees of counsel that is suing the District on behalf of the CBOC. It is simply not realistic to attempt to impose a budget on independent legal counsel, where a third-party, the District, is responsible for payment. We note that the present Board Policy, at page 4, specifies that "[t]he Committee shall not be entitled to legal representation by District legal counsel at District expense, unless permitted by the Board." Item 13 would reverse this principle, and we recommend against its adoption.

Requiring that a district pay the fees of outside counsel for a citizens' bond oversight committee is, in our experience, an extremely rare arrangement among California school districts.

As an aside, we note that the offer by CBOC to "consult with" the District Superintendent regarding legal services only arises in connection with CBOC requests for a written legal opinion. Most work performed for clients by attorneys relates to matters and issues that are not intended to result in a written legal opinion. The proposed limitation does not materially affect our concerns about Item 5.

14) Item 14 requests that the District facilitate the inspection of bond-financed projects by members of the CBOC. The right of CBOC members to inspect projects is embedded in Prop 39 by Section 15278(b)(3) of the Ed Code, and is already specifically covered in the current Board Policy at Part 2(c) under "Committee's Duties." That said, District staff should confirm that no reasonable requests for inspections by CBOC members have been refused, and should continue to provide tours of construction sites in accordance with such requests. The three important elements of any such tour are (a) that they not interrupt the work being done on the site; (b) that they are done in accordance with all safety rules imposed by the particular contractor; and (c) that a District staff member accompany the CBOC members. If Item 14 can be read as a request for further detail concerning the process by which such inspection tours are arranged, we recommend that the Board Policy be amended to include those details.

15) Item 15 is in direct opposition to the language currently in the Board Policy regarding those consultants and vendors that the District has retained to work on its bond program. At Part 3(b) of the Board Policy, the CBOC is required to coordinate with the District Superintendent when it or its members desire to contact District contractors, accountants, auditors, architects, financial advisors and legal counsel. This permits the District to gauge the CBOC request for information, determine that contact with contractors and consultants will satisfy the expressed need, and provide the right party to the CBOC. Unfettered CBOC contact with District contractors and consultants would result in confusion, distraction, and inevitably, increased costs passed on to the District's General Fund. We recommend against inclusion of Item 15 into the Board Policy.

We hope the foregoing addresses your concerns regarding the 2019 Proposal. If you should have further questions, please do not hesitate to contact us.

K. Proposed Resolution 21-2

Draft

Resolution 21-2

Proposed Revisions to Board Policy 7214.2 Concerning the Citizens' Bond Oversight Committee (CBOC)

Resolution approved by the CBOC at a public meeting on [tentative: July 12, 2021]

WHEREAS:

- Five of seven WCCUSD bond measures were set up for voter approval at a threshold of 55%, instead of a 2/3 vote, and thus require oversight by a Citizen's Bond Oversight Committee (CBOC) per California Ed Code Section 15278 and 15280. These five are referred to here as "Prop 39" bond measures.
- Based on promises made by WCCUSD's Board of Education about an "independent" CBOC and "strict citizens' oversight" in Prop 39 bond measure language; California Ed Code requirements (15278-15288) stipulating appointment of an "independent citizens' oversight committee"; and all recommendations in the 2015 grand jury investigation of WCCUSD entitled ***Stymied Oversight*** which affirmed the independence of WCCUSD's CBOC from the Board of Education, it is reasonable to assume that voters and community stakeholders expect WCCUSD's CBOC to be *exact, demanding, rigorous, autonomous and self-governing*, and that anything other than that will be perceived as promises not kept and very likely illegal.
- In November, 2019, the CBOC first proposed revisions to Board Policy 7214.2 (CBOC). These are referred to here as **CBOC Proposed Revisions to BP 7214.2 (rev. Nov 21, 2019)**.

These were:

- Revisions proposed by the CBOC to longstanding Board policies and bylaws, 7214.2, which were first drafted with input from the community and various stakeholders.
- ***Fully reviewed by district attorneys, Nixon/Peabody, prior to presentation and discussion at the Board's Governance Committee meeting on November 21, 2019.***
- Reviewed and discussed by the Board's Governance Committee on November 21, 2019, and approved for discussion by the full Board.
- Reviewed and commented on by District Managers before presentation to the full Board.
- Discussed by the full Board on January 29, 2020. Action deferred to a later date.
- On the Board agenda on May 20, 2020; tabled to a future meeting.
- Not on any Board or committee agenda since May 20, 2020.
- On June 16, 2021, WCCUSD's Board Facilities Committee meeting agenda included discussion of a resolution to replace longstanding Board policies related to the CBOC (BP 7214.2) with a completely revised version, disband the current CBOC and appoint unnamed members to a new CBOC. This resolution is referred to here as **BOE/District Mgmt Proposed BP 7214.2: CBOC Bylaws and Appointment of New CBOC Members (rev. June 16, 2021)**.

These proposed Board policies, plus action to disband the current CBOC and appoint new members were:

- A complete re-draft of longstanding existing Board policies (BP 7214.2)
- Unrelated to revisions to BP 7214.2 proposed by the CBOC in 2019 (i.e., **CBOC Proposed Revisions to BP 7214.2 (rev. Nov 21, 2019)**).
- Inconsistent with California Ed Code requirements stipulating appointment of an "independent citizens' oversight committee"; all recommendations in the 2015 grand jury investigation of WCCUSD entitled ***Stymied Oversight*** which affirmed the independence of WCCUSD's CBOC from the Board of

Education; and the definition of an “independent” CBOC and “strict citizen’s oversight” explicitly promised to voters in Prop 39 bond measure ballot language; and, therefore, will very likely be deemed illegal.

For example, **BOE/District Mgmt Proposed BP 7214.2: CBOC Bylaws and Appointment of New CBOC Members (rev. June 16, 2021):**

- Includes a statement on page 2, end of **Section 1, Committee Established:**

“The Board hereby establishes the Committee, to be known as the “Citizens’ Bond Oversight Committee,” The Committee does not have independent legal capacity from the District.”

- Authorizes District Managers to choose CBOC members, tell the CBOC how many meetings they can have, set the agenda for CBOC meetings and review and filter CBOC reports.
- Drafted with no apparent input from the community or current CBOC members
- Will most likely lead to distrust of all school-related ballot measures by local voters for years to come.

BE IT RESOLVED:

The CBOC respectfully requests the following be done by WCCUSD’s Board of Education:

- As soon as possible, restart consideration of **CBOC Proposed Revisions to BP 7214.2 (rev. Nov 21, 2019)**, i.e., revisions to Board policies first proposed by the CBOC and reviewed by the district’s attorneys in 2019; most recently on the Board’s agenda on May 20, 2020.
- In the future, before consideration of any changes to BP 7214.2 (CBOC) by either the Board’s committee or the full Board, do the following:
 - Submit all proposed changes to BP 7214.2 for review by the CBOC’s legal counsel, one that specializes in Education Law and holds a client confidentiality agreement with WCCUSD’s CBOC; the scope of the legal review should include, at a minimum:
 - California Education Code Sections 15278, 15280 and 15282
 - All recommendations in the 2015 grand jury investigation of WCCUSD’s Board of Education and CBOC, entitled **Stymied Oversight**
 - Promises made to voters in WCCUSD Prop 39 ballot measures concerning the independence and oversight of the CBOC.
 - Present any proposed changes to BP 7214.2 to the CBOC allowing enough time for members and the public to review and comment on the changes.

L. Draft Letter on CBOC

Vacancy Issue



WCCUSD

Citizens' Bond Oversight Committee

John E Anderson, PhD
Chairperson

Guadalupe Enllana
Vice Chairperson

July 12, 2021

WCCUSD Board of Education Trustees

Superintendent Chris Hurst

Dear Trustees and Superintendent Hurst,

The CBOC has five member positions that are mandated by California Education Code. Presently the position for a member active in a senior citizen's organization is open. At the last Facilities Committee at candidate qualified to fill this position was considered but no motion was taken to either recommend the candidate or reject the candidate. Based on the committee's inaction, the candidate's status is unclear and the CBOC membership makeup is in violation of the Education Code.

Could you please clarify the status of the candidate?

Sincerely,

John E Anderson, PhD

Chairperson

WCCUSD Citizens' Bond Oversight Committee

cc. CBOC members