

WCCUSD



Citizens' Bond Oversight Committee

Meeting Agenda and Packet for June 14, 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 Over Committee

AGENDA

Monday June 14, 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, June 14, 2021 at 2pm

Zoom Conference

A. Opening Procedures

B. Call to Order/Pledge of Allegiance

C. Housekeeping

- a. Welcome Jason Lindsey as new member
- b. Volunteer to take minutes
- c. Chairperson's remarks

D. 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)

E. Approval of Agenda

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

F. 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

G. 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 2021-05-31**
- c. Consolidated Budget Report 2016 MP 2021-05-31**
- 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 06-01-2021**

H. 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. 02-08-2021 Draft Minutes**
 - ii. 03-08-2021 Draft Minutes**
- b. CBOC Records Request Log June 7, 2021**

I. Annual Report Update (Lorraine Humes)

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 send back to the Facilities Committee for action prior to consideration by the Board.

Background Material for discussion

- a. Revised Board Policy 7214.2**
- b. Present Board Policy 7214.2**
- c. Sallie DeWitt Comments on Revised Policy**
- d. Dr. John Anderson Comments on Revised Policy**
- e. California Education Code Sections 15278, 15280 and 15282 (Citizens' Oversight Committee)**
- f. 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."**
- g. 2016 Contra Costa Civil Grand Jury Compliance and Continuity Report**
- h. Transcript of Facilities Committee Meeting discussion of CBOC on February 12, 2021**
- i. Dr. John Anderson Memo to Board member Gonzalez-Hoy March 31, 2021 relative to comments of Mr. Wold and Mr. Phillips comments on CBOC**

K. CBOC Resolution 21-1 Revised Board Policy 7214.2

ACTION

Resolution 21-1

L. Adjournment

Next meeting July 12, 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

Item G. Attachments

Bond Program Project Status and Financial Reports

- a. Facilities Master Plan Project Update
- b. Consolidated Budget Report 2021-05-31
- c. Consolidate Budget Report 2016 MP 2021-05-31
- d. Report 13 2021-05-31
- e. Report 13A 2021-05-31
- f. Report 2 2021-05-31
- g. 20-21 AP check List 2021-05-31
- h. Bond Program Management Plan Comment Spread Sheet with Responses
6-01-2021



Projects Status Update

Citizens' Bond Oversight Committee
June 14, 2021

Project Status Update

	SITE	PROJECT	TYPE	STATUS
PLANNING	District Wide	HVAC Assessment	BOND	Planning
	SITE	PROJECT	TYPE	STATUS
DESIGN	Cameron School	Critical Needs: HVAC Addition	BOND	Design
	Collins ES	Critical Needs: HVAC Addition	BOND	Design
	Hercules M/HS	Critical Needs: Science Labs	BOND	Design
	Shannon ES	Critical Needs: MPR	BOND	Design
	Riverside ES	Site Improvements	BOND	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	Proposal Review
	Pinole Valley HS	Fields Restoration & Bleachers	BOND	Bidding
	Pinole Valley HS	RFQ/P Testing & Inspection	BOND	Bidding
	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	Under Construction

LEGEND & ACRONYMS

DSA) Division of the State Architect (RFQ) Request for Qualification

(RFP) Request for Proposal



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 5/31/2021

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	819	0.1%
Legacy Project	122,195	122,195	100.0%	-	122,195	100.0%
	1,422,195	204,595	14.4%	1,217,600	123,014	8.6%
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	2,205	0.1%
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	1,641,076	31.9%
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	2,678,603	89.3%	321,397	2,676,833	89.2%
Legacy Project	3,864,259	3,864,259	100.0%	-	3,864,259	100.0%
	6,864,259	6,542,862	95.3%	321,397	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

Budgets versus Commitments and Expenditures for multiple Projects

Budget vs. Commitments and Expenditures

Fund 21 and Fund 35

Data as of 5/31/2021

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	39,313,306	97.6%	986,694	39,222,139	97.3%
Legacy Project	3,829,324	3,829,324	100.0%	-	3,829,324	100.0%
	44,129,324	43,142,630	97.8%	986,694	43,051,463	97.6%
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 5/31/2021

	Budget	Commitments			Expenditures	
School/Project Name	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	3,123,386	45.3%	3,776,614	509,295	7.4%
Legacy Project	14,611,005	14,611,005	100.0%	-	14,611,005	100.0%
	21,511,005	17,734,391	82.4%	3,776,614	15,120,300	70.3%
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 5/31/2021

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 Crespi Middle School						
Critical Needs	5,169,597	5,169,597	100.0%	-	5,169,597	100.0%
Legacy Project	1,245,896	1,245,896	100.0%	-	1,245,896	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 5/31/2021

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	-	0.0%
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	3,295,019	18.3%
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	214,860	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	196,529,295	90.8%
3 Richmond High School						
* Gym and Seismic Classroom	21,000,000	20,729,787	98.7%	270,213	19,269,782	91.8%
Legacy Project	21,622,087	21,622,087	100.0%	-	21,622,087	100.0%
	42,622,087	42,351,875	99.4%	270,213	40,891,869	95.9%
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 5/31/2021

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	14,516,861	94.5%
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	34,511,885	97.6%
4 Central						
District Support	56,308,712	53,782,336	95.5%	2,526,375	53,620,683	95.2%
Program Coordination	55,022,923	48,693,450	88.5%	6,329,473	47,268,107	85.9%
	111,331,634	102,475,787	92.0%	8,855,848	100,888,790	90.6%
Totals	1,765,061,243	1,623,922,144	92.0%	141,139,099	1,615,691,510	91.5%

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%	-	36,836,215.33	100.0%
1998E Project	23,994,285.33	23,994,285.33	100.0%	-	23,994,285.33	100.0%
State Fund Project	12,841,930.00	12,841,930.00	100.0%	-	12,841,930.00	100.0%
Pinole Valley High School	190,570.61	190,570.61	100.0%	-	190,570.61	100.0%
Central Program Coordination	16,276,517.57	16,276,517.57	100.0%	-	16,276,517.57	100.0%
Total	53,303,303.51	53,303,303.51	100.0%	-	53,303,303.51	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 5/31/2021

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	819	0.1%
	1,300,000	-	1,300,000	82,400	6.3%	1,217,600	819	0.1%
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	2,205	0.1%
	3,500,000	-	3,500,000	221,000	6.3%	3,279,000	2,205	0.1%
1 Fairmont Elementary School								
* Critical Needs	3,000,000	-	3,000,000	2,678,603	89.3%	321,397	2,676,833	89.2%
	3,000,000	-	3,000,000	2,678,603	89.3%	321,397	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	39,313,306	97.6%	986,694	39,222,139	97.3%
	40,300,000	-	40,300,000	39,313,306	97.6%	986,694	39,222,139	97.3%
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	3,123,386	45.3%	3,776,614	509,295	7.4%
	6,900,000	-	6,900,000	3,123,386	45.3%	3,776,614	509,295	7.4%
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 Crespi 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	-	0.0%
	14,700,000	-	14,700,000	763,640	5.2%	13,936,360	-	0.0%



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 5/31/2021

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	20,729,787	98.7%	270,213	19,269,782	91.8%
	15,100,000	5,900,000	21,000,000	20,729,787	98.7%	270,213	19,269,782	91.8%
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	76,300,678	40.6%	111,757,748	70,670,689	37.6%

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



WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT

Bond Program Financial Status

As of May 31, 2021

Cash Projection to June-2023

<u>Adjusted Cash Balance</u>			161,900,492	<u>Notes</u> 1
<u>Projected Revenues</u>				
Interest Earning & Other Revenue	\$	2,005,000	<u>\$ 2,005,000</u>	2
<u>Projected Available Funds</u>			\$ 163,905,492	
<u>Budget Balance</u>				
Board Approved Budget	\$	1,765,061,243		3
Less Expenses to Date	\$	(1,615,691,510)		3
<u>Current budget balance</u>			<u>\$ 149,369,733</u>	
Projected Cash Balance June 2023			\$ 14,535,759	

State Facility Grants Pending State Approval

Estimated after current planning period: \$	12,340,748	4
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Items Pending Board Approval

Bond Sale 2020 Measure R	\$	575,000,000
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WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT

Bond Program Financial Status

As of May 31, 2021

Note 1 Adjusted Cash Balance

Description	Amount	Comments
Cash & Equivalents Building Fund 21	\$ 161,917,327	A
Cash & Equivalents County School Facilities Fund 35	\$ -	B
Cash with Fiscal Agent (contract retentions)	\$ 2,411,626	C 3rd-Party held Retention
Accounts Receivable	\$ -	
Accounts Payable	\$ -	D
Contract Retention	\$ (2,428,461)	C District held Retention
Adjusted Cash Balance	\$ 161,900,492	

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			\$ 845,000	\$ 845,000
FY2023			\$ 1,000,000	\$ 1,000,000
Grand Total	\$ -	\$ -	\$ 2,005,000	\$ 2,005,000



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

Updated 6/2/2021

Items	Beginning Balance	Ending Balance	Variance	Notes
Adjusted Cash Balance	163,403,630	161,900,492	(1,503,138)	<\$1,503,138.27> expended in May 2021
Projected Revenue				
Bond Sales 2020 Measure R	-	-	-	
Less: Cost of Issuance	-	-	-	
Interest Earning & Other Revenue	2,005,000	2,005,000	-	
Projected Revenue Total	2,005,000	2,005,000	-	
Projected Available Funds	165,408,630	163,905,492	(1,503,138)	<\$1,503,138.27> expended in May 2021
Budget Balance				
Board Approved Budget	1,765,061,243	1,765,061,243	-	
Less Expenses to Date	(1,614,188,372)	(1,615,691,510)	(1,503,138)	<\$1,503,138.27> expended in May 2021
Budget Balance Total	150,872,871	149,369,733	(1,503,138)	
Projected Cash Balance June 2023	14,535,759	14,535,759	0	
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	575,000,000	-	



WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT

Bond Program Financial Status

As of May 31, 2021

Note 3 Budget Balance

Description	Note
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Board Approved Budget	This represents the current board approved budget amount and should agree with Report#2, Bond Program Spending by Site.
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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.
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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
Crespi 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 May 31, 2021

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
Crespi 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
Bond Program Spending to Date by Site
Data as of 05/31/2021

Updated 06/02/2021

Site Name	Original Budget *	Board Approved Budget 04/14/21	Expended FY 99-01 thru FY 19-20	Expended FY 20-21 Jul-May	Expended Total thru 05/31/21	Committed Balance as of 05/31/21	Budget Balance as of 05/31/21	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	2,205	1,641,076	218,795	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	1,771	321,397	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	5,749,276	43,051,463	91,167	986,694	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	379,075	15,120,300	2,614,091	3,776,614	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	7,958,344	611,655,641	3,324,762	84,081,703	
CRESPI 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 05/31/2021

Updated 06/02/2021

Site Name	Original Budget *	Board Approved Budget 04/14/21	Expended FY 99-01 thru FY 19-20	Expended FY 20-21 Jul-May	Expended Total thru 05/31/21	Committed Balance as of 05/31/21	Budget Balance as of 05/31/21	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	-	3,295,019	763,640	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	47,604	196,529,295	631,786	19,388,499	Footnote 2
RICHMOND HS	94,720,910	42,622,087	30,559,099	10,332,770	40,891,869	1,460,005	270,213	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	10,380,375	640,477,667	2,855,431	45,795,072	
ADAMS MS	703,660	691,211	691,211	-	691,211	-	-	Footnote 1
CAMERON	284,012	1,422,195	122,195	819	123,014	81,581	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	819	3,462,749	81,581	1,217,600	
CENTRAL	67,713,312	111,331,634	98,466,020	2,422,769	100,888,790	1,586,997	8,855,848	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	217,555	34,511,885	116,733	733,382	Footnote 2
Admin/Other Total	110,861,862	151,108,838	137,175,554	2,640,325	139,815,879	1,703,730	9,589,230	
GRAND TOTAL	1,262,354,248	1,765,061,243	1,594,510,658	21,180,852	1,615,691,510	8,230,634	141,139,099	

* 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.

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

May, 2021
Fund 21

Updated 06/02/2021

Vendor Name	Check No.	Check Date	Short Account	Invoice Number	Invoice Date	Amount	Invoice Description
Site 000 - UNDISTRIBUTED						46,487.79	
ALL COUNTY FLOORING	202761	05/11/21	21-9745-9570-000	1000003587-4	04/29/21	3,765.82	CONTRACT 1000003587 RETAINAGE 2/5/21-5/6/21
C OVERAA & CO	202635	05/04/21	21-9745-9135-000	1000002635-32TRUST	05/04/21	7,210.72	1000002635 MARCH 2021 RETAINAGE
LATHROP CONSTRUCTION ASSOCIATE	203210	05/25/21	21-9745-9135-000	1000003023-00028TRU	05/25/21	35,511.25	1000003023 MARCH 2021 RETAINAGE
Site 123 - FAIRMONT						3,704.14	
ALL COUNTY FLOORING	202614	05/04/21	21-9745-6211-123	1000003587-3	04/29/21	434.62	FAIRMONT ES CRITICAL NEEDS PHA MAR 2021
DIVISION OF STATE ARCHITECT	202979	05/18/21	21-9745-6205-123	01-11565	05/12/21	3,269.52	FAIRMONT ES #01-117906
Site 150 - RIVERSIDE						131,755.84	
C OVERAA & CO	202952	05/18/21	21-9745-6170-150	1000003589-02	05/06/21	31,053.09	RIVERSIDE ES CNP CONSTRUCTION 3/1/21-4/30/21
C OVERAA & CO	202952	05/18/21	21-9745-6201-150	1000003589-02A	05/06/21	91,410.25	RIVERSIDE ES CNP DESIGN 3/1/21-4/30/21
SVA ARCHITECTS, INC	202730	05/04/21	21-9745-6201-150	57581	04/28/21	9,292.50	RIVERSIDE ES - ARCHITECTURAL & ENG 4/28/21
Site 165 - MICHELLE OBAMA ELEM						2,407.92	
CONTRA COSTA COUNTY	203157	05/25/21	21-9745-6207-165	SR0013250	05/18/21	1,144.25	M OBAMA ES FINAL PLAN REVIEW FEE ANNUAL OPERATIN
FISHMAN SUPPLY CO	202990	05/18/21	21-9745-4400-165	1286032.3	05/06/21	763.67	M OBAMA ES CUSTODIAL SUPPLIES 1/5/21
SIERRA SCHOOL EQUIPMENT COMPAN	203085	05/18/21	21-9745-5890-165	404706	05/05/21	500.00	M OBAMA SCHOOL ANCHORING BOOKSHELVES
Site 364 - RICHMOND HIGH						733,225.36	
3QC	202924	05/18/21	21-9745-5890-364	62676	05/07/21	2,920.00	RHS GYM & VOLUNTARY SEISMIC RE 4/30/21
DECOTECH SYSTEMS	203169	05/25/21	21-9748-6460-364	1000003564-1	05/19/21	52,915.00	RHS AUDIO/VISUAL EQUIPMENT NEW AUXILLIARY GYM
LATHROP CONSTRUCTION ASSOCIATE	203024	05/18/21	21-9745-6201-364	1000003023-00028B	04/23/21	2,676.70	RHS - DESIGN 3/31/21
LATHROP CONSTRUCTION ASSOCIATE	203024	05/18/21	21-9745-6211-364	1000003023-00028	04/23/21	674,713.66	RHS - CONSTRUCTION 3/31/21
Site 615 - OPERATIONAL SUPPT SRVS CE						294,736.76	
AA OFFICE EQUIPMENT CO INC	202754	05/11/21	21-9745-5640-615	AR75954	04/30/21	62.17	FOC COPIERS- SERVICE MAINT. AG 3/25/21-4/24/21
AMAZON BUSINESS	202766	05/11/21	21-9745-4300-615	1NLG-GJMH-Q3P7	05/03/21	9.95	SHARPIE ACCENT GEL HIGHLIGHTER, ASSORTED COLOR
BPXPRESS REPROGRAPHICS	202949	05/18/21	21-9748-6207-615	RICH-3798	04/30/21	1,315.35	PVHS FIELD HOUSE & BLEACHERS
CONTROL AIR HOLDINGS, INC	203045	05/18/21	21-9748-5860-615	52002571	04/23/21	17,280.00	DISTRICT WIDE HVAC ASSESSMENT 4/23/21
EDUARDO DONOSO	202809	05/11/21	21-9745-5210-615	03/10/21-04/21/21	04/30/21	6.72	#EC2 MILEAGE REIMB 3/10/21-4/21/21
EMPLOYERS ADVOCATE INC	202660	05/04/21	21-9748-5890-615	11259	04/19/21	200.00	PROGRAM-WIDE PROJECT LABOR AGR MAR 2021
EMPLOYERS ADVOCATE INC	203181	05/25/21	21-9748-5890-615	11260	05/06/21	480.00	PROGRAM-WIDE PROJECT LABOR AGR APR 2021
LISA NAGAI	202863	05/11/21	21-9745-6217-615	54	05/03/21	5,840.00	CONSTRUCTION MANAGEMENT-PROJEC 4/30/21
ORBACH HUFF AND SUAREZ LLP	203231	05/25/21	21-9745-5895-615	93656	05/12/21	15,671.71	NYSTROM ES APRIL 2021
RGM KRAMER INC	203245	05/25/21	21-9745-6202-615	6524	05/17/21	33,280.00	FOC PROJECT AND CONSTR MGMT MAR 2021
RGM KRAMER INC	203245	05/25/21	21-9745-6217-615	6524	05/17/21	10,168.00	FOC PROJECT AND CONSTR MGMT MAR 2021
RGM KRAMER INC	203245	05/25/21	21-9748-6203-615	6524	05/17/21	20,710.00	FOC PROJECT AND CONSTR MGMT MAR 2021
SOUTHWEST SCHOOL & OFFICE SUPP	203091	05/18/21	21-9745-4300-615	PINV0811943	04/30/21	161.41	BLANKET PURCHASE ORDER 4/30/21
SOUTHWEST SCHOOL & OFFICE SUPP	203091	05/18/21	21-9745-4300-615	PINV0812538	05/04/21	10.45	BLANKET PURCHASE ORDER 5/3/21
SWINERTON MANAGEMENT & CONSU	202731	05/04/21	21-9745-6202-615	18100022-023	04/10/21	52,736.50	FOC - STAFF AUGMENTATION MARCH 2021
SWINERTON MANAGEMENT & CONSU	202731	05/04/21	21-9745-6217-615	18100022-023	04/10/21	43,833.00	FOC - STAFF AUGMENTATION MARCH 2021
SWINERTON MANAGEMENT & CONSU	203261	05/25/21	21-9745-6202-615	18100022-024	05/10/21	39,027.50	FOC - STAFF AUGMENTATION APRIL 2021
SWINERTON MANAGEMENT & CONSU	203261	05/25/21	21-9745-6217-615	18100022-024	05/10/21	38,141.50	FOC - STAFF AUGMENTATION APRIL 2021
TIMOTHY R. HALEY	202830	05/11/21	21-9748-6203-615	4	05/05/21	12,000.00	FOC DESIGN MANAGEMENT APRIL 2021
WEI JUN WANG	202918	05/11/21	21-9745-6202-615	0009	05/03/21	3,802.50	DISTRICT WIDE FACILITIES MGMT APRIL 2021
Site 686 - TECHNOLOGY - OPERATIONAL						206,677.32	
DECOTECH SYSTEMS	203169	05/25/21	21-9745-6460-686	1000003341-01A	05/12/21	206,677.32	COLLINS, MADER, MIRA VISTA - E RATE YEAR 23
Grand Total						1,418,995.13	



A/P Check List

May, 2021
Fund 21

Updated 06/02/2021

AP CHECKS TOTAL	1,418,995.13
Non expense account - RETENTION TO VENDOR'S ESCROW ACCOUNT	(42,721.97)
Non expense account - RETENTION PAID TO VENDOR	(3,765.82)
unpaid RETENTION WITHHELD AMOUNT	50,831.24
May.2021 PAYROLL	110,417.81
MANUAL JOURNAL ENTRY	(30,618.12)
TOTAL May.21 EXPENSE AMOUNT	1,503,138.27

Object 9570 - Retention withheld amount:

Vendor Name	Check No.	Check Date	Short Account	Invoice Number	Invoice Date	Amount	Invoice Description
ALL COUNTY FLOORING	202614	05/04/21	21-9745-6211-123	1000003587-3	04/29/21	22.87	FAIRMONT ES CRITICAL NEEDS PHA MAR 2021
C OVERAA & CO	202952	05/18/21	21-9745-6170-150	1000003589-02	05/06/21	1,634.37	RIVERSIDE ES CNP CONSTRUCTION 3/1/21-4/30/21
LATHROP CONSTRUCTION ASSOCIATE	203024	05/18/21	21-9745-6211-364	1000003023-00028	04/23/21	35,511.25	RHS - CONSTRUCTION 3/31/21
DECOTECH SYSTEMS	203169	05/25/21	21-9748-6460-364	1000003564-1	05/19/21	2,785.00	RHS AUDIO/VISUAL EQUIPMENT NEW AUXILLIARY GYM
DECOTECH SYSTEMS	203169	05/25/21	21-9745-6460-686	1000003341-01A	05/12/21	10,877.75	COLLINS, MADER, MIRA VISTA - E RATE YEAR 23
Grand Total						50,831.24	

Payroll

Project#	Check No.	Check Date	Short Account	Invoice Number	Invoice Date	Amount	Notes
66901396-01		05/28/21				91,813.94	Facility Program Staff May Pay
67001396-01		05/28/21				18,603.87	Assoc Supt Operation Staff May Pay
Grand Total						110,417.81	

Manual Journal

Vendor Name	Check No.	Check Date	Short Account	Invoice Number	Invoice Date	Amount	Notes
CONTRA COSTA COUNTY	203157	05/25/21	21-9745-6207-165	SR0013250	05/18/21	(995.00)	M OBAMA ES ANNUAL OPERATING FEE TO FUND 13
April 2021 Facility Staff Salary Adjustment thru Timesheet						(23,442.79)	See 3rd page for detail
April 2021 Assoc Supt Operat Staff Salary Adjustment thru Timesheet						(6,180.33)	See 3rd page for detail
Grand Total						(30,618.12)	

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

April 2021 Payroll Data (Salary + Benefits)

Facility Program Staff	Regular Payroll	Adjustment	Adjusted Amount
DIRECTOR FAC/PLANNING	\$ 12,381.25	\$ 1,945.59	\$ 14,326.84
BOND REGIONAL FACILT	\$ 14,141.50	\$ (1,838.41)	\$ 12,303.09
BOND REGIONAL FACILT	\$ 2,230.93	\$ (743.64)	\$ 1,487.29
DIRECTOR OF CONTRACT	\$ 13,552.95		\$ 13,552.95
ADMIN SVCS MANAGER	\$ 5,152.08	\$ (4,842.97)	\$ 309.11
ADMIN SVCS MANAGER	\$ 5,049.73	\$ (1,918.91)	\$ 3,130.82
ADMINISTRATIVE TECH	\$ 1,568.11	\$ (1,568.11)	\$ -
COORDINATOR-FISCAL	\$ 12,008.62	\$ (4,643.38)	\$ 7,365.24
ACCOUNTING TECH	\$ -	\$ 215.62	\$ 215.62
ACCOUNTING TECH	\$ 5,535.13	\$ (4,132.93)	\$ 1,402.20
SR BUDGET CLERK	\$ 5,915.65	\$ (5,915.65)	\$ -
			\$ -
Facility Program Staff Total	\$ 77,535.95	\$ (23,442.79)	\$ 54,093.16

Assoc Supt Operations Staff			
ASSO SUPT-FAC MAI BO	\$ 15,914.24	\$ (4,243.86)	\$ 11,670.38
SR ADMIN SECRETARY	\$ 2,689.53	\$ (1,936.47)	\$ 753.06
Assoc Supt Operations Staff Total	\$ 18,603.77	\$ (6,180.33)	\$ 12,423.44
Total Payroll	\$ 96,139.72	\$ (29,623.12)	\$ 66,516.60

DRAFT Summary of Public Comments
for Program Management Plan drafts

#	Section	Article	Change/Question Location	Feedback	Staff Response
1	P&O	Introduction: Paragraph 1	"This Bond Program Management Plan has been developed by Swinerton Management and Consulting, in conjunction with the West Contra Costa Unified School District, for use in administering the District's Bond Program."	Suggest instead "This Bond Program Management Plan has been developed by the West Contra Costa Unified School District for use in administering the District's Bond Program, with the support of Swinerton Management and Consulting."	Implemented
2	P&O	Introduction: Paragraph 5	"When new regulations or better practices emerge, the Director of Contract Administration will review any updates to the Plan with the Facilities Committee, which will determine whether/which revisions need to go to the Board for full approval."	I don't think the Facilities Committee has this authority. BB9130 says the Facilities Committee will act in an advisory capacity unless otherwise authorized by the Board.	Revised
3	P&O	I.A.1 Bond Management Team Vision/Purpose Statement	"Bond Management Team" (in Section Title)	Not clear exactly who this is.	We clarified throughout the document that the naming convention " Bond Controls Team" and we identified the positions in the narrative and the organization chart.
4	P&O	I.A.1 Bond Management Team Vision/Purpose Statement	"When finalized, it [Purpose Statement] will be added to this document"	When will it be available for review?	Updated
5	P&O	I.A.2.a Long-Range Facilities Master Plan Annual Review and Update	"The Facilities Planning and Construction Department reviews the FMP annually, presenting updates on each Master Plan project to the Board, as well as the overall schedule and budget."	More detail on what would drive an update as opposed to annual review. Address more specifically the FAI and FMP recommendation for periodic updates over time.	Revised

DRAFT Summary of Public Comments
for Program Management Plan drafts

#	Section	Article	Change/Question Location	Feedback	Staff Response
6	P&O	I.B.1.a Board of Education	"Members of the Board"	Individual Board members have no independent authority. Only the Board acting as a whole has authority.	Revised
7	P&O	I.B.1.c Implementation Task Force	Forensic Accounting (FAI)	INSERT Investigation	Revised
8	P&O	I.B.1.c Implementation Task Force	The express responsibility of the ITF is to reduce the District's risk and improve the overall operational and administrative efficiencies	The ITF is going away. This is the express responsibility of the Superintendent.	Revised
9	P&O	I.B.1.c Implementation Task Force	2nd bullet point: "Associate Superintendent, Business Services"	Various documents use different titles for this position. We need to agree on the title and use it in all documents.	Agree
10	P&O	I.B.1.c Implementation Task Force	3rd bullet point: "Associate Superintendent, Operations"	Various documents use different titles for this position. We need to agree on the title and use it in all documents.	Agree
11	P&O	I.B.1.c Business Services	5 th bullet point: "Internal Audits"	This is wrong. That position reports to the Superintendent.	Revised
12	P&O	I.B.1.c Business Services	7th bullet point	ADD 7th bullet point: Food Service	Revised
13	P&O	I.B.1.e Operations	"The Bond Controls Team, comprised of the Contracts Approver, the Fiscal Approver, and the Engineering Approver..."	Who are these people? Are these official positions with approved job descriptions and pay grades?	We clarified throughout the document that the naming convention " Bond Controls Team" and we identified the positions in the narrative and the organization chart.

DRAFT Summary of Public Comments
for Program Management Plan drafts

#	Section	Article	Change/Question Location	Feedback	Staff Response
14	P&O	I.B.1.e Operations (and throughout)	"The Bond Controls Team, comprised of the Contracts Approver, the Fiscal Approver, and the Engineering Approver..."	(and throughout) should the references be to job titles or to the individuals filling those roles?	We clarified throughout the document that the naming convention " Bond Controls Team" and we identified the positions in the narrative and the organization chart.
15	P&O	I.B.1.e Operations (and throughout)	Bond Controls Team... BCT	If acronyms are used, the document should use them consistently and an acronym glossary attached. (For example, Bond Control Team used on page 4 and Bond Control Team (BCT) used on page 5).	Acronyms will be defined when they first appear in "Sections" to allow potential readers who are only reading the sections that are directly relevant to a task at hand to understand the text and the acronyms without having to refer to another document. Appendix 3 is the Acronym Guide.
16	P&O	I.B.1.f School Sites	Entire Section	Board Member Panas requested at the Facilities Committee Meeting on 1/8/20, that the language clearly describe that staff input will be within the Board approved scope and budget.	Revised
17	P&O	I.B.2 District and Professional Services Annual Staffing Plan	"The Plan aligns staffing resources with the needs of the bond program and management to projects authorized for the upcoming fiscal year"	Staff should be allocated based on the hours they work. How does this align with the Moss-Adams audit exception on time keeping?	Revised
18	P&O	I.C Transparency and Communication	Section Title	Consider revising this heading, as it doesn't fully capture what is covered in this section.	Revised

DRAFT Summary of Public Comments
for Program Management Plan drafts

#	Section	Article	Change/Question Location	Feedback	Staff Response
19	P&O	I.C.3.a [Board of Education] Membership	"Term of four (4) years"	2 members currently are serving 2-year terms and after the election in November 2020 there will still be 2 members serving 2-year term [sic].	PMP narrative references website for most accurate and up to date information.
20	P&O	I.C.3.a [Board of Education] Membership	https://www.wccusd.net/domain/3196	The website reflects this same erroneous information (i.e 2 members currently are serving 2-year terms and after the election in November 2020 there will still be 2 members serving 2-year term [sic].)	website updated.
21	P&O	I.C.3.c BOE Precis	"Board authorization for various types of transactions is described in further detail in Section III.C. Board Authorization."	Please ADD the recent changes to fiscal impact in the updated BB9322.	BB 9322 was approved by the Board, but the BP does not appear to be updated on the website. Staff will follow up.
22	P&O	I.C.4.a [Facilities Committee] Membership	"The FC can approve Facilities matters with the delegated authority of the Board, or it can refuse to do so"	The FC can only approve things if the Board specifically delegates that authority to the FC. Right now [sic] there is no delegated authority.	Revised
23	P&O	I.C.5.a.i CBOC Outreach	Entire Section	I recall the FAI recommendation response was to advertise vacancies on the District website supplemented by personal networking. I think open advertisement should be emphasized as the primary means so as to be clear that membership is open to all, and not just those with "connections".	We are working with the Communications department to further highlight any opportunities to join the CBOC.
24	P&O	I.C.5.c CBOC Reporting	Entire Section	Not sure this section is necessary since it is already covered in Section 6.	Revised

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#	Section	Article	Change/Question Location	Feedback	Staff Response
25	P&O	I.C.5.d Annual CBOC Report	The CBOC shall provide to the District and to the public an annual report of its oversight..."	add "... and to the public" after to the District.	Revised
26	P&O	I.C.7 Compliance Audits	Entirety of Paragraph 1 and subsequent 6 bullet points	This section should have its own heading as the Internal Audit Department is not usually associate [sic] with our compliance audits.	Revised
27	P&O	I.C.7.a Compliance Audits	Entire Section	In this section we should include the role of Moss-Adams on the Forensic Accounting Investigation review.	Brief explanation in the FAI section.
28	P&O	I.C.7.b Implementation Task Force	"As described in further detail in Section I.B.1.c Implementation Task Force, a member of the Internal Audit Department"	CROSSOUT a member of the Internal Audit Department; REPLACE with Director of Internal Audit.	Revised
29	P&O Appendix	Appendix Item 1 Bond Team Organizational Chart	Entire Org Chart	This org chart should have names and formal job titles; it should also conform to the District org chart.	Revised
30	P&O Appendix	Appendix Items 3-8	Consolidated Budget Status Report, Program-Wide; Consolidated Budget Status Report, 2016 Facilities Master Plan-Specific; Bond Program Spending to Date by Site 11; Bond Program Financial Status, Report 13; Impact of Report 13 Variance; A/P Check List	Replace the reports with the January 2020 reports	Currently reflecting March 31, 2021 reports
31	P&O Appendix	Appendix Item 4 Consolidated Budget Status Report, 2016 Facilities Master Plan-Specific	Page 10 of 21: "Measure 1998E Project, DeJean, PVHS, Central Program"	We should use the 1998E DeJean, PVHS, and Central Program numbers here.	Revised

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32	P&O Appendix	Appendix Item 4 Consolidated Budget Status Report, 2016 Facilities Master Plan-Specific	Page 11 of 21: "Entire chart/page"	We should use the 1998E DeJean, PVHS, and Central Program numbers for the previous page here.	Revised
33	Admin	III.A.1 Contract Administration	"The West Contra Costa Unified School District (WCCUSD) Contracts Team , under the Facilities and Operations Division"	Who is this specifically? What positions/Job titles are the "Contracts Team"?	Revised. For additional information, please refer to the Org Chart, Appendix 1.1.
34	Admin	III.A.1 Contract Administration	"The Contract Team's purpose is to ensure that the procurement of goods and services is conducted in accordance with... and the District's internal control policies " (Paragraph 1)	If we are going to cite this, we need to be more specific about which internal controls. Also, how many of these specific control procedures have yet to be verified by the auditors?	Verification of Implementation Audits are anticipated to be complete by Dec 2021.
35	Admin	III.A.1 Contract Administration	"A bid summary form may be completed for public works projects to help determine the bidding method (formal or informal)." (Paragraph 2)	The auditors may look for the objective criteria for using a bid summary form, so consider providing the specific criteria for using the form or not.	Revised
36	Admin	III.A.1 Contract Administration	"An independent contractor is defined as an individual who acts as a company in performing a service for or providing a tangible product to the District." (Paragraph 4)	This is not an accurate description per the Labor Code of the IRS; plus AB5, which went into effect on January 1, gets additional rules for classifying people as independent contractors.	Revised

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#	Section	Article	Change/Question Location	Feedback	Staff Response
37	Admin	III.A.1 Contract Administration	"In accordance with Board Policy 3600, the District may require independent contractors to submit a written conflict of interest statement disclosing financial interests and shall determine the need or lack thereof for this conflict of interest statement before beginning the contracting process" (Paragraph 5)	Consider providing the specific criteria for requiring the conflict of interest statement.	Conflict of Interest best practices being used at various District's are being considered for potential adoption. Current review includes LAUSD.
38	Admin	III.A.2.a Purchasing Bid Limits and CUPCCAA	1st bullet point: Maintenance Repairs that are not considered public projects per PCC 22002 (C)	Can we footnote this or more fully describe this in the text?	Revised
39	Admin	III.A.2.a.ii Informal Bid: greater than \$60,000 but less than \$200,000	1. The Contracts Team sends a Notice of Invitation requesting informal bids to a list of specified trade journals at least ten (10) days prior to the informal bid closing date.	State how and by whom the list of specified trade journals is determined.	Revised
40	Admin	III.A.2.a.iii Formal Bid: greater than \$200,000	"Any contract for construction services may be subject to standard formal bidding procedures."	What are the criteria for deciding if a contract that does not meet the threshold should be formally bid?	Revised
41	Admin	III.A.2.a.iii Formal Bid: greater than \$200,000	5th bullet point: However, the Board of Education may either waive minor and non-substantive irregularities that do not provide a competitive advantage or reject bids that do not conform completely to the notice calling for bids and bid specifications.	Suggest citation of the code that provides this authority.	Revised

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42	Admin	III.A.2.a.iii Formal Bid: greater than \$200,000	8th bullet point: Listed Contractors / Subcontractors can only be substituted under very specific circumstances, as permitted by the PCC, and with the District's written permission.	Suggest specific citation of the section of the PCC.	Staff is considering the creation of a code summary for a future appendix. For now, we tried to list the code reference throughout the narrative whenever possible.
43	Admin	III.A.2.a.iii Formal Bid: greater than \$200,000	11th bullet point: Specifications may designate by brand or trade name if the Board has made a finding based on the following...	Suggest citation of the code or policy that provides this authority.	Staff is considering the creation of a code summary for a future appendix. For now, we tried to list the code reference throughout the narrative whenever possible.
44	Admin	III.A.2.b Conflict of Interest Policy	"In the standard construction bidding requirements, contractors must provide a Non-Collusion Declaration with their bids.... For professional service providers, the RFQ/RFP process includes a certification of conflict of interest."	I think it would be good to be more specific and detailed about the circumstances under which Declarations and Certifications are or are not required. The phrase "standard construction bidding" may be confusing: does it mean all types of bids including informal quotes under the threshold, does it apply to contractors who apply to be on the bidders list or only when they bid?	Conflict of Interest best practices being used at various District's are being considered for potential adoption. Current review includes LAUSD.
45	Admin	III.A.2.c Contract Templates	"District Legal Counsel will annually review the standard contract and amendment templates to implement any updates in regulatory requirements, as well as any recommendations that can strengthen the District's protections."	Just to note that the auditor will want documentation to support that the District has complied with this statement.	Note appreciated

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#	Section	Article	Change/Question Location	Feedback	Staff Response
46	Admin	III.A.3.b Construction Delivery Methods	Entire Section	It would be good to provide specific criteria for determining whether to use DBB or DB.	Revised
47	Admin	III.A.4 Professional and Special Services	“Architectural and professional services providers are subject to a fair and competitive selection process, and special services providers may be as well. Responses to the District’s Request for Qualifications (RFQ), followed by their Request for Proposals (RFP) are thoroughly reviewed and evaluated. The comprehensive evaluation of each firm’s qualifications is thoroughly documented, and the selection of the designed firm is specifically justified.”	What are the objective criteria for deciding whether a special service provider would be subject to competitive selection process?	Staff is considering the creation of a code summary for a future appendix. For now, we tried to list the code reference throughout the narrative whenever possible.
48	Admin	III.A.4 Professional and Special Services	“There is an exemption to the competitive selection process for service providers. Without going to bid, Districts may contract with an entity to furnish “special services and advice” to the District in financial, economic, accounting, engineering, legal, or administrative matters.”	Cite the authority to the exemption and the quoted criteria. What is the process to determine that a non-competitive selection process is appropriate and how is this documented?	Staff is considering the creation of a code summary for a future appendix. For now, we tried to list the code reference throughout the narrative whenever possible.
49	Admin	III.A.4.a Proposal Approval Checklist	Item iv: “Fiscal Approver shall review and approve if the project is within the board approved budget. Funding availability will be checked.”	I think this is out of compliance with Board Bylaw 9322. Also [sic] I don’t think the staff has authority to transfer budget between object codes on a project without Board Approval.	Any project budget increase or decrease will require Board approval, before the funding can be reallocated.

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50	Admin	III.A.6.a [Fraud Prevention] Controls	"These controls may include, but are not limited to, segregated employee duties relating to authorization, custody of assets, and recording or reporting of transactions."	CROSSOUT the "may." Instead of broadly describing the areas of the Internal Controls, can we precisely describe what the internal controls are?	Revised
51	Admin	III.A.6.a [Fraud Prevention] Controls	"District staff are also provided continuous in-service training on the importance of fraud prevention."	Is there/should there be a requirement to report all cases of suspected fraud to the Board?	WE TIP https://www.wccusd.net/domain/1845
52	Admin	III.A.6.b [Fraud Prevention] Deviations	"The Superintendent or designee" (Paragraph 2)	CROSSOUT and REPLACE with Board. The Director of Internal Audit shall be the mechanism by which this (SMC: the fraud investigation?) is implemented. As specified in the job description, the Director of Internal Audit reports to the Board. For administrative purposes, the Director of Internal Audit reports to the Superintendent.	Revised
53	Admin	III.B.1.b Project Controls Threshold Chart	"A Bid Coordination and Schedule Checklist, attached in the Appendix as Item 3, is sometimes completed for public works projects to help outline the bidding milestone dates."	What are the objective criteria to determine whether the checklist is completed?	Revised
54	Admin	III.B.2 Construction: Design-Bid-Build	This entire section and the entirety of III.B.3 Construction: Design-Build	The way these two sections are organized may be interpreted to mean the PLA and LCB program apply to DBB but not DB. Assuming it's the case they apply to both contracting methods, you might break out a separate section "Provisions that Apply to All Construction Bidding".	Revised

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#	Section	Article	Change/Question Location	Feedback	Staff Response
55	Admin	III.B.2.a Project Labor Agreement	"Originally, the PLA applied to the projects listed on Attachment B to the agreement; however, there is a provision that allows the agreement to be extended to other projects. Contract documents for all bond-funded projects that cost \$1 million or more include an extension of the PLA to each project."	Suggest wording revision to make it clearer how the PLA extends to all bond-funded projects over \$1 million. "Allows" implies that a choice had/has to be made. If the District has agreed to apply the PLA to all projects over \$1 million, suggest citation to the document approving that decision.	Revised
56	Admin	III.B.2.b Local Capacity Building Program (LCBP)	"Due to the legislative changes and considerable cost-savings, the District discontinued the Labor Compliance Program in June 2017."	How was this decision documented? Was there Board approval or notification documented? Recognizing that this topic has come up before in audit reports, what is the written procedure to track and enforce contractor requirements for good faith efforts and reporting to the DIR? How and when is the performance of the LCB program evaluated?	Revised
57	Admin	III.B.2.c Contractor Prequalification	"The District may include any contractor's name it desires on the contractors list..."	What are the written criteria used to decide to include a contractor on the list if it has not applied or previously bid?	Revised
58	Admin	III.B.2.d Front-End Documents (Division 00 and 01)	"The Project Manual that is produced by the Architect includes the administrative, organizational, performance, and payment requirements from Division 00 and 01, which are known as the Front-End Documents."	Consider revising to make this clearer, for example, maybe "The Project Manual for a particular project that is produced by the Architect of Record for the project..."	Revised

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#	Section	Article	Change/Question Location	Feedback	Staff Response
59	Admin	III.B.2.m [Construction: Design-Bid-Build] Board Authorization	"The Board précis is then routed for review and approval to the Bond Controls Team"	INSERT draft to make "the draft Board précis"	Revised
60	Admin	III.B.2.m [Construction: Design-Bid-Build] Board Authorization	"The Contracts Approver will finalize the Board précis and forward the document"	Change to "make a final check of the draft précis"	New section outlining Board précis components in Admin Section 4.1.3.
61	Admin	III.B.2.m [Construction: Design-Bid-Build] Board Authorization	The Associate Superintendent of Operations (ASO)	This position does not exist	Revised
62	Admin	III.B.2.n [Construction: Design-Bid-Build] Notice of Award	"The Notice of Award (NOA) is Document 00 51 00 of the Front-End Documents and attached in the Appendix as Item 17"	The Appendix should include the formats for all eight possible Board actions. These include: 1) Initial budget authorization for new-project; 2) Project budget increase; 3) Budget transfers within a project between major objects; 4) Budget transfers between projects; 5) expenditure authorization for agreements, change orders, and purchase orders; 6) Acceptance for project work and approval of Notice of Completion; 7) final Budget Adjustments; and 8) Budget transfers between fiscal years with no total project budget increase.	See Admin Section 4.1.3 and Appendix Section 1.4.

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#	Section	Article	Change/Question Location	Feedback	Staff Response
63	Admin	III.B.3 Construction: Design-Build	This entire section and the entirety of the preceding section, III.B.2 Construction: Design-Bid-Build	The way these two sections are organized may be interpreted to mean the PLA and LCB program apply to DBB but not DB. Assuming it's the case they apply to both contracting methods, you might break out a separate section "Provisions that Apply to All Construction Bidding".	Revised
64	Admin	III.B.3.b Design-Build Contract	"When the Design-Build contract has been finalized and approved with the selected DBE, the Associate Superintendent's confidential secretary will prepare a Proposal Approval Checklist Form (PACF)"	Check to see that title is consistently applied through the document: Associate Superintendent, Associate Superintendent for Operations, or ASO.	Revised
65	Admin	III.B.4 Professional and Special Services	"Government Code §53060 states that school districts and other public entities may contract with persons or firms who provide "special services and advice" to the District in financial, economic, engineering, accounting, legal, or administrative matters without going to bid."	As noted above, recommend including somewhere in the administrative section a description of the criteria used and documentation of a decision to sole source a professional service contract.	Updated

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#	Section	Article	Change/Question Location	Feedback	Staff Response
66	Admin	III.B.4.a Request for Qualifications	“District staff will evaluate SOQs using a set of uniform criteria to determine the firms that are well qualified to perform the services on future projects at school sites throughout the District. District staff may select any firms that meet their needs; fees are not the sole factor. All qualified firms or individuals shall be accorded equal opportunity for consultant contracts regardless of race, color, gender, national or ethnic origin, age, or disability.” (Paragraph 3)	Reword, as this might be interpreted that staff can choose any firm they want without regard to uniform criteria. I think the intent is to say that there are uniform criteria applied of which fees are one but not the sole criteria. Furthermore, if the non-discrimination clause is included here, ensure its applied consistently throughout the text (or leave it out) so as not to imply it applies to professional service providers only.	Revised
67	Admin	III.B.4.c Request for Qualifications and Proposals (RFQ/P)	Entire Section	Is there a dollar threshold over which the two-step process would always apply?	Staff is considering the creation of a code summary for a future appendix. For now, we tried to list the code reference throughout the narrative whenever possible.
68	Admin	III.B.5.a . Public Contract Code §10298 et. Seq – CMAS	Entire Section	This section seems to be duplicative with the “Goods and Materials” section on page 13, so you may want to consolidate. The final paragraph describes the criteria for using CMAS; it would be good to have a description of the criteria for any non-bid goods and materials, as well procedure to document the rationale.	The entire section was adjusted to address the repetitive nature of the previous draft. Thank you!

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#	Section	Article	Change/Question Location	Feedback	Staff Response
69	Admin	III.C.3 [Board Authorization] Professional and Special Services	Add-Service Amendments for Board Ratification are submitted every 60 days pursuant to Board Policy and Administrative Regulation 3300	BP 3300 has no authority to support this statement. AR330 requires monthly reporting to the board, not 60 days.	Revised
70	Admin	III.D.1 Centralized Filing System	"The Facilities Procurement Group provides overall responsibility to the District to maintain the project archive files"	Who is this, specifically? What positions/job titles make up this group?	Revised throughout to align with the Org Chart in Appendix 1.1
71	Admin	III.D.4.a [Colbi Docs] Description	"Colbi Docs is an online construction document processing system which is replacing Primavera"	The Colbi account # String has a different format than the SACS account # String. Will users see Colbi-format account # String, which would require a crosswalk, or SACS-format account # Strings? We have already seen that all the dollars associated with bond projects have been transferred into Colbi. What about all the paperwork? Is paperwork from past projects going to migrate into the Colbi system? If so, what is the timeline for this? If not, how will we maintain the Primavera system?	Primavera is available as an archive.
72	Admin	III.D.4.b [Colbi Docs] Procedure Workflow	"The workflow and order of steps for routing the following types of documents in Colbi Docs is still subject to determination by District"	Is this a remnant from a previous version or are we saying here that we are doing all this work before we know what the workflows are??	The workflow is generally the same, however, some projects may have project specific variations depending on the delivery method, DSA, etc.

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#	Section	Article	Change/Question Location	Feedback	Staff Response
73	Admin Appendix	Appendix Item 1: Proposal Approval Checklist Form	Account Code (Project String/GL Account)	The Colbi account # String has a different format than the SACS account # String. Will users see Colbi-format account # String, which would require a crosswalk, or SACS-format account # Strings? We have already seen that all the dollars associated with bond projects have been transferred into Colbi. What about all the paperwork? Is paperwork from past projects going to migrate into the Colbi system? If so, what is the timeline for this? If not, how will we maintain the Primavera system?	Primavera is available as an archive.
74	Admin Appendix	Appendix Item 11: Change Order Consent Item Precis	Throughout	1) This form now includes the change order reason code. 2) The Colbi account # String has a different format than the SACS account # String. Will users see Colbi-format account # String, which would require a crosswalk, or SACS-format account # Strings? We have already seen that all the dollars associated with bond projects have been transferred into Colbi. What about all the paperwork? Is paperwork from past projects going to migrate into the Colbi system? If so, what is the timeline for this? If not, how will we maintain the Primavera system?	Primavera is available as an archive.

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#	Section	Article	Change/Question Location	Feedback	Staff Response
75	Admin Appendix	Appendix Item 12: Change Order Action Item Precs	Throughout	1) Board Bylaw 9322 requires the precis to indicate whether or not any new spending is within the Board-approved budget. 2) Shouldn't this match the format of the previous page, including the change order reason code?	Admin Section 1.4.
76	Admin Appendix	Appendix Item 12: Change Order Action Item Precs	Fiscal Impact	The Colbi account # String has a different format than the SACS account # String. Will users see Colbi-format account # String, which would require a crosswalk, or SACS-format account # Strings? We have already seen that all the dollars associated with bond projects have been transferred into Colbi. What about all the paperwork? Is paperwork from past projects going to migrate into the Colbi system? If so, what is the timeline for this? If not, how will we maintain the Primavera system?	Primavera is available as an archive.
77	Fiscal	Throughout	Throughout	Throughout this document, it would be better to use position titles rather than job descriptions!!	We have aligned any position or team reference to align with the Org Chart in Appendix 1.1.
78	Fiscal	IV.A.1 Design and Construction Budget Management	Once the project budget is approved by the Board, the Fiscal Initiator will set up the project in MUNIS.	Who is this? Is there a position title that corresponds to this role?	We have aligned any position or team reference to align with the Org Chart in Appendix 1.1.

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#	Section	Article	Change/Question Location	Feedback	Staff Response
79	Fiscal	IV.A.1 Design and Construction Budget Management	"The Project Detail Form requires approval and date from both Fiscal and Facilities Approvers"	Is this the "New Bond Program Project Detail Form"?	Yes
80	Fiscal	IV.A.2 Monthly Reconciliation Project Ledger to General Ledger	"Reconciliation of the SACS code (General Ledger Account Code) and the Project Ledger Account Code is completed monthly"	Is this a reconciliation of the account numbers or the amount in the accounts??	The reconciliation is for both the main account segments and amounts.
81	Fiscal	IV.A.3 Project Budget Transfers	"The Fiscal Approver will then review the FY, account string and amount, and verify that the budget transfer will keep the project within the Board-approved amount... Per the requirements of Ed Code 42600, budget transfers between cost codes with no change to the overall project budget are brought to the Board quarterly." (Paragraph 2-3)	BB9322 requires a fiscal impact statement that the expenditure is within the Board-approved budget. How will this work?	See Admin Section 4.1.3

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#	Section	Article	Change/Question Location	Feedback	Staff Response
82	Fiscal	IV.B.1 Cost Codes-Chart and Explanation	"The District's MUNIS system uses General Ledger Account Codes (GL) to track all financial transactions against project budgets within a fiscal year. The Project Ledger (PL) is a subsidiary ledger..."	We have a number of coding schemes. Do we need to discuss the relationships between the: MUNIS General Ledger Account Code; MUNIS Project Ledger Account Code; Colbi; Colbi Doc; Primavera (and will these survive in any way?)	MUNIS is the District's current audited financial system. Primavera was a separate system. Now AccountAbility through (Colbi) is the separate project management system. The monthly reconciliation of MUNIS GL and PL includes reconciliation against AccountAbility, which produced some of the monthly financial reports.
83	Fiscal	IV.D.2 Annual Reports	Bullet point reading: Bond Program Key Performance Indicators (KPI) Summary	ADD as of Dec 31, 2019	Updated to Dec 31, 2020 Revised
84	Fiscal	IV.E.1 Munis	"MUNIS, which is reconciled monthly for accuracy by the Fiscal Approver"	What is MUNIS reconciled to monthly?	The reconciliation includes the main account segments and amounts.
85	Fiscal Appendix	Appendix Item 1.01 Proposal Approval Checklist Form	Account Code (Project String/ GL Account)	Can we be clear about whether this is a Colbi account number string or a SACS account number string? Do we need a crosswalk?	The Project String comes from the Project Ledger in MUNIS.
86	Fiscal Appendix	Appendix Item 1.01 Proposal Approval Checklist Form	Budget Amendment/Transfer Submission Date	The Board approves project budgets that include budgeted amounts by account number. So the Board should approve transfers between account numbers.	Under consideration
87	Fiscal Appendix	Appendix Item 1.01 Proposal Approval Checklist Form	Coord of Finance Signature	Is this a finance person outside of the Facilities Department? It should be...	The Bond Fiscal Coordinator works directly with the Bond Program under the direction of Mr. Freese, but also functionality reports to Business Services.

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#	Section	Article	Change/Question Location	Feedback	Staff Response
88	Fiscal Appendix	Appendix Item 1.02 DSA Check Request	10 (Fund 21 Project String), 11 (Fund 21 GL Account Code), 12 (Other Account Code)	Can we be clear for the non-expert reader whether these are SACS format or Colbi Docs format?	The code provided on all reports represents the MUNIS format.
89	Fiscal Appendix	Appendix Item 1.03 Check Request	Entire Item	Is this exactly the same as Appendix Item 1.02 except that 1.02 is for DSA?	Yes, so we revised.
90	Fiscal Appendix	Appendix Item 2.04 New Bond Program Project Detail Form	Munis Project String	Just the project string or should there be more here?	When you enter the project string in MUNIS, it will populate the general ledger string.
91	Fiscal Appendix	Appendix Item 2.04 New Bond Program Project Detail Form	"The future PL budget must be reversed and re-entered with GL accounts when Board adopts the new budget for that year"	Why is this happening? It's not at all clear to me why this needs to occur.	The project ledger can be populated for a total of five future years. The general ledger can only be populated for the current fiscal year.
92	Fiscal Appendix	Appendix Item 2.05 Project Multi-Year Budget Amendment/Transfer	Throughout	It is not clear when/how this is supposed to occur.	Revised
93	Fiscal Appendix	Appendix Item 2.06 General Journal Entry Form	"Proj/Sitesub/Resobj/Cost"	What are these? MUNIS? Colbi? Something else?	MUNIS
94	Fiscal Appendix	Appendix Item 4.01 Chart of Account Segments	Pages 1-29	For pages 1 through 29 of this table, shouldn't the choices be limited to the various SACS codes that can be used in the Facilities Department?	The District chart of accounts is provided, since we do not produce a subsets of the chart of accounts by department.
95	Fiscal Appendix	Appendix Item 4.02 Cost Code Chart	Throughout	The cost codes listed include ones that are not listed in Appendix 4.02, for example 108X55P. Should there be a one to one match?	Updated

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#	Section	Article	Change/Question Location	Feedback	Staff Response
96	Fiscal Appendix	Appendix Item 4.03 Cost Code Explanations and Examples	Throughout	The cost codes listed include ones that are not listed in Appendix 4.02, for example 108X55P. Should there be a one to one match?	Updated
97	Fiscal Appendix	Appendix Item 8.04 FOC Invoice Tracking Sheet	Entire Item	Is this form filled out by the computer or is this tracked manually?	Removed
98	Fiscal Appendix	Appendix Item 10.01 Bond Program MUNIS Workflow	Entire Item	This forms [sic] are nice, it would be best if we could include the position title. Why are we missing most of the steps? The top line goes from step 5 to step 15 to step 40 to step 80. Most of the steps are missing!	MUNIS approval workflow "steps" support District wide implementation. The "steps" listed apply to the department.
99	Fiscal Appendix	Appendix Item 10.02 Invoice Process	Entire Item	I think it would be best if we included the position titles here.	We have aligned any position or team reference to align with the Org Chart in Appendix 1.1.
100	Fiscal Appendix	Appendix Item 10.03 Pay Application Process	Entire Item	I think it would be best if we included the position titles here.	We have aligned any position or team reference to align with the Org Chart in Appendix 1.1.

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#	Section	Article	Change/Question Location	Feedback	Staff Response
101	Fiscal			For each bond financing transaction, the District shall work with its municipal advisor to identify applicable procedures and issuance strategy in advance of the financing process. Various factors may be considered including interest rate environment, debt structure, credit rating profile, and market conditions at time of sale. Additionally, the following are applicable for each bond financing transaction:	Incorporated

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#	Section	Article	Change/Question Location	Feedback	Staff Response
				I. Post-Financing Review: Upon successfully closing each transaction, District Staff and/or municipal advisor will report financing results to the Board of Trustees. The results will summarize transaction highlights such as final debt service, maturity term, repayment ratio, true interest cost and cost of issuance. Other pertinent details may also include pricing results, credit rating outcome, tax rate projections, available bonding capacity, and future bond issuance plans. For negotiated sale transactions, a post-financing review may also report secondary trade activity following initial issuance. District staff will work closely with its municipal advisor to monitor secondary market trades, identifying any specific activity in which there are unusual or significant change to price and/or yield. Review of secondary trades will extend for approximately a 30-day period following the initial sale.	
Staff	Fiscal				incorporated

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#	Section	Article	Change/Question Location	Feedback	Staff Response
Staff	Fiscal			II. Refunding of Outstanding Bonds: On April 24, 2013, the District adopted its Refunding and Restructuring Policy (B.P. 7214.3). The policy was adopted to provide specific parameters and guidelines when considering the issuance of refunding bonds. The policy extends beyond statutory requirements and is intended to assist with the decision-making process and to provide a basis for determination on when to issue refunding bonds. Specific objectives are outlined within the policy including minimum present value savings, tax rate management objectives and/or debt service restructuring. Policy guidelines require a minimum net present value savings of at least 4%, a minimum of \$1 million present value savings and/or annual savings in excess of \$100,000. Furthermore, the policy requires an annual report be presented to the Board of Trustees reviewing outstanding debt obligations and consideration of potential refunding candidates. Please refer to the Refunding and Restructuring Policy for	incorporated

DRAFT Summary of Public Comments
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#	Section	Article	Change/Question Location	Feedback	Staff Response
				III. Arbitrage and Investments: On November 12, 2014, the District adopted its General Obligation Bond/Post-Issuance Tax Compliance Procedures (AR 7214). The purpose of this Administrative Regulation is to establish specific procedures and assigned responsibilities which will assist the District in complying with its federal tax obligations for tax-exempt bonds. Please refer to the Post-Issuance Tax Compliance Procedures for further details. -Investments: Proceeds generated from the issuance of bonds are required to be deposited within the County Pool and therefore the District has little discretion on how funds are invested. Bond proceeds are only made accessible to the District upon requisition for applicable capital facility expenditures. -Arbitrage: Consideration for arbitrage becomes present when there are bond proceeds that have not been spent for a bond-financed project. Every fifth year after the issue date of bonds, the District shall have a nationally	
Staff	Fiscal				Incorporated
102	Project	Page 1	Introduction	consider making the reference to the FMP more generic so it doesn't contain specific dates or activities, that way the BPMP won't have to be revised so frequently.	Revised

DRAFT Summary of Public Comments
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#	Section	Article	Change/Question Location	Feedback	Staff Response
103	Project	Page 1	Project Initiation	the plan jumps right into initiation of a specific project. It would be good to have a section or introduction that addresses the big picture. What are the processes and decision making/approvals related to initiating a project or group of projects from the master plan for implementation and assignment to a project manager?	Revised
104	Project	Page 2 - 2a ii	New Construction	I think there should be a more specific definition of project stakeholders (for example, does it include other District departments, the school community, the neighborhood community) and specifics about the responsibilities for the PM for engaging stakeholders (for example, community meetings, establishing a school task force). I also think there should be more emphasis at the beginning of the section on the established framework the PM and design team are operating under. They aren't starting with a fresh sheet of paper; rather they are guided by a high-level project concept from the approved facilities master plan and the educational specifications.	Revised

DRAFT Summary of Public Comments
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#	Section	Article	Change/Question Location	Feedback	Staff Response
105	Project	Page 4 - 2b	Budget	I think there needs to be more specifics on the approval process for the project budget after validation by the PM and design team. I presume that after validation, the budget needs to go to Board for approval. Also, check that the usage of “project budget” and “construction budget” are used precisely and not interchangeably.	Revised
106	Project	Page 6 - 2i.	Project Delivery Method	what are the decision criteria for choosing one method or the other? Who decides and how is the decision documented?	Revised
107	Project	Page 9- 3b.iv	Schematic Design Phase Deliverables	refers to two defined terms “Preliminary Cost Estimate of the Work” and “Program Document”, but does not define these terms or how they are prepared or determined.	Under consideration
108	Project	Design Phase	General Comments	General Comment/Question – are design plans presented to project stakeholders for their input at certain points in the design process?	Under consideration
109	Project	Page 14 B.1	Pre-Construction	what approvals are required to issue NTP?	Revised
110	Project	Page 16 B.2	Construction Management	is there/should there be a documented requirement for regular communication to the community – project newsletter?	Revised

DRAFT Summary of Public Comments
for Program Management Plan drafts

#	Section	Article	Change/Question Location	Feedback	Staff Response
111	Project	Page 26 - C	Closeout	recommend consideration of establishing formal project after-action review/report submitted to District management and the Board in which the PM and the project team evaluate the project to established lessons learned that could be applied to future projects and as consideration in working with the particular contractor in the future.	Under consideration
112	Project	Page 1 - II.	Budget	This document is not clear as to how budgets for both hard and soft costs are determined, controlled, and approved by staff and the Board throughout the project phases.	Revised
113	Project	Page 1 - II.A1.	order of magnitude budget	This document is not clear as to how budgets for both hard and soft costs are determined, controlled, and approved by staff and the Board throughout the project phases.	Revised
114	Project	Page 1 - II.A1.	Project Budget (first bullet)	This document is not clear as to how budgets for both hard and soft costs are determined, controlled, and approved by staff and the Board throughout the project phases.	Revised
115	Project	Page 4 - ii	Programming (third paragraph) Space Planning Checklist	This document is not clear as to how budgets for both hard and soft costs are determined, controlled, and approved by staff and the Board throughout the project phases.	Revised

DRAFT Summary of Public Comments
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#	Section	Article	Change/Question Location	Feedback	Staff Response
116	Project	Page 4 - ii	Programming (third paragraph, last sentence) Construction cost estimate	This document is not clear as to how budgets for both hard and soft costs are determined, controlled, and approved by staff and the Board throughout the project phases.	Revised
117	Project	Page 4 - d.	Budget	This document is not clear as to how budgets for both hard and soft costs are determined, controlled, and approved by staff and the Board throughout the project phases.	Revised
118	Project	Page 4 - d.	Initial Project budgets	This document is not clear as to how budgets for both hard and soft costs are determined, controlled, and approved by staff and the Board throughout the project phases.	Revised
119	Project	Page 4 - d.	...cost into alignment with the budget	This document is not clear as to how budgets for both hard and soft costs are determined, controlled, and approved by staff and the Board throughout the project phases.	Revised
120	Project	Page 4 - d.	Budget (second paragraph) and budget	This document is not clear as to how budgets for both hard and soft costs are determined, controlled, and approved by staff and the Board throughout the project phases.	Revised
121	Project	Page 5	(first sentence) approved construction budget	This document is not clear as to how budgets for both hard and soft costs are determined, controlled, and approved by staff and the Board throughout the project phases.	Revised

DRAFT Summary of Public Comments
for Program Management Plan drafts

#	Section	Article	Change/Question Location	Feedback	Staff Response
				It would be useful to have a chart in this format for both Design Build and Design Bid Build. (First column Phase; Second Column How is budget determined, total hard and soft costs; Third Column Who approved budget?; First row Initiation, Second Row Pre-Design; Third row Design; Fourth row Construction & COs). Perhaps the phases could be detailed with the sub phases so that the budget control and management system would be clear to the reader.	
122	Project	Page 7	Project Delivery Method		Revised
123	Project	Page 8	3.b within the budget	This document is not clear as to how budgets for both hard and soft costs are determined, controlled, and approved by staff and the Board	Revised
124	Project	Page 9- iii.	Schematic Design Construction Cost Estimate	This document is not clear as to how budgets for both hard and soft costs are determined, controlled, and approved by staff and the Board throughout the project phases.	Revised
125	Project	Page 9- iii.	compliance with budget requirements	This document is not clear as to how budgets for both hard and soft costs are determined, controlled, and approved by staff and the Board throughout the project phases.	Revised
126	Project	Page 9 - v.	(first bullet) Preliminary Cost Estimate of the Work	This document is not clear as to how budgets for both hard and soft costs are determined, controlled, and approved by staff and the Board throughout the project phases.	Revised

DRAFT Summary of Public Comments
for Program Management Plan drafts

#	Section	Article	Change/Question Location	Feedback	Staff Response
127	Project	Page 10 - ii.	Schematic Design Cost Estimate	This document is not clear as to how budgets for both hard and soft costs are determined, controlled, and approved by staff and the Board throughout the project phases.	Revised
128	Project	Page 10 - ii.	probable construction costs	This document is not clear as to how budgets for both hard and soft costs are determined, controlled, and approved by staff and the Board throughout the project phases.	Revised
129	Project	Page 11 - ii.	cost-effective	This document is not clear as to how budgets for both hard and soft costs are determined, controlled, and approved by staff and the Board throughout the project phases.	Revised
130	Project	Page 12-4a	Uniform Criteria	these criteria should be included in this document or there should be a reference to where they are available for review.	The critiera is dependant on the project.
131	Project	Page 22- iv.	Board for approval	It would be good to update this section to align it with the just updated AR 3300.	Admin Section 1.4.

Item H. Consent Agenda Attachments
02-08-2021 Draft Minutes
03-08-2021 Draft Minutes
CBOC Records Request Log June 7, 2021

WCCUSD CITIZENS' BOND OVERSIGHT COMMITTEE (CBOC)

DRAFT MINUTES Meeting of February 8, 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

Mr. Gosney called the meeting to order at 2:05 PM.

C) ROLL CALL

Present: John Anderson, Sallie DeWitt, Guadalupe Enllana, Don Gosney, Lorraine Humes & Anton Jungherr
[6 members ~ 4 required for a quorum]

Absent: Maisha Cole

Staff Present: Melissa Payne, Ellen Meija-Hooper, Margaret Romo, SeungJa Cha

Auditor: Michael Ash of Christy White and Associates

Board Liaison: None appointed.

D) APPROVAL OF AGENDA

Agenda accepted as presented via unanimous consent

E) PUBLIC COMMENTS FOR ITEMS NOT ON THE AGENDA

None

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

F) TELEPHONE CONFERENCE CALL WITH MICHAEL ASH OF CHRISTY WHITE TO DISCUSS THE DRAFT 2020 FINANCIAL AUDIT

a. Draft Financial Audit

Mr. Ash discussed the findings. There were no findings in the financial audit.

b. CBOC Draft Financial Audit Questions

The CBOC had submitted a number of questions to WCCUSD staff relative to the Draft Financial audit. The staff had completed

WCCUSD CITIZENS' BOND OVERSIGHT COMMITTEE (CBOC)

a number of the responses to the questions which is attached to these minutes.

The staff and Mr. Ash provided responses to the questions which answers were not provided on the attachment. The responses are as follows:

- Q1. Yes, will be modified to address comment
- Q2. Not common in audit reports. Will not be modified
- Q3. Yes, will be modified to address comment
- Q4. Yes, will be modified to address comment
- Q5. Yes, will be modified to address comment
- Q6. Yes, will be modified to address comment
- Q7. Page 13 is an indication there were no changes. This is not required for Proposition 39 and will not be modified
- Q8 through Q11 have been addressed on the attachment
- Q12. Other building funds are related to the state and interest earnings. Melissa Payne will work with Christy White and Mr. Ash to address this information.
- Q13. Same response as for Q7
- Q14. Yes, will be modified to address comment

There was further discussion on the response on Q10 relative to open lawsuits. There are open lawsuits and staff will provide information to CBOC. In addition, there was additional discussion on Q11 relative to write offs. There were write offs and the staff will provide CBOC with a listing of those items.

WCCUSD staff will provide a written response to CBOC for all 14 questions attached to the end of these minutes.

G) AUDIT SCHEDULES

There are inconsistencies with dates for the audit schedule. Final acceptance was on the calendar as March 31 during a joint meeting with

WCCUSD CITIZENS' BOND OVERSIGHT COMMITTEE (CBOC)

CBOC and the WCCUSD Board but was changed to March 24 this past Friday (February 5). Don Gosney will write a letter to the Board asking for a Joint Meeting to discuss Audits. Such a meeting is required by the WCCUSD bylaws.

H) BOND PROGRAM PROJECTS STATUS and FINANCIAL REPORTS

Ellen Meija-Hooper presented the following updates:

- **Facilities Master Plan Update 02.08.21**
- **Updating the 2016 Facilities Master Plan**

Melissa Payne presented the project reports and updates:

- **CBOC request for Lathrop Richmond Construction Pay App00023**
- **CBOC request Lisa Nagai Inv #48**
- **CBOC request Arey Jones Laptops**
- **Richmond HS Newsletter Number 19 (February 2021)**
- **RHS Critical Needs Project Status Report (February 2021)**

Melissa Payne presented the project reports and updates:

- **Consolidated Budget Report 01/31/21**
- **Consolidated Budget Report-2016 Master Plan 01/31/21**
- **Report No. 2 Bond Program Spending to Date 01/31/21**
- **Report No. 1 Bond KPI Summary 01/31/21**
- **Report No. 13 Bond Program Financial Status 01/31/21**
- **Report No. 13 Variance Report 01/31/21**
- **2020-2021 Accounts Payable Check List 01/31/21**
- **Annual Variance Report CY2020**

WCCUSD CITIZENS' BOND OVERSIGHT COMMITTEE (CBOC)

In addition, Melissa Payne indicated that there is no plan to issue Measure R at this time.

C B O C R E P O R T S

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

I) ADOPTION OF MINUTES

Approved with no objection:

01.11.21

CBOC Draft Minutes

J) CBOC MEMBER INFORMATION REQUEST LOG

Approved with no objection:

01.11.20

BOC Member Information

Requests Status Log

K) APPROVED RECOMMENDATIONS LOG

Approved with no objection:

02.08.21 CBOC Approved Recommendations

L) INVOICE FROM CBOC INDEPENDENT COUNCIL

Approved with no objection:

11.30.20 Adam Ferber Invoice

C O M M I T T E E R E P O R T S # 2

M) MEMBERSHIP

Accepted with no objection:

02.08.21 CBOC Attendance Review

N) MEMBERSHIP ROSTER

Accepted with no objection:

02.08.21 CBOC Roster

O) NEW MEMBER APPLICATIONS

For information only

WCCUSD CITIZENS' BOND OVERSIGHT COMMITTEE (CBOC)

11.11.20 Jason Lindsey
01.10.21 Tom Panas
01.11.21 Guadalupe Enllana
01.11.21 Maisha Cole
12.07.21 Sallie DeWitt
01.08.21 Consuelo Lara

P) CHAIRPERSON REPORTS

Don Gosney reported that there was no chairperson's report to the WCCUSD Board of Trustees meeting as the Board President has asked standing committees to present any issues during the public comment segment (90 seconds) of the meeting or to the Facilities Committee.

Q) STATUS OF KENNEDY HIGH SCHOOL CRITICAL NEEDS AND REBUILD

02.08.21 Status of Kennedy HS Critical Needs Project

There is a concern by the CBOC relative to a lack of information available to the public, CBOC and the school board. Staff indicated that there is presently no movement on this activity because there is no place for the Kennedy students to go during construction. The updating of the Facilities Master Plan should be able to provide a roadmap for this project.

R) REQUESTS, ADVICE AND COMMENTS

i) Report #1 Bond Program Summary, December 31, 2020 (Revised February 8, 2021)

The reference document will be used in the CBOC Annual Report 2020 as it is for the period January 2020 to December 2020—the calendar year rather than the fiscal year which is the period from July through June the following year.

ii) K-12 School Facility Program (SFP) Audit Overview

When will Peres, Gompers and Coronado be ready to audit?

WCCUSD CITIZENS' BOND OVERSIGHT COMMITTEE (CBOC)

How will the auditor be selected?
Will the CBOC have audit entrance and exit conferences?
Will audit reports be presented to the CBOC for review?

Ms. Payne and Ms. Romo will pass these questions on to the appropriate personnel.

iii) Measure R Bonding Capacity Waiver Approved by State Board of Education on January 13, 2021

In the waiver request the District represented to the State Board of Education that the CBOC had “No Objections” to the request. Actually, the CBOC took no action to this waiver request.

Mr. Gosney will write a letter to WCCUSD Board and cc the State Board of Education indicating that the “no objections” statement in the letter is not correct and that the letter should say “no action” was taken by the CBOC.

S) 2020 ANNUAL REPORT

02.03.21 '20 Annual Report To-Do List Assignments (Rev 1)

Ms. Lorraine Humes provided and update on the status of the 2020 Annual Report

T) CALENDAR 2021 CBOC Meetings Calendar

Mr. Gosney presented the CBOC meeting dates for 2021.

U) FUTURE AGENDA TOPICS 02.08.21 Future Agenda Items Log (short list)

There were no additional topics at this time.

**WCCUSD
CITIZENS' BOND OVERSIGHT COMMITTEE
(CBOC)**

V) ADJOURNMENT

The meeting was adjourned at 4:42 pm.

NEXT SCHEDULED CBOC MEETING:

March 08, 2021

Submitted by CBOC Secretary John Anderson

*The agenda and a video/audio record of this meeting are posted on the
WCCUSD CBOC webpage.*

WCCUSD CITIZENS' BOND OVERSIGHT COMMITTEE (CBOC)



WCCUSD CITIZENS' BOND OVERSIGHT COMMITTEE

QUESTIONS and COMMENTS on DRAFT 2020 WCCUSD BOND PROGRAM FINANCIAL AUDIT (RESPONSES FROM WCCUSD STAFF)

NO.	PAGE	QUESTION	RESPONSE
1	Contents	Can Contents be revised to read "Introduction and Governing Board and Citizens' Bond Oversight Committee Member Listing"?	
2	Contents	Would it be helpful to page number divider pages?	
3	2	Can a note be added to explain why all Governing Board terms expires December 2020?	
4	2	Can Citizens' Bond Oversight Committee members listing be as of June 30, 2020 to be consistent with the Governing Board?	

WCCUSD CITIZENS' BOND OVERSIGHT COMMITTEE (CBOC)



WCCUSD CITIZENS' BOND OVERSIGHT COMMITTEE

NO.	PAGE	QUESTION	RESPONSE
5	3	Auditors' Responsibility - Can the California Guide Appendix A be also referenced?	
6	3	Auditors' Responsibility- Is it fair to represent in the CBOC Annual Report that the auditor expressed no opinion on the effectiveness of the District's internal controls?	
7	4	Supplementary Information - Page 13 does not appear to present any management supplementary information. Should that we noted here?	

WCCUSD CITIZENS' BOND OVERSIGHT COMMITTEE (CBOC)



WCCUSD CITIZENS' BOND OVERSIGHT COMMITTEE

NO.	PAGE	QUESTION	RESPONSE
8	5	Can you reconcile Total assets \$165,194,590 with Bond Program Financial Status As of June 30, 2020 of \$162,950,339 ? See attached Bond Program Financial Status Report. at June 30, 2020.	No.8 Report #13, printed on 7/3/2020, was a preliminary report before closing the book. The Adjusted Cash balance of \$162,950,338.73 included the Non-bond Measure and Liabilities. For CBOC question for asset - it's \$169,046,801.19 on the Report #13, printed on 7/3/2020 (see the report #13, page 2, note 1: \$163,211,502.22 + \$5,835,298.97 included Non-bond Measure). The total asset for Measure D and E should be \$164,957,639.10 (\$163,211,502.22 + \$5,835,298.97 less Non-bond Measure) After 7/3/2020, we had closing adjustments added of \$236,949.57: Payroll Adjustment \$69,525.23, Cash with Fiscal Agent adjustment <\$4,698.10>, Accrued Pooled Earning \$100,637.10, Accrued Laif Interest \$71,485.34 Final Asset is \$165,194,588.67 (\$164,957,639.10 + \$236,949.57) which is equal to Audit report.

WCCUSD CITIZENS' BOND OVERSIGHT COMMITTEE (CBOC)



WCCUSD CITIZENS' BOND OVERSIGHT COMMITTEE

NO.	PAGE	QUESTION	RESPONSE
9	8	Note 2 - did the bond funds loan cash to the General Fund at any time during FY2020?	no
10	12	Note 5 A Litigation- were there any litigation on bond construction projects at June 30, 2020?	no
11	12	Note 5 B - Were there any expenditures not capitalized or included in construction in progress at June 30, 2020?	All 2020 expenditures from the Measures were capitalized or included in WIP based on the capital assets schedules.
12	12	Note 6 - Can you identify in the audit report "Other Building Funds"?	
13	13	See question 7 above.	
14	14	Is it fair to represent in the CBOC Annual Report that the auditor expressed no opinion on the effectiveness of the District's internal controls?	

**WCCSUSD
CITIZENS' BOND OVERSIGHT COMMITTEE (CBOC)**

**DRAFT MINUTES
Meeting of March 8, 2021**

A. OPENING PROCEDURES

This meeting was held online using the Zoom platform and was open to the public to the public to attend

B. CALL TO ORDER/PLEDGE OF ALLEGIANCE

Mr. Gosney called the meeting to order at 2:02 pm.

C. ROLL CALL

Present: John Anderson, Maisha Cole, Guadalupe Enllana, and Don Gosney,

Absent: None

At this time the four CBOC members present are the only members of the Committee. Proposition 39 and the associated California Education Code (section 15282) require a minimum of at least seven members for a CBOC with five of the members representing mandated positions. Three of the mandated positions are presently unfilled. As a result the WCCUSD is out of compliance with Proposition 39 and the California Education Code. To ensure that there are no conflicts, all of the items in the agenda will be for discussion only.

Staff Present: Melissa Payne, Ellen Meija-Hooper, Luis Freese, and Sevngj Cha

Board Liaison: None appointed

D. APPROVAL OF AGENDA

Agenda was accepted via unanimous consent with Mr. Gosney's recommendation that the staff reports (Item I) be moved ahead of audit related sections (F G and H)

E. PUBLIC COMMENTS FOR ITEMS NOT ON THE AGENDA

None

(Sequence of agenda changed as noted in item D)

I. DISTRICT REPORTS

Bond Program Project Status and Financial Reports were presented by WCCUSD staff

Luis. Freese presented:

Update on the Facilities Master Plan Projects as of 3/08/21
Richmond High School Newsletter Number 19 (March)
RHS Critical Needs Project Status Report (March)

Melissa Payne presented financial reports:

Consolidated Budget Report 2/28/2021
Consolidated Budget Report-2016 Master Plan 2/28/2021
Report No. 2 Bond Program Spending to Date 2/28/2021
Report No. 13 Bond Program Financial Status 2/28/2021
Report No. 13 Variance Report 2/28/2021
2020-2021 Accounts Payable Check List 2/28/2021
Report No. 1 Bond KPI Summary 2020 (Revised 2/19/2020)

Ellen Meija-Hooper presented an update on the Facilities Master Plan Projects Committee.

The committee developed metrics and priorities for 19 priority sites. The information was passed to the Facilities Committee which recommended that staff develop weighting criteria before presenting the update to the full WCCUSD board. The Facilities Master Plan Projects Committee will not be engaged in the processes beyond what they have done to date.

F. TELECONFERENCES WITH FINANCIAL AUDITOR

G. TELECONFERENCES WITH PERFORMANCE AUDITOR

Both Items F. and G. were cancelled as nothing is available for the CBOC to review at this time. The reports of each will go to the Facilities Committee and material pertinent to the Construction Bond program will be provided to CBOC. The expected completion is March 31, 2021.

H. AUDIT REPORT

No report

J., K., L. CBOC CONSENT AGENDA

The approval of February Minutes, Information Request Log and Approved Recommendations Log were deferred until the April meeting. Anton Junger (former CBOC member) forwarded some technical comments on the February minutes to the Secretary for consideration.

M. and N. MEMBERSHIP AND MEMBERSHIP ROSTER

At present the CBOC only has four members as the other members' terms have ended. Luis Freese indicated that the Facilities Committee would be interviewing a number of candidates for CBOC at the next meeting on March 17.

O. NEW MEMBER APPLICATIONS

Joseph Camacho and Lorraine Humes have submitted applications for the CBOC. Mr. Camacho is a new applicant and Ms Humes is seeking another term. Anton Jungherr submitted an application specific to serving on a CBOC committee for measure R.

P. CHAIRPERSON REPORT

Don Gosney provided documents reporting on issues relevant to the operation of the CBOC, future issues, and reports to the Board of Education. These include:

2/10/2021 CBOC Chair Report
2/12/2021 CBOC Chair Report
2/24/2021 CBOC Chair Report
2/21/2021 Transcript of Facilities Committee Discussion of CBOC
2/21/2021 Video of Facilities Committee Discussion of CBOC
03/04/2021 Letter to Board—Bond Waiver Limits
03/04/2021 WCCISD CBOC Letter to State BOE
02/10/2021 Request for Joint Meetings
03/03/2021 CBOC Request for Joint Meetings

Q. 2020 ANNUAL REPORT

Loraine Humes reported that the committee is presently operating under the assumption that all previous assignments for sections of the report still stand.

R. CALENDAR

The calendar was presented for information only.

S. FUTURE AGENDA TOPICS

No new topics were added

O. ADJOURNMENT

The meeting was adjourned at 3:29 pm. Next scheduled meeting is April 12, 2021.

Submitted by CBOC, Secretary John E. Anderson

The agenda (which includes presentation and background documents) and a video/audio record of this meeting are posted on the WCCUSD CBOC webpage.

June 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

June 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

June 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

Item J a. Revised Board Policy 7214.2

West Contra Costa USD

Board Policy

Citizens Bond Oversight Committee (CBOC)

Proposed
Revision

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 (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 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 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

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 these 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 the public 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

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.

- 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.
- 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

Committee with responsibility for:

- (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.

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.

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.
- One (1) member active in a senior citizens' organization.
- One (1) member active in a bona-fide taxpayers association.
- Two (2) members of the community at-large.

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, the Committee may not include any employee or official of the District or any vendor, contractor or consultant of the District.
- (c) Preference will be given applicants who reside within District

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

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

and recorded in the minutes.

- 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.
- 5.7 Compensation. The Committee members shall not be compensated for their services.
- 5.8 Authority of Members.
- (a) Committee members shall not have the authority to direct staff of the District;
 - (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
 - (c) the Committee shall have the right to request and receive only copies of any public records relating to Authorization-funded projects.

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.
- 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.
- 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

for the transaction of any business.

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:

- (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.

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

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.

Item J b Attachment
Present Board Policy 7214.2

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.

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.

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 members as shown below members.

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) Two members shall reside in unincorporated areas of the district and shall be selected at-large from unincorporated areas if the district, excluding sitting elected officials;
 - (3) One member shall, at the time of appointment, represent the Contra Costa Building and Construction Trades Council.
 - (4) One member shall, at the time of appointment, be a representative of the four employee unions, UTR, Public Employees Local 1, SSA and WCCAA. This member may not be a

current WCCUSD employee.

(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 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 shall establish an attendance policy and procedures for the removal from the Committee for a violation of this policy.

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:

- a. The Committee member submits a written resignation;
- b. The Committee member fails to meet the participation requirements above

An individual who replaces such a member shall serve until the completion of the original member's term. Thereafter, the member must apply for an additional term if she/he wishes to remain on the Committee. A member who is replaced may appeal to the Board for the Board to reappoint that person to the Committee.

Legal Reference
EDUCATION CODE
15278-15288
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

Item Jc. Attachment
Sallie DeWitt Comments on the Revised Board Policy

“A Promise Made is a Promise Kept. Right?”

In late 2019, less than two years ago, WCCUSD’s Board of Education trustees had a choice. They could have done without the expense and bother of a CBOC simply by requiring passage of Measure R by a two-thirds vote. But instead, they—like many before them—opted for the lower 55% threshold. Five out of seven bonds passed since 1998, are now subject to Proposition 39 state regulations. A Citizen’s Bond Oversight Committee (CBOC) is required by law.

When past Board trustees made this decision, they didn’t just say, “We will appoint a citizen’s oversight committee” and leave it at that. No. In the bond ballot measure, Board trustees used words like “*Strict* citizens’ oversight” and “An *Independent* citizens’ oversight committee”. In one case, under the heading, Financial Accountability—in all caps, so it wouldn’t be missed—the Board declared, “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....”

Seems clear enough, right? We usually take “strict” to mean exact, demanding and rigorous. “Independent” is commonly understood as separate, self-determining, autonomous. If we agree about that, then Board trustees promised voters a CBOC that is *exact, demanding, rigorous, autonomous and self-governing*—which, if the CBOC does its job well—might be very, very difficult, a thorn in the side of the District and the Board; perhaps Irritating in the extreme, and expensive.

But nobody forced past trustees to make these decisions and use these words. They must of thought they needed to to get these bond measures passed. It appears they kicked the can down the road, counting on future Board trustees—you—to handle the situation.

So here you are, considering board policy changes proposed by District staff managers that would allow Staff to choose CBOC members, tell the CBOC how many meetings they can have, set the agenda for meetings and review and filter CBOC reports. What do you think? Would any of us call this “*independent*”, “*strict*” citizens’ oversight? *Is this the kind of CBOC you think voters were promised?*

You cannot have it both ways—have a CBOC with the approval threshold having been set lower and promises made, and take away any semblance of “independence” or “strict” oversight. Words have meaning and that meaning matters. Voters know that, and will not soon forget promises broken.

Trust me when I say this: Voters in this district have already noticed that an attempt is being made to weaken and muffle the CBOC. If these board policy changes are approved, this district’s *independent CBOC* will be a thing of the past and *strict* oversight along with it. What else do you think will be lost in the process? Trust? You think?

Measure R references to a citizen's bond oversight committee:

Ballot Summary Statement

WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT CLASSROOM MODERNIZATION AND SAFETY UPDATE MEASURE. To repair, upgrade neighborhood schools, shall West Contra Costa Unified School District modernize core classrooms; provide safe, secure school environments, including updated technology and air conditioning, that improve academic achievement and provide relevant career pathways for all students, by issuing \$575 million of bonds, at legal rates, averaging \$34.48 million annually while bonds are outstanding, at 6¢ per \$100 assessed value, with **strict citizens' oversight**, annual audits and all money for local schools?

Ballot Full Text

Pg 2:

(vii) Adhere to specific FISCAL ACCOUNTABILITY safeguards such as these:

- (a) Sacramento will be prohibited from taking any of the funds raised.
- (b) All expenditures will be subject to annual independent financial and performance audits.
- (c) No funds will be used for administrators' salaries or pensions.
- (d) All funds will be subject to local control and provide improvements at all of our schools.
- (e) **An independent citizens' oversight committee** will be appointed to ensure that all funds are spent only as authorized.

Pg 8:

Pursuant to Section 15772 of the Education Code, the Board will appoint **a citizens' oversight committee** and conduct annual independent audits to assure that bond proceeds are spent only on projects included in the Project List set forth above and for no other purposes.

Pg 9:

FISCAL ACCOUNTABILITY. THE EXPENDITURE OF BOND MONEY ON THESE PROJECTS IS SUBJECT TO STRINGENT FINANCIAL ACCOUNTABILITY REQUIREMENTS. BYLAW, PERFORMANCE AND FINANCIAL AUDITS WILL BE PERFORMED ANNUALLY, AND **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. THE CITIZENS' BOND OVERSIGHT COMMITTEE MUST INCLUDE, AMONG OTHERS, REPRESENTATIVES OF A BONA FIDE TAXPAYERS ASSOCIATION, A BUSINESS ORGANIZATION AND A SENIOR CITIZENS ORGANIZATION. NO DISTRICT EMPLOYEES OR VENDORS ARE ALLOWED TO SERVE ON THE CITIZENS' BOND OVERSIGHT COMMITTEE.

Item J d. Attachment
Dr. John Anderson Comments on Revised Policy

Proposed WCCUSD Board Policy BP 72142 (New CBOC) Comments

John Anderson <janorwoodpark@gmail.com>

Wed, Jun 2, 2021 at 7:01 PM

To: chris.hurst@wccusd.net, ochristian@wccusd.net, leslie.reckler@wccusd.net, mister.phillips@wccusd.net, Demetrio Gonzalez <dgonzalez@wccusd.net>, jamela.smith@wccusd.net

WCCUSD Board Members and Superintendent:

Based on the WCCUSD Board agenda for June 2, 2021, there is an item related to the Board Policy BP72142 pertaining to the Citizen's Bond Oversight Committee (CBOC). I have some concerns regarding the proposed policy. As I will be traveling at the time the meeting is scheduled, my concerns are discussed below.

In the May 30, 2021, issue of the East Bay Times there was an article regarding the financial situation in the WCCUSD ("State warns that district faces insolvency"). As this information comes to light, the WCCUSD board is considering adopting a new Board Policy BP72142 for the Citizen's Bond Oversight Committee (CBOC) that takes away its independence. The CBOC is the only independent group that provides oversight of funds spent by WCCUSD. The approval of the Policy would change this and have the Citizen's Bond Oversight Committee (CBOC) controlled by senior WCCUSD staff and the Board of Education. If the proposed Policy is adopted the CBOC would be controlled by the very entity that it is supposed to be overseeing.

The CBOC is required by Proposition 39 and the specifics of the proposition's implementation are in the State Education Code Title 1, Division 1, Part 10 Chapter 1.5 Article 2, Sections 15278, 15280 and 15282. Based on the Code, the CBOC is supposed to be an independent committee that provides oversight of WCCUSD expenditure of Bonds issued for construction and represents reports to the taxpayers. It is not intended by the Education Code to be a WCCUSD Board Committee or Advisory Committee.

Based on my initial reading of the document, absent from the text of the proposed policy is a specific citation to Section 15278 (a) of the Education Code. That section of the Code states that the CBOC as "an independent citizens' oversight committee." Any reference to independence is conspicuously missing from the Policy. The proposed Board Policy restricts the CBOC's ability to function as independent representatives of the taxpayers. An "Authorized Officer" of the district will control the agenda of CBOC, when the CBOC will meet (a maximum of 4 meetings per year), information posted on the CBOC website, and member appointments. There will be no access to the district's auditors. Every activity is controlled in some fashion by the "Authorized Officer" of the district. The CBOC cannot provide independent oversight on behalf of the taxpayers if this policy is approved.

Also, in 2015 the Contra Costa Civil Grand Jury issued a report No. 1514, West Contra Costa Unified School District, "Bond Program and Citizens' Bond Oversight Committee—A Case Study of Stymied Oversight." The recommendations in that report addressed the following topics:

- Independence of the committee members--some CBOC members were direct appointments by board members and special interests (labor unions)
- Selection process for new CBOC members to ensure independence
- Providing detailed and comprehensive data
- Access to the CBOC website
- Removing information posted by the CBOC to the CBOC website
- Training of new CBOC members
- Provision of a Comprehensive Master Plan for Bond funded projects at least monthly

The WCCUSD responses to the Jury's recommendations are formally documented in the 2016 Civil Grand Jury Compliance Report. Some of the recommendations in the 2015 report were accepted by the WCCUSD. The majority of the rest of the WCCUSD responses to the jury's recommendations we're in the "require further study category." It is

unclear as "to what further study" was done by the WCCUSD. Based on the notations in the present Board CBOC Policy was last changed in December 2015 and there doesn't appear to be any changes resulting from further study of the jury's recommendations.

The WCCUSD board should read the 2015 Civil Grand Jury Report and the 2016 Civil Grand Jury Compliance Report before it considers the proposed Policy. The proposed Policy repeats many of the concerns that resulted in the 2015 report and appears to add a few more.

The Board of Education must reject the proposed policy.

Respectfully,

John Anderson

John E Anderson, PhD, PE, GE

***Geotechnical and Foundation Engineering Consultant
Richmond, CA
510-778-5450***

Item J e Attachment

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

EDUCATION CODE - EDC

TITLE 1 GENERAL EDUCATION CODE PROVISIONS [1. - 32500]

(Title 1 enacted by Stats. 1976, Ch. 1010.)

DIVISION 1 GENERAL EDUCATION CODE PROVISIONS [1. - 32500]

(Division 1 enacted by Stats. 1976, Ch. 1010.)

PART 10. SCHOOL BONDS [15100 - 17199.6]

(Part 10 repealed and added by Stats. 1996, Ch. 277, Sec. 2.)

CHAPTER 1.5.

Strict Accountability in Local School Construction Bonds Act of 2000 [15264 - 15288]

(Chapter 1.5 added by Stats. 2000, Ch. 44, Sec. 3.)

ARTICLE 2. Citizens' Oversight Committee [15278 - 15282]

(Article 2 added by Stats. 2000, Ch. 44, Sec. 3.)

15278.

(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 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 schoolsite design.

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

(Added by Stats. 2000, Ch. 44, Sec. 3. Effective January 1, 2001.)

EDUCATION CODE - EDC

TITLE 1 GENERAL EDUCATION CODE PROVISIONS [1. - 32500]

(Title 1 enacted by Stats. 1976, Ch. 1010.)

DIVISION 1 GENERAL EDUCATION CODE PROVISIONS [1. - 32500]

(Division 1 enacted by Stats. 1976, Ch. 1010.)

PART 10. SCHOOL BONDS [15100 - 17199.6]

(Part 10 repealed and added by Stats. 1996, Ch. 277, Sec. 2.)

CHAPTER 1.5.

Strict Accountability in Local School Construction Bonds Act of 2000 [15264 - 15288]

(Chapter 1.5 added by Stats. 2000, Ch. 44, Sec. 3.)

ARTICLE 2. Citizens' Oversight Committee [15278 - 15282]

(Article 2 added by Stats. 2000, Ch. 44, Sec. 3.)

15280.

(a) (1) The governing board of the district shall, without expending bond funds, provide the citizens' oversight committee with any necessary technical assistance and shall provide administrative assistance in furtherance of its purpose and sufficient resources to publicize the conclusions of the citizens' oversight committee.

(2) The governing board of the district shall provide the citizens' oversight committee with responses to any and all findings, recommendations, and concerns addressed in the annual, independent financial and performance audits required by subparagraphs (C) and (D) of paragraph (3) of subdivision (b) of Section 1 of Article XIII A of the California Constitution within three months of receiving the audits.

(b) All citizens' oversight committee proceedings shall be open to the public and notice to the public shall be provided in the same manner as the proceedings of the governing board of the district. The citizens' oversight committee shall issue regular reports on the results of its activities. A report shall be issued at least once a year. Minutes of the proceedings of the citizens' oversight committee and all documents received and reports issued shall be a matter of public record and be made available on an Internet Web site maintained by the governing board of the district.

(Amended by Stats. 2013, Ch. 91, Sec. 1. (SB 581) Effective January 1, 2014.)

EDUCATION CODE - EDC

TITLE 1 GENERAL EDUCATION CODE PROVISIONS [1. - 32500]

(Title 1 enacted by Stats. 1976, Ch. 1010.)

DIVISION 1 GENERAL EDUCATION CODE PROVISIONS [1. - 32500]

(Division 1 enacted by Stats. 1976, Ch. 1010.)

PART 10. SCHOOL BONDS [15100 - 17199.6]

(Part 10 repealed and added by Stats. 1996, Ch. 277, Sec. 2.)

CHAPTER 1.5.

Strict Accountability in Local School Construction Bonds Act of 2000 [15264 - 15288]

(Chapter 1.5 added by Stats. 2000, Ch. 44, Sec. 3.)

ARTICLE 2. Citizens' Oversight Committee [15278 - 15282]

(Article 2 added by Stats. 2000, Ch. 44, Sec. 3.)

15282.

(a) The citizens' oversight committee shall consist of at least seven members who shall serve for a minimum term of two years without compensation and for no more than three consecutive terms. While consisting of a minimum of at least seven members, the citizens' oversight committee shall be comprised, as follows:

(1) One member shall be active in a business organization representing the business community located within the school district or community college district.

(2) One member shall be active in a senior citizens' organization.

(3) One member shall be active in a bona fide taxpayers' organization.

(4) For a school district, one member shall be the parent or guardian of a child enrolled in the school district. For a community college district, one member shall be a student who is both currently enrolled in the community college district and active in a community college group, such as student government. The community college student member may, at the discretion of the governing board of the community college district, serve up to six months after his or her graduation.

(5) For a school district, one member shall be both a parent or guardian of a child enrolled in the school district and active in a parent-teacher organization, such as the Parent Teacher Association or schoolsite council. For a community college district, one member shall be active in the support and organization of a community college or the community colleges of the district, such as a member of an advisory council or foundation.

(b) An employee or official of the school district or community college district shall not be appointed to the citizens' oversight committee. A vendor, contractor, or consultant of the school district or community college district shall not be appointed to the citizens' oversight committee. Members of the citizens' oversight committee shall, pursuant to Sections 35233 and 72533, abide by 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.

(Amended by Stats. 2013, Ch. 76, Sec. 27. (AB 383) Effective January 1, 2014.)

Item J f. Attachment

2015 Contra Costa Civil Grand Jury Report 1514

**A REPORT BY
THE 2014-2015 CONTRA COSTA COUNTY GRAND JURY**
725 Court Street
Martinez, California 94553

Report 1514

**WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT:
Bond Program & Citizens' Bond Oversight Committee
A Case Study in Stymied Oversight**

APPROVED BY THE GRAND JURY:

Date: _____

June 11, 2015

Sherry Rufini
SHERRY RUFINI
GRAND JURY FOREPERSON

ACCEPTED FOR FILING:

Date: _____

June 11, 2015

John T. Laettner
JOHN T. LAETTNER
JUDGE OF THE SUPERIOR COURT

Contra Costa County Grand Jury Report 1514

WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT: Bond Program & Citizens' Bond Oversight Committee A Case Study in Stymied Oversight

TO: West Contra Costa Unified School District Board of Education

SUMMARY

Proposition 39, officially titled the "Smaller Classes, Safer Schools and Financial Accountability Act," was approved by California voters in 2000. At the time, California was experiencing unprecedented economic and population growth.

The effect of the proposition was to reduce the voter approval rate required for school districts to issue general obligation bonds from 66 2/3% to 55%. Proposition 39 limits the use of bond proceeds to school facilities projects listed or described in the language of the ballot measure approved by the voters. The type of school facilities projects the proposition covers are "the construction, reconstruction, rehabilitation, or replacement of school facilities, including the furnishing and equipping of school facilities, or the acquisition or lease of real property for school facilities."

Because of the lower voter approval requirement, Proposition 39 contains a safeguard by ensuring public oversight and accountability concerning the expenditure of facilities bond revenues. Within 60 days following voter approval of a bond, the district board is required to appoint "an independent citizens' oversight committee." The purpose of this committee is to inform the public concerning the expenditure of bond revenues. To fulfill this responsibility, the oversight committee is expressly required "to actively review and report on the proper expenditure of taxpayers' money for school construction" and to verify that the funds are being spent only for authorized purposes." The oversight committee must promptly alert the public to any waste or improper expenditure of bond funds.

Upon examination, it appears that the Board of Education of the West Contra Costa Unified School District (WCCUSD) has failed to create a truly independent and effective bond oversight committee. The system appears to have been hampered by lack of essential cooperation from the WCCUSD School District, conflicts of interest may have existed, and the School District may have imprudently spent millions of taxpayer dollars. This may have been much more than was necessary had adequate planning and budget controls been in place. For example:

- Property owners in WCCUSD pay 291% of the state average in school bond assessments on their property tax bills.
- The cost per square foot of school construction is three times the state average.
- Twenty-nine percent of the \$1.1 billion (nearly \$300 million) spent through June 2015 went for non-construction costs – program management and architect’s fees.
- WCCUSD is running out of money well before all of its scheduled projects are completed.

WCCUSD's Citizens’ Bond Oversight Committee (the “CBOC”) needs to be given more independence and needs to receive reliable and timely information from the school district if it is to perform its job successfully as watchdogs of the remainder of the \$1.63 billion bond revenues.

METHODOLOGY

(See Appendix A)

BACKGROUND

West Contra Costa Unified School District (WCCUSD), which was known as Richmond Unified School District until 1990 serves approximately 29,000 students from kindergarten through grade 12 as well as adult learners. This school district covers the cities of El Cerrito, Hercules, Pinole, Richmond, and San Pablo and the unincorporated areas of East Richmond Heights, El Sobrante, Kensington, and Bay View (which includes Montalvin Manor, North Richmond, and Tara Hills). WCCUSD is the 30th largest local education agency in California.

WCCUSD has 37 elementary schools, six middle schools, six high schools, one high school/community college (grades 9-12), four alternative high school programs (grades 9-12), two adult education campuses and one special education/early intervention campus.

In addition, WCCUSD also has five charter schools under its jurisdiction as of 2014. (See Appendix B for list of schools & enrollment)

BILLION DOLLAR BOND PROGRAM

In recent years, school districts have increased the use of general obligation school bonds as a source of revenue. In contrast to parcel taxes and other types of bonds, which require 66 2/3% voter approval, general obligation bonds used for the purpose of constructing and improving school facilities require only 55% voter approval. The 55% voter approval rate for these bonds was the result of Proposition 39, which was passed in 2000.



DeAnza High School

WCCUSD's bond program began with passage of Measure E on June 2, 1998 and is the third largest school district bond program in California. Totaling \$1,630,000,000, it includes the following six bonds, two of which were authorized before the passage of Proposition 39:

Series	Date Approved	Principal Amount Approved	
Bond E:	6/2/98	\$ 40,000,000	(2/3 vote required)
Bond M:	11/7/00	150,000,000	(2/3 vote required)
Bond D:	3/5/02	300,000,000	(55% vote required)
Bond J:	11/8/05	400,000,000	(55% vote required)
Bond D:	6/8/10	380,000,000	(55% vote required)
Bond E:	11/6/12	<u>360,000,000</u>	(55% vote required)
TOTAL		\$ 1,630,000,000	

Collectively, these bond measures furnish the financial resources to support WCCUSD's school construction program.

DISCUSSION

OVERVIEW OF CITIZENS' BOND OVERSIGHT COMMITTEES (CBOC)

The California Education Code requires that a CBOC consist of a minimum of seven members, which shall include the following five mandated categories:

One member active in a business organization representing the business community located within the district;

One member active in a senior citizens' organization;

One member active in a bona fide taxpayer's organization;

One member who is the parent or guardian of a child enrolled in the district; and

One member who is both a parent or guardian of a child enrolled in the district and active in a parent-teacher organization.

The remaining two members are "at large" community positions. Members of CBOC serve without compensation.

CBOC provides after-the-fact review and analysis of how a school district is managing its bond construction program. CBOC does not have the authority to approve how bond funds will be spent nor to select or participate in the negotiation or awarding of any construction contracts. The school district has the sole power to make all of these financial decisions related to how the bond funds are to be spent.

(See Appendix C for WCCUSD's CBOC member lists)

PUBLICATION OF CBOC DOCUMENTS

The Education Code requires that certain documents relating to a CBOC be made available to the public. Every CBOC is required to post its committee meeting's minutes, any reports it issues, and any documents it receives. The Education Code also requires a CBOC to conduct its meetings in accordance with the Brown Act. This means that meetings must be open to the public and that adequate notice be given of these meetings. The Brown Act further requires that an agenda must be posted at least 72 hours prior to regular meetings. The agenda must contain a brief general description of each item to be discussed.

(See Appendix D for Brown Act Summary)

REVIEW OF BOND EXPENDITURES



Health Clinic, Kennedy High School



El Cerrito High School

The Education Code requires that a CBOC “actively review and report on the proper expenditure of taxpayers’ money for school construction.”

Section 15278(b) of the Education Code states that a CBOC shall perform “oversight” on two specific matters:

- “Ensuring that bond revenues are expended only for the purposes described in the California Constitution”; and
- “Ensuring that . . . no funds are used for any teachers or administrative salaries or other school operating expenses.”

This section does not expressly limit oversight to these two matters and also gives a guideline as to activities which may advance the purpose of the CBOC.

The intent of the state legislature when enacting the *Strict Accountability in Local School Construction Bonds Act of 2000* is expressly stated in section 15264 of the California Education Code as follows:

“It is the intent of the Legislature that all of the following are realized:

- (a) Vigorous efforts are undertaken to ensure that the expenditure of bond measures, including those authorized pursuant to paragraph (3) of subdivision (b) of Section 1 of Article XIII A of the California Constitution, are in strict conformity with the law.
- (b) Taxpayers directly participate in the oversight of bond expenditures.
- (c) The members of the oversight committees appointed pursuant to this chapter promptly alert the public to any waste or improper expenditure of school construction bond money.

- (d) That unauthorized expenditures of school construction bond revenues are vigorously investigated, prosecuted, and that the courts act swiftly to restrain any improper expenditures.”

CBOC also has the power to request and review other financial information to determine if bond funds are being spent in a prudent and cost-effective manner by the school district. The Education Code states that it is the intent of the legislature that oversight committees “promptly alert the public to any waste, as well as the improper expenditure of school construction bond money”.

CBOC REPORTS

The Education Code requires a CBOC to issue a report of its activities and findings at least once a year. The report reviews and analyzes a school district’s management of its bond construction program.

OBSTACLES FOR WCCUSD’s CBOC

While the WCCUSD Board of Education and the Superintendent intended to create attractive, safe schools that were magnets for student, parent, and community involvement, the design of the bond program was flawed. Here is a brief overview of internal and external factors affecting WCCUSD’s bond program:

- The size of WCCUSD’s bond program is very large and as a result required well-designed and well-executed financial controls to be successful.
- In contrast, the execution of the program fell below acceptable financial standards because of substandard budget controls and financial discipline. Budgets and school plans were not carefully reviewed to determine whether they reflected the most efficient design as opposed to the more lavish; change orders were routinely approved without reference to the approved budget but instead on the basis of community wishes or desires for “nice to have” rather than “need to have” facilities.
- Audit reports were incomplete or incorporated inaccurate data, leading to a construction program that appeared out of control through 2014.
- The bond program problems were a reflection of the broader failures in responsible financial management for a construction program of this size.

The ability of the WCCUSD CBOC to provide oversight of the bond program has been hampered by its own administrative structure and by the poor quality of information supplied to it by WCCUSD staff and Board of Education. These factors have compromised the effectiveness of the CBOC. The CBOC also faced delays and lack of cooperation from WCCUSD, which have impaired its ability to properly oversee this billion-dollar bond program.

CBOC SIZE

While state law requires a CBOC to consist of at least seven members in mandated categories, WCCUSD's Board of Trustees ("Board of Education" or the "Board") expanded its CBOC to 19. WCCUSD's CBOC currently includes the following additional members:

- Five members who were recommended respectively by the city council for the following five cities: El Cerrito, Hercules, Pinole, Richmond, and San Pablo
- Two members residing in unincorporated areas of the district recommended respectively by the two county supervisors who have districts that overlap with WCCUSD
- Five members recommended respectively by each member of the Board of Education
- One member representing the Contra Costa Building and Construction Trades Council
- One member of Public Employees Union Local 1 (who is not a district employee)

CBOC appears to be prone to administrative inefficiencies because of the large number of board members. This has led to problems in securing quorums for meetings. The CBOC has experienced high turnover in the past decade. For example, a total of 30 individuals served as CBOC members during 2013 -2014, indicating that turnover was a problem. Some of the high turnover on the CBOC could have been the result of committee members feeling frustrated that under these circumstances their impact on the bond program would be marginal at best. Other members dropped out of CBOC to pursue other interests.

CONFLICT OF INTEREST CONCERNS

The Education Code requires appointment of an independent CBOC; however, the school district's governing body has sole authority to approve nominations. This veto power coupled with certain un-mandated positions authorized by the Board may have created an inherent conflict of interest.

The categories below are troublesome:

- Members recommended by each member of the Board of Trustees.

Since CBOC should operate "independently," allowing each member of the Board an appointment results in a conflict of interest since each Trustee is free to appoint a CBOC member who supports the viewpoint of that particular trustee.

- One member representing the Contra Costa Building and Construction Trades Council.

While the Contra Costa Building and Construction Trades Council has construction industry expertise that may be valuable to the CBOC, the Council is a trade organization that has a primary interest in promoting jobs, benefits and training for its members. That interest could at times be in conflict with the interests of WCCUSD taxpayers seeking careful and prudent oversight of WCCUSD's bond funds.

DELAYS BY SCHOOL DISTRICT

WCCUSD has not always provided financial reports to CBOC in a timely manner or in a well-organized format, allowing very little time for any thoughtful analysis.

In one recent example, CBOC received a box of records from WCCUSD only one day prior to a WCCUSD school board meeting. These records related to a proposal to approve doubling – to \$7.5 million dollars – the fees paid to an architect. Although CBOC's Chair objected to this short notice and requested that this agenda item be postponed so that CBOC would have the opportunity to carefully review all the documents submitted, the Board denied this request and voted to approve the \$7.5 million contract that same day.

In another example, the CBOC Audit Subcommittee Chair complained during a joint CBOC/WCCUSD public school board meeting on July 10, 2013, about WCCUSD's response to a request his subcommittee had made for information based on a performance audit. Although the information should have been readily available, five months had passed and the CBOC had yet to receive any of it. The minutes of the meeting reflected that the CBOC Chairperson also complained that "there was a lack of responsiveness and communication between the Committee and the District . . ."

In December 2014, the Chair of CBOC requested specific bond construction management contracts with Seville Group Inc. from WCCUSD's staff. Seville Group Inc. (SGI) is the longstanding program management company for the WCCUSD's bond construction program and has been paid over \$86,000,000 since 2002. As of the CBOC meeting held on April 29, 2015, WCCUSD's staff still had not provided this contract information to CBOC. When the school district staff engineer was asked about this request again, he responded that he had recently complied with this request. A member of the Audit Subcommittee was quick to contradict this statement, pointing out that the documents delivered to CBOC had missing pages and noting the documents and pages that had been submitted to them were out of order.

WCCUSD STAFF DID NOT PROVIDE REQUIRED FINANCIAL REPORTS TO CBOC

All expenditures of the school bond construction program are summarized in monthly Construction Asset Management Program (CAMP) reports, which provide detailed financial and non-financial information about bond-funded projects. WCCUSD stopped providing these reports to CBOC in early 2013. According to an independent audit, WCCUSD staff did not resume providing these reports until January 2015, which meant that CBOC operated without this vital information for almost two full years. Additionally, WCCUSD has not provided an updated Master Plan covering all the school projects completed, in-progress, or planned and budgeted by the school construction program since 2007, despite repeated requests by CBOC.

These kinds of delays and the lack of professional cooperation make it extremely difficult for CBOC to conduct any meaningful analysis. CBOC meets only once per month, making delays by the school district detrimental to the performance of its duties as a watchdog over school bond expenditures.

INACCURATE REPORTS & RECORDS PROVIDED BY SCHOOL DISTRICT STAFF

A CBOC without timely, accurate, and comprehensive financial information lacks the ability to provide meaningful oversight of the construction program it is charged with monitoring.

The perceived ineffectiveness of the WCCUSD CBOC has been a subject of increasing public discussion in the West County area over the past year. Reports began appearing in the media about change-order-driven cost overruns that pushed the total cost of individual school construction projects significantly above the engineers' original estimates. The public in general, as well as parents who had children in the district, began to realize that some badly-needed school projects would not be undertaken given the current construction program funding limits, even though the projects had been promised at the time bonds were approved. Alleged waste and excessive costs in the management of the construction program became a topic of news and media articles. At the October 22, 2014 CBOC meeting, CBOC again was unable to effectively perform its critical duties as an oversight body because WCCUSD had not given it accurate reports and data. Several times, a member of CBOC tried to make a point about some financial aspect of the construction program, only to be told by a member of WCCUSD staff that the point was off the mark because the financial data upon which it was based was inaccurate. It appeared that little effort had been made to provide the CBOC members with sound data. In addition, malfunctioning, incompatible, and/or outdated software also caused problems in furnishing accurate data to the CBOC; however, it was clear from their questions that the CBOC members were trying to get a clear picture of the financial impact of change-order-related project cost overruns for the current period and for prior years.

At the February 23, 2015 public CBOC meeting, a CBOC member was interrupted in the middle of his presentation to be told that the numbers in a bond fund summary expenditure report that he was discussing actually contained a mixed combination of bond funds and funds from other sources. At the same meeting, a scheduled report on the status of remaining bond funds was provided by the bond manager's representative over the speakerphone while he was driving out of the area in his car. When a CBOC member asked a specific question about the report, the bond manager's representative said he was unable to answer this question because he was driving and did not have the report in front of him.

At an April 2015 public CBOC meeting, one CBOC member said he no longer had confidence in the financial reports being provided to him, especially with regard to change orders. He said he mistrusted the way WCCUSD was using a system to code the attributed cause for the overruns, and also suspected that these codes were being changed by staff somewhere in the process to provide a distorted picture of what actually occurred.

In April of 2015, a WCCUSD School District employee went public with detailed documentation showing that WCCUSD reports purportedly disclosing the financial status of school construction greatly understated actual spending. These reports allegedly misinformed CBOC members and others.

CHANGE ORDERS

"Change orders" are requests to do additional construction work that were not included in the original contract. There have been a large number of change orders for WCCUSD's construction program.

The per-pupil cost of change orders is reported to be the highest in the state. The change order total as a percent of project cost for the district is twice the state average. A performance audit conducted on the bond construction program in 2015 found that "70 percent of the overall cost of change orders was due to construction owner requested change orders." The auditor recommended that WCCUSD continue its efforts to keep owner generated change orders during construction to a minimum by performing a thorough review of the plans and drawings during the preconstruction phase.



DeAnza High School

The lack of proper attention to change orders was also reflected in the faulty and inaccurate reports on change orders that WCCUSD provided to the CBOC. A review of these reports showed that many project cost overrun totals were not timely recorded in documents that were supposed to track bond fund expenditures. Instead, WCCUSD staff often waited until each project was completed before recording all cost overrun expenses in project financial reports.

WCCUSD has provided CBOC with only charge order information for specific projects. On the recently completed Ohlone Elementary School project, change orders processed to date total \$2.6 million on a \$16 million project, or 16.25% of the total. This is a very high rate for new construction. If this percentage were typical of the entire \$1.1 billion spent to date, it would suggest total change orders of \$176,000,000.

In this case, WCCUSD records disclosed that unprocessed change orders (ones not entered into the accounting records) total close to \$2 million. Instead of WCCUSD staff estimating a reasonable cost figure for change orders, a figure that should have been readily available, a zero cost was entered. This practice resulted in inaccurate, understated project costs compared to budget being included in School District financial reports provided to the CBOC.

At the April 30, 2015 public CBOC meeting, CBOC Audit Subcommittee members expressed shock during a presentation by school district staff that revealed that change order costs were routinely omitted from the financial reports provided to the CBOC. The Chair of the CBOC Change Order Investigative Subcommittee attempted to commend one of the large project construction firms after observing that the change orders for this firm showed "zero" change order cost in the project report. The School District staff engineer had to point out that the numbers shown on the report given to the CBOC members had not been updated, and that this particular contractor, contrary to what the report showed, did in fact have substantial change orders. He confirmed that these numbers had not been posted into the accounting software. When asked the dollar amount of the change orders, the school district engineer responded that he did not have those figures yet. He also confirmed the fact that this construction firm had already commenced construction work on the unrecorded change orders. One CBOC member then threw his hands up in the air and expressed outrage at the fact that they were consistently being provided "inaccurate" numbers by the school district.

As expressed at their April 30 public CBOC meeting, members of CBOC have realized that the bond program has had hundreds of change orders that were not being accounted for in a timely fashion.

According to one report noted by a CBOC member at a public CBOC meeting, there were over 400 proposed change orders in the approval queue as of March 5, 2015. One CBOC member commented at the same meeting, "I find it hard to believe that the school district still does not understand "change orders" after 16 years. We never had any reference point to even talk about change orders prior to February of 2015 of this

year!" For example, one elementary school had up to 126 change orders costing \$ 2.6 million. Of this total, 76 change orders valued at nearly \$1.6 million were attributed to design errors.

CBOC members demanded an immediate meeting with district staff in order to receive current and correct financial reports on the bond program, the status of accounts, and cash flow for the program.

CBOCs are required by law to produce both performance and financial audits. Records showed that two consultants who had prepared the CBOC's "Performance Audits" in recent years had apparently missed the discrepancies in the change order data.

Only with accurate financial information will CBOC be able to perform its important mission, as required by the Education Code and promised in Proposition 39.

As noted above, in April 2015, hundreds of pages of documents were produced by a WCCUSD School District employee who went public, which show numerous inaccuracies in financial reports generated as part of WCCUSD's school construction program. In response to this, a special closed session School Board meeting was immediately held with all the Board Trustee members. On April 29, 2015, WCCUSD Board President Todd Groves announced, "As a board, we are committed to pursuing an independent forensic examination of the issues raised in the complaint and we have set forth a process to do so."

FAILURE TO PUBLISH CBOC AGENDAS

CBOC's Chairperson made numerous requests to WCCUSD staff, asking staff to post CBOC Audit Subcommittee agendas to WCCUSD's website. CBOC believed that the public should be informed of items that were to be discussed at these meetings, and therefore wanted their agendas readily available on the school website.

The WCCUSD staff representative to CBOC denied these requests and responded that he felt it wasn't necessary. CBOC then referred this request directly in writing to the School Board at the end of 2013 and included applicable Brown Act citations as well as an Internet link to an Attorney General's opinion supporting its position that CBOC Audit Subcommittee agendas should comply with Brown Act noticing requirements. Despite all these measures, no action was taken. It wasn't until a CBOC officer filed a formal complaint with the Contra Costa County District Attorney's office and almost one year later that WCCUSD agreed to post these agendas on its website. Despite agreeing to post CBOC agendas, WCCUSD controlled access to CBOC website content. For example, the CBOC Chairperson complained that WCCUSD amended the CBOC agenda for the May 2014 meeting without her consent.

PRIOR GRAND JURY REPORT ISSUED IN 2012

The Grand Jury looked at CBOCs throughout Contra Costa County three years ago in report number 1208, issued on May 10, 2012. That Grand Jury report included a recommendation for School Boards to “provide oversight committees with complete, detailed, and comprehensive financial data relating to the expenditure of bond revenues, showing the amount of funds originally budgeted and allocated for each project, amounts expended to date and amounts committed to each project, percentage of completion of each project, and all approved or anticipated change orders.”

The WCCUSD School District’s response to the Grand Jury was that this recommendation “Had already been implemented.” The current Grand Jury has found that this is not the case. Members of the CBOC have not received and are still not receiving the comprehensive and accurate data they need in order to provide proper oversight to the bond program, including change order totals.

The report also contained a finding that: “Districts do not consistently provide timely, adequate and independent training or resource materials for members of their bond oversight committees that explain their role, duties, and functions, or provide training in the skills needed to analyze the kinds of financial data that bond oversight committee members are asked to review.” The Grand Jury report had recommended that all new members receive training and that six specific training pamphlets and manuals be provided to all CBOC members. There is no evidence that the district has responded effectively to this finding either. Current and former CBOC members stated that the school district has provided them little or no training. None of them recalled receiving any training pamphlets or manuals.

SCHOOL BOARD FAILS TO FOLLOW SOME OF ITS OWN POLICIES

The School Board has not followed some of its own policies with respect to its CBOC, nor has it complied with certain provisions of the Education Code. Some examples of policy violations are noted below.

CBOC Member Applications

Board Policy 7214.2 states that “applicants should submit written applications to the Superintendent and CBOC chair,” but this is not being followed. No applications are being taken and no information is being communicated to the CBOC chair prior to the appointment of new members.

Required Joint Meetings with CBOC

School Board Policy 7214.2 states that, “The Committee and Board shall hold joint meetings during the first quarter (January-March) and the third quarter (July-September) of each year.” This has not always been done.

It appears that during the first quarter of 2013, no meetings were held. The first meeting of the year was not held until July 2013.

Mandated CBOC Member Category

Section 15282 (a) (2) of the California Education Code states that one of the legally mandated member categories on CBOC will be one member who is active in a senior citizen's organization.

A WCCUSD staff person had recommended an individual to represent the "Senior Citizen Organization" category on CBOC, which the School Board later approved. When a concerned citizen inquired and asked for a copy of the application that had been submitted, they were told that none had been provided. When the citizen had asked "which" Senior Citizen organization this person represented, the school district replied in a written memo, "none".

This appears to be a violation of the California Education Code section 15282(a)(2).

CLOSING REMARKS

With six school bond measures appearing on the property tax bills of residents, a seventh school bond - Measure H - was on the ballots of WCCUSD voters in 2014. Passage of Measure H would have authorized WCCUSD to issue an additional \$270 million of general obligation bonds. This debt would have increased property taxes in the district by approximately \$36 per year per \$100,000 of assessed valuation and would not have been paid off until 2055.

This bond measure was defeated at a time when public concern about the management of the building program appeared to be growing. There were various reports in the press that there was not going to be enough money to build or modernize many of the schools – as many as twelve – which had been promised. Furthermore, statutory limits on district indebtedness as a percentage of real estate assessed valuation prevent the district from selling all of the bonds which have already been approved. With the defeat of Measure H and the election of two new school board trustees in November 2014, it became clear that unqualified public support for the district and its construction program was no longer the case. The two new school board trustees have made it clear that prudent financial planning and construction priority planning are to be essential features of the program in the future. They have blocked almost half a million dollars' worth of change orders to eight school construction projects and refused to approve \$2.3 million in charges from Seville Group Inc. (SGI) – the bond management construction firm for the school district bond construction program - on the grounds that they had not been provided adequate information about the reasons for these expenditures.

There are now some signs of change in the course of the WCCUSD's school bond construction program; however, these changes follow years of poor fiscal controls and a lack of cooperation with a CBOC whose task it was to monitor and report on the expenditure of public funds.

FINDINGS

F1. The WCCUSD school board appoints CBOC members who oversee it, which may make CBOC members feel beholden to WCCUSD board members, which may result in an inherent conflict of interest.

F2. CBOC membership is currently set at 19, which makes it difficult to reach a quorum or to get business done with so many voices to be heard at meetings.

F3. The School Board had added a discretionary category for a member of the Public Employees Union Local 1 on CBOC.

F4. WCCUSD did not agree to post CBOC's meeting materials on its website when requested to do so by CBOC.

F5. WCCUSD has complete control over CBOC's website.

F6. WCCUSD has denied CBOC's requests for access to CBOC's website and rejected CBOC's suggestions.

F7. WCCUSD has not always timely furnished financial reports to CBOC, allowing CBOC very little time for any thoughtful analysis.

F8. Financial reports provided by WCCUSD to CBOC are not always accurate and complete.

F9. WCCUSD and the School Board were not in compliance with law in refusing to support CBOC's requests for public posting of CBOC agendas and minutes on WCCUSD's website.

F10. WCCUSD has not consistently provided timely, adequate and independent training for new CBOC members. Recommended training manuals and pamphlets have not been furnished to CBOC members.

F11. CBOC had lacked a member who was active in a senior citizen's organization.

F12. The School Board has not always required an application before approving CBOC members.

RECOMMENDATIONS

R1. The School Board should eliminate the following six member positions from CBOC at the expiration of their terms, to eliminate any concerns about conflicts of interest.

- Five members, one recommended by each member of the Board of Education
- One member representing the Contra Costa Building and Construction Trades Council.

R2. The School Board should change the School Board discretionary category of "Public Employees Union Local 1" to that of an "at large" position from the general community in order to allow for a greater pool of qualified candidates to apply.

R3. The School Board should create an independent selection committee to select new nominees for CBOC, comprised of the CBOC Chair and a designated appointee from CBOC, two members from the Board of Education, and School Superintendent or designee, for a committee of five. Selection should be based on merit and be a transparent process to ensure public confidence in this vital selection process.

R4. WCCUSD should provide CBOC members with complete, detailed and comprehensive financial data relating to the expenditure of bond revenues and items put to vote on the board agenda at least 7 days in advance of the board meetings, in order to permit meaningful and effective review and oversight.

R5. WCCUSD should allow CBOC full access to the CBOC website.

R6. WCCUSD should not change or add items to CBOC's website without the permission of the CBOC chair.

R7. WCCUSD should provide CBOC with accurate, understandable and timely financial and non-financial reports concerning bond funded projects as well as other relevant information requested on the bond construction program at least monthly.

R8. WCCUSD should provide CBOC with a comprehensive master plan for the school construction projects within the next three months and as requested by CBOC.

R9. WCCUSD should provide timely and comprehensive training to all new CBOC members on a timely basis. The following training materials, at a minimum, should be provided to all new CBOC members within one week of their appointment:

- (a) California League of Bond Oversight Committee recommended Best Practices
- (b) San Diego County Taxpayers Association "Oversight Committee Best Practices" Guide
- (c) California Coalition for Adequate School Housing "Proposition 39 - Best Practices Handbook"
- (d) Little Hoover Commission 2009 Report "Bond Spending: Expanding and

Enhancing Oversight"

(e) California League of Cities "A Guide to The Ralph M. Brown Act"

(f) State Controller's Office 2011 Audit Report on the Los Angeles Community College District's bond construction program

R10. The School Board should follow all of its policies.

R11. The School Board should ensure that the CBOC contains a member from each category required by California Education Code Section 15282.

REQUIRED RESPONSES

	<u>Findings</u>	<u>Recommendations</u>
WCCUSD School Board of Education	1-12	1-11

APPENDIX A

METHODOLOGY

Information in this report was obtained from the following:

- Interviews of past and present CBOC members, past and present WCCUSD School Board members ("Trustees"), WCCUSD School District Staff
- On-line internet documents, newspaper articles, internet posts on CBOC and WCCUSD websites
- Written testimony to the Hoover Commission
- Complaint filed with the local Contra Costa District Attorney's office
- Relevant California Education and Penal codes
- Proposition 39
- WCCUSD School Board policies
- Minutes/Agendas of meetings of CBOC, Minutes/Agendas of meetings of the School Board WCCUSD) - 2013, 2014, 2015
- CBOC Monthly Financial Reports - 2015
- Items Requiring Board Attention memos - 2015
- Bond Program Project Status reports - 2015
- CBOC 2014 Annual Report
- WCCUSD CBOC - Audit Subcommittee Performance Audit Reports - 2014
- California League of Bond Oversight Committees' (CalBOC) - Newsletters "CalBOC Review" - 2015
- Documents submitted at CBOC and School Board meetings 2014, 2015
- WCCUSD audited financial statements for 2012, 2013, and 2014 years
- WCCUSD adopted budgets for 2012-13, 2013-14, and 2014-15
- CBOC membership lists for 2007-2015 years
- List of WCCUSD enrollment figures for 2012-13, 2013-14 and 2014-15 years
- Annual reports issued by CBOC for 2011, 2012, and 2013 years
- Memos/correspondence between WCCUSD and CBOC and public, 2013, 2014, 2015
- Statement of Economic Interests – CA. Form 700 filed by School Board members 2009-2014 years
- Proposition 39 – Best Practices Handbook
- Senate Bill 1473 on School Facilities Bond Proceeds: Performance Audits, Government Auditing Standards
- 2011 Revision Handbook, Senate Bill 584 – School Facilities
- Financial and Performance Audits (2013-2014)
- Responses filed by school district to performance audits 2013-2014 years
- California Legislative summaries
- WCCUSD Contract Documents for Request for Proposals

- WCCUSD Responses to Request for Proposal Independent Bond Performance Audit Services
- Correspondence from WCCUSD's law firm on various bond construction program issues, 2014, 2015
- Independent Auditor's Report – issued by Crow Horwath
- Settlement and General Release Contract by WCCUSD and former district staff
- Correspondence from U.S. Securities and Exchange Commission with WCCUSD
- WCCUSD Agreement for Special Contract Services, School Bond Transparency in San Diego County Manual
- Chapter 294 Laws of 2010
- "Independent financial and performance audits shall be conducted in accordance with Government Auditing Standards" - issued by Comptroller General of the United States
- Chapter 167 Laws of 2013 Education Audits Appeals Panel
- Summary of CalBOC Legislative History
- May 2014, Vavrinek, Trine, Day & Co.
- LLP Response to Request for Proposal Independent Bond Performance Audit Services, March 20, 2014
- Selection of Performance Auditor fiscal year 2014-2015 memos
- Scope of Services Memo for the 2013-2014 Performance Audit
- Performance Audit Scope, fiscal year 2013-2014
- Measure J (2005) and D (2010) Performance Audit – 2013
- CBOC Annual Report 2013
- U.S. Securities and Exchange Commission subpoena – July 2014
- Letter Contra Costa County Superintendent of Schools, dated September 2014 for Charles Ramsey legal representation for SEC investigation
- Education Code section 15280
- Civil Grand Jury Report 1208
- No on Measure H Bond Measure- June 2014
- Performance audit standards SB 584 – August 2014 (Chapter 167 Laws of 2014)
- Citizens' Bond Oversight Committee Board Policy 7214.2
- CBOC Education Code 15278-15282
- Education Code 15284-15288 Bond Accountability
- Chau Fair Political Practices Commission Complaint – October 2014
- Kronenberg Fair Political Practices Commission Complaint – October 2014
- Performance audit professional services staffing plan for the bond program and program management – June 2008, 2010, 2011, 2012, & 2013
- School Construction Summary – December 2013
- Design and Construction Costs and Budgets for 2011, 2012, 2013
- CBOC Performance Audit reports for 2007, 2008, 2009, 2010, 2011, 2012, 2013, and 2014.
- SGI contracts with the school district from 2001 to present
- Change order requests from contractors, architects-2014, 2015

- California Government Code Sections 54950 – 54960.5 (Brown Act)
- Documents given to Vavrinek, Trine, Day & Company LLP (VTD) for the fiscal year 2014 Performance Audit and "Agreed Upon Procedures"
- 2014 Capital Management Plan (CAMP) reports
- Construction and Architect Contracts - 2014
- July 2014 Key Performance Indicators Summary (KPI) report on expenditures given to CBOC
- July 2014 Bonds KPI Summary Report
- 2014 Project Budget reports
- 2014 Active Project Budgets
- 2014 Actual Costs by Measure reports
- 2014 School District internal tracking of Board budget authorizations
- 2014 Historical Program Budgets
- 2014 Total Bond Program Budgets
- 2014 Project Ledger Reconciliation reports
- 2014 Project Reconciliation Details reports
- 2014 Project Ledger Summary reports
- 2015 Project Ledger Summary Reconciliation reports
- Costs by Bond Measure Report - 2014

MEETINGS ATTENDED:

Attendance at CBOC meetings of three different school districts in Contra Costa Counties:

Attended five WCCUSD-CBOC meetings

Attendance at CBOC meeting of San Ramon Valley Unified School District

Attendance at CBOC meeting of Acalanes Union School District.

Attendance at WCCUSD School Board meeting

Attendance of California League of Bond Oversight Committees (CalBOC) Annual Statewide Conference - May 2015

APPENDIX B

West Contra Costa Unified School District
Enrollment as of January 2015

SCHOOL	TK	K	1	2	3	4	5	6	SPECIAL ED			
									Pre-Schl	TK-6	TOTAL SP.ED	TOTAL
ELEMENTARY:												
BAYVIEW	21	89	114	104	104	89	82	81	574	0	0	684
CHAVEZ	22	62	80	92	96	99	84	62	513	0	18	615
COLLINS	0	49	46	48	61	47	51	52	305	16	22	392
CORONADO	24	45	68	74	65	56	54	44	361	0	0	430
DOVER	24	96	125	123	95	99	119	87	648	0	0	768
DOWNER	21	86	82	96	95	99	87	66	525	15	18	665
ELLERHORST	0	38	49	49	44	57	51	54	304	0	32	374
FAIRMONT	0	74	75	84	82	75	76	74	466	8	33	581
FORD	24	68	75	82	58	66	56	54	391	7	0	490
GRANT	23	71	77	84	83	66	76	39	425	0	41	560
HANNA RANCH	0	71	76	88	80	77	85	0	406	0	0	477
HARDING	20	39	38	50	37	45	59	40	269	0	45	373
HIGHLAND	0	71	68	64	73	62	63	48	378	0	25	474
KENSINGTON	0	65	71	71	71	86	93	54	446	0	7	518
KING	0	72	75	67	62	62	55	46	367	8	25	472
LAKE	21	45	50	67	69	72	58	48	364	0	1	431
LINCOLN	0	66	83	68	73	66	51	58	399	0	0	465
LUPINE HILLS	23	61	50	63	53	68	55	0	289	0	41	414
MADERA	0	74	64	74	73	86	70	70	437	0	8	519
MIRA VISTA K-5	0	46	50	50	48	58	60	0	266	7	39	358
MONTALVIN	22	62	72	68	49	57	51	52	349	8	1	442
MURPHY	0	72	73	71	71	59	59	49	382	0	45	499
NYSTROM	21	90	80	79	75	63	59	50	406	0	0	517

OHLONE	0	52	64	51	50	57	64	0	286	0	18	18	356
OLINDA	24	40	49	43	47	38	54	28	259	0	0	0	323
PERES	20	61	76	79	79	73	74	62	443	14	7	21	545
RIVERSIDE	0	47	60	65	66	63	58	50	362	7	11	18	427
SHANNON	23	42	52	44	41	42	35	40	254	7	24	31	350
SHELDON	23	39	52	56	60	60	48	48	324	0	10	10	396
STEGE	24	46	44	50	40	37	41	47	259	0	0	0	329
STEWART K-5	0	51	43	47	48	56	61	0	255	0	0	0	306
TARA HILLS	0	63	47	61	91	83	79	78	439	9	44	53	555
VALLEY VIEW	0	26	61	44	48	43	44	35	275	0	22	22	323
VERDE	0	51	48	60	48	46	38	32	272	0	0	0	323
WASHINGTON	0	65	74	72	74	64	61	40	385	0	27	27	477
WILSON	0	70	70	60	71	73	73	42	389	0	39	39	498

OTHER SCHOOLS:													
HARBOUR WAY	0	0	0	0	0	0	1	0	1	0	0	0	1
HOME TEACH-EL	0	1	1	1	0	1	0	0	3	0	1	1	5
VISTA ELM IND STDY	0	0	0	0	1	0	0	0	1	0	0	0	1
CAMERON/KNOLLS										281		281	281
CAMERON/SDC										23		23	23
INFANT/LIFT										61		61	61
TOTAL ELEMENTARY	380	2,166	2,382	2,449	2,381	2,350	2,285	1,630	13,477	471	604	1,075	17,098
13,477													
SCHOOL	6	7	8	9	10	11	12	7-8	9-12	SP.ED	TOTAL		
17,098													
MIDDLE SCHOOLS:													
HARBOUR WAY		1	2	6	0	0	0	0	8		0	0	9
HELMS		0	486	506	0	0	0	0	992		0	39	1,031
HERCULES MIDDLE		179	228	206	0	0	0	0	434		0	29	642
JUAN CRESPI		0	272	291	0	0	0	0	563		0	32	595

KOREMATSU	0	257	247	0	0	0	0	0	0	504	0	36	540
LOVONYA DeJEAN	0	290	286	0	0	0	0	0	0	576	0	39	615
MIRA VISTA 6-8	59	57	61	0	0	0	0	0	0	118	0	6	183
PINOLE JR	0	265	274	0	0	0	0	0	0	539	0	39	578
STEWART	57	55	55	0	0	0	0	0	0	110	0	0	167
HIGH SCHOOLS:													
DE ANZA	0	0	0	0	341	294	294	220	0	0	1,149	89	1,238
EL CERRITO	0	0	0	0	342	330	309	278	0	0	1,259	92	1,351
HERCULES HIGH	0	0	0	0	201	262	220	206	0	0	889	45	934
KENNEDY	0	0	0	0	243	229	176	154	0	0	802	53	855
MIDDLE COLLEGE	0	0	0	0	74	67	64	62	0	0	267	0	267
PINOLE VALLEY	0	0	0	0	308	270	286	278	0	0	1,142	60	1,202
RICHMOND (Inc Apps)	0	0	0	0	368	386	346	312	0	0	1,412	68	1,480
CONTINUATION ED:													
GATEWAY	0	0	0	0	0	5	14	79	0	0	98	1	99
GOMPERS	0	0	0	0	3	11	54	68	0	0	136	1	137
NORTH CAMPUS	0	0	0	0	5	13	64	104	0	0	186	0	186
OTHER SCHOOLS:													
HOME TCH SEC	2	2	2	2	6	6	12	19	4	4	43	11	60
TRANSITION	0	0	0	0	0	0	0	0	0	0	0	130	130
VISTA HIGH	0	10	8	8	12	41	58	72	18	18	183	2	203
TOTAL SECONDARY	298	1,924	1,942	1,903	1,914	1,897	1,852	3,866			7,566	772	12,502

SUMMARY			
TRANSITION			
KINDERGARTEN		380	
KINDERGARTEN		2,166	
GRADES 1 - 6		13,477	

GRADES 6 MIDDLE	298
GRADES 7 - 8	3,866
GRADES 9 - 12	7,566
<u>SPECIAL EDUCATION</u>	
Preschool	471
TK - 13	1,376
TOTAL SPED	1,847
TOTAL	<u>29,600</u>

1 APPENDIX C

2
3 CBOC MEMBERSHIP ROSTERS FOR 2015, 2014, 2013

- 4
- 5 • April 22, 2015
 - 6 • July 22, 2014
 - 7 • March 14, 2014
 - 8 • April 11, 2013

***The Grand Jury commends those who have
selflessly devoted much time and effort to
CBOC***



4/22/15

West Contra Costa Unified School District
Citizens' Bond Oversight Committee for Measure D (2002), J (2006), D (2010), and E (2012): Membership by Categories

No. ¹	Category ²	Recommended By	Member Name	Office	Dates Board Approved	Current Term End Date	First Second or Third Term?
1	Business Organization *	Business Organization	Tom Waller		9/19/12, 8/13/14	9/18/16	Second
2	Senior Citizen Organization *	Senior Citizen Organization	Antonio Medrano		3/4/15	11/4/15	First
3	Taxpayers' Organization *	Taxpayers' Organization	Tashia Flucas		12/11/13	12/10/15	First
4	Parent or Guardian *	Superintendent	Kelvin Love		11/6/13	11/5/15	First
5	Parent/Guardian & PTA *	PTA	Marianne Harrison		1/8/14	1/7/16	First
6	El Cerrito	City Council	Orlandus Waters	Vice Chair	4/13/13, 4/22/15	4/21/17	Second
7	Hercules	City Council	Christine Kelley		2/11/15	3/10/16	First
8	Pinole	City Council	Maureen Toms		1/8/14	1/7/16	First
9	Richmond	City Council	Margaret Browne		9/17/14	9/16/16	First
10	San Pablo	City Council	Charlene Harlan-Ogbeide		11/12/14	11/11/16	First
11	Unincorporated Area	Supervisor Glover	Vacant (Since 4/9/15)				
12	Unincorporated Area	Supervisor Gioia	Peter Chau	Secretary	4/23/14	4/22/16	First
13	Board of Trustees WCCUSD	Trustee Kronenberg	Vacant (Since 4/2015)				
14	Board of Trustees WCCUSD	Trustee Groves	Ivette Ricco	Chair	6/2/10, 6/13/12, 6/11/14	6/1/16	Third
15	Board of Trustees WCCUSD	Trustee Cuevas	Vacant (since 1/2015)				
16	Board of Trustees WCCUSD	Trustee Block	Anton Jungherr		2/11/15	2/10/17	First
17	Board of Trustees WCCUSD	Trustee Enos	Stephen Purser		1/8/14	1/7/16	First
18	Building Trades	Building Trades Council	Dennis Hicks		8/12/13	8/11/15	First
19	Public Employees Union	PEU Local 1	Madeleine Jen Kin		2/11/15	2/10/17	First

* Required positions under Proposition 39 [Education Code section 15282 (a)]

Superintendent's Designee: Lisa LeBlanc
Board Liaison: Liz Block

Description	Number
Authorized Positions	19
Filled Positions	16
Vacant Positions	3
Quorum Requirement	9

¹ Position numbers were assigned by the CBOC for reference purposes only

² Proposition 39, CBOC was established by the Board of Education on April 9, 2003. All appointments are made by the Board of Education. Terms are for two (2) years with a maximum of three consecutive terms.

No. ¹	Category ²	Recommended By	Member Name	Office	Dates Board Approved	Current Term End Date	First or Second Term?
1	Business Organization *	Business Organization	Tom Waller		9/19/12	9/18/14	First
2	Senior Citizen Organization *	Senior Citizen Organization	James Oakley		11/6/13	11/5/15	First
3	Taxpayers' Organization *	Taxpayers' Organization	Tashia Flucas		12/11/13	12/10/15	First
4	Parent or Guardian *	Superintendent	Kelvin Love		11/6/13	11/5/15	First
5	Parent/Guardian & PTA *	PTA	Marianne Harrison		1/8/14	1/7/16	First
6	El Cerrito	City Council	Orlandus Waters	Vice Chair	4/13/13	4/12/15	First
7	Hercules	City Council	Bill Kelly		3/12/14	3/11/16	First
8	Pinole	City Council	Maureen Toms		1/8/14	1/7/16	First
9	Richmond	City Council	Vacant (since 10/2013)				
10	San Pablo	City Council	Vacant (since 12/2013)				
11	Unincorporated Area	Supervisor Glover	Norma Martinez-Rubin		4/10/13	4/9/15	First
12	Unincorporated Area	Supervisor Gioia	Peter Chau		3/26/14	3/25/16	First
13	Board of Trustees WCCUSD	Trustee Kronenberg	Tim Warner		3/21/12, 3/12/14	3/20/16	Second
14	Board of Trustees WCCUSD	Trustee Groves	Ivette Ricco	Chair	6/2/10, 6/13/12, 6/12/14	6/11/16	Third
15	Board of Trustees WCCUSD	Trustee Merriweather	Charles Cowens	Secretary	1/5/11, 12/12/12	1/4/15	Second
16	Board of Trustees WCCUSD	Trustee Ramsey	Ken Jett		2/13/13	2/12/15	First
17	Board of Trustees WCCUSD	Trustee Enos	Stephen Purser		1/8/14	1/7/16	First
18	Building Trades	Building Trades Council	Dennis Hicks		8/12/13	8/11/15	First
19	Public Employees Union	PEU Local 1	Vacant (since 6/2014)				

Superintendent's Designee:
Board Member Liaison: Charles Ramsey

* Required positions under Proposition 39 [Education Code section 15282 (a)]

¹ Position numbers were assigned by the CBOC for reference purposes only
² CBOC was established by the Board of Education on April 9, 2003. All appointments are made by the Board of Education. Terms are currently for two (2) years with a maximum of two consecutive terms.

No. ¹	Category ²	Recommended By	Member Name	Office	Dates Board Approved	Current Term End Date	First or Second Term?
1	Business Organization *	Business Organization	Tom Waller		9/19/12	9/18/14	First
2	Senior Citizen Organization *	Senior Citizen Organization	James Oakley		11/6/13	11/5/15	First
3	Taxpayers' Organization *	Taxpayers' Organization	Tashia Flucas		12/11/13	12/10/15	First
4	Parent or Guardian *	Superintendent	Kelvin Love		11/6/13	11/5/15	First
5	Parent/Guardian & PTA *	PTA	Marianne Harrison		1/8/14	1/7/16	First
6	El Cerrito	City Council	Orlandus Waters	Vice Chair	4/13/13	4/12/15	First
7	Hercules	City Council	Bill Kelly		3/12/14	3/11/14	First
8	Pinole	City Council	Maureen Toms		1/8/14	1/7/16	First
9	Richmond	City Council	Vacant (since 10/2013)				
10	San Pablo	City Council	Vacant (since 12/2013)				
11	Unincorporated Area	Supervisor Glover	Norma Martinez-Rubin		4/10/13	4/9/15	First
12	Unincorporated Area	Supervisor Gioia	Peter Chau		1/8/14	1/7/16	First
13	Board of Trustees WCCUSD	Trustee Kronenberg	Tim Warner		3/21/12, 3/12/14	3/20/14	Second
14	Board of Trustees WCCUSD	Trustee Groves	Ivette Ricco	Chair	6/2/10, 6/13/12	6/1/14	Second
15	Board of Trustees WCCUSD	Trustee Merriweather	Charles Cowens	Secretary	1/5/11, 12/12/12	1/4/15	Second
16	Board of Trustees WCCUSD	Trustee Ramsey	Ken Jett		2/13/13	2/12/15	First
17	Board of Trustees WCCUSD	Trustee Enos	Stephen Purser		1/8/14	1/7/16	First
18	Building Trades	Building Trades Council	Dennis Hicks		8/12/13	8/11/15	First
19	Public Employees Union	PEU Local 1	Julio Arroyo		10/19/11, 11/6/13	10/18/15	Second

Superintendent's Designee: Bill Fay
Board Member Liaison: Charles Ramsey

* Required positions under Proposition 39 [Education Code section 15282 (a)]

¹ Position numbers were assigned by the CBOC for reference purposes only

² CBOC was established by the Board of Education on April 9, 2003. All appointments are made by the Board of Education. Terms are currently for two (2) years with a maximum of two consecutive terms.

West Contra Costa Unified School District

Citizens' Bond Oversight Committee for Measures M, D, J, D (2010), and E (2012): Membership by Categories

Updated 4/11/13

No. ¹	Category ²	Recommended By	Member Name	Officer?	Date Board Approved	Current Term Start Date	Current Term End Date	First or Second Term?
1	Business Organization *	Business Organization	Tom Waller		9/19/12	9/12	9/18/14	First
2	Senior Citizen Organization *	Senior Citizen Organization	Joe Fisher		9/21/11	9/11	9/20/13	First
3	Taxpayers' Organization *	Taxpayers' Organization	Kris Hunt		3/21/12	3/12	3/20/14	First
4	Parent or Guardian *	Superintendent	Vacant					
5	Parent/Guardian & PTA *	PTA	Vacant					
6	El Cerrito	City Council	Orlandus Waters		4/13/13	4/13	4/12/15	First
7	Hercules	City Council	Gerard Boulanger		11/2/11	11/11	11/1/13	First
8	Pinole	City Council	Tim Banelos		3/21/12	3/12	3/20/14	Second
9	Richmond	City Council	Vacant					
10	San Pablo	City Council	Paul Morris		2/6/13	2/13	2/5/15	First
11	Unincorporated Area	Supervisor Glover	Norma Martinez-Rubin		4/10/13	4/13	4/9/15	First
12	Unincorporated Area	Supervisor Gioia	Wayne Ellis		9/5/12	9/12	9/4/14	Second
13	Board of Trustees WCCUSD	Trustee Kronenberg	Tim Warner		3/21/12	3/12	3/20/14	First
14	Board of Trustees WCCUSD	Trustee Groves	Ivette Ricco	Chair	6/13/12	6/12	6/12/14	Second
15	Board of Trustees WCCUSD	Trustee Merriweather	Charles Cowens	Secretary	12/12/12	1/13	12/11/14	Second
16	Board of Trustees WCCUSD	Trustee Ramsey	Ken Jett		2/13/13	2/13	2/12/15	First
17	Board of Trustees WCCUSD	Trustee Enos	Kristin Rosekrans		3/21/12	3/12	3/20/14	First
18	Building Trades	Building Trades Council	Vacant					
19	Public Employees Union	PEU Local 1	Julio Arroyo		10/19/11	10/11	10/18/13	First

* Required positions under Proposition 39 [Education Code section 15282 (a)]

Notes on terms: Term start date is the actual month the CBOC member begins to attend meetings. Only after the Board of Education approves the appointment, the end of the term is no longer than 24 consecutive months.

¹ Position numbers were assigned by the CBOC for reference purposes only

² CBOC was established by the Board of Education on April 9, 2003. All appointments are made by the Board of Education. Terms are for two (2) years with a maximum of two consecutive terms.

APPENDIX D

BRIEF SUMMARY OF THE BROWN ACT

In brief, the “Brown Act” requires all local government business be conducted at open and public meetings, except in certain very limited situations. The Brown Act is based upon State policy that the people must be informed so they can keep control over activities and actions of their government.

It was authored by Assembly member [Ralph M. Brown](#) and passed in 1953, and guarantees the public’s right to attend and participate in meetings of local legislative bodies.

The Brown Act was enacted in response to mounting public concerns over informal, undisclosed meetings held by local elected officials. City councils, county boards, and other local government bodies were avoiding public scrutiny by holding secret meetings and workshops.

The Brown Act (CA Government Code Sections 54950-54960.5) applies to all public agencies in California. It is designed to assure open meetings and public deliberations by all government agencies in California. The statute itself makes this purpose clear in its opening section as follows:

“54950. In enacting this chapter, the Legislature finds and declares that the public commissions, boards and councils and the other public agencies in this State exist to aid in the conduct of the people’s business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly.

The requirements of the Brown Act are straightforward. They can be summarized as follows:

1. A public agency must post notice of regular meetings at least three days before the meeting date.
2. The notice must include an agenda of items to be discussed or voted on at the meeting. The description of each item on the agenda should be brief but must be sufficient to inform a reasonable person of the subject to be considered.
3. Any votes taken by the agency must be taken in public session. With limited exceptions the agency may not conduct meetings in private session. Prohibited private sessions also include “serial” meetings—i.e., meetings of smaller groups that taken together include a majority of the agency members.
4. The public must be allowed time at each meeting to address the Board on matters included in the agenda and on other matters within the agency’s jurisdiction.

5. Any documents delivered to a majority of the board members at or before the meeting must be made available to the public “without delay.”

As can be seen from this brief summary of the Act, the objective of the Act is to encourage informed public participation in the major policy decisions of public agencies. Such public participation should promote better public acceptance and understanding of agency decisions. We believe that failure to follow the Act leads to the opposite—public misunderstanding and distrust in government agencies.

(The full text of the Brown Act may be found in California Government Code Sections 54950 – 54960.5.)

item J g Attachment

2016 Contra Costa Civil Grand Jury Compliance and Continuity
Report

**A REPORT BY
THE 2015-2016 CONTRA COSTA COUNTY CIVIL GRAND JURY
725 Court Street
Martinez, California 94553**

Report 1601

**COMPLIANCE AND CONTINUITY
REPORT**

Only responses of WCCUSD are included

Contact:
Michael Simmons
Grand Jury Foreperson
925-957-5638

COMPLIANCE AND CONTINUITY REPORT

The Contra Costa County Civil Grand Jury is impaneled annually to investigate city and county government, special districts and certain non-profit corporations to ensure that their functions are performed in a lawful, economical and efficient manner. Findings and recommendations developed from these investigations are contained in the reports signed by the Grand Jury Foreperson and the Grand Jury Judge. Responses to these reports must be made within certain time constraints and in accordance with specific formats pursuant to 933 and 933.05 of the California Penal Code. These responses to recommendations must include one of the following legally permitted options:

- The recommendation has been implemented.
- The recommendation has not yet been implemented, but will be implemented in the future.
- The recommendation requires further analysis.
- The recommendation will not be implemented because it is not warranted or is not reasonable.

The 2015-2016 Grand Jury reviewed 13 reports from the 2014-2015 Grand Jury. There were 31 letters, with copy of applicable report, mailed out to the different entities from whom responses were required. These 13 reports made a cumulative total of 78 recommendations to the various 31 recipients, of which 53 responses (68%) stated that the recommendation(s) have been or will shortly be implemented and 17 (22%) responses stated the recommendation required further analysis. For further explanation and clarification of subject responses to recommendations, refer to their full responses posted online. Responses to the 2014-2015 Grand Jury reports are posted on the Contra Costa County Grand Jury website in their entirety and can be viewed at:

<http://www.cc-courts.org/index.cfm?fuseaction=Page.ViewPage&pageId=7346>

The Grand Jury believes it is important for future Grand Juries to continue to review these responses and to be vigilant in seeing that recommendations that have been accepted have been carried out. In this manner, the commitment and hard work of past and future Grand Juries will result in positive changes for the citizens of Contra Costa County.

**CONTRA COSTA COUNTY CIVIL GRAND JURY REPORT – 1514
WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT:**

**Bond Program & Citizens' Bond Oversight Committee
A Case Study in Stymied Oversight**

Recommendation #1: The School Board should eliminate the following six member positions from CBOC at the expiration of their terms, to eliminate any concerns about conflicts of interest.

- ***Five members, one recommended by each member of the Board of Education***
- ***One member representing the Contra Costa Building and Construction Trades Council***

RESPONDENT	RESPONSES
WCCUSD School Board of Education	The recommendation requires further analysis.

Recommendation #2: The School Board should change the School Board discretionary category of “Public Employees Union Local 1” to that of an “at large” position from the general community in order to allow for a greater pool of qualified candidates to apply.

RESPONDENT	RESPONSES
WCCUSD School Board of Education	The recommendation requires further analysis.

Recommendation #3: The School Board should create an independent selection committee to select new nominees for CBOC, comprised of the CBOC Chair and a designated appointee from CBOC, two members from the Board of Education, and School Superintendent or designee, for a committee of five. Selection should be based on merit and be a transparent process to ensure public confidence in this vital selection process.

RESPONDENT	RESPONSES
WCCUSD School Board of Education	The recommendation requires further analysis.

Recommendation #4: WCCUSD should provide CBOC members with complete, detailed and comprehensive financial data relating to the expenditure of bond revenues and items put to vote on the board agenda at least 7 days in advance of the board meetings, in order to permit meaningful and effective review and oversight.

RESPONDENT	RESPONSES
WCCUSD School Board of Education	The recommendation has been implemented.

Recommendation #5: WCCUSD should allow CBOC full access to the CBOC website.

RESPONDENT	RESPONSES
WCCUSD School Board of Education	The recommendation has been implemented.

Recommendation #6: WCCUSD should not change or add items to CBOC's website without the permission of the CBOC Chair.

RESPONDENT	RESPONSES
WCCUSD School Board of Education	The recommendation has been implemented.

Recommendation #7: WCCUSD should provide CBOC with accurate, understandable and timely financial and non-financial reports concerning bond-funded projects as well as other relevant information requested on the bond construction program as least monthly.

RESPONDENT	RESPONSES
WCCUSD School Board of Education	The recommendation has been implemented.

Recommendation #8: WCCUSD should provide CBOC with a comprehensive master plan for the school construction projects within the next three months and as requested by CBOC.

RESPONDENT	RESPONSES
WCCUSD School Board of Education	The recommendation has not yet been implemented, but will be implemented in the future.

Recommendation #9: WCCUSD should provide timely and comprehensive training to all new CBOC members on a timely basis. The following training materials, at a minimum, should be provided to all new CBOC members within one week of their appointment:

- (a) California League of Bond Oversight Committee recommended Best Practices**
- (b) San Diego County Taxpayers Association "Oversight Committee Best Practices" Guide**
- (c) California Coalition for Adequate School Housing "Proposition 39 - Best Practices Handbook"**
- (d) Little Hoover Commission 2009 Report "Bond Spending: Expanding and Enhancing Oversight"**
- (e) California League of Cities "A Guide to The Ralph M. Brown Act"**
- (f) State Controller's Office 2011 Audit Report on the Los Angeles Community College District's bond construction program**

RESPONDENT	RESPONSES
WCCUSD School Board of Education	The recommendation has been implemented.

Recommendation #10: The School Board should follow all of its policies.

RESPONDENT	RESPONSES
WCCUSD School Board of Education	The recommendation has been implemented.

Recommendation #11: The School Board should ensure that the CBOC contains a member from each category required by California Education Code Section 15282.

RESPONDENT	RESPONSES
WCCUSD School Board of Education	The recommendation has not yet been implemented, but will be implemented in the future.

Item J h Attachment

Transcript of Facitlites Committee Meeting discussion of CBOC on
February 12, 2021



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

TRANSCRIPT OF FACILITIES COMMITTEE
DISCUSSION OF CBOC
02.12.21

PARTICIPANTS:

Facilities Committee Chair Trustee Mister Phillips
Facilities Committee Member Trustee Otheree Christian
Luis Freese ~ Associate Superintendent Facilities,
Maintenance and Bond
Dr. Tony Wold ~ Associate Superintendent, Business Services
CBOC Chair Don Gosney
CBOC Member Sallie DeWitt

MISTER PHILLIPS:

The next item, which is CBOC discussion, and Mr. Freese and Dr. Wold, starting with you.

DR. WOLD:

Thank you. So, this item is just to have a discussion, there's no action will be taking. We will be asking for some guidance on where we're moving as we go forward. The District has shifted in the last five years quite a bit, we're now in trustee areas. We now are moving towards a very set committee structure, we have other committees out there. And previously in the last couple of months before the election, we were talking about the bylaws and board policy for the CBOC. You've heard a comment already about different pieces.

So, we want to make sure as the board is moving forward and as the committee is moving forward that we can distinguish the roles and responsibilities for each and get some guidance on how to begin the process of looking at those bylaws as they relate to this Facility Committee. So, we felt it would be best to just enter into that conversation openly and then go through the process over the next couple of meetings.

WCCUSD

CITIZENS' BOND OVERSIGHT COMMITTEE

MISTER PHILLIPS:

Okay. Is that all there is to your presentation?

DR. WOLD:

We did not bring the bylaws, we did not bring any recommended changes at this point because we felt it was most appropriate to just start the conversation more towards what is, as we started earlier, the goal of the Facilities Committee and what is the intersection so that we can then take that to define a draft that we would be able to bring back in a subsequent meeting to start those actual action statements.

MISTER PHILLIPS:

Okay. Thank you very much, sir. So then with that said we are going to move into questions. Mr. Christian, do you have any questions about what has just been said?

OTHEREE CHRISTIAN:

Yes. Thank you, President Phillips. The question would be, basically you say everything is changing, and I guess the question would be, I guess, now everything is in district, how do we make sure the needs are being taken care of in the different areas?

DR. WOLD:

And that's part of what we want to make sure we understand is how do we ensure, and that will be part of probably part of number six as well, do we put pieces in? So for the CBOC, it is configured very much in an overlap to the trustee areas where we have cities, and now we have trustees that are specific to an area. So there's some redundancy that's built in, do we want to maintain that redundancy? Or do we want to try to be much more focused in how we have each entity interact and support each other?

OTHEREE CHRISTIAN:

Okay. Thank you.

MISTER PHILLIPS:

Thank you very much. I have a couple of questions. Have there been issues with the CBOC in the past or at present that staff believes justify some changes?

WCCUSD

CITIZENS' BOND OVERSIGHT COMMITTEE

DR. WOLD:

The answer is there has always been differing opinions, and at the Board level, we've had conversations about whether it is opinion or whether it's control, whether it is rule.

The current CBOC bylaws that were adopted previously by the Board go well beyond the Proposition 39 requirements. In fact, the Board of Education has provided more authority to the CBOC than is required by law, such as there was a mention of joint meetings that is not a requirement in the law.

There is a requirement for an independent committee to review the finances and then make a public report on whether or not the financial expenditures of the bond program align to what was put in the language of the bond. The CBOC is designed to be that advisory. This current configuration, the District does not create the agenda, the District does not have the same level of authority that it should and there have been conflicts that have come up where there's been a belief that District staff can be directed by members that are not part of the Board of Education.

MISTER PHILLIPS:

So, it sounds like staff believes that there are changes that are warranted?

DR. WOLD

We do believe that there is a need to refine some of the expectations and roles while still maintaining assurance that there is an independent review of the finances that they do align to what was in the bond measures. And Mr. Freese can add if there's anything on?

LUIS FREESE:

No, I just think it's important to recognize that we do need to resolve the issues around the board policy and bring that back to meet some of our audit requirements underneath the forensic investigation as we try to close that out this year.

MISTER PHILLIPS:

Okay. Now, when you say audit requirements, what do you mean requirements? What are we required to do?

WCCUSD

CITIZENS' BOND OVERSIGHT COMMITTEE

LUIS FREESE:

We're probably not required to do anything, but underneath the forensic investigation, some of the findings were to have the board policy in place. Currently, the board policy has been up for discussion for over the last year or more, and we really need to get that resolved so we get that put into place.

MISTER PHILLIPS:

Okay.

DR. WOLD:

It currently does not align to what staff believes is the current direction that we've now be done with our committee structure with the way we're doing business now. There are elements of that policy that do need to be revisited that are either redundant or don't align, and that process would be done, but we did not have consensus at the Board level previously.

MISTER PHILLIPS:

Okay. I just wanted to be clear though when you use the word required. We're not required to do anything in the forensic audit, right?

LUIS FREESE:

No.

DR. WOLD:

No.

MISTER PHILLIPS:

Okay. So that concludes my questions. Thank you very much. Going once, going twice, this is we're going to public comment. So, if anybody else wants to put their hand up, please do so. Okay. There are two hands up, Mr. Gosney and Ms. DeWitt, and we're on to public comment.

DON GOSNEY

Thank you. As you can imagine and seeing that this has been on the agenda now for about five and a half hours, and there's absolutely nothing in the agenda packet that tells you what we're going to hear, I'm flummoxed. I mean, I'm shocked. We

WCCUSD

CITIZENS' BOND OVERSIGHT COMMITTEE

just had a CBOC meeting just a couple of days ago and nothing about this was brought up about any of these problems that we're seeing alluded to right here. And we can't fix anything if we don't know what it is.

We thought that we'd been working with staff at the end of last year when we tried to bring the board policy changes back to the Board, but the Board went off in a lot of different directions.

We've been working on this for almost three years, trying to amend the policies to better fit the needs of the community and the District and the staff and the Board.

So I'm at a loss right now about what's going on because there's an awful lot of silence. If we've got problems; so we can't fix a problem if we don't know about it. Nobody has brought it up to any of these problems to me, and I'm the Chair of the CBOC. It's a shame that we're finding out about these kinds of things by attending a subcommittee meeting held at the end of a Friday afternoon, instead of letting us know in advance about this so we could be better prepared.

Anyway, we've been getting the feeling for quite some time that the Board and some members of the staff have just been trying to totally eliminate the bond oversight committee, and this does not help.

Oops, out of time now.

SALLIE DEWITT:

Okay. So my name is Sally DeWitt. And I live in Richmond, and have lived in Richmond since the early 1970s. I have the third-generation of my family in the school district. And I have been on the bond oversight committee for four years, I think I'm still on the bond committee, although I'm not sure because I just put my application into renew or get back to the committee.

I want to speak here on behalf of very strong oversight, not to weaken. I'm appealing to you not to take action to weaken the bond oversight committee. We are a group of volunteers, we care deeply about our schools, deeply, deeply. We spend hours with our schools. And personally have for the last 40 years, my feeling is that strong bond oversight helps assure wise use—prudent use—of

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public funds, which I believe should go to school principals and teachers, and be spent very wisely when it comes to facilities.

So that's my plea to you for strong bond oversight and why I spend my time there.

MISTER PHILLIPS:

Thank you very much. We're going to move onto Board discussion. And it's funny, I'm not putting you on the spot, Mr. Christian, there only two of us here, but if you want to say something you can, and you don't have anything to say, that's okay, too.. But anyhow, do you have any discussion, sir?

OTHEREE CHRISTIAN:

Sorry. No discussion.

MISTER PHILLIPS:

Okay. I just have a couple of comments. The first thing that I want to say is that nobody is trying to eliminate the CBOC. I think everybody understands that we are required to have a CBOC by law. So when we have conversation around this issue, nobody is trying to eliminate something that we know is a legal mandate.

I appreciate staff for sharing its thoughts around the CBOC and some of the challenges that have persisted over the years. I think that anybody who has been watching knows that there are challenges. I also think that anybody who's been watching knows that the CBOC provides a valuable service to the District, which I believe that it does.

And I fully support not just because it's required by law, but I fully support having a CBOC because I think that it is not only legally mandated, but I think that it is necessary, and that's my personal opinion. But again, that doesn't mean that there are not challenges, I think everybody who has been watching those full well, that there are challenges.

So I know staff is asking for a direction around the CBOC, so what I am going to ask you all to do is to bring back your recommendation as to what you believe the CBOC should look like. And you brought up the bylaws and whatever else you think needs to happen with that body, please bring it back. As I said earlier, this committee is advisory to the Board, so this committee itself will not make

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CITIZENS' BOND OVERSIGHT COMMITTEE

that decision, but we will look at whatever you bring and then make a recommendation to the full Board. So, are we clear on what we're doing, Mr. Freese and Dr. Wold?

LUIS FREESE:

Yes.

DR. WOLD

Yes. We will work on...we have spaces that are becoming open because people have termed out. We have applications from...we'll put all of that together and bring something back to this committee.

MISTER PHILLIPS:

So, the applications for people to sit on the CBOC and what you're talking about right now in my mind are two different issues, so don't bring the CBOC item with 30 different things under it.

DR. WOLD

No, we have learned from earlier today that we will keep them very separate, but those are the two things that are both currently under that we'll be working on.

MISTER PHILLIPS:

Okay. All right. Thank you so much.

Item J i. Attachment

Dr John Anderson Memo to Board member Gonzalez-Hoy

Date: March 30, 2021

To: Demetrio Gonzalez-Hoy,
WCCUSD Trustee Area 4

From: Dr. John Anderson

RE: Observations of WCCUSD Facilities Committee relative to Citizen's Bond Oversight Committee

I have been observing the activities of the WCCUSD Facilities Committee relative to their interaction with the Citizen's Bond Oversight Committee (CBOC) over the past six months. Of particular concern to me are the recent discussions at the March 3, 2021 meeting. My sense is that neither the WCCUSD Board President, Mr. Phillips, or Mr. Wold of the WCCUSD staff have a clear understanding of the California Education Code sections relative to the CBOC.

During the March 3 meeting, Mr. Phillips asked the question to Mr. Wold: *"Have there been issues with the CBOC in the past or at present that staff believes justify some changes?"* What I don't understand is why only the staff should suggest changes? It would be more appropriate for the Facilities Committee to ask that question of the present CBOC committee members. The CBOC chairperson was at that meeting yet, Mr. Phillips, did not recognize him on this issue. The CBOC is a committee that represents the citizens/taxpayers in the District to provide oversight to the spending of bond monies the taxpayers approved for construction. The CBOC exists because it is required by the California Education Code. It is not an advisory to the WCCUSD Board and its agenda and activities are not controlled or directed by the Board.

Further concern comes from Mr. Wold's comment: *"There is a requirement for an independent committee to review the finances and then make a public report on whether or not the financial expenditures of the bond program align to what was put in the language of the bond. The CBOC is designed to be that advisory. With this current configuration, the District does not create the agenda, the District does not have the same level of authority that it should and there have been conflicts that have come up where there's been a belief that District staff can be directed by members of that are not part of the Board of Education."*

Mr. Wold is misinformed on the role of the CBOC. Again it is not an advisory committee. It provides oversight on behalf of the **citizens/taxpayers** and advises the **public** on whether the District is in compliance with the requirements of the California Constitution. It is independent and reports to the public. Staff should be directed by the Board to provide CBOC with the information required to perform the oversight.

The oversight element of the CBOC outlined in the Code is pretty straight forward. The CBOC performs independent "oversight" on two specific matters:

- Ensuring that bond revenues are expended only for the purposes described in the California Constitution; and

- “Ensuring that no funds are used for any teachers or administrative salaries or other school operating expenses

Section 15728 (b) of the Code also says the committee shall convene to provide oversight for the two above specific matters but not limited to them. Section 15278 (c) of the Code identifies additional activities in which the CBOC may be engaged:

- Receiving and reviewing copies of the annual, independent performance audit.
- Receiving and reviewing copies of the annual, independent financial audit.
- Inspecting school facilities and grounds to ensure that bond revenues are expended in compliance
- Receiving and reviewing copies of any deferred maintenance proposals or plans developed by a school district or community college district.
- 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:
 - Mechanisms designed to reduce the costs of professional fees.
 - Mechanisms designed to reduce the costs of site preparation.
 - Recommendations regarding the joint use of core facilities.
 - Mechanisms designed to reduce costs by incorporating efficiencies in school site design.
 - Recommendations regarding the use of cost-effective and efficient reusable facility plans.

Before moving forward with any changes to the CBOC, Messrs. Phillips and Wold and for that matter the entire WCCUSD Board need to understand the Code sections that apply to the CBOC. Also, and in my view, equally important is the 2015 Contra Costa Civil Grand Jury Report on the WCCUSD Bond Program and Citizens’ Bond Oversight Committee entitled **“A Case Study in Stymied Oversight?”** It would also be prudent for them to review the Grand Jury Report before moving ahead with any changes.

The Civil Grand Jury Report also provides a good summary of the oversight activities provided by the CBOC (based on the appropriate sections of the Education Code.

In reviewing the Contra Costa Civil Grand Jury Report there are a number of issues that I am concerned about. (I’ve attached a copy of the Report and Compliance Report.) The major issues were related to the makeup of the CBOC including conflicts of interest in selecting members of the committee; the WCCUSD providing reports to the CBOC and the WCCUSD providing training to CBOC members. From my observations it is not clear the WCCUSD has done all they committed to do in their response to the report. Based on recent CBOC annual reports, it appears the WCCUSD addressed the Grand Jury’s recommendations on the financial and project reports. However, others have not been completely addressed. One thing about Grand Jury reports is that responses such as *“The recommendation requires further analysis”* and *“The recommendation has not yet been implemented, but will be implement in the future”* don’t get reported back to the Grand Jury adequately. There are recommendations in the 2015 report for which it is unclear as to whether there was analysis and action relative to the

WCCUSD providing training to new members and the makeup and selection of CBOC members.

Of particular concern to me is Recommendation #3 which states *“The School Board should create an independent selection committee to select new nominees for CBOC, comprised of the CBOC Chair and designated appointee from 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 be a transparent process to ensure public confidence in this vital selection process.”* The WCCUSD response was *“this requires further study.”* It doesn't appear that there 'was further study of the recommendation. The concept in this is recommendation is: the independence requirement for the CBOC. The CBOC members should be selected (and approved) by an independent group and not the Board. The Grand Jury's recommendation provides for this. At present with facilities committee making recommendations and the board approving members there is no “independence” and a risk of some of the same issues that prompted the 2015 investigations reoccurring.

In my view, because the WCCUSD is now organized into five districts, there is also good reason to adjust the number of members on the CBOC. Since there are five positions required by the Education Code and the Code requires a minimum of two “at large” positions, I propose that to address the present realignment the District consider having an individual (citizen/taxpayer) residing in each of the five geographic trustee districts, plus the five mandated positions and one at large member for a total of eleven members. This should provide a representative group of district citizen/taxpayers to provide the required independent oversight.

Any changes the WCCUSD Board makes to the CBOC should be made with full knowledge of the appropriate sections of the California Education Code and an understanding of the content in the 2015 Contra Costa Civil Grand Jury report. The Board really needs to understand the Code and historic perspective. The most important element is the independent nature of the CBOC to provide oversight on behalf of the public.

It seems that based on the Facilities Committee and senior WCCUSD staff comments, the present attitude of the WCCUSD appears to be moving toward limiting and controlling oversight efforts by the CBOC on behalf of the citizens/taxpayers in the District.

Item K attachment

Resolution 21-1

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