

WCCUSD



CITIZENS' BOND OVERSIGHT COMMITTEE

MEETING PACKET FOR: SEPTEMBER 14, 2020

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 Don Gosney can be reached at:

Home Office: (510) 233-2060 Mobile: (510) 685-2403

email dongosney@comcast.net

**CBOC members are requested to call or email 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.



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

AGENDA

Monday September 14th, 2020 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: Links in this document are PDFs on Google Drive. Clicking on the links should open the PDFs in a web browser on your computer. The full agenda packet may be viewed on the CBOC website or by clicking this link:

[09.14.20 CBOC Agenda Packet](#)

WCCUSD

CITIZENS' BOND OVERSIGHT COMMITTEE

A) OPENING PROCEDURES

B) CALL TO ORDER/PLEDGE OF ALLEGIANCE

C) ROLL CALL

John Anderson, Ken Burns, Maisha Cole, Sallie DeWitt, Guadalupe Enllana, Don Gosney, Lorraine Humes, Anton Jungherr & Cameron Moore

[9 members ~ 5 required for a quorum]

D) APPROVAL OF AGENDA

To discuss a Consent Calendar item, it must be removed from the agenda

**DEPENDING ON THE LENGTH OF THIS AGENDA
AND MEETING, ITEMS ON THIS AGENDA MAY BE
DEFERRED TO THE AUGUST MEETING**

E) PUBLIC COMMENTS FOR ITEMS NOT ON THE AGENDA

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

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

F) BOND PROGRAM PROJECTS STATUS and FINANCIAL REPORTS (Luis Freese/Melissa Payne)

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

D I S C U S S I O N O N L Y

[09.14.20 Facilities Master Plan Projects Update](#)

Page 9 of 136

[Michelle Obama Newsletter \(September\)](#)

Page 30 of 136

WCCUSD

CITIZENS' BOND OVERSIGHT COMMITTEE

[Richmond HS Newsletter Number 13 \(September\)](#)

Page 31 of 136

[Fairmont Critical Needs Modernization Phase 2 Status Report \(August\)](#)

Page 32 of 136

[Michelle Obama School Project Status Report \(September\)](#)

Page 33 of 136

[RHS Critical Needs Project Status Report \(September\)](#)

Page 34 of 136

[Consolidated Budget Report 08.31.20](#)

Page 35 of 136

[Consolidated Budget Report-2016 Master Plan 08.31.20](#)

Page 41 of 136

[Report #2 Bond Program Spending to Date 08.31.20](#)

Page 43 of 136

[Report #13 Bond Program Financial Status 08.31.20](#)

Page 45 of 136

[Report #13A Variance Report 08.31.20](#)

Page 51 of 136

['19-'20 Accounts Payable Check List 08.31.20](#)

Page 53 of 136

[09.14.20 CBOC Project Management Plan \(PMP\)](#)

(Oral Presentation)

[2016 Facilities Master Plan Projects Implementation Update](#)

Page 54 of 136

G) BOARD OF EDUCATION LIAISON REPORT (Consuelo Lara)

D I S C U S S I O N O N L Y

WCCUSD

CITIZENS' BOND OVERSIGHT COMMITTEE

C B O C R E P O R T S

CONSENT ITEMS

D I S C U S S I O N O N L Y

Unless pulled from the consent calendar by a member of the CBOC, staff or the public, consent items are approved without discussion

H) ADOPTION OF MINUTES (Cameron Moore)

[08.10.20 CBOC Draft Minutes](#)

Page 58 of 136

I) CBOC MEMBER INFORMATION REQUEST LOG

(Don Gosney)

[09.14.20 CBOC Member Information Requests Status Log](#)

Page 62 of 136

J) APPROVED RECOMMENDATIONS BY THE CBOC

(Don Gosney)

[09.14.20 CBOC Approved Recommendations](#)

Page 66 of 136

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

K) MEMBERSHIP (Cameron Moore)

F O R I N F O R M A T I O N O N L Y

[09.14.20 CBOC Attendance Review](#)

Page 75 of 136

L) MEMBERSHIP ROSTER (Don Gosney)

F O R I N F O R M A T I O N O N L Y

[09.14.20 CBOC Roster](#)

Page 76 of 136

WCCUSD

CITIZENS' BOND OVERSIGHT COMMITTEE

M) CHAIRPERSON REPORTS (Don Gosney)

Reports on issues relevant to the operation of the CBOC,
future issues and reports to the Board of Education

D I S C U S S I O N O N L Y

[08.26.20 Chair Report](#)

Page 77 of 136

[09.09.20 Chair Report](#)

Page 81 of 136

N) FORENSIC AUDIT INVESTIGATION IMPLEMENTATION TASK FORCE UPDATE (Cameron Moore)

D I S C U S S I O N O N L Y

O) ANNUAL REPORT UPDATE (Sallie DeWitt and Lorraine Humes)

Review status and plans for the 2019 Annual Report of the Bond
Program. Discuss what needs to be done and solicit volunteers to
help fulfill those needs.

D I S C U S S I O N O N L Y

P) AUDIT SCHEDULES (Anton Jungherr)

An update on the relevant dates surrounding the
2020 Financial and Performance Audits

D I S C U S S I O N O N L Y

[09.14.20 2020 Audit Schedules](#)

Page 85 of 136

WCCUSD

CITIZENS' BOND OVERSIGHT COMMITTEE

Q) BOND WAIVER LIMIT (Don Gosney)

Review and discuss the public hearing on the proposal that the District submit an application to the California Board of Education for a waiver of the District's bonding capacity to issue its general obligation bonds in an outstanding principal amount in excess of 2.5% of the assessed valuation of taxable property.

D I S C U S S I O N O N L Y

[**09.14.20 Bond Waiver Limit~Board Agenda Precis**](#)

Page 86 of 136

[**09.14.20 Bond Waiver Fact Sheet**](#)

Page 88 of 136

[**09.14.20 WCCUSD 2020 Bonding Capacity Waiver
Resolution 22-2021**](#)

Page 92 of 136

R) BOND PROGRAM PERFORMANCE AUDIT (Don Gosney)

Discuss and, if desired, take action on the efforts of the CBOC to have the 2020 Bond Program Performance Audit include effectiveness and results.

A C T I O N I T E M

[**08.17.20 Adam Ferber ~ Audit Financing**](#)

Page 95 of 136

[**08.20.20 Ferber on Bond Audit Financing**](#)

Page 109 of 136

[**08.27.20 Facilities Transcript ~ Item D.1
Performance Audit \(Rev-3\)**](#)

Page 111 of 136

[**08.28.20 Superintendent's Friday Memo**](#)

Page 120 of 136

[**08.14/17.20 Bond Counsel Email Exchange**](#)

Page 123 of 136

WCCUSD

CITIZENS' BOND OVERSIGHT COMMITTEE

[09.09.20 WCCUSD Agenda Item E.2 ~ Performance Audits](#)

Page 125 of 136

[09.09.20 Bond Program Overview](#)

Page 129 of 136

S) REVISITING RESOLUTION 20-2 (Don Gosney)

When Resolution 20-2 was discussed and voted on at the CBOC meeting of August 10, 2020, the first 'Resolved' had an amendment added. Before the amendment was seconded, a vote was taken and the amendment passed. To be in full compliance with parliamentary procedures, this amendment will be revisited here and, if it is seconded, another vote will be taken.

A C T I O N I T E M

[Resolution 20-2 Amendment](#)

Page 134 of 136

T) CALENDAR (Don Gosney)

F O R I N F O R M A T I O N O N L Y

[09.14.20 CBOC Meetings Calendar](#)

Page 135 of 136

U) JOINT MEETING AGENDA ITEMS (Don Gosney)

D I S C U S S I O N O N L Y

Suggest and discuss issues that the CBOC and members of the public want to see brought up at the proposed September 30 joint meeting between the CBOC and the Board of Education

WCCUSD

CITIZENS' BOND OVERSIGHT COMMITTEE

V) FUTURE AGENDA TOPICS (Don Gosney)

Suggest and discuss issues that the CBOC and members of the public want to see brought up at future meetings between the CBOC and the Board of Education

A C T I O N I T E M

[09.14.20~Future Agenda Items Log \(short list\)](#)

Page 136 of 136

W) ADJOURNMENT

NEXT SCHEDULED JOINT BOE/CBOC MEETING

September 30, 2020

NEXT SCHEDULED CBOC MEETING:

October 19, 2020

Disability Information

Upon written request to the District, disability related modifications or accommodations—including auxiliary aids or services—will be provided.

Please contact the Superintendent's Office at (510) 231-1101 at least 48 hours in advance of the meeting.



Facilities Master Plan Projects Update

Citizens' Bond Oversight Committee
September 14, 2020

Bond Project Status Update

September 2020

	SITE	PROJECT	REVISED CONTRACT AMOUNT	STATUS
CONSTRUCTION	Michelle Obama School	New Campus	\$37,763,093*	Under Construction
	Richmond HS	Critical Needs	\$19,932,841*	Under Construction
	Fairmont ES	Critical Needs Phase 2	\$1,363,095	Under Construction
	Korematsu MS	Fall Protection	\$255,000	Contract Awarded
	SITE	PROJECT	BUDGET	STATUS
PROCUREMENT	Pinole Valley HS	Fields Restoration & Bleachers	\$ 19,000,000	DSA Approved
	Riverside ES	Critical Needs (Soils Stabilization)	\$6,900,000	RFP issuance to prequalified Design Build firms
	E-Rate Year 23	Wireless Upgrades at Various Sites	\$650,000	Awarded; pending Erate approval
	Fairmont ES	Critical Needs Phase 3	\$300,000	Out to Bid
	SITE	PROJECT	BUDGET	STATUS
DESIGN	Lake ES	Campus Replacement	\$65,600,000	Bridging Documents being prepared
	Stege ES	Critical Needs	\$2,900,000	Scope of Work confirmation
	Cameron School	Critical Needs	\$1,300,000	Planning
	Collins ES	Critical Needs	\$3,500,000	Planning
	Hercules MS & HS	Critical Needs	\$14,700,000	Planning
	Kennedy HS	Critical Needs	\$12,200,000	Planning
	Shannon ES	Critical Needs	\$7,100,000	Planning

LEGEND & ACRONYMS

(DSA) Division of the State Architect

*Contract funding includes non-bond funding sources

Michelle Obama School



School Main Entry

Michelle Obama School



Concrete Pour & Canopy Painting



Play Area

Michelle Obama School



Learning Suite South



Paving by Learning Suite South

Richmond High School Critical Needs



Gym Entry Canopy

Richmond High School Critical Needs



Gym Exterior Sheathing



Bio Retention Walls

Richmond High School Critical Needs



Gym Patio Wall Concrete Pour

Richmond High School Critical Needs



Science Quad Lighting



Science Quad AC Paving

Richmond High School Critical Needs



Science Building Exterior



Elevator Landing Steel

Fairmont Elementary School Critical Needs Modernization Phase 2



Multipurpose Room Flooring

Fairmont Elementary School Critical Needs Modernization Phase 2



New Cabinets at Special Ed Restroom



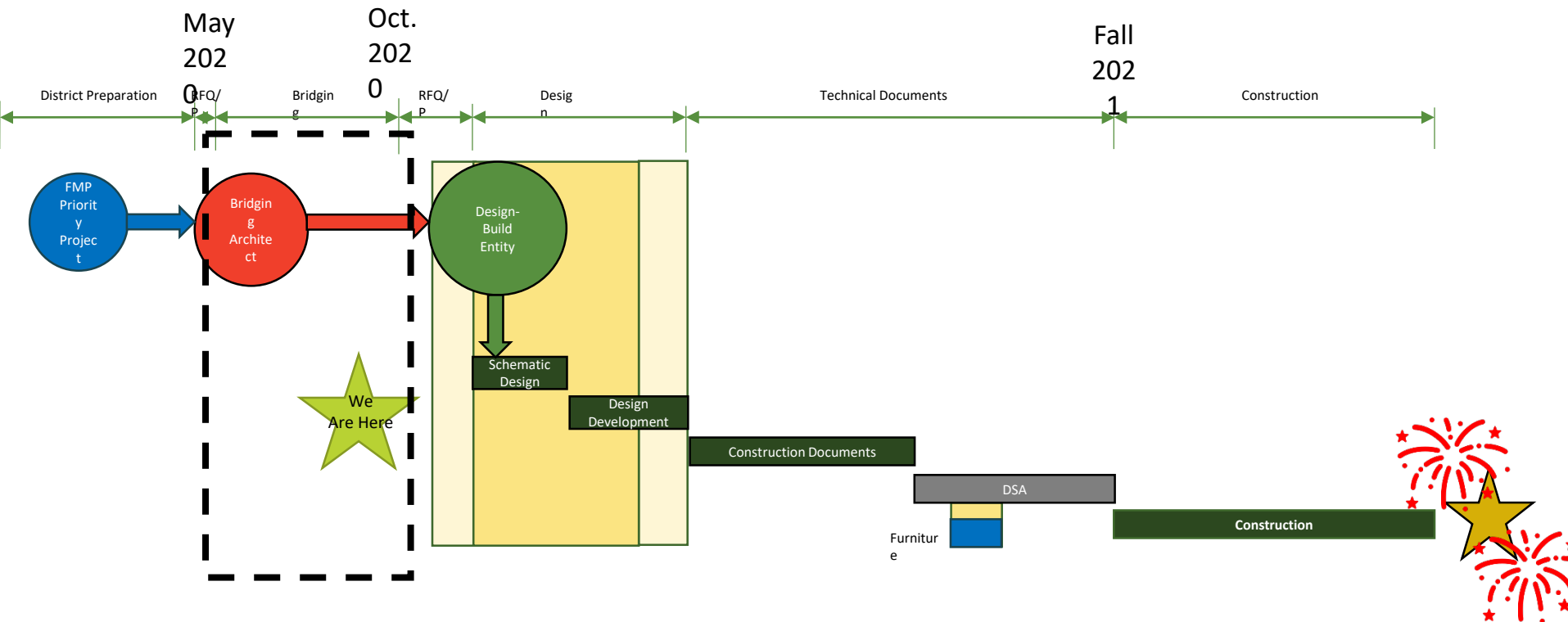
Student Restroom ADA Partition

BRIDGING DOCUMENT

Lake Rebuild



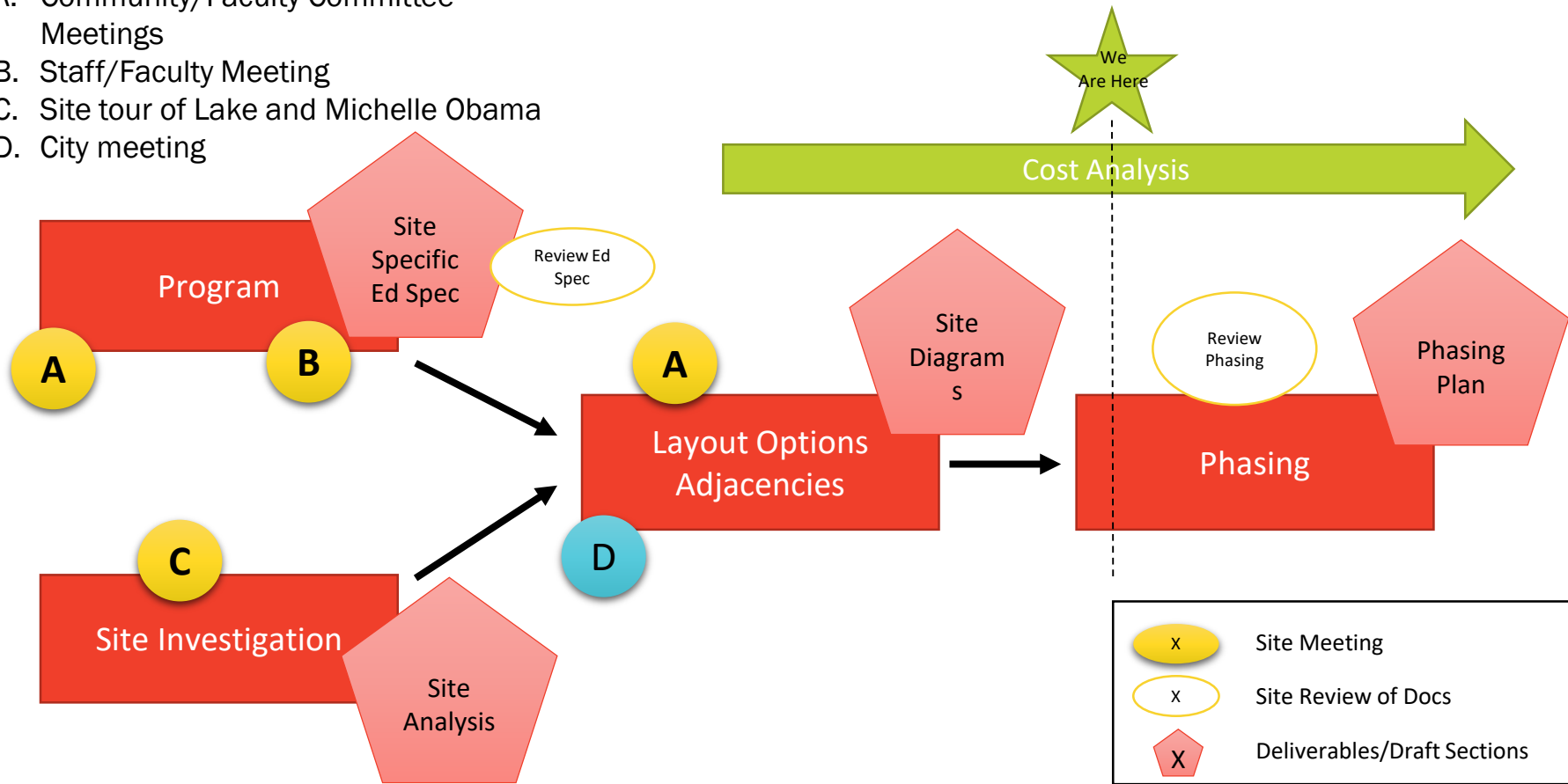
THE DESIGN BUILD PROCESS



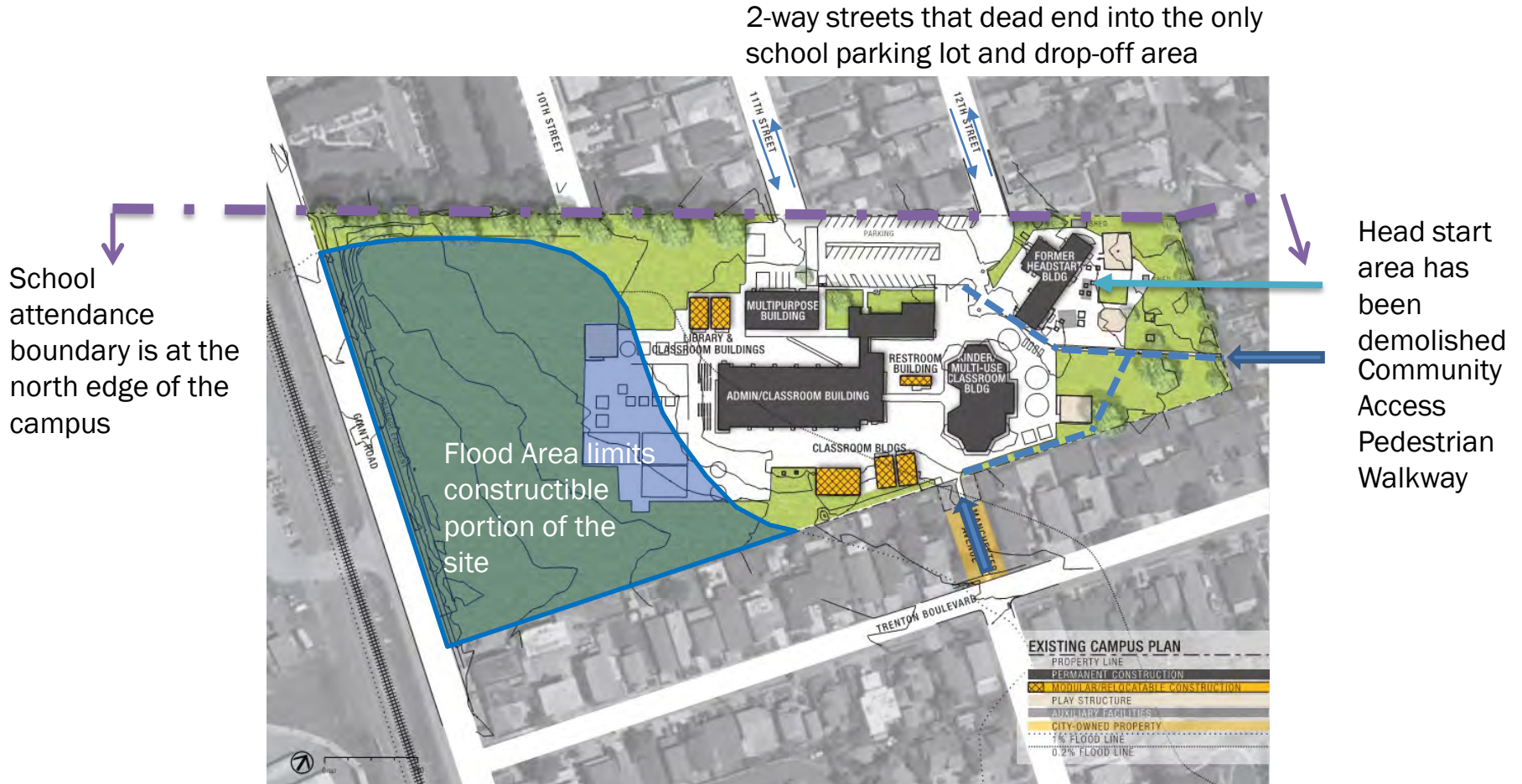
BRIDGING ARCHITECT

Meetings completed to date:

- A. Community/Faculty Committee Meetings
- B. Staff/Faculty Meeting
- C. Site tour of Lake and Michelle Obama
- D. City meeting



EXISTING SITE



REBUILD GOALS

- Stay within the master plan budget
- Phase construction to limit the cost of temporary housing requirements while minimizing the disruption to school operations
- Create a flexible learning environment
- Simplify the traffic approach to the campus and expand parking and drop – off areas

Site Priorities

- One story solution
- Create a “front door”
- Maintain community access from Manchester and Kelley

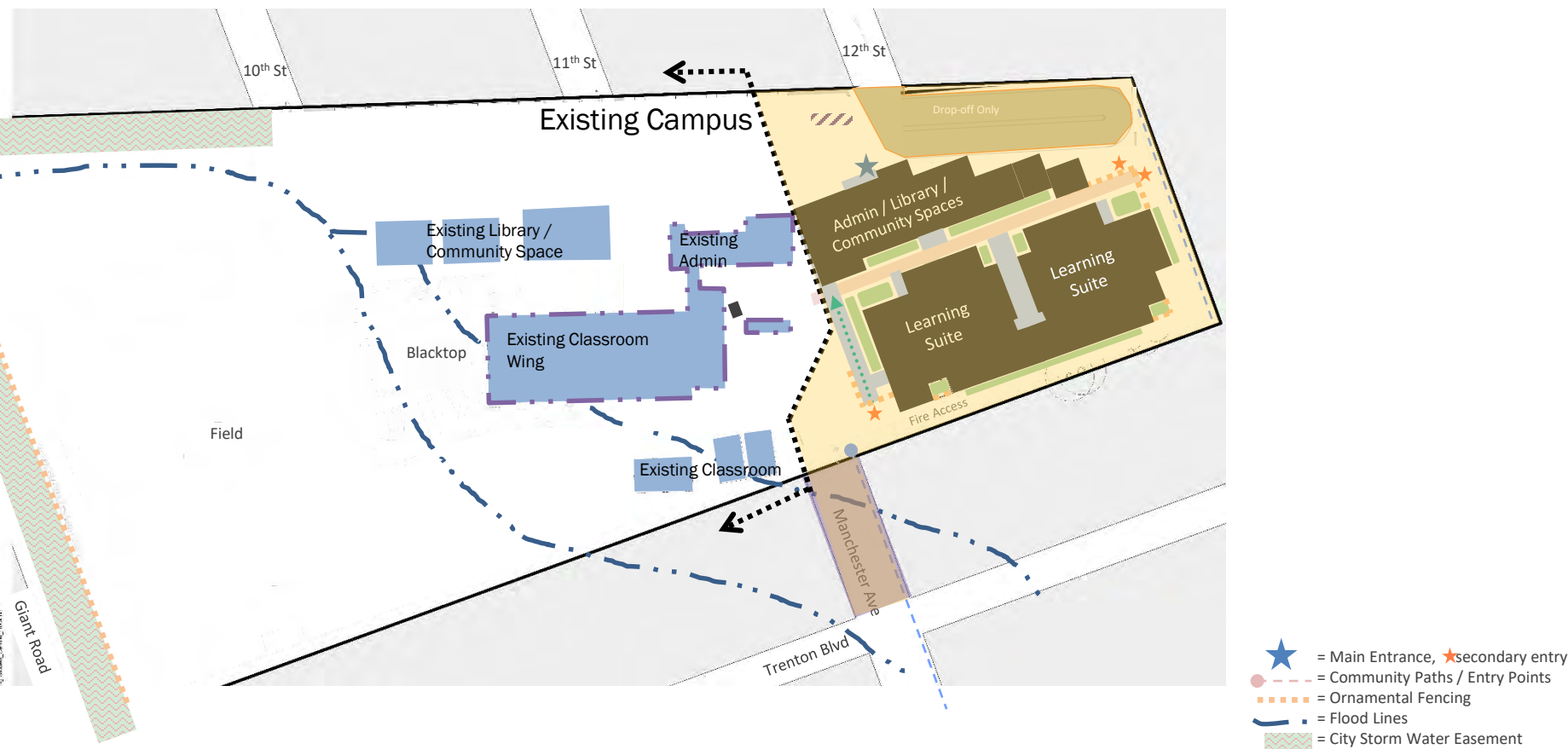
LAKE ES Draft Concept Plan

8/10/2020

1-STORY



PHASE 1 - Draft Phasing Plan



PHASE 2 - Draft Phasing Plan



PHASE 3 - Draft Phasing Plan



CONSTRUCTION NEWS



OVERVIEW

Welcome to our monthly newsletter issued to inform neighbors and the campus community about construction activities and updates to the **Michelle Obama School Reconstruction project**.

We understand that a construction project does not make the best neighbor. While we strive to make the experience as pleasant as possible, we are working hard to reach the long-term goal of providing a new 21st century Elementary School for our community here in Richmond.

Please don't hesitate to email us at facilitiesplanning@wccusd.net to request to be removed or added to this newsletter mailing list.



UPCOMING ACTIVITIES

PLANNED CONSTRUCTION WORK THIS MONTH

- Complete central site concrete
- Install walkway canopy
- Test building systems



POTENTIAL IMPACTS TO NEIGHBORS

- *Truck traffic on 41st and 42nd Street*
- *Noise due to construction*
- *Increased site security patrols*



MITIGATION MEASURES

- Water down the soil for dust control
- Maintain gravel at construction entry/ exit for tracking control



COMPLETED WORK

- Paving in west areas
- Doors installed
- Windows installed
- Power to buildings

Main Quad:



Play Area:



CONTACT INFORMATION

Contractor: C. Overaa Construction, Inc.

Frank Driscoll 510-234-0926
Niall Walsh 510-234-0926

Construction Manager: Swinerton Management & Consulting

Peter Hempel 415-516-1250



Gym / Main Entry & Student Quad

CONSTRUCTION ACTIVITIES

Previous Month:

Exterior Metal Stud Framing completed and Shear-ply installations ongoing.
MEP Rough-in on-going
Flashing Mock-Up completed

Asphalt Paving around Science Building Completed
Site Lighting installed at Science quad

Underground utilities on-going
Bio-Swale concrete foundations placed and wall framing started

Upcoming Month:

Flashings and Building paper installation to start
Scaffold Erection to occur
Roofing installation to start
Rough-In of MEP on-going

Underground Utility work to continue
Bio-Swale walls to be poured



PROJECT FACTS

New Auxiliary Gym Square Footage: 15,500

Completion: The Science Classroom Building is scheduled to be substantially complete for occupancy for the Fall 2020 semester, and the new Auxiliary Gym in the first quarter of 2021.

Design Build Contractor:
Lathrop Construction Associates
www.lathropconstruction.com

Design Build Architect:
HKIT Architects
www.hkit.com

CONTACT INFORMATION

To subscribe to this monthly newsletter or to submit project questions, please email:

Facilitiesplanning@wccusd.net

Construction Manger

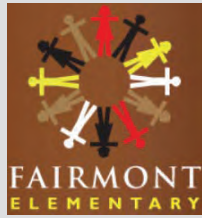
Peter Hempel

Project Manager

Swinerton Management & Consulting

415.516.1250

Project Status Report: 09/02/2020



**Fairmont Elementary School
Critical Needs Modernization Phase 2**

724 Kearney Street
El Cerrito, CA 94530

Project No: **1000003356** DSA No: **01-117906**

Project Scope	Replacement of fire alarm system, three new ADA compliant restrooms, replace classroom flooring.
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Project Team	Owner	WCCUSD
	Architect	HY Architects
	Construction Manager	Lisa Nagai
	Contractor	Mar Con Builders, Co.
	Inspector	Brad Williamson

Schedule	NTP	06/08/2020
	Original Project Duration	61
	Final Completion	08/07/2020
	Approved Time Extensions	0
	Revised Project Duration	61
	Revised Completion Date	08/07/2020
	Calendar Days Lapsed	87 143%



Contract Summary	Original Contract Amount	\$ 1,363,095		
	BOE Executed Cos	0	\$ 0	0%
	Unforeseen Conditions	0	\$ 0	0%
	Owner Requested	0	\$ 0	0%
	Design Changes	0	\$ 0	0%
	Outside Agency/Other	0	\$ 0	0%
	Revised Contract Amount (Contract + \$ Executed CO)	\$ 1,363,095		
	No. of PCOs	5	\$ 11,354	1%
	Pending PCOs	5	\$ 11,354	1%
	Rejected PCOs	0	\$ 0	0%
	Completed & Stored \$ billed to Date	\$ 665,597		49%
	Stop Notices	\$ 0		

Project Status	Completed Work: Building 300 Multi-Use Building Floor Tile installation completed. Buildings 400 and 500 Classrooms and Hallways Floor Tiles installation completed. New Fire Alarm at 100,200,400, 500, and portables Final Test completed. Building 500 Staff and Special Ed new restroom completed. Boys and Girls restroom at Building 400 and 500 completed.
	Upcoming Work: New exterior door at Multi-use Building. Building 500 Staff and Special Ed restroom: New doors
	Project Issues: None

Project Status Report: 9/4/2020



Michelle Obama School Campus Replacement

629 42nd Street
Richmond CA 94805

Project No: 1000002635 DSA No: 01-117849

Project Scope	New construction of single and two story k-6 academic buildings. The buildings include kindergarten/pre-kindergarten classrooms, administration office/reception, library, community rooms, multi-purpose room, kitchen, special education, flex office, learning suites, and supporting space. Site design includes public quads, parking, library patio, outdoor learning spaces, outdoor student dining, court and play yards.

Project Team	Owner	WCCUSD
	DBE	C.Overaa & Co.
	Construction Manager	Swinerton
	Inspector	Structure Groups

Schedule	NTP	8/2/2019
	Original Project Duration	362
	Final Completion	7/28/2020
	Approved Time Extensions	0
	Revised Project Duration	362
	Revised Completion Date	7/28/2020
	Calendar Days Lapsed	400 110%



Contract Summary	Original Scope	\$33,441,281		
	District Contingency	\$836,032		
	Project Contingency	\$836,032		
	Original Contract Amount	\$35,113,345		
	Amendment to Scope	\$849,748		
	Amendment to District Contingency	\$1,800,000		
	Amendment to Project Contingency	\$0		
	Amendments to Date	\$2,649,748		
	Revised Contract Amount	\$37,763,093		
	District Contingency		\$2,636,032	
	Executed CO	6	\$816,247	31%
	Remaining Contingency		\$1,819,785	69%
	Project Contingency		\$836,032	
	Executed CO	6	\$607,276	73%
	Remaining Contingency		\$228,756	27%

Project Status	Completed Work: All buildings- Flooring 95% complete. Fire alarm pre-test. HVAC system startup in progress. Architectural punchlist review in progress. Stair 1 installed. Pavers installed at Stair 3 landing. Site - Bioswales in progress. Site utilities installed and tested. AC paving at Outdoor Learning. Trash enclosure CMU. Walkway canopy steel framing installed. Flatwork at North and Central sidewalks, MPR Outdoor Dining. Site utilities installed and tested (domestic water, fire water, gas) Permanent power rec'd from PG&E 8/24 Furniture deliveries in progress, starting 8/9.
	Upcoming Work: Pour stair treads. Commissioning Elevator Adjustments and State Inspection. Flatwork for path of travel to elevator. Site - Landscaping planting and irrigation controls. Play area Safety Surfacing at PreK and Kinder. Shade structure. Walkway Canopy metal roof, Site fencing. Trash enclosure steel/ deck/ gates. Overexcavate South Site.
	Project Issues: Site compaction - poor soils anticipated to be encountered during site work. COVID 19 Pandemic - Impact to site productivity.

Project Status Report: 9/3/2020



Richmond High School Critical Needs Project

1250 23rd Street
Richmond CA 94804

Project No: 1000003023 DSA No: 01-118099

Project Scope	New construction of a single story gymnasium, demolition of old gymnasium and new plaza sitwork. Seismic upgrade of existing two-story Science Building and sitwork surrounding the building, including adding a new exterior elevator to the building. Demolition of existing Building A (old auto-shop building) and repavement of area to prepare for new Health Clinic portable buildings.
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Project Team	Owner	WCCUSD
	DBE	Lathrop Construction
	Construction Manager	Swinerton
	Inspector	Structure Groups

Schedule	NTP	11/11/2019
	Original Project Duration	459
	Final Completion	2/11/2021
	Approved Time Extensions	0
	Revised Project Duration	459
	Revised Completion Date	2/11/2021
	Calendar Days Lapsed	303 66%



Contract Summary	Original Scope	\$16,399,899	
	District Contingency	\$0	
	Project Contingency	\$1,639,990	
	Original Contract Amount	\$18,039,889	
	Amendment to Scope	\$1,092,952	
	Amendment to District Contingency	\$800,000	
	Amendment to Project Contingency	\$0	
	Amendments to Date	\$1,892,952	
	Revised Contract Amount	\$19,932,841	
	District Contingency		\$800,000
	Executed CO	5	\$361,480 45%
	Remaining Contingency		\$438,520 55%
	Project Contingency		\$1,639,990
	Executed CO	4	\$169,598 10%
	Remaining Contingency		\$1,470,392 90%
	Pending PCOs (District)	10	\$108,031 14%
	Pending PCOs (Project)	5	\$72,003 4%
	Rejected PCOs (District)	0	\$0 0%
	Rejected PCOs (Project)	0	\$0 0%
	Completed & Stored \$ Billed to Date	\$10,328,213	
	Stop Notices	\$0	

Project Status	Completed Work: At new Auxiliary Gymnasium: Stocked insulation board onto high gym roof. Continued rough plumbing and electrical in walls and ceiling. Stocked insulation board onto low roof. Installed most wood sheathing on exterior walls. At Science Building: Installed new VCT flooring on second floor. Installed new Whiteboard and Projector Mounts at classrooms. Re-painted exterior of building on 3 sides. At Quad: Completed new asphalt paving at Sci Quad. Completed new light poles at Sci Quad. Continued underground storm drain work at Gym Quad. Started to build new Bio-Retention basins at Gym Quad. Upcoming Work: At new Auxiliary Gymnasium: Complete exterior wood sheathing of building. Continue MEP rough-in. Start install of exterior wall plaster system. Start install of scaffolding to allow plaster install. At Quad: Continue building Bio-Retention basins. At Science Building: Work on punchlist items for interior work. Continue working on new elevator tower at fabrication shop. Project Issues: PG&E completed new gas meter, however it was discovered existing site gas piping appears to be leaking, so a specialist vendor will investigate.
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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 08/31/2020

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	-	0.0%	1,300,000	-	0.0%
Legacy Project	122,195	122,195	100.0%	-	122,195	100.0%
	1,422,195	122,195	8.6%	1,300,000	122,195	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	-	0.0%	3,500,000	-	0.0%
Legacy Project	1,638,871	1,638,871	100.0%	-	1,638,871	100.0%
	5,138,871	1,638,871	31.9%	3,500,000	1,638,871	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	2,328,893	77.6%	671,107	1,553,507	51.8%
Legacy Project	3,864,259	3,864,259	100.0%	-	3,864,259	100.0%
	6,864,259	6,193,151	90.2%	671,107	5,417,765	78.9%
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 08/31/2020

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	175,650	0.3%	65,424,350	97,650	0.1%
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	1,823,473	2.7%	65,424,350	1,745,473	2.6%
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	39,601,358	98.3%	698,642	35,278,585	87.5%
Legacy Project	3,829,324	3,829,324	100.0%	-	3,829,324	100.0%
	44,129,324	43,430,682	98.4%	698,642	39,107,909	88.6%
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%
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%



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 08/31/2020

School/Project Name	Budget	Commitments			Expenditures	
	Total Budget	Total Commitments	% Budget Committed	Remaining Against Budget	Total Expenditures	% Budget Spent
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	299,540	4.3%	6,600,460	130,220	1.9%
Legacy Project	14,611,005	14,611,005	100.0%	-	14,611,005	100.0%
	21,511,005	14,910,545	69.3%	6,600,460	14,741,225	68.5%
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	-	0.0%	7,100,000	-	0.0%
Legacy Project	1,555,163	1,555,163	100.0%	-	1,555,163	100.0%
	8,655,163	1,555,163	18.0%	7,100,000	1,555,163	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%
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%



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 08/31/2020

School/Project Name	Budget	Commitments			Expenditures	
	Total Budget	Total Commitments	% Budget Committed	Remaining Against Budget	Total Expenditures	% Budget Spent
	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	5,300,000	5,026,010	94.8%	273,990	4,973,021	93.8%
Legacy Project	1,245,896	1,245,896	100.0%	-	1,245,896	100.0%
	6,545,896	6,271,906	95.8%	273,990	6,218,916	95.0%
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	52,981,485	99.1%	457,591	52,716,355	98.6%
Legacy Project	19,943,103	19,943,103	100.0%	-	19,943,103	100.0%
	73,382,179	72,924,588	99.4%	457,591	72,659,458	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%
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	-	0.0%	14,700,000	-	0.0%
Legacy Project	3,295,019	3,295,019	100.0%	-	3,295,019	100.0%
	17,995,019	3,295,019	18.3%	14,700,000	3,295,019	18.3%



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 08/31/2020

School/Project Name	Budget	Commitments			Expenditures	
	Total Budget	Total Commitments	% Budget Committed	Remaining Against Budget	Total Expenditures	% Budget Spent
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	154,564,387	154,150,642	99.7%	413,745	154,095,761	99.7%
* Fields/Sitework	19,184,130	207,860	1.1%	18,976,270	198,880	1.0%
* Interim Campus Demo	3,628,014	3,625,096	99.9%	2,918	3,625,096	99.9%
* Site Design	17,935,216	17,935,214	100.0%	2	17,264,427	96.3%
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	197,156,645	91.0%	19,392,935	196,421,996	90.7%
3 Richmond High School						
* Gym and Seismic Classroom	21,000,000	20,707,181	98.6%	292,819	10,927,252	52.0%
Legacy Project	21,622,087	21,622,087	100.0%	-	21,622,087	100.0%
	42,622,087	42,329,269	99.3%	292,819	32,549,339	76.4%
3 SIGMA NSS						
Legacy Project	110,949	110,949	100.0%	-	110,949	100.0%
	110,949	110,949	100.0%	-	110,949	100.0%
3 Vista High School						
Legacy Project	7,236,543	7,236,543	100.0%	-	7,236,543	100.0%
	7,236,543	7,236,543	100.0%	-	7,236,543	100.0%
4 Technology						
* Infrastructure	15,004,976	14,299,306	95.3%	705,670	14,299,306	95.3%
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%
	35,000,000	34,294,330	98.0%	705,670	34,294,330	98.0%



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 08/31/2020

School/Project Name	Budget	Commitments			Expenditures	
	Total Budget	Total Commitments	% Budget Committed	Remaining Against Budget	Total Expenditures	% Budget Spent
4 Central						
District Support	54,739,766	53,924,731	98.5%	815,036	52,781,723	96.4%
Program Coordination	48,091,868	46,527,720	96.7%	1,564,148	45,946,338	95.5%
	102,831,634	100,452,451	97.7%	2,379,183	98,728,060	96.0%
Totals	1,756,329,646	1,617,021,674	92.1%	139,307,972	1,599,119,106	91.0%

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

Note 10: Measure 1998E is not covered under Proposition 39 regulations for school bonds, and is not ordinarily reported in the Bond Program expenditure reports. The following report shows Measure 1998E projects by site with state funded DeJean middle school project.

Measure 1998E Project

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



Consolidated Budget Status Report

Budgets versus Commitments and Expenditures for multiple Projects

Budget vs. Commitments and Expenditures 2016 MASTER PLAN PROJECT

Fund 21 and Fund 35

Data as of 08/31/2020

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	-	0.0%	1,300,000	-	0.0%
	1,300,000	-	1,300,000	-	0.0%	1,300,000	-	0.0%
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	-	0.0%	3,500,000	-	0.0%
	3,500,000	-	3,500,000	-	0.0%	3,500,000	-	0.0%
1 Fairmont Elementary School								
* Critical Needs	3,000,000	-	3,000,000	2,328,893	77.6%	671,107	1,553,507	51.8%
	3,000,000	-	3,000,000	2,328,893	77.6%	671,107	1,553,507	51.8%
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	175,650	0.3%	65,424,350	97,650	0.1%
Portable Demolition	500,000	(352,499)	147,501	147,501	100.0%	-	147,501	100.0%
	66,100,000	(352,499)	65,747,501	323,151	0.5%	65,424,350	245,151	0.4%
1 Michelle Obama School								
* Campus Replacement	40,300,000	-	40,300,000	39,601,358	98.3%	698,642	35,278,585	87.5%
	40,300,000	-	40,300,000	39,601,358	98.3%	698,642	35,278,585	87.5%
1 Ohlone Elementary School								
Critical Needs	800,000	(176,115)	623,885	623,885	100.0%	-	623,885	100.0%
	800,000	(176,115)	623,885	623,885	100.0%	-	623,885	100.0%
1 Olinda Elementary School								
Critical Needs	1,000,000	(206,753)	793,247	793,247	100.0%	-	793,247	100.0%
	1,000,000	(206,753)	793,247	793,247	100.0%	-	793,247	100.0%
1 Riverside Elementary School								
* Critical Needs	6,900,000	-	6,900,000	299,540	4.3%	6,600,460	130,220	1.9%
	6,900,000	-	6,900,000	299,540	4.3%	6,600,460	130,220	1.9%
1 Shannon Elementary School								
* Critical Needs	7,100,000	-	7,100,000	-	0.0%	7,100,000	-	0.0%
	7,100,000	-	7,100,000	-	0.0%	7,100,000	-	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	2,200,000	5,300,000	5,026,010	94.8%	273,990	4,973,021	93.8%
	3,100,000	2,200,000	5,300,000	5,026,010	94.8%	273,990	4,973,021	93.8%



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 08/31/2020

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 Hercules High School								
* Critical Needs	14,700,000	-	14,700,000	-	0.0%	14,700,000	-	0.0%
	14,700,000	-	14,700,000	-	0.0%	14,700,000	-	0.0%
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	20,707,181	98.6%	292,819	10,927,252	52.0%
	15,100,000	5,900,000	21,000,000	20,707,181	98.6%	292,819	10,927,252	52.0%
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	6,388,828	188,188,828	71,764,364	38.1%	116,424,464	56,585,964	30.1%

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



WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT
Bond Program Spending to Date by Site
Data as of 08/31/2020

Updated 09/08/2020

Site Name	Original Budget *	Board Approved Budget 07/29/20	Expended FY 99-01 thru FY 18-19	Expended FY 19-20 Jul-Jun	Expended FY 20-21 Aug	Expended Total thru 08/31/20	Committed Balance as of 08/31/20	Budget Balance as of 08/31/20	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	-	-	1,638,871	-	3,500,000	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	4,213,128	596,814	607,823	5,417,765	775,386	671,107	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	1,647,823	97,650	-	1,745,473	78,000	65,424,350	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	9,664,279	27,637,908	1,805,722	39,107,909	4,322,773	698,642	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	45,461,314	2,339,500	-	47,800,813	-	(0)	Footnote 1
OHLONE	14,174,928	34,492,752	34,492,752	-	-	34,492,752	-	-	Footnote 1
OLINDA	1,170,596	2,080,188	1,582,078	498,111	-	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	14,723,012	18,213	-	14,741,225	169,320	6,600,460	Footnote 3
SHANNON	1,157,736	8,655,163	1,555,163	-	-	1,555,163	-	7,100,000	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	572,509,101	31,188,196	2,413,544	606,110,841	5,345,480	87,605,784	
CRESPI MS	1,205,711	6,545,896	2,553,745	3,665,021	150	6,218,916	52,990	273,990	Footnote 3
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	72,655,201	2,090	2,168	72,659,458	265,130	457,591	Footnote 2
PINOLE MS	38,828,979	56,689,430	56,689,430	-	-	56,689,430	-	-	Footnote 1
Middle Sch Total	139,928,488	221,130,602	216,411,473	3,667,111	2,318	220,080,902	318,120	731,580	



WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT
Bond Program Spending to Date by Site
Data as of 08/31/2020

Updated 09/08/2020

Site Name	Original Budget *	Board Approved Budget 07/29/20	Expended FY 99-01 thru FY 18-19	Expended FY 19-20 Jul-Jun	Expended FY 20-21 Aug	Expended Total thru 08/31/20	Committed Balance as of 08/31/20	Budget Balance as of 08/31/20	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	-	14,700,000	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	185,963,019	10,518,671	(59,694)	196,421,996	734,649	19,392,935	Footnote 2
RICHMOND HS	94,720,910	42,622,087	22,854,818	7,704,281	1,990,240	32,549,339	9,779,930	292,819	Footnote 3
VISTA HS	3,566,208	7,236,543	7,236,543	-	-	7,236,543	-	0	Footnote 1
High Sch Total	559,145,352	689,128,170	611,874,340	18,222,952	1,930,546	632,027,838	10,514,578	46,585,754	
ADAMS MS	703,660	691,211	691,211	-	-	691,211	-	-	Footnote 1
CAMERON	284,012	1,422,195	122,195	-	-	122,195	-	1,300,000	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	-	-	3,461,930	-	1,300,000	
CENTRAL	67,713,312	102,831,634	94,934,549	3,531,471	262,040	98,728,060	1,724,390	2,379,183	Budget thru 20-21
RCP CHARTER	8,148,550	4,415,204	4,415,204	-	-	4,415,204	-	-	Footnote 1
TECHNOLOGY	35,000,000	35,000,000	34,294,330	-	-	34,294,330	-	705,670	Footnote 2
Admin/Other Total	110,861,862	142,246,838	133,644,083	3,531,471	262,040	137,437,594	1,724,390	3,084,854	
GRAND TOTAL	1,262,354,248	1,756,329,646	1,537,900,927	56,609,731	4,608,448	1,599,119,106	17,902,568	139,307,972	

* 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	-



WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT

Bond Program Financial Status

As of August 31, 2020

Cash Projection to June-2021

			<u>Notes</u>
<u>Adjusted Cash Balance</u>		177,468,820	1
<u>Projected Revenues</u>			
Interest Earning & Other Revenue	\$ 3,370,000	<u>\$ 3,370,000</u>	2
<u>Projected Available Funds</u>		\$ 180,838,820	
<u>Budget Balance</u>			
Board Approved Budget		\$ 1,756,329,646	3
Less Expenses to Date		<u>\$ (1,599,119,106)</u>	3
<u>Current budget balance</u>		\$ 157,210,540	
Projected Cash Balance June 2021		\$ 23,628,280	

State Facility Grants Pending State Approval

Estimated after current planning period:	\$ 7,615,578	4
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Items Pending Board Approval

Future Bond Sale 2020 Measure R	\$ 575,000,000	
2022-2023 Estimated Central Cost	\$ 5,963,011	6
2022-2023 Estimated Other Revenue	\$ 2,530,000	2



WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT

Bond Program Financial Status

As of August 31, 2020

Note 1 Adjusted Cash Balance

Description	Amount	Comments
Cash & Equivalents Building Fund 21	\$ 177,893,803	A
Cash & Equivalents County School Facilities Fund 35	\$ -	B
Cash with Fiscal Agent (contract retentions)	\$ 1,651,942	C 3rd-Party held Retention
Accounts Receivable	\$ -	
Accounts Payable	\$ -	D
Contract Retention	\$ (2,076,925)	C District held Retention
Adjusted Cash Balance	\$ 177,468,820	

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.



WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT

Bond Program Financial Status

As of August 31, 2020

Note 2 Projected Revenues

Fiscal Year	Bond Sales 2010 Measure D	Bond Sales 2012 Measure E	Less: Cost of Bond Issuance	Interest Earnings & Other Revenue	Total
FY2021				\$ 3,370,000	\$ 3,370,000
Sub-Totals	\$ -	\$ -	\$ -	\$ 3,370,000	\$ 3,370,000
FY2022				\$ 1,530,000	\$ 1,530,000
FY2023				\$ 1,000,000	\$ 1,000,000
Sub-Total	\$ -	\$ -	\$ -	\$ 2,530,000	\$ 2,530,000
Grand Total	\$ -	\$ -	\$ -	\$ 5,900,000	\$ 5,900,000

Note 3 Budget Balance

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



WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT

Bond Program Financial Status

As of August 31, 2020

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
				Total	\$ 7,615,578

***Office of Public School Construction - OPSC**

****State Allocation Board - SAB**

¹ Last updated 05/27/20



WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT

Bond Program Financial Status

As of August 31, 2020

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	\$ 5,300,000
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
Stege 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	\$ 188,188,828

* 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

*** 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



WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT
Bond Program Financial Status
As of August 31, 2020

Note 6 Unbudgeted Central Services Projected Expenses FY2021-22 & 2022-23

Description	FY 2021-22		FY 2022-23		Total
Salaries & Benefits	\$	1,530,600	\$	1,591,344	\$ 3,121,944
Services & Other Cost	\$	1,550,177	\$	1,290,890	\$ 2,841,067
Total Projection	\$	3,080,777	\$	2,882,234	\$ 5,963,011



WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT

Financial Impact of Report 13 Analysis

From July 2020 to August 2020

Updated 09/08/2020

Items	Beginning Balance	Ending Balance	Variance	Notes
Adjusted Cash Balance	158,432,779	177,468,820	19,036,041	<\$94,151.52> expended in June 2nd Accrual 2020 <\$4,459,315.87> expended in August 2020 \$23,400,090 PVHS State Funding Received \$112,113.67 QTR 4b Pooled Earning June Accrual 2020 \$71,485.34 QTR 4 LAIF Interest June Accrual 2020 \$5,819.16 QTR 4B LAIF Interest in August 2020
Projected Revenue				
Bond Sales 2010 Measure D	-	-	-	
Bond Sales 2010 Measure E	-	-	-	
Less: Cost of Issuance	-	-	-	
Other Revenues estimated to 2021	3,370,000	3,370,000	-	
Projected Revenue Total	3,370,000	3,370,000	-	
Projected Available Funds	161,802,779	180,838,820	19,036,041	<\$94,151.52> expended in June 2nd Accrual 2020 <\$4,459,315.87> expended in August 2020 \$23,400,090 PVHS State Funding Received \$112,113.67 QTR 4b Pooled Earning June Accrual 2020 \$71,485.34 QTR 4 LAIF Interest June Accrual 2020 \$5,819.16 QTR 4B LAIF Interest in August 2020
Budget Balance				
Board Approved Budget	1,652,929,646	1,756,329,646	103,400,000	Future Facilities Master Plan Project budgeted
Less Expenses to Date	(1,594,565,639)	(1,599,119,106)	(4,553,467)	<\$94,151.52> expended in June 2nd Accrual 2020 <\$4,459,315.87> expended in August 2020
Budget Balance Total	58,364,007	157,210,540	98,846,533	
Projected Cash Balance June 2021	103,438,772	23,628,280	(79,810,492)	\$23,400,090 PVHS State Funding Received \$112,113.67 QTR 4b Pooled Earning June Accrual 2020 \$71,485.34 QTR 4 LAIF Interest June Accrual 2020 \$5,819.16 QTR 4B LAIF Interest in August 2020 <\$103,400,000.00> Future MP to budget
State Facility Grants				
Estimated during current planning period	23,400,090	-	(23,400,090)	PVHS State Funding Received
Estimated after current planning period	7,615,578	7,615,578	-	
Future Facilities Master Plan Projects	103,400,000	-	(103,400,000)	Future Facilities Master Plan Project budgeted
Future Bond Sale 2020 Measure R	575,000,000	575,000,000	-	
2022-2023 Estimated Central Cost	5,963,011	5,963,011	-	
2022-2023 Estimated Other Revenue	2,530,000	2,530,000	-	



A/P Check List

August, 2020
Fund 21

Updated 09/08/2020

Vendor Name	Check No.	Check Date	Short Account	Invoice Number	Invoice Date	Amount	Invoice Description
Site 000 - UNDISTRIBUTED						43,860.19	
DECOTECH SYSTEMS	196855	08/18/20	21-9745-9570-000	1000003027-7	08/06/20	43,860.19	Contract 1000003027 retainage 08/13/2018 to
Site 123 - FAIRMONT						576,067.23	
BRADLEY J WILLIAMSON	196826	08/11/20	21-9745-6214-123	1783	07/31/20	5,510.00	FAIRMONT ES PROJECT INSPECTOR
HIBSER YAMAUCHI ARCHITECTS INC	196954	08/25/20	21-9745-6201-123	491025REV	07/31/20	5,976.73	FAIRMONT ES - DESIGN SERVICES
MAR CON BUILDERS	196792	08/11/20	21-9745-6211-123	1000003356-2	07/29/20	545,955.12	FAIRMONT ES CRITICAL NEEDS PH
VISTA ENVIRONMENTAL INC	196732	08/04/20	21-9745-6207-123	INV-20451	07/28/20	18,625.38	FAIRMONT ES - HAZARDOUS MATERI
Site 165 - MICHELLE OBAMA						1,718,771.46	
AQUATECH CONSULTANCY, INC	196927	08/25/20	21-9745-5860-165	48751	08/13/20	1,215.00	WILSON ES WATERPROOFING CONSTR
C OVERAA & CO	196937	08/25/20	21-9745-6201-165	1000002635-24B	08/11/20	29,533.00	WILSON ES - DESIGN & CONSTRUCT
C OVERAA & CO	196937	08/25/20	21-9745-6211-165	1000002635-24A	08/11/20	1,652,052.18	WILSON ES - DESIGN & CONSTRUCT
INSPECTION SERVICES INC	196873	08/18/20	21-9745-5890-165	256480	08/04/20	18,371.28	WILSON ES DSA SPECIAL TESTING
STRUCTURE GROUPS	196907	08/18/20	21-9745-6214-165	190933-12	07/31/20	17,600.00	WILSON ES PROJECT INSPECTOR SE
Site 206 - CRESPI JR HIGH						150.00	
INSPECTION SERVICES INC	196686	08/04/20	21-9745-5890-206	256401B	07/21/20	150.00	CRESPI MS GYM SEISMIC RETROFIT
Site 214 - KOREMATSU MIDDLE						2,167.50	
DIVISION OF STATE ARCHITECT	196856	08/18/20	21-9748-6205-214	KOREMATSU	08/12/20	2,167.50	KOREMATSU MS DSA CHECK REQUEST
Site 362 - PINOLE VALLEY HIGH						38,336.30	
DECOTECH SYSTEMS	196764	08/11/20	21-9745-6460-362	1000003027-6	08/06/20	17,736.30	PVHS TECHNOLOGY INFRASTRUCTUR
KLEINFELDER INC	196881	08/18/20	21-9745-6190-362	001281375	04/22/20	3,500.00	PVHS GEO SERVICES FIELDS PHASE
KLEINFELDER INC	196881	08/18/20	21-9745-6190-362	001281379	04/22/20	7,500.00	PVHS GEO SERVICES FIELDS PHASE
KLEINFELDER INC	196881	08/18/20	21-9745-6190-362	001284014	05/13/20	2,000.00	PVHS GEO SERVICES FIELDS PHASE
KLEINFELDER INC	196881	08/18/20	21-9745-6190-362	001284329	05/18/20	4,500.00	PVHS GEO SERVICES FIELDS PHASE
KLEINFELDER INC	196881	08/18/20	21-9745-6190-362	001287373	06/11/20	1,600.00	PVHS GEO SERVICES FIELDS PHASE
SECURITY BY DESIGN INC	196803	08/11/20	21-9745-5860-362	202002018	08/04/20	1,000.00	PINOLE VALLEY CAMPUS REP - SEC
SECURITY BY DESIGN INC	196803	08/11/20	21-9745-5860-362	202002019a	08/04/20	500.00	PINOLE VALLEY CAMPUS REP - SEC
Site 364 - RICHMOND HIGH						1,896,361.59	
ALAN KROPP AND ASSOCIATES INC	196922	08/25/20	21-9745-6190-364	27132	08/13/20	16,533.75	RICHMOND HS GEOTECHNICAL INVES
AQUATECH CONSULTANCY, INC	196927	08/25/20	21-9745-5860-364	48666	08/13/20	4,260.00	RICHMOND HS WATERPROOFING CONS
INSPECTION SERVICES INC	196686	08/04/20	21-9745-5890-364	256408	07/24/20	7,129.56	RHS SPECIAL INSPECTION AND MAT
INSPECTION SERVICES INC	196783	08/11/20	21-9745-5890-364	256446	07/31/20	7,377.29	RHS SPECIAL INSPECTION AND MAT
INSPECTION SERVICES INC	196957	08/25/20	21-9745-5890-364	256538	08/12/20	5,686.79	RHS SPECIAL INSPECTION AND MAT
LATHROP CONSTRUCTION ASSOCIATE	196962	08/25/20	21-9745-6201-364	1000003023-00020B	08/13/20	52,878.20	RICHMOND HS - DESIGN-BUILD FOR
LATHROP CONSTRUCTION ASSOCIATE	196962	08/25/20	21-9745-6211-364	1000003023-00020A	08/13/20	1,783,696.00	RICHMOND HS - DESIGN-BUILD FOR
STRUCTURE GROUPS	196907	08/18/20	21-9745-6214-364	190934-10	07/31/20	18,800.00	RICHMOND HS DSA PROJECT INSPEC
Site 615 - OPERATIONAL SUPPT SRVS CE						48,613.57	
AQUATECH CONSULTANCY, INC	196927	08/25/20	21-9748-5860-615	48750	08/13/20	1,932.50	DISTRICT WIDE WATERPROOFING CO
EDUARDO DONOSO	196765	08/11/20	21-9745-5210-615	07/02/20-07/28/20	08/06/20	22.54	EC2 REIMBURSEMENT JULY 2020
EMPLOYERS ADVOCATE INC	196950	08/25/20	21-9748-5890-615	11254	08/10/20	320.00	PROGRAM-WIDE PROJECT LABOR AGR
KBA DOCUMENT SOLUTIONS, LLC	196786	08/11/20	21-9745-4300-615	55Y1106089	07/28/20	130.94	BLANKET PURCHASE ORDER
KBA DOCUMENT SOLUTIONS, LLC	196960	08/25/20	21-9745-4300-615	55Y1110595	08/12/20	10.93	BLANKET PURCHASE ORDER
LISA NAGAI	196793	08/11/20	21-9745-6217-615	45	08/04/20	7,050.00	CONSTRUCTION MANAGEMENT-PROJEC
MELISSA TRUITT	196820	08/11/20	21-9745-6203-615	0047	07/31/20	16,450.00	PROGRAM MANAGEMENT- PLANNING/C
ORBACH HUFF AND SUAREZ LLP	196970	08/25/20	21-9745-5895-615	91197	08/13/20	5,567.72	CONTINUING CONTRACT
ORBACH HUFF AND SUAREZ LLP	196970	08/25/20	21-9745-5895-615	91198	08/13/20	17,128.94	CONTINUING CONTRACT
Grand Total						4,324,327.84	



A/P Check List

August, 2020
Fund 21

Updated 09/08/2020

Vendor Name	Check No.	Check Date	Short Account	Invoice Number	Invoice Date	Amount	Invoice Description
AP CHECKS TOTAL						4,324,327.84	
Non expense account - RETENTION PAID TO VENDOR						(43,860.19)	
unpaid RETENTION WITHHELD AMOUNT						210,496.83	
Aug.2020 PAYROLL						84,034.41	
Refund Check from Vendor						(4,812.40)	
MANUAL JOURNAL ENTRY						(16,719.10)	
TOTAL Jun.2020 2nd ACCRUAL EXPENSE AMOUNT						94,151.52	
TOTAL Aug.2020 EXPENSE AMOUNT						4,459,315.87	

Object 9570 - Retention withheld amount:

Vendor Name	Check No.	Check Date	Short Account	Invoice Number	Invoice Date	Amount	Invoice Description
MAR CON BUILDERS	196792	08/11/20	21-9745-6211-123	1000003356-2	07/29/20	28,734.48	FAIRMONT ES CRITICAL NEEDS PH
C OVERAA & CO	196937	08/25/20	21-9745-6211-165	1000002635-24A	08/11/20	86,950.12	WILSON ES - DESIGN & CONSTRUCT
DECOTECH SYSTEMS	196764	08/11/20	21-9745-6460-362	1000003027-6	08/06/20	933.49	PVHS TECHNOLOGY INFRASTRUCTUR
LATHROP CONSTRUCTION ASSOCIATE	196962	08/25/20	21-9745-6211-364	1000003023-00020A	08/13/20	93,878.74	RICHMOND HS - DESIGN-BUILD FOR
Grand Total						210,496.83	

Payroll

Project#	Check No.	Check Date	Short Account	Invoice Number	Invoice Date	Amount	Notes
66901396-01		08/31/20				66,164.31	Facility Program Staff Aug Pay
67001396-01		08/31/20				17,870.10	Assoc Supt Operation Staff Aug Pay
Grand Total						84,034.41	

Refund Checks

Vendor Name	Check No.	Check Date	Short Account	Invoice Number	Invoice Date	Amount	Notes
BROADWAY TYPEWRITER CK#83181		08/13/20	21-9745-4460-362			(1,895.40)	Arey Jones - PVHS Tech Equipment Refund
MCGRATH RENTCOPR CK#431538		08/13/20	21-9745-5620-362			(2,917.00)	Mobile Modular Portables Refund
Grand Total						(4,812.40)	

Manual Journal

Vendor Name	Check No.	Check Date	Short Account	Invoice Number	Invoice Date	Amount	Notes
July 2020 Facility Staff Salary							
Regular Payroll \$51,869.76 - Adjustment \$11,363.65 = Revised \$40,506.11						(11,363.65)	July Payroll adjustment thru Time Study
July 2020 Assoc Supt Operat Staff Salary							
Regular Payroll \$20,232.78 - Adjustment \$5,355.45 = Revised \$14,877.33						(5,355.45)	July Payroll adjustment thru Time Study
Grand Total						(16,719.10)	

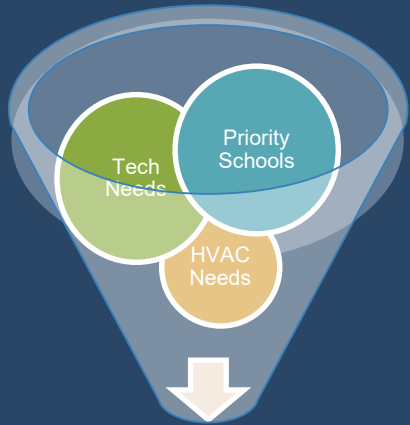
* Board approved renaming of Wilson Elementary School to Michelle Obama school on 02/12/20.



WCCUSD Updating the 2016 Facilities Master Plan

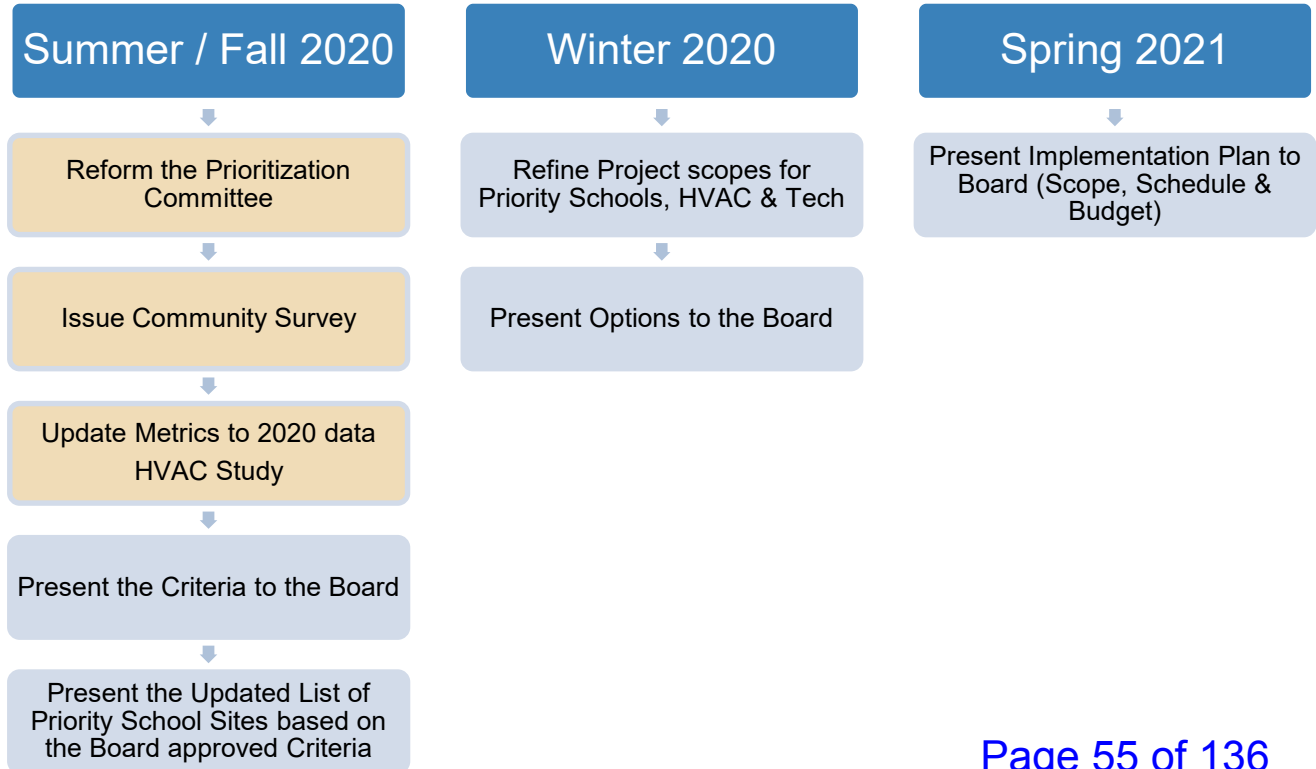
September 2020

2020 Facilities Master Plan Next Steps



Develop Options
for
Implementation
Plan
Page 55 of 136

Assessing Prioritization and Incorporating Measure R Timeline





WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT
Facilities Operation Center

1400 Marina Way South
Richmond, CA 94804

Luis Freese
Associate Superintendent, Operations

Phone (510) 231-1105

Attention: Principal

Thanks to the support of the community measure B passed in March of this year, The District is reconfirming and updating the Master Plan, including the prioritization process. A new Prioritization Committee will evaluate the 2016 criteria and recommend if any changes are needed to address the changes the District has experienced in the last 4 years.

In 2016, the Facilities Master Plan developed criteria for prioritizing major school renovation/replacement projects. The criteria were established through a recommendation from the Prioritization Committee. This committee consisted of community representatives from across the District.

To create a new committee that represents a cross section of the district, a number of representatives have been identified, including one parent from each feeder pattern. We are asking each site principal to nominate one parent to the Prioritization Committee. The deadline to complete the nomination form is September 18th.

All parent nominees from a particular feeder pattern will be placed in a randomized selection resulting in one parent from that feeder pattern being selected to be the member of the committee. After the selection, each principal will be notified of the results.

Please have your nominee for the Prioritization Committee fill out the following Google Form to be placed in the selection process.

<https://forms.gle/REXvNrdFvGm7n222>

Role of the Prioritization Committee

- Attend 2-4 committee meetings
- Use community input to discuss existing criteria and any additional criteria to be considered.
- Recommend to the Board how to update the criteria
 - Which existing criterion is no longer applicable?
 - Which criterion and associated metrics should be added?
 - How to weight each criterion?

Note:

- After the Board approves the final criteria and associated weight and metrics, then the metrics will be applied to each school site, and a prioritized list of school sites will be established
- The committee will not debate the merits of individual schools

Reforming the Prioritization Committee

- A letter has been sent to the site principals for nominations for parents and students
- Creating a corresponding nomination form
- Lottery for selecting a name for each feeder pattern is planned for a facilities committee meeting
- Self nominations will be available as soon as the form is translated

Community Survey

- Draft survey is being completed
- Survey will ask
 - The level of importance each of the 2016 criterion should be have today
 - Additional criteria that should be considered
 - The desire for full rebuild projects verses modernizations
 - Demographic information about the responder to understand the reach of the survey
- Survey to be issued in September
- A dedicated web page is being created to provide the latest updates in the FMP process

WCCUSD
CITIZENS' BOND OVERSIGHT COMMITTEE

DRAFT MINUTES

Meeting of August 10, 2020

A) OPENING PROCEDURES

Note: this meeting was held on line 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 1:06 pm.

C) ROLL CALL

Present: John Anderson, Sallie DeWitt, Guadalupe Enllana, Don Gosney, Lorraine Humes, Anton Jungherr, Cameron Moore

Absent: Ken Burns, Maisha Cole

9 members ~ 5 required for a quorum; a quorum was present.

Staff Present: Julio Arroyo, Luis Freese, Melissa Payne

Board Liaison: Absent

D) APPROVAL OF AGENDA

The agenda was approved by 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) BOND PROGRAM PROJECTS STATUS and FINANCIAL REPORTS (Luis Freese/Melissa Payne)

Mr. Freese presented the project reports. Items of note:

Michelle Obama School is on track for (potential) occupancy by end of September, and full completion by the end of October.

G) CRITICAL NEEDS PROJECT UPDATES (Luis Freese)

At its July 29, 2020 meeting, the Board approved budgets for the final 6 near-term implementation projects from the 2016 Facilities Master Plan (Hercules Middle and High School have been combined to a single project). The budgets were established at the rough order of magnitude estimates from the FMP. Mr. Freese provided an overview of the projects.

H) FACILITIES MASTER PLAN (Melissa Payne)

Ms. Payne provided an overview of the District's proposed process to update the master plan. A key element will be the re-forming of the Prioritization Committee made up of parents and students

WCCUSD
CITIZENS' BOND OVERSIGHT COMMITTEE

of the schools communities and representatives of other stakeholder groups. This committee will review, add, and revise the ranking criteria and weighting to be used in establishing the prioritization and sequencing of projects. Parents and students will be selected through an application process; principals will notify parents of the opportunity at back to school night. Stakeholder organizations will select their representatives. The District will conduct a District wide survey and present the results to the committee at its first meeting in September.

In response to questions from Ms. DeWitt, Ms. Payne indicated that (1) the full FMP update is targeted for early 2021 completion, (2) the prioritization committee will not be subject to the Brown Act, and (3) the committee will be chaired by the soon to be appointed Director of Construction.

There were two question/comments from Leslie Reckler, of the Bayside Council of PTAs: (1) she asked that the Bayside Council be represented on the prioritization committee, and (2) how parents from the Mandarin School would be represented since they are not a part of one of the High School feeder school groupings.

At this point, Mr. Freese and Ms. Payne left to attend another meeting.

I) BOARD OF EDUCATION LIAISON REPORT (Consuelo Lara)

No report.

C B O C R E P O R T S

CONSENT ITEMS

The consent items were approved with no objections.

- J) ADOPTION OF MINUTES (Cameron Moore)**
07.13.20 CBOC Draft Minutes
- K) CBOC MEMBER INFORMATION REQUEST LOG (Don Gosney)**
08.10.20 CBOC Member Information Requests Status Log
- L) APPROVED RECOMMENDATIONS BY THE CBOC (Don Gosney)**
08.10.20 CBOC Approved Recommendations

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

- M) MEMBERSHIP (Cameron Moore)**
Mr. Gosney noted the membership report.
- N) MEMBERSHIP ROSTER (Don Gosney)**
Mr. Gosney noted the current roster.
- O) CHAIRPERSON REPORTS (Don Gosney)**
Mr. Gosney summarized his reports to the Board, which were included in the agenda packet.
- P) CAPITAL IMPROVEMENT BUDGET CONTROL AND EFFECTIVE BOND OVERSIGHT (Anton Jungherr and Sallie DeWitt)**

WCCUSD
CITIZENS' BOND OVERSIGHT COMMITTEE

Mr. Gosney asked that the three elements of this resolution that had been tabled at the last meeting be considered and voted on separately.

Resolved: that in the CBOC's opinion:

The current Board Policy BP 7100 Facilities Planning, Facilities Master Plan should be amended by adding the following Section:

1. A Five-Year Capital Improvement Budget shall be prepared by the Superintendent or designee and presented to the Board of Education in July of each year for action. Said budget will reference the Facilities Master Plan. The Capital Improvement Budget shall include by fiscal year for each of the next five fiscal years all capital improvement projects funded by:

- Fund 21 Building Fund.*
- Fund 25 Capital Facilities Fund.*
- Fund 35 County School Facilities Fund.*
- Fund 40 Special Reserve Fund for Capital Outlay Projects.*

Ms. DeWitt motioned to approve, seconded by Mr. Jungherr. During discussion, Mr. Moore expressed disappointment that the proponents had not followed through on his request that they provide an overview of the deficiencies of the existing Facilities Master Plan, since in his view the FMP has all the elements requested in this new capital budget activity: budgets, a prioritization process, and schedule. Mr. Jungherr motioned to amend the resolution by adding "the Five-Year Capital Improvement Budget shall be included as a part of each annual Facilities Master Plan update." at the end of the third sentence; there was no second on the motion. Roll call vote on amendment: Yes (7), No (0), Abstain (0), Absent (2, Burns, Cole). The amendment passed. Roll call vote on amended motion: Yes (6), No (1, Moore), Abstain (0), Absent (2, Burns, Cole). The amended motion passed.

2. The Board of Education has not yet implemented the 2016 Forensic Accounting Investigation recommendation TC 2-1, nor the District's own recommendation, made in 2016 in response to TC 2-1, specifically to "...complete a comprehensive update of the Facilities Master Plan in 2020."

Ms. DeWitt motioned to approve, seconded by Mr. Jungherr. During discussion, Mr. Moore noted that the District had just presented its plan for the comprehensive update, which would take place in 2020 with completion in early 2021. Mr. Jungherr motioned to table this element of the resolution to the January 2021 meeting, seconded by Mr. Anderson. Roll call vote: Yes (7), No (0), Abstain (0), Absent (2, Burns, Cole), the motion to table passed.

3. 2020 Measure R bond ballot measure language cannot be used as the basis for effective bond oversight and, therefore, the Board of Education has not yet effectively implemented the 2016 Forensic Accounting Investigation recommendation TC 2-2.

Ms. DeWitt motioned to approve, seconded by Mr. Jungherr. During discussion, Mr. Moore reiterated that he would like to obtain Moss Adams opinion on this point when they complete Phase 2 of the FAI implementation review, and that in his view, the ballot language refers to the Facilities Master Plan, which in its detail provides the basis for effective oversight to determine if the District is strictly following the master plan. Mr. Jungherr made a motion to amend by adding as a first sentence "The Facilities Master Plan does provide the CBOC a way to provide effective oversight." The motion failed due to

WCCUSD
CITIZENS' BOND OVERSIGHT COMMITTEE

lack of a second. Roll call vote on original motion: Yes (4), No (3, Anderson, Gosney, Moore), Abstain (0), Absent (2, Burns, Cole), the motion passed.

Q) ANNUAL REPORT UPDATE (Sallie DeWitt and Don Gosney)

Ms. DeWitt noted that August 31 is the due date for contributors to complete the first draft of their assigned sections.

R) AUDIT SCHEDULES (Anton Jungherr)

Mr. Jungherr referenced the audit schedule in the agenda packet.

S) FINANCIAL IMPROVEMENT RECOMMENDATIONS BOND CONSTRUCTION PROGRAM (Anton Jungherr)

Mr. Jungherr made the following motion, seconded by Mr. Gosney:

That the District charge the cost of Proposition 39 school bond financial audits and compliance and effectiveness and results performance audits to the Building Fund (Fund 21) to reduce the burden to the General Fund. That the CBOC Chairperson prepare and issue press releases, opinion editorials, social media comments and letters to the editor to inform the public of the facts in these reports.

Roll call vote: Yes (6), No (0), Abstain (0), Absent (3, Anderson, Burns, Cole), the motion passed.

T) WEB SITE UPDATE (Don Gosney)

Mr. Gosney outlined approaches to updating the website.

U) CALENDAR (Don Gosney)

Mr. Gosney provided an update on planning for the joint meeting with the Board in September.

V) FUTURE AGENDA TOPICS (Don Gosney)

No new topics.

W) ADJOURNMENT

The meeting was adjourned at 3:42 pm.

Submitted by: Cameron M. Moore, Secretary

September 9, 2020

CBOC MEMBER RECORDS REQUEST AND STATUS LOG

09/14/20

REQUESTER	DATE REC'D	SUBJECT	FORWARDED FOR RESPONSE	RESPONSE DATE	RESPONSE
111) Anton Jungherr	3/16/19	Copy of 03/20/19 Closed Session referenced case and District's related cross-action	03/18/19 to L. LeBlanc	04/02/19 emailed A. Jungherr documents requested	04/02/19
112) Anton Jungherr	4/15/19	Copy of Riverside RFQ Design Build	4/15/19 to L. LeBlanc	4/17/19 emailed A. Jungherr requested documents	4/17/19
113) Anton Jungherr	4/15/19	Disclosure Procedures	5/15/19 to J. al-Amin	4/17/19 emailed A. Jungherr requested documents	4/17/19
114) Anton Jungherr	5/2/19	Parley Pro agreement	5/2/19 to M. Payne	5/6/19 emailed A. Jungherr requested documents	5/6/19
115) Anton Jungherr	5/6/19	Copy of Moss Adams proposal for systems and procedures services	5/6/19 to L. LeBlanc	5/6/19 emailed A. Jungherr requested documents	5/6/19
116) Anton Jungherr	5/5/19	Copy of DDLN agreement and amendments 1-6	5/6/19 to M. Payne	5/9/19 emailed A. Jungherr requested documents	5/9/19
117) Anton Jungherr	5/16/19	Details for 4 items discussed at FSC meeting -5-15-19	5/16/19	6-17-19 emailed A. Jungherr documents	6/17/19
118) Anton Jungherr	5/16/19	Details of Bond Program Cash Position Projection Summary	5/16/19 to M. Payne	6/17/19 emailed A. Jungherr documents(duplicate of #117)	6/17/19
119) Anton Jungherr	5/16/19	Melissa Truitt Project Administration Agreement	5/17/19 to M. Payne	6/17/19 emailed agreement to A. Jungherr	6/17/19
120) Anton Jungherr	5/17/19	Lisa Nagai Consulting Project Agreement	5/17/19-to M. Payne	6/17/19 emailed agreement to A. Jungherr	6/17/19
121) Anton Jungherr	5/17/19	Colbi Implementation Survey	5/17/19-to M. Payne	6/24/19 emailed A. Jungherr survey	6/24/19

CBOC MEMBER RECORDS REQUEST AND STATUS LOG

09/14/20

REQUESTER	DATE REC'D	SUBJECT	FORWARDED FOR RESPONSE	RESPONSE DATE	RESPONSE
122) Anton Jungherr	5/17/19	Bond Program Management Plan table of contents	5/17/19 to M. Payne	7/15/19 Emailed Jungherr and Gosney	7/25/19
123) Anton Jungherr	5/17/19	Current version of Bond Program Budget Practices and Procedures (duplicate from 4.16.19)	5/17/19 to M. Payne	Withdrawn by A. Jungherr	7/27/19
124) Anton Jungherr	5/17/19	Copies of Adam Ferber's invoices for assorted listed months	5/20/19 to S. Garfield	5/28/19 emailed copies of invoices to A. Jungherr	5/28/19
125) Anton Jungherr	5/24/19	Bond Program staffing positions for 2015-16 and 2016-17.	5/24 to Payne 10/16 to Bueno/Wold	2/10/20 emailed A. Jungherr & D. Gosney updated report	2/10/20
126) Anton Jungherr	5/26/19	Current version of Munis Training Manual	5/28/19 to S. Garfield	5/28/19 emailed response to A. Jungherr to access manual through the District's website under Purchasing Dept.	5/28/19
127) Anton Jungherr	5/1/19	Copies of sample reports provided by Colbi	5/1/19 to M. Payne	5/1/19 emailed reports to G. Visineau, A. Jungherr, D. Gosney	5/1/19
127A) Anton Jungherr	6/22/19	Explanation in Variance between Report 13 and staff report	6/24/19 to M. Payne	Emailed information to Jungherr and Gosney to share with CBOC	6/28/19
128) Anton Jungherr	6/30/19	Master List Numbers for various Phase 1 & Phase 2 recommendations	7/1/19 to M. Payne	04/13/20 ~ A. Jungherr requested for it to be marked Completed	04/13/20
129) Anton Jungherr	6/30/19	Completed version of the Colbi District information document.	7/1/19 to M. Payne	2-7-20 emailed Jungherr/Gosney requested information	2/7/20
130) Gregg Visineau	7/4/19	Questions on KNN schedules & clarification on previously answered inquiries.	7/8/19 to M. Payne	7/19/19 emailed to G. Visineau with comments and documents	7/19/19

CBOC MEMBER RECORDS REQUEST AND STATUS LOG

09/14/20

REQUESTER	DATE REC'D	SUBJECT	FORWARDED FOR RESPONSE	RESPONSE DATE	RESPONSE
131) Sallie DeWitt	7/16/19	Asked for staff to review and comment on the variance report she prepared for Annual Report	7/16/19 to M. Payne	7/17/19 emailed S. DeWitt with comments and document	7/17/19
132) Anton Jungherr	8/16/19	Copy of Riverside ES Soils Stabilization Project RFP	8/19 to L. Freese	9/3/19 emailed Jungherr & Gosney requested documents	9/3/19
133) Don Gosney	9/19/19	RFP for Wilson Project	9/19 to L. Freese	10/09/19 emailed record to Gosney	10/09/19
134) Anton Jungherr	10/11/19	District's CBOC budget for FY 2019	10/14 to L. Freese & T. Wold	10/16 Emailed response to A. Jungherr	10/16/19
135) Anton Jungherr	1/15/20	Request for copies of Orbach's invoices for check #190261	1/15/20 S. Cha	1/21/20 emailed Jungherr/Gosney	1/21/20
136) Anton Jungherr	2/2/20	Detailing variances from Report 13A	2/2/20 M. Payne	2/7/20 emailed Jungherr/Gosney Requested information	2/7/20
137) Gregg Visineau	2/12/20	Settlement agreement District & RCI for Nystrom	2/13/20 to M. Mayne	2/25/20 emailed G. Visineau and D. Gosney with copy of settlement	2/25/20
138) Lorraine Humes	7/14/20	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	7/22/20
139) Anton Jungherr	8/10/20	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	8/12/20
140) Anton Jungherr	8/13/20	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	
141) Lorraine Humes	8/19/20	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	8/26/20

CBOC MEMBER RECORDS REQUEST AND STATUS LOG

09/14/20

REQUESTER	DATE REC'D	SUBJECT	FORWARDED FOR RESPONSE	RESPONSE DATE	RESPONSE
142) John Anderson	8/24/20	Copy of documents for 2019 Property tax rates and bond program key performances 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.	8/26/20
143) Anton Jungherr	9/4/20	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.	9/8/20

West Contra Costa Unified School District
Citizens' Bond Oversight Committee
CBOC Approved Recommendations
09.14.20

Per Board of Education Policy #7214.2: "All recommendations approved by the Committee (CBOC) 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 purpose of this log is to document recommendations made by the CBOC to the Board of Education

Item No.	Recommendation	Date CBOC Approved	District's Response
1	Proposed Board Policy 7161.1 Lesson Learned Process	12.21.16	"...not needed at this time"
2	Eight standard Financial Impact Statement formats for Board of Education agenda precis on bond Program budget approval and expenditure authorizations.	07.30.18 09.12.18 discussed joint CBOC/Board meeting	Currently being reviewed as part of the drafting of Bond Program Management Plan
3	Amendments to Board Policy BP 7214.2 Citizens' Bond Oversight Committee	03.14-27.19 discussed joint CBOC/Board meeting 05.15.19 Governance Committee	Discussion but no action when discussed by Board on 05.27.20
4	Facilities Road Map 2023 be approved by the Board of Education. Discuss at the Joint Board/CBOC September 11, 2019.	06.20.19	Currently under review Done

West Contra Costa Unified School District
Citizens' Bond Oversight Committee
CBOC Approved Recommendations
09.14.20

Item No.	Recommendation	Date CBOC Approved	District's Response
5	That the Board of Education ensure that an independent 3rd party determine the amount of FY2019 salaries & benefits that can be legally charged to Fund 21 Building Fund based on California Attorney General Opinion No. 04-110.	06.20.19	IMPLEMENTED on 03.01.20
6	That the Board of Education ensure that only legally appropriate amount of FY2020 salaries & benefits are charged to Fund 21 Building Fund.	06.20.19	IMPLEMENTED on 03.01.20
7	District staff include Board Program Financial Status Reports (Report 12 and 13A) in the Board of Education agenda packet for one meeting each month under agenda item E.2, Standing Reports.	07.30.18	REPORTED MONTHLY TO FACILITIES COMMITTEE
8	Amend Director Internal Audit job description to report functionally to the Board of Education and administratively to the Superintendent.	12.19.18	REJECTED
9	That the District prepare a plan to update 2016 Master Plan cost estimates.	03.14.19	DONE

West Contra Costa Unified School District
Citizens' Bond Oversight Committee
CBOC Approved Recommendations
09.14.20

Item No.	Recommendation	Date CBOC Approved	District's Response
10	That the Board provide a response to the CBOC by June 28, 2019 to the 24 recommendations in the FY2018 Board Program Performance Audit marked "TBD" including a responsible official and a planned resolution date.	04.18.19	NOT DONE
11	Appoint an appropriate Business Services member to the 2016 FAI Recommendation Implementation Task Force.	12.19.18	DONE
12	Have Moss Adams, LLP forensic accounting review cycle align with their bond program performance audit cycle.	12.18.18	REJECTED
13	Have Moss Adams, LLP review forensic accounting investigation implementation status as of June 30, 2019 and June 30, 2020.	03.14.19	REJECTED
14	Have Director Internal Audit dedicate full time on the implementation of the forensic investigation recommendations.	03.14.19	REJECTED

West Contra Costa Unified School District
Citizens' Bond Oversight Committee
CBOC Approved Recommendations
09.14.20

Item No.	Recommendation	Date CBOC Approved	District's Response
15	Amend Director Internal Audit job description to include responsibility for auditing the implementation of the forensic review and performance audit recommendations.	04.18.19	REJECTED
16	Fill the position of Director Internal Audit as soon as possible.	04.18.19	Filled on 07.01.20 [lower level classification of Lead Internal Auditor without Certified Public Accountant license requirement]
17	That the Board of Education take formal action to accept the March 20, 2019 Phase 1 Forensic Accounting Investigation Implementation Review report. Furthermore, that the Board of Education advise when the 29 unvalidated recommendations from Phase 1 will be reviewed and validated as effectively implemented; and by whom.	05.16.19	REJECTED

West Contra Costa Unified School District
Citizens' Bond Oversight Committee
CBOC Approved Recommendations
09.14.20

Item No.	Recommendation	Date CBOC Approved	District's Response
18	Review three job descriptions: • Associate Superintendent of Business and Operations • Associate Superintendent of Facilities, Maintenance, Operations and Bond Program Director of Internal Audit (including reporting relationship to Board of Education)	08.15.19	DONE
19	Include these three planning elements in the scope of the Lake Elementary School planning report: • Alternatives, if any, to the replacement of this school. • Elementary schools current design capacities, enrollments, projected enrollments and excess capacities. • Options for redrawing elementary school attendance boundaries and closing elementary schools.	08.15.19	Need Response
20	Make format changes to the Bond Program Financial Status (Report #13) as displayed in August 15, 2019 CBOC Minutes.	08.15.19	Done

West Contra Costa Unified School District
Citizens' Bond Oversight Committee
CBOC Approved Recommendations
09.14.20

Item No.	Recommendation	Date CBOC Approved	District's Response
21	Immediate fulfillment of the role of Director of Internal Audit for purpose of independent review of the implementation of internal controls improvement recommendations in preparation for the Moss Adams final review.	12.10.19	Filled on 07.01.20 [lower level classification of Lead Internal Auditor without Certified Public Accountant license requirement]
22	That the Superintendent direct that additional revenue sources to finance bond Fund 21 Building Fund projects be transferred to Fund 21 Building Fund.	12.10.19	Done via footnotes on Fund 21 Financial reports
23	That the District modify the format for the Colbi Technologies Consolidated Budget Status Report to include a column for the "original budget" and that Measure E budget and actual expenditures be added.	12.10.19	District and CBOC agreed that the Bond Program Spending to Date by Site (Report #2) would continue to display "Original Budget" and include a footnote on Measure E budget and actual expenditures. Therefore, the current Colbi financial reports do not need to be modified.

West Contra Costa Unified School District
Citizens' Bond Oversight Committee
CBOC Approved Recommendations
09.14.20

Item No.	Recommendation	Date CBOC Approved	District's Response
24	That the District negotiate with Moss Adams LLP a three-year extension to their current agreement to prepare Proposition 39 school construction performance audits for FY2020, FY2021 and FY2022. Further, that the audit objectives include compliance, effectiveness and results.	01.13.20	REJECTED
25	That the District submit the following financial reports to the CBOC on the frequency displayed in the table below:	03.09.20	DONE
25 Table	REPORT TITLE		FREQUENCY
	• Consolidated Budget Status Report (Colbi) • Consolidated Budget Status Report ~ 2016 Master Plan Projects (Colbi) • Bond Program Spending to Date by Site (Report #2) • Bond Program Financial Status (Report #13) • Financial Impact of Report #13 Analysis (Report #13A) • A/P (Accounts Payable) Check List • Bond Program KPI Summary (Report #1) • Report #13A Annual Variance		Monthly Monthly Monthly Monthly Monthly Monthly Annually Annually

West Contra Costa Unified School District
Citizens' Bond Oversight Committee
CBOC Approved Recommendations
09.14.20

Item No.	Recommendation	Date CBOC Approved	District's Response
26	The CBOC supports the staff recommendation that an RFP be issued for Proposition 39 school bond performance audit services for FY2020 through 2022. The audit scope should include compliance (California Guide for Annual Audits, Appendix A) and program effectiveness and results (Government Auditing Standards 2018 Revision, section 1.22 a).	05.11.20	Needs Response
27	That an RFP be solicited for performance audit services to verify the 29 forensic investigation recommendations that were not verified in the Moss Adams. LLP Phase 1 report and are not covered in their Phase 2 Report contract.	05.11.20	Needs Response
28	That FY2021 salaries and benefits charged to Fund 21 Building Fund shall have a beneficial relationship to the Bond Program and be supported by a timekeeping system reviewed by the District's independent performance auditor.	05.11.20	Done

West Contra Costa Unified School District
Citizens' Bond Oversight Committee
CBOC Approved Recommendations
09.14.20

Item No.	Recommendation	Date CBOC Approved	District's Response
29	That Board of Education support these Little Hoover Commission legislative changes to enhance the independence of the CBOC and provide authority for CBOC "best practices": • effectiveness and results performance audits. • advise on selection of auditors. • change appointment authority for CBOC members. • CBOC budgets. • CBOC website	06.08.20	Yet to be addressed
30	Request District to provide to the CBOC responses to FY2019 performance audit recommendations as required by Ed Code Section 15280(a)(2).	07.13.20	Not completed by 06.30.20 legal deadline
31	A Five-Year Capital Budget should be prepared annually as part of each Master Plan Update.	08.10.20	Needs Response
32	2020 Measure R bond measure language cannot be used as the basis for effective bond oversight; therefore, the Board has not implemented 2016 Forensic Accounting Investigation recommendation on this matter.	08.10.20	Needs Response



WCCUSD CITIZENS' BOND OVERSIGHT COMMITTEE

ATTENDANCE REPORT for PREVIOUS 12 MONTHS 09.14.20

	2019					2020								
	9/10	9/11	10/15	11/7	12/10	1/13	2/10	3/9	4/13	5/11	6/8	7/13	8/10	
John Anderson									C A N C E L L E D					
Ken Burns												UA	UA	
Maisha Cole													EA	
Sallie DeWitt														
Guadalupe Enllana	EA			EA										
Kathy Fleming				EA										
Don Gosney														
Vanessa Hill														
Lorraine Humes				EA			EA	EA						
Anton Jungherr														
Cameron Moore														
Gregg Visineau	EA	EA	EA	EA			EA							
BOE Liason*					UA	UA	EA	UA		UA	UA	UA	UA	

Key Codes:

EA = Excused Absence (contacted CBOC Chair or Secretary in advance of absence)

UA = Unexcused Absence (absent but did not contact CBOC Chair or Secretary in advance of absence)

TOO MANY ABSENCES – Too many absences (≥ 5 absences)

WARNING OF ABSENCES – Warning on absences (4 absences)



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

CITIZENS' BOND OVERSIGHT COMMITTEE
MEMBERSHIP ROSTER
09/14/20

Categories per BP 7214.2 Effective December 9, 2015					
#	Category	Name	Term Start Date	Term Ends	Term #
1	Business Organization*	Sallie DeWitt	01/18/19	01/17/21	2
2	Senior Citizen Organization*	Don Gosney	05/24/19	05/23/21	3
3	Taxpayers Organization*	Lorraine Humes	03/06/19	03/05/21	1
4	Parent or Guardian*	Vacant	—	—	—
5	Parent or Guardian & PTA*	Cameron Moore	04/27/20	04/26/22	3
6	El Cerrito Resident	Vacant	—	—	—
7	Hercules Resident	Anton Jungherr	02/11/19	02/10/21	3
8	Pinole Resident	Vacant	—	—	—
9	Richmond Resident	Guadalupe Enllana	08/07/19	08/06/21	1
10	Richmond Resident	John Anderson	06/10/20	06/09/22	1
11	Richmond Resident	Maisha Cole	06/10/20	06/09/22	1
12	San Pablo Resident	Vacant	—	—	—
13	Unincorporated Area Resident	Vacant	—	—	—
14	Unincorporated Area Resident	Vacant	—	—	—
15	Building Trades Council	Ken Burns	06/24/20	06/23/22	1
16	WCCUSD Employee Unions**	Veronica Diaz	Pending	—	—
17	WCCUSD Student	Vacant	—	—	—

The Proposition 39 WCCUSD CBOC was established by the Board of Education on April 9, 2003. All appointments are made by the Board of Education per BP 7214.2. Terms are for two (2) years with a maximum of three consecutive two (2) year terms.

The date appointments were approved by the Board of Education is the same as the "Term Start" date.

* Legally required category under Proposition 39, California Education Code Section 15282 (a).

**One member, who is not a current WCCUSD employee, representing the five WCCUSD employee unions: United Teachers of Richmond, Teamsters Local 856, School Supervisors Association, West Contra Costa Administrators Association and Adult School Teachers United.



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

CHAIRPERSON'S REPORT

08/26/20

A couple of days ago I emailed a detailed letter to the Board of Education and relevant staff members with regards to the proposed Request for Qualifications and Proposals for a new Performance Auditor for the nearly \$700 million left in the District's Bond Program.

I'm optimistic that the Board received this letter and read it before tonight. Because I don't have all of the email addresses for the 253,000 residents of West County, I was unable to email them a copy of this critical letter. And in the off chance that some of you on the Board may have elected to read it at a later time, please let me touch on the high points of the letter and the issues that brought us to this point:

In the months leading up to the March 3rd election where the voters cast their ballots to tax themselves through Measure R for an additional \$575 million, senior District staff repeatedly told the voters that any previous distrust they had in the Board and the District to properly spend their tax dollars was unjustified because the District had such a great Bond Oversight Committee and exhaustive and thorough audits.

Shortly after Measure R was passed, though, and the Board had an opportunity to work with the CBOC on updating the Board Policy covering the CBOC, what we heard and saw was some serious pushback—including suggestions that the CBOC be eliminated (even though this is in violation of the people of California when they approved Prop 39). After nearly two and a half years of negotiations and working with Board members and staff to finalize these updates, the pushback was severe enough, at least for the time being, to simply let the matter drop.

At the Facilities meeting of July 23rd, staff proposed an RFQ/P seeking a new Performance Auditor. While it's always good to put out such a request

WCCUSD

CITIZENS' BOND OVERSIGHT COMMITTEE

to keep everyone honest and keep the costs competitive, this proposal reduced the audit's scope down to ONLY what is required by the State.

For lack of a better way to describe this scope, this is pretty much bare bones. In my comments to the Facilities Committee I suggested that the District go to WalMart.com to order a generic Performance Audit where they simply inserted the name of the District and a few numbers and call it good. I apologize but I couldn't think of anything cheaper or less comprehensive to compare this to.

If this proposal was used for educating our kids, we would be limited to the Three R's—Readin, Ritin and Rithmetic and little more. No arts, no social sciences, no ethnic studies—nothing—because the State really doesn't require much more than that, do they? Of course, I'm being facetious but maybe the Board and the public gets the point.

Year after year this community has demanded transparency when it comes to the Bond Program. Do I have to remind anyone about the Grand Jury investigation and report, the wildly expensive Forensic Investigation Audit and the numerous newspaper editorials all excoriating this District, staff and elected Board members about what they believe to be the mismanagement of Bond Funds?

If the public knew about this bare bones proposal, what do you suppose their reaction might be?

Paraphrasing CBOC member Anton Jungherr, the CBOC believes that this community would demand an audit of the effectiveness and results of the expenditures of the \$575 million of Measure R dollars and the remaining funds in the Bond Fund. The last compliance audit the District had was in Fiscal '16 and that audit was only eight pages and made no recommendations. The performance audit for last year had 29—29 effectiveness and results recommendations of which the District did not

WCCUSD

CITIZENS' BOND OVERSIGHT COMMITTEE

respond as required by the education code. So, we don't know if any of those have been implemented. Why would the District not want to audit the effectiveness and results of expenditures of \$700 million of bond funds?

At that same Facilities Committee meeting, staff reported that, and I quote, "Adding additional scope usually translates to more staff time spent pulling documents for the audit. Completing only the statutorily required performance audit allows staff to redirect their efforts on implementing the recommendations and objectives from prior year audits. In addition, adding more scope would cost the District additional dollars." End Quote

We have no reason to think that District staff will try to pull the wool over the community's eyes as they spend our tax dollars so if the real reason for the bare bones approach to the Performance Audit is manpower and staff, we may have a solution for your consideration.

At the August 10th CBOC meeting we unanimously passed a motion stating: "That the District charge the cost of Proposition 39 school bond financial audits and compliance and effectiveness and results performance audits to the Building Fund (Fund 21) to reduce the burden to the General Fund."

To make sure we were on solid ground with this proposal, we pulled up an opinion from the California Attorney General, an opinion from the District's own Bond Counsel (Nixon Peabody), an opinion by FCMAT (Fiscal Crisis & Management Assistance Team) and then an opinion by the CBOC's independent legal Counsel Adam Ferber—all validating that our proposal is legitimate and on solid legal footing.

All of this was attached to the letter that I sent you.

At tomorrow afternoon's Facilities Committee, there will be a report or presentation on this matter. We have no idea what will be included in this report since there's nothing other than the synopsis in the agenda packet.

WCCUSD

CITIZENS' BOND OVERSIGHT COMMITTEE

Depending on what is presented, later that night I expect that I may be very busy alerting the media, members of our local city councils, candidates for the Board and community leaders so they might help advise you—the Board—on what they think is the path to take.

On other matters, the CBOC is looking forward to the ribbon cutting of the Michele Obama school. We hope that the District will show us the respect of inviting us to the event.

We're still working diligently to update the CBOC web site. We appreciate the efforts that staff has made but in the coming month or so we expect to go over item by item to ensure that all of the links are hot, all of the reports are FINALS and not DRAFTS and to insert documents, reports and even laws that the public wants and needs as they strive to become better informed about the Bond Program.

We are still working to fill the vacancies on the Board so we can have full representation and invite efforts from the Board to help us with this. What's important as we approach prospective applicants, though, is to ensure that they fully understand the role of the CBOC and what they're getting themselves into when they join our ranks. In particular, we need CBOC members that actually show up after getting the approval from this Board to serve.

As another reminder, our next meeting will be hosted at 2 PM on Monday afternoon, September 14th. All are welcome. Please go to the District's web site, scroll down to Committees, click on the CBOC and you'll find the Zoom link. Or bookmark the CBOC web site and you'll see links for the current agenda—which will also have the Zoom link.





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

CHAIRPERSON'S REPORT

09/14/20

In a few minutes we will hear a presentation from Dr. Wold on a proposed RFQ/P for a bond auditor for the District's \$2.4 billion Bond Program.

I touched on this when I last reported to the Board and since it's coming before you tonight, I'm going to provide some input from the CBOC in this report.

When the item comes before you, the Board and staff will have an unlimited amount of time to present and answer questions. As for the public, though, we'll have a clock in our faces the whole time we're speaking and we won't even know in advance how much time we'll have

So, I'm getting a jump on things here. Plus, since we don't know in advance exactly what will be presented, it's difficult to be prepared to keep it in the allotted time.

When the Facilities Committee met on July 23rd we heard a proposal for a performance audit of the Bond Program that would be limited to ONLY what is required by statute. We can refer to this as the bare bones audit or even the Wal-Mart version.

District staff has boasted to the public numerous times that they should be trusted with the public's tax dollars and they cite as validation that the District has a great Citizens' Bond Oversight Committee as well as thorough audits. They used this numerous times when they were trying to convince the public to tax themselves to the tune of an additional \$575 million on Measure R.

And now that they have the money, we see their enthusiasm for oversight withering on the vine.

WCCUSD

CITIZENS' BOND OVERSIGHT COMMITTEE

Neither our Superintendent nor our Associate Superintendent for Business Affairs were here when we were lambasted by the media when we were investigated by the Grand Jury. And neither were here when we sat through the Forensic Accounting Investigation. It doesn't really matter how much of the contents of those investigations had merit, there was enough there to cause the public to lose faith in the people running their school district—and I'm referring both to staff and to elected officials.

We need to build back their trust and we can't do that when we're telling them that we should simply trust them to do the right thing. This isn't a used car lot where 'Trust Me' is supposed to work.

After the Forensic Accounting Investigation there were 112 recommendations made by the investigators. The District has been diligently working on them for more than 4 years. At one point staff actually reported that most of them were complete. The problem was that when people actually looked at them they found that they weren't complete at all. Some of them had barely been touched.

Here it is 4 years later and many of them are still not complete enough to stand up to an independent validation.

And staff wants to hold off on this validation process for another year to give them a chance to remediate problems that should have been fixed when first brought to their attention five years back.

Even worse, there are close to 30 more recommendations from last year's performance audit that staff wants to wait another year to prove they've been resolved.

How's that used car looking now?

At the July 23rd Facilities meeting, staff reported that they had neither the staff nor the funds to pay for an effectiveness and results audit.

WCCUSD

CITIZENS' BOND OVERSIGHT COMMITTEE

The CBOC provided staff—AND the Board—copies of a legal opinion by the California Attorney General, from the District's own bond counsel, from the CBOC's independent counsel and the Fiscal Management & Crisis Team all verifying that much of the cost of these effectiveness audits can be paid for with bond funds.

Almost immediately, staff sought a different opinion from their very expensive bond counsel clarifying their previous opinion to back up the District's claims that the funding wasn't as readily available as it might seem.

Excerpts from this opinion were sent to you in the Friday Memo of August 27th. For the public's edification, while this is supposed to be a public memo, it goes first to the Board and the following week we, as the public, MIGHT have access to it. By the way, is there a reason why this can't be posted on the District's web site at the same time it's sent to the Board?

I didn't want to rely on mere excerpts from an opinion so I asked for a copy of the letter. I was told that, if it could be found, that I should expect a copy before 10 days was up. I got a copy of the email exchange late last night.

In the grand scheme of things, the CBOC would hope that the elected representatives of the people might appreciate the value of clearing up these long standing issues. The CBOC has always strived to rebuild the trust that the public once had with the District and their elected leaders. We would hope that you might share that desire and help us by directing staff to bring on board auditors to validate the effectiveness and results of the Bond Program.

One thing that we've been told is that the District has an in-house independent auditor that can validate the completion of these items. And while we have complete faith in the skills and integrity of this auditor, this auditor works for the people that are being audited. Some people might be concerned about a conflict of interest or the potential fear of the auditor worrying about losing a job if the investigations go in the wrong direction.

WCCUSD

CITIZENS' BOND OVERSIGHT COMMITTEE

Lastly, in that Friday Memo, we read **“This has become a significant issue about control of the program”**. This comment concerns the CBOC because we have zero assumptions that the CBOC controls the Bond Program. We understand without equivocation that the control rests in the laps of the elected members of the Board and the staff members who work for them.

We hope, though, that we have an understanding both by staff and the Board that by virtue of a statewide proposition passed overwhelmingly by the voters up and down the state, the people want and demand oversight of their Prop 39 bond measures, that the oversight body is independent in that they aren't controlled by the Board or staff, and that the Board and staff are required to provide the oversight body with the resources necessary for the oversight.

We suppose we can read into what's being proposed as fulfilling the part about providing resources but we can also read into this as trying to get away with as little as possible. Which do you think the public might think is happening here?

You can expect to hear a few more words after the presentation.

As another reminder, our next meeting will be hosted at 2 PM on Monday afternoon, September 14th. All are welcome. Please go to the District's web site, scroll down to Committees, click on the CBOC and you'll find the Zoom link. Or bookmark the CBOC web site and you'll see links for the current agenda—which will also have the Zoom link.

A handwritten signature in blue ink, appearing to read "Hon. Gooney". The signature is stylized with a large, looping "G" and a cursive "Hon".

FY2020 AUDIT SCHEDULES

09.14.20

F Y 2 0 2 0 A U D I T S C H E D U L E S P R O P O S E D

Description	Entity See Key Below	Financial Audit FY2019 Christy White Associates	Performance Audit FY2019 No Auditor Yet	Moss Adams LLP Review Final ¹
Entrance Conference	CBOC	11.09.20 ²	11.09.20	?
Exit Conference	CBOC	02.08.21 ³	02.08.21	?
Accept Report	CBOC	03.08.21	03.08.21	?
Accept Report	Board	03.24.21	03.24.21	?
Legal Deadline	Board	03.31.21	03.31.21	N/A
Annual Evaluation of Auditor	CBOC	04.12.21	04.12.21	N/A
Responses to Audit Recommendations ⁴	District Staff	06.30.21	06.30.21	N/A

* Indicates that this activity has been completed.

Entity Key:

CBOC ~ Citizens' Bond Oversight Committee

ASC ~ CBOC Audit Subcommittee

Board ~ WCCUSD Board of Education

The schedule for the Moss Adams LLP Phase 2 Final Forensic Accounting Investigation Review (upon completion of the implementation of the 112 recommendations) was June 20, 2020. District staff has set a new target date of June 30, 2021 to have Moss Adams, LLP complete this review⁵.

There is no current plan for Moss Adams to review the 29 recommendations not verified in the, March 20, 2019 Phase I report.

¹ Moss Adams LLP review of forensic accounting investigation implementation FY2017 (as of June 30, 2017, Phase 1) and upon implementation of all recommendations (Phase 2) was approved by Board of Education on October 18, 2017

² Confirmed by Lead Internal Auditor Margarita Romo on August 11, 2020 email to author.

³ Ibid

⁴ Education Code Section 15280 (a)(2) provides, "The governing board of the district shall provide the citizens' oversight committee with responses ... within three months of receiving the audits."

⁵ Bond Program Audits Overview, Board of Education Meeting Agenda September 9, 2020, page 10, agenda item E.2.

**THE APPLICATION OF WEST CONTRA COSTA
UNIFIED SCHOOL DISTRICT FOR A WAIVER OF
BONDING CAPACITY FROM THE CALIFORNIA
BOARD OF EDUCATION WITH RESPECT TO
THE DISTRICT'S AUTHORIZED GENERAL
OBLIGATION BONDS**

**FROM THE 09.09.20 AGENDA FOR THE BOARD OF
EDUCATION MEETING
ITEM #F.2**

Item Type

Public Hearing

Contact Person

Tony Wold, Ed.D., Associate Superintendent

Comments

The following public hearing notice was published in the newspaper and posted as required by statute:

NOTICE IS HEREBY GIVEN that at 6:30 p.m., or as soon thereafter as practicable, on September 9, 2020, the Board of Education (the “Governing Board”) of the West Contra Costa Unified School District (the “District”) will conduct a meeting via video conference/teleconference until further notice. Participation details will be posted with the agenda. This meeting will provide public comment opportunities through the Zoom app or by telephone. At this meeting, the Governing Board will hold a public hearing on the proposal that the District submit an application to the California Board of Education (the “CBE”) for a waiver of the District’s bonding capacity (the “Waiver”) pursuant to Education Code Sections 15106, 15270 and 33050, being the limitation on the District’s ability to issue its general obligation bonds (“Bonds”) in an outstanding principal amount in excess of 2.5% of the assessed valuation of taxable property within the District (the “Assessed Value”).

In the event that the CBE should grant the Waiver, the District would thereafter be authorized to issue Bonds at any time until June 30, 2028, so long as the outstanding principal amount of such Bonds at the date of issuance did not exceed 4.1% of the District’s Assessed Value. At the hearing, the testimony of all interested persons for or

THE APPLICATION OF WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT FOR A WAIVER OF BONDING CAPACITY FROM THE CALIFORNIA BOARD OF EDUCATION WITH RESPECT TO THE DISTRICT'S AUTHORIZED GENERAL OBLIGATION BONDS

against the submission of an application for the Waiver, its amount and duration, will be heard.

Any interested person may attend the meeting or listen to the meeting by following the link to the meeting on the home page of the District website (wccusd.net). Any interested person may also offer public comment either in person or telephonically by dialing (510) 231-1170 between 6:20 PM and 6:40 PM on September 9, 2020. Should any interested person need to request a reasonable accommodation of a disability, please contact the office of the Associate Superintendent, Business Services at (510) 231-1170 or via email at Vvega@wccusd.net. The District desires requests for reasonable accommodations of disabilities to be swiftly resolved, with any doubt whatsoever resolved in favor of accessibility.

Individuals wishing to submit written comments to the Governing Board for consideration in connection with the application for a Waiver are encouraged to provide such comments no later than noon on September 9, 2020, to insure consideration to: Clerk, Board of Education, West Contra Costa Unified School District, 1108 Bissell Avenue, Richmond, California, 94805-3135.

Financial Impact

No fiscal impact. General Obligation Bonds are paid through Property Taxes. The passage of waiver by the State Board of Education allows the District to be able to sell the \$575 million in Measure R bonds over the next 10 years to fund facility projects.

At the September 9 Board meeting we will bring a resolution for the board to submit a request to the State Board of Education to increase the District's bonding capacity from 2.5% to 4.1%. This is lower than the last waiver the District received from the State Board of Education which was 5%. This waiver is required for the District to be able to sell any of the approved Measure R bonds for construction projects. While we are not immediately going to market to sell the first series of these bonds, it is essential that the approvals be in place so that the District can be prepared if market conditions are such that selling bonds becomes essential in the near future. Working with our Financial Advisor, KNN, we have outlined a detailed history of the District's previous waivers and bonds.

Summary. The West Contra Costa Unified School District (the "District") is seeking a waiver of Education Code Sections 15106 and 15270(a). Each of these statutes limit the statutory bonding capacity of a unified school district to 2.5% of its current assessed valuation. The District is seeking a waiver to increase its bonding capacity limit to 4.10% of its current assessed valuation for a period of eight years, ending June 30, 2028. The 2020 waiver will be applicable to (i) 2020 Measure R authorization and (ii) 2005 Measure J authorization. Approval of such waiver would enable the District to issue bonds under its recently approved 2020 Measure R bond authorization without delay, in amounts necessary to keep its bond program moving forward to its scheduled completion. The waiver will also enable the District to access remaining 2005 Measure J authorization as a secondary resource although this measure is currently tax rate constrained and would require the use of AB 182 compliant Capital Appreciation Bonds (CABs). The District currently has no immediate plans to access 2005 Measure J.

Bond Program Size and Public Support. Since 1998, the District has effectively managed a facility improvement program focused on modernizing/rehabilitating school sites to ensure safe and equitable learning environments for students' district-wide. The goal of the facility bond program is to bring all District facilities to a common and equitable standard with regard to seismic and structural safety issues, upgrades to building systems, new classrooms, technology upgrades, and security. The facility bond program has received broad community support over the last 23 years, with voters approving general obligation bond measures on seven separate occasions:

- 1998 Bonds – June 1988, 75.70% of voters approved \$40 million in bonds for construction, modernization, and safety improvements. All of the bonds have been sold.
- 2000 Bonds – November 2000, 77.50% of the voters approved \$150 million in bonds for construction, modernization, and safety improvements. All of the bonds have been sold.
- 2002 Bonds – March 2002, 71.80% of the voters approved \$300 million in bonds for classroom safety, relieve overcrowding, seismic upgrades, classroom modernization, safety and facilities improvement. All of the bonds have been sold.
- 2005 Bonds – November 2005, 56.90% of the voters approved \$400 million in bonds for upgrades, repairs, and relieving overcrowding and replacing portables. There is \$77.59 million in remaining authorization however the measure is facing statutory tax rate constraint and has limited accessibility.
- 2010 Bonds – June 2010, 62.60% of the voters approved \$380 million in bonds for construction and upgrades, energy efficiency projects, heating and air conditioning systems, classroom repairs and safety improvements. All of the bonds have been sold.
- 2012 Bonds – November 2012, 64.40% of the voters approved \$360 million in bonds for health/safety repairs, handicap accessibility, technology and energy upgrades, classroom repairs and earthquake safety improvements. All of the bonds have been sold.

- 2020 Bonds – March 2020, 58.73% of the voters approved \$575 million in bonds to update and modernize classrooms, address district-wide safety and security, update technology infrastructure, and provide classrooms for workforce job training.

Bond Program Status. To date, the District has issued/expended \$1.55 billion of the \$2.205 billion that has been approved by voters. Such issuances have allowed the District to create equitable learning environments for students and address many of the priority modernization upgrades and repairs at various sites. Funds from the District’s recently approved 2020 bond measure will allow the District to continue to invest in its facilities on an ongoing and consistent basis. It should be noted that while the District has State funding eligibility, the State Allocation Board has not been approving apportionments for several years, and so the District has had to improve its facilities without the benefit of State funding.

Bonding Capacity: The District has a total assessed value of approximately \$33.58 billion in fiscal year 2019-20, providing a 2.5% statutory bonding capacity of \$800.96 million. As of August 1, 2020, the District has \$1.23 billion in bonds outstanding from prior authorizations. Without approval of this waiver request by the Board of Education, the District will not be able to issue any bonds under 2020 Measure R. Voter approval of 2020 Measure R shows the community’s desire for the District to issue additional bonds to continue to construct and improve school facilities, and approval of this waiver will allow the District to do so.

Public Disclosure of Intent to Apply for a Waiver. When 2020 Measure R was placed on the ballot, the District recognized it would require a bonding capacity waiver to issue bonds under 2020 Measure R. The District’s plan was discussed at public meetings including meetings that were broadcast to the public by cable television. Furthermore, the long-form ballot language included the following sentence: “In order to fund projects and prior to the issuance of any bonds authorized by this Measure, the District may seek a waiver from the State Board of Education of the applicable bonding limit requirements of Section 15106 of the Education Code.” The voter pamphlet contained additional references to the amount of bonds that the District had outstanding relative to state limitations and standards in the Argument Against Measure R and in the Rebuttal to Arguments for Measure R. The District’s intent to apply for a bonding capacity waiver in connection with 2020 Measure R was a matter of public record. Voters within the District approved 2020 Measure R by a vote of 58.7% in favor.

Prior Waivers: The District has received bonding capacity waivers from the Board of Education on four prior occasions.

- In November 2002, the District received a bonding capacity waiver in connection with three prior authorizations – 1998 Measure E, 2000 Measure M, and 2002 Measure D. The 2002 waiver increased the District’s bonding capacity to 3%.
- In March 2009, the District received a bonding capacity waiver in connection with 2005 Measure J. The 2005 waiver increased the District’s bonding capacity to 3.5% for all 2005 Measure J Bonds issued through December 31, 2019. The District has issued two series of bonds under such waiver and has \$77.6 million of 2005 Measure J Bonds that remain authorized but unissued.
- In March 2011, the District received a bonding capacity waiver in connection with 2010 Measure D. The 2011 waiver increased the District’s bonding capacity to 5% for all 2010 Measure D Bonds through December 31, 2021. The District issued 7 series of bonds under such waiver and has no remaining authorization under 2010 Measure D.

- In May 2013, the District received a bonding capacity waiver in connection with 2012 Measure E. The 2013 waiver increased the District's bonding capacity to 5% for all 2012 Measure E Bonds through December 31, 2025. The District issued 5 series of bonds under such waiver and has no remaining authorization under 2012 Measure E.

Equity Issues. Denial of this waiver request would deny the community the benefits of a facility bond program recently supported with a vote of 58.7% in favor. The District notes other equity issues raised by the fact the District's statutory bonding capacity relative to the number of students served is significantly less than a majority of similarly sized local school districts in the local Bay Area. In fact, the District's statutory bonding capacity per student is among the lowest and less than half the statutory bonding capacity per student of a number of these unified school districts. Please reference the table below which lists various unified school districts in the Bay Area with enrollment similar to the District's, their 2019-20 tax base and statutory bonding capacity, and how their statutory bonding capacity compares to that of the District. These school districts represent school districts with a similar educational charge as the District (in terms of number of students served) and similar facility costs (since they are all located in the Bay Area), but in most cases have considerably more resources on which to draw in terms of local bond funding.

School District	County	Assessed Value (2019-20)	Est. Bonding Capacity (2019-20)	Enrollment (2019-20)	Est. Bonding Capacity per Student
Santa Clara USD	Santa Clara	\$67,590,344,480	\$1,689,758,612	15,306	\$110,398
Palo Alto USD	Santa Clara	\$43,022,441,276	\$1,075,561,032	11,745	\$91,576
San Jose USD	Santa Clara	\$57,161,135,115	\$1,429,028,378	30,172	\$47,363
Pleasanton USD	Alameda	\$25,322,149,995	\$633,053,750	14,878	\$42,550
San Ramon USD	Contra Costa	\$52,043,063,480	\$1,301,076,587	31,911	\$40,772
Livermore USD	Alameda	\$21,471,629,044	\$536,790,726	13,722	\$39,119
Fremont USD	Alameda	\$54,303,108,668	\$1,357,577,717	35,431	\$38,316
Mt. Diablo USD	Contra Costa	\$44,185,524,404	\$1,104,638,110	31,037	\$35,591
Alameda USD	Alameda	\$14,488,931,935	\$362,223,298	11,285	\$32,098
New Haven USD	Alameda	\$12,594,343,440	\$314,858,586	11,047	\$28,502
Hayward USD	Alameda	\$23,785,398,717	\$594,634,968	22,329	\$26,631
West Contra Costa USD	Contra Costa	\$33,584,071,753	\$839,601,794	32,143	\$26,121
Gilroy USD	Santa Clara	\$11,341,890,510	\$283,547,263	11,672	\$24,293
San Lorenzo USD	Alameda	\$8,864,856,220	\$221,621,406	10,876	\$20,377
Antioch USD	Contra Costa	\$12,343,264,996	\$308,581,625	17,167	\$17,975
Pittsburg USD	Contra Costa	\$5,849,402,139	\$146,235,053	11,367	\$12,865

Structure of Bond Program. The approval of this waiver will not cause tax rates to increase beyond tax rate targets established in connection with the 2020 Measure R nor tax rate targets established in connection with prior District bond measures. The District expects to issue the first series of the 2020 Measure R bonds in 2021 and then approximately every two years through 2027. The District further intends to structure debt repayment around a \$60 per \$100,000 of assessed valuation tax rate target. The District has a 22-year track record during which tax rates have been levied on 89 occasions on various measures with none of these tax rates exceeding targeted maximums. Since 2009, the District has issued refunding bonds on seven occasions, and on each occasion has reduced taxpayer obligations. The District expects that all of the bonds to be issued under 2020 Measure R will be issued as current interest bonds.

Additional Taxpayer Safeguards. It should be noted that approval of this waiver will not impact the tax rate limits for any of the District's bond measures. The District will remain subject to Education Code Section 15106 that requires the District to, at the time of each bond issuance, certify that the tax rate is not expected to exceed \$60 per \$100,000 of assessed values for bonds issued under a single bond measure for a unified school district. Regardless of the outcome of the District's waiver application, local taxpayers will continue to retain the protection of Section 15106 of the Education Code, and the District would be prohibited from issuing any 2020 Measure R bonds if projections indicate such issuance would cause future tax rates to exceed \$60 per \$100,000 of assessed value.

Conclusion. The District understands the importance of bonding capacity limitations and of prudent debt management practices. The District's voters have shown support for the District's bond program by approving bond election measures time and again. The District's bond program is well managed and transparent, and the District's bonds are safe investments, as evidenced by their strong credit ratings ("Aa3" by Moody's, "AA-" by S&P and "AAA" by Fitch, current ratings as of August 2020). However, given the importance of addressing priority upgrades and safety improvements at school sites, the District requires a temporary waiver of the statutory bonding capacity limitation. The District's plan to apply for a waiver has been publicly disclosed and was publicly discussed prior to the submission of the waiver application. Approval of this waiver will allow the District's facilities bond program to proceed without delay or require the use of other costlier financing options. The District desires that its students have the same learning opportunities and safe learning environments that are available to students in neighboring areas, and the public supports this objective. The District requests that the Board of Education grant this waiver so that the District can move ahead with its voter supported facility bond program to improve the safety and equity of educational facilities for its students without delay.

RESOLUTION NO. 22 -2021

RESOLUTION OF THE BOARD OF EDUCATION OF WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT DIRECTING ACTIONS IN SUPPORT OF AN APPLICATION FOR A WAIVER FROM THE STATE BOARD OF EDUCATION RELATIVE TO STATUTORY GENERAL OBLIGATION BOND DEBT LIMITATIONS, AS PROVIDED BY SECTIONS 15106 AND 15270 OF THE EDUCATION CODE

WHEREAS, a duly called election was held in the West Contra Costa Unified School District (the “**District**”), Contra Costa County (the “**County**”), State of California, on November 8, 2005 (the “**2005 Election**”) at which there was submitted to the qualified electors of the District a question as to the issuance and sale of general obligation bonds of the District (“**2005 Bonds**”) for various purposes set forth in the ballot submitted to the voters, in the maximum amount of \$400,000,000, payable from the levy of an *ad valorem* tax against the taxable property in the District; and

WHEREAS, a duly called election was held in the District on March 3, 2020 (the “**2020 Election**” and, together with the 2005 Election, the “**Elections**”) at which there was submitted to the qualified electors of the District a question as to the issuance and sale of general obligation bonds of the District (“**2020 Bonds**” and, together with the 2005 Bonds, the “**Bonds**”) for various purposes set forth in the ballot submitted to the voters, in the maximum amount of \$575,000,000, payable from the levy of an *ad valorem* tax against the taxable property in the District; and

WHEREAS, Sections 15106 and 15270 of the Education Code of the State of California (the “**Education Code**”) establish a limit on the total principal amount of debt that the District may have outstanding at any time, being, in the case of a unified school district, 2.5% of the total assessed value (the “**Assessed Value**”) of all taxable real property within the boundaries of said district (the “**Bonding Capacity**”); and

WHEREAS, Section 33050 of the Education Code of the State of California (the “**Education Code**”) authorizes the State Board of Education (the “**SBE**”) to waive certain provisions of the Education Code following a public hearing conducted and an application by a school district; and

WHEREAS, the provisions of the Education Code cited above, establishing the maximum Bonding Capacity for the District, are subject to such a waiver (each, a “**Waiver**”); and

WHEREAS, based on the current Assessed Value of taxable real property within the District, the District lacks sufficient Bonding Capacity to continue the bond construction program within the District, providing necessary facilities and equipment to students and teachers (the “**Bond Construction Program**”); and

WHEREAS, this Board of Education (the “**Board**”) has determined the need to issue Bonds pursuant to the authorization that were granted at the Elections to continue the Bond Construction Program; and

WHEREAS, pursuant to the policies of the SBE, in order to qualify for a Waiver, the District must: (a) consult with the exclusive representatives of District employees (collectively, the “**Employee Representatives**”); (b) invite public input on the Waiver and conduct a properly noticed public hearing thereon; (c) consult with appropriate school site councils or advisory committees (collectively, the “**Advisory Committees**”); and (d) submit an explanation of the need for a Waiver to the SBE for consideration at a regularly scheduled meeting of the SBE;

NOW THEREFORE, IT IS RESOLVED, DETERMINED AND ORDERED by the Board of Education of the West Contra Costa Unified School District as follows:

SECTION 1. Conduct of Public Hearing. District staff caused a notice of Public Hearing (the “**Hearing Notice**”) to be held at this meeting of the Board on September 9, 2020 (the “**Public Hearing**”), published in the *West Contra Costa Times* and the *East Bay Times*, specifying the time, place and date of the Public Hearing, and inviting public comment on the subject of the District’s application for a Waiver, and on the date hereof, all persons desiring to be heard on all matters pertaining to the Waiver were heard and all comments from the public were duly noted considered by the Board. Copies of the affidavits of publication of the Hearing Notice are on file with the Clerk of the Board.

SECTION 2. Consultation with Stakeholders. In accordance with the requirements of the SBE, the District has consulted and may continue to consult with the Employee Representatives and the Advisory Committees regarding the Waiver and the District’s application therefor.

SECTION 3. Preparation of Application to the SBE. In consultation with KNN Public Finance, the Financial Advisor to the District, and Nixon Peabody LLP as the District’s Bond Counsel, the Superintendent of the District, the Associate Superintendent, Business Services, or the designee of either of them, is hereby directed to cause a formal application for a Waiver to the SBE, including all materials in support thereof required by the policies of the SBE. Said application shall request that the SBE establish a new Bonding Capacity applicable to the Elections.

SECTION 4. Approval of Actions; Miscellaneous . The Superintendent and the Associate Superintendent, Business Services, and the designees of either of them, are hereby authorized and directed, jointly and severally, to do any and all things and to execute and deliver any and all documents which they may deem necessary or advisable in order to proceed with the application for a Waiver and to give effect to and comply with the terms and intent of this Resolution. Such actions heretofore taken by officers, officials and staff of the District are hereby ratified and confirmed.

SECTION 5. Effective Date . This Resolution shall take effect immediately upon its adoption.

ADOPTED, SIGNED AND APPROVED this 9th day of September, 2020, by the Board of Education of the West Contra Costa Unified School District of Contra Costa County, State of California, by the following vote:

AYES: _____

NOES: _____

ABSTAIN: _____

ABSENT: _____

WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT

By: _____
President, Board of Education

Attest:

By: _____
Clerk, Board of Education



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

Adam Ferber
1180 Brown Ave Ste 100
Lafayette, CA 94549

August 17, 2020

Re: Bond Audits Financing

Mr. Ferber,

We are, once again, in need of your services. This time, we have questions regarding where the funding for school bond financial and performance audits might be derived.

As you well know, Proposition 39 (passed in 2000) addresses school bonds with, among other things, the following (with the highlighting from me):

From the California Constitution Article XIII A,
Section 1A(3)(C) A requirement that the school district board, community college board, or county office of education **conduct an annual, independent performance audit** to ensure that the funds have been expended only on the specific projects listed.
and

Section 1A(3)(D) A requirement that the school district board, community college board, or county office of education **conduct an annual, independent financial audit** of the proceeds from the sale of the bonds until all of those proceeds have been expended for the school facilities projects.

As with many school districts, the level and thoroughness of these audits is an issue of contention often times where the school district board desiring audits somewhat less rigorous and thorough than what the community might demand. Sometimes a district board may want to shy away from prying eyes while, as in the case of the West Contra Costa Unified School District, the claim is a lack of staff time and funding. [Like most school district, the WCCUSD has a crippling budget deficit.]

As unelected representatives of the WCCUSD community, the CBOC believes that thorough and comprehensive audits of the remaining \$700± million in the Bond Program is something sold to the public by the District when the bond measures were placed on the ballot.

Dr. Tony Wold, Associate Superintendent for Business Services, proposed an RFQ/P to the Board's Facilities Committee at their meeting of July 23rd for a new Performance Auditor that would minimize the audit to only what is required by state law.

D o n G o s n e y
929 Lassen Street
Richmond, CA 94805-1030

H: (510) 233-2060 dongosney@comcast.net C: (510) 685-2403

WCCUSD

CITIZENS' BOND OVERSIGHT COMMITTEE

Speaking for the District, Margarita Romo (the lead Internal Auditor for the District) told the committee that “Adding additional scope usually translates to **more staff time** spent pulling documents for the audit, completing only the statutorily required performance audit, what allows staff to redirect their efforts on implementing the recommendations and objectives from prior year audits. In addition, **adding more scope would cost the District additional dollars**. Given our budget situation, we believe this is the best route to take.” [Again, highlighting is mine.]

As a result of this effort to limit the scope of the Performance Audit, the CBOC passed a motion:

“That the District charge the cost of Proposition 39 school bond financial audits and compliance and effectiveness and results performance audits to the Building Fund (Fund 21) to reduce the burden to the General Fund.”

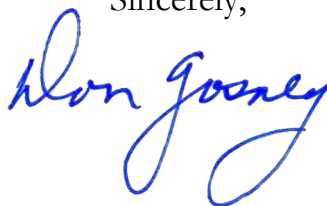
We believe there is legal precedence and authorization for using bond funds for these audits rather than General Fund monies.

I have attached a legal opinion [California Attorney General Opinion 04-110, November 9, 2004, use of Proposition 39 school bond proceeds] that highlights this issue, a letter from the WCCUSD Bond Counsel dated August 19, 2016 addressing this as well plus an email exchange between CBOC member Anton Jungherr and FCMAT Deputy Executive Officer Michelle Giacomini responding to questions about this.

The Attorney General Opinion is 16 years old and the Nixon Peabody letter is four. As we all very well know, things change so before I bring this to the attention of the WCCUSD Board of Education and staff at their meeting of August 26th, we would appreciate it if you could research this further to determine whether our thinking is still valid—that is, that all or part of the financial and performance audits of the Bond Program—along with the associated staff time—can be paid for out of Bond Funds (thus eliminating the justification for the minimalization of the scope of these audits).

Thank you for your assistance with this.

Sincerely,



Cc: Luis Freese Associate Superintendent Facilities, Maintenance and Bond



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415-984-8200

August 19, 2016

Ms. Sheri Gamba
Chief Business Officer
West Contra Costa Unified School District
1108 Bissel Avenue
Richmond, CA 94801

RE: Bond Program Investigation Expenses

Dear Ms. Gamba:

You have asked whether available proceeds of the general obligation bonds issued by the District ("**Bond Proceeds**") may be used to pay District expenses in connection with the investigation regarding the District's bond program (the "**Bond Program Investigation**" and the associated expenses, the "**Investigation Expenses**") without adversely impacting the tax-exemption of the interest on the District's outstanding Bond Issues (as defined below).

The Bond Program Investigation was precipitated by allegations of various improprieties in connection with the management and administration of the capital projects funded with Bond Proceeds. The District has engaged a Certified Public Accounting and Business Consulting firm to review the allegations. The Bond Program Investigation is in Phase II which consists of two parts - a "**Test of Controls**" and a "**Forensic Investigation**" - and all of the Investigation Expenses that are addressed in this letter relate to Phase II of the Bond Program Investigation.

The Test of Controls aspect of the review is comprised of a review of the sufficiency of internal controls to ensure compliance with legal requirements and District policies for projects recently and currently ongoing (the "**Recent and Ongoing Projects**"). The Forensic Investigation aspect of the review is comprised of a review of the actual compliance with legal requirements and District policies for all Bond program projects, including Recent and Ongoing Projects and also past or completed projects (the "**Past or Completed Projects**").

Unspent Bond Proceeds are available to pay Investigation Expenses from the District's (i) General Obligation Bonds, 2010 Election, 2015 Series C and General Obligation Bonds, 2012 Election, 2015 Series B (together, the "**2015 Bond Issue**") and (ii) General Obligation Bonds, 2012 Election, 2016 Series D, General Obligation Bonds, 2012 Election, 2016 Series C and General Obligation Refunding Bonds, 2016 Series A (together, the "**2016 Bonds**;" each of the 2015 Bond Issue and the 2016 Bond Issue is referred to as a "**Bond Issue**"). Each of the 2015 Bond Issue and the 2016 Bond Issue were issued pursuant to authorization provided by Measure D and the Bond Proceeds of each has been and is being used to fund the Recent and Ongoing Projects. Costs related to Past and

Completed Projects generally were paid with District general obligation bonds issued pursuant to authorization provided by Measure J.

The District has a robust and active program of constructing and equipping new schools, improving, renovating and equipping existing schools and other capital projects, all funded in whole or in part with Bond Proceeds. The capital program has included and currently includes projects at a number of school sites. The administration and management of the capital program includes the subdivision of each project into task orders (each a “**Task Order**”) for purposes of budgeting and tracking. Following a review of District’s Task Orders, it has been determined that Bond Proceeds from each of the 2015 Bond Issue and the 2016 Bond Issue were used to pay all or a portion of the costs of 303 Task Orders, all related to the Recent and Ongoing Projects. You have also indicated that all or a portion of the costs of an additional 184 Task Orders relating to Past and Completed Projects were paid with Bond Proceeds from earlier bond issues but not with any proceeds of the 2015 Bond Issue and the 2016 Bond Issue. Thus, the Test of Controls’ scope includes the 303 Task Orders related to the Recent and Ongoing Projects and the Forensic Investigation’s scope includes the total 487 Task Orders.

RELEVANT LAW AND DISCUSSION

Under provisions of the Treasury Regulations applicable to tax-exempt bonds, costs which are not capital in nature, or “working capital costs,” are subject to special limitations. Subject to certain exceptions, if such limits are not adhered to, a Bond Issue could be determined to fail to qualify for tax-exemption, retroactive to the date of issuance. In particular, unless it is established that the District has no other available funds (in, for example, the District’s general fund) to pay working capital costs, Proceeds of a Bond Issue may not be used for or allocated to working capital costs. We believe that the Investigation Expenses do not constitute capital expenditures and therefore are working capital costs (i.e., such expenditures are not treated as a cost of a capital project under federal tax principles). In addition, we understand that the District is not treating the Investigation Expenses as capital expenditures for accounting purposes, including for depreciation purposes.

Accordingly, the Investigation Expenses may be paid with Bond Proceeds only if there is an applicable exception to the above rule limiting the use of proceeds of tax-exempt bonds to pay working capital costs. One exception to this limitation relevant here is that Bond Proceeds may be used to pay:

“[working capital] costs . . . that do not exceed 5 percent of the sale proceeds of *an issue* and that are *directly related to capital expenditures financed by the issue* (e.g., initial operating expenses for a new capital project).” Treasury Regulation 1.148-6(d)(3)(ii)(A)(5).

For purposes of the above, the three series of bonds that comprise the 2016 Bond Issue are together treated as one “issue” of bonds. Similarly, the two series of bonds that comprise the 2015 Bond Issue are also treated as one “issue” of bonds that is completely separate from the 2016 Bond Issue. Accordingly, up to 5 percent of the Bond Proceeds of each of the 2015 Bond Issue and the 2016 Bond Issue may be used to pay working capital costs, so long as such working capital costs are directly related to the capital expenditures financed by each respective Bond Issue. I have advised that up to 5 percent of the Bond Proceeds of each respective Bond Issue may be used to pay

Investigation Expenses if and to the extent the Investigation Expenses directly relate to capital expenditures paid with Bond Proceeds of such Bond Issue.

DISCUSSION AND CONCLUSION

Based on information you have provided, Bond Proceeds from each of the 2015 Bond Issue and the 2016 Bond Issue were used to pay all or a portion of the costs of each of the 303 Task Orders identified above related to the Recent and Ongoing Projects. As noted, the scope of the Test of Controls will include a review of only matters related to the Recent and Ongoing Projects, solely comprised of such 303 Task Orders. Thus, up to 100 percent of the Test of Controls related Investigation Expenses are directly related to capital expenditures paid with proceeds of each of the 2015 Bond Issue and the 2016 Bond Issue. Accordingly, up to 5 percent of the Bond Proceeds of each of the 2015 Bond Issue and the 2016 Bond Issue may be used to pay the Test of Controls related Investigation Expenses.

Based on information you have provided, Bond Proceeds of each of the 2015 Bond Issue and the 2016 Bond Issue were used to pay all or a portion of the 303 Task Orders related to the Recent and Ongoing Projects and none of the costs of the 184 Task Orders that relate to the Past and Completed Projects. Since none of the Bond Proceeds of the 2015 Bond Issue and the 2016 Bond Issue were used to pay any of costs of the 184 Task Orders for Past and Completed Projects and the Forensic Investigation will include a review of matters related to all 487 Task Orders, not more than 62.2 percent (303 plus 184 divided by the sum of such amounts) of the Task Orders which are the subject of the Forensic were paid with Bond Proceeds of each of the 2015 Bond Issue and the 2016 Bond Issue. Thus, up to 62.2 percent of the Forensic Investigation related Investigation Expenses are directly related to capital expenditures paid with proceeds of each of the 2015 Bond Issue and the 2016 Bond Issue. Accordingly, up to 5 percent of the Bond Proceeds of each of the 2015 Bond Issue and the 2016 Bond Issue may be used to pay up to 62.2 percent of the Forensic Investigation related Investigation Expenses.

It is important to note that not more than 5 percent of the Bond Proceeds of *each of* the 2015 Bond Issue and the 2016 Bond Issue may in the aggregate be used to pay Investigation Expenses (that is, taking into account both Test of Controls and Forensic Investigation related Investigation Expenses) and any other working capital costs. In addition, not more than 62.2 percent of the Forensic Investigation related Investigation Expenses may be paid with Bond Proceeds of *both* the 2015 Bond Issue and the 2016 Bond Issue (that is, the sum of Bond

Proceeds from the two Bond Issues so used may not exceed 62.2 percent of the Forensic Investigation related Investigation Expenses).

Please let me know if you have questions or concerns.

Sincerely,



Travis C. Gibbs Partner

EMAIL CORRESPONDENCE
ANTON JUNGHERR ~ MICHELLE GIACOMINI

Subject: **RE: Proposition 39 School Construction Financial and Performance Audits**
Date: 7/31/2020 6:47:23 PM Pacific Standard Time
From: mgiacomini@fcmat.org
To: ajungherr@aol.com

Hi Anton,

I agree that yes, the AG opinion does say that the cost of required Proposition 39 school construction annual independent performance audits and annual independent financial audits can be charged to bond funds. And since bond funds are in fund 21, the answer is yes as well.

So I do agree with you.

I hope you are well.

Michelle Giacomini
Deputy Executive Officer
415-987-3104
mgiacomini@fcmat.org



From: Anton Jungherr <ajungherr@aoj.com>
Sent: Wednesday, July 29, 2020 9:29 PM
To: Michelle Giacomini <mgiacomini@fcmat.org>
Cc: ajungherr@aol.com
Subject: Proposition 39 School Construction Financial and Performance Audits

It seems that the attached California Attorney General Opinion No. 04-110 (page 5) provides that the cost of required Proposition 39 school construction annual independent performance audit and annual independent financial audit can be charged to bond funds.

It is correct that the cost of these two audits can be charged to bond monies, Fund 21?

Anton Jungherr
West Contra Costa Unified School District
Citizens' Bond Oversight Committee
ajungherr@aol.com
510.697.7212 cell

TO BE PUBLISHED IN THE OFFICIAL REPORTS

OFFICE OF THE ATTORNEY GENERAL
State of California

BILL LOCKYER
Attorney General

OPINION	:	No. 04-110
	:	
of	:	November 9, 2004
	:	
BILL LOCKYER	:	
Attorney General	:	
	:	
DANIEL G. STONE	:	
Deputy Attorney General	:	
	:	

THE HONORABLE MANNY DIAZ, MEMBER OF THE STATE ASSEMBLY, has requested an opinion on the following question:

May a school district use Proposition 39 school bond proceeds to pay the salaries of district employees who perform administrative oversight work on construction projects authorized by a voter approved bond measure?

CONCLUSION

A school district may use Proposition 39 school bond proceeds to pay the salaries of district employees to the extent they perform administrative oversight work on construction projects authorized by a voter approved bond measure.

ANALYSIS

On November 8, 2000, California voters approved Proposition 39, which amended the Constitution to allow the issuance of bonds for the construction of school facilities if approved by 55 percent of a school district's voters and if specified conditions are met.¹ Among other things, subdivision (b)(3) was added to section 1 of article XIII A of the Constitution, providing that the one percent property tax limitation does not apply to:

“Bonded indebtedness incurred by a school district, community college district, or county office of education for 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, approved by 55 percent of the voters of the district or county, as appropriate, voting on the proposition on or after the effective date of the measure adding this paragraph. This paragraph shall apply only if the proposition approved by the voters and resulting in the bonded indebtedness includes all of the following accountability requirements:

“(A) *A requirement that the proceeds from the sale of the bonds be used only for the purposes specified in Article XIII A, Section 1(b)(3), and not for any other purpose, including teacher and administrator salaries and other school operating expenses.*

“(B) A list of the specific school facilities projects to be funded and certification that the school district board, community college board, or county office of education has evaluated safety, class size reduction, and information technology needs in developing that list.

“(C) A requirement that the school district board, community college board, or county office of education conduct an annual, independent performance audit to ensure that the funds have been expended only on the specific projects listed.

“(D) A requirement that the school district board, community college board, or county office of education conduct an annual, independent financial audit of the proceeds from the sale of the bonds until all of those proceeds have been expended for the school facilities projects.” (Italics added.)

¹ Normally, approval of a school district's bonded indebtedness would require a two-thirds approval vote of a district's voters. (See Cal. Const., art. XIII A, § 1, subd. (b)(2), art. XVI, § 18, subd. (a).)

We are asked to determine whether the prohibition against using Proposition 39 school bond proceeds for “teacher and administrator salaries and other school operating expenses” (Cal. Const., art. XIII A, § 1, subd. (b)(3)(A)) applies to the payment of salaries of school district employees who perform administrative oversight work on construction projects authorized by a voter approved bond measure. We conclude that the prohibition is inapplicable to such salary expenses.

Preliminarily, we note that Proposition 39 also amended section 18 of article XVI of the Constitution in several respects, including the addition of subdivision (b), as follows:

“ . . . [O]n or after the effective date of the measure adding this subdivision, in the case of any school district, community college district, or county office of education, any proposition for the incurrence of indebtedness in the form of general obligation bonds for 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, shall be adopted upon the approval of 55 percent of the voters of the district or county, as appropriate, voting on the proposition at an election. This subdivision shall apply only to a proposition for the incurrence of indebtedness in the form of general obligation bonds for the purposes specified in this subdivision if the proposition meets all of the accountability requirements of paragraph (3) of subdivision (b) of Section 1 of Article XIII A.”

In addition, to implement the provisions of Proposition 39, the Legislature has enacted “The Strict Accountability in Local School Construction Bonds Act of 2000” (Ed. Code, §§ 15264-15288; “Act”),² targeting “unauthorized expenditures” of Proposition 39 school bond proceeds. Section 15264 thus provides:

“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.

² All references hereafter to the Education Code are by section number only.

“(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.”

Section 15278 requires the establishment of a citizens’ oversight committee with the following duties:

“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.” (§ 15278, subd. (b).)

Oversight committees are expressly permitted to engage in a number of review and inspection activities, including review of school districts’ efforts “to maximize bond revenues by implementing cost-saving measures,” specifically including “[m]echanisms designed to reduce the costs of professional fees.” (§ 15278, subd. (c)(5)(A).)

Finally, section 15284 provides for the filing of expedited civil actions, known as “School Bond Waste Prevention Actions,” by persons residing in the school district when, among other things, it appears that bond proceeds are being spent “for purposes other than those specified in paragraph (3) of subdivision (b) of Section 1 of Article XIII A of the California Constitution.” (§ 15284, subd. (a)(1).)

With these constitutional and statutory provisions in mind, we return to the language of section 1, subdivision (b)(3)(A), of article XIII A of the Constitution. School bond proceeds may be expended only for “the construction, reconstruction, rehabilitation, or replacement of school facilities” and *not* “for any other purpose, including teacher and administrator salaries and other school operating expenses.” In which of these categories are the salaries of district employees whose work involves oversight of the construction projects authorized by a voter approved bond measure?

We believe that the phrase “the construction, reconstruction, rehabilitation, or replacement of school facilities” embraces project administrative costs, such as monitoring contracts and project funding, overseeing construction progress, and performing overall project management and accounting that facilitates timely completion of the construction project. A construction project generates not only the costs of materials and equipment, architectural and engineering design work, and construction worker salaries, but also costs of project administration -- work that the school district would not be required to undertake or to fund *but for* the existence of the construction project. This administrative work is performed, whether by private consultants under contract with the school district or by school district employees with expertise in project management, to ensure that all aspects of the construction project are properly coordinated; that each step satisfies the specifications; that invoices are reviewed, revised where appropriate, and paid in a timely manner; that costs do not exceed the project’s budget; and that the project is completed on schedule. (See 78 Ops.Cal.Atty.Gen. 48 (1995).)³

Some of these administrative tasks -- specifically, conducting an annual independent performance audit and an annual independent financial audit during the life of the construction project -- are expressly required by Proposition 39 itself, as a condition of qualifying for the 55 percent voter approval requirement. (See Cal. Const., art. XIII A, § 1, subds. (b)(3)(C), (b)(3)(D).) We view these kinds of project administration costs, because they relate directly to the bond projects and are an integral part of the construction process,

³ We distinguish these “management costs” from actual construction labor that district employees might contribute to the project – such as electrical work, carpentry, painting, or plumbing. The use of district employees for construction labor is subject to separate legal restrictions. (See, e.g., Pub. Contract Code, § 20114; cf. Pub. Contract Code, § 22032.) However, the question posed here concerns only those administrative duties required for oversight of the construction project.

as coming within “the purposes specified in Article XIII A, Section 1(b) (3).” (Cal. Const., art. XIII A, § 1, subd. (b)(3)(A); see § 15278, subd. (b).)⁴

Such project management costs may therefore be funded by Proposition 39 school bond proceeds unless the expenditures are specifically prohibited under the phrase “teacher and administrator salaries and other school operating expenses.” The “teacher and administrator salaries” in question are limited to those that qualify as “school operating expenses” because of the word “other” contained in the phrase.⁵ We believe that “school operating expenses” are those regular, ongoing, day-to-day costs associated with maintaining and operating a school. Among such expenses would be (1) the cost of managing the educational services provided, including the salaries of school administrators, and (2) the cost of providing instruction to students, including the salaries of teachers. (See 22 Ops.Cal.Atty.Gen. 105, 108 (1953) [school district’s normal operating expenses include purchase of supplies and payment of salaries of school administrators, teachers, and janitors].)⁶

We distinguish between routine, everyday school operating expenses and the narrow category of costs and salaries of concern here -- costs that arise only in connection with, and are incurred only for the duration of, construction projects authorized by a voter approved school bond measure. The latter expenses are not incurred in the school’s ordinary ongoing operation, but are instead an integral part of the construction process and “in the nature of an investment for the future.” As the court explained in *Marin U. Junior College Dist. v. Gwinn* (1930) 106 Cal.App. 12:

“For years the legislature has recognized the well-established economic

⁴ To the extent the management services consist of onsite assessment of technical matters involving, for example, design, materials, building standards, or workmanship, a project manager may be required to be licensed and have experience in the particular subject area. (Cf. Gov. Code, §§ 4525-4529.5; 78 Ops.Cal.Atty.Gen. 48, *supra*; 57 Ops.Cal.Atty.Gen. 421 (1974).)

⁵ In interpreting the constitutional language added by Proposition 39, “our paramount task is to ascertain the intent of those who enacted it. [Citation.]” (*Thompson v. Department of Corrections* (2001) 25 Cal.4th 117, 122.) In determining that intent, we “look first to the language of the constitutional text, giving the words their ordinary meaning.” (*Leone v. Medical Board* (2000) 22 Cal.4th 660, 665.) “ ‘A constitutional amendment should be construed in accordance with the natural and ordinary meaning of its words. [Citation.]’ ” (*Hi-Voltage Wire Works, Inc. v. City of San Jose* (2000) 24 Cal.4th 537, 559.)

⁶ We read Proposition 39’s use of the term “teacher . . . salaries” as meaning salaries for teaching, thus corresponding with “salaries of classroom teachers” as defined for school accounting purposes in section 41011. Appropriate definitions of “teacher” and “administrative employee” are contained in section 41401.

distinction between cost of capital expenditures and cost of maintenance. Throughout the school law this distinction has appeared in the special provisions for taxation (or for the issue of bonds) for the purchase of school lands and erection of school buildings and in the special provisions for maintenance. It is further illustrated by the numerous statutes calling for the creation of special building funds as distinct from the general, or maintenance, funds. It is based upon the sound economic principle that a capital expenditure is in the nature of an investment for the future, whereas the cost of maintenance is a definite present expense.” (*Id.* at pp. 13-14.)

Accordingly, we believe that Proposition 39’s prohibition against the use of school bond proceeds for “school operating expenses” does not bar use of the proceeds for the payment of salaries of school district employees performing oversight work on construction projects authorized by a voter approved bond measure.

Our interpretation of the language of Proposition 39 allows school districts, where feasible, to implement “cost-saving measures” and “reduce the costs of professional fees” on voter approved construction projects -- objectives promoted by the Legislature in implementing Proposition 39. (See § 15278, subd. (c)(5)(A).) School district employees with the requisite expertise may be able to perform project management work at less cost to the district than if the work were performed by private consultants.

It is also consistent with other legislative schemes dealing with similar types of costs. (See, e.g., Gov. Code, § 16727, subd. (a) [“costs of construction or acquisition of capital assets” for which bond proceeds may be expended “include costs incidentally but directly related to construction or acquisition”]; Pub. Resources Code, § 5096.674 [bond proceeds for site acquisition and development of parks and recreation areas may be applied to “costs incurred in connection with administering” bond programs]; Wat. Code, § 13959, subd. (f) [defining “construction” of bond-funded water treatment facilities to include “legal, fiscal, or economic investigations or studies, surveys, designs, plans, . . . or the inspection or supervision of any of the foregoing items”].) Administrative oversight work is an integral part of the construction process.

Finally, we note that a contrary conclusion would permit the use of the school bond proceeds for administrative oversight work if performed by private consultants under contract with a school district while forbidding the use of such proceeds for the same work performed, presumably at lower cost, by district employees. Nothing in the November 8, 2000 ballot pamphlet remotely suggests that California voters intended such a result when they adopted Proposition 39.

We conclude that a school district may use Proposition 39 school bond proceeds to pay the salaries of district employees to the extent they perform administrative oversight work on construction projects authorized by a voter approved bond measure.

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August 20, 2020

Don Gosney
Chair, Citizens' Bond Oversight Committee
West Contra Costa Unified School District
West Contra Costa Unified School District Facilities Building
1400 Marina Way South
Richmond, CA 94804

Re: Funding of Bond Audits

Dear Don,

This e-mail will confirm our recent e-mail exchanges and phone call concerning whether annual independent performance and financial audits can be paid for with voter authorized bond funds, pursuant to Proposition 39.

I conclude that they can.

As you know, as to this question, California Attorney General Opinion No. 04-110 (87 Cal. Ops. Atty. Gen. 157) concluded that: "A school district may use Proposition 39 school bond proceeds to pay the salaries of district employees to the extent that they provide administrative oversight work on construction projects authorized by a voter approved bond measure." Although they are not binding judicial opinions, the formal legal opinions of the Attorney General have been accorded great respect and great weight by the courts.

Relying on the Attorney General Opinion, in its consideration of the permissible use of Proposition 39 school bond proceeds to fund what it called "incidental costs" of bond financed project administration, the Court of Appeal for the Sixth District held as follows:

Incidental costs include the expense of administering and overseeing construction projects to be funded with bond money. As stated in a 2004 Attorney General opinion, which concerned the use of Proposition 39 bond

LAW OFFICE OF ADAM S. FERBER

funds: “Administrative oversight work is an integral part of the construction process.” As the Attorney General further explained, “the phrase ‘the construction, reconstruction, rehabilitation, or replacement of school facilities’ embraces project administrative costs, such as monitoring contracts and project funding, overseeing construction progress, and performing overall project management and accounting that facilitates timely completion of the construction project. A construction project generates not only the costs of materials and equipment, architectural and engineering design work, and construction worker salaries, but also costs of project administration—work that the school district would not be required to undertake or to fund but for the existence of the construction project.” (Citations included in original omitted)

(San Lorenzo Valley Community Advocates for Education v. San Lorenzo Valley Unified School District (2006) 139 Cal. App. 4th 1356, 1401) (distinguished on other grounds, Sunset Sky Ranch Pilots Assn. v. County of Sacramento (2009) 47 Cal. 4th 902) (See also 64 Am. Jur. 2d Sect. 112 Public Securities and Obligations 2020)

My research disclosed no legal authority that cast any doubt on either the conclusion of the Attorney General or the holding in San Lorenzo Valley Community Advocates for Education. In fact, in an e-mail dated July 31, 2020 from Michelle Giacomini, Deputy Executive Officer to CBOC Member Jungherr, the Fiscal Crisis & Management Assistance Team (“FCMAT”) affirmed the conclusion of the Attorney General Opinion.

Based on the forgoing I conclude that the cost of required Proposition 39 school construction annual independent performance audits and annual independent financial audits can be charged to bond funds.

I hope this information is helpful. As always, please feel free to contact me with any additional questions or concerns.

Best,
Adam

WCCUSD FACILITIES COMMITTEE

08.27.20

ITEM D.1 ~ PERFORMANCE AUDIT RFQ/P

TRUSTEE PANAS:

Okay, let's move on down the agenda, and the first one is our RFP for Bond Performance Audit Services. I believe Ms. Romo is going to be doing that?

LUIS FREESE:

Mr. Panas, I'll speak on this one.

TRUSTEE PANAS:

Okay, thank you.

LUIS FREESE:

So, the July 23rd meeting, we had brought forward the RFQ/P for the performance audit, which is a statutory requirement, and so at the time, we had made the recommendation if there was going to be requests for performance and results to be added to that audit, that that go to the full Board for approval.

Yesterday, we were in receipt of the memo to the Board from the CBOC and Mr. Gosney. We fully support that. Next week, we will be releasing the RFQ/P just for the statutory requirement for the performance audit, but we do recommend that the audit be placed on the joint meeting in September, and at that time, it could be reviewed and either voted on by the Board, and if approved, we'll set out a separate RFQ/P for the enhanced procedures.

TRUSTEE PANAS:

Okay, when you say enhanced procedures, I mean, in the past-

LUIS FREESE:

I would say performance and effectiveness and results.

TRUSTEE PANAS:

Okay. So, this will be going out next week, which is the first week of September, and the joint meeting, has it actually been officially scheduled? I know there was some talk about, I think, September 30th, if I remember that date correctly, but ... Do we expect-

LUIS FREESE:

That has been confirmed by the President of the Board, yes.

TRUSTEE PANAS:

WCCUSD FACILITIES COMMITTEE

08.27.20

ITEM D.1 ~ PERFORMANCE AUDIT RFQ/P

Do we expect that we will or won't have responses back from the various firms that want to reply before that or...?

LUIS FREESE:

Ms. Romo, could you speak on the schedule? I know you were working on that with the Director of General Services.

MARGARITA ROMO:

Are we talking about the schedule for kicking off the bond audit?

LUIS FREESE:

Yes.

MARGARITA ROMO:

I don't think we have an exact start time for that audit. Is that what you're referring to?

TRUSTEE PANAS:

Both that and when responses will be due?

MARGARITA ROMO:

I'm not sure when we'll get responses, but I do know that we plan on having the performance audit aligned with the financial audit. So, we would have the auditor entrance conference. I think it's a date in November.

TRUSTEE PANAS:

Okay. The entrance conference is in November, but I mean the, oh, you meant the financial audit for the bond, not for the district, I'm sorry, yeah.

MARGARITA ROMO:

Right, I'm sorry about that, I apologize.

TRUSTEE PANAS:

That's okay. No, that was mine. We would expect people might do some extra work here in terms of putting documentation together, but in terms of the work to be done the train would not have left the station until that ... We wouldn't be signing a contract with an auditor before the joint meeting, would we?

MELISSA PAYNE:

WCCUSD FACILITIES COMMITTEE

08.27.20

ITEM D.1 ~ PERFORMANCE AUDIT RFQ/P

I don't imagine that would be feasible. So, if it gets issued next week, the Board meeting would be the September 23rd. I just don't see a procurement being issued, questions, responses, and proposals submitted in such a short timeframe. I don't have those exact details, but we could follow up with the Director of General Services to get that information. I don't imagine that's feasible or a long enough procurement for the RFP.

TRUSTEE PANAS:

Okay. One other question here. Normally, at the joint meeting, we have not...I'll just say been making decisions. They've been more informational meetings, so that means that if the Board decided it wanted to make this a full effectiveness and results audit, as well as being compliance with the annual audit guide, that would need to happen at a subsequent meeting.

MELISSA PAYNE:

I think the Board could give direction to staff on what they want to see, and I believe that that is what Dr. Wold is asking for.

LUIS FREESE:

I believe that'd be correct.

TRUSTEE PANAS:

Okay. So, Dr. Wold will ask for direction from the Board about whether we want to expand the scope of the audit, and we would not have signed a contract and people will have to resubmit a proposal, either if they didn't ... Let me ask just one more question. I'm sorry, I keep asking one more question. Another question here. If someone doesn't respond to the original audit, but wanted to do the full effectiveness and results audit, would they be able to reply to the request for enhancement or can you only enhance your proposal if you submitted an initial proposal?

LUIS FREESE:

So it would be my understanding, Mr. Panas, that the way Dr. Wold had envisioned this, that there would be two independent RFQ/Ps that the RFQ/P for the performance audit would be separate from the effectiveness and results RFQ/P, and that would cover that a firm that didn't want to propose on just the straight performance audit could propose on the effectiveness and results component.

TRUSTEE PANAS:

Okay. And if two different firms were doing the work, could they both be doing the work at the same time or would one be in the other one's way?

WCCUSD FACILITIES COMMITTEE

08.27.20

ITEM D.1 ~ PERFORMANCE AUDIT RFQ/P

LUIS FREESE:

I don't see any reason why they couldn't do that work at the same time. I would leave that to our lead auditor. Well, it may mean more work for us pulling the items to be audited, but they could be done concurrently.

TRUSTEE PANAS:

Okay.

MARGARITA ROMO:

Luis, I heard you mention me, I think I missed what you said.

TRUSTEE PANAS:

There was a question whether the two audits could be performed at the same time concurrently.

MARGARITA ROMO:

I agree with what you said. It's a matter of making sure that staff have enough time to pull (???), I think.

TRUSTEE PANAS:

Okay. And more generally, are we clear that we can actually use bond funds to pay for this now? Or is that items still, we're not agreed on that yet?

LUIS FREESE:

No, I believe that we're clear that we can use bond funds for the performance audit. There is a question about the 60% on 40% general fund distribution for that. And that is-

TRUSTEE PANAS:

When I read those opinions that came from the Attorney General and from FCMAT, and from our own bond counsel, I know that we have sort of used that in the past at times. I didn't see anything in those documents that said we had to do it that way. I mean, they seem to say it was okay to use, yeah.

LUIS FREESE:

Right. And I'll direct that question towards Dr. Wold to make sure we can get you an answer back.

TRUSTEE PANAS:

WCCUSD FACILITIES COMMITTEE

08.27.20

ITEM D.1 ~ PERFORMANCE AUDIT RFQ/P

Okay.

LUIS FREESE:

Okay.

TRUSTEE PANAS:

Okay. So, we're going to issue this RFP and subject to direction of the Board. We may well be issuing a subsequent RFP and any party can, even if they don't propose on the straight performance audit, they can propose on the effectiveness and results audit. Are we expecting? I mean, my only thought there is like, in that case, would we literally be incurring additional costs?

If we have Party A, gives us a certain proposal for a straight performance audit and Party B comes in and proposes on strictly the second part, do we have any feeling about whether that might actually end up costing us more than, or I actually ... Well, let me rephrase the question. You know, if someone says, we're not interested in the straight performance audit, but we would be interested in doing a performance and an effectiveness and results audit, will they be allowed to propose the entire audit process when we do that second RFP? Or would that be just for effectiveness and results and not performance? Because it just seems like there's economies of scale if we have the same firm do both pieces of work that might not be available otherwise.

MELISSA PAYNE:

So, I would say that I would think some of the significant costs that could come out of having two different auditors doing this scope would be related to reimbursable associated with the travel of doing onsite work. One of the things that we've really learned and experienced, I would say in this pandemic is that there can be some real cost efficiencies and abilities to do the work remotely. We are all really adapting to the use of technology, which I think is created again, efficiency, and cost-effectiveness. And so historically, when we received the pricing, there was the pricing to just do the compliance audit that was separated from the program effectiveness audit.

And so, if we did run it as two separate procurements, we probably wouldn't ask in your second procurement for the cost overall, but if there was something that would be really duplicative in those proposals, I would say it would be the travel and cost associated with those reimbursables. And I think we really have an option here to look at some true cost savings and trying to do these services online that could really translate into some tens of thousands of dollars of savings in our audit work, but that's really just generally speaking. And so, I don't know if you have anything to add.

WCCUSD FACILITIES COMMITTEE

08.27.20

ITEM D.1 ~ PERFORMANCE AUDIT RFQ/P

TRUSTEE PANAS:

Okay. So, let me just go back and ask ... sorry. After we have the joint meeting, if direction comes out, could people still propose on both the compliance and the effectiveness and results audit?

LUIS FREESE:

I would say, yes.

TRUSTEE PANAS:

Okay. Okay. I'm going to stop here for just a sec because I've just like realized I did not ask for public comment. I apologize to people who might be wishing to speak. So, if there's anyone who would like to speak right now, do we have anybody who raised their hands or perhaps we should give them opportunity. Okay, great.

MARGARITA ROMO:

The public comment at this time, the first public comment is from a Mr. Anton Jungherr.

TRUSTEE PANAS:

Okay.

ANTON JUNGHERR:

This is Anton Jungherr, I would like to make my public comment after the staff presentation. May I do that?

TRUSTEE PANAS:

Certainly, it wasn't included in the packet. Is there actually a staff presentation we're going to have on this?

LUIS FREESE:

There is not, this is only a discussion item.

TRUSTEE PANAS:

Yeah.

ANTON JUNGHERR:

Well, that's unfortunate. May I speak, then, at this point?

WCCUSD FACILITIES COMMITTEE

08.27.20

ITEM D.1 ~ PERFORMANCE AUDIT RFQ/P

TRUSTEE PANAS:

Certainly, yes.

ANTON JUNGHERR:

I think it's unfortunate that at the last Facilities meeting a month ago, we were told that this was going to go to the Board for decision. Now, we're told that they're going to issue the RFP without going to the Board before doing that. I think that's outrageous. It's going to delay at least a month because we aren't even going to talk about it until the end of September.

I don't see how you could get RFPs on the performance only, then, as Trustee Panas has suggested of the combination of performance with the effectiveness results, I don't know how you would do that, because you would have to go out again to get an RFP, there certainly is an economy of scales by having one audit group doing both, you can go back and look at the history, you can see that, in the history where we've done that in the past, but my more important point is this: There are 29 recommendations that were made over four years ago that will never be verified by an independent auditor. There are 28 recommendations that were made March of this year that will never be verified as implemented by an independent third party. So that's 57 recommendations on the proposal that Dr. Wold has made to go with the minimum performance audit that will never be verified as implemented.

57 recommendations, 29 of which were made over four years ago, I think this is outrageous. I don't think that serves the taxpayers. Why would you not want to know if 57 recommendations were actually implemented?

I think that the proposal that is going forward is going to be released was not based on the direction that was given by the Facilities' Committee. As I understand it at the July meeting, my understanding was at the end of that meeting, Dr. Wold said that that matter was going to go before the Board before the RFP went out. Now, we're unilaterally issuing the RFP without the benefit of the Board advice, I think its wrong. It's not consistent with the last meeting and the effect, the effect, what Dr. Wold is proposing will mean that there's 57 recommendations of performance improvement that will never be verified as implemented. That's the end of my report.

TRUSTEE PANAS:

Thank you, Mr. Jungherr, do we have another person to comment?

MARGARITA ROMO:

Yes, we do, Mr. Gosney?

WCCUSD FACILITIES COMMITTEE

08.27.20

ITEM D.1 ~ PERFORMANCE AUDIT RFQ/P

TRUSTEE PANAS:

Please, Mr. Gosney, go ahead.

DON GOSNEY:

Thank you. First, I agree a hundred percent with what Mr. Jungherr said, but also as everybody knows, I'm not the sharpest pencil in the box and I'm certainly not an expert on high finance at all, but I do have some common sense, and common sense tells me you don't break this up into two parts and expect that it's going to cost less or it's going to be as efficient or as effective. It just doesn't make sense on this.

I'll be honest with you, it looks like an end-run. It was discussed at this very same committee meeting a full month ago. I expected it to be on the agenda last night. It was not—okay. I would expect it to be on the September 5th agenda as we were led to believe. But it's not. The RFP is going to go out just the same as it was before the July 23rd Facilities meeting.

And you're trying to come out several weeks later with a suggestion that maybe we can add something to it. At the very least, the RFP going out next week, have it include both items. To say that we may decide that in a couple of weeks to increase this, you put in your bid for the whole thing for parts of it, at least you've got options and then whatever's decided on at that joint meeting, a decision can be made and take effect the very next day, but I just cannot believe that how efficient it would be to have two different auditing firms looking at the same books and everything and try to do the same job, just doesn't make any sense at all. And it scares the bejesus out of me that this is the direction that we're going to be going in. Thank you.

TRUSTEE PANAS:

Thank you, Mr. Gosney. Okay, any further public comment or is that it?

MARGARITA ROMO:

That concludes public comment on this item.

TRUSTEE PANAS:

Thank you so much.

So we've talked about this and we've heard from the public, and I guess, I would just like to go down on how to go down and record as the recommendation of facilities committee, is that the RFP that goes out, give people the option to either be it on strictly the compliance audit or bid on both the compliance audit and the effectiveness and results audit. And if staff chooses not to do that, the staff chooses not to do that, but I think that's the recommendation

WCCUSD FACILITIES COMMITTEE

08.27.20

ITEM D.1 ~ PERFORMANCE AUDIT RFQ/P

of this committee. And it also just like to say that I certainly agree that we should have a separate RFP. I don't know if we want to include it in this one. I'm not sure that they really go completely go together that well or need to be attached that the 27 items that have never been independently verified that we do an RFP for that as well. So, I think that's the recommendation of the committee. Mr. Freese, do you have any further comments on that? Or should we go ahead and move on to the next item?

LUIS FREESE:

I would just say in response to the comment about being able to move the item to the full Board at the last meeting on July 23rd the statement that I made from Dr. Wold was that if the committee desired to move it to the full Board, then it should be moved to the Board for the recommendation. And to my knowledge, that request was never made to move this item onto the full Board. So-

TRUSTEE PANAS:

Well, if that falls on me, I guess, I thought it was clear from the last meeting, but if that falls on me, because I ran that meeting, I'll take responsibility for that. But I guess, I would just like to like to make it clear that I think I've now said, I think the direction of Facility is, and I can certainly speak to the Board President to request that this go on the next Board agenda.

LUIS FREESE:

Thank you. I believe that would be the right direction.

TRUSTEE PANAS:

Okay. Thank you very much. Okay.

08.28.20 SUPERINTENDENT'S FRIDAY MEMO

PAGES 16-18

Bond Audit Performance Audit Update - Tony Wold and Luis Freese (Margarita Romo and Melissa Payne)

There has been significant conversation about the scope of audits that are required for the Bond Program. The District is required to complete a performance audit as well as financial audit each fiscal year for which bond funds are being utilized. The District, following best practice, is planning to issue an RFP for the performance audit requirement. The scope of the audit is listed here:

- Compliance – Audit against compliance criteria established by laws, regulations, contract provisions and other requirements. Compliance work scope provides the minimum amount of performance audit coverage required to comply with Proposition 39, the State Constitution and the Education Code.

As has been stated this is a simple audit focusing just on the requirements within the law. The District is required to do this audit and the bond financial audit. Christy White is under contract to complete the bond financial audit. Moss Adams is under contract to complete work on the special audit and to review the implementation recommendations. This RFP is for performance audit.

Our CBOC has expressed interest in adding scope to the standard performance audit. Staff believes that the District should first complete and finalize the special audit and validation and determine what areas require additional audit work prior to initiating any new additional audits. The District does, however, believe that if there are outstanding issues after finalizing the special audit work being done by Moss Adams that we should then commission an appropriately scoped new audit at that time.

This has become a significant issue about control of the program, when in reality, all parties are looking to achieve the same outcome which is to finalize the original special audit and formalize and implement necessary recommendations from that audit. [The conflict seems to be in how this is accomplished.](#) As the Board has received from the CBOC there have been legal opinions on whether bond funds can be used for audits. Both parties agree that normal scope audits do fall within the allowable expenditures for bond funds. The summary of both opinions is listed below:

- [From Adam Ferber, CBOC independent Counsel:](#) “Based on the forgoing I conclude that the cost of required Proposition 39 school construction annual independent performance audits and annual independent financial audits can be charged to bond funds.”

08.28.20 SUPERINTENDENT'S FRIDAY MEMO

PAGES 16-18

- From Graham Beck, Nixon Peabody District Bond Counsel: “To confirm, under State law, the District may use bond funds to pay for (i) the normal Prop 39 performance audit with a normal scope, and (ii) the normal Prop 39 financial audit with a normal scope.”

The difference comes when scope is added to a bond as can be seen below in the opinion from Nixon Peabody. The opinion provided by Adam Ferber did not address additional scope and how that can be charged.

- From Graham Beck, Nixon Peabody District Bond Counsel: “As stated in the previous Letter, audit-related expenditures generally do not constitute capital expenditures. As detailed in the Letter, it was determined based on information provided by the District that only 62% of certain of the audit costs were “directly related” to the capital expenditures paid with proceeds of the District’s 2015 and 2016 bond issues (with the other 38% applicable to projects financed by earlier bond issues with no unexpended proceeds). The proceeds of the bond issues with then-available unexpended proceeds could pay no more than 62% of those audit costs (subject to the overall limitation that no more than 5% of each of the 2015 and 2016 issues could be used to pay the audit costs or other working capital expenditures). Thus, for Federal tax law purposes, the bond issue(s) with available proceeds must first be identified and a determination made as to whether and the extent to which the audit costs are “directly related” to the capital projects provided by such issue(s).

Any audit costs that are beyond the scope of a normal Prop 39 audit could not be paid with unexpended proceeds of an issue unless it can otherwise be established that those audit costs are “directly related” to the capital projects provided by such issue.

Any such costs that are “directly related” can be paid with bond proceeds, subject to the overall limit of 5% of each issue that is available to pay working capital expenditures. To the extent an issue has fully utilized its 5%, no additional working capital expenditure may be paid with proceeds of such issue.”

In simple terms, if additional scope is necessary it cannot be 100% paid for with Bond Funds and only bond funds remaining from the appropriate issuance proceeds could be used. For example, Measure R funds would not be allowable to audit previous measures. Should the board believe, by majority vote, that additional scope is required, the District staff would issue a separate RFP request for that special audit and would need to allocate the appropriate funds to pay for this audit.

08.28.20 SUPERINTENDENT'S FRIDAY MEMO

PAGES 16-18

The chart below is presented to summarize this issue and the current operational plans moving forward.

Type of Audit	Firm/Staff Assigned	Completion Date	Next Steps	Funding Source
Annual Bond Financial Audit	Christy White	March 2021	Timeline adjusted due to COVID	Fund 21
Annual Bond Performance Audit	RFP released on Monday, August 31, 2020	March 2021	Firm to be brought for Board Approval in October	Fund 21
Special Audit completion	Moss Adams / Margarita Romo Lead Internal Auditor	June 2021	In progress to validate and finalize implementation of forensic audit	Fund 21 AND Fund 01 GF
New audit scope request from CBOC	N/A	N/A	Staff recommendation to complete special audit criteria for a final report which will identify what scope may be required for any additional special audits	Not budgeted but would require both Fund 21 and Fund 01 GF

EMAIL EXCHANGE RE: NIXON PEABODY
LETTER OF 08.19.16
(Email Dates are Marked)

From: "Beck, Graham" <gbeck@nixonpeabody.com>
Date: 8/14/20 2:49 PM (GMT-08:00)
To: Tony Wold <tony.wold@wccusd.net>
Cc: "Gibbs, Travis" <tgibbs@nixonpeabody.com>
Subject: RE: Public Records Request: 08.19.16 Nixon Peabody Letter

Tony,

To confirm, under State law, the District may use bond funds to pay for (i) the normal Prop 39 performance audit with a normal scope, and (ii) the normal Prop 39 financial audit with a normal scope. As described in our 2016 letter to the District (the "Letter"), a threshold requirement under the Federal tax code is that proceeds of tax-exempt bonds be used solely to pay expenditures that are capital expenditures under Federal tax law, except that up to 5% of each bond issue can be used to pay working capital expenditures that are "directly related to capital expenditures financed by the issue". As stated in the Letter, audit-related expenditures general do not constitute capital expenditures. As detailed in the Letter, it was determined based on information provided by the District that only 62% of certain of the audit costs were "directly related" to the capital expenditures paid with proceeds of the District's 2015 and 2016 bond issues (with the other 38% applicable to projects financed by earlier bond issues with no unexpended proceeds). The proceeds of the bond issues with then-available unexpended proceeds could pay no more than 62% of those audit costs (subject to the overall limitation that no more than 5% of each of the 2015 and 2016 issues could be used to pay the audit costs or other working capital expenditures). Thus, for Federal tax law purposes, the bond issue(s) with available proceeds must first be identified and a determination made as to whether and the extent to which the audit costs are "directly related" to the capital projects provided by such issue(s). Any audit costs that are beyond the scope of a normal Prop 39 audit could not be paid with unexpended proceeds of an issue unless it can otherwise be established that those audit costs are "directly related" to the capital projects provided by such issue. Any such costs that are "directly related" can be paid with bond proceeds, subject to the overall limit of 5% of each issue that is available to pay working capital expenditures. To the extent an issue has fully utilized its 5%, no additional working capital expenditure may be paid with proceeds of such issue.

**EMAIL EXCHANGE RE: NIXON PEABODY
LETTER OF 08.19.16
(Email Dates are Marked)**

If additional analysis is desired, please let us know and we will reach out to obtain the detail in order that we can assist.

Thanks, Graham

From: tony.wold <tony.wold@wccusd.net>
Sent: Friday, August 14, 2020 7:12 PM
To: Beck, Graham <gbeck@nixonpeabody.com>
Cc: Gibbs, Travis <tgibbs@nixonpeabody.com>
Subject: RE: Public Records Request: 08.19.16 Nixon Peabody Letter

Graham,

I think what I read is this:

We have fully spent previous issued funds. The only bond funds we have remaining are new funds from this year's issuance. Those funds can be used for the performance audit this year.

These funds cannot be used to go back and audit the old issues. We would have to use general fund for anything related to older issuances.

That is the simple takeaway I read from all the legal language.

From: Beck, Graham <gbeck@nixonpeabody.com>
Date: Mon, Aug 17, 2020 at 9:23 AM
Subject: RE: Public Records Request: 08.19.16 Nixon Peabody Letter
To: tony.wold <tony.wold@wccusd.net>
Cc: Gibbs, Travis <tgibbs@nixonpeabody.com>

Tony, that is correct. The limitations on expenditure of the new funds are the overall 5% working capital expenditure limit, and the need to demonstrate that any expanded scope of the new audit is "directly related" to the capital expenditures with the new bond proceeds.

Let me know if anything else would be helpful.

Thanks, Graham

09.09.20
BOND PROGRAM AUDITS
AGENDA ITEM E.2

Item Type: Discussion

Contact Person: Tony Wold, Ed.D., Associate Superintendent

Comments

Each year that a school District is operating with Bond Funds the District is required to complete a Financial Audit of the active Program, which is currently done by Christy White **(CW)** who also does the District's annual financial audit. In addition, the District must also complete a Performance Audit for the active Bond Program, this was done by Moss Adams and is due for an RFP process selection. These two annual audits can be paid for legally with the bond proceeds funding the current projects.

In 2015 the District commission a special forensic investigation through VLS and the past three years the district has also undergone an effectiveness audit also done by Moss Adams **(MA)**. These audits can be funded with bond proceeds to the extent that they relate directly to current program and have required a General Fund contribution as well. The Chart below shows the costs that have been expended for audits the past 4 years and what is currently budgeted for this year:

Audit Year	Required Audits				Additional Audits				Total \$
	Financial Audit	Vendor	Performance Audit	Vendor	Effectiveness Audit	Vendor	FAI Verification	Vendor	
16-17	\$8,537	CW	\$19,000	MA	\$58,000	MA	\$48,000	Phase 1 MA	\$133,537
17-18	\$8,963	CW	\$19,000	MA	\$56,000	MA			\$83,963
18-19	\$9,411	CW	\$19,000	MA	\$56,000	MA			\$84,411
19-20	\$9,500	CW	\$25,000	RFP	\$0	MA	\$50,000	Phase 2 MA	\$84,500

09.09.20

BOND PROGRAM AUDITS

AGENDA ITEM E.2

In summary, the cost of the required audits this year would be approximately \$34,500. The cost of Phase 2 with Moss Adams is an additional \$50,000. Any additional requirements would likely increase the total budget required. It should be noted that the anticipated budget for the Performance Audit is higher than previously incurred. This is because the additional effectiveness audit costs allowed for a slightly depressed figure on the required audit.

In 2017 the District initiated a third-party independent verification of implementation done by Moss Adams. The verification were divided into Phase 1 (62 items) and Phase 2 (50 items) work that Moss Adams has continued as their contract stated that the work would continue until all areas were validated which does provide a potential conflict of interest.

In addition, for 3 years the District added an additional effectiveness audit that was also done by Moss Adams, in addition to the required performance audit. The effectiveness audit identified 26 recommendations for follow up by Moss Adams, and 2 recommendation from the performance audit. Some of these items were added in direct consultation with the CBOC.

In Phase 1, Moss Adams and the District's Lead Internal Auditor have closed out 33 of the 62 items, which leaves 29 remaining. Several of these are now obsolete due to changes in law, procedure, or governance and will be finalized as part of this years close out. A couple were immediately resolved after the completion of the audit on 6-30-2017 as well. The remaining 16 items will be addressed with the completion of the Program Management Plan (PMP) this fall and we will able to be validated at that time. Moss Adams is suggesting an amendment to their current contract for Phase 1.5 to address these once again.

For Phase 2, which Moss Adams is already under contract there are 50 items to validate which will for the most part be completed with the publication of the PMP. This work will be done by Moss Adams and the District's Lead Internal Auditor during the 2020 – 2021 school year.

09.09.20

BOND PROGRAM AUDITS

AGENDA ITEM E.2

The effectiveness audit completed by Moss Adams identified 26 more areas that need resolution or clarity. All but 2 of these should be part of the Program Management Plan as well and can be validated during the 2020 – 2021 school year. The remaining 2 are task-oriented actions that the Lead Internal Auditor will complete this year as well. A summary of the Audits and issues is listed below:

Audit	# of Identified Issues	Validated Issues	Uncompleted Issues	Timeline	Responsible Party
Forensic Accounting Investigation (FAI)	112				
Phase 1 FAI Verification	62	33	29	2020 – 2021	PMP (16) / Lead Internal Auditor (62)
Phase 2 FAI Verification	50	42	8	2020 - 2021	Moss Adams (50) / Lead Internal Auditor (50)
Effectiveness Audit	26	0	26	2020 – 2021	Moss Adams (26) / Lead Internal Auditor (26)
Performance Audit	2	2	0	2019 – 2020	Lead Internal Auditor (2)
Financial Audit	0	N/A	0	2019 - 2020	

The issues that caused these extraordinary audits occurred prior to the inclusion of any of the current staff responsible for the programs, nor the current board composition. Only one current board member was part of the “Clay” Committee from 2015 – 2016. During this time many processes and procedures have been implemented to address the concerns. During this period there has not been any findings within the required financial audits and only 1 in the performance audit that was minor and addressed.

09.09.20
BOND PROGRAM AUDITS
AGENDA ITEM E.2

Recommendation

Staff recommends that the District follow best practice to issue an RFP for the required Performance Audit this year. The required Financial Audit will be completed by Christy White. In addition, Moss Adams is under contract to validate the forensic audit as part of Phase 2 this year. Those 3 audits will cost the District approximately \$94,500. In addition, if the board wishes to augment Moss Adams' contact to address Phase 1.5, it will be an additional \$32,000, alternatively those items can be validated by the Lead Internal Auditor.

Staff believes that the 2020 – 2021 school year should focus on **completing what was started by validating, through the work of Moss Adams, the remaining recommendation. In addition, the work of the Lead Internal Auditor will include independent verification of all of the previous additional audit issues.** At the end of this school year, upon the completion of those reports staff would then recommend that the Board then address and commission a new Effectiveness Audit if there are areas that the Board believes have not been sufficiently addressed. This should not be part of the required Bond Financial Audit or required Bond Performance Audit, but additional, if the need requires it.

Financial Impact

The Fiscal Impact depends upon what scope is required based upon direction from the Board. Currently, this would be approximately \$94,500. The Bond Financial Audit, Bond Performance Audit, and Moss Adams Phase 2 audit validation are currently within the adopted budget. Should the Board desire to augment the Moss Adams contract for Phase 1.5 this would increase the total cost to approximately \$116,500. If the Board directs additional audit scope the total impact could increase to double the current budget and be over \$200,000 of which a portion would impact the General Fund.

Bond Program Audits Overview

Board of Education Meeting
September 9, 2020

Overview of Bond Program Audits

Required Annual Bond Audits

- ★ Bond Financial Audit
- ★ Bond Performance Audit

Supplemental Bond Program Audits

- ★ Forensic Accounting Investigation Report, FY 2008-2016
- ★ Program Effectiveness Audit, FY 2017, 2018 & 2019
- ★ Independent Review of the Forensic Investigation Implementation, Phase 1 & Phase 2

Annual Bond Program Financial Audit, Christy White

The Bond Program Financial Audit reviews the 2010 Measure D and 2012 Measure E General Obligation Bonds Building Fund's basic financial statements. This annual audit is required by Proposition 39.

Financial Audit: FY 2019: Accepted by the BOE on April 8, 2020. The audit did not result in any recommendations or negative findings.

Current & Historical Reports available online

<https://www.yccd.edu/boe/main/17>

Financial Audit, FY 2020 Timeline

October 2020 - February 2020: Document production and field work.

March 2021*: The CBOC and BOE will review and receive the reports.

*The legal deadline is March 31, 2021.

Annual Bond Program Performance Audit

The Bond Program Performance Audit verifies that Bond proceeds are used on projects listed in the ballot measure. This annual audit is required by Proposition 39.

Performance Audit: Moss Adams completed services for fiscal year 2017, 2018 & 2019. The 2019 report was accepted by the BOE on April 8, 2020. The audit includes 2 recommendations.

Implementation Status: The first recommendation was fully implemented in February 2020 and the demonstration was provided to the Auditors. The second recommendation was fully implemented March 2020 and monthly financial reports demonstrate the ongoing implementation.

[Bond Performance Audit, FY 2020 Timeline](#)

September 2020 - October 2020: District Staff recommends issuance of an Request for Proposal for Performance Audit Services.

November 2020 - February 2021: Document production and field work.

March 2021*: The CBOC and BOE will review and receive the reports.

*The legal deadline is March 31, 2021.

Bond Program Program Effectiveness Audit, Moss Adams

The Program Effectiveness audit covers performance and controls review for 22 additional criteria.

Effectiveness Audit: Moss Adams completed the audit for fiscal year 2017, 2018 & 2019. The successive audit report resulted in 26 recommendations which primarily focus on the publication of detailed processes and procedures.

Implementation Status: 24 recommendations will be deemed fully implemented when the final Program Management Plan is published. The anticipated publication is September 2020.

2 recommendations relate to the CBOC Board Policy and the CBOC website. The resolution date for all recommendations is no later than June 2021.

Forensic Accounting Investigation Report, Vicenti, Lloyd & Stutzman

Phase II Forensic Accounting Report was accepted by the Board on September 21, 2016 resulting in 112 recommendations

The Board approved an Implementation Task Force which is regularly meeting to review specific recommendations and the deliverables that support the implementation plan

The Task Force includes the Superintendent, Associate Superintendent of Operation, Associate Superintendent of Business Services, Internal Auditor, Director of Contract Administration, Solutions Team Appointee, and Citizens' Bond Oversight Committee Appointee

The Forensic Accounting Report is available online <https://www.wccusd.net/domain/1723>

Staff FAI Recommendation Implementation, Progress to Date

Status	Recommendations Completed as of June 2017	Recommendations Completed as of August 2018	Recommendations Completed as of February 2020
Implemented	63	77	100
Under Review / In Process	44	34	12
For Future Implementation	5	1	0
TOTAL	112	112	112
Percentage Complete	56%	69%	89%

Note: Once a recommendation is implemented the status will be labeled "implemented". Many recommendations require ongoing implementation to ensure continuation of best practices.

Outstanding FAI Recommendations for Implementation

- CBOC Board Policy & CBOC budget
- Developing District business ethics policy for District staff and Board
- Review agreements/policies of summer scholarship program
- Independent review of recommendations implemented

Independent Review of the Implementation of the Forensic Report Recommendations

Phase 1 Review Period: July 1, 2016 - June 30, 2017:
Review and verification of 62 implemented recommendations

#	Moss Adams Status
33	Implemented
19	Partially Implemented
3	Not Implemented as of 6/30/17
7	Undetermined

Phase 2: Review and verification of the 50 recommendations implemented after June 30, 2017 to commence upon implementation of all recommendations.

Additional Independent Review of the Implementation Recommendations

Proposed Phase 1.5: Review and re-verification of 29 Phase 1 recommendations that were not verified as "implemented"

Moss Adams Proposal: \$28,000 - \$32,000 plus expenses

Staff Recommendation

1. Complete third party independent Phase 2 review and verification no later than June 30, 2021.
2. Complete independent internal auditor review of all recommendations no later than June 30, 2021
3. Make a recommendation on additional audit scope based on the Reports.

Audit Service Contract Status & Cost

cost listed does not include legal fees, reimbursable fees, staffing expense

RE QU I R E D	BOND AUDIT TYPES	Audit Year FY 2017	Audit Year FY 2018	Audit Year FY 2019	Audit Cost FY 2017 - 2019	General Fund Expenditures 2017-2019	Bond Fund Expenditures 2017-2019	Audit Year FY 2020
	Financial Audit	\$8,537	\$8,963	\$9,411	\$26,911	\$26,911	\$0	\$9,500
	Performance Audit	\$19,000	\$19,000	\$19,000	\$57,000	\$19,000	\$38,000	RFP
SUP P L E M E N T A L	Program Effectiveness Audit	\$58,000	\$56,000	\$56,000	\$170,000	\$56,000	\$114,000	
	Forensic Accounting Investigation (FAI)	\$1,068,838			\$1,068,838	\$427,535	\$641,303	
	FAI Verification Phase 1	\$48,000			\$48,000	\$19,704	\$28,296	
	FAI Verification Phase 2							\$50,000
	Totals	\$1,202,375	\$83,963	\$84,411	\$1,370,749	\$549,150	\$821,599	\$

Demonstration of Implementation Bond Program Management Plan (PMP)

The Bond Program Management Plan is intended to provide the documentation of the internal controls that properly implement the District's policies, safeguard its assets, provide compliance with state and federal laws and regulation, and produce timely and accurate financial information.

Available online <https://www.wccusd.net/Page/13520>

The Plan has four sections: Program & Operations, Administrative, Project Management, and Fiscal.

After publishing each section, the District opened a 30-day public comment window for suggestions. The District received 131 comments.

The District intends to publish the final Bond Program Management Plan in September 2020.

Next Steps & Recommendations

District Staff is committed to:

- ★ Publication of the Bond Program Management Plan
- ★ Completing the current compliance and additional audits to validate verification
- ★ Ongoing internal auditing
- ★ Evaluation of criteria for additional third party audits after the completion of the current audits.

Staff does not recommend additional third-party audits at this time.

However, if the Board would like to pursue additional Bond Program Audits at this time, then Staff will issue an RFP for additional clearly defined scope to solicit pricing that may require the allocation of additional general fund dollars.

REVISITING AN AMENDMENT TO RESOLUTION 20-2

When Resolution 20-2 was discussed and voted on at the CBOC meeting of August 10, 2020, the first 'Resolved' (BELOW) had an amendment added (IN RED). Before the amendment was seconded, a vote was taken and the amendment passed. To be in full compliance with parliamentary procedures, this amendment will be revisited here and, if it is seconded, another vote will be taken.

Resolved: that in the CBOC's opinion:

The current Board Policy BP 7100 Facilities Planning, Facilities Master Plan should be amended by adding the following Section:

1. A Five-Year Capital Improvement Budget shall be prepared by the Superintendent or designee and presented to the Board of Education in July of each year for action. Said budget will reference the Facilities Master Plan. The Capital Improvement Budget shall include by fiscal year for each of the next five fiscal years all capital improvement projects funded by:
 - Fund 21 Building Fund.
 - Fund 25 Capital Facilities Fund.
 - Fund 35 County School Facilities Fund.
 - Fund 40 Special Reserve Fund for Capital Outlay Projects.

And include the 5 year Capital Budget as part of each Master Plan update.



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

2020 CBOC MEETINGS CALENDAR

Meetings will begin at 2:00 PM

S e p t 30
(proposed joint meeting)

O c t 19

N o v 09

D e c 14

SCHOOL BOARD MEETINGS

S e p t 23
S e p t 30
(proposed joint meeting)

O c t 07

N o v 04

D e c 09

O c t 21

N o v 18

D e c 16

J a n 13

F e b 10

M a r 10

J a n 27

F e b 24

M a r 24

A p r 14

M a y 5

J u n 9

A p r 28

M a y 19

J u n 23

CBOC Bylaw Requirements

There must be a December meeting for officer elections
2 joint meetings with Board of Education

FUTURE AGENDA ITEM LOG

09/14/20

Item #	Description	Suggested	Agendized
18-2	CBOC Handbook	10.24.18	ongoing
18-8	Updated By-Laws		TBD
19-1	Bring Draft ByLaws to CBOC for review	02/06/19	TBD
19-6	PVHS Lessons Learned	08/15/19	TBD
19-8	Facilities Master Plan Update	08/15/19	08/10/20
20-01	CBOC Training	01/13/20	TBD
20-03	Brown Act Training	06/08/20	TBD
20-04	CBOC Contact Info	06/08/20	TBD