

AGENDA ITEM

CBOC Response to Forensic Audit Report Section FI(6) Concerning Responsibilities of the CBOC (Pages 247-252)

The forensic audit includes a "work step" to: "Assess the responsibilities of the CBOC based on California Education Code and the California State Constitution and determine what actions taken by the CBOC may overstep their responsibility." The audit section includes three recommendations concerning: (1) providing reports to the CBOC, (2) the wording of the board policy for the CBOC in WCCUSD, and (3) the funding source for supporting the CBOC. The audit section begins with an allegation concerning the CBOC "overstepping" its bounds.

Forensic Audit: <https://goo.gl/LKw81c> [FI (6) pages 247-252]

PACKAGE

[Text of BP 7214.2]

[Text of Forensic Audit FI (6) pages 247-252]

CBOC Response to Forensic Audit Report Section FI(6)

This is the response of the West Contra Costa Unified School District Citizens Bond Oversight Committee (CBOC) to the allegation and to the three recommendations in section FI (6) of the forensic audit.

"Related Allegation

GOV (3) –The CBOC has overstepped its legal responsibilities in providing oversight of the bond Program"

Response: The audit fails to convincingly point out any specific ways the CBOC has overstepped its authority. The board policy for the CBOC echos the permissive language in the Education Code for what the CBOC "may" do. The board policy then includes a few things the CBOC cannot do. There is no evidence that the CBOC has violated any specific limitations in the board policy for the CBOC.

One of these prohibitions is: "Require the district to prepare reports or conduct audits more frequently than those required by law." The CBOC does make requests for information and reports, but is fully aware that it does not have any right to receive particular reports beyond what is required by law. At the same time, the CBOC appreciates the efforts of the staff to go beyond what is strictly required under law and policy in order to help the CBOC and the general public understand better how the bond funds are being used.

"Recommendations

FI6-1. The District and CBOC should evaluate the value (frequency and type) of proposed monthly reporting against the ongoing cost of development and maintenance of the reports as this is not required under the Education Code enumerated duties of a CBOC and runs counter to the existing statement of Board policy."

Response: The CBOC welcomes paying more attention to the costs and benefits of reporting by staff on the construction program. Improving operating efficiencies is an important value to the CBOC. However, we must object to the implication that for the staff to simply provide more reporting than legally required runs "counter" to board policy.

"Recommendations...

FI6-2. The District should consider merging the two statements currently in board policy on use of District resources in support of CBOC into one clear statement. The District should also consider removing the statement "without limit" from the policy to eliminate ambiguity about which District resources are committed to support the CBOC. Having a "without limit" statement in this policy can result in less than optimum use of District resources."

Response: The CBOC is supportive of any efforts to improve the clarity of board policies as long as these efforts don't involve making it harder for the CBOC to accomplish its oversight responsibilities. We would like to scrutinize any such changes. Furthermore, we would like to know the history behind using the phrase "without limit" in the sentence describing contacting various types of people involved in our bond program, before supporting deleting the phrase.

"Recommendations...

FI6-3. As required by Education Code Section 15280 (a) (1), Bond Program resources should not be used to support the CBOC. The CBOC in conjunction with the District should establish a visible separate budget under a District official and charge District time and cost incurred by District staff to support the CBOC in order to provide a transparent and accountable picture to the CBOC members, the District Board, and the public."

Response: The CBOC agrees with this recommendation. Along with its other benefits, if support for CBOC had had a more formal budget before, this use of an incorrect funding source might have been prevented earlier.