

CITIZENS' BOND OVERSIGHT COMMITTEE
MEASURE M, D AND J
ANNUAL REPORT 2008

Approved by Citizens' Bond Oversight Committee on March 24, 2010

Sue Pricco, Chair

Robert Studdiford, Vice Chair

Anton Jungherr, Secretary

March 24, 2010

Annual Report 2008 ¹

Committee Purpose

The Board of Education policy states the purpose of the Citizens' Bond Oversight Committee:

Proposition 39, approved by California voters in the November 7, 2000, general election, provides that the Governing Board of a school district may pursue the authorization and issuance of bonds by 55 percent vote of the electorate. As a result of the passage of Proposition 39, language was added to the Education Code requiring school districts passing a bond designated as a Proposition 39 bond election to establish a Citizens' Oversight Committee (Committee) to actively review and report on the use of bond proceeds whenever the district passes a Proposition 39 bond.

When a Proposition 39 bond is passed, the Board shall establish a Committee to actively review and report on the proper expenditure of taxpayers' money for school construction, to advise the public as to whether the school district is in compliance with the requirements of Article XIII A, Section 1(b)(3) of the California Constitution. In addition, convene to ensure that bond revenues are expended only 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 and ensure that no funds are used for a teacher or administrative salaries or other school operating expense. ²

¹ The format for the Annual Report 2008 was approved by the CBOC on September 23, 2009.

² Board of Education Policy BP 7214.2.

The Measure M bond issue of \$150 million was approved by the voters on November 7, 2000 by over a 2/3 vote and is not designated as a Proposition 39 bond issue that required a citizen's oversight committee. However, the ballot proposition required "appoint a citizen's oversight committee to guarantee funds are spent accordingly".³

Measure D, \$300 million approved March 5, 2002, and Measure J, \$400 million approved November 1, 2005 are both designated as Proposition 39 bond issues that require a citizens' oversight committee. The Committee is required to make an annual report.⁴ This report meets that requirement.

³ Formal Notice of School Bond Election, Exhibit A, Board of Education Resolution No, 33-0001, approved August 2, 2000.

⁴ Education code section 15280 (b).

West Contra Costa Unified School District

Citizens Bond Oversight Committee Measures M, D & J

2008 Annual Report

Progress Report on Our Schools

2008 Bond Construction Program Summary. The District made substantial progress during 2008 on the long-range renovation of its major facilities. The year was marked by the completion of major school reconstruction projects, commencement of major construction work on DeAnza High School and by the start of construction and the continuing design and reviews for the Measure J Elementary projects. The District continued to leverage the Bond Program infrastructure to complete deferred maintenance, developer-fee funded projects, and State of California Emergency Repair Program projects during 2008.

There were significant budget challenges for the District as costs continued to escalate during the first half of the year. Project budgets were increased to cover new estimated costs, and there were projects that were dropped, or significantly reduced in order to handle these new costs. However, by fall of 2008 the national housing crisis and financial sector declines were beginning to impact the District's Bond Construction Program in other ways. The recession began the process of "cost de-escalation" which was a positive for the District's Construction Program. However, there were other impacts on the financial markets which would have serious implications in the coming years. The best indication of these impacts is the decision by the State Allocation Board to freeze funding for school construction projects throughout the state. This freeze, in December 2008, was a direct result of the state's inability to sell school

construction bonds in the market and is still being felt in 2009. The District was able to sell bonds during mid-2008, prior to the most serious financial sector collapse, but the housing market decline in the county—mirrored in the District's declining developer fee income during 2008—would seriously impact the District's ability to sell bonds in the future.

Bond Program Projects: 2008.

Measure M Elementary Projects.

- **Downer Elementary.** The last of the District's Phase 1B schools, **Edward Downer Elementary**, was occupied during 2008. The largest elementary school in the District, Downer started construction in 2006 on a multi-phase project. The new school was occupied while work continued on the demolition of the existing seismically-unsafe buildings of the original school. Work continued after demolition on the construction of the new community plaza, staff parking, pick-up/drop-off lane, and playground areas.
- Construction continued on **Elementary Sitework** projects with the third phase of work at the **Mira Vista Elementary School**. This project was completed in late 2008 and provided new parking and drop-off areas. It also included new playground elements, drainage, and site furnishings.
 - Design work was underway on the Verde Elementary Sitework and Playground upgrades.

Measure D Secondary Projects.

- **El Cerrito High School.** Students at El Cerrito High School continued in their temporary campus during 2008 while construction continued on the new/reconstructed high school. The first phase of the project to be completed and occupied was the new Gyms/Locker Rooms, Fitness, and Dance areas. This part of the campus was turned over to the District and occupied beginning in September 2008. Students and staff moved into the facilities and had the use of gyms for PE and athletics for the first time in 2 ½ years.
 - **Main Campus.** The remaining areas of the campus continued in construction during 2008. By December, the main campus was ready for occupancy, and during the holiday break staff moved into the new campus.

- **Theater.** Construction on the new theater lagged behind the main campus buildings, however, work on the facility was sufficiently complete to allow occupancy of the Admin/Theater Building in conjunction with the rest of campus by the end of 2008.
- **Photovoltaic System.** The District's first renewable energy system, a building-integrated photovoltaic system which is a part of the roofing of the El Cerrito HS campus, was completed and began generating in mid-2008.
- **Pinole Middle School.** The first phase of construction on the Pinole Middle School project was completed and occupied for the start of school in August 2008. The new Classroom Building and the Joint-Use Gym were put into service after a two year construction project. Staff moved out of the existing main building on campus into the new buildings, with temporary offices set up while the main building is renovated.
- **Helms Middle School.** Construction continued on the Helms New Campus. Steel erection was completed and the buildings were sheathed. Work continued on electrical, mechanical, plumbing infrastructure to allow for installation of interior finishes. Stucco exterior finishes began during the year. The project continued to experience construction delays with the occupancy date pushed back.
- **Portola Middle School.** The District initiated an Environmental Impact Report on the preferred option of relocating the school to the Castro site. This review under the California Environmental Quality Act ("CEQA") included a number of public meetings at the site, Board discussions, coordination with the City of El Cerrito, and significant outreach for public comment. The Board adopted the Final EIR and approved the project in December 2008. A legal challenge was finally soon after.
- **Secondary Track and Field Projects.** The District completed its bond-funded Secondary Track and Field projects during 2008. DeAnza High School Track and Field upgrades were completed and in use during 2008.

Measure J Projects

Phase I Elementary Projects. During 2008 the District's Measure J Elementary projects continued construction documents phase and were in review by the Division of State Architect ("DSA"). In order to accommodate lengthy document preparation and review times, the Bond Program had developed incremental work packages. The initial phases of work for these projects were awarded and started construction during 2008.

- **Dover Elementary.** Dover Main Campus Reconstruction construction documents were completed and submitted to DSA during 2008.
 - **Sitework Preparation Projects.** Preparation for the reconstruction of Dover Elementary commenced with the construction on two sitework projects in 2008. The first project included removal of an existing classroom, installation of temporary fencing boundary, and relocation of the site's playstructure out of the construction area. The work also included building pad preparation and utilities for the new two-story classroom building.
- **Ford Elementary.** Ford Reconstruction Main Campus construction documents were completed and submitted to DSA during 2008.
 - **Demolition & Sitework Increment.** Construction documents approved by DSA and bid package out in December 2008.
 - **Temporary Campus completed at Downer site.** After completing CEQA review, the District constructed a full school Temporary Campus at the Downer site for Ford Elementary. This project was completed in December 2008 and the school moved over the holiday break period. The District developed a transportation plan for this relocated campus which included shuttle bus service to/from the Ford site.
- **King Elementary.** King Elementary New Campus construction documents were completed and submitted to DSA during 2008.
 - The first major increment of the reconstruction project at Martin Luther King Elementary, "Demolition, Sitework, and Temporary Playground" started in summer 2008. This project included demolition of the old community center, preparation of building pads, and full site prep for the new campus construction. By fall 2008 the Temporary Playground, which is built on the city park adjacent to the school, was operational.

Phase II Elementary Projects. These two schools continued in design during 2008. Nystrom campus was the site of Charter School Construction.

- **Nystrom Elementary.** Construction documents were completed for the two phase project—New Multi-Purpose Building and Renovations to the Historic Classroom Building.
- **Ohlone Elementary.** Construction documents were begun during 2008 on this full campus reconstruction project.

Secondary Projects. DeAnza High School New Campus Construction, Kennedy High School Renovations, and Richmond High School Fieldhouse

- **The DeAnza High School Reconstruction.** The Main Campus Buildings Increment completed Construction Documents and was submitted to DSA during 2008.
 - **Gym/Lockers Demolition and Utilities Increment.** Work on the demolition of the existing campus buildings which are in the footprint of the new school started in 2008. This work also included construction temporary campus modulars and construction of a temporary boiler system and electrical main service. All work required by the demolition of existing facilities and was completed in order to keep the existing classroom buildings in service.
 - **New Fieldhouse.** Construction on this new building, which is a part of the long term master plan for the site, began early 2008. The project was under construction throughout the year. The locker rooms in this new building—meant to be team/field lockers—will serve as the only PE Locker Rooms on campus after the demolition of the old Gym/Locker Building.

- **Kennedy High School Renovations.** The projects at Kennedy High School, limited renovations were primarily in design and construction documents phase during 2008.
 - **Campus Painting.** The first project at the site was completed during 2008—the full exterior repainting and masonry coating of the campus.
 - **Projects in design**
 - Restroom Renovations
 - ADA Compliance
 - Field Building and Lights
 - New Fencing and Gates

- **Richmond High School New Fieldhouse.** Construction on the New Fieldhouse at Richmond High School started in late spring 2008. During the year pad preparation, foundations, and slabs were completed. Steel erection started.

- **Charter School Facilities.** As a part of meeting its obligations under Proposition 39, the District completed two Charter School facilities projects in 2008.
 - **Richmond College Prep Modular Campus.** The northeastern portion of the Nystrom Elementary site was built-out in late 2008 as a permanent home for the expanding Richmond College Prep Charter School.
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- **Leadership Public Schools Temporary Campus.** The main playground and rear "Bungalow" building at Nystrom Elementary were built out in 2008 to accommodate the Leadership High School campus. Leadership was relocated from the Gompers site. These buildings are meant to be used at temporary housing during the renovation of the historic classroom building at Nystrom.

STATEMENT OF COMPLIANCE

This Annual Report 2008 is submitted to the Board of Trustees by the Citizens' Bond Oversight Committee, Measure M, D and J in accordance with Education Code section 15278 (b). The Committee advises that, to the best of its knowledge based on available information provided by the District, the West Contra Costa Unified School District is in full compliance with the requirements of Article XIII A, Section 1 (b) (3) of the California Constitution, Education Code Sections 15278, 15280, 15282, Board Policy 7214.2 and Administrative Regulation 7214.2.

The Committee has the following concerns regarding compliance during 2008:

1. The Committee did not receive or review copies of the deferred maintenance plan.
2. The Committee did not issue any written reports on its activities.
3. A member was appointed to the committee and subsequently was found to be ineligible because she was an employee of the District.
4. The Committee did not participate in the yearly review of the performance auditor's performance
5. Some of the legally required positions on the Citizens' Bond Oversight Committee were not filled.

Members: The Committee has twenty-one designated membership categories: ⁵

Category	Number
Statutory Requirements (business, senior citizen organization, taxpayers' organization, parent or guardian and parent/guardian & PTA)	5
City representatives	5
Unincorporated area	2
Board of Education representatives	5
Council of Industries	1
Building Trades	1
Public Employees Union Local 1	1
Citizens Advisory Committee on Special Education	1
Total Membership	21

The following twenty-five members served during 2008: Steven Bates, Kirk Ferreira, Paul Gilbert-Snyder, Alex Gomez, Barbara Gordon, Don Gosney, Adrienne Harris, Richard Leigh, James McClelland, Leonard McNeil, Antonio Medrano, Marcus Mitchell, Raul Morales, Paul Morris, Sue Pricco, Charleen Raines, Kevin Rivard, Robert Sewell, Elizabeth Smith, Kathleen Sullivan, Cathy Swift, Tony Thurmond, Maureen Toms, Michael Witwear, and Jeff Wright.

The Committee experienced a number of vacant positions and turnover of members during the year.

⁵ Administrative Regulation 7214.2, Section 5.

Certification of Legal Compliance

Standard	Reference	Status
Legally Required by Education Code (EC)		
1. Regular Reports: The citizens' oversight committee shall issue regular reports on the results of its activities.	EC Section 15280	The Committee minutes of its meetings
2. Annual Report: The citizens' oversight committee shall issue an annual report on the results of its activities.	EC Section 15280	Scheduled for approval on March 24, 2010.
3. Website: Minutes of the proceedings of the citizens' oversight committee and all documents received and reports issued shall be a matter of public record and be made available on an Internet website maintained by the governing board.	EC Section 15280	The Committee's minutes were not always maintained on a current basis.
4. Business Member: One member shall be active in a business organization representing the business community located within the district.	EC Section 15282	This position was vacant for January 2008.
5. Parent of Child Enrolled Member: One member shall be a parent or guardian of a child enrolled in the district.	EC Section 15282	This position was vacant for all of 2008. ⁶
6. Parent of Child Enrolled and Parent Teacher Organization Member: One member shall be either a parent or guardian of a child enrolled in the district and active in a parent-teacher organization.	EC Section 15282	This position was vacant January to September 2008. ⁷

⁶ It should be noted that there were parent members on the Committee but they were not designated by the Board of Education as such.

⁷ It should be noted that there was a parent of a child enrolled/teacher organization member on the Committee but that member was not designated by the Board of Education as such.

Standard	Reference	Status
7. No Employee Member: No employee or official of the district shall be appointed to the citizens' oversight committee.	EC Section 15282	A WCCUSD substitute teacher was appointed to the CBOC on April 16, 2008. ⁸
8. Advise Public Expenditures for Stated Purposes: The citizens' oversight committee shall advise the public as to whether a district is spending the bond monies for the specific school facilities projects to be funded and certify that the district has evaluated safety, class size reduction, and information technology needs in developing that list.	EC Section 15278	done
9. Financial Audit: Receive and review copies of the 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.	EC Section 15278	done

Summary of Meetings

During 2008 the Committee held nine regular meetings and two joint meeting with the Board of Education for a total meeting time during the year of 18.1 hours. There was not a quorum at three of these meetings, 27% of the meetings held (two regular meetings and one joint meeting).

⁸ See Board of Education minutes dated April 16, 2009, agenda item CI G.11 on page 5. Ms. Harris was employed by WCCUSD as a substitute teacher on 3/19/08 per A. Bell, WCCUSD staff, to Anton Jungherr dated 11/21/09.

At Committee's monthly meeting various staff reports are reviewed including the Engineering Officer's Report on the status on construction projects and the CAMP financial reports. In addition, there were extensive discussions on the composition of the Committee and the role of alternative members.

Compliance with Administrative Regulation 7214.2

Provision	Reference	Status
Receive and review copies of performance audit reports	2 a	Done
Receive copies of performance audit drafts at the same time as delivery is made to the District	2 a (1)	Not done
Receive copies of performance audit progress reports at the same time as these reports are issued to the District	2 a (2)	Not done
The Committee shall participate with the District in a yearly review of the performance auditor's performance.	2 a (3)	Not done
Receive and review the annual financial audits	2 b	done
Inspect school facilities	2 c	Done
Receive and review copies of any deferred maintenance proposals or plans	2 d	Not done
Review effort by the District to maximize Bond revenues by implementing cost saving measures	2 e	Done
The Board of Education shall adopt an annual Facilities Program Budget	4 a	done
The staff shall identify the budget by	4 b	Funds were identified, account

Provision	Reference	Status
fund and account code on each Board action memo that recommends the expenditure of funds for projects.		codes were not identified.
The Facility Program Budget shall be formally amended by the Board of Education during the calendar year, as needed, for new and revised projects and change orders.	4 c	done

Review of Annual Financial Audit Reports

**Perry-Smith, LLP
 Financial Auditor**

Period Ended	Due Date	Date Discussed by CBOC
June 30, 2007	December 15, 2007	April 16, 2008

Review of Performance Audit Reports

**Total School Solutions
 Performance Auditor**

Period Ended	Type Report	Due Date	Date Accepted by CBOC
June 30, 2007	Annual	December 15, 2007	January 30, 2008
December 31, 2007	Semi-Annual	June 15, 2008	August 27, 2008