

Oakland Unified School District

Board of Education
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Minutes (Long)

Tuesday, September 28, 2010

5:00 PM

**Board Room, Paul Robeson Building, 1025 2nd Avenue, Oakland, CA
94606-2212**

Measure "G" Parcel Tax Independent Citizens Oversight Committee

***Sylvester Hodges, Chairperson
Bonnie Trinclisti, Robert Spencer
Roseann Torres, Sharon Higgins
Mary Loeser, Juana Barajas***

A. Call to Order

Chairperson Sylvester Hodges called the meeting to order at 5:10 P.M.

B. Roll Call

Roll Call: Present: Bonnie Trinclisti, Robert Spencer, Sharon Higgins, Mary Loeser, Juanie Barajas and Sylvester Hodges
Absent: Roseann Torres

C. Modifications to Agenda

None

D. Adoption of Committee Minutes



[10-2407](#) Minutes - Measure "G" Parcel Tax Independent Citizens Oversight Committee - May 10, 2010

Approval by Measure "G" Parcel Tax Independent Citizens Oversight Committee of Its Minutes of May 10, 2010.

Attachments: [10-2407 - Minutes - Measure "G" Parcel Tax Independent Citizens Oversight Committee - May 10, 2010](#)

Tabled to a Date Certain

E. Unfinished Business



10-0341 Measure G Committee Work Plan/Meeting Dates - Calendar Year 2010

Adoption by the Committee of Its Work Plan, Meeting Dates for Calendar Year 2010.

Attachments: [Document\(s\)](#)
[10-0341 - Measure G Committee Work Plan/Meeting Dates - Calendar Year 2010.pdf](#)

Tabled to a Date Certain

F. New Business



[10-2400](#)

Independent Accountant's Report on the Measure E Parcel Tax, Year Ended June 30, 2009

Approval by the Measure G Committee of Independent Accountant's Report to the Committee, and the Board of Education, on the Measure E Parcel Tax for the year ended June 30, 2009.

Attachments: [Document\(s\)](#)
[Independent Accountant's Report on the Measure E Parcel Tax for the year ended June 30, 2009.pdf](#)

Artise Hardy, Budget Director, summarized the report for Measure E covering Fiscal Year 2008-2009. The purpose of the audit was to determine if there were any inconsistencies or abnormalities in the way that expenditures were being recorded in our financial system and how they were being recorded on a staff generated report basis. The report found that there were no abnormalities or no issues in terms of the systems or processes that were used. The Auditor took a sampling of several programs for Measure E from 2008 and 2009. He took the summary expenditures and performed a detailed analysis to validate the expenditures by employees. The work sites were validated for the employees, as well as salary and benefits. The Auditor did a sampling of individual programs to determine if they aligned with the goals of the program.

Mary Loeser stated the audit does not speak to the content of the program and the Committee did not get a sense of the programs' success or accomplishments. She commented on the role of the Committee, or lack of.

Robert Spencer said his understanding of the Committee's role is to retroactively examine the expenditures under Measure G and determine if the funds were spent in accordance with the ballot language as approved by voters. He said the audit provided the needed information for him to assure Oakland voters that the money was spent appropriately.

Chairperson Hodges read information from Board of Education Director David Kakishiba on the purpose and duties of the Measure G Committee:

PURPOSE:

Ensure that proceeds of the 2008 Education Parcel Tax are spent only for the purposes named in the Measure:

- (1) Attract and Retain Highly Qualified Teachers*
- (2) Maintain Courses that help Student Qualify For College*
- (3) Maintain Up-to-Date Textbooks and Instructional Materials*
- (4) Keep Class Sizes Small*
- (5) Continue After School Academic Programs*
- (6) Maintain School Libraries*

*(7) Provide Programs, including Art and Music Programs,
that Enhance Student Achievement*

COMMITTEE DUTIES:

(A) Receive and review a report from the District Superintendent no later than December 31st of each year beginning no later than December 31, 2009, that details: 1) the Amount of 2008 Education Parcel Tax revenues received and expended in such year; and 2) the status of any projects or description of any programs funded from proceeds of the tax.

(B) Submit to the Board of Education regarding recommendations for corrective action to be ensure that Parcel Tax proceeds are spent only for purposes named in the Measure.

(C) Produce an annual report for public distribution that communicates the Committee's findings and recommendations.

Chairperson Hodges stated the Committee is asking for additional information. He said Mr. Spencer is correct regarding the financial aspect. We can say that we reviewed the audit for Measure G and that the finances were spent according to procedures of the Audit, but the Audit does not provide information about program achievements or benefits of Measure G funding.

Ms. Hardy stated a binder of information was given to Committee Members at the May Committee Meeting. Information outlined programs that used Measure G funds.

Chairperson Hodges said there were staff unable to attend the last Committee Meeting which resulted in many unanswered questions; the Committee has not received as much information as needed in order to take a position and make a report.

Mary Loeser said she has been on this Committee for a few years and the role of the Committee has changed a great deal. She detailed the review process used by the Committee in previous years: The Committee was able to hear presentations on funding proposals for the upcoming year and the Committee would get a report on the previous year's programs. Ms. Loeser said the Committee had a way to challenge the District on the spending of the money. She said the Committee was in a position to influence policy and the manner in which the funds were spent. She said information is given very late to the Committee and the Committee is looking at something that ended two years ago and involves money that has long been closed. The budget for this year is already in place. The Committee had lots of meeting where they got numbers. She said numbers are just part of the story and do not give information about the program or whether the programs are meeting the requirements of the parcel tax. Ms. Loeser stated it seems the Committee is only looking at things in arrears and is being asked to rubber stamp what the District is doing. There is no oversight. She said the bylaws were never brought to the Committee in terms of design.

Robert Spencer stated this Committee was created by the Board of Education and the Committee is accountable to the Board. We cannot do anything beyond what the Board of Education empowers us to do. He said this Committee has been formed to examine

expenditures in arrears. The Board Memo from August 27, 2008 clearly phrases the Committee's role as looking at expenditures that have been made and determining whether the expenditures were made in line with the ballot measure. The issues brought up by Ms. Loeser are irrelevant to this Committee's agenda. Regarding 2008-09, the Committee did have many questions on the 2009-10 expenditures which were the Measure G expenditures and were merely dollar amounts presented without any program description. The 2008-09 expenditures which were Measure E at the time, were very clear as presented in the binder and provided project descriptions, information on ways parent and community needs were met, and ways the Measure E funds were used to meet those needs. He said there was a clear accounting of the dollar amounts within each program, along with the results of each program. The information went on for a hundred pages and is exactly what this charge requires us to do to review a report from the Superintendent and determine whether the revenues received were expended and the projects and/or descriptions of any programs funded from the tax; then submit a report to the Board if we had any recommendations for corrective action. Mr. Spencer stated, between the binder and the audit they now have, 2008-09 is done and he is prepared to move forward. We can talk about 2009-10 and the kind of information we need in the future. He does not want to waste his time discussing a charge for this Committee that is irrelevant.

Chairperson Hodges stated the Committee can make recommendations. For Measure E, the Committee thought it was very effective in the way it functioned in that it was able to make the recommendations to the Board of Education. The Board could decide whether they would like for us to do it in that fashion. We have done what we are supposed to do for 2008-09 and the Committee did not have an opportunity to look at the program prior to implementation. He agreed we should get this item out of the way and move forward and ask the Board to give us the authority to proceed in a different manner.

Mr. Spencer stated he is fine with requesting a change in their charge. If the Committee decides to do that and the Board grants a change in its charge, then he is okay with that. The Committee needs to go through the process.

Mr. Spencer made a motion to approve the Independent Accounts Report on the Measure E Parcel Tax, Year Ended June 30, 2009. The motion was seconded by Chairperson Hodges.

Chairperson Hodges thanked Director David Kakishiba for his written comments. He would be in favor of the Committee using the process as they did when they were a Measure E Committee because that was a very effective way to ensure the programs reached the children and teachers.

Public Comments on this Item:

Jim Mordecai said Measure E language was approved to attract and retain highly qualified credentialed teachers. He asked if funds were spent for credentialed teachers. He said we know that is not true and money was spent for other purposes. The Committee was urged to vote "NO" and not accept the report because it is obvious the accountant paid no attention to the ballot language that has specific things that the money can be spent for, including credentialed teachers.

A motion was made by Robert Spencer, seconded by Sylvester Hodges, that this matter be Recommended Favorably. The motion carried by the following vote:

Votes: Adv Aye: 0
Adv Nay: 0
Adv Abstain: 0
Aye: 4 - Bonnie Trinclisti, Robert Spencer, Juana Barajas and Sylvester Hodges
Nay: 2 - Sharon Higgins and Mary Loeser
Recused: 0
Absent: 1 - Roseann Torres
Preferential Aye: 0
Preferential Abstention: 0
Preferential Nay: 0



10-2413

Annual Statement of All Receipts and Expenditures of Measure G - Fiscal Year 2009-10 (Unaudited Actuals) (Closing of the Books)

Approval by the Measure G Committee of the Annual Statement of All Receipts and Expenditures of the Measure G for the 2009-2010 Fiscal Year (Unaudited Actuals), (aka, Closing of the Books).

Attachments: [Document\(s\)](#)
[10-2413 - Annual Statement of All Receipts and Expenditures of Measure G - Fiscal Year 2009-10 \(Unaudited Actuals\) \(Closing of the Books\).pdf](#)

Artise Hardy, Budget Director, reviewed the Unaudited Actuals. She said she would come back to the Committee with the Receipts (revenue portions). The Committee has two documents. One is called Measure G Actuals for 2009-2010: Resource 0089; The second document is entitled Measure E Actuals for 2009-2010: Resource 0091.

Chairperson Hodges reviewed the Measure G Actuals for 2009-10:

<i>Class Size Reduction</i>	\$ 3,499,859
<i>Art</i>	500,000
<i>Elementary Intervention/Prep Time</i>	2,653,268
<i>Basic/Core Classroom Support</i>	9,706,068
<i>School Libraries (central support)</i>	1,753,000
<i>Oratorical Festival/Student Performances</i>	58,836
<i>OFASS (Summer Arts Program)</i>	65,112
<i>Middle School Electives</i>	995,939
<i>County Collection Fee</i>	349,021
<i>New Teacher Project</i>	843,876
<i>Safety - OUSD Police</i>	213,299
 <i>GRAND TOTAL</i>	 \$ 20,638,278

Mary Loeser said the numbers mean nothing in themselves because when these numbers were presented last year in the binder, under class size reduction, the information was listed by school. One of the schools that received class size reduction money was the school that she teaches at. She noted then that the school does not have class size reduction and she asked what class size reduction money is going for at that school? She stated the basic core classroom support was money that was given out to schools under

RBB with no guidelines or oversight. Principals were not given guidance that the money had to be expended within the categories of the Measure. These were concerns that the Committee had last year when these numbers were given to us. We asked questions and none of this was ever given back to us in terms of information.

Ms. Hardy provided information on 1191 Basic /Core Classroom Support - in the amount of \$9,706,068. She said \$6.2 million was spent for teachers' salaries. Salaries totalled approximately \$7,000,000 with benefits at \$2.2 million; \$185,000 for Textbooks, and approximately \$400,000 going to travel/conferences for teachers. Ms. Hardy said most of the \$9.7 million was for teachers and their salaries.

Ms. Loeser said one of her concerns is that the Measure has very specific goals. Measure E and Measure G were marketed as being used to make teacher salaries more competitive, yet, no money went to any teacher salary raises to make them more competitive.

Chairperson Hodges said the part about supplementing or supplanting is very difficult to determine. The Board of Education has a Finance Committee and that would be their function because they are the ones who develop the budget.

Ms. Loeser said she had another concern. She said the Courts have determined that interns and Teach for America teachers are not highly qualified teachers. She said a great deal of money has been spent out of these Tax Measures to recruit and pay finders fees to organizations to get these people. The Measure specifically states that it is supposed to be "qualified credentialed teachers" and we have been using money out of these Measures funds to hire and recruit non-credentialed teachers. Ms. Loeser said one of the questions would be: Now that the Courts have determined that it is not an appropriate qualification, do we then say that \$843,000 that was spent in 2009-10 has to be returned to the Measure G funds to be spent correctly? If we are going to look at things in arrears, can we make those kinds of demands?

Robert Spencer agreed with comments that these are just numbers for 2009-10. He appreciates being kept informed by administration as to where the dollars for the prior fiscal year were spent. To fulfill the duty of knowing the status of any project or description of any programs funded through proceeds of the tax, which is one of our charges, we will need a report similar to the Measure E report for 2008-09, for 2009-10. Once we have that report and have an independent audit, then the Committee can act on 2009-10. He is very supportive of understanding how monies are spent and if it appears they are supplanting General Purpose funds, the Committee has the ability to make recommendations as part of our report to the Board to say that is a concern and they would not like to see that. If the Committee has a concern about dollars going to teachers who are not credentialed, then we can make a point about that. Mr. Spencer stated he is not opposed to the Committee making recommendations to the Board about expenditures. He stated, based on the charge they have been given, that the Committee is reviewing in arrears.

Mr. Spencer asked staff when the program report would be available for 2009-10? Ms. Hardy said she will work with Maria Santos, Deputy Superintendent, to get the reports for Committee.

Chairperson Hodges asked Ms. Hardy to Email Committee Members when the report is

available. It could determine the next Committee Meeting date.

Public Comment on this Item:

Jim Mordecai said he does not agree with some of the comments. He said the Committee is entitled to express an opinion that money is not spent the right way. One of the things money is spent for is professional development. He reviewed the categories listed on the ballot measure for Measure E and noted professional development is not listed. He asked if the Committee intends to trace whether or not any administrator received money out of Measure E or Measure G? He reviewed language pertaining to oversight. He said the Committee is not doing its job. The Committee is not standing up. Most of the money was spent for the purposes it was supposed to, however, not one dollar should be spent otherwise; the Committee is not doing anything about it.

Chairperson Hodges said the Committee would be making an independent report that will be going out. The recommendations discussed tonight may be going forth with the report to the Board of Education regarding a determination of whether there is any supplanting of funds and to authorize our Committee in the future to do prior recommendations regarding staff's allocations, rather than post reviews of the allocations. If we get that approval, then we will function accordingly.

Robert Spencer noted this item was on the agenda for action. He would prefer not to act on the two-page handout because it is inadequate information for the Committee to do its job. The message that he would like to be sent to the Board is that the Committee looks forward to acting on the Closing of the Books for 2009-10. Once the Committee receives the information, they need to review the program report and the independent audit. Once the Committee receives those two documents, he would be prepared to act.

Sharon Higgins talked of her experiences on the Committee last year. Nothing was received on time and the Committee could not do their work. She asked if there was any way the Committee could have a meeting with the Board of Education to try and hash some of this out? This is something that has to get reined in and confined and roles figured out and it has to make sense; otherwise, it is going to be a failing service and it is not doing anything.

Mr. Spencer said we all ought to seek to be on the same page as a Committee and in communication with the Board as to what our charge is. The best way to proceed is for the Committee to come up with a proposal as part of our annual report, have a section in that report on Proposed Changes to the Committee's Charge." He said we need to get on the same page as a committee, rather than just start with an open-ended meeting with the Board.

Bonnie Trinclisti spoke about the history of the Committee when it was formed under State Administrator Randolph Ward. Then the Board of Education got its powers back and they changed the Committee's charge when it changed from Measure E to Measure G. She stated the Committee has to either accept or reject their charge.

Discussed

G. Public Comments on All Non-Agenda Items Within the Subject Matter Jurisdiction of the Committee

Jim Mordecai said the majority of people do not see what he sees. He sees the Committee as taking charge of their charge: if the Committee feels that professional development was not supposed to be included, the Committee takes a stand and says No." He said the Committee needs to have a majority willing to say NO." He said there seems to be an avoidance of confrontation with the Committee's opinion versus the opinion of someone else--someone that devalues the Committee's opinion. He said the spending of the money continued and the Committee kept rubber stamping. The Committee can say money was misspent. He urged the Committee to stand up and say they are going to write down and say these dollars were misspent.

Robert Spencer stated he is willing to accept an Independent Auditor's opinion that the Measure dollars were spent correctly regarding 2008-09. Going into 2009-10, it would be helpful to have the Auditor here when we discuss the audit.

H. Introduction of New Matter(s)

Sharon Higgins asked if the Committee needed a separate meeting to address any proposed changes to the Committee's charge.

Chairperson Hodges said we want to ensure that the Committee is in agreement with any report that is reflecting the majority of this Committee's views. We will be bringing it back to this Committee.

Artise Hardy stated she will contact the leadership team and ask about the program descriptions. The audit matter is a separate issue and will be coordinated with the outside auditor.

Chairperson Hodges said we would move forward once we get the program information.

10-2499 Proposed Changes to Committee's Charge - Measure G Parcel Tax Independent Citizens' Oversight Committee

Measure G Annual Report - Adding a section for Proposed Changes to the Committee's Charge.

I. Adjournment

Chairperson Sylvester Hodges adjourned the meeting at 6:20 P.M.

Prepared By: _____

Approved By: _____