

**Oakland Unified School District
Measure B – Proposition 39 General Obligation Bond Program**

Matrix / Summary of Roles and Responsibilities of Board, Staff, and CBOC

Tasks Performed as Part of Bond Program	Responsible Group		
	District Governing Board	District Staff	Citizens' Oversight Committee
Determine facility needs, modernize & acquire sites	✓		
Determine financing of facilities	✓		
Call bond election & sell bonds	✓		
Recommend Program scope, budget, schedule, sites, etc. to Board		✓	
Determine & certify scope, budget, schedule, sites, etc.	✓		
Establish CBOC & appoint members	✓		
Establish CBOC policies & regulations	✓		✓
Recommend consultants & submit to Board for approval		✓	
Let contracts for all consultants for Program, including auditors	✓		
Prepare bid documents, invite bids & submit to Board for approval		✓	
Let construction contracts & approve changes orders with contractors	✓		
Oversee, manage, and administer the performance of all projects		✓	
Authorize payment to consultants and contractors	✓		
Report to Board and Citizens' Oversight Committee		✓	
Provide Assistance (Administrative and Technical) to the CBOC	✓	✓	
Accept completed projects	✓		
Receive & review audits (annual financial audit & performance audit)			✓
Receive & review deferred maintenance proposals, plans or reports			✓
Inspect school facilities (accompanied by Staff)			✓
Review cost-saving measures of District			✓
Inform the public concerning:			
The proper expenditure of bond revenues			✓
The District's project list and related student needs			✓
The preparation of the financial audit and performance audit			✓
Issue a report at least once a year			✓

Oakland Unified School District
Measure B – Proposition 39 General Obligation Bond Program

January 18, 2012, Meeting
6:00 P.M.

Roles and Responsibilities of Board, Staff, and CBOC

I. DISTRICT GOVERNING BOARD

A. General Powers

1. The District's Board of Education may initiate and carry on any program, activity, or act in any manner which is not in conflict with, inconsistent with, or preempted by any law and which is not in conflict with the purposes for which school districts are established. (Ed. Code § 35160.)
2. The Board may execute any powers delegated by law to it or to the District and shall discharge any duty imposed by law upon it or upon the District, and may delegate to an officer or employee of the District any of those powers or duties. The Board, however, retains ultimate responsibility over the performance of those powers or duties so delegated. (Ed. Code § 35161.)

B. Provide Facilities for the Education of Children

1. Evaluate school facilities needs and determine when new facilities are needed.
2. Approve additions or alterations to existing buildings.
3. Select and acquire sites.

C. Determine the Method of Financing

1. If a bond measure, call election and arrange for sale of bonds. (Ed. Code § 15140 et seq.)
2. If a Proposition 39 Bond Measure,
 - a) Determine scope, locations and schedule of projects and that bond proceeds would only be spent on appropriate types of projects. (Ed. Code § 15100.)
 - b) Provide a list of the specific school facilities project to be funded with bond proceeds. (Cal. Const., Art XIII A, § 1(b)(3)(B).)
 - c) Certify that the Board has evaluated safety, class size reduction, and information technology needs in developing the project list. (Cal. Const., Art. XIII A, § 1(b)(3)(B).)

D. For a Proposition 39 Bond Measure, appoint a Citizens' Bond Oversight Committee (CBOC)

1. The Board shall establish and appoint members to an independent citizens' oversight committee pursuant to Education Code section 15282 within 60 days of the date that the Board enters the election results on its minutes. (Ed. Code § 15278(a).)
2. The Board must appoint CBOC members from statutorily-specified community groups. (Ed. Code § 15282(a).) The Board may not appoint any:
 - a) Employee or official of the District to the CBOC. (Ed. Code § 15282(b).)
 - b) Vendor, contractor, or consultant of the District to the CBOC.
 - c) Persons who have a conflict of interest pursuant to Government Code section 1090 et seq.
 - d) Persons who hold an office incompatible with service on the CBOC pursuant to Government Code section 1125 et seq. (Ed. Code § 15282(b).)
3. The Board may establish policies and regulations for the CBOC. These are within the District's Board-approved CBOC Bylaws.
 - a) Policies and regulations can address the CBOC's purpose, duties, the extent of its authority, member selection and composition, and vacancies, including the time period and process for filling vacancies.
 - b) The Board can specify that regular attendance at meetings is expected and can address removal and replacement of CBOC members who fail either to attend a specified number of meetings or to submit a written resignation.
 - c) The Board may remove any Committee member for any reason, including failure to attend two consecutive Committee meetings without reasonable excuse or for failure to comply with the Committee Ethics Policy. Upon a member's removal, his or her seat shall be declared vacant. The Board, in accordance with the established appointment process shall fill any vacancies on the Committee. Vacancies shall be filled within 90 days from the initial date of each such vacancy.
 - d) The Board can require a minimum number of meetings per year.
 - e) The Board may specify that some Board members and the superintendent or designee(s) may attend CBOC meetings.
 - f) The Board should address the situation in which a member ceases to belong to the group he or she was appointed to represent.

E. Implement the Bond Program

1. The Board shall authorize the bond program budget, scope, schedule and locations. (Ed. Code § 15100.)
2. The Board shall approve the selection of architects, engineers and other consultants as needed to design and implement facilities improvement projects and to perform the financial and performance audits of the bond funds and program. (Ed. Code § 17266; Gov. Code § 4529.10 et seq.)
3. The Board shall obtain all requisite approvals of the design of facilities improvement projects. (Ed. Code §§ 17267 and 17268.)
4. The Board shall determine the method of payment for construction contracts. (Ed. Code § 17603.)
5. The Board shall let any contracts involving an expenditure of more than the applicable bid limit for the purchase of equipment, materials, or supplies, non-construction services, repairs and maintenance and any contracts for public projects involving an expenditure of more than the applicable bid limit as required by law. (Pub. Contract Code §§ 20111 and 22000, et seq.)
6. The Board shall authorize all contracts and all changes to contracts. (Ed. Code § 35200, Public Contract Code § 20111, 20118.4.)
7. The Board shall accept all completed projects.
8. The Board shall ensure that bond funds have been expended only on projects included in a list of the specific school facilities projects to be funded. (Cal. Const., Art. XIII A § 1(b)(3)(C).)
9. The Board shall ensure that the proceeds from the sale of bonds are used only for the purposes of 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 not for any other purpose, including teacher and administrator salaries and other school operating expenses. (Cal. Const., Art. XIII A § 1(b)(3)(A).) This has been clarified by the California Attorney General in an advisory opinion that allows school districts to use bond funds to pay for staff that is performing services related to the bond. (Cal. A. G. Opinion; 87 Ops.Cal.Atty.Gen. 157 (2004).)
10. The Board shall conduct an annual, independent performance audit to ensure that the funds have been expended only on the specific projects listed. (Cal. Const., Art. XIII A § 1(b)(3)(C).)
11. The Board shall conduct an annual, independent financial audit of the proceeds from the sale of the bonds until all of the proceeds have been expended for the school facilities projects. (Cal. Const., Art. XIII A, Sec 1(b)(3)(D).)
12. The Board shall, without expending bond funds, provide the CBOC any necessary technical assistance, administrative assistance in furtherance of its purpose, and sufficient resources to publicize the committee's conclusions. (Ed. Code § 15280(a).)

II. STAFF

A. General Powers

1. The Board may delegate its power to contract to the superintendent or designee. No contract made pursuant to a delegation shall be valid or constitute an enforceable obligation of the District unless and until the contract has been approved or ratified by the Board. (Ed. Code § 17604.)
2. Delegation for contracts not in excess of the amounts specified in Public Contract Code section 20111, if contracts are controlled by section 20111, shall be reviewed by the Board every 60 days. (Ed. Code § 17605.)

Board has delegated authority to Mr. White for contracts up to \$50, 000 per fiscal year, per vendor. These come back to the Board for ratification

B. Carry Out Bond Program **BASICALLY, STAFF DO THE HEAVY LIFTING FOR THE BOARD AT THE BOARD'S DIRECTION**

1. Under Board direction, select consultants for recommendation to the Board. (Gov. Code § 4529.10 et seq.)
2. Recommend to the Board the budget, scope, schedule and locations of Bond program work.
3. Oversee and assist in the design of bond program work to meet the District's needs.
4. Oversee and implement the bidding and other procurement of construction projects. (Pub. Contract Code §§ 100-9203; 20101-20118.4; 22030-22355.)
5. Recommend to the Board the award of contracts to the low responsive, responsible bidder for each contract, (Pub. Contract Code § 20111.) or to best value / qualified for LLB where an RFP is only required.
6. Oversee and implement the performance of bond-funded construction projects.
7. Under Board direction, implement selection of financial and performance auditors. (Cal. Const., Art. XIII A, § 1(b)(3)(C) and (D).)

C. Report to Board and Citizens' Oversight Committee

D. Provide Administrative and Technical Assistance to the CBOC

1. This includes administrative and technical assistance for compliance with the Brown Act. (Gov. Code § 54950 et seq.; Ed. Code § 15280(b).)
2. This includes assistance with the preparation of regular reports on committee activities, with at least one report issued each year. (Ed. Code § 15280(b).)
3. This includes making all documents and minutes available on the District's Internet website. (Ed. Code § 15280(b).)

III. CITIZENS' OVERSIGHT COMMITTEE

- A. Inform the public concerning the expenditure of bond revenues. (Ed. Code § 15278(a).)
- B. Actively review and report on the proper expenditure of taxpayers' money for school construction (Ed. Code § 15278(a).)
- C. Advise the public whether the District is complying with the following accountability requirements
 - 1. That the proceeds from the sale of bonds be used only for the purposes of 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 not for any other purpose including teacher and administrator salaries and other school operating expenses. This has been clarified by the California Attorney General in an advisory opinion that allows school districts to use bond funds to pay for staff that is performing services related to the bond. (Cal. A. G. Opinion; 87 Ops.Cal.Atty.Gen. 157 (2004).
 - 2. That the District has provided a list of the specific school facilities projects to be funded and certification that the Board has evaluated safety, class size reduction, and information technology needs in developing that list.
 - 3. That the Board has conducted an annual, independent performance audit to ensure that the funds have been expended only on the specific projects listed.
 - 4. That the Board has conducted 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. (Cal. Const., Art. XIII A § 1(b)(3).)
- D. Provide oversight for, but not be limited to, both of the following
 - 1. Ensuring that bond revenues are expended only for the purposes of 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. (Ed. Code § 15278(b)(1).)
 - 2. Ensuring that no funds are used for any teacher or administrative salaries or other school operating expenses. (Ed. Code § 15278(b)(2).)
- E. The CBOC may engage in any of the following activities
 - 1. Receiving and reviewing copies of the annual, independent performance audit. (Ed. Code § 15278(c)(1).)
 - 2. Receiving and reviewing copies of the annual, independent financial audit. (Ed. Code § 15278(c)(2).)
 - 3. Inspecting school facilities and grounds to ensure that bond revenues are expended only for the purposes of 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. (Ed. Code § 15278(c)(3).)

4. Receiving and reviewing copies of any deferred maintenance proposals or plans developed by the District, including any required reports. (Ed. Code § 15278(c)(4).)
 5. Reviewing efforts by the District to maximize bond revenues by implementing cost-saving measures, including, but not limited to, all of the following:
 - a) Mechanisms designed to reduce the costs of professional fees.
 - b) Mechanisms designed to reduce the costs of site preparation.
 - c) Recommendations regarding the joint use of core facilities.
 - d) Mechanisms designed to reduce costs by incorporating efficiencies in school site design.
 - e) Recommendations regarding the use of cost-effective and efficient reusable facility plans. (Ed. Code § 15278(c)(5).)
 6. The CBOC shall issue regular reports on the results of its activities. (Ed. Code § 15280(b).) [i.e., more than just the required annual report.]
- F. **Issue a report at least once a year. (Ed. Code §15280(b).)**
- G. **The CBOC may receive documents which shall be placed, along with minutes of CBOC proceedings, on the District's website. (Ed. Code § 15280(b).)**
- H. **The CBOC has adopted operational bylaws to assist it in carrying out its functions, however the bylaws do not contradict or provide more authority than the applicable state**
- I. **The CBOC has an oversight role. It shall not take part in operating the Bond program. For example:**
1. The CBOC has no authority to participate in the school district's actual bond sale and issuance process, or make decisions regarding the timing, terms, or structure of a bond issuance.
 2. The CBOC does not have the authority to select, or participate, in the negotiation or bid process for contractors or consultants for bond projects.
 3. Although the CBOC may visit construction sites, the CBOC may not visit construction sites or construction projects without prior permission of the school district's superintendent, who reserves the right to determine frequency and timing of visits.
 4. The CBOC may not contact school district contractors or consultants without prior permission of the superintendent.