

Rehon

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**RESPONSE TO THE
WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT
BOARD OF EDUCATION'S
REQUEST FOR QUALIFICATIONS
AND PROPOSAL
FOR SPECIAL COUNSEL SERVICES**

**RFQ ISSUED: JUNE 22, 2015
SUBMITTAL DUE: JULY 10, 2015 – 4:00 P.M.**

**SUBMITTED BY REHON & ROBERTS, APC
830 THE ALAMEDA
SAN J**

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July 10, 2015

VIA HAND DELIVERY AND ELECTRONIC MAIL

Mr. Todd Groves, Board President (toddagroves@gmail.com)
West Contra Costa Unified School District
1108 Bissell Avenue
Richmond, CA 94801

Re: Response and Proposal of Rehon & Roberts, APC

Rehon

Mr. Todd Groves, Board President
West Contra Costa Unified School District
June 10, 2015
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If selected, and with the consent of the Board of Education, the firm would designate Rogelio M. Ruiz as lead to provide the special counsel services outlined by the Board of Education. The firm and Mr. Ruiz have a demonstrated commitment and capability of developing long-term positive relationships with Board Members built on trust and open communication, and Mr. Ruiz meets the qualifications for the services outlined.

We look forward to an opportunity to meet with the Subcommittee and/or the Board of Education and to responding to any questions or concerns which you have.

Sincerely,

REHON & ROBERTS
A Professional Corporation



Peter M. Rehon

Enclosure

TAB 2

BACKGROUND INFORMATION

Rehon & Roberts, APC is an AV-rated law firm located at 830 The Alameda in San Jose, California. The firm was founded in 1996 and serves and has served a diverse range of clients, including school districts, municipalities, the County Office of Education and non-profit organizations as well as banks and other financial institutions, major developers and Fortune 50 companies. As a

Mr. Ruiz currently serves as Legal Counsel to the East Side Union High School District and the Alum Rock Union Elementary School District and, in that role, provides legal representation and guidance to those districts and their respective Governing Boards. Each of those school districts has large on-going bond construction programs for which Mr. Ruiz provides representation and guidance on contracting and contracting practices, audit issues and Proposition 39 and regulatory requirements and compliance. East Side Union High School District's bond programs include Measure G (\$298,000,000, voter-approved in 2002), Measure E (\$349,000,000, voter-approved in 2008), Measure I (\$120,000,000, voter-approved in 2012), and Technology Bond Measure I (\$113,000,000, voter-approved in 2014). Alum Rock Union Elementary School District's bond program currently includes its Measure G bond program in the

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BAR MEMBERSHIP:

Mr. Ruíz was admitted to the Bar in December 1990 and he has been a member of the California State Bar in good standing since December 1990.

EDUCATION:

University of Michigan Law School, Ann Arbor, Michigan
Associate Editor, *Michigan Journal of International Law*
Juris Doctor, May 1990

University of California, Los Angeles, Los Angeles, California
Bachelor of Arts, Economics, 1986

University of Lund, Sweden
June 1984 – June 1985
Course of Study: Economics; Economies of Developing Nations

Cal Poly – San Luis Obispo, San Luis Obispo, California
August 1981 – June 1983
Course of Study: Architecture

RELEVANT EXPERIENCE

Describe overall experience in providing services to school districts and other governmental agencies.

The firm currently serves as Legal Counsel to the East Side Union High School District and the Alum Rock Union Elementary School District, and their respective governing boards. In that role we have successfully represented those districts in a variety of matters relating to nearly all aspects of school district operations (not including special education services or representation). Within the larger Bay Area, the firm and its attorneys have also previously served as special counsel to the City of Redwood City, the Santa Clara Valley Water District, the San Jose Evergreen Community College District, Foothill/DeAnza Community College District and the Santa Clara County Board of Education in matters relating to employment, employment litigation, collective bargaining, construction, facilities and real property acquisition and dispositions.

In the role of Legal Counsel to governing boards we have advised and trained governing boards on Brown Act issues and compliance, we have provided conflict of interest trainings under the Political Reform Act and other applicable state conflict of interest laws and principles, and we regularly review and provide legal opinions on conflict of interest issues. We also regularly provide trainings in the area of employment compliance matters (e.g., sexual harassment training and employee discipline) and in student discipline processes.

The firm's practice also includes representing school districts in nearly all aspects of school district operations including contract negotiation, review and administration, Board governance issues, real property matters, charter school facilities and oversight matters, and labor negotiations and employment matters.

The firm has also represented school districts in connection with the construction of new school facilities, and in the acquisition and disposition of real property.

As Legal Counsel to the East Side Union High School District, Mr. Ruiz attends all closed and open session meetings of the Governing Board. Mr. Ruiz is also currently Chief Labor Negotiator for the Alum Rock Union Elementary School District, as designated by that District's Governing Board.

The firm is sensitive to the unique legal and budgetary issues facing public schools. Our firm is located in a single office in San Jose, California, which allows us to serve our clients in an efficient and cost-effective manner. Our attorneys are all residents of the South Bay and East Bay area and as a result our firm and our attorneys have long been members of the Bay Area education community. As a consequence we do not have to support attorneys and office

overhead in multiple offices in different cities and we are able to pass on the cost-efficiencies to our clients. Our attorneys have represented clients in Federal District Court, State Superior Court, before the State Allocation Board, and in arbitrations, disciplinary administrative hearings, hearings before the Public Employment Relations Board, the Equal Employment Opportunity Commission and the State of California Department of Fair Employment and Housing, the State of California Labor Commissioner (regarding alleged Labor Code violations) and the State of California Employment Development Department (unemployment hearings).

Describe recent experience in advising school districts in financial and bond program areas.

Mr. Ruiz has represented and counseled a school district whose bond contracting practices were the subject of investigation and audit by the County Office of Education and subsequent Extraordinary Audit by the Fiscal Crisis & Management Advisory Team (FCMAT). The COE and FCMAT audits were prompted by an anonymous complaint to the COE regarding certain alleged contracting practices. The firm and Mr. Ruiz have assisted the district in responding to the audits and audit findings and recommendations, in revising Board Policies and Administrative Regulations, in the immediate review and cessation of questionable district practices, in the preparation and implementation of revised contracting and financial internal controls, and in the creation of a new district Audit Committee and in the drafting of the Committee charter for Board approval.

Mr. Ruiz regularly counsels and advises school district clients in connection with the preparation by independent auditors of required financial and performance audits of bond programs and other audits. In that regard, Mr. Ruiz has extensive experience in reviewing draft and final audit reports and in working with auditors to review and responding to audit exceptions.

Mr. Ruiz has provided Brown Act training and other legal support to statutorily mandated Bond Oversight Committees, including legal analyses relating to the lawful use of bond monies and disposition of State matching funds insurance proceeds.

The firm represents school district clients in connection with the preparation and negotiation of bond program management and construction management agreements, disputes with program and construction managers relating to the performance and/or administration of such contracts and billing practices under such agreements. Mr. Ruiz has also conducted confidential investigations relating to public contracting practices including alleged conflicts of interest, allegations of over-billing, false claims allegations, and allegations of public corruption, including the reporting and disclosure of suspect practices to

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REFERENCES

Rehon & Roberts, APC provides the following list of business related references:

1. **Frank Biehl**, Governing Board Member, East Side Union High School District, 830 North Capitol Avenue, San Jose, California 95133. Mr. Biehl is also currently Chair of the District's Audit Committee.

Tele: (408) 223-2330

Relationship: Rogelio M. Ruiz has served as Legal Counsel for the East Side Union High School District and its Governing Board from November 2004 to the present, and advises the District and the Governing Board on the District's bond program including contracting practices and compliance with Prop. 39.

2. **Andres Quintero**, Governing Board Member, Alum Rock Union Elementary School District, 2930 Gay Avenue, San Jose, California 95127. Mr. Quintero is also a Member of the Citizens Bond Oversight Committee for the East Side Union High School District.

Tele: (408) 823-9842

Relationship: The Firm including Mr. Ruiz has served as Legal Counsel to the Alum Rock Union Elementary School District and its Governing Board from October 2009 to the present, and advises the District and the Governing Board on the District's bond program including contracting practices and compliance with Prop. 39.

3. **Hilaria Bauer, Ed.D.**, Superintendent, Alum Rock Union Elementary School District, 2930 Gay Avenue, San Jose, California 95127.

Tele: (408) 928-6822

Relationship: The Firm including Mr. Ruiz has served as Legal Counsel to the Alum Rock Union Elementary School District from October 2009 to the present, and advises the District and the Governing Board on the District's bond program including contracting practices and compliance with Prop. 39.

4. **Craig Mann**, San Jose Evergreen Community College District, 40 S. Market Street, San Jose, California 95113. Mr. Mann previously served on the Governing Board of the Santa Clara County Board of Education (2006-2012) and also on the Governing Board of the East Side Union High School District.

Tele: (408) 513-4096

Relationship: The firm and Mr. Ruiz served as counsel to the Santa Clara County Board of Education and the East Side Union High School District Board during Mr. Mann's tenure as an elected Board Member on each of those bodies.

**PROPOSED TIME COMMITMENT AND OVERALL COST
OF SERVICES**

The firm proposes a blended rate of \$265 per hour for the time of any attorney whose service may be required with this engagement. The firm's Legal Assistant will be billed at the rate of \$95 per hour. The firm will not charge or bill for facsimile transmissions, routine copying, staff over-time, or long distance telephone charges. The firm will not bill for mileage for tr.1 A

General Task Description	Estimated Attorney Time	Estimated Fee
A. Compile a list of competent audit firms with a		

THE FIRM'S MALPRACTICE INSURANCE

The firm hereby certifies that our professional liability policy is a claims-made policy with PSIC Insurance Company. Our limits of liability are \$2 million per claim and \$2 million aggregate. The effective dates of coverage are from March 18, 2015 through March 18, 2016, 12:01 AM Standard Time.

