

WEST **CO** NTRA **CO** STA
UNIFIED SCH

**MEASURES D AND J
MIDYEAR REPORT
DECEMBER 31, 2008**

**TOTAL SCHOOL SOLUTIONS
4751 MANGELS BOULEVARD
FAIRFIELD, CA 94534**

West Contra Costa Unified School District

BOARD OF EDUCATION

December 31, 2008

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EXECUTIVE SUMMARY

This is the Midyear Report of the \$300 million Measure D and \$400 million Measure J bond program for the 2008-09 fiscal year. TSS examined documentation and processes and interviewed persons involved in the bond program. Representations made by the District staff and consultants were used, where appropriate, to make assessments and formalize conclusions which are documented in this report. Each component was evaluated separately and collectively based on the materiality of each activity and its impact on the total bond program.

The financial records for the Measure D and Measure J bond programs, reported in the Capital Assets Management Plan Report (CAMP) dated January 28, 2009, prepared by The Seville Group Incorporated (SGI), have been used during the course of this review. The District's financial records were used for testing payments made through the bond fund.

A twenty-one member Citizens' Bond Oversight Committee (CBOC) was established by the Board to provide oversight of the bond program. As

Prior annual audit and midyear reports have raised concerns over inefficiencies caused by overlapping services and responsibilities of District staff and consultants. While several earlier concerns have been addressed and resolved by the District, a few concerns are again being addressed in this report, since a matrix of services indicates areas of overlap. To address these concerns, TSS makes the following recommendation:

- The District should update all service agreements to coordinate bond management and eliminate overlap in services. Wherever possible, the District should eliminate duplicative services. There may be a need to have more than one entity provide some services. In those cases, the agreements should indicate which entity has the primary responsibility and how those services are coordinated to avoid confusion and conflict. This process should also include designation of the person/entity with assigned primary responsibility for various functions.

Another concern raised by persons interviewed, deals with facilities “equity” – the fact that some schools have received major funding while other schools have had facilities work deferred to an unspecified future date. This issue cannot be addressed adequately with currently encumbered Measures D and J bond funds and supplementary funding sources without a major redirection of available resources. Therefore, any resolution will have to await the identification of additional resources.

With a current program of approximately \$1.1 billion, and an unknown cost for future work remaining to be done, the District and its communities would be better served by an updated facilities master plan. Such a plan should address all aspects of the District’s facilities needs, including “equity” issues discussed above, grade organization, desired school sizes, possible school consolidation, school boundaries, unmet facilities needs and costs, and an asset management component.

In the absence of a comprehensive plan, the District could find itself in the position of having spent monies on facilities which, in the future, may not be used for educational purposes. Over time, with enrollment increase and/or decline that may occur District wide and/or regionally, practicable plans will need to be formulated to better serve the school communities. The District will need to identify new sources of capital improvement funding, including any existing resources such as surplus properties.

The above narrative addresses three major concerns raised in this Midyear Report: cash-flow, overlapping professional/management services and the need for a comprehensive facilities master plan. It is noted, however, that throughout this report, numerous observations have been made and detailed information has been presented wh

Although it is outside the scope of this performance audit, the authors of this study note that on February 11, 2009, the West Contra Costa Unified School District Board of Education adopted a resolution that will lead to the closure of El Sobrante Elementary, Castro Elementary, Lake Elementary and Adams Middle School, as well as the Seaview Staff Development Center and a

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District Accounting Funds

The District funds used to account for facilities revenues and expenditures are the following:

Fund	Description¹
14	Deferred Maintenance
21	Building (Including Measures E, M, D and J)
25	Capital Facilities
35	County (State) School Facilities
40	Special Reserves – Capital Outlay

¹ Refer to the following table for a detailed accounting of funds for the 2007-08 fiscal year and an explanation of

CAPITAL FACILITES FUNDS

Fiscal Year Ending June 30, 2008	Fund 14 Deferred Maint. Fund¹	Fund 21 Building Fund²	Fund 25 Capital Facilities Fund³	Fund 35 County School Facilities Fund⁴	Fund 40 Special Reserves Capital Outlay Fund⁵	Totals
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¹ The Deferred Maintenance Fund is used for projects identified in the District’s Five-Year, Deferred Maintenance Plan. Funding comes from a District match contribution (transfers from the Building Fund) and a state match contribution. (Note: Education Code Section 15278(c) (4) governing a Citizens’ Bond Oversight Committee permits that committee to receive and review copies of any deferred maintenance proposals or plans.)

² The Building Fund is used to account for revenues and expenditures from G. O. bond proceeds on acquisition and/or construction of facilities. The transfers include \$1,339,820 to the General Fund (which is then transferred to the Deferred Maintenance fund) and \$1,200,000 to the General Fund’s Routine Restricted Maintenance Fund.

³ The Capital Facilities Fund is used to account for developer fee revenue and expenditures.

⁴ The County School Facilities Fund is used to account for proceeds received from the State Allocation Board for modernization, new construction and related State-match projects.

⁵ The Special Reserves – Capital Outlay Fund is used to account for funds used for the acquisition and/or construction of facilities.

On July 10, 2002, the Board of Education of the West Contra Costa Unified School District authorized the administration to submit a waiver request to the California State Board of Education (SBE) to increase the District's bonding limit from 2.5 percent to 3.13 percent of assessed valuation (A/V). At the SBE meeting of November 13-14, 2002, the SBE approved the waiver

By utilizing county and state pooled funds, the bond proceeds earn low-risk interest from the time the bonds are sold until proceeds are expended. Pooled funds with the County are immediately accessible by the District to meet its cash-flow needs. Funds in the LAIF require District action to withdraw, and such withdrawals are subject to cash-flow needs. The combination of local and state pooled funds is a sound investment approach to maximize interest earnings between the time the bonds are sold and they are expended.

COMPLIANCE WITH BALLOT LANGUAGE

MEASURE D

On November 28, 2001, the Board of Education of the West Contra Costa Unified School District approved the placement of a \$300 million bond measure (Measure D) on the ballot with the adoption of Resolution No. 42-0102. Measure D, a Proposition 39 bond measure requiring a 55 percent affirmative vote, passed with 71.6 percent of the vote on March 5, 2002.

The complete ballot language contained in Measure D is included in Appendix A. The following appeared as the summary ballot language:

“To complete repairing all of our schools, improve classroom safety and relieve overcrowding through such projects as: building additional classrooms; making seismic upgrades; repairing and renovating bathrooms, electrical, plumbing, heating and ventilation systems, leaking roofs, and fire safety systems; shall the West Contra Costa Unified School District issue \$300 million in bonds at authorized interest rates, to renovate, acquire, construct and modernize school facilities, and appoint a citizens’ oversight committee to monitor that funds are spent accordingly?”

While the Measure D ballot focused on secondary school projects, the bond language was broad enough to cover the following three categories of projects for all District schools (taken from Bond Project List, Appendix A, Exhibit A):

I. All School Sites

- Security and Health/Safety Improvements
- Major Facilities Improvements
- Site Work

II. Elementary School Projects

- Complete any remaining Measure M projects as specified in the Request for Qualifications (RFQ) of January 4, 2001, including projects specified in the Long Range Master Plan of October 2, 2000
- Harbour Way Community Day Academy

III. Secondary School Projects

- Adams Middle School
- Juan Crespi Junior High School
- Helms Middle School
- Hercules Middle/High School
- Pinole Middle School
- Portola Middle School
- Richmond Middle School
- El Cerrito High School
- Kennedy High School and Kappa High School

- Richmond High School and Omega High School
- Pinole Valley High School and Sigma High School
- De Anza High School and Delta High School
- Gompers High School
- North Campus High School
- Vista Alternative High School
- Middle College High School

II. School Projects

- Complete Remaining Elementary School Projects
- Complete Remaining Secondary School Projects
- Reconstruction Projects
 - a. Health and Life Safety Improvements
 - b. Systems Upgrades
 - c. Technology Improvements
 - d. Instructional Technology Improvements

- Specific Sites Listed for Reconstruction or New Construction
 - De Anza High School
 - Kennedy High School
 - Pinole Valley High School
 - Richmond High School
 - Castro Elementary School
 - Coronado Elementary School
 - Dover Elementary School
 - Fairmont Elementary School
 - Ford Elementary School
 - Grant Elementary School
 - Highland Elementary School
 - King Elementary School
 - Lake Elementary School
 - Nystrom Elementary School
 - Ohlone Elementary School
 - Valley View Elementary School
 - Wilson Elementary School

As required by Proposition 39, the West Contra Costa Unified School District certified the results of the November 8, 2005 bond (Measure J) election at the school board meeting of January 4, 2006. At the same meeting, the school board established the required Citizens' Bond Oversight Committee for Measure J fund expenditures. The Measure D committee now serves as the Measure J committee as well.

As of December 2008, based on the Capital Assets Management Plan dated January 28, 2009, the District had encumbered and expensed \$107.8 m

FACILITIES PROGRAM HISTORY/STATUS

To assist the community in understanding the District’s facilities program and the chronology of events and/or decisions that resulted in the increased scopes and costs for projects, this report documents the events that have taken place since July 1, 2008. For a discussion of prior Board agenda items and actions, refer to earlier annual and midyear reports. Major actions of the Board of Education are listed in the table below.

Chronology of Facilities Board Agenda items since July 1, 2008.¹

DATE	ACTION	AMOUNT
July 9, 2008 (F.1)	Facilities Planning and Construction Status Reports	
July 9, 2008 (G.11)	Ratification and Approval of Negotiated Change Orders	\$287,834
July 9, 2008 (G.12)	Ratification and Approval of Engineering Services Contracts	\$165,800
July 9, 2008 (G.13)	Ratification of Previously Awarded Contracts: 1. IMR Contractors, Lupine Hills Roof Repairs	\$217,000 (6/18/08)
	2. Bay Cities Paving and Grading, DeAnza High School Demolition, Grading and Utilities	\$2,393,000 (6/18/08)
	3. Ghilotti Brothers, Mira Vista Playground Repair (2 nd low bidder)	\$422,644 (6/4/08)
July 9, 2008 (G.15)	El Cerrito High School Photovoltaic System (Measure J) Note: There are projected net savings of \$575,000 - \$800,000.	\$800,000
July 9, 2008 (G.16)	Award of Contract to Mobile Modular Management Corp., Ford Temporary Campus Modulares (Measure J – Piggyback)	\$631,517
July 9, 2008 (G.17)	Award of Contract to Evan Brothers, Dover Elementary, Phase I Sitework (Measure J – 3 bids)	\$446,958
July 9, 2008 (G.18)	Award of Contract to Bruce Carone, Pinole Valley High School Access Compliance Sitework (Measure J – 4 bids)	\$51,344
July 9, 2008 (G.20)	Citizens’ Bond Oversight Committee appointments: Richard Leigh, representing Board member Dave Brown Marcus Mitchell, representing Public Employees Union Local 1 Richard Leung, alternate for Marcus Mitchell	
July 30, 2008 (C.2)	Citizens’ Bond Oversight Committee Oral Report	
July 30, 2008 (G.11)	Ratification and approval of Negotiated Change Orders (4 projects)	\$423,835
July 30, 2008 (G.12)	Ratification and approval of Engineering Services Contracts (8 contracts)	\$322,079
July 30, 2008 (G.14)	Award of Contract to Kel Tec Construction, Pinole Valley High School Access Compliance Restrooms project (Measure J – 7 bids)	\$158,750
July 30, 2008 (G.15)	Award of Contract to Bay Cities Paving and Grading, King Elementary Demolition, Sitework and Temporary Playground (Measure J – 4 bids)	\$461,000
July 30, 2008 (G.16)	Approve Agreement with City of Richmond for King Elementary Construction Access, Right of Use and Restoration for Temporary Playground (Measure J)	
July 30, 2008 (G.17)	Approval of Updated Measure J Program Budget with Adjusted Allocations and Revenues	

DATE**ACTION****AMOUNT**July 30, 2008
(G.20)

Citizens' Bond Oversight Committee:

DATE	ACTION	AMOUNT
October 1, 2008 (G.12)	Ratification of Previously Awarded Contracts: 1. Kel Tec, Pinole Valley High School Restroom Access Compliance	\$158,750 (7/30/08)
	2. Bay Cities Paving and Grading, King Demolition, Sitework and Temporary Playground	\$461,000 (7/30/08)
	3. Galeridge Construction, Pinole Valley High School Parking Lot Paving	\$151,827 (7/30/08)
	4. Ionian Construction, Kennedy High School Exterior painting	\$253,000 (8/20/08)
	5. Bay Cities Paving and Grading, Richmond College Prep Modular Campus Sitework	\$888,000 (9/3/08)
October 1, 2008 (G.14)	Citizens' Bond Oversight Committee: Appointment of Steven Bates, Parent/Guardian and PTA, recommended by the Superintendent	
October 15, 2008 (G.14)	Ratification and Approval of Engineering Services Contracts (3 contracts)	\$272,719
October 15, 2008 (G.15)	Ratification and Approval of Negotiated Change Orders (4 projects)	\$200,775
October 15, 2008 (G.16)	Ratification of Previously Awarded Contract to Bay Cities Paving and Grading, Leadership Public Schools Temporary Campus	\$1,616,000 (9/17/08)
November 5, 2008 (F.1)	Facilities Planning and Construction Status Reports	
November 5, 2008 (G.9)	Ratification and Approval of Engineering Services contracts (3 contracts)	\$42,612
November 5, 2008 (G.10)	Ratification and Approval of Negotiated Change Orders (3 projects)	\$60,736
November 19, 2008 (C.3)	Citizens' Bond Oversight Committee Oral Report	
November 19, 2008 (G.6)	Ratification and Approval of Engineering Services contracts (6 contracts)	\$335,145
November 19, 2008 (G.7)	Ratification and Approval of Negotiated Change Orders (4 projects)	\$180,315
November 19, 2008 (G.10)	Approval of Lease/Purchase Agreement for 500 workstations, Dell Technology, El Cerrito High School (Bond funds)	
November 19, 2008 (G.13)	Local Hiring and Local Business Participation Goals in Measure J projects	
December 10, 2008 (E.1)	Adopt Resolution 45-0809: CEQA Final EIR for the Construction and Renovation of Castro Elementary to replace Portola Middle School (Measure J)	
December 10, 2008 (E.5)	Adopt Resolution 48-0809: Increase Level II Developer fees from \$3.48 per square foot to \$4.44 per square foot	
December 10, 2008 (G.5)	Notices of Completion: Cameron Re-Roof Project; DeAnza High Track and Field; Pinole Valley High Sitework; Pinole Valley High Parking lot Paving; Lupine Hills, Harding and Tara Hills Roof Repair projects	
December 10, 2008 (G.10)	Ratification and Approval of Engineering Services contracts (12 contracts)	\$350,077
December 10, 2008 (G.11)	Ratification and Approval of Negotiated Change Orders (7 projects)	\$446,044
December 10, 2008 (G.12)	Award of Contract to Trinet Construction, Dover Sitework Phase II Construction (Measure J – 7 bids)	\$77,000

DATE	ACTION	AMOUNT
December 10, 2008 (G.13)	Student Shuttle Bus Service for Ford Elementary Temporary Campus (Measure J)	\$41,600
December 10, 2008 (G.16)	Citizens' Bond Oversight Committee: appointment of Paul Gilbert-Snyder, City of El Cerrito Primary Representative	
January 7, 2009 (C.6)	Report on Seismic and Geotechnical Studies for District sites: Portola Middle; Adams Middle; Riverside Elementary; Washington Elementary; Pinole Valley High School	
January 7, 2009 (F.1)	Facilities Planning and Construction Status Reports	
January 7, 2009 (G.11)	Ratification and Approval of Engineering Services contracts (6 contracts)	\$105,009
January 7, 2009 (G.12)	Ratification and Approval of Negotiated Change Orders (3 projects)	\$557,802
January 21, 2009 (E.2)	Charter Facilities Assignments – Proposition 39 Draft Preliminary Offer to Manzanita Charter School	
January 21, 2009 (E.3)	Charter Facilities Assignments – Proposition 39 Draft Preliminary Offer to Richmond College Preparatory K-5 Charter School (RCP)	
January 21, 2009 (E.4)	Charter Facilities Assignments – Proposition 39 Draft Preliminary Offer to Leadership Public Schools, Inc. (LPS)	
January 21, 2009 (E.6)	Temporary Relocation for Portola Middle School and Adams Middle School (Measure J)	
January 21, 2009 (G.5)	Notices of Completion: Transition Learning Center Drainage and Paving; Pinole Valley High Restroom Renovations; Richmond High Building Renovations Phase II; Hercules Middle/High Field Alterations; Pinole Middle New Classroom Building and Gym	
January 21, 2009 (G.8)	Ratification and Approval of Engineering Services contracts (5 contracts)	\$179,003
January 21, 2009 (G.9)	Ratification and Approval of Negotiated Change Orders (11 projects)	\$527,113
January 21, 2009 (G.10)	Award of Contract to Bay Cities Paving and Grading, Ford Elementary Demolition, Sitework and Grading (Measure J – 9 bids)	\$697,000
January 21, 2009 (G.11)	Adopt Resolution 57-0809: Intent to Seek Debt Limit Waiver from State Board of Education for Sale of Remaining General Obligation Bonds (Measure J)	

¹ Several facilities items included in the list are not related to

Revenue Sources – 2007 Facilities Master Plan

Revenue Source	M	D	J	Total
New Bonds	\$150,000,000	\$300,000,000	\$400,000,000	\$850,000,000
Interest Income	6,000,000	7,000,000	14,000,000	27,000,000
Developer Fees	24,900,038	2,885,528	10,500,000	38,285,566
State Funds	30,101,817	16,316,744	76,157,758	122,576,319
E-Rate	2,413,150	888,654		3,301,804
FEMA (Riverside)	1,000,000			1,000,000
County (Verde)	900,000			900,000
Joint Use		4,250,000	3,000,000	7,250,000
Deferred Maintenance		1,200,000		1,200,000
Totals	\$215,315,005	\$332,540,926	\$503,657,758	\$1,051,513,689

In addition to a discussion of the funded projects, the newly approved 2007 master plan identified numerous unfunded future projects that would require additional revenues for the facilities program before work could proceed. The unfunded projects included twelve elementary school renovation projects; five secondary school renovation projects; five alternative and special education facilities renovation projects; three charter schools; and three District support facilities that house grounds, operations, maintenance, and administration.

On July 30, 2008, the Board approved an updated budget for Measures M, D and J with adjusted allocations and revenues. The July 30, 2008 a1s w53sourc2d

Board Approved Bond Budget M, D and J Revenue Source
Revenue Source Board Approval

Many variables have impacted the school district's construction costs including, but not limited to, the following:

-

The District also conducted a prequalification process for Architect

Table 2b. Measure J Secondary School Projects - Total Estimated Costs. (Construction and Soft Costs)

EXPENDITURE REPORTS FOR MEASURES D AND J

MEASURE D

The budget and expenditure totals contained in the table below were extracted from the Capital Assets Management Plan Report (CAMP), Number 36, dated January 28, 2009.

Measure D Bond Issuance and Expensed Amounts As Of January 28, 2009

Total bond authorization	\$300,000,000
Total bond issues as of June 30, 2008 (Series A, B, C and D)	\$300,000,000
Expensed per CAMP dated, January 28, 2009	\$222,013,674

Middle School/High School Major Renovation and New Schools, Phase 1A

School	Site No.	Project Description	Project Budget	Expensed to Date
Helms Middle	210	New School	\$69,714,268	\$44,260,734
Pinole Middle	212	Renovation and New Construction	52,806,672	34,514,473
Portola Middle	214	New School	60,000,000	3,763,544
El Cerrito High	354	New School	119,000,180	112,984,580
Totals			\$301,521,120	\$195,523,331

Additional Bond Funded Projects

School	Site No.	Project Description	Project Budget	Expensed to Date
Kennedy High	360	Track and Field	\$3,167,748	\$3,165,549
Pinole Valley High	362	Track and Field	1,667,193	1,642,806
Richmond High	364	Track and Field	4,207,616	4,193,818
Totals			\$9,042,557	\$9,002,174

Site Survey Projects, Phase 2A-3

School	Site No.	Project Description	Project Budget	Expensed to Date
Transitions LC	131	Site Survey	\$118,020	\$118,020
Vista Hill	163	Site Survey	119,235	119,235
Harbour Way	191	Site Survey	121,639	121,639
Adams Middle	202	Site Survey	467,199	467,199
Crespi Middle	206	Site Survey	399,139	399,139
Hercules Middle	211	Site Survey	76,448	74,527
Gompers High	358	Site Survey	549,876	517,378
Kennedy High	360	Site Survey	660,518	660,518
Pinole Valley High	362	Site Survey	703,106	702,071
Richmond High	364	Site Survey	641,600	647,430
Vista High	373	Site Survey	35,789	35,789
North Campus	374	Site Survey	125,032	125,032
Hercules High	376	Site Survey	426,346	426,346
Delta	391	Site Survey	152,564	152,564
Kappa	393	Site Survey	109,809	109,809
Omega	395	Site Survey	118,638	118,638
Sigma	396	Site Survey	110,728	110,728
Totals			\$4,935,686	\$4,906,061

Furniture and Equipment

School	Site No.	Project Description	Project Budget	Expensed to Date
Helms Middle	210	Furniture and Equipment	\$536,393	\$0
Pinole Middle	212	Furniture and Equipment	637,430	527,787
Portola Middle	214	Furniture and Equipment	547,586	64,562

MEASURE J

The budget and expenditure totals contained in the table below were extracted from the Capital Assets Management Plan Report (CAMP), Number 36, dated January 28, 2009.

Measure J Bond Issuance and Expensed as of January 28, 2009

Total bond authorization	\$400,000,000
Total bond issues to date	\$190,000,000
Expensed per CAMP dated January 28, 2009	\$44,764,893

Elementary Schools

School	Site No.	Project Description	Project Budget ¹	Expensed to Date ¹
Castro	109	Site Survey	\$350,000	\$294,520
Dover	115	New School	38,733,539	3,088,309
Ford	124	New School	32,176,617	3,783,476
King	132	New School	33,801,479	2,288,237
Nystrom	144	Modernization and New Building	30,517,453	2,243,600
Ohlone	146	New School	33,955,200	747,933
Totals			\$169,534,289	\$12,446,076

¹ Totals do not match due to rounding.

Major Renovation and New Schools, Phase 1B

School	Site No.	Project Description	Project Budget	Expensed to Date
DeAnza High	352	New School	\$160,100,000	\$20,457,669
Kennedy High	360	Renovation	8,430,000	1,566,813
Pinole Valley High	362	Renovation	1,000,000	958,766
Richmond High	364	Renovation	6,834,145	2,588,803
Totals			\$176,364,145	\$25,572,051

Additional Bond Funded Projects

School	Site No.	Project Description	Project Budget	Expensed to Date
Richmond College Prep (Charter) Leadership Public Schools (Charter at Nystrom)	512	Modular-Permanent Campus	\$2,482,494	\$1,711,731
	544	Modular-Temporary Campus	3,377,072	2,317,000
Totals			\$5,859,566	\$4,028,731

Network Telecom Technology Projects

School	Site No.	Project Description	Project Budget	Expensed to Date
Totals all sites		Network-Technology Equipment	\$7,800,000	\$1,104,276

Furniture and Equipment

School	Site No.	Project Description	Project Budget	Expensed to Date
Ford	124	Furniture and Equipment	\$1,735	\$0
Nystrom	144	Furniture and Equipment	43,142	7,428
DeAnza High	352	Furniture and Equipment	181,670	5,028
Kennedy High	360	Furniture and Equipment	197,313	86,462
Pinole Valley High	362	Furniture and Equipment	29,820	20,139
Richmond High	364	Furniture and Equipment	11,235	11,211

STATE SCHOOL FACILITY PROGRAM

The District has filed facilities applications under the following programs:

50	-	New Construction
52	-	Joint Use
57	-	Modernization
58	-	Rehabilitation

As of December 31, 2008, the District received state grant amounts summarized in the table below. These amounts include \$3,781,072 for Helms released on November 4, 2008 and \$4,834,933 for Downer released on December 3, 2008. All of the following financial data have been extracted from the OPSC Internet Web site, which maintains a record of the current project status for all school districts in California.

State Facilities Funding

State Program	SAB#	State Grant Amount	District Match
New Construction	50/001 ¹	\$12,841,930	\$12,841,930
Modernization	57/001-57/009 ²	3,863,449	2,609,434
Modernization	57/010-57/017 and 57/019 ³	9,943,161	6,801,923

Projected State Grant Amounts

In addition to the receipt of \$49,701,872 from the State as of December 31, 2008, the District anticipates the receipt of an additional \$64,614,323 in State funds, assuming that all planned projects are completed as scheduled from projected total revenue sources. The additional State funding includes the following categories:

Anticipated State Funding Schools/Categories	State Grant Amount
El Cerrito High School (SAB Approved)	\$10,985,587
Kennedy High School	5,147,407
Richmond High School	4,000,000
Pinole Middle school	3,179,932
Portola Middle (at Castro)	1,514,268
Portola Middle (Reconstruction Hardship)	12,000,000
Dover Elementary School ¹	1,861,349
Ford Elementary School ¹	2,262,320
King Elementary School	2,635,560
Subtotal	\$43,586,423
Additional State Funding ²	21,027,892
Total	\$64,614,315

¹ The District staff indicated that Dover and Ford will have, in addition to State modernization projects, applications under the Overcrowded Relief Grant (ORG) program. This would result in an unspecified additional amount of State funding.

² Includes additional school projects (DeAnza High School, Nystrom Elementary School, Ohlone Elementary School), joint-use projects, interest and inflationary adjustments to State grants.

The actual State grant amounts to be received will be determined when the District files the necessary paperwork to OPSC/SAB and SAB approvals are obtained.

STATE NEW CONSTRUCTION STATUS

During the annual performance audit period ending June 30, 2008, new construction eligibility was established based on California Basic Educational Data System (CBEDS) data through 2007-08 for four high school attendance areas, with subsequent certified eligibility for 124 students in grades 9-12, 246 non-severe needs special education students, and 48 severe needs special education students. There has been no new construction eligibility established since June 30, 2008.

New construction eligibility must be calculated based on the most recent CBEDS enrollment data at the time a district files an application for a new construction project (SAB 50-04). The filing cannot occur until a project has completed the California Environmental Quality Act (CEQA) process, has obtained clearance from the Department of Toxic Substances Control (DTSC), and has approvals from the Division of State Architect (DSA) and from the California Department of Education (CDE). The district cannot submit a State application for funding unless the new construction eligibility is reaffirmed or reestablished.

New School Site

Over the past several years, the District worked cooperatively with the City of Hercules to identify and acquire a suitable property for a new school. However, because of declining enrollment, the District concluded that a new school site was not needed. Plans to acquire a site in Hercules are currently on hold; however, the District is working cooperatively with the City of Hercules on planning for park facilities at the Wastewater Treatment site, which could, if needed, then be a part of a future school site.

The District has no current plans to file a new construction application.

STATE MODERNIZATION STATUS

Existing Campuses. Elementary Schools - Updated December 31, 2008

No.	Existing Campus	Grade	Bond (Phase) ⁰	SAB# ¹	SAB Eligibility Approval (50-03)	Eligibility Enrollment	SAB Project Approval (50-04)	SAB Fund Release (50-05)	SAB Grant Amount (%) ²
108	Cameron (Spec. Ed)	K-6							
109	Castro (1950)	K-6	J(1)	000	07/26/00	372			
105	Chavez (1996)	K-5		N/A	New school Not eligible				
110	Collins (1949)	K-6		000	07/26/00	498			
115	Dover (1958)	K-6		000	07/26/00	121			
116	Downer (1955)	K-6	D(1)	027	03/22/00	916	12/12/07	12/03/08	\$4,834,933 (60%)
124	Ford (1949)	K-5	J(1)	000	03/22/00	500			
128	Hanna Ranch (1994)	K-5		N/A	New school Not eligible				
191	Harbour Way (1998)	K-6		N/A	New school Not eligible				
122	Highland (1958) (1993)	K-6	J(2)	000	03/28/07	125			
132	King (1943) ⁴	K-5	J(1)	000	07/26/00	555			
146	Ohlone (1970) ⁴	K-5	J(3)	000	07/26/00	480			
145	Olinda (1957) ⁴	K-6		000	03/22/00	325			
152	Seaview (1972) ⁴	K-6		000	03/22/00	340			
154	Shannon (1967) ⁴	K-6		000	03/22/00	369			
157	Stege (1943)	K-5		N/A	Not eligible				
131	Transition Learning Center	K-6		N/A	Not eligible				
163	Vista Hills								
Elementary Schools									

Note: The 26 modernization projects filed as Quick-Start, Measure M-1A and Measure M-1B projects (SAB 57/001 – SAB 57-026) have been funded and completed, and have therefore been removed from the original list of 42 schools reported in earlier annual and midyear reports. The elementary schools on the list have either had eligibility established (Form SAB 50-03) or have no eligibility. If any of the schools dropped from the list have additional modernization eligibility, and a new Form SAB 50-03 is filed, they will be added to the list at that time.

Existing Campuses - Middle Schools - Updated December 31, 2008

No.	Existing Campus	Grade	Bond (Phase)
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Existing Campuses - Alternative Schools. Updated December 31, 2008

No.	Existing Campus	Grade	Bond (Phase) ¹	SAB# ²	SAB Eligibility Approval (50-03)	Eligibility Enrollment	SAB Project Approval (50-04)	SAB Fund Release (50-05)	SAB Grant Amount (%) ³
358	Gompers (1934)	9-12		000	7/26/00	261			
369	Middle College	9-12							
373	Vista High	K-12							
374	North Campus	9-12		000	3/22/00	123			
408	Adult Education-Serra								
102	Adult Education-Alvarado								
Alternative Schools									

¹When the “Bond (Phase)” column is blank, the school has not been assigned as a project. Note: D=Measure D; J=Measure J.

²A “000” indicates that form SAB 50-03 had previously been filed to establish eligibility, but the applications were rescinded when the projects did not move forward. A project number is assigned when form SAB 50-04 is filed, which requires DSA approved plans and CDE approval. A blank indicates that the status is unknown or that eligibility has not been established.

³The State grant amount is 60 percent of the total State modernization budget for project applications (SAB 50-04) filed after April 29, 2002. (Applications filed before April 29, 2002, receive 80 percent in State matching funds.) State funding is released to the District after the project has at least 50 percent of the construction contracts signed and a form SAB 50-05 has been filed. The District must provide its matching share of the project budget.

COMPLIANCE WITH STATE LAW, GUIDELINES AND DISTRICT POLICY

Process Utilized

TSS examined standard bid documents, project manuals, applicable State of California laws and regulations, District policies, reports and other relevant documentation related to the District's bond program. Interviews with key District staff were also held to obtain additional information regarding District practices.

Background

There are numerous legal and regulatory requirements associated with the delivery of California public school construction projects. Various codes and regulations govern these processes.

This review is intended to assess the overall compliance with standards resulting from these legal and regulatory requirements. TSS has developed this assessment of compliance to analyze the functionality of the District's bond facilities program. It should not be viewed or relied upon as a legal opinion. This section does not include a review of compliance with the California Building Code or other related requirements.

TSS has reviewed the following two distinct categories of requirements: (1) compliance with State law and regulations and (2) compliance with District policies and guidelines.

State Law

Many requirements for the construction of public schools appear in different California codes, accompanied by regulations from various agencies. The West Contra Costa Unified School District complies with these requirements through the District's bidding and contract documents. The District also provides Notice To Bidders by referencing and detailing the section requirements, as appropriate.

The following items, which are required to appear in the bid documents, were included in the District's bid documents according to the numbers cited.¹

- *Document 00060, Introductory Information, DSA Form 103-1: Division of the State Architect (DSA) approval* for individual project/plans and specifications
- *Document 00100, Bid Documents: Notice To Bidders:* The Notice To Bidders includes the required notification for project identity; date, time, and place of bid opening; contractor's license requirements for the type construction and the validity of that license; bid bond and certified bid security check requirements; payment bond requirements; performance bond requirements; substitution of securities information; definition of prevailing wage requirements; statement establishing blind bid process; and a reservation of the right to reject all bids.
- *Document 00150, Bid Documents, Bid Bond:* A bid bond is present in the package and dema

- *Document 00330, Bidders Certifications and Affidavits, Non-collusion Affidavit:* A non-collusion affidavit form is provided and demanded of the contractor.
- *Document 00550, Contract Forms, Escrow Agreement for Security Deposits in Lieu of Retention:* This item is included as an option, as required.
- *Document 00610, Contract Forms:* A performance bond for 100 percent of the contract price, on a form prepared by the District, is demanded of the contractor and included in the bid package.
- *Document 00620, Contract Forms:* A payment bond for 100 percent of the contract price, on a form prepared by the District, is demanded of the contractor and included in the bid package.
- *Document 00905, Contractor Certifications:* The contractor is required to certify compliance with the State workers' compensation regulations.
- *Document 00808, Contract Forms, Project Labor Agreement, Prevailing Wage and Related Labor Requirements Certification:* The contractor is required to certify compliance with the District's PLA, which states: "All employees...shall be paid in accordance with the classification and wage scales contained in the appropriate local agreements which have been negotiated by the historically recognized bargaining parties and in compliance with the applicable general prevailing wage determination..."
- *Document 00915, Contractor Certifications, Drug-Free Workplace Certification:* The contractor is required to provide drug-free workplace certification.
- *Document 00925, Contractor Certifications, Hazardous Materials Certification:* The contractor is obligated to provide certification that no hazardous materials were to be furnished, installed, or incorporated in any way into the project.
- *Document 00930, Contractor Certifications, Lead-Based Materials Certification:* The contractor is required to certify compliance with lead-based materials regulations.
- *Document 00940, Contractor Certifications, Criminal Background Investigation/Fingerprinting*

- *Document 00510: Notice of Award*
- *Document 00520: Notice to Proceed*
- *Document 00530: Agreement*
- *Document 00540 Escrow of Bid Documentation*

¹ Proof of District compliance was taken from the bid document for the “New School Construction Increment II at Dover Elementary School” project dated March 2009. In addition to the document numbers cited, Document 00700, “General Conditions (GC)” included Articles I-XXVII, which further clarified contractor duties and responsibilities.

Prevailing Wage Law/Labor Compliance Program

In California, contractors and subcontractors on public works projects must comply with the California Prevailing Wage Law (Labor Code 1720 et seq.). This law stipulates that workers must be paid the prevailing hourly wages and fringe benefits, as specified by the State Department of Industrial Relations, for the region where a construction project is located.

Traditionally, a school district ensures that the Prevailing Wage Law is complied with by requiring contractors and subcontractors to maintain certified payroll records for each worker.

In 2002, enactment of AB 1506 created the Labor Compliance Program (LCP), which added an additional requirement for school district construction projects that received State funding from Proposition 47 (2002) and 55 (2004). AB 1506 was intended to ensure that contractors and subcontractors complied with the Prevailing Wage Law. Under AB 1506, a school district must make a written finding that it, or a third-party contractor, will enforce the required LCP, transmit that information to the State Allocation Board (SAB) and take all appropriate measures throughout the construction project to verify compliance.

In November 2007, Proposition 1D passed without the requirement of a Labor Compliance Program. Subsequent legislation that would have reinstated LCP (SB 18, 2007) for Proposition 1D funding was vetoed by the Governor.

On February 20, 2009, SBX2 9 was signed into law which re-established the Labor Compliance Program for school district facility construction projects that receive State bond funds. Prior LCP programs, required school districts to provide LCP services directly, or through third-party providers. SBX2 9 requires the Department of Industrial Relations (DIR) to directly enforce prevailing wage requirements. Funding for this process would be provided by a fee from the School Facilities Program equaling 0.25 percent of the State funding. This fee would be provided directly to the DIR for enforcement of labor compliance. (Note: The SAB grant amounts will be increased accordingly.) School districts that have an approved in-house LCP at the time the new regulations are established may apply for an exemption from the new fee. If a school district contracts with a third-party LCP provider, such services may not be eligible for this exemption.

Regardless of whether a school district is required to have a LCP for state-funded projects, it must fully comply with the Prevailing Wage Law. To ensure compliance with the law, a school district should develop and implement policies and procedures to be applied to all construction projects, regardless of the source of funding.

Midyear Update

The District currently contracts with a third party provider for labor compliance services to review contractor certified payrolls and ensure that construction projects comply with the District's Labor Compliance Program, the prevailing wage law and, if required, the SAB Labor Compliance Program. In light of enactment of SBX2 9, the District should review its options for meeting legal requirements on new projects.

Project Labor Agreement (PLA)

The Board of Education initially approved a Project Labor Agreement on April 9, 2003, covering the nine Measure M-1A projects. Subsequent amendments to add additional projects were approved by the Board. The Board date and projects covered included the following:

Projects Subject to Project Labor Agreements

<u>Board Meeting Date</u>	<u>Projects Covered</u>
April 9, 2003	M-1A Projects (1-9)
December 3, 2003	M-1B Projects (10-18)
April 7, 2004	M-1B Portables (19-20)
June 2, 2004	D-1A Projects (21-23)
August 3, 2005	D-1B Projects (24-25)
November 28, 2007	Non-Bond Funded Projects
October 2008 ¹	J Projects (26-34)

¹ Bid documents for the Dover Elementary School "New School Construction Increment II" dated, March 2009, include PLA requirements that reference a project list approved in October 2008. However, no Board item could be located indicating that Measure J projects were covered by the PLA.

The April 9, 2003 PLA agreement included the following stated purpose:

PURPOSE

"The purposes of this Agreement are to promote efficient construction operations on the Project, to insure an adequate supply of skilled craftspeople and to provide for peaceful, efficient and binding procedure for settling labor disputes. In so doing, the parties to this Agreement establish the foundation to promote the public interest, to provide a safe work place, to assure high quality construction, to ensure an uninterrupted construction project, and to secure optimum productivity, on-schedule performance and District satisfaction.

It is the intent of the parties to set out uniform and fair working conditions for the efficient completion of the Project, maintain harmonious labor/management relations and eliminate strikes, lockouts and other delays.

To the extent permitted by law, it is in the interest of the parties to this Agreement to utilize resources available in the local area, including those provided by minority-owned, women-owned, small, disadvantaged and other businesses."

The twenty-six articles in the PLA set forth the requirements for contractors and subcontractors and the District's rights and responsibilities.

No follow-up evaluation has been conducted to determine the effectiveness of the PLA. It is pointed out, however, that in keeping with the intent of the third paragraph of the above stated purpose, the District developed a Local Capacity Building Program (LCBP) that is discussed in sections "Compliance with State Law, Guidelines and District Policy" and "Bidding and Procurement Procedures."

District Policy

At the Board of Education meeting of February 8, 2006, the Board voted to establish a policy subcommittee to analyze, review and revise policies, as needed.

At the Board meeting of October 3,

Policies from *Series 3000: Business* (select items) and *Series 7000: Facilities* are presented below:

Series 3000 – Business & Non-Instructional Operations (Select Items)

BP	Description	Date of Adoption
BP 3280	Sale, Lease, Rental of District-owned Real Property	2/6/08
BP 3300	Expenditures and Purchases	2/6/08
BP 3311	Bids	2/6/08
BP 3312	Contracts	2/6/08
BP 3314	Payment for Goods and Services	2/6/08
BP 3320	Claims and Actions Against the District	2/6/08
BP 3400	Management of District Assets/Accounts	2/6/08
BP 3430	Investing	2/6/08
BP 3460	Financial Reports and Accountability	2/6/08
BP 3517	Facilities Inspection	2/6/08

Series 7000 – Facilities

BP	Description	Date of Adoption	Most Recent Date of Revision
BP 7000	Concepts and Roles in New Construction	1/9/08	10/07
BP 7100	Facilities Master Plan	1/9/08	8/07
BP 7115	Educational Facilities Design Standards	1/9/08	8/07
BP 7125	Assembling and Preserving Important Documents	1/9/08	8/07
BP 7131	Relations with Local Agencies	1/9/08	8/07
BP 7140	Architectural and Engineering Services	1/9/08	8/07
BP 7150	Site Selection and Development	1/9/08	8/07
BP 7210	Methods of Financing	1/9/08	8/07
BP 7214	General Obligation Bonds	1/9/08	8/07

High Performance Schools

TSS staff reviewed the High Performance scorecard on three schools: Dover Elementary School, Ford Elementary School and De Anza High School. The scorecard is based on the Collaborative for High Performance Schools criteria and is used as the basis for funding in the High Performance Schools Grant program. The information presented here is based solely on the scorecards since plans and specifications were not reviewed to verify the content of the scorecard.

Midyear Update

The Ford Elementary School Modernization has 44 points out of 77 possible listed on the scorecard. This project showed superior performance in the category of Indoor Environmental Quality. The project received the maximum points for Indoor Air Quality, Acoustics and Thermal Comfort. Daylighting and high performance electric lighting were used to reduce energy consumption.

The project also received 5 points for improving energy performance, more than required by the California Energy Code.

With 44 points in the High Performance Schools Grant Program, the District should receive a 5.08 percent increase in the grants obtained through the School Facilities Program.

Dover Elementary School contained similar high performance elements with two notable exceptions. This project received 2 additional points for the reduction of potable water usage and 3 additional points for the use of recycled materials and rapidly renewable materials. Dover did not perform as well as Ford in other areas but scored a total of 44 points. This project will also receive a 5.08

DISTRICT AND PROFESSIONAL SERVICES STAFFING PLAN FOR THE BOND PROGRAM

Process Utilized

These numbers exclude architects/engineers of record, project specialty consultants, inspectors, the communication consultant, the outreach consultant, and the labor compliance consultant.

Category	June 2008 FTE ¹	December 2008 FTE ¹
District Staff		
Bond Finance Office	4.25	3.75
Bond Management Office	7.10	7.00
Subtotal	11.35	10.75
Bond Program Manager (SGI)		
Program/Project Management	6.00	6.00
Design Management	2.00	2.00
Construction Management	12.00	7.50
Other (Network Admin., PS2 Coordinator, Receptionist)	3.00	3.00
Subtotal	23.0	18.50
Construction Management (Other)	3.00	3.00
Amanco (SGI Subcontractor), RGM, Van Pelt		
Subtotal	3.00	3.00
TOTAL Full-Time Equivalent Positions	37.35	32.25

¹ Full-time equivalent (1.0 FTE is a full-time 8 hours per day/12 month employee.)

The table above indicates the various changes in staffing levels since the 2008 annual performance audit.

On February 6, 2008, the Board of Trustees approved a contract with SGI for Bond Program Management services. This action item indicated that the current level of services would remain the same. The new contract was in the amount of \$7,316,368.

The table below provides a detailed program cost breakdown for Measure M, Measure D and Measure J.

Program Management Structure, (January 28, 2009 CAMP Report)

Budget Category	Measure M & D Budget^{1,4}	Percentage of Program	Measure J Budget^{2,4}	Percentage of Program
Pre-Design Services	\$2,402,990	0.42%	\$1,453,125	0.42%
Master Architect	15,530,088	2.72%	3,844,925	1.11%
Program Management	6,522,840	1.14%	6,970,406	2.02%
Construction Management	24,598,373	4.31%	12,333,235	3.57%
Design Manager	2,854,308	0.50%	2,378,473	0.69%
Architect of Record	36,133,795	6.33%	23,753,544	6.87%
Other Soft Costs	11,255,303	1.97%	6,545,650	1.89%
Construction Phase Services	14,506,465	2.54%	10,380,627	3.00%
Soft Costs Total	113,804,162⁴	19.93%	67,665,986⁴	

PROGRAM MANAGEMENT

The most significant change affecting the cost of the program management structure was the bifurcation of the program management and construction management services. Prior to this change, program management services were included with the construction management services. The bifurcation resulted in an increase of \$642,337 or 3.45 percent in the total for the CM and PM fees. This increase is partially offset by a decrease of \$321,613 or 7.47 percent, in the Master Architect fees. Overall, there was a slight increase in so

PHASE	Design Phase Manager	Architect	Program Manager	Construction Manager	Master Architect
Maintain log of all meetings	X		X		
Project Schedule	X	X	X		
Preliminary Cost Estimates			X		
DESIGN					
Value Engineering reviews	X	X	X		
Constructability Reviews	X		X		X
Provide cost estimate	X	X	X		
Scheduling		X	X		
Coordinate with utility agencies		X			X
Chair meetings, take minutes		X			
CONSTRUCTION DOCUMENTS					
Coordinate submittal to agencies	X	X			X
Provide cost estimate	X	X	X		
Prepare General Conditions	X				X
Conduct site meetings, minutes		X			
Scheduling			X		
Coordinate and monitor work of AOR		X	X	X	X
BIDDING					
Conduct meetings; prepare minutes	X	X	X		
Prepare Bidder's list	X		X		
Market bids	X		X		
Assist District with Ads	X		X		
Coordinate delivery of bid docs	X		X		
Estimate cost of addenda	X				
Bid Analysis	X		X		
Pre-bid Conference	X		X		
Assist District in responding to questions		X	X		
Coordinate bids		X			
Coordinate addenda		X			
Develop bid procedures and documents		X	X		
CONSTRUCTION					
Labor compliance	X		X		
Provide 10% alternates		X			
Review submittals		X			
Meeting minutes		X	X		
Chair, conduct meetings			X	X	
Scheduling			X		
Coordinate with DSA Inspector (PI)		X			X
Coordinate the work of the Project Architect					X
PROJECT CLOSEOUT					
Guarantees, keys, manuals, record drawings, etc.		X	X		

TSS understands that the role and responsibilities of the Master Architect have changed significantly, as discussed later in this section. However, most projects currently in the program included the services of the Master Architect during the Pre-Construction Phases.

In the process for developing project and program schedules the Design Phase Manager, the Architect of Record, the Program Manager and the District staff all create schedules which, in the case of the sample projects reviewed, were not coordinated. It was not clear who has the ultimate responsibility for maintaining or enforcing the project schedules. For other services, more than one entity providing the same service can act as a check and balance to ensure accuracy. However, the agreements do not indicate who has the primary responsibility and who provides the verification. Another example is chairing meetings and keeping minutes. During the Predesign Phase, the Design Phase Manager, the Architect of Record and the Program Manager all have this responsibility indicated in their respective agreements. These duplications of services can lead to confusion and inefficiencies in the process.

Based on the audit team's professional experience in the school construction industry, the cost of these services appear to be higher than average.

In the 2004 annual performance audit report, it was noted that the District and bond management team had undertaken a thorough review of the master architect contract and initiated a process to bifurcate the contract into two separate contracts.

The 2005 annual performance audit noted that the bifurcation of the contract has been accomplished.

The 2007 report indicated that the reorganization had become more functional. The role of WLC as Master Architect was significantly clearer. In particular, the roles of the Architects of Record for the various projects were well defined. Similarly, SGI's role as manager of construction management services including providing CM services for certain projects and coordination of other construction management providers for all projects was better defined. District staff reported that, over the past year, the role of the master architect has been significantly reduced and is now limited to minor projects including the review of designs from other architects for conformity to the program standards. This is reflected in the reduction in fees indicated for the Master Architect indicated in the "Program Management Structure table in the District and Professional Services Staffing Plan for the Bond Program" section of this document. Fees for the Master Architect were budgeted at 2.81 percent of the total program budget for measures M & D, while only 1.23 percent of the total budget for the Measure J program.

The services of the Master Architect were further limited by an amendment to the agreement dated April 1, 2006. Currently, services are limited to schematic design reviews for conformance to the design and program standards. This work is conducted on a time and materials basis.

Midyear Update

During the review period of July 1, 2008 through December 31, 2008, the services of the Master Architect continue at a limited rate. As indicated above, WLC continues to provide services in this role on a time and materials basis with limited reviews for conformance with previously established District standards.

Total School Solutions believes that the District is served well with the new division of services since there is an improved checks and balances system now in place. Additionally, it appears that other consultants and contractors providing services to the District are managed more effectively due to improved lines of communication.

The reduction in the scope of the Master Architect's services indicated in the 2006 amendment is appropriate. The services included in the original agreement included the development of program standards for all projects. These standards have been completed and the current work has been reduced to checking the schematic designs of all projects and verifying that they meet the design standards.

For a complete comparison of the costs associated with bond program management services, refer to "District and Professional Services Staffing Plan for the Bond Program" section of this report.

DESIGN AND CONSTRUCTION SCHEDULES

Process Utilized

Total School Solutions (TSS) reviewed and analyzed documents, schedules and systems related to construction design and schedule in the course of this examination.

Background

The bond management team has developed documentation systems that include schedules for the

Measure J Projects

DESIGN AND CONSTRUCTION COST BUDGET

Process Utilized

TSS conducted interviews with the District staff and members of the bond management team. These interviews covered a variety of topics, including project costs and budgets. Available documentation on the project bidding and contract award processes were also reviewed and analyzed. The bond management team provided TSS with project budgets for review.

Background

California public school districts are permitted to develop building standards based on their individual and unique educational, aesthetic and fiscal needs. The California Department of Education (CDE) reviews and approves projects based criteria set in the Title 5 Regulations, California Code of Regulations. These regulations include, review for toxic substances, educational adequacy, compliance with the California Environmental Quality Act (CEQA) and other standards. The Division of the State Architect (DSA) reviews and approves projects based on conformance with the California Building Code, Title 24, California Code of Regulations, with requirements related to structural (seismic) integrity, fire and life safety, and the accessibility for the disabled. The Office of Public School Construction (OPSC) approves projects based on established district eligibility for funding, CDE approval and DSA approval. All of these required approvals are based on “minimum standards” criteria established by these agencies. There are no existing State standards or minimum requirements in many areas such as technology, architectural style, aesthetics, specialty educational space (e.g., art, science, and industrial shop areas) and other similar features. Local communities determine these standards or requirements based on local educational programmatic needs, available funds and individual site conditions.

Many California school districts adhere strictly to the state’s School Facilities Program (SFP) budgetary standards. In those districts, projects are designed based on the total revenues produced through the SFP calculations. The eligibility is generally the sum of the SFP per pupil grant and the required local district match. Generally, school districts simply use this formula for the purpose of determining available SFP revenues from the State. Under this scenario, project budgets usually exceed the State formula. The amount in excess of the State formula is referred to as “additional” local match, which is permitted by SFP regulations. With respect to State funding through the SFP, the only State requirement for eligible projects is that the school district provides its minimum match through local funds.

Through actions of the Board of Education, the West Contra Costa Unified School District has established standards known as “Option 1C Standards” to guide its projects. These standards result in individual project budgets which are significantly higher than the budgets that would be based solely on the SFP formula. Furthermore, the total amounts of these project budgets exceed the total facilities program revenues currently available to the District. The Board of Education anticipates generating additional local revenues to balance the program budget. It is expected that these funds will become available through local sources, including the authorization and issuance of additional local general obligation bonds and fees on residential and commercial development.

Measure D

As of January 2009, the El Cerrito High School Classrooms, Administration and Theater Buildings projects, the Pinole Middle School New Classrooms, Building B and Gymnasium projects and the Downer Elementary School New School Building (a Measure M project funded under Measure D) projects were substantially complete and undergoing the close-out process. The Helms Middle School Campus new construction is in process (65 percent) and scheduled to be completed before the end of fiscal year 2008-09.

For Pinole Middle School, the Temporary Modular Campus and the Demolition/Hazmat Removal projects are in the process of public bidding and award while the modernization of Building A is in the design process.

Measure J

As of January 2009, construction of site work/demolition for three Measure J Elementary School Projects (Dover Elementary School, Ford Elementary School and King Elementary School) were in various stages of completion while construction of new school buildings were undergoing the final construction document preparation and public bid-award process. The Nystrom Elementary School Modernization/Multipurpose Room project and the Ohlone Elementary School Sitework/New Campus project are in various stages of design development and construction document preparation. These projects are scheduled to be under construction during the fiscal year 2008-09.

The De Anza High School Main Campus construction project and the Kennedy High School renovation projects are in the final stages of design and construction document preparation process. Construction of the De Anza Track and Field and the Field House projects are all in final stages of completion. As of December 31, 2008, construction of the Richmond High School Stadium and Locker Building is at 55 percent completion.

Midyear Update

The following table, "Construction Budgets vs. Actual Bids", show examples of projects bid and awarded during the period from 2006 through the early months of 2009. The projects bid in each year 2006 and 2007 had an average of 3 bidders and resulted in bid amounts that were 12 and 30 percent higher than the construction budgets. In 2008, five bids sampled showed good bidder participation ranging from 2 to 7 bidders and a wide variance in low bids ranging from 77.13 percent to 240.21 percent of the construction budget. Two bids sampled for the year 2009, had a high participation rate of 9 and 14 bidders with low bid amounts coming at 53.53 and 32.20 percent below the construction budget.

Construction Budgets vs. Actual Bids (2007-2009)

Project Name / Bid No.	Construction Budget	Lowest Bid Amount / Bidder	Highest Bid Amount / Bidder	No. of Bidders / Bid Date	Variance (+ / -)	% Over/ Under Budget
El Cerrito HS	\$47,000,000	\$54,264,000	\$55,963,000	3	\$7,264,000	15.46%

An analysis of this data indicates a number of issues:

- Bids have generally followed the market trends. From early 2006 through mid 2008 construction costs escalated at a higher rate than anticipated (See Facilities Program History/Status Section, Class B Construction Cost Index table for detail). This was partially due to the increased demand for construction materials abroad. Most major cost estimating guides and local bid results could not predict accurately how rapid the construction costs would escalate. During this period there were a substantial number of public works and private construction projects underway. Fewer contractors, subcontractors and suppliers were available to bid projects. This also drove construction prices higher. Bids for the WCCUSD projects during this time frame were higher than the estimates, from 12.9 percent at El Cerrito High School to 29.13 percent at Pinole Middle School.
- In late 2007, an economic recession began. Throughout California housing construction nearly ceased, enrollments leveled or declined and construction costs began to decline. This decline was as rapid as the increases in the previous years and was equally difficult to estimate. From mid 2008 through early 2009, bids were generally lower than the estimates, reflecting this economic trend, in spite of an inflationary increase of 7.73 percent in construction costs from January 2008 to January 2009 (See Facilities Program History/Status Section, Class B Construction Cost Index table for detail). Lower than anticipated bids demonstrate the impact of the bidding climate. There are three notable exceptions to this trend: Ford Elementary School Transitional Housing was bid 40.62 percent higher than the estimated cost; Richmond College Prep Expansion was 153.71 percent higher than estimated and Leadership Public School Temporary Campus was 240.21 percent greater than estimated. The Engineering Officer indicates that these projects were small and did not warrant additional estimating after the initial cost estimate was developed.
- As construction slowed, additional contractors were available to bid projects. The bid results indicate that the number of bidders increased through the latter part of 2008 to a high of 14 bidders for the Martin Luther King Elementary School, bid in February of 2009. The higher number of bidders may have contributed to the lower bid prices.
- The magnitude of the difference between the high bid and the low bid on projects can be an indication of the quality of the documentation. Bids that are closely grouped indicate that the intent of the documents is well understood by the bidders and there will be minimal opportunity for change orders due to unclear documents. For the larger projects the difference between high and low bids range from 3.13 percent at the New Construction of El Cerrito High School to 19.18 percent for the New Administration and Theater Building at El Cerrito High School. The contractor for the last project, Lathrop Construction, was mobilized on site for the New Construction project and could have had significantly lower mobilization cost leading to a lower bid. This would increase the difference between the high and low bidder. In this case the quality of the documentation may not have been the primary influence on the range of bids. Smaller projects had a higher differential which is not unusual for demolition, site work and temporary housing projects.

- Based on interviews with the District's cost estimator, data for the estimates was based on major cost estimating guides and local experience with construction projects. The major cost estimating guides utilize adjustment factors for local conditions. The data in these guides is based on limited samplings of materials utilized in the specific building type and the cost of labor. These guides are useful for estimating costs when trends are consistent. However, when the market fluctuates dramatically as it has in the past two years, it is difficult to accurately estimate the project costs. The use of data from recently bid local projects increases the accuracy.

BIDDING AND PROCUREMENT PROCEDURES

Process Utilized

In the process of this examination, numerous purchasing documents, bid documents and payment documentation pertaining to new construction and modernization projects were reviewed and analyzed. Interviews with various staff members were also held.

The review consisted of the following:

- Verification that bids were advertised in accordance with public contract code;
- Verification of bid results and Board approval;
- Project files including contract documents, Notice Of Award, Notice To Proceed and other pertinent documentation.

Background

The District's *Board Policy 3311; Bids*, adopted February 6, 2008, states, "The district shall purchase equipment, supplies and services using competitive bidding when required by law and in accordance with statutory requirements for bidding and bidding procedures. In those circumstances where the law does not require competitive bidding, the Governing Board may request that a contract be competitively bid if the Board determines that it is in the best interest of the district to do so. To assist the District in determining whether bidders are responsible, the Board may require prequalification procedures as allowed by law and specified in administrative regulation."

Since the 2007-08 Annual Performance Audit, the District updated and approved *Administrative Regulation 3311; Advertised/Competitive Bids*, adopted October 6, 2008. The regulation states the district shall seek competitive bids through advertisement for contracts involving an expenditure of \$15,000 or more for a public project (Public Contract Code 20111, 22002). The district shall also seek competitive bids through advertisements for contracts exceeding the amount specified in law (effective January 1, 2009 – December 31, 2009, the bid threshold was increased to \$76,700) for the purchase of equipment, materials, or supplies to be furnished, sold or leased to the District (Contract Code 20111; Government Code 53060).

The administrative regulation specifically addresses the following issues:

- Instructions and Procedures for Advertised Bids
- Bids Not Required
- Sole Sourcing
- Prequalification Procedure
- Protests by Bidders

As a condition of bidding construction work on certain District facilities or projects, and in accordance with California Public Contract Code 20111.5 (e), the District requires prospective bidders to fully complete a pre-qualification questionnaire on forms supplied by the District. Bids for certain construction projects are not accepted unless a contractor has been prequalified by the District.

The prequalification process was designed to help recruit contractors that are established, responsible and experienced in public school construction.

The District also has a Project Labor Agreement (PLA) with various construction unions. The PLA was designed to promote efficient construction operations, ensure adequate supply of skilled craftspeople and provide procedures

**Bid Schedule and Results – Measure J Projects
July 2008 – February 2009**

Name of School	Project Description	Bid
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For this midyear review, the following bids were reviewed and analyzed for completeness and

During the time of the writing of the midyear review, the King Elementary School, New Construction and Demolition project was bid and awarded. Fourteen bids were received ranging from \$15,595,000 to \$17,775,000. The estimated budget for this project was \$23,000,000. Staff was very pleased with the bid turnout and results. They attribute the savings due to the current

- Individual change orders processed during the period were below 10 percent of the contract amount except for the Lupine/Harding/Tara Hill

- “Unforeseen Conditions” accounted for 19.23 percent of the cost of change orders generated during this period. The disposal of soil contaminated with hazardous materials (asbestos, petroleum products, etc.), hazardous demolition debris and equipment were the most common unforeseen conditions encountered during this period. For some projects, weekend and overtime work associated with time-schedule recovery to meet scheduled completion has been included in this classification.
- “DSA Plan Revisions” at 0.49 percent was a single occurrence at Pinole Middle School where the DSA Field Engineer required the installation of additional seismic tie wires to the lighting fixtures.

Change Order Analysis (July 2008 - January 2009)

Project/ (Contractor) Change Order Numbers	Unforeseen Conditions	DSA Plan Revisions	Architect	Owner Requested Changes			Totals
			Design Issues	District Standards	Safety Issues	Design/ Schedule	
MEASURE D.							
El Cerrito HS	\$201,014	\$0	\$754,735	\$98,035	\$0	\$369,497	\$1,423,281
New Construction	14.12%	0.00%	53.03%	6.89%	0.00%	25.96%	100.00%
Lathrop Const. Assoc.							

Allowances

As part of the sampling/testing process, documents relating to the cost items charged to or drawn against the allowances for the projects were reviewed and analyzed. The results and/or findings for the projects selected for review are shown in the table below:

Project	Base Bid	Allowance	Total Contract Award	Cost Items Charged to Allowances.
Bayview Elementary School PII Site Work	\$1,170,000 ¹	\$20,000	\$1,125,000	

At Helms Middle School New Campus Construction Project, the general contractor West Bay Builders, submitted a change order request for compensable time extension of 110 days due to delays in the project allegedly caused by unforeseen conditions, design issues and scope changes encountered during the course of construction. All issues relating to this change order request are currently being analyzed by a District-hired delay consultant.

PAYMENT PROCEDURES

Process Utilized

In the process of this examination, numerous purchasing and payment documents pertaining to expenditures funded through Measure J were reviewed. Interviews were held with District staff and program management staff from SGI.

The review consisted of the following:

- Verification that expenditures charged to the Measure J bond were authorized as Measure J projects;
- Compliance with the District's Purchasing and Payment policies and procedures;
- Verification that back up documentation, including authorized signatures, were present on payment requests; and
- Vendor payment timelines.

Purchasing processes and procedures were observed, and documentation was reviewed. One-hundred invoices from the period of July 1, 2008, through December 31, 2008, from the Measure J fund, totaling \$8,903,736, were selected for review in the course of this examination. These invoices included the following project categories: (1) site improvements at Mira Vista Elementary, and Pinole Valley High School; (2) CEQA and testing for Portola Middle School, Ford Elementary School and De Anza Middle School (3) construction management for Ford Elementary School and King Elementary School; (3) new field house and track and field project at De Anza Middle School; (4) painting, paving and architectural services at various school sites; (5) solar project and theater for El Cerrito High School; (6) custodial supplies for Pinole Valley Middle School; and (7) playground equipment project for Mira Vista Elementary School.

Background

Prior to 2007-08, the District timelines for vendor payments had been an ongoing issue; vendor payments were delayed well beyond the standard 30-days. However, in 2007-08, resolving this issue became a priority of the Board and staff. It was noted that one of the reasons for the delays was due to requisitions and purchase orders that were not approved or in

Midyear Update

This review consisted of the following: verification of required approvals and backup documentation; determination that expenditures were in accordance with ballot language from Measure J; verification that the invoice amount and the amount paid correlated; and a review of the timeline from the time invoices were received to the date of warrant issuance. All 100 invoices had the required approvals and backup documentation; ninety-three invoices were paid within thirty-days and seven invoices were paid after 30 days; the delays for two of the invoices were due to change orders and one was held for further review (architectural fees).

The results from this sample of invoices and payments continue to show improvement in the time between receiving an invoice and processing payments. The District continues to make the vendor-payment timeline a priority. It is a goal of the District to utilize local vendors and contractors. The District does not want the reputation of being slow to pay as it could discourage local and/or smaller contractors or vendors from bidding projects.

Contractors, subcontractors and vendors may find out the status of an invoice on-line through the District's Bond Program website under Bond Program Status and Invoices paid. As of December 30, 2008, the invoice log showed sixty-two invoices had been received over thirty-days ago. However, an explanation was provided for each of the invoices "on hold" and no further examination was deemed to be required.

According to staff, an advisory will be sent to all vendors, contractors and consultants informing them that the District is initiating a requirement that they provide the purchase order number on the invoice or statement in order for the payment be processed; invoices that do not reference an authorized purchase order number will be returned to the vendor. If followed, it should help to expedite payments as well as helping vendors and contractors avoid providing goods, services or work without an authorized purchase order.

BEST PRACTICES IN

An Invitation To Bid and bid documents, including the Instruction To Bidders were sent to thirteen fitness equipment suppliers. According to staff, bidders were invited to a non- mandatory pre-bid conference on July 23, 2008. Bids were opened on July 30, 2008. The Board approved the contract on September 3, 2008. However, during the course of midyear review it was discovered that the District had not published the Notice To Bidders in the local newspaper as required in Public Contract Code Section 20111. The limit for equipment purchases is \$76,700. According to staff the contract has been voided and the District is in the process of conducting a public bid.

The method used in awarding the contract for the temporary housing modulars for Pinole Middle School was also examined in this midyear review. The District chose to use the “piggyback” method for awarding the contract. The Franklin McKinley School District had conducted a public bid process and referenced other school districts in the state which, under law, may then award contracts as a “piggyback” on the Franklin McKinley contract. The contract is for the modular building, deck and ramps at Pinole Middle School; it also includes transportation and setup on site. On September 3, 2008, the Board awarded the contract to Mobile Modular Management Corporation.

QUALITY CONTROL PROGRAM

The information provided in this section was extracted from the June 30, 2003 Performance Audit. The intention for including this information in this midyear review is to provide the new readers a description of the Quality Control Program. The current Citizens' Bond Oversight Committee has changed substantially from the one in 2007-08.

Background Information - Except from the June 30, 2003 Performance Audit

A "Quality Control Program" could be considered to encompass a full range of concepts, from initial conceptual considerations to furnishing a completed school construction project with furniture, equipment and material, as well as managing change orders throughout the construction process.

After considerable discussion among the citizens' bond oversight committee, District administration and District legal counsel, Total School Solutions was directed as follows:

In this task, the Auditor will evaluate the District's quality control programs. To perform this task, the performance auditors will evaluate the SGI/WLC memorandum describing the Bond Team's approach to quality control. Total School Solutions will interview key staff/consultants and review necessary documents to assess how the District has implemented this program. This task will not duplicate any of the information provided in the performance auditor's review and evaluation of the Bond Management Plan and will focus on the quality assurance process, not the particular quality outcomes that the bond program has achieved.

Subsequently, review of delivered quality for one project was added to the audit scope.

Process Utilized

The performance audit team was provided with a Bond Program Quality Control document prepared by WLC/SGI. The document contains three major components, as follows:

- *Preconstruction Quality Control*
- *Procurement Quality Control*
- *Construction Quality Control*

Each component of the document was evaluated; a review of related documents was performed; and interviews were conducted with key District administrators, WLC/SGI personnel and architects of record (AORs).

I. Preconstruction Quality Control

To address health and safety concerns at some of the elementary schools, nine (9) Quick-Start projects were undertaken using state modernization funds and Measure M matching funds. Because the Quick-Start projects were done during the early stages of the Measure M bond program, the

During the preconstruction (design) phase, the following quality control process was established and adhered to in each step of the process:

- A. *Master Architect Team*
Establish a team of professionals with specialtie

K. District Review and Approval

Following completion of the above steps, the end products were submitted to the District administration, board facilities subcommittee, the bond oversight committee and the Board of Education for review and approval.

L. Architects of Record (AORs)

This process included issuing Request for Qualifications (RFQ), developing a prequalified pool of architects, conducting interviews of select architectural firms and selecting AORs for specific projects.

M. Architects of Record Working Drawings

This step involved turning over site-specific packages to the AORs for development of the working drawings (detailed plans and specifications).

N. Review of Architects of Record Designs

The master architect regularly reviewed the work and progress of the projects, including the work of its design team.

O. Bond Program Manager Review

The bond management team and District staff regularly reviewed the work and progress of each project in terms of scope, schedule and budget.

P. State Agency Requirement

The master architect ensured full compliance with requirements for submittal to the California Department of Education, Office of Public School Construction and Division of State Architect. The master architect also tracked the progress of these submittals.

Q. Lessons Learned Integration

Learning from past mistakes took place; needed corrections were made.

R. Project Smart (PS2) System

Development of a restricted access website to develop and track communications and to serve as an archive for deliverables.

The direction to the performance audit team was to “focus on the quality assurance process,” not “the particular quality outcomes.” In regard to

Construction Document Quality Control

The Construction Document Quality Control process commences when the preconstruction documents reach the 90 percent completion threshold. This process incorporates the following steps:

C. Procurement of Construction Services

Assurance that Public Contract Code requirements are met.

The Bond Program Procurement Quality Control process is documented in the Program Administration Manual, which describes the legal and practical requirements of a procurement process.

III. Construction Quality Control

The Construction Quality Control process is implemented by the bond program manager and the master architect as documented in the Program Management Plan (revised on May 12, 2003). The components of this process include:

A. Construction Administration

Ensuring quality control throughout the design, construction and operational phases of a facilities project. Because construction of Phase 1A projects began after the ending period for this performance audit (June 30, 2003), it is premature to evaluate the effectiveness of this process.

B. Change Management

The change order request, processing and approval processes are incorporated within the PS2 software system. As of June 30, 2003, no change orders had been requested.

C. Inspections

Inspectors are certified by DSA and employed by the District to inspect all phases of construction to ensure adherence to contract documents and state building codes (Title 24).

D. Product Submittal Review

The contractors and bond management team utilize the PS2 software system for processing submittals for review and approval, with the master architect responding to questions related to submittals and substitutions.

E. Request for Information (RFI)

The contractors and master architect utilize the PS2 RFI software system for discussing and resolving issues.

F. Contractor Payments

The approval process for contractor payments is verified by the AOR, Inspector, construction manager, District regional project manager, program manager, SGI controls, District project engineer and fiscal services department. While ensuring that a contractor is not overpaid for services, this process is cumbersome and could lead to delays in making payments to contractors.

G. Claims Avoidance

To minimize contractor claims during construction, effective quality control prior to construction is essential. The effectiveness of this process cannot be determined until completion of a construction project and a post-construction evaluation takes place.

H. Lessons Learned

At the completion of a construction project, the bond management team discusses and documents the results of the quality control progress. Any findings (lessons learned) that lead to revising processes should improve the quality control of future projects.

High Performance Schools

During December 2007, the District sent out Requests for Qualifications and Proposals (RFQ/P's) to prospective service providers for Building and Systems Commissioning of Measure J Projects. These projects are scheduled to be constructed at Ford Elementary, Dover Elementary, King Elementary, Nystrom Elementary, De Anza High School, and Gompers/Leadership High School. The provider will act as the District's commissioning agent and will be involved during the design and construction phases of the projects' commissioning plans for heating, ventilating and air-conditioning (HVAC) and f6Paurical systems it and wce p4oni0r.020c) and fT668Sod Tformanwi9II6CHF

With a PPA, ownership of the system remains with the provider. Maintenance and repair for the system is the responsibility of the provider, not the District. If the system fails, replacement is the responsibility of the provider.

Significant State and federal tax incentives are available for the installation of solar photovoltaic systems. Thirty percent federal investment tax credits have recently been extended through 2016 for the installation of solar systems. However, since school districts do not pay taxes, they are not eligible for these credits. By installing and retaining ownership of the system, a vendor such as Solar Integrated Technologies can take advantage of the incentives. Power companies such as PG&E also offer incentives in the form of rebates to both private and public entities for solar systems. A PG&E rebate of \$346,000 was provided for this system and assigned to SIT as a provision of the buy-out.

Through further analysis of the provisions of the PPA and the potential savings to the District, the District staff determined that the buy-out of the PPA would be in the best interest of the District. One of the primary considerations in the analysis for this decision was the impact to the General Fund over the next 20 years. The buy-out will have a cost to the Measure J bond of \$800,000 and have a cumulative savings to the General Fund of \$575,000 to \$800,000 over the 20 year expected life of the system. Action was taken at the July 9, 2008, Board of Education meeting to proceed with buying out the PPA from Solar Integrated Technologies.

Midyear Update

The installation of this on-site power generation system is consistent with the State's goal of attaining grid neutral schools throughout California. Staff has indicated the system is also consistent with the desire of the community to "go green".

The approved projects list in the bond measure language includes "Install or upgrade energy efficient systems". This project is consistent with that language. However, the cost of the initial installation for this project will be from the capital outlay funding in Measure J while the payback for the system will come in the form of reduced energy consumption and reduced costs to the General Fund.

SCOPE, PROCESS, AND MONITORING OF PARTICIPATION BY LOCAL FIRMS

Process Utilized

During the process of this review, Total School Solutions (TSS) interviewed a few members of the bond oversight committee, audit sub-committee, bond program staff members, and reviewed the documentation in regard to local capacity building efforts.

Background

The Board of Education has expressed a strong desire to include local businesses in the planning and construction programs funded through Measure M, D and J. One of the purposes of entering into a Project Labor Agreement is stated by the Board as the following:

“To the extent permitted by law, it is in the interest of the parties to this agreement to utilize resources available in the local area, incl

On November 18, 2008, the School Board approved the recommendation that Local Hiring and Local Business Participation goals be included for future Measure J projects. An update of this program in regard to other Measure J projects will be provided in subsequent audits, as projects are awarded.

EFFECTIVENESS OF THE COMMUNICATION CHANNELS AMONG ALL STAKEHOLDERS WITHIN THE BOND PROGRAM

Process Utilized

During the process of this review, Total School Solutions (TSS) interviewed personnel and other parties involved in the District's facilities program. A few members of the audit-subcommittee and key personnel on the bond management team were also interviewed. The communication channels and public outreach were among the topic of discussion in those interviews.

Background

To facilitate communication regarding the West Contra Costa Unified School District's facilities program, the District provides information about the District and the facilities program on three separate websites:

- West Contra Costa Unified School District: www.wccusd.k12.ca.us
- Bond Oversight Committee: www.wccusd-bond-oversight.com
- Bond Program: www.wccusdbondprogram.com

To facilitate access to bond information and the oversight committee, the District's website provides links to the Bond Oversight Committee and Bond Program websites. The bond oversight and bond program websites are smaller in scope (i.e. bond program information only) and therefore easier for a user to navigate than the District's web site.

Midyear Update

A review of the school district, bond committee and bond program websites indicated that information about the bond and facility construction programs was current, and included relevant information about ongoing and upcoming projects, community meeting dates and schedules, and meeting minutes.

The CBOC is currently working with staff to update the CBOC website and provide links to all school projects, simplify the format to make it more user friendly and include more information regarding budgets and schedules.

Specific questions were raised during conversations with both staff and members of the CBOC regarding the communication of important project timelines and schedules to the end users. All schedules should be appropriately communicated to all key stakeholders and monitored for compliance, including any deviations or necessary revisions to the schedule. In particular, consideration should be given to the impact of a project schedule on the instructional program. When projects are underway at school sites with students present, the impact of interruptions can be significant and should be minimized as much as possible.

The District did publish the *WCCUSD Reporter* again in August of 2008. The *WCCUSD Reporter* is a bi-lingual newspaper that is distributed to 95,000 households in each of the five communities that make up the WCCUSD. According to staff and members of the CBOC, the *Reporter* has received positive feedback to date and appears to be a useful mechanism for communicating to these diverse communities about the status of various school construction projects, as well as other important initiatives in the District. It was noted that due to budget reductions in the District, this newsletter was not going to continue to be published. However, a Winter 2009 publication was in progress at

APPENDIX A

MEASURE D BOND LANGUAGE

**BOND MEASURE D
WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT**

“To complete repairing all of our schools, improve classroom safety and relieve overcrowding through such projects as: building additional classrooms; making seismic upgrades; repairing and renovating bathrooms, electrical, plumbing, heating and ventilation systems, leaking roofs, and fire safety systems; shall the West Contra Costa Unified School District issue \$300 million in bonds at authorized interest rates, to renovate, acquire, construct and modernize school facilities, and appoint a citizens’ oversight committee to monitor that funds are spent accordingly?”

FULL TEXT OF BOND MEASURE D

BOND AUTHORIZATION

By approval of this proposition by at least 55% of the registered voters voting on the proposition, the West Contra Costa Unified School District shall be authorized to issue and sell bonds of up to \$300,000,000 in aggregate principal amount to provide financing for the specific school facilities projects listed in the Bond Project List attached hereto as Exhibit A, and in order to qualify to receive State matching grant funds, subject to all of the accountability safeguards specified below.

ACCOUNTABILITY SAFEGUARDS

The provisions in this section are specifically included in this proposition in order that the voters and taxpayers of West Contra Costa County may be assured that their money will be spent wisely to address specific facilities needs of the West Contra Costa Unified School District, all in compliance with the requirements of Article XIII A, Section 1(b)(3) of the State Constitution, and the Strict Accountability in Local School Construction Bonds Act of 2000 (codified at Education Code Sections 15264 and following).

Evaluation of Needs

to be filed with the Board no later than January 1 of each year, commencing January 1, 2003, stating (1) the amount of bond proceeds received and expended in that year, and (2) the status of any project funded or to be funded from bond proceeds. The report may relate to the calendar year, fiscal year, or other appropriate annual period as the Superintendent shall determine, and may be incorporated into the annual budget, audit, or other appropriate routine report to the Board.

BOND PROJECT LIST

The Bond Project List attached to this resolution as Exhibit A shall be considered a part of the ballot proposition, and shall be reproduced in any official document required to contain the full statement of the bond proposition.

The Bond Project List, which is an integral part of this proposition, lists the specific projects the West Contra Costa Unified School District proposes to finance with proceeds of the bonds. Listed repairs, rehabilitation projects and upgrades will be completed as needed at a particular school site. Each project is assumed to include its share of costs of the election and bond issuance, architectural, engineering, and similar planning costs, construction management, and a customary contingency for unforeseen design and construction costs. The final cost of each project will be determined as plans are finalized, construction bids are awarded, and projects are completed. In addition, certain construction funds expected from non-bond sources, including State grant funds for eligible projects, have not yet been secured. Therefore the Board of Education cannot guarantee that the bonds will provide sufficient funds to allow completion of all listed projects.

FURTHER SPECIFICATIONS

No Administrator Salaries. Proceeds from the sale of bonds authorized by this proposition shall be used 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 not for any other purpose, including teacher and administrator salaries and other school operating expenses.

Single Purpose. All of the purposes enumerated in this proposition shall be united and voted upon as one single proposition, pursuant to Education Code Section 15100, and all the enumerated purposes shall constitute the specific single purpose of the bonds, and proceeds of the bonds shall be spent only for such purpose, pursuant to Government Code Section 53410.

Other Terms of the Bonds. When sold, the bonds shall bear interest at an annual rate not exceeding the statutory maximum, and that interest will be made payable at the time or times permitted by law. The bonds may be issued and sold in several series, and no bond shall be made to mature more than 30 years from the date borne by that bond.

**TAX RATE STATEMENT IN CONNECTION WITH
BOND MEASURE D**

An election will be held in the West Contra Costa Unified School District (the "District") on March 5, 2002, to authorize the sale of up to \$300,000,000 in bonds of the District to finance school facilities as described in the proposition. If the bonds are approved, the District expects to sell the bonds in 7 series. Principal and interest on the bonds will be payable from the proceeds of tax levies made upon the taxable property in the District. The following information is provided in compliance with Sections 9400-9404 of the Elections Code of the State of California.

1. The best estimate of the tax which would be required to be levied to fund this bond issue during the first fiscal year after the sale of the first series of bonds, based on estimated assessed valuations available at the time of filing of this statement, is 1.22 cents per \$100 (\$12.20 per \$100,000) of assessed valuation in fiscal year 2002-03.
2. The best estimate of the tax rate which would be required to be levied to fund this bond issue during the first fiscal year after the sale of the last series of bonds, based on estimated assessed valuations available at the time of filing of this statement, is 5.94 cents per \$100 (\$59.40 per \$100,000) of assessed valuation in fiscal year 2010-11.
3. The best estimate of the highest tax rate which would be required to be levied to fund this bond issue, based on estimated assessed valuations available at the time of filing of this statement, is 6.00 cents per \$100 (\$60.00 per \$100,000) of assessed valuation in fiscal year 2015-16: The tax rate is expected to remain the same in each year.]

Voters should note that estimated tax rate is based on the *ASSESSED VALUE* of taxable property on the County's official tax rolls, *not* on the property's market value. Property owners should consult their own property tax bills to determine their property's assessed value and any applicable tax exemptions.

Attention of all voters is directed to the fact that the foregoing information is based upon the District's projections and estimates only, which are not binding upon the District. The actual tax rates and the years in which they will apply may vary from those presently estimated, due to variations from these estimates in the timing of bond sales, the amount of bonds sold and market interest rates at the time of each sale, and actual assessed valuations over the term of repayment of the bonds. The dates of sale and the amount of bonds sold at any given time will be determined by the District based on need for construction funds and other factors. The actual interest rates at which the bonds will be sold will depend on the bond market at the time of each sale. Actual future assessed valuation will depend upon the amount and value of taxable property within the District as determined by the County Assessor in the annual assessment and the equalization process.

Dated: November 30, 2001.

Gloria Johnson, Superintendent
West Contra Costa Unified School District

Exhibit A

WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT BOND PROJECT LIST

SECTION I

PROJECTS TO BE COMPLETED AT ALL SCHOOL SITES

(As needed, upon final evaluation of each site.)

Security and Health/Safety Improvements

- Modifications and renovations necessary for compliance with Americans with Disabilities Act (ADA).
- Improvements required for compliance with applicable building codes including the Field Act.
- Remove, abate, or otherwise mitigate asbestos, lead-based paint and other hazardous materials, as necessary.
- Install closed circuit television (CCTV) systems, as necessary, to provide secure environment for students, staff, and other users of the facilities.
- Survey, assess and mitigate seismic and structural issues and reinforce or replace existing structures, as necessary, except at Hercules Middle/High School and Richmond Middle School.
- Purchase necessary emergency equipment and provide adequate storage for such equipment.

Major Facilities Improvements

- Provide for required demolition in order to perform all work indicated below as well as the specific school site identified needs.
- Upgrade, install and/or replace, as necessary, intercom, alarm, bell, and clock systems.
- Renovate gymnasiums, or replace, as economically advantageous, and replace or install gymnasium equipment.
- Provide a technology backbone system for voice, data, and video communications to accommodate computer network systems, internet access, and other technology advancements; upgrade or install electrical wiring and power for all systems, and provide computers and other technology equipment.
- Assure that all instructional areas and classrooms are provided with telephone service in order to enhance safety and security.
- Improve, upgrade and/or replace heating, ventilation and air conditioning systems, (including energy management systems).
- Improve, upgrade and/or replace electrical systems and equipment.
- Improve, upgrade and/or replace plumbing lines and equipment.
- Install or upgrade energy efficient systems.
- Improve, replace and/or install new outdoor lids. ance .

- Create, renovate and/or improve kitchen areas, including replacement of specialized equipment and furnishings.
- Renovate, upgrade or install library areas, including seismic restraints for shelving.
- Renovate, improve or replace restrooms.
- Renovate, improve or replace roofs.
- Re-finish and/or improve exterior and interior surfaces, including walls, ceilings, and floors.
- Upgrade, improve, install and/or replace indoor lighting systems.
- Provide furnishings and equipment for improved or newly constructed classrooms and administrative facilities.
- Replace worn/broken/obsolete instructional and administrative furniture and equipment, as well as site furnishings and equipment.
- Purchase, rent, or construct temporary classrooms and equipment (including portable buildings) as needed to house students displaced during construction.
- Acquire any of the facilities on the Bond Project List through temporary lease or lease-purchase arrangements, or execute purchase options under a lease for any of these authorized facilities.
- Construct regional School District Maintenance and Operations Yard or Yards at current District locations as necessary.
- As to any major renovation project, replace such facility if doing so would be economically advantageous.

Sitework

- Complete site work, including sitework in connection with new construction or installation or removal of relocatable classrooms.
- Improve or replace athletic fields, equipment rooms, lighting, and scoreboards.
- Improve, resurface, re-stripe and/or replace damaged asphalt and concrete surfaces.
- Improve or replace storm drain and site drainage systems.

SECTION II

ELEMENTARY SCHOOL PROJECTS

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All Elementary Schools may include projects, as necessary, from Section I. The following specific projects are authorized at the following identified site.

PROJECT TYPE	Harbour Way Community Day Academy 214 South 11 th . Street, Richmond, CA 94801 Project List
	Projects as appropriate from the “All School Sites” list.
Major Building Systems	Add water supply to portable classrooms.
Construction/Renovation of Classroom and Instructional Facilities	Demolish and replace two (2) portable classrooms. Install one additional portable classroom.
Site and Grounds Improvements	Add play structures/playgrounds.
Furnishing/Equipping	Install or replace whiteboards, tackboards and counters.

SECTION III

SECONDARY SCHOOL PROJECTS

All Secondary Schools may include projects, as necessary, from Section I. The following specific projects are authorized at the following identified sites.

PROJECT TYPE	Adams Middle School 5000 Patterson Circle, Richmond, CA 94805-1599 Project List
	Projects as appropriate from the “All School Sites” list.
Improvements/Rehabilitation	Replace carpet. Improve/replace floors. Improve and paint stairwells and handrails. Improve and paint interior walls. Improve/replace ceilings. Demolish and replace one portable classroom.
Furnishing/Equipping	Replace fold-down tables in cafeteria. Install or replace whiteboards, tackboards and counters.
PROJECT TYPE	Juan Crespi Junior High School 1121 Allview Avenue, El Sobrante, CA 94803-1099 Project List
	Projects as appropriate from the “All School Sites” list.
Improvements/Rehabilitation	Renovate library. Improve/replace floors. Replace sinks in science lab. Improve and paint interior walls. Renovate stage. Improve/replace ceilings. Replace acoustic tiles in cafeteria.
Construction/Renovation of Classroom and Instructional Facilities	Renovate cafeteria side room or computer room for itinerant teacher’s room. Expand textbook room. Renovate shower rooms. Renovate shop room. Renovate classroom 602. Expand counseling office

Furnishing/Equipping	Replace fold down tables in cafeteria. Install or replace whiteboards, tackboards and counters.
PROJECT TYPE	Helms Middle School 2500 Road 20, San Pablo, CA 94806-5010 Project List
	Projects as appropriate from the "All School Sites" list.
Major Building Systems	Improve/replace roof and skylights.
Improvements/Rehabilitation	Improve/replace glass block walls. Improve/replace floor surfaces. Improve/replace ceilings. Repaint locker rooms. Replace carpet. Improve and paint interior walls.
Construction/Renovation of Classroom and Instructional Facilities	Demolish and replace two portable classrooms.
Site and Grounds Improvements	Revise parking and traffic circulation. Improve/replace fence.
Furnishing/Equipping	Install or replace whiteboards, tackboards and counters.
PROJECT TYPE	Hercules Middle/High School 1900 Refugio Valley Road, Hercules, CA Project List
	Projects as appropriate from the "All School Sites" list.
Major Building Systems	Add additional buildings or portables to address overcrowding.
Improvements/Rehabilitation	Install additional outdoor and indoor water fountains.
Furnishing/Equipping	Install lockers. Provide and install new furniture and equipment.
PROJECT TYPE	Pinole Middle School 1575 Mann Drive, Pinole, CA 94564-2596 Project List
	Projects as appropriate from the "All School Sites" list.
Improvements/Rehabilitation	Improve/replace floors. Improve/replace ceilings. Improve/replace exterior doors. Strip wallpaper and paint interior corridors. Add ventilation to Woodshop. Improve/replace overhang at snack bar. Improve and paint interior walls. Improve/replace skylights. Improve/replace ramps. Replace sliding glass door in classroom 11
Construction/Renovation of Classroom and Instructional Facilities	Demolish and replace approximately 23 portable classrooms. Expand or construct new library.
Furnishing/Equipping	Remove chalkboards from computer room. Install dust recovery system in woodshop. Install or replace whiteboards, tackboards and counters. Replace fold down tables in cafeteria.

Furnishing/Equipping

Furnishing/Equipping	Install or replace whiteboards, tackboards and counters. Add partition walls to the gymnasium and the Little Theater. Replace tables and chairs in cafeteria. Replace equipment in woodshop. Add dust recovery system to woodshop.
PROJECT TYPE	Pinole Valley High School and Sigma High School 2900 Pinole Valley Road, Pinole, CA 94564-1499 Project List
	Projects as appropriate from the “All School Sites” list.
Improvements/Rehabilitation	Improve and paint interior walls. Improve/replace ceilings. Improve/replace floors. Replace carpet. Correct or replace ventilation/cooling system in computer lab. Improve partition walls between classrooms 313/311 and 207/209. Reconfigure wires and cables in computer lab. Replace broken skylights.
Construction/Renovation of Classroom and Instructional Facilities	Demolish and replace approximately thirty-five (35) portable classrooms. Add/provide flexible teaching areas and parent/teacher rooms. Add storage.
Furnishing/Equipping	Add new soundboard in cafeteria. Install or replace whiteboards, tackboards and counters.
PROJECT TYPE	De Anza High School and Delta High School 5000 Valley View Road, Richmond, CA 94803-2599 Project List
	Projects as appropriate from the “All School Sites” list.
Improvements/Rehabilitation	Replace/Improve skylights. Improve, or replace, and paint interior walls and ceilings. Improve or add ventilation/cooling system to computer lab. Replace exterior doors. Replace showers in gymnasium.
Construction/Renovation of Classroom and Instructional Facilities	Demolish and replace approximately fourteen (14) portable classrooms. Increase size of gymnasium. Add storage areas.
Furnishing/Equipping	Replace cabinets in 300 wing. Replace wooden bleachers. Add mirrors to girls locker room. Install or replace whiteboards, tackboards and counters.

PROJECT TYPE	Gompers High School 1157 9 th . Street, Richmond, CA 94801-3597 Project List
	Projects as appropriate from the “All School Sites” list.
Improvements/Rehabilitation	Improve or add ventilation/cooling system to computer lab. Replace outdoor and indoor water fountains. Improve/replace floors and carpet. Add sinks to Stop-Drop classrooms. Improve/replace interior and exterior doors and locks. Add new partition walls in classroom 615. Improve and paint interior walls. Improve/replace ceilings.
Construction/Renovation of Classroom and Instructional Facilities	Add science lab. Add lunch area for students. Add area for bicycle parking.
Furnishing/Equipping	Install or replace whiteboards, tackboards and counters.
PROJECT TYPE	North Campus High School and Transition Learning Center 2465 Dolan Way, San Pablo, CA 94806-1644 Project List
	Projects as appropriate from the “All School Sites” list.
Security and Health/Safety Improvements	Improve fences and gates to alleviate security issues.
Improvements/Rehabilitation	Remodel offices. Add weather protection for walkways and doors. Improve and paint interior walls. Improve/replace ceiling tiles. Replace carpet.
Construction/Renovation of Classroom and Instructional Facilities	Add multi-purpose room. Add cafeteria. Add library. Move/add time-out room. Add flexible teaching areas, counseling, and conference rooms.
Site and Grounds Improvements	Add play structures/playgrounds. Improve site circulation. Add bicycle parking to site. Resolve parking inadequacy.
School Support Facilities	Add storage space. Add restrooms for students and staff.
Furnishing/Equipping	Install or replace whiteboards, tackboards and counters.

PROJECT TYPE	Vista Alternative High School <u>2600 Moraga Road, San Pablo, CA 94806</u> Project List
	Projects as appropriate from the “All School Sites” list.
Major Building Systems	Add water supply to portable classrooms.
Construction/Renovation of Classroom and Instructional Facilities	Add storage space. Add mini-science lab. Add bookshelves.
Furnishing/Equipping	Install or replace whiteboards, tackboards and counters.
PROJECT TYPE	Middle College High School <u>2600 Mission Bell Drive, San Pablo, CA 94806</u> Project List
	Projects as appropriate from the “All School Sites” list.
Furnishing/Equipping	Refurbish/replace and install furnishings and equipment, as needed.

APPENDIX B

MEASURE J BOND LANGUAGE

the West Contra Costa Unified School District on November 8, 2005, for the purpose of submitting to the registered voters of the District the following proposition:

BOND AUTHORIZATION

By approval of this proposition by at least 55% of the registered voters voting on the proposition, the West Contra Costa Unified School District shall be authorized to issue and sell bonds of up to \$400,000,000 in aggregate principal amount to provide financing for the specific school facilities projects listed in the Bond Project List attached hereto as Exhibit A, subject to all of the accountability safeguards specified below.

ACCOUNTABILITY SAFEGUARDS

The provisions in this section are specifically included in this proposition in order that the voters and taxpayers of the West Contra Costa Unified School District may be assured that their money will be spent wisely to address specific facilities needs of the West Contra Costa Unified School District, all in compliance with the requirements of Article XIII A, section 1(b)(3) of the State Constitution, and the Strict Accountability in Local School Construction Bonds Act of 2000 (codified at section 15264 *et seq.* of the California Education Code).

Evaluation of Needs. The Board of Education has prepared an updated facilities plan in order to evaluate and address all of the facilities needs of the West Contra Costa Unified School District, and to determine which projects to finance from a local bond at this time. The Board of Education hereby certifies that it has evaluated safety, class size reduction and information technology needs in developing the Bond Project List contained in Exhibit A.

Independent Citizens' Oversight Committee. The Board of Education shall establish an independent Citizens' Oversight Committee (section 15278 *et seq.* of the California Education Code), to ensure bond proceeds are expended only for the school facilities projects listed in Exhibit A. The committee shall be established within 60 days of the date when the results of the election appear in the minutes of the Board of Education.

Annual Performance Audits. The Board of Education shall conduct an annual, independent performance audit to ensure that the bond proceeds have been expended only on the school facilities projects listed in Exhibit A.

Annual Financial Audits. The Board of Education shall conduct an annual, independent financial audit of the bond proceeds until all of those proceeds have been spent for the school facilities projects listed in Exhibit A.

Special Bond Proceeds Account; Annual Report to Board. Upon approval of this proposition and the sale of any bonds approved, the Board of Education shall take actions necessary to establish an account in which proceeds of the sale of bonds will be deposited. As long as any proceeds of the bonds remain unexpended, the Superintendent shall cause a report to be filed with the Board no later than January 1 of each year, commencing January 1, 2007, stating (1) the amount of bond proceeds received and expended in that year, and (2) the status of any project funded or to be funded from bond proceeds. The report may relate to the calendar year, fiscal year, or other appropriate annual period as the Superintendent shall determine, and may be incorporated into the annual budget, audit, or other appropriate routine report to the Board.

BOND PROJECT LIST

The Bond Project List attached to this resolution as Exhibit A shall be considered a part of the ballot proposition, and shall be reproduced in any official document required to contain the full statement of the bond proposition. The Bond Project List, which is an integral part of this proposition, lists the specific projects the West Contra Costa Unified School District proposes to finance with proceeds of the Bonds. Listed repairs, rehabilitation projects and upgrades will be completed as needed. Each project is assumed to include its share of costs of the election and bond issuance, architectural, engineering, and similar planning costs, construction management, and a customary contingency for unforeseen design and construction costs. The final cost of each project will be determined as plans are finalized, construction bids are awarded, and projects are completed. In addition, certain construction funds expected from non-bond sources, including State grant funds for eligible projects, have not yet been secured. Therefore the Board of Education cannot guarantee that the bonds will provide sufficient funds to allow completion of all listed projects.

FURTHER SPECIFICATIONS

No Administrator Salaries. Proceeds from the sale of bonds authorized by this proposition shall be used 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 not for any other purpose, including teacher and administrator salaries and other school operating expenses.

Single Purpose. All of the purposes enumerated in this proposition shall be united and voted upon as one single proposition, pursuant to section 15100 of the California Education Code, and all the enumerated purposes shall constitute the specific single purpose of the bonds, and proceeds of the bonds shall be spent only for such purpose, pursuant to section 53410 of the California Government Code.

Other Terms of the Bonds. When sold, the bonds shall bear interest at an annual rate not exceeding the statutory maximum, and that interest will be made payable at the time or times permitted by law. The bonds may be issued and sold in several series, and no bond shall be made to mature more than 30 years from the date borne by that bond. No series of bonds may be issued unless the District shall have received a waiver from the State Board of Education of the District's statutory debt limit, if required.

Section 2. Abbreviation of Proposition. Pursuant to section 13247 of the California Elections Code and section 15122 of the California Education Code, the Board hereby directs the Registrar of Voters to use the following abbreviation of the bond proposition on the ballot:

To continue repairing all school facilities, improve classroom safety and technology, and relieve overcrowding shall the West Contra Costa Unified School District issue \$400 million in bonds at legal interest rates, with annual audits and a citizens' oversight committee to monitor that funds are spent accordingly, and upon receipt of a waiver of the District's statutory debt limit from the State Board of Education, if required?"

Section 3. Voter Pamphlet. The Registrar of Voters of the County is hereby requested to reprint Section 1 hereof (including Exhibit A hereto) in its entirety in the voter information pamphlet to be distributed to voters pursuant to section 13307 of the California Elections Code. In the event Section 1 is not reprinted in the voter information pamphlet in its entirety, the Registrar of Voters is hereby

requested to print, immediately below the impartial analysis of the bond proposition, in no less than 10-point boldface type, a legend substantially as follows:

“The above statement is an impartial analysis of Measure J. If you desire a copy of the measure, please call the Contra Costa County Registrar of Voters at (925) 646-4166 and a copy will be mailed at no cost to you.”

Section 4. State Matching Funds. The District hereby requests that the Registrar of Voters include the following statement in the ballot pamphlet, pursuant to section 15122.5 of the California Education Code:

“Approval of Measure J does not guarantee that the proposed project or projects in the West Contra Costa Unified School District that are the subject of bonds under Measure J will be funded beyond the local revenues generated by Measure J. The District’s proposal for the project or projects assumes the receipt of matching state funds, which could be subject to appropriation by the Legislature or approval of a statewide bond measure.”

Section 5. Required Vote. Pursuant to section 18 of Article XVI and section 1 of Article XIII A of the State Constitution, the above proposition shall become effective upon the affirmative vote of at least 55% of those voters voting on the proposition.

Section 6. Request to County Officers to Conduct Election. The Registrar of Voters of the County is hereby requested, pursuant to section 5322 of the California Education Code, to take all steps to call and hold the election in accordance with law and these specifications.

Section 7. Consolidation Requirement; Canvass. (a) Pursuant to section 15266(a) of the California Education Code, the election shall be consolidated with the statewide election on November 8, 2005. (b) The Board of Supervisors of the County is authorized and requested to canvass the returns of the election, pursuant to section 10411 of the California Elections Code.

Section 8. Delivery of Order of Election to County Officers. The Clerk of the Board of Education of the District is hereby directed to deliver, no later than August 12, 2005 (which date is not fewer than 88 days prior to the date set for the election), one copy of this Resolution to the Registrar of Voters of the County together with the Tax Rate Statement (attached hereto as Exhibit B), completed and signed by the Superintendent, and shall file a copy of this Resolution with the Clerk of the Board of Supervisors of the County.

Section 9. Ballot Arguments. The members of the Board are hereby authorized, but not directed, to prepare and file with the Registrar of Voters a ballot argument in favor of the proposition contained in Section 1 hereof, within the time established by the Registrar of Voters.

Section 10. Further Authorization. The members of this Board, the Superintendent, and all other officers of the District are hereby authorized and directed, individually and collectively, to do any and all things that they deem necessary or advisable in order to effectuate the purposes of this resolution.

Section 11. Effective Date. This Resolution shall take effect upon its adoption.

PASSED AND ADOPTED this day, July 13, 2005, by the following vote:

AYES:
NAYS:
ABSTAIN:
ABSENT:
APPROVED:

President of the Board of Education of the West Contra Costa Unified School District

Attest:

Clerk of the Board of Education of the West Contra Costa Unified School District

CLERK'S CERTIFICATE

I, Clerk of the Board of Education of the West Contra Costa Unified School District, of the County of Contra Costa, California, hereby certify as follows:

The attached is a full, true and correct copy of a resolution duly adopted at a meeting of the Board of Education of the District duly and regularly held at the regular meeting place thereof on July 13, 2005, and entered in the minutes thereof, of which meeting all of the members of the Board of Education had due notice and at which a quorum thereof was present.

The resolution was adopted by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

At least 24 hours before the time of said meeting, a written notice and agenda of the meeting was mailed and received by or personally delivered to each member of the Board of Education not having waived notice thereof, and to each local newspaper of general circulation, radio, and television station requesting such notice in writing, and was posted in a location freely accessible to members of the public, and a brief description of the resolution appeared on said agenda.

I have carefully compared the same

EXHIBIT A

WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT BOND PROJECT LIST

SECTION I

PROJECTS TO BE COMPLETED AT ALL SCHOOL SITES (AS NEEDED)

Security and Health/Safety Improvements

- Modifications and renovations necessary for compliance with Americans with Disabilities Act (ADA).
- Improvements required for compliance with applicable building codes including the Field Act.
- Remove, abate, or otherwise mitigate asbestos, lead-based paint and other hazardous materials, as necessary.
- Install closed circuit television (CCTV) systems, as necessary, to provide secure environment for students, staff, and other users of the facilities.
- Survey, assess and mitigate seismic and structural issues and reinforce or replace existing structures, as necessary.
- Purchase necessary emergency equipment and provide adequate storage for such equipment.

Major Facilities Improvements

- Provide for required demolition in order to perform all work indicated below as well as the specific school site identified needs.
- Upgrade, install and/or replace, as necessary, intercom, alarm, bell, and clock systems.
- Renovate gymnasiums, or replace, as economically advantageous, and replace or install gymnasium equipment.
- Provide a technology backbone system for voice, data, and video communications to accommodate computer network systems, internet access, and other technology advancements; upgrade or install electrical wiring and power for all systems, and provide computers and other technology equipment.
- Assure that all instructional areas and classrooms are provided with telephone service in order to enhance safety and security.
- Improve, upgrade and/or replace heating, ventilation and air conditioning systems, (including energy management systems).
- Improve, upgrade and/or replace electrical systems and equipment.
- Improve, upgrade and/or replace plumbing lines and equipment.
- Install or upgrade energy efficient systems.
- Improve, replace and/or install new outdoor lighting to improve security, safety and enhance evening educational events or athletic activities.
- Renovate, improve, relocate and/or create adequate trash enclosures.
- Renovate, add, or replace lockers.
- Construct, relocate and/or improve lunch shelters.
- Furnish and/or replace emergency evacuation, building identification and address signage and monument signs.
- Replace doors, hardware, windows and window coverings.
- Construct, renovate and/or improve kitchen areas, including replacement of specialized equipment and furnishings.
- Renovate, upgrade or install library areas, including seismic restraints for shelving.
- Renovate, improve, add, or replace restrooms.

EXHIBIT B
TAX RATE STATEMENT

An election will be held in the West Contra Costa Unified School District (the "District") on November 8, 2005, to authorize the sale of up to \$400,000,000 in bonds of the District to finance school facilities as described in the proposition. If the bonds are approved, the District expects to sell the bonds in seven (7) series. Principal and interest on the bonds will be payable from the proceeds of tax levies made upon the taxable property in the District. The following information is provided in compliance with sections 9400-9404 of the California Elections Code.

1. The best estimate of the tax rate which would be required to be levied to fund this bond issue during the first fiscal year after the sale of the first series of bonds, based on estimated assessed valuations available at the time of filing of this statement, is 3.11 cents per \$100 (\$31.10 per \$100,000) of assessed valuation in fiscal year 2006-2007.

2. The best estimate of the tax rate which would be required to be levied to fund this bond issue during the fiscal year after the sale of the last series of bonds, based on estimated assessed valuations available at the time of filing of this statement, is 5.99 cents per \$100 (\$59.90 per \$100,000) of assessed valuation in fiscal year 2013-2014.

3. The best estimate of the highest tax rate which would be required to be levied to fund this bond issue, based on estimated assessed valuations available at the time of filing of this statement, is 6.00 cents per \$100 (\$60.00 per \$100,000) of assessed valuation in fiscal year 2020-2021 through fiscal year 2035-2036. The average tax rate is expected to be 5.55 cent per \$100 (\$55.50 per \$100,000) of assessed valuation over the life of the bonds. Voters should note that estimated tax rate is based on the ASSESSED VALUE of taxable property on the County's official tax rolls, not on the property's market value. Property owners should consult their own property tax bills to determine their property's assessed value and any applicable tax exemptions.

Attention of all voters is directed to the fact that the foregoing information is based upon the District's projections and estimates only, which are not binding upon the District. The actual tax rates and the years in which they will apply may vary from those presently estimated, due to variations from these estimates in the timing of bond sales, the amount of bonds sold and market interest rates at the time of each sale, and actual assessed valuations over the term of repayment of the bonds. The dates of sale and the amount of bonds sold at any given time will be determined by the District based on need for construction funds and other factors. The actual interest rates at which the bonds will be sold will depend on the bond market at the time of each sale. Actual future assessed valuation will depend upon the amount and value of annual value of a