

28 March 2018

From: The Measure Q Bond Oversight Committee
To: The Governing Board of the Dixon USD
Subj: Access to Measure Q Contract Documentation

Board Members:

The Measure Q Citizens' Bond Oversight Committee (CBOC) formed a sub-committee to review and confirm that all contracts for professional services are being solicited and awarded through a competitive process. Since our September 13, 2017 meeting we have asked for copies of the Request for Qualification (RFQ), addenda (if any), Statement of Qualifications/Proposals from responding firms/consultants and the evaluation process/scoring for all contracts awarded since the approval of Measure Q.

The documentation requested by the CBOC is "public record", as acknowledged by the District, and is available to the public. The reason why an "**independent**" oversight committee, required by state law, has not been provided the same courtesy and access to records as the general public is unclear, as well as troublesome.

To date we have only received the RFQ for the Design project and the 4 contracts awarded, but no documents to compare the actual proposals submitted. At this point we do not know if there were any proposals submitted other than for LPA, Inc. We do not know if proposals were reviewed by a committee and who was included other than the Facility Director, John Calise. We also requested participation to observe the contract review process for future proposal reviews. Since our requests for documents and participation in the process the CEQA contract was awarded without any notification or documentation received from the District. There has been no reply to, nor acknowledgement of, our previous requests from the District.

The CBOC is an independent oversight committee, and as required by **Ed Code 15280**, "**The citizens' oversight committee shall actively review and report on the proper expenditure of taxpayers' money for school construction.**"

-Because the costs associated with contracts are a significant percentage of the Measure Q expenditures, simply verifying expenditures made without any knowledge or verification that the contracts have been awarded through a competitive process does not meet the requirement of "**shall actively review...**"

-The Ed Code does not mention "**allowable**" or "**limited**" or "**scope**" in reference to the activities or responsibilities of oversight committees.

-Nor does the Ed Code provide authority to the District to determine the scope of the oversight committee activities.

-Ed Code 15278 clearly states, "The citizens' oversight committee shall convene to provide oversight for, **but not be limited to**, both of the following ..."

After some discussion at our 28 February meeting John Calise, Facility Director, told Committee members that he would provide all documents related to Measure Q that we request. But, he also said the District was concerned about the CBOC increasing the "**scope**" of our responsibility. These two statements leave some ambiguity regarding the position of the District on this issue. In order that the CBOC may fulfill the required purpose to "**actively review and report on the proper expenditure of taxpayers' money for school construction**", the CBOC asks that the Board provide direction to the Superintendent that the CBOC will be provided **all** documents requested related to Measure Q Bond funds. It will be the responsibility of the CBOC, acting in their role as an **independent oversight committee**, to decide what they do with these documents.

A written reply is requested.

CBOC Chair

CC: DUSD Superintendent

The Measure Q Citizens' Bond Oversight Committee (CBOC) formed a sub-committee to review and confirm that all contracts for professional services are being solicited and awarded through a competitive process. Since our September 13, 2017 meeting we have asked for copies of the Request for Qualification (RFQ), addenda (if any), Statement of Qualifications/Proposals from responding firms/consultants and the evaluation process/scoring for all contracts awarded since the approval of Measure Q. To date we have only received the RFQ for the Design project and the 4 contracts awarded, but no documents to compare the actual proposals submitted. At this point we do not know if there were any proposals submitted other than for LPA, Inc. We do not know if proposals were reviewed by a committee and who is included other than John Calise. We also requested participation to observe the contract review process for future proposal reviews. If the CBOC had been formed on time one or more of our members could have participated in the previous reviews. Since our requests for documents and participation in the process the CEQA contract was awarded without any notification or documentation received from the District. There has been no reply to, nor acknowledgement of, our previous requests by the District.

The CBOC is an independent oversight committee required by **Ed Code 15280** "to **assure** the proper expenditure of Prop 39 bond funds". We are required by law to actively review and assure that expenditures for contracts are proper without any knowledge or verification that the contracts have been awarded through a competitive process. "The citizens' oversight committee **shall actively review** and report on the proper expenditure of taxpayers' money for school construction". The recent Performance (compliance) Audit performed by the audit firm of James Marta & Company, CPAs, did not include the review of contracts within the "scope" of the audit.

At our 28 February meeting John Calise told our committee members that the District was concerned about the CBOC increasing the "scope" of our responsibility. The Ed Code does not mention "allowable" or "limited" or "scope" in reference to the activities or responsibilities of oversight committees. Rather the term, "**but not be limited to**" is clearly stated in Ed Code 15278, "The citizens' oversight committee shall convene to provide oversight for, **but not be limited to**, both of the following".

The documentation requested by the CBOC is "public record", as acknowledged by the District, and is available to the public. Why an "independent" oversight committee, established by state law, is not provided the same courtesy and access to records as the general public is unclear, as well as troublesome.

A written reply to our concerns is requested.

CBOC Chair

CC: DUSD Superintendent