

CITIZENS' OVERSIGHT COMMITTEE PASADENA UNIFIED SCHOOL DISTRICT

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Pasadena, California

Patrick Cahalan – Board Liaison

May 11, 2017

Dr. Brian McDonald
Superintendent, Pasadena Unified School District
351 S. Hudson Avenue
Pasadena, California 91109

Dear Dr. McDonald:

The Citizens' Oversight Committee has directed me to write to you to raise two unresolved problems that are impeding the Committee's ability to perform its statutory oversight functions: (1) the failure of the Facilities Department to provide essential information about the status of Proposition TT-funded projects and (2) the poor quality of administrative support provided by the Facilities Department to the Committee for the last several months. I hope that with your assistance we can resolve these problems so that both the Facilities Department and the Committee can perform their respective duties more easily, efficiently, and pleasantly.

1. Request for Information

Although the Facilities Department produces massive amounts of data pertaining to Proposition TT-funded projects, no one report shows all the basic information that the Committee, the Board of Education, and the public need to know about the status of each project. As part of its oversight function, the Committee has therefore undertaken to generate such a report, one which will be an executive summary of all TT-funded

projects. This report will include for each project the following information in one place, in easily understandable format, and juxtaposed to permit comparison:

- The original amount budgeted
- The current budget as approved by the Board
- When any changes to the budget were approved by the Board
- The amounts expended or committed to date
- Percentage of project completion
- Estimated date of completion
- Estimated remaining cost of completion
- Estimated total cost of construction
- How such estimated total cost compares with the most recently budgeted amount
- Identification of contractors and program managers

A particularly significant feature of the report is that it will permit easy comparisons between what was planned, where a project now stands, and where it is headed. For example, if a project is estimated to be 50% complete but 90% of the budgeted amount has already been spent or committed, further scrutiny is probably warranted. Similarly, if the Board has approved a budget of \$15 million for a project but the total cost is now estimated to be \$20 million, where is the authority for spending the additional \$5 million?

The Committee is not asking the District to generate another report. This is something that the Committee will do itself based on information supplied by the District. Providing that information should entail little effort, because the information is already in the possession of or readily available to the District. But only the District can provide it, particularly the information pertaining to budgeting and percentage of completion.¹

2. Administrative Support of the COC by the District

Section 15280(b) of the Education Code requires the District to “. . . provide the citizens’ oversight committee with any necessary technical assistance and [to] provide administrative assistance in furtherance of its purpose and sufficient resources to publicize the conclusions of the citizens’ oversight committee.” Under section 7.1 of the Committee’s bylaws, such administrative support includes preparation of agendas,

¹ The Committee realizes that percentage of completion requires an estimate, but estimates are commonplace for construction projects and can be made by the project manager. Any reasonable, consistently applied method chosen by the District will suffice.

minutes, and reports. Section 7.2 of the bylaws provides that “[d]istrict staff shall attend all Committee proceedings in order to report on the status of projects and the expenditure of bond proceeds.”

In the Committee’s opinion, administrative assistance provided by the Facilities Department since February has been unsatisfactory. Most problematic has been the Chief of Facilities’ failure to attend Committee meetings and his substitution of a staff member who, while complaisant and cooperative, does not have the authority to speak on behalf of the Facilities Department or the knowledge to answer many of the Committee’s questions. The attendance of the Chief of Facilities at our meetings is essential. This problem may have been rendered moot given the Chief’s recent announcement that in future he will usually attend the meetings. We on the Committee sincerely hope that he does.

A major aspect of the administrative support that the District is required to provide is preparation of Committee meeting minutes. However, this task does not rest solely on the shoulders of the District. It is a collaborative venture. Last September the Facilities Department and the Committee agreed that a representative of the Department would provide a verbatim transcript and a first draft of the minutes and that the Committee would take it from there. That system worked reasonably well until February, when Facilities ordered a new, inexperienced staff member to perform those functions. Through no fault of his own and despite his best efforts, which were considerable, he could not do so.

The Committee complained about this state of affairs, and the Chief of Facilities has now proposed that the Facilities Department provide a private stenographer to transcribe Committee meetings. While this approach would certainly fulfill the Facilities Department’s obligation, one can reasonably ask whether the \$600 to \$1000 cost per meeting is a wise expenditure of limited funds, particularly since this function was previously performed by a Facilities staff member at no additional cost.

By law the cost of such administrative support by a private stenographer cannot be paid out of Proposition TT funds. The Chief of Facilities has advised me that the cost would be paid out of remaining Proposition Y funds. I have not researched the matter, but I wonder whether the Proposition Y ballot measure had a restriction similar to that contained in the Proposition TT ballot measure. If it did, then Proposition Y funds cannot legally be used to pay for a private stenographer.

3. Conclusion

I realize that there is an inherent tension between those who oversee and those who are overseen. I also realize that the Facilities Department has an important job to do. But so does the Committee. We have no choice. It is what the law requires.

In order to foster a more cooperative and productive working relationship between the Facilities Department and the Committee, I am happy to entertain your suggestions and to meet with you in person, preferably sooner rather than later.

Sincerely,

Clifton B. Cates
Chair, Citizens' Oversight Committee

P.S. The Committee has directed me to send copies of this letter to all members of the Board of Education.