

WCCUSD Subcommittee on Clay Investigation

Alvarado Adult Education Campus

July 7, 2015

Minutes

(Approved as Amended July 13, 2015)

I. Call to Order

LeBlanc, Associate Superintendent
n, Attorney, Lozano Smith

**as Chair of this Subcommittee. Ms. Ricco
oted yes, with no abstentions and no**

III(a) Opportunity for Public Comment on Agenda Items

Dr. Harter recommended that the Board make it clear from the beginning that the Committee will

He recommended that any response to the Request for Qualifications dated June 22, 2015, be directed by staff to this Subcommittee Chairperson, not Board President Groves. Mr. Jungherr also

Mr. Jungherr recommended they craft a scope of a couple of sentences and submit it to the board. He hopes the subcommittee oversees the investigation to its completion. Mr. Panas said he agrees with the model where the subcommittee goes to the board with a recommendation for an attorney.

MOTION: Ms. Block moved to make a selection for an attorney and go to the board for their July 21, 2015 meeting. Ms. Ricco seconded. Ms. Block, Ms. Cuevas and Ms. Ricco voted yes, with no abstentions and no absences. Motion carried 3-0-0.

Ms. Block spoke about clarifying the future role of the subcommittee at the July 8, 2015 Board meeting. Ms. Cuevas asked Mr. Freiman to comment. He suggested that at the July 8th meeting, when the minutes of the June 24th meeting come up for approval, to pause to make sure the minutes reflect what everyone understands is the scope of the subcommittee and seek clarification to make sure the minutes are accurate. They could at that time mention they would like to discuss whether to extend the scope at the following board meeting.

Ms. LeBlanc commented that the attorney to be appointed at the July 21st meeting could provide advice on the subcommittee's scope as well.

Mr. Jungherr suggested sending a list of names ahead of time.

Mr. Freiman commented that their process would likely be different depending on how many responses they got.

Ms. LeBlanc recommended that when the committee goes through the submittal requirements, it can narrow it down to who you want to look at further, rather than send out a conflict of interest

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the auditor can help define what the scope is.

Ms. Block said the initial investigation would stem from the allegations that were made, so we would want those to be addressed and want the attorney to decide how to get to the information.

Mr. Freiman said the attorney would get the process started with the auditor and he will come up with the documents and confirm with the committee and the attorney in a staged process.

Ms. Block asked whether we cannot make a final determination as to the scope now.

Ms. Cuevas suggested that for now agree upon what we describe as a protocol, the steps and who would be involved in the steps and memorialize that.

Mr. Panas inquired whether some component of this is appropriate for closed session.

Ms. LeBlanc said the attorney would provide guidance regarding determining any closed session items.

Mr. Freiman remarked that this is a 'discussion only' item, and so no action can be taken.

Ms. Cuevas said that we may need to place as an action item on our next agenda to memorialize our intent that the attorney and the forensic auditor help us to determine the official scope.

VI. Discussion of Timeline for completing the Investigation

Mr. Jungherr said he is proposing to get the auditor in place by August 12, by getting the request for auditor out this week and having three Clay Subcommittee meetings on July 27, August 3 and 10.

Mr. Freiman asked whether to get the attorney on board first to help craft the RFQ.

Ms. Ricco said we needed to first go ahead with the counsel and have him or her help us prepare the RFQ for the auditor.

Ms. Cuevas asked if we got the attorney on board on July 21, how much time would it take for him to do an RFQ?

Ms. Ricco said it would really hinge on the counsel they selected or whether they will be readily available.

Ms. LeBlanc said she wanted the subcommittee to be aware that there are alternatives such as the Fiscal Crisis Management Team and the County or Office of Education or the State, which is part of AB-139.

Ms. Cuevas said she wants to get the attorney first and do our due diligence first.

Ms. Block commented she would hope they could do this within Mr. Jungherr's timeline.

Ms. Cuevas said we should be committed to a sense of urgency to our approach.

Ms. Block said she agrees with Ms. Cuevas.

Mr. Jungherr made a plea to get a request for proposal out to auditors in advance of the attorney.

Ms. Cuevas said she did not want to get locked into a scope that is not effective or appropriate without the advice of the attorney.

Ms. Block agreed that the committee should first work with the attorney.

Ms. LeBlanc recommended that if your action item on the next meeting is to select legal counsel to interview, then you will need to review all the proposals individually before that time and do the scoring individually.

Ms. Block said she would like to do that and mentioned she will be gone from July 14 – 19, although she could be available remotely.

Ms. Cuevas confirmed with Ms. LeBlanc that she would deliver copies of the submissions to the Subcommittee members, and Ms. LeBlanc agreed.

Mr. Freiman said that they have the option of not making the RFQ submissions public and the reason for that is as soon as you put them on the website, each of the competitor sees them and is able to adjust their thinking and approach. So, the committee is not legally compelled to make those available because they are part of a competitive process.

Ms. Block asked about making part of them public.

Ms. LeBlanc spoke against making any portion of them public until you decide who you will select.

Mr. Todhunter spoke against putting the RFQ submissions on the webpage.

Ms. Cuevas asked about creating a list of names of those firms who submitted RFQs for the public.

Ms. Block said that was the purpose of the meeting on Monday to share the information publicly.

She proposed they receive the documents on Saturday, review them prior to the meeting on Monday, and the purpose is to discuss in a public way the rankings of the individuals. She asked if there is any portion of a submission we want to share? Mr. Freiman said they could identify the law firms who have responded, which would not provide a competitive advantage.

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