

**LOS ANGELES UNIFIED SCHOOL DISTRICT**

**SCHOOL CONSTRUCTION BOND CITIZENS' OVERSIGHT COMMITTEE**

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L.A. City Controller's Office

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L.A. Co. Auditor-Controller's Office

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L.A. Area Chamber of Commerce

**Barry Waite**  
CA Tax Reform Assn.

**Susan Linschoten (Alternate)**  
L.A. Co. Auditor-Controller's Office

**Joseph P. Buchman – Legal Counsel**  
Burke, Williams & Sorensen, LLP

**Thomas A. Rubin, CPA**  
Oversight Committee Consultant

**Gary C. Anderson, PhD**  
Bond Administrator

**Daniel Hwang**  
Administrative Analyst

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**RESOLUTION 2014-13**

**SUPPORTING ASSEMBLY BILL 1825 REGARDING EDUCATION CODE §35400 AND  
THE LOS ANGELES UNIFIED SCHOOL DISTRICT INSPECTOR GENERAL**

WHEREAS, the Rational Audit Program (RAP), as conceived and advanced by the Los Angeles Unified School District (LAUSD) School Construction Bond Citizens' Oversight Committee (BOC) and adopted by the LAUSD Board of Education, is a vital component of the oversight and control process for the LAUSD bond program; and

WHEREAS, the LAUSD Inspector General of the Office of Inspector General (IG) has a key role in the conduct of the RAP; and

WHEREAS, existing law as codified in Education Code §35400, until January 1, 2015, authorizes the IG to subpoena witnesses, administer oaths or affirmations, take testimony, and compel the production of all information, documents, reports, answers, records, accounts, papers, and other data and documentary evidence deemed material and relevant and that reasonably relate to the inquiry or investigation undertaken by the IG when he or she has a reasonable suspicion that a law, regulation, rule, or district policy has been violated or is being violated.; and

WHEREAS, existing law makes it a misdemeanor, punishable as specified, for a person, after the administration of an oath or affirmation by the IG, to state or affirm as true any material matter that he or she knows to be false; and

WHEREAS, existing law also requires the IG to submit an interim report to the Legislature by July 1, 2000, annual interim reports by July 1 of each succeeding year, and a final cumulative report by December 1, 2014, that includes specified information;

WHEREAS, Assembly Bill 1825 ("AB 1825"), introduced by Assembly Member Nazarian on February 18, 2014, would extend the IG's authority as codified at Education Code §35400 through January 1, 2025;

WHEREAS, Jess Womack, former LAUSD Deputy General Counsel, Interim IG and IG, advised the BOC at its February 27, 2014 meeting that he supports AB 1825 and encourages the

**Bond Oversight Committee**

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BOC to express its support for AB 1825 to appropriate members of the State Legislature. In addition, Mr. Womack urged the BOC to support three (3) revisions to AB 1825 that would make additional amendments to Education Code §35400 to provide: (a) that the Los Angeles Unified School District Board of Education shall not dismiss the IG except for good cause, and that the IG shall be appointed to serve for a term of three years; (b) that a finding of “good cause” for removal of a sitting IG must be made by 2/3 of the Board of Education (5 members); and (c) that the IG may subpoena witnesses or compel the production of information, documents, etc., that reasonably relate to an “inquiry, audit or investigation” undertaken by the IG in accordance with the statute.

WHEREAS, the BOC’s IG Legislation Task Force has considered Mr. Womack’s suggested amendments to AB 1825 and also recommends that BOC to support three (3) revisions to AB 1825 that would make additional amendments to Education Code §35400 to provide: (a) that the Los Angeles Unified School District Board of Education shall not dismiss the IG except for good cause, and that the IG shall be appointed to serve for a term of three years; (b) that a finding of “good cause” for removal of a sitting IG must be made by 2/3 of the Board of Education (5 members); and (c) that the IG may subpoena witnesses or compel the production of information, documents, etc., that reasonably relate to an “inquiry, audit or investigation” undertaken by the IG in accordance with the statute.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The BOC supports the extension of the authority granted to the IG pursuant to Education Code §35400 as it serves to assist the IG in the conduct of audits and investigations performed pursuant to the RAP and related to LAUSD’s bond-funded school construction and modernization program.
2. The BOC hereby authorizes the BOC Chair to send a letter to appropriate members of the State Legislature informing them of the BOC’s support of AB 1825 and the extension of the authority of the IG it would enact, and also that the BOC supports three (3) revisions to AB 1825 that would make additional amendments to Education Code §35400 to provide: (a) that the Los Angeles Unified School District Board of Education shall not dismiss the IG except for good cause, and that the IG shall be appointed to serve for a term of three years; (b) that a finding of “good cause” for removal of a sitting IG must be made by 2/3 of the Board of Education (5 members); and (c) that the IG may subpoena witnesses or compel the production of information, documents, etc., that reasonably relate to an “inquiry, audit or investigation” undertaken by the IG in accordance with the statute.

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3. This resolution shall be transmitted to the Los Angeles Unified School District Board of Education and posted on the BOC's website.

ADOPTED on March 27, 2014, by the following vote:

AYES: **12**

ABSTENTIONS: **0**

NAYS: **0**

ABSENCES: **2**

*Stephen English*

Stephen English  
Chair

*Pamela Schmidt*

Pamela Schmidt  
Vice-Chair