# LOS ANGELES UNIFIED SCHOOL DISTRICT SCHOOL BOND CONSTRUCTION PROGRAM MEASURE K PERFORMANCE AUDIT JUNE 30, 2024



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## **Independent Auditor's Report**

The Honorable Board of Education and School Construction Bond Citizens' Oversight Committee Los Angeles Unified School District

We have conducted a performance audit of the Los Angeles Unified School District's (the District), **Measure K School Bond Construction Program** for the year ended June 30, 2024.

We conducted this performance audit in accordance with *Government Auditing Standards*, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objective. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objective.

Our audit was limited to the objective listed on page 4 of this report which includes determining the District's compliance with the performance requirements for the Proposition 39 Measure K General Obligation Bonds and outlined in Article XIIIA, Section 1(b)(3)(C) of the California Constitution. Management is responsible for the District's compliance with those requirements.

In planning and performing our performance audit, we obtained an understanding of the District's internal control to determine if the internal controls were adequate to help ensure the District's compliance with the requirements of Proposition 39 and outlined in Article XIIIA, Section 1(b)(3)(C) of the California Constitution, but not for the purpose of expressing an opinion on the effectiveness of the District's internal control. Accordingly, we do not express an opinion on the effectiveness of the District's internal control.

The results of our tests indicated that the District expended Measure K School Bond Construction Program funds only for the specific projects approved by the voters, in accordance with Proposition 39 and outlined in Article XIIIA, Section 1(b)(3)(C) of the California Constitution.

Simpson & Simpson

Los Angeles, California March 24, 2025



## LOS ANGELES UNIFIED SCHOOL DISTRICT SCHOOL BOND CONSTRUCTION PROGRAM MEASURE K PERFORMANCE AUDIT LEGISLATIVE HISTORY June 30, 2024

On November 7, 2000, California voters approved Proposition 39, the *Smaller Classes, Safer Schools and Financial Accountability Act.* Proposition 39 amended portions of the California Constitution to provide for the issuance of general obligation bonds by school districts, "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", upon approval by 55% of the electorate. Additional accountability measures, as stipulated in Education Code Section 15278 – 15282, and 15286, are as follows:

- 1. A requirement that the school district establish and appoint members to an independent citizens' oversight committee.
- 2. A requirement that the proceeds from the sale of the bonds be used only for the purposes described in Article XIIIA, Section 1(b)(3)(A) of the California Constitution and ensuring that no funds are used for any teacher or administrative salaries or other school operating expenses.
- 3. A requirement that the school district list the specific school facilities projects to be funded and certification that the school district board has evaluated safety, class size reduction, and information technology needs in developing that list.
- 4. A requirement that the school district conduct an annual independent performance audit, in accordance with Government Auditing Standards issued by the Comptroller General of the United States, required by Article XIIIA, Section 1(b)(3)(C) of the California Constitution, ensuring that the funds have been expended only on the specific projects listed.
- 5. A requirement that the school district conduct an annual independent financial audit, in accordance with Government Auditing Standards issued by the Comptroller General of the United States, required by Article XIIIA, Section 1(b)(3)(D) of the California Constitution, of the proceeds from the sale of the bonds until all of those proceeds have been expended for the school facilities projects.

## LOS ANGELES UNIFIED SCHOOL DISTRICT SCHOOL BOND CONSTRUCTION PROGRAM MEASURE K PERFORMANCE AUDIT MEASURE K GENERAL OBLIGATION BONDS June 30, 2024

The Measure K School Bond Construction Program (Measure K) approved by the voters under California Proposition 39, known as the *Smaller Classes, Safer Schools and Financial Accountability Act* (Prop 39), is intended to provide the Los Angeles Unified School District (the District) funding for continued improvements to schools and to build new neighborhood schools that will provide an additional 112,000 new seats for children. Additionally, the Program has set funds aside for improving the neighboring communities by enhancing recreational activities and providing after-school space by constructing new schools, new parks, and libraries.

The Board of Education (the Board) has established a School Construction Bond Citizens' Oversight Committee (BOC) to ensure that the proceeds of Measure K's bond issuances are used for the purposes stated in the Board Resolution (the Resolution), which placed Measure K on the 2002 ballot.

The proceeds from the Measure K School Bonds are to be used for projects such as:

- repairing leaky roofs,
- connecting classrooms to intranets and the internet,
- equipping libraries at new schools with the initial stock of new books, and
- construction of new schools and early education centers.

All projects to be funded under Measure K must be included in the Strategic Execution Plans (SEPs) approved by the Board. The District has established General Obligation Bond Charging Guidelines to outline the allowable expenditures for Measure K. Such guidelines specifically state that no funds will be spent for teacher, administrator salaries or for school operating expenses.

The Measure K initiative authorized the issuance of \$3.35 billion in bonds. \$3.35 billion has since been issued between February 2003 and June 2010. The bonds are included in the audited financial statements of the District.

The District tracks the financial activities related to Measure K in the District Bonds Fund. The District Bonds Fund is comprised of multiple funds in the District's Audited Annual Financial Report (AAFR).

## **OBJECTIVE OF THE AUDIT**

The following represents the objective of our performance audit:

1. Bond Expenditures and Recordkeeping

Determine that the District expended Measure K funds for the year ended June 30, 2024, only for the purpose approved by the voters and only on the specific projects enumerated in the Resolution and included in the Board approved SEPs and amendments, in accordance with the requirements of Proposition 39, as specified by Article XIIIA, Section 1(b)(3)(C) of the California Constitution.

2. Procurement of Contracts

Determine that the District procured Construction Contracts in accordance with the District's Operational Standards Policies & Procedures and Desk-Top Procedures for Facilities Contracts.

The scope, methodology, and conclusions of the above objectives are enumerated in pages 5 through 10 of this report.

## 1. BOND EXPENDITURES AND RECORDKEEPING

#### Objective

Determine that the District expended Measure K funds for the year ended June 30, 2024, only for the purpose approved by the voters and only on the specific projects enumerated in the Resolution and included in the Board approved SEPs and amendments, in accordance with the requirements of Proposition 39, as specified by Article XIIIA, Section 1(b)(3)(C) of the California Constitution.

#### Scope

The scope covers the period from July 1, 2023, to June 30, 2024. The population of expenditures tested includes object codes and specific projects associated with Measure K.

A total of \$31.9 million in expenditures were identified for fiscal year ended June 30, 2024, which consists of the following (thousands):

Non-Payroll Expenditures:		
Books and supplies	\$	750
Services and other operating expenditures		1,928
Capital outlay		29,421
Debt service principal		3
Total non-payroll expenditures		32,102
Payroll Expenditures:		
Classified salaries		(160)
Employee benefits		(34)
Total payroll expenditures		(194)
Other Financing Uses:		
Transfers out		6
Total other financing uses		6
Total Measure K Expenditures per AAFR -	0	
District Bonds Fund	\$	31,914

#### 1. BOND EXPENDITURES AND RECORDKEEPING (continued)

#### a. Procedure Performed

We obtained a general ledger report prepared by the District detailing balances for all funds which made up the District Bonds Fund to reconcile the totals to the balances reported as of June 30, 2024, in the AAFR. We extracted from the general ledger report all activities pertaining to Measure K, Fund 213, as of June 30, 2024.

#### Conclusion

The results of our test indicated that all Measure K expenditure balances reconciled to the District Bonds Fund reported in the AAFR.

#### b. <u>Procedures Performed</u>

We selected a total of 80 individual invoices (sampled project expenditures) representing non-payroll expenditures amounting to \$27.4 million or 85.4% of the total population of non-payroll expenditures.

We obtained the original invoices and other relevant supporting documentation for expenditures sampled to determine compliance with the requirements of Article XIIIA, Section 1(b)(3)(C) of the California Constitution and Measure K's approved specific projects enumerated in the Resolution and included in the Board approved SEPs and amendments. We performed the following procedures:

- i. Determined that the sampled project expenditures were in compliance with the requirements of Article XIIIA, Section 1(b)(3)(C) of the California Constitution and were consistent with the work scope of Measure K's Resolution as presented to the voters and further defined by various Board approved SEPs and amendments.
- ii. Determined that the sampled project expenditures were not expended on school operating expenditures.
- iii. Verified that the appropriate District personnel had approved and reviewed all sampled project expenditures before payment was made.
- iv. Verified that corresponding projects or non-project allocations in each of the sampled project expenditures were included in the cumulative and various SEPs and amendments. For invoices which covered multiple projects, up to 5 projects were selected and tested.
- v. For sampled project expenditures representing Facilities Services Division (FSD) related construction payments, we verified construction project payment procedures had been met by testing the following:
  - The Contractor certified the Application for Payment by evidence of a signature.
  - The Owner Authorized Representative (OAR) certified that the services had been rendered by evidence of a signature.
  - The payment package included the Encumbrance/Payment request form, the Application for Payment, the Owner Assessment Summary, and other necessary supporting documents.

#### 1. BOND EXPENDITURES AND RECORDKEEPING (continued)

#### Conclusions

We identified three instances of non-compliance with Procedure (b)(i). Refer to finding **MK-2024-001** in the Schedule of Findings and Responses for further details.

Information Technology Services (ITS) issued its most recent Board approved SEP in 2023, which was used for testing. Expenditures pertaining to projects not listed in the 2023 SEP were tested in accordance with the board approved SEP amendments.

Additionally, the non-payroll expenditures were properly approved and reviewed by District personnel, along with construction payments adhering to construction project payment procedures.

#### c. <u>Procedures Performed</u>

We selected a total of 8 employees' payroll expenditures (sampled employees) for the entire fiscal year amounting to \$17.2K of the total population of payroll expenditures. We performed the following procedures:

- i. Determined that the sampled employees' payroll expenditures were in compliance with the requirements of Article XIIIA, Section 1(b)(3)(C) of the California Constitution and were consistent with the work scope of Measure K's Resolution as presented to the voters and further defined by various Board approved SEPs and amendments.
- ii. Verified, based on interviews with the sampled employees, the work conducted in connection with the time charged to Measure K was in compliance with the requirements of Article XIIIA, Section 1(b)(3)(C) of the California Constitution, and was not related to teacher or school administrative activities.
- iii. Verified that the District maintained adequate time and effort reporting controls and procedures for regular review of appropriate charges to Measure K by testing the following:
  - Sampled employees maintained a multi-funded timesheet, or
  - Sampled employees' Semi-Annual Certification Forms of Bond-Funded Work (Certification) were submitted to the Office of the Chief Financial Officer's (CFO) Bond Compliance Unit in accordance with the District's Bulletin BUL-6521.2 dated December 17, 2021, for the entire fiscal year.
- iv. For employees who submitted a Certification with a "% of Regular Time Spent on Bond-Eligible Projects/Activities" under 100% or whose time was not tracked on a project basis, we determined that payroll expenditures were based on the time associated with actual activities performed on Measure K, and not based on a predetermined budgeted rate/allocation, by reviewing supporting documentation to verify that payroll expenditures charged to Measure K were based on actual time spent on Measure K related activities.

#### 1. BOND EXPENDITURES AND RECORDKEEPING (continued)

#### Conclusions

The results of our tests indicated that the sampled payroll expenditures were properly expended only for the purposes approved by the voters and only on the specific projects enumerated in the Resolution and included in the Board approved SEPs and amendments, in accordance with the requirements of Proposition 39, as specified by Article XIIIA, Section 1(b)(3)(C) of the California Constitution and were not expended on teacher or school administrative activities.

The sampled employees maintained adequate time and effort reporting documents by either tracking time in Colin, Maximo, PATS, or custom forms on an internal order or project basis or submitting Semi-Annual Certifications of Bond-Funded Work.

For employees who submitted a Certification with a "% of Regular Time Spent on Bond-Eligible Projects/Activities" under 100% or whose time was not tracked on a project basis, the results of our tests indicated that payroll expenditures were based on the time associated with actual activities performed on Measure K, and not based on a predetermined budgeted rate/allocation, by reviewing supporting documentation which verified that payroll expenditures charged to Measure K were based on actual time spent on Measure K related activities.

#### d. Procedures Performed

We selected a total of 15 Transfers Out (sampled transfers) and performed the following procedures:

- i. Determined that the sampled non-payroll expenditures were in compliance with the requirements of Article XIIIA, Section 1(b)(3)(C) of the California Constitution and were consistent with the work scope of Measure K's Resolution as presented to the voters and further defined by various Board approved SEPs and amendments, and not expended on school operating expenditures.
- ii. For non-payroll project expenditures, we reviewed the supporting documents for the transfers out and determined that the amounts expended were consistent with the Board approved SEPs and amendments or Board Report authorizing the use of Measure K funds.

#### Conclusions

The results of our tests indicated that sampled non-payroll expenditures were properly expended only for the purposes approved by the voters and only on the specific projects enumerated in the Resolution and included in the Board approved SEPs and amendments, in accordance with the requirements of Proposition 39, as specified by Article XIIIA, Section 1(b)(3)(C) of the California Constitution and were not expended on school operating expenditures. Additionally, the amounts expended were consistent with the Board approved SEPs and amendments or Board Report authorizing the use of Measure K funds.

## 2. PROCUREMENT OF CONTRACTS

#### Objective

Determine that the District procured Construction Contracts in accordance with the District's Operational Standards Policies & Procedures and Desk-Top Procedures for Facilities Contracts.

#### Scope

The scope covers contracts/agreements procured during the period of July 1, 2023, to June 30, 2024, in which the original funding strategy source assigned was Measure K.

#### Procedures Performed

We selected 1 Construction Contract to determine the District procured the contract in accordance with the applicable requirements of the Operational Standards Policies & Procedures and Desk-Top Procedures for Facilities Contracts by testing the following for each selected contract:

- i. We verified that the bid was properly advertised by testing the following:
  - Request for Advertising of a Construction Project was submitted by the OAR and approved by authorized District officials.
  - Bid Advertisements were placed in the Los Angeles Daily Journal and bidding information was provided to various trade publications.
  - Bids were advertised for two consecutive weeks.
- ii. We verified that the contract was awarded to a prequalified bidder by testing the following:
  - The prequalified bidder was included in the List of Currently Prequalified Prime/General Contractors for Formal Competitively Bid Projects. Projects that did not require formally pre-qualified bidders were approved by the Acquisition Strategy Board (ASB).
  - The bid date (from the Request for Advertisement) was valid as of the effective date of the List of Currently Prequalified Prime/General Contractors for Formal Competitively Bid Projects.
- iii. We verified that the contract was awarded to the lowest responsive bidder pursuant to Public Contract Code Section 20103.8(b) by reviewing the following:
  - If the Pre-Bid Meeting was mandatory the sign-in sheet/attendance sheet showed that the Bidder attended the Pre-Bid Meeting.
  - The required bid forms were submitted by the bidder along with their sealed bid (Bid and Acceptance Form, Bid Security Form, Certification Requirement, and Non-Collusion Affidavit).
  - At least 3 bidders responded to the advertisement (non-mandatory) or were among the attendees of the mandatory pre-bid meeting.
  - The contract was awarded to the lowest bidder as stated on the Tabulation of Bids Received by Facilities Construction Contracts. Lowest bid price is the lowest base bid without consideration of the prices on the additive or deductive bid items.

## 2. PROCUREMENT OF CONTRACTS (continued)

#### Procedures Performed (continued)

- iv. We verified that the award of the contract was properly executed.
  - The Contract Administrator (CA) prepared the Recommendation to Award (RTA) and signed off that all bidding requirements were met and that the identified bidder was the lowest responsive and responsible bidder.
  - Facilities Construction Contracts (FCC) forwarded the RTA (Exhibit L) to Facilities Procurement and Payment Services (FPPS) for funding verification and approval. The RTA under a Master Contract did not show the specific amount of the contract but rather the pre-encumbered minimum guaranteed amount. This form showed the range (minimum to maximum) amount of the contract.
  - RTA was signed by the CA, the Director/Deputy Director (Delegated/Authorized signatories), and a copy was given to the OAR and/or Project Manager.
  - Notice of Intent to Award (NOIA) was transmitted to the Contractor with the remaining requirements before the contract was awarded.
  - Within 10 days of receipt of NOIA, the awarded contractor picked up the NOIA package, plans, and specification, including any addenda; enrolled in OCIP; and submitted the package to the FCC: (1) one executed original of the payment bond (2) one executed original of the performance bond (3) confirmation that bidder submitted the required paperwork to enroll in the Owner Controlled Insurance Program (OCIP). Certain contracts do not require OCIP and Advertisement because of the nature of the service rendered, such as "Emergency Asbestos Removal." In these cases, the contractor was required to provide a copy of their own insurance coverage.
  - Final contract was issued with evidence of all required approvals.
- v. We verified that the contract award was properly authorized and approved by the Board.
- vi. We verified that the extract of the Public Works Contract (PWC) Award was forwarded to the California Department of Industrial Relations Division of Apprenticeship Standards.

#### Conclusions

The results of our tests indicated that the District procured the selected Construction Contract in accordance with the applicable requirements of the District's Operational Standards Policies & Procedures.

## LOS ANGELES UNIFIED SCHOOL DISTRICT SCHOOL BOND CONSTRUCTION PROGRAM MEASURE K PERFORMANCE AUDIT SCHEDULE OF FINDINGS AND RESPONSES June 30, 2024

#### MK-2024-001 – Indirect Cost Charges

## Criteria

Indirect costs are associated with the bond program but should not or cannot be reasonably attributed to individual projects. These costs include the following:

- *Program Management*: Includes program level support costs for staff members of the Facilities Executive Office and FSD branches. Also includes activities that may be needed to prepare for Board review of project definitions such as surveying, master planning, standards development, and initial project scoping.
- *Other Indirect Costs*: Includes costs associated with bond issuance, professional services related to program needs, and bond program operating costs such as supplies, equipment, technology, and previously leased space for bond program staff.

Purchases associated with indirect costs that benefit both bond projects and non-bond projects should be allocated based on a proportional cost analysis that reflects the relative benefit to each program, ensuring an equitable distribution of expenditures.

#### Condition, Cause & Effect

In conjunction with Objective 1, Procedure (b)(i), of the non-payroll expenditures sampled, we identified the following:

a. The District purchased an annual license subscription and support renewal for IBM Maximo, an asset and work order project management software used for both bond and non-bond related projects. The District allocated 70% of the total cost for the renewal to Measure K, and 30% to the District's General Fund as follows:

Fund	Cost	Total Percentage Allocation
Measure K (213)	\$ 63,169.29	30%
General Fund (010)	147,395.02	70%
Total Cost	\$ 210,564.31	

To support this allocation, the District conducted an analysis of the total expenditures incurred in Fiscal Year 2024 from projects, standing orders, and special internal orders managed within Maximo. The analysis determined that 23% of total expenditures were attributed to bond-related projects, while 77% were attributed to non-bond-related projects.

As a result, the District overallocated the cost of the IBM Maximo license renewal to Measure K by 7%.

## LOS ANGELES UNIFIED SCHOOL DISTRICT SCHOOL BOND CONSTRUCTION PROGRAM MEASURE K PERFORMANCE AUDIT SCHEDULE OF FINDINGS AND RESPONSES June 30, 2024

## MK-2024-001 - Indirect Cost Charges (continued)

## Condition, Cause & Effect (continued)

 b. The District purchased 150 laptops, 150 desktops, and 150 monitors to be distributed to various FSD employees who support the bond program. The District charged 100% of these costs to Measure K, as follows:

Purchase	Cost
150 Laptops	\$241,450.88
150 Desktops	180,714.91
150 Monitors	27,922.50
Total Cost	\$ 450,088.29

To support this allocation the District conducted an analysis of the total payroll expenditures incurred in Fiscal Year 2024 by the employees who received the equipment to determine whether all their work fully supported the bond-related projects. The analysis determined that the employees performed work on non-bond projects, which does not support 100% of the total expenditure being charged to Measure K.

As a result, the District overallocated the cost of the equipment to Measure K.

c. The District purchased, on a quarterly basis, license renewal for The Gordian Group, Inc, for providing job order contracting application program management services used for both bond and non-bond related projects. The District charged 100% of these costs to Measure K, as follows:

Invoice License Period	Cost
August 2023 to October 2023	\$ 155,250.00
November 2023 to January 2024	178,500.00
May 2024 to July 2024	178,500.00
Total Cost	\$ 512,250.00

To support this allocation, the District conducted an analysis of the total job orders issued within Gordian in Fiscal Year 2024. The analysis determined that the District was managing non-bond job orders, which do not support 100% of the total expenditure being charged to Measure K.

As a result, the District overallocated the cost of the application to Measure K.

## LOS ANGELES UNIFIED SCHOOL DISTRICT SCHOOL BOND CONSTRUCTION PROGRAM MEASURE K PERFORMANCE AUDIT SCHEDULE OF FINDINGS AND RESPONSES June 30, 2024

## MK-2024-001 - Indirect Cost Charges (continued)

## Recommendation

We recommend the following to the District:

- a. For each of the purchases identified in our finding, conduct a proportional cost analysis to evaluate the relative benefit that the indirect cost provides to both bond and non-bond projects.
- b. Adjust Measure K's expenditure based on the proportional cost analysis conducted in item (a) ensuring an equitable distribution of expenditures.
- c. Include in the District's bond policies and procedures guidelines ensuring purchases associated with indirect costs benefiting both bond projects and non-bond projects are allocated based on a proportional cost analysis that reflects the relative benefit to each program, ensuring an equitable distribution of expenditures.
- d. Provide training, guidance, and support to the impacted departments to ensure compliance with established policies and procedures in item (c).

## Views of Responsible Officials and Planned Corrective Actions

a. *IBM Maximo:* The District concurs with the finding that Measure K was overcharged by 7% or \$14,739.50 for non-Bond activities.

*FSD Equipment Purchases:* The District concurs with the finding that a portion of the cost of the equipment purchased was overallocated to Measure K and will conduct a Bond/non-Bond cost analysis for employees whose function is primarily non-Bond.

*The Gordian Group, Inc:* The District concurs with the finding over the license renewal for The Gordian Group, Inc. on purchase order number 4500526389. Of the total \$512,250 charged to Measure K, 4.16% or \$21,331.99, was for non-bond projects.

- b. The District will process the necessary corrections for the overcharge to Measure K in FY25.
- c. The District will develop bond policies and procedures over indirect cost purchases benefiting bond and non-bond projects.
- d. The District will provide training, guidance, and support to the impacted departments to ensure compliance with item (c).

## LOS ANGELES UNIFIED SCHOOL DISTRICT SCHOOL BOND CONSTRUCTION PROGRAM MEASURE K PERFORMANCE AUDIT SCHEDULE OF PRIOR YEAR FINDINGS AND RESPONSES June 30, 2024

## MK-2023-001 – Payroll Expenditure Charges

## Recommendation

We recommend the following to the District:

- a. Adjust Measure K's expenditures for the ineligible costs pertaining to non-bond related activities and overcharges identified in our finding.
- b. Employees whose time is subsequently adjusted based on relevant metrics of the employee's actual work conducted, should utilize metrics covering the entire fiscal year.
- c. Provide training, guidance, and support to the specific departments of the employees identified in our finding, regarding the analysis of payroll expenditures charged to Measure K against actual time spent or a system in place to properly establish relevant metrics, not based on budgeted assumptions, necessary to distinguish bond-funded versus non-bond funded activities, on Measure K related activities. Further, the District should ensure that personnel responsible for making such decisions on behalf of the departments are present for the training.

## Views of Responsible Officials and Planned Corrective Actions

- a. The District will make the adjustments for expenditures in Measure K according to the findings.
- b. The District will utilize relevant metrics for the entire year and process journal vouchers when adjusting bond payroll charges for employees at year-end.
- c. The District will provide annual training, guidance, and support to all departments with employees charging time on bond funds. The District will require personnel that are responsible for employees that charge the bond funds be provided training to include the time reporting procedures and collection of relevant metrics in order to evaluate necessary adjustments to the bond charges.

## **Current Status**

Implemented.