

CITIZENS' BOND OVERSIGHT COMMITTEES

~~Proposition 39, approved by California voters in the November 7, 2000, general election, provides that the Governing Board of a school district may pursue the authorization and issuance of bonds by 55 percent vote of the electorate. As a result of the passage of Proposition 39, language was added to the Education Code requiring school districts passing a bond designated as a Proposition 39 bond to establish a Citizens' Oversight Committee ("Committee"). When a Proposition 39 bond is passed, the Board shall establish a Committee within 60 days of the date that the Board enters the election results in its minutes. (Education Code sections 15274 & 15278)~~

~~1. Committee's Purpose~~

~~The purpose of the Committee shall be to inform the public concerning the expenditure of bond revenues. The Committee shall actively review and report on the proper expenditure of taxpayers' money for school construction. The Committee shall advise the public as to whether the District is in compliance with the requirements of paragraph (3) of subdivision (b) of Section 1 of Article XIII A of the California Constitution. The Committee shall convene to provide oversight of the following: (Education Code section 15278)~~

- ~~a. Ensuring that bond revenues are expended only for the purpose described in Article 13A, section 1, subdivision (b)(3) of the California Constitution including 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; and~~
- ~~b. Ensuring that as prohibited by Article 13A, section 1, subdivision (b)(3)(A) of the California Constitution, no funds are used for any teacher and administrative salaries (except district employees to the extent that they perform administrative oversight work on construction projects authorized by the bond measure) or other school operating expenses.~~

~~2. Committee Duties~~

~~The Committee may engage in the following activities in furtherance of its purpose: (Education Code section 15278)~~

- ~~a. Receiving and reviewing copies of the annual performance audits required by Article 13A, section 1, subdivision (b)(3)(C) of the California Constitution.~~
- ~~b. Receiving and reviewing the annual financial audits required by Article 13A, section 1, subdivision (b)(3)(D) of the California Constitution.~~

- ~~c. Inspecting school facilities and grounds to ensure that Bond revenues are expended consistent with the wording of the corresponding bond's ballot language and in compliance with the requirements of Article 13A, section 1, subdivision (b)(3) of the California Constitution.~~
- ~~d. Receiving and reviewing copies of any deferred maintenance proposals or plans developed by the district, including any reports required by Education Code 17584.1.~~
- ~~e. Reviewing efforts by the district to maximize Bond revenues by implementing cost-saving measures including, but not limited, to the following:
 - ~~(1) Mechanisms designed to reduce the costs of professional fees~~
 - ~~(2) Mechanisms designed to reduce the cost of site preparation~~
 - ~~(3) Recommendations regarding the joint use of core facilities~~
 - ~~(4) Mechanisms designed to reduce costs by incorporating efficiencies in school site design;~~~~
- ~~f. Recommendations regarding the use of cost-effective and efficient reusable facility plans.~~

~~Committee members shall be expected to attend regularly scheduled meetings of the Citizen's Bond Oversight Committee, diligently review all pertinent information provided to the Committee pursuant to state laws and abide by any bylaws and code of conduct established by the Committee. The Committee shall establish its code of conduct at its second meeting.~~

~~3. Committee Operations~~

~~The Committee shall monitor bond expenditures and inform the public about the uses of Bond proceeds in accordance with voter-approved projects. The Committee shall not have the authority to:~~

- ~~a. Participate in the bond sale and issuance process or make decisions concerning the timing, terms or structure of a bond issuance, except that the committee may review the district's plans for any bond sale and may review bond issuance documents upon the conclusion of a bond sale if desired;~~
- ~~b. Determine how bond funds shall be spent;~~

- ~~c. Select contractors or consultants for bond projects or participate in the negotiation or bid process for such contractors and consultants, except that the Committee may review the selection process and documents related thereto upon completion of any such selection;~~
- ~~d. Enter or inspect a job site or construction project except as regulated by the District. The frequency and timing of all such visits are within the sole discretion of the Superintendent or his/her designee. Visits to job sites require that the Committee member(s) be accompanied by a representative of the District and require that all safety measures in effect at the job site be followed;~~
- ~~e. Contact district contractors or consultants, including without limitation, accountants, auditors, architects, financial advisors and legal counsel except as provided in a written process approved by the Board.~~
- ~~f. Require the district to prepare reports or conduct audits more frequently than those required by law.~~

~~The Committee shall not be entitled to legal representation by district legal counsel or at district expense, unless permitted by the Board.~~

~~The Committee shall meet at least once each year, but depending on the status of bond projects, will generally meet at least quarterly. Committee members shall be available to attend Board meetings when performance and financial audits are presented. The Superintendent or designee shall attend Committee meetings. Members of the Board shall attend as necessary or desirable. The Committee's meetings are subject to the Ralph M. Brown Act, Government Code 54950 et seq. Meetings shall be open to the public and noticed in the same manner as proceedings of the Board. The Committee shall annually select a chairperson, vice chairperson and secretary, and Committee decisions will be made by majority vote except where specified otherwise in the Committee Bylaws. Minutes of Committee proceedings and all documents received and reports issued shall be a matter of public record and the district shall make all documents and minutes available on the district's Internet web site. (Education Code section 15280)~~

~~The Committee shall prepare regular reports on Committee activities. A report shall be issued to the Board by the chair or designee(s) at least once each year. Upon completion of all bond projects, the Committee shall prepare a final written report summarizing its activities and conclusions.~~

- ~~The Board shall, without expending Bond funds: (Education Code section 15280)~~
- ~~a. Provide the Committee with any necessary technical assistance~~
- ~~b. Provide administrative assistance in furtherance of the Committee's purpose~~

- c. ~~Provide the Committee with sufficient resources to publicize the Committee's conclusions~~

4. ~~Committee Selection and Composition~~

~~The Committee shall be comprised of individuals who either live or work within the boundaries of the district. The Superintendent or designee shall solicit applications for membership on the Committee, and shall conduct interviews of interested citizens and make recommendation for appointment to the Board. The Board shall have the authority at its sole discretion to select, appoint, and remove members of the Committee. The Committee shall consist of a maximum of fifteen members, but not less than seven members. The Board shall determine the final size of the Committee.~~

~~Committee membership shall include the following community residents: (Education Code section 15282)~~

- a. ~~One member shall be active in a business organization representing the business community of the district.~~
- b. ~~One member shall be active in a senior citizens' organization, which may be a local, regional, statewide or national organization.~~
- c. ~~One member shall be active in a bona fide taxpayers' organization, which may be a local, regional, statewide or national organization.~~
- d. ~~One member shall be the parent or guardian of at least one child currently enrolled in a school of the district.~~
- e. ~~One member shall be both a parent or guardian of at least one child currently enrolled in a school of the district and be an active member in a district parent-teacher organization, such as the PTA or school site council.~~

~~A single individual may be appointed as a representative of more than one of the above categories, if applicable. An attempt will be made to maintain a balanced number of representatives from the north, central and south part of the district.~~

~~No employee or official of the district shall be appointed to the Committee. Additionally, no vendor, contractor, or consultant of the district shall be appointed to the Committee. (Education Code section 15282)~~

~~Committee members shall be subject to prohibitions regarding incompatibility of office pursuant to Government Code section 1125-1129, et seq., and financial interest in contracts pursuant to Government Code sections 1090, et seq.~~

~~Each Committee member shall serve for a minimum term of two years without compensation. After appointment to his or her two-year term, a Committee member who wishes to be appointed for a second or third two-year term shall reapply to the Board for consideration of each subsequent term. No Committee member shall serve more than three consecutive terms. (Education Code section 15282)~~

~~5. Replacing a Committee Member~~

~~The Superintendent or designee will solicit new members pursuant to the "Committee Selection and Composition" section above on a regular two-year schedule for appointment to the committee. Vacancies will occur as a result of one or more of the following events, without limitation:~~

- ~~a. Every two years as members complete their appointed terms.~~
- ~~b. A Committee member submits a written resignation to the Superintendent or designee.~~
- ~~c. The Board removes a member for cause.~~

~~"Cause" may include, without limitation, failure to attend two (2) consecutive Committee meetings without reasonable excuse or for failure to comply with the Committee's Bylaws or Code of Conduct.~~

~~An individual who replaces such a member shall serve until the completion of the original member's term. Thereafter, the member must apply for additional terms if she/he wishes to remain on the Committee.~~

~~A Committee member who no longer serves as a representative of the designated group she/he was appointed to represent (e.g., ceases to be active within a taxpayers' organization, or ceases to have a child enrolled in the district) shall be allowed to complete his/her term. However, that Committee member shall not be entitled to serve a subsequent term as a representative of the designated group until and unless that member's active status in that group is re-established.~~

~~If the membership falls below eight, the Superintendent or designee will solicit new members pursuant to the "Committee Selection and Composition" section above to fill the vacancies in the same manner used to originally select members.~~

Regulation

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SAN JOSE UNIFIED SCHOOL DISTRICT

San Jose, California