

West Contra Costa Unified School District Citizens' Bond Oversight Committee BY-LAWS

Revision 14:

**Includes Related Documents (State Ed. Code and WCCUSD Board Policy):
12/5/2014**

Changes from last version:

- 1. Modification of Section 9
approved at 10/22/2014 CBOC meeting**
- 2. Modification of Section 12
approved at 10/22/2014 CBOC meeting**

Table of Contents

Introduction.....	3
Committee By-laws	4
Section 1: Introduction	4
Section 2: Governing Rules	4
Section 3: District Representation.....	5
Section 4: Committee’s Purpose	5
Section 5: Committee Operations	6
Section 6: Committee’s Duties.....	7
Section 7: Meeting Schedule.....	8
Section 8: Committee Selection and Composition.....	9
Section 9: Subcommittees	9
Section 10: Attendance	10
Section 11: Resignation from the CBOC	11
Section 12: Replacing a Committee Member.....	11
Section 13: Officers.....	12
Section 14: Election of Officers.....	12
Section 15: Removal from Office of an Elected Officer	13
Section 16: Meeting Minutes and Reports.....	14
Section 17: Non-oversight Use of CBOC Membership	15
Section 18: CBOC Representation.....	15
Section 19: Meeting Agendas.....	16
State Education Code.....	17
“Citizens' Oversight Committee”	17
“General Provisions”	18
“Bond Accountability”	21
WCCUSD Board Policy 7214.2 Facilities	23

Introduction

Citizens' bond oversight committees are established and governed by California state law. The West Contra Costa Unified School District Citizen's Bond Oversight Committee (WCCUSD CBOC) is governed by a WCCUSD board policy implementing California law. The WCCUSD CBOC has adopted by-laws that include further rules for the CBOC. This document contains these by-laws along with the relevant state law and board policy as references following the by-laws.

Committee By-laws

Section 1: Introduction

Proposition 39, approved by California voters in the General Election of November 7, 2000 provides that the Governing Board of a school district may pursue the authorization and issuance of general obligation bonds passed by a vote of 55 percent or more 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" or "CBOC") to actively review and report on uses of bond proceeds to ensure that they are spent only on school facilities improvements allowed under each bond measure and not for any other purpose. A school district may also establish a voluntary bond oversight committee for a general obligation bond adopted by a two-thirds (2/3) vote of the electorate.

Section 2: Governing Rules

To help govern the CBOC in their oversight of the Bond Program, the CBOC shall establish a set of By-Laws.

These By-Laws shall not conflict in any way with any State or Federal laws nor any policies adopted by the West Contra Costa Unified School District Board of Trustees (Board).

Should the Board amend their Board Policies with regards to the CBOC, any amendments that directly affect the CBOC or these By-Laws shall automatically become a part of these By-Laws.

CBOC meetings shall be conducted using Robert's Rules of Order as a guide.

Committee Officers shall prepare agendas and the District staff shall send copies and documents for action to all Committee members at least three (3) days prior to each meeting. Pursuant to Board policy and directives, the Committee's meetings are subject to the Ralph M. Brown Act, Government Code, section 54950 et seq. Meetings shall be open to the public and noticed in the same manner as proceedings of the Board.

WCCUSD CBOC By-laws and Related Documents

Committee decisions and recommendations shall be made by a “50% plus 1” (simple majority) vote of the Committee membership in attendance.

Amendments to these By-Laws may be proposed by any member of the CBOC. A proposed amendment must be presented to the By-Laws Subcommittee for their review. The By-Laws Subcommittee will then bring the proposed amendment back to the CBOC for their discussion and vote.

Section 3: District Representation

The Superintendent or his/her designee shall attend Committee meetings. Members of the Board shall attend as necessary or desirable.

Section 4: Committee’s Purpose

The purpose of the Committee is to inform the public concerning the expenditure and uses of bond revenues. The Committee’s legal charge is to actively review and report on the expenditure of taxpayer’s money for school construction. The Committee shall convene to provide oversight of the following:

- a) That bond revenues from bonds adopted by a 55 percent vote of the electorate 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 for a Proposition 39 bond measure the furnishing and equipping of school facilities, or the acquisition or lease of real property for school facilities; and
- b) That, for bonds adopted by a 55 percent vote of the electorate, 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 or other school operating expenses, except for salaries of bond facilities project administrators paid pursuant to the November 2001 and February 2003 resolutions validated by the Judgment of Validation in the Superior Court of California, Contra Costa County Action No. N03-0216; and

- c) That, for bonds adopted by a two-thirds (2/3) vote of the electorate, funds are used only for the purposes described in Article 13A, section 1, subdivision (b)(2) of the California Constitution including the acquisition or improvement of real property.

Section 5: Committee Operations

The Committee's legal charge is to review Bond expenditures and to inform the public about the uses of Bond proceeds.

The Committee shall have the authority to:

- a) Inspect a job site or construction project in coordination with the District Superintendent or 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.
- b) Contact District staff, District contractors or consultants, including without limitation, accountants, auditors, architects, financial advisors and legal counsel in coordination with District Superintendent or designee.

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;
- d) 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 counselor at District expense, unless permitted by the Board.

Section 6: Committee's Duties

The Committee may engage in the following activities in furtherance of its purpose:

- a) Receiving and reviewing copies of the annual performance audits required by Article 13A, section 1, subdivision (b)(3)(C) of the California Constitution.
 1. The Auditor shall deliver directly to the Audit Subcommittee a draft copy of each audit report at the same time as delivery is made to the District.
 2. The Auditor shall deliver directly to the Committee progress reports at the same time at these reports are issued to the District.
 3. The Committee shall participate with the District in a yearly review of the Auditor's performance.
 4. The Final version of the performance audit shall be submitted to the CBOC no later than 31 March of each year. [Education Code Section 15286]
- b) Receiving and reviewing the annual financial audits required by Article 13A, section 1, subdivisions (b)(3)(D) of the California Constitution.
 1. The Auditor shall deliver directly to the Audit Subcommittee a draft copy of each audit report at the same time as delivery is made to the District.
 2. The Auditor shall deliver directly to the Committee progress reports at the same time at these reports are issued to the District.
 3. The Committee shall participate with the District in a yearly review of the Auditor's performance.
 4. The Final version of the financial audit shall be submitted to the CBOC no later than 31 March of each year. [Education Code Section 15286]
- c) Inspecting school facilities and grounds to ensure that Bond revenues are expended in compliance with the requirements of Article 13A, section 1, subdivision (b)(3) of the California Constitution.

WCCUSD CBOC By-laws and Related Documents

- d) Receiving and reviewing copies of any deferred maintenance proposals or plans developed by the District, including any reports required by Education Code section 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;
 - 5. Recommendations regarding the use of cost-effective and efficient reusable facility plans.

The Committee shall make reports to the Board of Education at each regular Board meeting. All recommendations approved by the Committee shall be presented verbally and in writing to the Board of Education.

Section 7: Meeting Schedule

After the Board has set their regular yearly meeting schedule, the Committee shall determine the meeting schedule of the CBOC so as not to conflict with the meetings of the Board.

The Committee shall also meet on such other dates as directed by the Committee, the Committee chairperson or the Board. The Committee shall meet at least quarterly, and Committee members shall be available to attend Board meetings when performance and financial audits are presented.

The Committee and Board shall hold joint meetings during the first quarter (January through March) and third quarter (July through September) of each year.

Section 8: 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 make recommendations to the Board for appointments.

Applicants shall submit a written application form to the Superintendent and CBOC Chair delineating the applicant's qualifications to serve on the CBOC. On this form applicants shall acknowledge their commitment to faithfully attend the meetings of the CBOC and to serve the best interests of the community.

The Board shall have the authority at its sole discretion to select and appoint the Committee. While the Committee must consist of at least seven members, the Board intends the Committee to consist of between 15 and 21 members. However, the Board shall determine the final size of the Committee.

Pursuant to Education Code Section 15282(b), 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. If, while serving on the Committee, a member becomes an official or employee of the District or becomes a vendor, contractor or consultant of the District, their membership on the Committee shall cease immediately.

After appointment to a two-year term, Committee members who wish to be appointed for a second two-year term shall reapply to the Board for consideration. Committee members shall receive no remuneration for their participation on the Committee.

The Chairperson shall ensure that all new CBOC members be given an orientation briefing to ensure a smooth transition onto the CBOC.

Section 9: Subcommittees

Section 9: Subcommittees and Appointed Officers

WCCUSD CBOC By-laws and Related Documents

In addition to the Audit Subcommittee, the Committee, by vote, can establish other standing subcommittees. The Committee, by vote, or the Chair can establish ad hoc subcommittees or appointed officers for particular tasks. If the Chair establishes an ad hoc subcommittee or appoints an officer to perform a particular task, this action must be formally ratified by the Committee at its next meeting to continue in effect.

If a subcommittee has “a continuing subject matter jurisdiction, or a meeting schedule fixed by charter, ordinance, resolution, or formal action of a legislative body” [Government Code, section 54952, subdivision (b)], it is a standing subcommittee subject to the Brown Act like the Committee. An ad hoc subcommittee does not have a continuing subject matter jurisdiction and does not have a fixed meeting schedule, so it is not subject to the Brown Act but may follow it in whole or in part. An officer is an individual with a specific task or ongoing jurisdiction.

The CBOC Chairperson shall appoint a chair for each subcommittee.

Section 10: Attendance

The Secretary shall call the roll of the Committee members at the beginning of each meeting. Each Committee member shall sign an attendance sheet that shall be maintained by the person designated by the Secretary. If the Committee member is not present for roll call and/or does not sign the attendance sheet, the Committee member shall be considered absent from the Committee meeting.

Members should attend regular monthly meetings and any other regularly scheduled meetings. Members are expected to share responsibilities for carrying out the work of the Committee and abide by Board policies and administrative regulations.

CBOC members shall be requested to contact either the CBOC Chairperson or Secretary should they know that they may be absent from a meeting so this may be recorded as a part of the “rolling attendance list”.

Section 11: Resignation from the CBOC

CBOC members shall make every effort to submit a written letter of resignation should they need to vacate their position on the CBOC before their term has concluded.

Section 12: Replacing a Committee Member

The Chair will advise a Committee member in writing that the member is in violation of Committee participation requirements if, for any reason, the Committee member misses: 5 (five) or more of the previous 12 (twelve) meetings or 3 (three) consecutive meetings over this period. In such cases, the CBOC may declare that the position is vacant and request that the School Board appoint a replacement for the vacant position.

Each CBOC meeting agenda shall include an Agenda Item titled “Attendance Review and Action to Vacant Positions”. Under this item the CBOC shall review the Secretary’s “rolling attendance list” from the previous 12 (twelve) meeting. A motion can be made to declare a position vacant for violation of the participation requirements and will pass by a simple majority vote of those CBOC members in attendance.

A new Committee member will be named by the Board if one or more of the following events occur:

- a) The Committee member submits a written resignation;
- b) The Committee member fails to meet the participation requirements above and has been removed by a vote of the CBOC.

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.

Committee members shall be subject to prohibitions regarding incompatibility of office pursuant to Government Code 1125-1129 and financial interest in contracts pursuant to Government Code 1090-1098.

Section 13: Officers

The CBOC members shall elect from their ranks a Chairperson, Vice Chairperson and a Secretary.

These three officers shall serve as the CBOC Executive Committee.

The Executive Committee shall collectively agendaize the issues and topics for the forthcoming meeting of the CBOC and ensure that the agenda and any relevant and necessary backup documents be posted on the CBOC web site and sent either electronically or physically to all members of the CBOC at least 72 hours prior to the scheduled meeting.

The duties of each officer shall include, but not be limited, the following: The Chairperson shall preside over the meetings of the CBOC. The Chairperson, or his appointee, shall represent the CBOC at meetings of the Board of Education.

The Chairperson shall solicit and appoint CBOC members to all subcommittees. From among the members of each subcommittee the Chairperson shall appoint a Subcommittee Chairperson. The Chairperson shall solicit input from the Subcommittee Chairpersons regarding the CBOC meeting agenda.

The Vice Chairperson shall stand in as the Chairperson whenever the Chairperson is unable to fulfill his/her duties. In the absence of the Chairperson and Vice Chairperson, the Secretary shall serve as the Chairperson Pro Tem.

The Secretary shall be responsible for the taking and distribution of an accurate set of minutes of the proceedings of the meetings of the CBOC.

The Secretary shall maintain a running list of the CBOC members and their attendance. This list shall be a rolling list covering the previous 14 months.

Section 14: Election of Officers

The Committee shall annually elect a Chairperson, Vice Chairperson and Secretary for a one-year term that may be renewed. The election must be held at the first regular meeting (at the beginning of the calendar year) of the Committee with a quorum. Until the election is held, the officers will continue in office.

Should a vacancy occur in the office of Chairperson, Vice Chairperson or Secretary before the annual elections, an election shall be held to fill the vacancy for the remainder of the unexpired term.

Section 15: Removal from Office of an Elected Officer

If the members of the CBOC have determined that the Chairperson, Vice Chairperson or Secretary of the CBOC is not fulfilling the requirements of his/her duly elected office, the CBOC may take action to remove that officer from his/her elected position.

The process for this to take place is as follows:

- a) A member of the CBOC must submit to the Superintendent of Schools a written, dated and signed charge against an officer stating the reasons the officer should be removed from office.
- b) One additional member of the CBOC must cosign this set of charges.
- c) To ensure that all members of the CBOC have been notified, the Superintendent of Schools shall send a copy of this set of charges via Certified Mail to the charged officer as well as all members of the CBOC.
- d) The Superintendent of Schools, or his duly appointed representative, shall serve as a Trial Officer at the next meeting of the CBOC wherein the charging party shall be afforded an opportunity to convince the CBOC members in attendance why the charged officer shall be removed from office.
- e) The charged officer shall be afforded an opportunity to respond and convince the CBOC members in attendance why the charges should be rejected.
- f) When the Trial Officer has concluded that both sides of the issue have been given sufficient time to argue their positions, a secret vote of the CBOC members in attendance shall be taken.
- g) It shall take the vote of two thirds (2/3) of the CBOC members in attendance to remove the charged officer.
- h) If necessary, an election shall be held to fill the vacated office.

Section 16: Meeting Minutes and Reports

The CBOC Secretary, in conjunction with the CBOC Chairperson and Vice Chairperson, as well as the assigned District representatives, shall be responsible for ensuring that clear, concise and accurate written minutes of CBOC meetings be recorded and disseminated.

The minutes of the CBOC meetings should include—at the minimum:

- Name of the Group/Organization
- Name of the Meeting, Address, Venue
- Designations and names of participants, presenters, speakers and attendees
- Time of meeting commencement
- Agenda Items discussed, including purpose (e.g., information, action, etc.)
- Decisions/Motions (i.e., short, transparent statements plus makers and seconders of motions)
- Items carried over to future meetings
- Time of meeting conclusion

Once any comments from any working drafts are incorporated into the Draft Minutes for Committee approval, these Draft Minutes (clearly marked and labeled as such) shall then be posted on the CBOC web site for public review. These Draft Minutes shall also be publicly available along with all other agenda items prior to the next meeting of the CBOC.

Once a set of Draft Minutes has been approved, the Draft Minutes shall be replaced on the CBOC web site with the Approved Minutes properly marked and labeled as approved.

The Secretary shall keep minutes of each Committee meeting, which shall be supported by audio tape recording or equivalent. The minutes shall be distributed to each Committee member, and the Board, if requested, at the earliest reasonable date prior to the next subsequent meeting. (See Section 15)

WCCUSD CBOC By-laws and Related Documents

Minutes of Committee proceedings and all documents received and reports issued shall be a matter of public record.

Formal record requests by Committee members shall be submitted to the Associate Superintendent of Operations or his/her designee. These formal requests shall be responded to within ten (10) calendar days.

The Committee shall submit all documents and minutes to the District's web master for publication on the District's Internet website for public and community information services.

The Committee shall prepare regular reports on Committee activities. A written report shall be issued at least once each year. An oral report shall also be presented to the Board of Education at least once each year.

Upon completion of all Bond projects, the Committee shall prepare a final written report summarizing its activities and conclusions.

Section 17: Non-oversight Use of CBOC Membership

The use of the Citizens' Bond Oversight Committee shall not be used for the personal or political benefit of any person, group, cause or issue without the express consent of the CBOC.

No CBOC member may use their affiliation with the CBOC for personal or political gain. Any CBOC member's reference to membership in the CBOC to further an issue or a cause will also require the following: "Titles for information purposes only".

Section 18: CBOC Representation

Only the elected Chairperson of the CBOC, or his duly appointed representative, shall have the authority to represent the CBOC to the Board, to the public, to any elected or appointed person or body, and to the media.

Individual members of the CBOC shall always have the right to voice their opinions as members of the CBOC as long as they do not purport to be speaking on behalf of the Committee.

Section 19: Meeting Agendas

There shall be placed on the agenda of every CBOC meeting a Public Forum wherein anyone shall be afforded three minutes to discuss any item pertaining to the Bond Program that is not already on the agenda. By a majority vote of the CBOC members in attendance, the time limit may be extended.

The Subcommittee Chairs shall coordinate with the CBOC Chair to ensure that the agenda for the CBOC meetings shall include such agenda items necessary to facilitate the business of the subcommittee.

State Education Code

Sections from Chapter 1.5. Strict Accountability in Local School Construction Bonds Act of 2000

“Citizens' Oversight Committee”

Sections 15278-15282

15278. (a) If a bond measure authorized pursuant to paragraph (3) of subdivision (b) of Section 1 of Article XIII A of the California Constitution and subdivision (b) of Section 18 of Article XVI of the California Constitution is approved, the governing board of the school district or community college shall establish and appoint members to an independent citizens' oversight committee, pursuant to Section 15282, within 60 days of the date that the governing board enters the election results on its minutes pursuant to Section 15274.

(b) The purpose of the citizens' oversight committee shall be to inform the public concerning the expenditure of bond revenues. The citizens' oversight committee shall actively review and report on the proper expenditure of taxpayers' money for school construction. The citizens' oversight committee shall advise the public as to whether a school district or community college 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 citizens' oversight committee shall convene to provide oversight for, but not be limited to, both of the following:

(1) Ensuring that bond revenues are expended only for the purposes described in paragraph (3) of subdivision (b) of Section 1 of Article XIII A of the California Constitution.

(2) Ensuring that, as prohibited by subparagraph (A) of paragraph (3) of subdivision (b) of Section 1 of Article XIII A of the California Constitution, no funds are used for any teacher or administrative salaries or other school operating expenses.

(c) In furtherance of its purpose, the citizens' oversight committee may engage in any of the following activities:

(1) Receiving and reviewing copies of the annual, independent performance audit required by subparagraph (C) of paragraph (3) of subdivision (b) of Section 1 of Article XIII A of the California Constitution.

(2) Receiving and reviewing copies of the annual, independent financial audit required by subparagraph (C) of paragraph (3) of subdivision (b) of Section 1 of Article XIII A of the California Constitution.

(3) Inspecting school facilities and grounds to ensure that bond revenues are expended in compliance with the requirements of paragraph (3) of subdivision (b) of Section 1 of Article XIII A of the California Constitution.

(4) Receiving and reviewing copies of any deferred maintenance proposals or plans developed by a school district or community college district, including any reports required by Section 17584.1.

(5) Reviewing efforts by the school district or community college district to maximize bond revenues by implementing cost-saving measures, including, but not limited to, all of the following:

(A) Mechanisms designed to reduce the costs of professional fees.

WCCUSD CBOC By-laws and Related Documents

(B) Mechanisms designed to reduce the costs of site preparation.

(C) Recommendations regarding the joint use of core facilities.

(D) Mechanisms designed to reduce costs by incorporating efficiencies in schoolsite design.

(E) Recommendations regarding the use of cost-effective and efficient reusable facility plans.

15280. (a) The governing board of the district shall, without expending bond funds, provide the citizens' oversight committee with any necessary technical assistance and shall provide administrative assistance in furtherance of its purpose and sufficient resources to publicize the conclusions of the citizens' oversight committee.

(b) All committee proceedings shall be open to the public and notice to the public shall be provided in the same manner as the proceedings of the governing board. The citizens' oversight committee shall issue regular reports on the results of its activities. A report shall be issued at least once a year. Minutes of the proceedings of the citizens' oversight committee and all documents received and reports issued shall be a matter of public record and be made available on an Internet website maintained by the governing board.

15282. (a) The citizens' oversight committee shall consist of at least seven members who shall serve for a minimum term of two years without compensation and for no more than three consecutive terms. While consisting of a minimum of at least seven members, the citizens' oversight committee shall be comprised, as follows:

(1) One member shall be active in a business organization representing the business community located within the district.

(2) One member shall be active in a senior citizens' organization.

(3) One member shall be active in a bona fide taxpayers' organization.

(4) For a school district, one member shall be the parent or guardian of a child enrolled in the school district. For a community college district, one member shall be a student who is both currently enrolled in the community college district and active in a community college group, such as student government. The community college student member may, at the discretion of the board, serve up to six months after his or her graduation.

(5) For a school district, one member shall be both a parent or guardian of a child enrolled in the school district and active in a parent-teacher organization, such as the Parent Teacher Association or schoolsite council. For a community college district, one member shall be active in the support and organization of a community college or the community colleges of the district, such as a member of an advisory council or foundation.

(b) No employee or official of the district shall be appointed to the citizens' oversight committee. No vendor, contractor, or consultant of the district shall be appointed to the citizens' oversight committee. Members of the citizens' oversight committee shall, pursuant to Sections 35233 and 72533, abide by the prohibitions contained in Article 4 (commencing with Section 1090) and Article 4.7 (commencing with Section 1125) of Chapter 1 of Division 4 of Title 1 of the Government Code.

“General Provisions”

Sections 15264-15276

WCCUSD CBOC By-laws and Related Documents

15264. It is the intent of the Legislature that all of the following are realized:

(a) Vigorous efforts are undertaken to ensure that the expenditure of bond measures, including those authorized pursuant to paragraph (3) of subdivision (b) of Section 1 of Article XIII A of the California Constitution, are in strict conformity with the law.

(b) Taxpayers directly participate in the oversight of bond expenditures.

(c) The members of the oversight committees appointed pursuant to this chapter promptly alert the public to any waste or improper expenditure of school construction bond money.

(d) That unauthorized expenditures of school construction bond revenues are vigorously investigated, prosecuted, and that the courts act swiftly to restrain any improper expenditures.

15266. (a) As an alternative to authorizing and issuing bonds pursuant to Chapter 1 (commencing with Section 15100) or Chapter 2 (commencing with Section 15300), the governing board of a school district, community college district, or a school facilities improvement district may decide, pursuant to a two-thirds vote and subject to Section 15100 to pursue the authorization and issuance of bonds pursuant to paragraph (3) of subdivision (b) of Section 1 of Article XIII A of the California Constitution and subdivision (b) of Section 18 of Article XVI of the California Constitution. An election may only be ordered on the question of whether bonds of a school district, community college district, or a school facilities improvement district shall be issued and sold pursuant to subdivision (b) of Section 18 of Article XVI of the California Constitution at a primary or general election, a regularly scheduled local election at which all of the electors of the school district, community college district, or school facilities improvement district, as appropriate, are entitled to vote, or a statewide special election.

(b) Upon adopting a resolution to incur bonded indebtedness pursuant to subdivision (b) of Section 18 of Article XVI of the California Constitution and after the question has been submitted to the voters, if approved at the election, the bonds shall be issued pursuant to paragraph (3) of subdivision (b) of Section 1 of Article XIII A of the California Constitution and this chapter, and the governing board may not, regardless of the number of votes cast in favor of the bond, subsequently proceed exclusively under Chapter 1 (commencing with Section 15100) or under Chapter 2 (commencing with Section 15300), as appropriate. Where not inconsistent, the provisions of Chapter 1 (commencing with Section 15100) or Chapter 2 (commencing with Section 15300), as appropriate, shall apply to this chapter.

15268. The total amount of bonds issued, including bonds issued pursuant to Chapter 1 (commencing with Section 15100), shall not exceed 1.25 percent of the taxable property of the district as shown by the last equalized assessment of the county or counties in which the district is located. The bonds may only be issued if the tax rate levied to meet the requirements of Section 18 of Article XVI of the California Constitution in the case of indebtedness incurred by a school district pursuant to this chapter, at a single election, would not exceed thirty dollars (\$30) per year per one hundred thousand dollars (\$100,000) of taxable property when assessed valuation is projected by the district to increase in accordance with Article XIII A of the California Constitution. For purposes of this section, the taxable property of a district for any fiscal year shall be

WCCUSD CBOC By-laws and Related Documents

calculated to include, but not be limited to, the assessed value of all unitary and operating nonunitary property of the district, which shall be derived by dividing the gross assessed value of the unitary and operating nonunitary property within the district for the 1987-88 fiscal year by the gross assessed value of all unitary and operating nonunitary property within the county in which the district is located for the 1987-88 fiscal year, and multiplying that result by the gross assessed value of all unitary and operating nonunitary property of the county on the last equalized assessment roll.

15270. (a) Notwithstanding Sections 15102 and 15268, any unified school district may issue bonds pursuant to this article that, in aggregation with bonds issued pursuant to Chapter 1 (commencing with Section 15100), may not exceed 2.5 percent of the taxable property of the district as shown by the last equalized assessment of the county or counties in which the district is located. The bonds may only be issued if the tax rate levied to meet the requirements of Section 18 of Article XVI of the California Constitution in the case of indebtedness incurred pursuant to this chapter at a single election, by a unified school district, would not exceed sixty dollars (\$60) per year per one hundred thousand dollars (\$100,000) of taxable property when assessed valuation is projected by the district to increase in accordance with Article XIII A of the California Constitution.

(b) Notwithstanding Sections 15102 and 15268, any community college district may issue bonds pursuant to this article that, in aggregation with bonds issued pursuant to Chapter 1 (commencing with Section 15100), may not exceed 2.5 percent of the taxable property of the district as shown by the last equalized assessment of the county or counties in which the district is located. The bonds may only be issued if the tax rate levied to meet the requirements of Section 18 of Article XVI of the California Constitution in the case of indebtedness incurred pursuant to this chapter at a single election, by a community college district, would not exceed twenty-five dollars (\$25) per year per one hundred thousand dollars (\$100,000) of taxable property when assessed valuation is projected by the district to increase in accordance with Article XIII A of the California Constitution.

(c) In computing the outstanding bonded indebtedness of any unified school district or community college district for all purposes of this section, any outstanding bonds shall be deemed to have been issued for elementary school purposes, high school purposes, and community college purposes, respectively, in the respective amounts that the proceeds of the sale of those outstanding bonds, excluding any premium and accrued interest received on that sale, were or have been allocated by the governing board of the unified school district or community college district to each of those purposes respectively.

(d) For purposes of this section, the taxable property of a district for any fiscal year shall be calculated to include, but not be limited to, the assessed value of all unitary and operating nonunitary property of the district, which shall be derived by dividing the gross assessed value of the unitary and operating nonunitary property within the district for the 1987-88 fiscal year by the gross assessed value of all unitary and operating nonunitary property within the county in which the district is located for the 1987-88 fiscal year, and multiplying the result by the gross assessed value of all unitary and operating nonunitary property of the county on the last equalized assessment roll. In the event of the

WCCUSD CBOC By-laws and Related Documents

unification of two or more school districts subsequent to the 1987-88 fiscal year, the assessed value of all unitary and operating nonunitary property of the unified district shall be deemed to be the total of the assessed value of the taxable property of each of the unifying districts as that assessed value would be determined under Section 15268.

(e) For the purposes of this article, "general obligation bonds," as that term is used in Section 18 of Article XVI of the California Constitution, means bonds of a school district or community college district the repayment of which is provided for by this chapter and Chapter 1 (commencing with Section 15100) of Part 10, and includes bonds of a school facilities improvement district the repayment of which is provided for by this chapter and Chapter 2 (commencing with Section 15300).

15271. The governing board of a school district or community college district may proceed pursuant to this chapter on behalf of a school facilities improvement district that is created by and under the exclusive authority of the school district or community college district and act on behalf of the school facilities district as provided pursuant to Chapter 2 (commencing with Section 15300).

15272. In addition to the ballot requirements of Section 15122 and the ballot provisions of this code applicable to governing board member elections, for bond measures pursuant to this chapter, the ballot shall also be printed with a statement that the board will appoint a citizens' oversight committee and conduct annual independent audits to assure that funds are spent only on school and classroom improvements and for no other purposes.

15274. If it appears from the certificate of election results that 55 percent of the votes cast on the proposition of issuing bonds pursuant to subdivision (b) of Section 18 of Article XVI of the California Constitution are in favor of issuing bonds, the governing board shall cause an entry of that fact to be made upon its minutes. The governing board shall then certify to the board of supervisors of the county whose superintendent of schools has jurisdiction over the district, all proceedings had in the premises. The county superintendent of schools shall send a copy of the certificate of election results to the board of supervisors of the county.

15276. Notwithstanding any other provision of law, a county board of education may not order an election to determine whether bonds may be issued under this article to raise funds for a county office of education.

"Bond Accountability"

Sections 15284-15288

15284. (a) An action to obtain an order restraining and preventing any expenditure of funds received by a school district or community college district through the sale of bonds authorized by this chapter pursuant to paragraph (3) of subdivision (b) of Section 1 of Article XIII A of the California Constitution and subdivision (b) of Section 18 of Article XVI of the California Constitution may be maintained against any officer, agent, or other person acting on behalf of, that

WCCUSD CBOC By-laws and Related Documents

school district or community college district, by a citizen residing in the school or community college district who is assessed and is liable to pay an ad valorem tax on real property within the school or community college district, or who has paid an ad valorem tax on real property within the school or community college district within one year before the commencement of the action if it appears by the complaint or affidavits that any of the following conditions are present:

(1) An expenditure of funds received by a school district or community college district through the sale of bonds authorized by this chapter is for purposes other than those specified in paragraph (3) of subdivision (b) of Section 1 of Article XIII A of the California Constitution.

(2) The expenditure is not in compliance with paragraph (3) of subdivision (b) of Section 1 of Article XIII A of the California Constitution.

(3) That an expenditure in violation of paragraph (3) of subdivision (b) of Section 1 of Article XIII A of the California Constitution will be made or will continue to be made during the litigation that would produce waste or great or irreparable injury.

(4) The governing board of a school district or community college has willfully failed to appoint the citizens' oversight committee in violation of the requirements of Section 15278.

(b) An action brought pursuant to this section shall take special precedence over all civil matters on the calendar of the court except those matters granted equal precedence by law.

(c) The rights, remedies, or penalties established by this section are cumulative to the rights, remedies, or penalties established under other laws, including subdivision (a) of Section 526 of Chapter 3 of Title 7 of Part 2 of the Code of Civil Procedure.

(d) If an order is obtained to restrain and prevent an expenditure of funds pursuant to subdivision (a), a court may award attorneys' fees pursuant to Chapter 6 (commencing with Section 1021.5) of Title 14 of Part 2 of the Code of Civil Procedure.

(e) The action authorized by this section shall be known as a "School Bond Waste Prevention Action."

15286. Consistent with the provisions contained in subparagraphs (C) and (D) of paragraph (3) of subdivision (b) of Section 1 of Article XIII A of the California Constitution, the required annual, independent financial and performance audits for the preceding fiscal year shall be submitted to the citizens' oversight committee established pursuant to Section 15278 by March 31 of each year. These audits shall be conducted in accordance with the Government Auditing Standards issued by the Comptroller General of the United States for financial and performance audits.

15288. It is the intent of the Legislature that upon receipt of allegations of waste or misuse of bond funds authorized in this chapter, appropriate law enforcement officials shall expeditiously pursue the investigation and prosecution of any violation of law associated with the expenditure of those funds.

WCCUSD Board Policy 7214.2 Facilities

Proposition 39, approved by California voters in the General Election of November 7, 2000 provides that the Governing Board of a school district may pursue the authorization and issuance of general obligation bonds passed by a vote of 55 percent or more 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" or "CBOC") to actively review and report on uses of bond proceeds to ensure that they are spent only on school facilities improvements allowed under each bond measure and not for any other purpose. The Committee shall be established within sixty (60) days of the date that the Board enters the election results in its minutes. A school district may also establish a voluntary bond oversight committee for a general obligation bond adopted by a two-thirds (2/3) vote of the electorate.

1. Committee's Purpose

The purpose of the Committee is to inform the public concerning the expenditure and uses of bond revenues. The Committee's legal charge is to actively review and report on the expenditure of taxpayer's money for school construction. The Committee shall convene to provide oversight of the following:

- a. That bond revenues from bonds adopted by a 55 percent vote of the electorate 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 for a Proposition 39 bond measure the furnishing and equipping of school facilities, or the acquisition or lease of real property for school facilities; and
- b. That, for bonds adopted by a 55 percent vote of the electorate, 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 or other school operating expenses, except for salaries of bond facilities project administrators paid pursuant to the November 2001 and February 2003 resolutions validated by the Judgment of Validation in the Superior Court of California, Contra Costa County Action No. N03-0216; and

WCCUSD CBOC By-laws and Related Documents

c. That, for bonds adopted by a two-thirds (2/3) vote of the electorate, funds are used only for the purposes described in Article 13A, section 1, subdivision (b)(2) of the California Constitution including the acquisition or improvement of real property.

2. Committee's Duties

The Committee may engage in the following activities in furtherance of its purpose:

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

(1) The Auditor shall deliver directly to the Audit Subcommittee a draft copy of each audit report at the same time as delivery is made to the District.

(2) The Auditor shall deliver directly to the Committee progress reports at the same time at these reports are issued to the District.

(3) The Committee shall participate with the District in a yearly review of the Auditor's performance.

b. Receiving and reviewing the annual financial audits required by Article 13A, section 1, subdivisions (b)(3)(D) of the California Constitution.

(1) The Auditor shall deliver directly to the Audit Subcommittee a draft copy of each audit report at the same time as delivery is made to the District.

(2) The Auditor shall deliver directly to the Committee progress reports at the same time at these reports are issued to the District.

(3) The Committee shall participate with the District in a yearly review of the Auditor's performance.

c. Inspecting school facilities and grounds to ensure that Bond revenues are expended 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 section 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;

WCCUSD CBOC By-laws and Related Documents

(4) Mechanisms designed to reduce costs by incorporating efficiencies in school site design;

(5) Recommendations regarding the use of cost-effective and efficient reusable facility plans.

3. Committee Operations

The Committee's legal charge is to review Bond expenditures and to inform the public about the uses of Bond proceeds.

The Committee shall have the authority to:

- a. Inspect a job site or construction project in coordination with the District Superintendent or 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.
- b. Contact District staff, District contractors or consultants, including without limitation, accountants, auditors, architects, financial advisors and legal counsel in coordination with District Superintendent or designee.

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;
- d. 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 counselor at District expense, unless permitted by the Board.

The Superintendent or his/her designee shall attend Committee meetings. Members of the Board shall attend as necessary or desirable.

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:

- a. Provide the Committee with any necessary technical assistance;

WCCUSD CBOC By-laws and Related Documents

- b. Provide administrative assistance in furtherance of the Committee's purpose; and
- c. Provide the Committee with sufficient resources to publicize the Committee's conclusions.

The Associate Superintendent of Operations will serve as a resource to the Committee. He/she shall assign such other District staff and professional service providers as needed to assist the Committee in carrying out its duties.

The Committee and Board shall hold joint meetings during the first quarter (January through March) and third quarter (July through September) of each year.

The Committee shall make reports to the Board of Education at each regular Board meeting. This report shall be placed on the Board's agenda. All recommendations approved by the Committee shall be presented to the Board of Education. The Board shall respond to the Committee's recommendation(s) within sixty (60) days after receipt of the recommendation(s).

The CBOC shall establish a set of bylaws and operational rules to manage the operation of the committee. These bylaws and operational rules shall be in compliance with Board Policy and all applicable laws.

4. Financial Operations

The Board of Education shall adopt an annual Facilities Program Budget.

- a. District staff shall identify the budget by fund and account code on each Board action memo that recommends the expenditure of funds for facility projects.
- b. The Facility Program Budget shall be formally amended by the board of Education during the calendar year, as needed, for new and revised projects and change orders.

5. 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, in the event the number of applicants exceeds the number of spaces available, shall conduct interviews of interested citizens and make recommendations to the Board for appointments.

Applicants shall submit a written application form to the Superintendent and CBOC Chair delineating the applicant's qualifications to serve on the CBOC. On this form applicants shall acknowledge their commitment to faithfully attend the meetings of the CBOC and to serve the best interests of the community.

WCCUSD CBOC By-laws and Related Documents

The Board shall have the authority at its sole discretion to select and appoint the Committee. While the Committee must consist of at least seven members, the Board intends the Committee to consist of between 15 and 21 members. However, the Board shall determine the final size of the Committee.

As required by law, Committee membership shall include the following categories:

- a. One member shall, at the time of appointment, be active in a business organization representing the business community of the District;
- b. One member shall, at the time of appointment, be active in a senior citizens' organization, which may be a local, regional, statewide or national organization;
- c. One member shall, at the time of appointment, be active in a bona fide taxpayers' organization, which may be a local, regional, statewide or national organization;
- d. One member shall, at the time of appointment, be the parent or guardian of at least one child currently enrolled in a school of the District;
- e. One member shall, at the time of appointment, be 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.
- f. Committee membership shall also include but not be limited to, at the discretion of the Board, the following community members:
 - (1) One member shall be recommended by each City Council from the cities of El Cerrito, Hercules, Pinole, Richmond and San Pablo;
 - (2) Two members shall reside in unincorporated areas of the District and shall be recommended by the County Supervisors of each respective unincorporated area;
 - (3) One member shall be recommended by each member of the Board of Trustees;
 - (4) One member shall, at the time of appointment, represent the Contra Costa Building and Construction Trades Council.
 - (5) One member shall, at the time of appointment, be a member of Public Employees Union Local 1 (without being a District employee).

WCCUSD CBOC By-laws and Related Documents

Pursuant to Education Code Section 15282(b), 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. If, while serving on the Committee, a member becomes an official or employee of the District or becomes a vendor, contractor or consultant of the District, their membership on the Committee shall cease immediately.

After appointment to a two-year term, Committee members who wish to be appointed for a second two-year term shall reapply to the Board for consideration. Committee members shall receive no remuneration for their participation 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.

Within sixty (60) days of being notified of a Committee vacancy, the Board will appoint a new member to complete the term of the vacancy following the process used to select the original Committee members, provided an eligible and willing candidate is available and ready to serve.

Committee members shall be subject to prohibitions regarding incompatibility of office pursuant to Government Code 1125-1129 and financial interest in contracts pursuant to Government Code 1090-1098.

The Committee shall establish an attendance policy and procedures for the removal from the Committee for a violation of this policy.

The Committee will determine when a seat on the Committee becomes vacant and a new Committee member will be named by the Board if one or more of the following events occur:

- a. The Committee member submits a written resignation;
- b. The Committee member fails to meet the participation requirements above

An individual who replaces such a member shall serve until the completion of the original member's term. Thereafter, the member must apply for an additional term if she/he wishes to remain on the Committee. A member who is replaced may appeal to the Board for the Board to reappoint that person to the Committee.

Legal Reference

EDUCATION CODE

WCCUSD CBOC By-laws and Related Documents

15278-15288

CALIFORNIA CONSTITUTION

Article, XIII A, Section 1 (b)

Article, XVI, Section 18 (b)

Policy WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT

adopted: August, 2008 Richmond, California

revised: January 9, 2008

revised: November 16, 2011