

**\$140,000,000**  
**San Bernardino City Unified School District**  
**2004 Measure T - Proposition 39 Bonds**  
**Citizen's Oversight Committee**

**Procedures, Policies and Guidelines**

**INTRODUCTION**

The Citizen's Oversight Committee is legally charged with direct taxpayer review of the Bond measure endorsed by the voters and with informing the public about the expenditures of the Bond proceeds to ensure that the spending decisions made by elected officials conform with that measure. The Committee is not granted any powers to determine how bond proceeds are spent.

**SECTION I. OVERVIEW**

**A. Purpose** — The Citizen's Oversight Committee (the "Committee") is charged with the following purposes under Proposition 39:

1. To verify that projects funded with bond proceeds were permitted under the projects list submitted to voters (or available to voters if not reprinted in the Voter Handbook) at the time of election.
2. To review the annual financial audit and performance audit mandated under Proposition 39.
3. To review the annual list of deferred maintenance projects.
4. To conduct on-site inspections of projects to verify performance of contractors on an as needed basis.
5. To request that the District provide information on cost saving methods of design or construction that relate to any of the proposed projects.
6. To publicize the results of the findings of the Committee in order to inform the public of the status of the bonds and the proposed projects.
7. To evaluate the applicability of "reusable" designs for schools financed with Bond proceeds.

**B. Establishment** — This Committee is established pursuant to the California Education Code Section 15278.

**C. Membership** — The Committee shall be composed of at least seven (7) members appointed by the Governing Board of the District to serve up to two terms (commencing with the date of certification of the election results by the Governing Board) of two years each. Committee members shall be selected in the following categories:

1. A member of a business organization representing the business community.

2. A member of a senior citizen's organization.
3. A bona fide member of a taxpayer's organization.
4. A parent or guardian of a child attending the District.
5. A parent or guardian of a child attending the District who is also a member of the PTA or other support group (site council, etc.).
6. *(optional general members of the public).*
7. *(other category as directed by the Board other than employee, elected official or member of the Board).*

**D. Eligibility** —The following residents are not eligible to serve on the Committee:

1. No employee of the District shall be appointed as a member of the Committee.
2. No vendor, contractor or consultant that is under contract or that reserves the right to bid on future contracts of the District shall be appointed as a member of the Committee.
3. No elected officials shall be appointed as a member of the Committee.

**E. Removal and Resignation** —The removal and resignation of Committee members shall be accomplished.

1. **Removal** - The Board may remove a Committee member during his/her term for the following reasons:
  - a. Poor attendance (define) at duly authorized meetings of the Committee.
  - b. A change of status of the member so that the member is no longer eligible to serve on the Committee.
  - c. The determination that the application signed by the member contained material misstatements whether intentionally or by error.
  - d. Evidence that a member failed to disclose a conflict of interest relating to a matter before the Committee.
  - e. Evidence of criminal activity, willful misconduct or gross negligence in the performance of a member's duties.
  - f. Evidence that any member has been found guilty of a felony by a court of law after they have been seated on the Committee.
2. **Resignation** — **A member of the Committee may resign his/her office at any time** by submitting a written resignation letter to the President of the Committee and the Superintendent of the District specifying an effective date.

**F. Quorum of the Committee** -- A quorum of the Committee shall be composed of a majority of its members present at a duly authorized meeting of the Committee.

## SECTION II. MEETINGS, NOTICES AND ORGANIZATION

**A. Organization of the Committee** —The Committee shall organize and conduct meetings as follows:

1. The Committee shall elect from within its members a president, vice president and secretary who shall serve a one-year term without limitation of subsequent terms that the Committee may authorize.
2. Members shall be nominated for these officer positions by at least one other member of the Committee and shall win approval of a majority of the Committee before being seated.
3. Members of the Committee may cast one vote for a nominee for each of the offices under consideration and the procedure for voting shall allow the casting of ballots to be in writing or by voice vote at the discretion of the Committee.
4. Should a vacancy occur due to the death, resignation or removal of an officer, the Committee shall conduct a subsequent election at its next official meeting using the procedure provided above to fill the vacancy for the remainder of the term of the office.
5. At the initial organization meeting, the Superintendent of the District or the President of the Board of Trustees shall act as facilitator of the meeting until officers are elected.
6. Each member present at a meeting of the Committee shall be entitled to cast one vote for each action of the Committee which vote shall be aye, nay or abstain.
7. President of the Committee shall conduct the meetings according to Roberts Rules of Order and shall interpret the rules and procedures applicable to the Committee provided that a majority of Committee members may overrule the President.
8. The Vice President of the Committee shall conduct the meetings of the Committee when the President is not in attendance, has removed himself/herself due to a conflict of interest and upon resignation, removal, death or incapacitation of the President.
9. The Secretary of the Committee shall keep accurate records of the Committee's meetings and actions and prepare, with the assistance of the District, such reports, website materials, mailers or other documents as are required to keep the District informed.

**B. Annual Meeting of the Committee** - The Committee shall have an annual meeting on the \_\_\_\_\_ or, if that day is a school holiday, the next succeeding day that schools are open each year. At that meeting the Committee shall:

1. Receive and accept the annual financial audit prepared by an independent auditor.
2. Receive and accept the annual performance audit prepared by an independent consultant, auditor or architect.
3. Reorganize the officers of the Committee.
4. Receive a staff report of the projects *that* will be undertaken in the following twelve months.

**C. Quarterly Meetings of the Committee** — The Committee shall establish quarterly meeting dates (one which shall be the annual meeting), which shall be applicable when projects are under design or construction. The Committee may elect by telephone poll or at an official meeting of the Committee to cancel any meeting that is not required in the majority opinion of the Committee in the case of a telephonic poll or a majority of a quorum in attendance at an official meeting of the Committee.

**D. Special Meetings of the Committee** — The Committee may hold a special meeting of the Committee at the request of a majority of School Board members voting at an official meeting of the Board or by a majority of the members of the Committee if requested through a phone poll or a majority of members when a quorum is present and voting at an official meeting of the Committee.

**E. Notices of Committee Meetings** — The following provisions for notice of Committee meetings shall apply unless in conflict with the Brown Act:

1. Each member of the Committee shall be notified of the annual schedule of the quarterly meeting dates within ten (10) days following approval of the schedule by the Committee.
2. Each member shall be notified at least 24 hours in advance by mail, fax, email or telephone of the scheduled date and time for special meetings as they are called by the Board or the Committee.
3. The District shall post notice of the Committee's meetings at the District office and such other places as the District provides notices for school board meetings at least 72 hours in advance for quarterly meetings and at 24 hours in advance for special meetings. The District will post notice of special meetings 72 hours in advance if time permits.
4. All meetings of the Committee shall be open to the public and shall provide the public an opportunity to address the Committee as part of the official agenda.

**F. Agendas and Support Materials** — The District shall provide staff and support to prepare meeting materials for the Committee as follows:

1. The Secretary of the Committee shall provide staff with a list of items to be included on its next agenda for regularly scheduled and special meetings.
2. The District shall prepare, at the expense of the District and not from bond proceeds, printed agendas and Committee materials, in accordance with the Brown Act, in sufficient quantity to provide copies for each member and such additional copies as are required for the public in the sole discretion of the District.
3. The District shall endeavor to provide such materials as provided in the Brown Act no later than the deadline for posting notice of the meeting for which they are prepared but, in any case, within 72 hours (excluding weekends) of receiving original documents from the Secretary of the Committee.
4. Copies of agendas and materials shall be kept in the District office for public inspection, in accordance with the Brown Act, as long as the Committee is in

existence.

5. The District shall provide the Committee with copies of materials utilized for bidding projects, the five year deferred maintenance plan once adopted by the Board, the annual financial audit, the annual performance audit and such management information and budgeting materials as are provided by construction manager, architects or other consultants while projects are being constructed. The District shall not be required to purchase specialized software or commit staff time that is not customarily required to track District projects when under construction.

**G. Communications** —In the process of exchanging information and providing information to the public, the Committee shall inform the District of Committee communications as follows:

1. When the Committee conducts formal communications with residents of the community, site councils, local newspapers and other public agencies that represent the position, opinion, findings, recommendations of the Committee acting in its formal capacity, the Committee shall send a copy of the communication to the District Superintendent by fax, hand delivery or email at the same time that such communications are provided to other parties
2. The Committee shall provide the District with any minutes from the meetings of the Committee or any subcommittees authorized by the Committee with 24 hours of their preparation. Such minutes shall remain on file in the District office for public inspection.
3. The Committee shall provide the District Superintendent with copies of letters, emails or faxes received by the Committee and relating to items before the Committee as well as materials from the public presented to the Committee at its meetings with 48 hours of the receipt of such materials.

**H. Voting Requirements** —The Committee shall undertake its powers through a formal vote of its members at authorized meetings, as follows:

The following actions shall be approved by a majority of members present at a duly authorized meeting of the Committee:

- a. Acceptance of the annual financial audit and annual performance audit.
- b. Adoption of the resolutions, statements of opinion, requests to the Governing Board and expenditures from its budget.
- c. Adoption of procedures and guidelines, as permitted herein.
- d. Scheduling of additional meetings or canceling existing meetings or by a majority vote of all members by telephone, email or fax.
- e. Requesting site inspections to verify the progress of work.
- f. Designating the creation of subcommittees and assign its members to serve on such subcommittees by an affirmative vote of members present.
- g. Designating one or more members of the Committee to represent the Committee at meetings of the Governing Board or other public meetings reasonably necessary to the functioning of the Committee.

2. The following action shall be approved by at least 2/3rds of those members present at a duly authorized meeting of the Committee.
  - a. Requesting a Grand Jury inquiry of a matter before the Committee.
  - b. Request that a court of competent jurisdiction seek an injunction against the award of a contract or other legally binding action of the Governing Board that it believes is contrary to the consent obtained from the voters for the expenditure of bond proceeds.
  - c. The Committee shall not permit absentee voting or proxy voting on items requiring a majority vote of members present.
  - d. The Committee shall require that members disclose any conflict of interest relating to an item before the Committee and that any conflicted member abstain from voting on any such items.

### **III. POWERS RESERVED TO THE GOVERNING BOARD**

In recognition of the fact that the Committee is charged with overseeing the expenditure of bond proceeds for approved bond projects:

1. Projects financed through the State School Building Program, developer fees, redevelopment tax increment, certificates of participation, CFD Bonds, the general fund or the sale of surplus property without bond proceeds shall be outside the authority of the Committee.
2. The establishment of priorities and order of construction for the bond projects shall be made by the Governing Board of the District at its sole discretion.
3. The selection of architects, engineers, soils engineers, construction: managers, project managers, CEQA consultants and such other professional service firms as are required to complete the project based on District criteria established by the Board is at its sole discretion.
4. The approval of the design for each project including exterior materials, paint color, interior finishes, site plan and construction methods (modular vs. permanent) by the Board is at its sole discretion and the Board shall report to the Committee on any cost saving techniques considered or adopted by the Board.
5. The selection of independent audit firm(s), performance audit consultants and such other consultants as are necessary to support the activities of the Committee shall be the responsibility of the Governing Board
6. The approval of an annual budget for the Committee that is sufficient to carry out the activities set forth in Proposition 39 and included herein shall be the responsibility of the Governing Board.
7. The allocation of State School Building Program grant funds to projects in the order and in an amount determined by the Board is at its sole discretion.
8. The adoption of a plan for publicizing the activities of the Committee and the determination as to whether a mailer, a newspaper notice or website materials would best suit the distribution of the Committee's findings and recommendations is at the sole discretion of the Governing Board.

9. The amendment or modification of the Procedures, Policies & Guidelines for the Committee as provided herein shall be the responsibility of the Governing Board, subject to the legal requirements of Proposition 39.
10. The appointment or reappointment of qualified applicants to serve on the Committee, subject to legal limitations, and based on criteria adopted by the Governing Board is at its sole discretion as part of carrying out the Board's function under Proposition 39.