

**West Contra Costa Unified School District
Citizens' Bond Oversight Committee
Measures M, D (2005 & 2010) and J
Administrative Regulation 7214.2**

**REVISION 10
4/27/11**

1 **Introduction**
2

3 Proposition 39, approved by California voters in the General Election of
4 November 7, 2000 provides that the Governing Board of a school district may
5 pursue the authorization and issuance of general obligation bonds passed by a
6 vote of 55 percent or more of the electorate.
7

8 As a result of the passage of Proposition 39, language was added to the
9 Education Code requiring school districts passing a bond designated as a
10 Proposition 39 bond to establish a Citizens' Oversight Committee
11 ("Committee" or "CBOC") to actively review and report on uses of bond
12 proceeds to ensure that they are spent only on school facilities improvements
13 allowed under each bond measure and not for any other purpose. The
14 Committee shall be established within sixty (60) days of the date that the Board
15 enters the election results in its minutes. A school district may also establish a
16 voluntary bond oversight committee for a general obligation bond adopted by a
17 two-thirds (2/3) vote of the electorate.
18

19 **1. Committee's Purpose**

20 The purpose of the Committee is to inform the public concerning the
21 expenditure and uses of bond revenues. The Committee's legal charge is to
22 actively review and report on the expenditure of taxpayer's money for school
23 construction. The Committee shall convene to provide oversight of the
24 following:
25

- 26 a) That bond revenues from bonds adopted by a 55 percent vote of the
27 electorate are expended only for the purpose described in Article 13A,
28 section 1, subdivision (b)(3) of the California Constitution including the
29 construction, reconstruction, rehabilitation or replacement of school
30 facilities, including for a Proposition 39 bond measure the furnishing and
31 equipping of school facilities, or the acquisition or lease of real property
32 for school facilities; and

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- 33 b) That, for bonds adopted by a 55 percent vote of the electorate, as
34 prohibited by Article 13A, section 1, subdivision (b)(3)(A) of the California
35 Constitution, no funds are used for any teacher and administrative salaries
36 or other school operating expenses, except for salaries of bond facilities
37 project administrators paid pursuant to the November 2001 and February
38 2003 resolutions validated by the Judgment of Validation in the Superior
39 Court of California, Contra Costa County Action No. N03-0216; and
- 40 c) That, for bonds adopted by a two-thirds (2/3) vote of the electorate,
41 funds are used only for the purposes described in Article 13A, section 1,
42 subdivision (b)(2) of the California Constitution including the acquisition
43 or improvement of real property.
44

45 **2. Committee's Duties**

46 The Committee may engage in the following activities in furtherance of its
47 purpose:
48

- 49 a) Receiving and reviewing copies of the annual performance audits required
50 by Article 13A, section 1, subdivision (b)(3)(C) of the California
51 Constitution.
- 52 1. The Auditor shall deliver directly to the Audit Subcommittee a draft
53 copy of each audit report at the same time as delivery is made to the
54 District.
- 55 2. The Auditor shall deliver directly to the Committee progress reports
56 at the same time as these reports are issued to the District.
- 57 3. The Committee shall participate with the District in a yearly review of
58 the Auditor's performance.
- 59 b) Receiving and reviewing the annual financial audits required by Article
60 13A, section 1, subdivisions (b)(3)(D) of the California Constitution.

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62 copy of each audit report at the same time as delivery is made to the
63 District.
- 64 2. The Auditor shall deliver directly to the Committee progress reports
65 at the same time as these reports are issued to the District.
- 66 3. The Committee shall participate with the District in a yearly review of
67 the Auditor's performance.
- 68 c) Inspecting school facilities and grounds to ensure that Bond revenues are
69 expended in compliance with the requirements of Article 13A, section 1,
70 subdivision (b)(3) of the California Constitution.
- 71 d) Receiving and reviewing copies of any deferred maintenance proposals or
72 plans developed by the District, including any reports required by
73 Education Code section 17584.1.
- 74 e) Reviewing efforts by the District to maximize Bond revenues by
75 implementing cost-saving measures including, but not limited, to the
76 following:
- 77 1. Mechanisms designed to reduce the costs of professional fees;
- 78 2. Mechanisms designed to reduce the cost of site preparation;
- 79 3. Recommendations regarding the joint use of core facilities;
- 80 4. Mechanisms designed to reduce costs by incorporating efficiencies in
81 school site design;
- 82 5. Recommendations regarding the use of cost-effective and efficient
83 reusable facility plans.
84

85 **3. Committee Operations**

86 The Committee's legal charge is to review Bond expenditures and to inform the
87 public about the uses of Bond proceeds.
88

89 The Committee shall have the authority to:

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90

91 a) Inspect a job site or construction project in coordination with the District
92 Superintendent or designee. Visits to job sites require that the Committee
93 member(s) be accompanied by a representative of the District and require
94 that all safety measures in effect at the job site be followed.

95 b) Contact District staff, District contractors or consultants, including
96 without limitation, accountants, auditors, architects, financial advisors and
97 legal counsel in coordination with District Superintendent or designee.
98

99 The Committee **shall not** have the authority to:

100 a) Participate in the bond sale and issuance process or make decisions
101 concerning the timing, terms or structure of a bond issuance, except that
102 the Committee may review the District's plans for any bond sale and may
103 review bond issuance documents upon the conclusion of a bond sale if
104 desired;

105 b) Determine how bond funds shall be spent;

106 c) Select contractors or consultants for bond projects or participate in the
107 negotiation or bid process for such contractors and consultants;

108 d) Require the District to prepare reports or conduct audits more frequently
109 than those required by law.
110

111 The Committee shall not be entitled to legal representation by District legal
112 counselor at District expense, unless permitted by the Board.
113

114 After the Board has set their regular yearly meeting schedule, the Committee
115 shall determine the meeting schedule of the CBOC so as not to conflict with the
116 meetings of the Board. The Committee shall also meet on such other dates as
117 directed by the Committee chairperson or the Board. The Committee shall meet
118 at least quarterly, and Committee members shall be available to attend Board
119 meetings when performance and financial audits are presented.
120

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121 The Superintendent or his/her designee shall attend Committee meetings.
122 Members of the Board shall attend as necessary or desirable.
123

124 CBOC meetings shall be conducted using Robert's Rules of Order as a guide.
125

126 The Chairperson shall call the roll of the Committee members at the beginning
127 of each meeting. Each Committee member shall sign an attendance sheet that
128 shall be maintained by the person designated by the Chairperson. If the
129 Committee member is not present for roll call and/or does not sign the
130 attendance sheet, the Committee member shall be considered absent from the
131 Committee meeting.
132

133 Committee Officers shall prepare agendas and the District staff shall send
134 copies and documents for action to all Committee members at least three (3)
135 days prior to each meeting. Pursuant to Board policy and directives, the
136 Committee's meetings are subject to the Ralph M. Brown Act, Government
137 Code, section 54950 et seq. Meetings shall be open to the public and noticed in
138 the same manner as proceedings of the Board.
139

140 Committee decisions and recommendations shall be made by a "50% plus one"
141 vote of the Committee membership in attendance.
142

143 The Committee shall annually select a Chairperson and other officers as it
144 determines each for a one-year term that may be renewed as determined by the
145 Committee.
146

147 A person designated by the Chairperson shall keep minutes of each Committee
148 meeting, which shall be supported by audio tape recording or equivalent. The
149 minutes shall be distributed to each Committee member, and the Board, if
150 requested, at the earliest reasonable date prior to the next subsequent meeting.
151

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152 Minutes of Committee proceedings and all documents received and reports
153 issued shall be a matter of public record.
154

155 Formal record requests by Committee members shall be submitted to the
156 Associate Superintendent of Operations or his/her designee. These formal
157 requests shall be responded to within ten (10) calendar days.
158

159 The Committee shall submit all documents and minutes to the District's web-
160 master for publication on the District's Internet website for public and
161 community information services.
162

163 The Committee shall prepare regular reports on Committee activities. A report
164 shall be issued at least once each year.
165

166 Upon completion of all Bond projects, the Committee shall prepare a final
167 written report summarizing its activities and conclusions.
168

169 The Board shall, without expending Bond funds:

- 170 a) Provide the Committee with any necessary technical assistance;
- 171 b) Provide administrative assistance in furtherance of the Committee's
172 purpose; and
- 173 c) Provide the Committee with sufficient resources to publicize the
174 Committee's conclusions.
175

176 The Associate Superintendent of Operations will serve as a resource to the
177 Committee. He/she shall assign such other District staff and professional
178 service providers as needed to assist the Committee in carrying out its duties.
179

180 By Committee vote at any of its regular meetings, the Committee may form
181 subcommittees for specific tasks. The Committee shall elect a chair of each sub-
182 committee and provide written assignment goals for each subcommittee. Sub-

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183 committees may be subject to the Ralph M. Brown Act, pursuant to
184 Government Code, section 54952, subdivision (b).
185

186 The Committee and Board shall hold joint meetings during the first quarter
187 (January through March) and third quarter (July through September) of each
188 year.
189

190 The Committee shall make reports to the Board of Education at each regular
191 Board meeting. This report shall be placed on the Board's agenda. All
192 recommendations approved by the Committee shall be presented to the Board
193 of Education. The Board shall respond to the Committee's recommendation(s)
194 within sixty (60) days after receipt of the recommendation(s).
195

196 **4. Financial Operations**

- 197 a) The Board of Education shall adopt an annual Facilities Program Budget.
198 b) District staff shall identify the budget by fund and account code on each
199 Board action memo that recommends the expenditure of funds for facility
200 projects.
201 c) The Facility Program Budget shall be formally amended by the board of
202 Education during the calendar year, as needed, for new and revised
203 projects and change orders.
204

205 **5. Committee Selection and Composition**

206 The Committee shall be comprised of individuals who either live or work within
207 the boundaries of the District. The Superintendent or designee shall solicit
208 applications for membership on the Committee, and, in the event the number of
209 applicants exceeds the number of spaces available, shall conduct interviews of
210 interested citizens and make recommendations to the Board for appointments.
211

212 Applicants shall submit a written application form to the Superintendent and
213 CBOC Chair delineating the applicant's qualifications to serve on the CBOC.

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214 On this form applicants shall acknowledge their commitment to faithfully attend
215 the meetings of the CBOC and to serve the best interests of the community.
216

217 The Board shall have the authority at its sole discretion to select and appoint the
218 Committee. While the Committee must consist of at least seven members, the
219 Board intends the Committee to consist of between 15 and 21 members.
220 However, the Board shall determine the final size of the Committee.
221

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

224 a) One member shall, at the time of appointment, be active in a business
225 organization representing the business community of the District;

226 b) One member shall, at the time of appointment, be active in a senior
227 citizens' organization, which may be a local, regional, statewide or national
228 organization;

229 c) One member shall, at the time of appointment, be active in a bona fide
230 taxpayers' organization, which may be a local, regional, statewide or
231 national organization;

232 d) One member shall, at the time of appointment, be the parent or guardian
233 of at least one child currently enrolled in a school of the District;

234 e) One member shall, at the time of appointment, be a parent or guardian of
235 at least one child currently enrolled in a school of the District and be an
236 active member in a District parent-teacher organization, such as the PTA
237 or school site council.

238 f) Committee membership shall also include but not be limited to, at the
239 discretion of the Board, the following community members:

240 1. One member shall be recommended by each City Council from the
241 cities of EI Cerrito, Hercules, Pinole, Richmond and San Pablo;

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- 242 2. Two members shall reside in unincorporated areas of the District and
243 shall be recommended by the County Supervisors of each respective
244 unincorporated area;
- 245 3. One member shall be recommended by each member of the Board of
246 Trustees;
- 247 4. One member shall, at the time of appointment, be a member of the
248 Council of Industries;
- 249 5. One member shall, at the time of appointment, represent the Contra
250 Costa Building and Construction Trades Council.
- 251 6. One member shall, at the time of appointment, be a member of
252 Public Employees Union Local 1 (without being District employee).
- 253 7. One member shall, at the time of appointment, be a member of the
254 Citizens Advisory Committee for Special Education.
255

256 Pursuant to Education Code Section 15282(b), no employee or official of the
257 District shall be appointed to the Committee. Additionally, no vendor,
258 contractor, or consultant of the District shall be appointed to the Committee. If,
259 while serving on the Committee, a member becomes an official or employee of
260 the District or becomes a vendor, contractor or consultant of the District, their
261 membership on the Committee shall cease immediately.
262

263 After appointment to a two-year term, Committee members who wish to be
264 appointed for a second two-year term shall reapply to the Board for
265 consideration. Committee members shall receive no remuneration for their
266 participation on the Committee.
267

268 **6. Removal from Office of an Elected Officer**

269 If the members of the CBOC have determined that the Chairman, Vice
270 Chairman or Secretary of the CBOC is not fulfilling the requirements of their

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271 duly elected office, the CBOC may take action to remove that officer from
272 his/her elected position.
273

274 The process for this to take place is as follows:
275

276 A member of the CBOC must submit to the Superintendent of Schools a
277 written, dated and signed charge against an officer stating the reasons the officer
278 should be removed from office.
279

280 One additional member of the CBOC must cosign this set of charges.
281

282 To ensure that all members of the CBOC have been notified, the
283 Superintendent of Schools shall send a copy of this set of charges via Certified
284 Mail to the charged officer as well as all members of the CBOC.
285

286 The Superintendent of Schools, or his duly appointed representative, shall serve
287 as a Trial Officer at the next meeting of the CBOC wherein the charging party
288 shall be afforded an opportunity to convince the CBOC members in attendance
289 why the charged officer shall be removed from office.
290

291 The charged officer shall be afforded an opportunity to respond and convince
292 the CBOC members in attendance why the charges should be rejected.
293

294 When the Trial Officer has concluded that both sides of the issue have been
295 given sufficient time to argue their positions, a secret vote of the CBOC
296 members in attendance shall be taken.
297

298 It shall take the vote of two thirds (2/3) of the CBOC members in attendance to
299 remove the charged officer.
300

301 If necessary, an election shall be held to fill the vacated office.
302

303 **7. Replacing a Committee Member**

304 Members should attend regular monthly meetings and any other regularly
305 scheduled meetings. Members are expected to share responsibilities for carrying

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306 out the work of the Committee and abide by Board policies and administrative
307 regulations.
308

309 The Committee will advise a Committee member in writing that he/she is in
310 violation of Committee participation requirements if the Committee member
311 fails to attend at least 3 of the previous 12 meetings. In the event that an
312 attendance violation occurs, the CBOC may remove the delinquent member
313 from the CBOC and declare that position to be vacant.
314

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

- 317 a) The Committee member submits a written resignation;
318 b) The Committee member fails to meet the participation requirements
319 above
320

321 An individual who replaces such a member shall serve until the completion of
322 the original member's term. Thereafter, the member must apply for an
323 additional term if she/he wishes to remain on the Committee. A member who is
324 replaced may appeal to the Board for the Board to reappoint that person to the
325 Committee.
326

327 A Committee member who no longer serves as a representative of the
328 designated group she/he was appointed to represent (e.g., ceases to be active
329 within a taxpayers' organization, or ceases to have a child enrolled in the
330 District) shall be allowed to complete his/her term. However, that Committee
331 member shall not be entitled to serve a subsequent term as a representative of
332 the designated group.
333

334 Within sixty (60) days of being notified of a Committee vacancy, the Board will
335 appoint a new member to complete the term of the vacancy following the

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336 process used to select the original Committee members, provided an eligible and
337 willing candidate is available and ready to serve.
338

339 Committee members shall be subject to prohibitions regarding incompatibility
340 of office pursuant to Government Code 1125-1129 and financial interest in
341 contracts pursuant to Government Code 1090-1098.
342

343 **8. Meeting Minutes**

344 The CBOC Secretary, in conjunction with the CBOC President and Vice
345 President, as well as the assigned District representatives, shall be responsible
346 for ensuring that clear, concise and accurate written minutes of CBOC meetings
347 be recorded and disseminated.
348

349 To that end, a working draft of the minutes shall be forwarded within seven (7)
350 days to each CBOC and District staff person in attendance at a meeting for their
351 preliminary review and comment.
352

353 All comments must be returned to the CBOC secretary within fourteen days
354 (14) of such meeting.
355

356 Once these comments are incorporated into the Draft Minutes, these Draft
357 Minutes (clearly marked and labeled as such) shall then be posted on the CBOC
358 web site for public review. These Draft Minutes shall also be publicly noticed
359 along with all other agenda items prior to the next meeting of the CBOC.
360

361 Once a set of Draft Minutes has been approved, the Draft Minutes shall be
362 replaced on the CBOC web site with the Approved Minutes properly marked
363 and labeled as approved.
364

365 **9. Use of the Committee for Non-Oversight Purposes**

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366 The use of the Citizens' Bond Oversight Committee shall not be used for the
367 personal or political benefit of any person, group, cause or issue without the
368 express consent of the CBOC.
369

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