

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

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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.

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

33

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

40

41 Committee decisions and recommendations shall be made by a "50% plus
42 1" (simple majority) vote of the Committee membership in attendance.

43

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

49

50

SECTION 3

51

DISTRICT REPRESENTATION

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

54

55

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56 **COMMITTEE'S PURPOSE**

57 The purpose of the Committee is to inform the public concerning the
58 expenditure and uses of bond revenues. The Committee's legal charge is to
59 actively review and report on the expenditure of taxpayer's money for
60 school construction. The Committee shall convene to provide oversight of
61 the following:
62

- 63 a) That bond revenues from bonds adopted by a 55 percent vote of the
64 electorate are expended only for the purpose described in Article
65 13A, section 1, subdivision (b)(3) of the California Constitution
66 including the construction, reconstruction, rehabilitation or
67 replacement of school facilities, including for a Proposition 39 bond
68 measure the furnishing and equipping of school facilities, or the
69 acquisition or lease of real property for school facilities; and
- 70 b) That, for bonds adopted by a 55 percent vote of the electorate, as
71 prohibited by Article 13A, section 1, subdivision (b)(3)(A) of the
72 California Constitution, no funds are used for any teacher and
73 administrative salaries or other school operating expenses, except for
74 salaries of bond facilities project administrators paid pursuant to the
75 November 2001 and February 2003 resolutions validated by the
76 Judgment of Validation in the Superior Court of California, Contra
77 Costa County Action No. N03-0216; and
- 78 c) That, for bonds adopted by a two-thirds (2/3) vote of the electorate,
79 funds are used only for the purposes described in Article 13A, section
80 1, subdivision (b)(2) of the California Constitution including the
81 acquisition or improvement of real property.
82

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SECTION 5

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COMMITTEE OPERATIONS

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

87

88 The Committee shall have the authority to:

89

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

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

99

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

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

106 b) Determine how bond funds shall be spent;

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

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

111

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

114

115 **SECTION 6**

116 **COMMITTEE'S DUTIES**

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

119

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

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

126 2. The Auditor shall deliver directly to the Committee progress
127 reports at the same time at these reports are issued to the
128 District.

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

131 4. **The Final version of the performance audit shall be submitted to**
132 **the CBOC no later than 31 March of each year. [Education**
133 **Code Section 15286]**

134

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- 135 b) Receiving and reviewing the annual financial audits required by
136 Article 13A, section 1, subdivisions (b)(3)(D) of the California
137 Constitution.
- 138 1. The Auditor shall deliver directly to the Audit Subcommittee a
139 draft copy of each audit report at the same time as delivery is
140 made to the District.
- 141 2. The Auditor shall deliver directly to the Committee progress
142 reports at the same time at these reports are issued to the
143 District.
- 144 3. The Committee shall participate with the District in a yearly
145 review of the Auditor's performance.
- 146 4. **The Final version of the financial audit shall be submitted to the**
147 **CBOC no later than 31 March of each year. [Education Code**
148 **Section 15286]**
- 149 c) Inspecting school facilities and grounds to ensure that Bond revenues
150 are expended in compliance with the requirements of Article 13A,
151 section 1, subdivision (b)(3) of the California Constitution.
- 152 d) Receiving and reviewing copies of any deferred maintenance
153 proposals or plans developed by the District, including any reports
154 required by Education Code section 17584.1.
- 155 e) Reviewing efforts by the District to maximize Bond revenues by
156 implementing cost-saving measures including, but not limited, to the
157 following:
- 158 1. Mechanisms designed to reduce the costs of professional fees;
159 2. Mechanisms designed to reduce the cost of site preparation;
160 3. Recommendations regarding the joint use of core facilities;

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187 The Committee shall be comprised of individuals who either live or work
188 within the boundaries of the District. The Superintendent or designee shall
189 solicit applications for membership on the Committee and make
190 recommendations to the Board for appointments.

191

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

197

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

203

204 Pursuant to Education Code Section 15282(b), no employee or official of
205 the District shall be appointed to the Committee. Additionally, no vendor,
206 contractor, or consultant of the District shall be appointed to the
207 Committee. If, while serving on the Committee, a member becomes an
208 official or employee of the District or becomes a vendor, contractor or
209 consultant of the District, their membership on the Committee shall cease
210 immediately.

211

212 After appointment to a two-year term, Committee members who wish to
213 be appointed for a second two-year term shall reapply to the Board for

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214 consideration. Committee members shall receive no remuneration for their
215 participation on the Committee.

216

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

219

220 **SECTION 9**

221 **SUBCOMMITTEES**

222 By Committee vote at any of its meetings, the Committee may form
223 subcommittees for specific tasks.

224

225 *Standing Subcommittees shall include:*

226 *By-Laws Subcommittee*

227 *Audit Subcommittee*

228 *Annual Report Subcommittee*

229 *Website and Public Information Subcommittee*

230

231 *The CBOC Chairman shall appoint a chair* of each sub-committee and
232 provide written assignment goals for each subcommittee.

233

234 Sub-committees may be subject to the Ralph M. Brown Act, pursuant to
235 Government Code, section 54952, subdivision (b).

236

237 **SECTION 10**

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238 **ATTENDANCE**

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

245

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

250

251 **SECTION 11**

252 **RESIGNATION FROM THE CBOC**

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

256

257 **SECTION 12**

258 **REPLACING A COMMITTEE MEMBER**

259 The Chairperson will advise a Committee member in writing that he/she is
260 in violation of Committee participation requirements if the Committee
261 member fails to attend at least **9** of the previous 12 meetings. In the event
262 that an attendance violation occurs, the CBOC may remove the delinquent
263 member from the CBOC and declare that position to be vacant.

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265 The Chairperson shall place on each meeting agenda an item pertaining to
266 membership and the CBOC shall review at each meeting the attendance list
267 to determine if such action must be taken to declare a position vacant. The
268 Agenda Item shall read: "Attendance Review and Action to Dismiss
269 Absentee Members".

270

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

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

276

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

283

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

287

288

SECTION 13

289 **OFFICERS**

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

292

293 These three officers shall serve as the CBOC Executive Committee.

294

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

300

301 The duties of each officer shall include, but not be limited, the following:

302 The Chairperson shall preside over the meetings of the CBOC.

303 The Chairperson, or his appointee, shall represent the CBOC at meetings
304 of the Board of Education.

305 The Chairperson shall solicit and appoint CBOC members to all
306 subcommittees.

307 From among the members of each subcommittee the Chairperson shall
308 appoint a Subcommittee Chairperson.

309 The Chairperson shall solicit input from the Subcommittee Chairpersons
310 regarding the CBOC meeting agenda.

311

312 The Vice Chairperson shall stand in as the Chairperson whenever the
313 Chairperson is unable to fulfill his/her duties. In the absence of the

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314 Chairperson and Vice Chairperson, the Secretary shall serve as the
315 Chairperson Pro Tem.

316

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

319

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

322

323 **SECTION 14**

324 **ELECTION OF OFFICERS**

325 The Committee shall annually elect a Chairperson for a one-year term that
326 may be renewed as determined by the Committee. At that time the CBOC
327 shall also elect a Vice Chairperson and Secretary.

328

329 The term of office for the Vice Chairperson and Secretary shall run
330 concurrent with the term of office for the Chairperson. [Because members
331 are appointed at different times of the year, their tenure on the CBOC may
332 end prior to the one year term of office. The intention of this By-Laws
333 section is that all officers shall be elected at the same time.]

334

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

338

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339 If the position of Chairperson becomes vacant for any reason, a new
340 election shall take place as soon as possible for all three officer positions,
341 with the Vice Chairperson serving as interim chair until such election takes
342 place.

343

344 In order that there be a smooth transition and that there not be any time
345 when the CBOC will be without a Chairperson, the election of officers
346 shall be conducted at a regularly scheduled meeting of the CBOC at least
347 two meetings immediately prior to the completion of the term of office of
348 the officer.

349

350 In the event of a lack of a quorum at the CBOC meeting where the
351 election of officers is to be conducted, the officers in place at the end of
352 that term shall temporarily remain in office until such time as a legally
353 conducted election can be held.

354

355 **SECTION 15**

356 **REMOVAL FROM OFFICE OF AN ELECTED OFFICER**

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

361

362 The process for this to take place is as follows:

363

- 364 a) A member of the CBOC must submit to the Superintendent of
365 Schools a written, dated and signed charge against an officer stating
366 the reasons the officer should be removed from office.

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- 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.

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SECTION 16

396 **MEETING MINUTES AND REPORTS**

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

401

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

405

406 All comments must be returned to the CBOC secretary within fourteen
407 days (14) of such meeting.

408

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

414

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

418 **The Secretary** shall keep minutes of each Committee meeting, which shall
419 be supported by audio tape recording or equivalent. The minutes shall be

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420 distributed to each Committee member, and the Board, if requested, at the
421 earliest reasonable date prior to the next subsequent meeting. (See Section
422 15)
423

424 Minutes of Committee proceedings and all documents received and reports
425 issued shall be a matter of public record.
426

427 Formal record requests by Committee members shall be submitted to the
428 Associate Superintendent of Operations or his/her designee. These formal
429 requests shall be responded to within ten (10) calendar days.
430

431 The Committee shall submit all documents and minutes to the District's
432 web-master for publication on the District's Internet website for public and
433 community information services.
434

435 The Committee shall prepare regular reports on Committee activities. A
436 written report shall be issued at least once each year. An oral report shall
437 also be presented to the Board of Education at least once each year.
438

439 Upon completion of all Bond projects, the Committee shall prepare a final
440 written report summarizing its activities and conclusions.
441

SECTION 17

442 **NON-OVERSIGHT USE OF CBOC MEMBERSHIP**
443

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444 The use of the Citizens' Bond Oversight Committee shall not be used for
445 the personal or political benefit of any person, group, cause or issue
446 without the express consent of the CBOC.
447

448 No CBOC member may use their affiliation with the CBOC for personal
449 or political gain. Any CBOC member's reference to membership in the
450 CBOC to further an issue or a cause will also require the following: "Titles
451 for information purposes only".
452

SECTION 18

CBOC REPRESENTATION

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454
455 Only the elected Chairperson of the CBOC, or his duly appointed
456 representative, shall have the authority to represent the CBOC to the
457 Board, to the public, to any elected or appointed person or body, and to
458 the media.
459

460 Individual members of the CBOC shall always have the right to voice their
461 opinions as members of the CBOC as long as they do not purport to be
462 speaking on behalf of the Committee.
463

SECTION 19

MEETING AGENDAS

464
465
466 There shall be placed on the agenda of every CBOC meeting a Public
467 Forum wherein anyone shall be afforded three minutes to discuss any item
468 pertaining to the Bond Program that is not already on the agenda. By a

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469 majority vote of the CBOC members in attendance, the time limit may be
470 extended.

471

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