

# ALUM ROCK UNION ELEMENTARY SCHOOL DISTRICT INDEPENDENT CITIZENS' BOND OVERSIGHT COMMITTEE

## ARTICLE I

### Name

The name of this Committee shall be Citizens' Bond Oversight Committee - Measures J & I (the CBOC).

## ARTICLE II

### Definitions

#### Section 1. Terms.

The following terms are defined in order to avoid the use of needlessly repetitive language, to provide clarity in understanding, and to address differences in terms that may be used in the parliamentary authority.

- A. **District.** Alum Rock Union Elementary School District.
- B. **Board.** Board means the governing board of the district.
- C. **Chair.** Chair means the presider at meetings. The term Chair is equivalent to the term president when used in the parliamentary authority.
- D. **Code.** Code means the Strict Accountability in Local School Construction Bonds Act of 2000 as codified in sections 15264 through 15288 of the California Education Code, unless a different statute is explicitly stated.
- E. **Committee.** Committee means the collective body of Members authorized to provide public oversight.
- F. **Findings.** Findings mean the determinations of the Committee with respect to facts within its jurisdiction or related to its operation.
- G. **The CBOC.** Citizens' Bond Oversight Committee
- H. **Measure(s).** Measure means the question and full text of the ordinance(s) that the voters approved at the election(s).
- I. **Member.** Member means an individual appointed by the Board who meets the eligibility requirements. The term Member is equivalent to the term Voting Member, unless a different meaning is required by the context.
- J. **Prop 39.** Prop 39 means the full text of the proposition that amended the California constitution in November 2000. Most often Prop 39 refers to the amendment as it pertains to Article XIII-A.
- K. **Resolution.** Resolution means the findings and action of the Board that placed the Measure on the ballot.

- L. **Year.** Year means the same period adopted by the Board for the annual audits required by Prop 39. (July 1 - June 30)

## ARTICLE III

### Object

The purpose of the Committee is to inform the public concerning the expenditure of bond revenues authorized by the Measure. The Committee is authorized by and governed by the Code to this purpose. The methods to achieve this goal are outlined in this document.

### Establishment

- The Alum Rock Union Elementary School District (the "District") was successful at the election conducted on June 3, 2008 (the "2008 Election") in obtaining authorization from the District's voters to issue up to \$179,000,000 aggregate principal amount of the District's school facilities bond ("Measure G"). A Bond Oversight Committee for Measure G has been established (the "Measure G Committee"). This measure was closed out and replaced by Measure I in 2016.
- The District was successful at the election conducted on November 6, 2012 (the "2012 Election") in obtaining authorization from the District's voters to issue up to \$125,000,000 aggregate principal amount of the District's school facilities bond ("Measure J").
- The District was successful at the election conducted on June 7, 2016 (the "2016 Election") in obtaining authorization from the District's voters to issue up to \$139,999,671.60 aggregate principal amount of the District's school facilities bond ("Measure I"). This bond was put forth to replace the unsold balance of Measure G.
- Measure J and Measure I are hereinafter referred to as the "Measures," and the 2012 Election and the 2016 Election are referred to as the "Elections." The Elections were conducted under Proposition 39, being chaptered as the Strict Accountability in Local School Construction Bonds Act of 2000, at Section 15264 et seq. of the Education Code of the State ("Prop 39"). Pursuant to Section 15278 of the Education Code, the District is obligated to establish an Independent Citizens' Bond Oversight Committee for Measure J in order to satisfy the accountability requirements of Prop 39.
- Pursuant to action by the governing board of the District, the Independent Citizens' Bond Oversight Committee previously established for Measure G & J shall be reconstituted as a new Committee (the "Committee") which shall have the duties and rights set forth in these Bylaws with oversight responsibility for the Measures J & I.

## ARTICLE IV

### Members

**Section 1.** Maximum Membership. The Board established the Committee as **at least** seven Members. No maximum is set.

**Section 2.** Membership Eligibility and Admission Procedure. The Code governs membership categories (15282(a)) and eligibility (15282(b)). **Additionally all committee members shall be residents within the District's boundaries and/or have a child enrolled in a District school.** ~~The Code has thus preempted the field with respect to the district.~~ There is only one class of membership. The Board appoints Members to a category or at-large. A Member may not fill the role of more than one category.

**Section 3:** Orientation. The Committee wishes to review the process that the Board provides to orient Members who are appointed for the first time. The Committee wishes the Board to provide an independent orientation delivered by an unbiased provider at the district's expense.

**Section 4.** Resignation from Membership. A Member wishing to resign from the Committee shall submit the resignation in writing to the Secretary, who shall present it to the Committee for action. A resignation shall be effective when accepted by the Committee at a meeting.

**Section 5.** Vacancy. The Board is required to fill vacancies. If a change in circumstances occurs with respect to a Member's eligibility in connection with one of the five statutory categories, a vacancy exists until the Board fills the vacancy. The Committee shall make Findings if vacancies are not filled in a reasonable and timely manner.

**Section 6.** Member Roster. Applications for appointment to the district submitted to the district are public records. The Committee wishes to receive applications as they are received by the district. The Committee shall publish and post its roster in a manner that provides the public direct access to Members by e-mail, by telephone, and by postal mail. A Member may request in writing any or all contact information to be withheld from the roster. The roster shall include the statutory category and date of each Board appointment.

**Section 7.** Ethics. In addition to the statutory mandate of Code 15282(b), Members may not use membership on the Committee for the personal or political benefit of themselves, an individual, a group, a cause, or an issue without the express consent of the Committee. If any ethics issues arise, the Chair will request counsel of the CBOC independent counsel. If warranted, the committee secretary may ask the board to to remove the member.

**Section 8.** Meeting Attendance. Members are expected to attend every regular meeting. If a Member is absent from more than half of the regular meetings scheduled in a Year or if a Member is absent from three consecutive regular meetings at any time after appointment, the Secretary shall request the Board to remove the Member for dereliction of duty.

## ARTICLE V

### Officers

**Section 1.** Officers and Duties. The Officers shall be a Chair, a Vice Chair, and a Secretary. The

Officers shall have all powers and perform all duties prescribed by these bylaws and by the parliamentary authority. The Officers may not delegate their powers or duties to others.

**Section 2.** Nomination Procedure, Time of Elections. Members may nominate themselves. A second to a nomination is not necessary. The Committee shall elect Officers at its first regular meeting and at its last regular meeting of each Year. The Committee may fill a vacant office at any meeting when it is on the agenda.

**Section 3.** Ballot Election, Term of Office, Removal from Office. The Officers shall be elected by paper ballot to serve for one Year or until their successors are elected. The term of office shall begin at the close of the regular meeting at which the election takes place, except in the case of filling a vacancy, when the term shall begin upon election. The Members may remove Officers from office at their pleasure as prescribed by the parliamentary authority.

**Section 4.** Office-Holding Limitations. A Member may not hold more than one office at a time. A Member should not serve more than three consecutive Years in the same office. A partial Year of more than seven months counts as a Year.

**Section 5.** Resignation from Office; Vacancy. An Officer wishing to resign from the Committee shall submit a resignation in writing to the Secretary, who shall present it to the Committee for action. An Officer may resign an office without resigning as a Member. A resignation shall be effective when accepted by the Committee at a meeting.

**Section 6.** Additional Powers and Duties. In addition to the powers and duties set out in Section 1, the Officers shall have the powers or duties designated in this section.

A. Chair

- a. **Spokesperson.** The Chair is the sole representative and spokesperson of the Committee between meetings.
- b. **Ad Hoc Subcommittees.** The Chair has the power to establish ad hoc subcommittees with a specific charge. An ad hoc subcommittee terminates automatically, if it has failed to report for ninety days, unless its term is extended by the Committee.
- c. **Appointments.** The Chair has the power to appoint the chair and members of standing or ad hoc subcommittees. When special or in-depth knowledge is helpful to carry out the charge of a subcommittee, the Chair may appoint individuals who are not Members as advisors to the subcommittee.

B. Vice Chair

- a. **Liaison.** The Vice Chair shall act as the Committee's liaison with designated district

employees or agents to effectuate the work of the Committee in its oversight role, to clarify documents received by the Committee, to coordinate site inspections, to coordinate attendance at meetings by district employees or agents, to coordinate the placement of Committee documents on the web site, to coordinate the dissemination of Committee reports, and to coordinate other matters as directed by the Committee.

- b. Audit Subcommittee. The Vice Chair shall Chair the Audit Subcommittee and shall coordinate with the designated district employee and the auditor with respect to the two required annual audits.

C. Secretary

- c. Member Roster. The Secretary shall maintain the roster.
- d. Attendance. The Secretary shall maintain an up-to-date meeting attendance record of Members.
- e. Draft Minutes. The Secretary shall prepare, and circulate to the Members and for public posting, coordinate with district support to insure minutes are drafted no later than ten days after the adjournment of a meeting, and sent to all members.

## ARTICLE VI

### Public Meetings

**Section 1.** Open Meetings. Meetings are governed by the California Open Meeting Act, also known as the Ralph M. Brown Act, these bylaws, and the parliamentary authority, in that order of precedence.

**Section 2.** Regular Meetings. The Committee shall hold regular meetings in accordance with a schedule as the Committee may adopt or alter from time to time. In the absence of a schedule, the Chair shall designate the date, time, and location of regular meetings.

**Section 3.** Special Meetings. Special meetings may be called as provided in the Ralph M. Brown Act.

The purpose of a special meeting shall be stated in the call to meeting.

**Section 4.** Quorum. A majority of the entire voting membership, inclusive of vacancies, of the Committee shall constitute a quorum.

**Section 5.** Agenda. The standard order of business is adopted. A Member may request the Secretary to place an item on the agenda for a future meeting. An Officer may request the Secretary to place an item on the agenda as a special or general order. The Secretary shall place items under the appropriate heading on the agenda that is publicly posted.

**Section 6.** Method of Notice, Time of Notice. The Chair or the Secretary shall send a reminder notice, along with a request for agenda items, not later than seven days before a meeting. Notice sent by electronic mail shall be sufficient for all purposes.

**Section 7.** Public and Public Comment. Meetings are open to the public. The public are all attendees who are not Members. Public comment at meetings is limited to five minutes per individual for general comment and five minutes per individual for the subject matter of each agenda item. The Committee, by majority vote, may extend the time limit for comment. The

Committee may adopt a standing rule to limit the total time allocated to public comment.

**Section 8.** Voting and Actions. All actions taken by the Committee shall be by a majority vote of a quorum of Members present and voting. Roll call votes are not required unless required by the Open Meeting Act or in accordance with the parliamentary authority.

## ARTICLE VII

### Public Records

**Section 1.** Public Records Act. Communications from or to a Member may be subject to public records law regardless of whether the communications pass through private accounts or devices. The Committee shall establish procedures to ensure that communications that can be readily determined to be public records are preserved. The Committee adopts the same retention rules as the Board has adopted for the district to the extent that those rules are applicable.

**Section 2.** Requests for Records. The Committee wishes the district to provide it, at the earliest reasonable time, with any requests for records that the district receives that relate to committee business and that may be in the control of a Member.

## ARTICLE VIII

### Document Review

**Section 1.** Scope. In order to review prospective expenditures, documents such as communications, memoranda, proposed agreements, or executed agreements are within the scope of the Committee's jurisdiction. The Committee shall establish the nature of the information pertaining to its jurisdiction that it wishes the district to provide. The Committee shall make Findings as to the manner, frequency, and adequacy of information delivered to it by the district.

**Section 2.** Timing of Information. In order to carry out its review authority and to protect the public's statutory remedies, the Committee wishes to receive and review information about prospective expenditures enough time in advance so as both to review the prospective expenditures and to inform the public, if the Committee finds the latter appropriate. The Committee shall make Findings as to the performance of the district in supplying the information in a timely manner.

**Section 3.** Expenditure Format and Detail. The Committee wishes to receive and review expenditure detail in the form of a spreadsheet or other common data format file, such as CSV, in addition to any other form in which the district may wish to present it. The Committee wishes to receive and review expenditure detail with a view toward simplicity and minimizing expense, such as that used in a checkbook reconciliation -- beginning balance, money in, money out, and ending balance along with payor or payee, transaction date, a description of the reason, and an account code for categorization. With experience, the Committee may establish a lower level of detail of expenditures.

## ARTICLE IX

### Reports

**Section 1.** Number of Reports. The Code requires the Committee to report to the public no less than once in each Year. The Committee may combine periodic reports into a single annual report.

**Section 2.** Dissemination of Reports. The Committee shall make Findings as to the manner, frequency, and adequacy of reporting that the Board is willing to underwrite. The Committee shall

prominently feature these Findings in every report.

**Section 3.** Content of Reports. The Committee shall limit its reports to the areas over which it has jurisdiction. Committee reports may not be combined with or in any other way include publicity, status, or other informational or promotional material. The Committee prohibits the Board, the district, and its agents from disseminating, in any manner, opinions or characterizations of reports without the following disclaimer:

"This is an opinion or characterization of the author and is not an endorsement by the ARUSD Citizens' Bond Oversight Committee."

The Committee shall make Findings with respect to any violations of this section.

**Section 4.** Notices in Reports. The Committee shall include in each report a request for the public to provide information, either publicly or confidentially, about knowledge of expenditures or practices with respect to matters over which the Committee has jurisdiction.

**Section 5.** Confidentiality. The Committee shall establish a procedure by which the public may provide it information in the nature of facts or tips in confidence. The Committee may use a closed session to receive confidential information.

**Section 6.** Appointment Process. The Committee shall make Findings about procedures, policies, and rules, or lack thereof, that the Board employs in the appointment of Members to the Committee. If the Board uses an application form, the Committee shall make Findings about the efficacy of the application, about the appropriateness of the information collected, and about the tenor or potential bias of statements on the application. The Committee shall make Findings about any criteria used in the procedures, policies, rules, or application that exceed the eligibility requirements specified in the Code or that tend to undercut the independence of the appointees.

**Section 7.** Whenever these bylaws specify Findings, a report shall include the most recent such Finding of its type.

## ARTICLE X

### Web Site

**Section 1.** Web Address. The Committee wishes the district to provide an Internet address for the Committee's site that is not subject to change and the is easily communicated. Such an address might be a subdomain of the district's primary web site. The preferred subdomain name is cboc, for example, cboc.dixonusd.org.

**Section 2.** Site Organization. The Committee wishes the district to provide a site that is used exclusively for the Committee's content and does not include content originated by the district, excepting navigational controls. The Committee wishes the district to provide an organizational framework that is easy to understand and capable of expanding over time. Once a link is established for individual site content, the Committee expects that the link will not be subject to change due to district web site reorganization.

**Section 3.** Web Content. The Committee wishes the district to update the site in a timely manner. The Committee wishes that the district will not alter, censor, or otherwise prevent the Committee's timely communications via the site.

**Section 4.** Findings. The Committee shall make Findings with respect to the adequacy, timeliness, ease of use, and technical support in connection with the Committee's site.

## ARTICLE XI

### Subcommittees

**Section 1.** General. The Committee may establish one or more subcommittees, each with a specific charge, to carry out the work of the Committee. The term "subcommittee" is used to distinguish it from the Committee itself. It means the same as the term "standing committee" in the parliamentary authority. The number of Members appointed to a subcommittee shall be no fewer than two and no more than one less than a majority of the entire voting membership. As distinguished from the parliamentary authority, a subcommittee's term is one Year.

**Section 2.** Audit Subcommittee. The Chair shall appoint this subcommittee no later than thirty days after the beginning of the Year. This subcommittee shall prepare or modify and then execute a plan to review the annual financial audit and the annual performance audit. This subcommittee shall recommend Findings and report to the Committee with respect to its review of the audit and the audit process within sixty days after the Committee receives the audits.

**Section 3.** Reports Subcommittee. The Chair shall appoint this subcommittee no later than thirty days after the beginning of the Year. At intervals to be determined by the Committee, this subcommittee shall recommend Findings and report to the Committee with respect to the review of the expenditures of bond revenues during each interval.

## ARTICLE XII

### Standing Rules

When the parliamentary authority is inadequate or silent on a matter of procedure, the Committee may adopt standing rules by a majority vote of a quorum of Members present and voting. A standing rule may override the parliamentary authority, but may not override these bylaws or an authority of higher precedence.

## ARTICLE XIII

### Parliamentary Authority

The procedure shall be determined by majority vote of the the committee at the meeting when officer elections occur. Those rules shall govern the Committee in all cases to which they are applicable and in which they are not inconsistent with these bylaws and any special rules of order the Committee may adopt.

Suggested Options:

1. The rules contained in the current edition of Robert's Rules of Order Newly Revised
2. Rosenberg's Rules of Order

## ARTICLE XIV

### Amendment of Bylaws

These bylaws may be amended at any regular meeting of the Committee by a two-thirds vote, provided that the amendment has been submitted in writing at the previous regular meeting.

Revision History: Original from Dixon USD CBOC 2017

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