

*MINUTES*  
 CITIZENS' OVERSIGHT COMMITTEE – MEASURE F  
 BARSTOW UNIFIED SCHOOL DISTRICT  
 Regular Meeting  
 July 20, 2017

Minutes of the meeting of the Citizens' Oversight Committee – Measure F of the Barstow Unified School District held July 20, 2017, in the Board Room of the Education Center.

The meeting was called to order at 6:08 p.m. by Mr. Jeff Malan, Superintendent, who then led the flag salute.	CALL TO ORDER
Mr. Mike Crist, Mr. Gene Stoops, Mrs. Marilyn Kruse, Mrs. Carol Marcum, Mrs. Carol Mauk, and Mrs. Sally Arnett were present. Mrs. Melanie Lindquist and Mrs. Marsha Weasma were absent.	MEMBERS PRESENT
Mr. Jeff Malan, Superintendent, and Mrs. Reyna Garcia, Chief Business Official, Business Services, were present.	ADMINISTRATORS PRESENT
There were no others present. The proceedings were audio recorded.	OTHERS PRESENT
Mr. Malan called for the election of officers. Per the Barstow Unified School District Citizens' Oversight Committee Bylaws the Superintendent appoints the chairperson.	ELECTION OF OFFICERS
Mr. Malan appointed Mr. Crist as chairperson, and turned the meeting over to Mr. Crist to conduct.	CHAIRPERSON APPOINTED
Mr. Crist entertained nominations for the position of vice-chairperson.	NOMINATIONS FOR VICE-CHAIRPERSON
Mr. Malan explained that the chairperson would conduct the meetings; the vice-chairperson would conduct the meetings in the absence of the chairperson.	
Mrs. Kruse volunteered for the position of vice-chairperson.	
It was moved by Mr. Crist, seconded by Mrs. Carol Marcum, and unanimously carried by members present, to elect Mrs. Kruse as vice-chairperson.	ELECTION OF VICE-CHAIRPERSON
It was moved by Mrs. Carol Mauk, seconded by Mr. Stoops, and unanimously carried by members present, to adopt the agenda as presented.	ADOPTION OF THE AGENDA
Committee members reviewed, compared, and discussed two proposed bylaw handouts.	BYLAW REVIEW

It was moved by Mr. Crist, seconded by Mr. Stoops, and unanimously carried by all members present to amend the proposed BOND OVERSIGHT COMMITTEE BYLAWS as follows:

MOTION TO AMEND  
PROPOSED BYLAWS

Section 5.5 Term

Except as otherwise provided herein: **Committee** members shall serve a term of two (2) years; and ~~\_\_\_(3) members shall serve an initial term of three (3) years,~~ with successive terms, if any, to be for a term of two (2) years. No member may serve more than three (3) consecutive terms.

Further discussion was held regarding meeting locations. The following addition to the Bylaws was made.

BYLAW REVIEW  
CONTINUED

Section 6.2 Location

All meetings shall be held at **551 South Avenue H, Barstow, California, in the Board Room,** or other District facilities.

It was moved by Mr. Stoops, seconded by Mrs. Kruse, and unanimously carried by all members present to adopt the proposed Bylaws as amended.

MOTION TO ADOPT  
BYLAWS AS AMENDED

The adopted Bylaws are attached and incorporated into these minutes.

Mr. Malan explained meeting guidelines and that the committee should meet a minimum of once a year, and a maximum of four times a year. Additionally, special meetings may be called should a need arise.

MEETING SCHEDULE

Mrs. Garcia shared that Business Services will provide the committee with monthly construction and expense reports for review prior to meetings.

It was moved by Mrs. Carol Mauk, seconded by Mr. Gene Stoops, and unanimously carried by all members present to meet quarterly (July, October, January, and April) on the third Thursday of the month, at 6:00 p.m.

MOTION TO SET  
MEETING FREQUENCY,  
DATE, AND TIME

The next meeting was scheduled for October 19, 2017, at 6:00 p.m., in the Board Room.

NEXT MEETING

Discussion was held on how requests for information and communication would be handled.

REQUESTS FOR  
INFORMATION AND  
COMMITTEE  
COMMUNICATION

Mr. Malan shared that any information requested by one committee member, would then be provided to all committee members. Committee members are to direct all questions to the chairperson only, and not to call each other, or send emails to multiple committee members. The chairperson will then direct those questions to the Chief Business Official, and the Chief Business Official will respond to all committee members.

Business Services to provide committee members with member's email information, and Mr. Crist's contact information.

Discussion regarding future agendas held.

AGENDA ITEMS FOR  
FUTURE MEETINGS

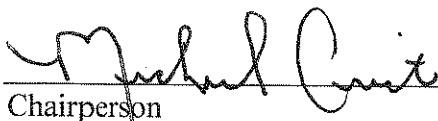
Mr. Malan stated that the agendas and minutes for the Citizen's Oversight Committee will be available on the district's website (<http://www.barstow.k12.ca.us>). Additionally, members can view Citizen's Oversight Committee – Measure C on the website for examples.

Mr. Crist and Mrs. Garcia will coordinate the next agenda once committee members view the upcoming reports.

Mrs. Arnett stated that she thought the next agenda should follow the format of the example shown on the screen, listing public comment and minute approval.

Meeting adjourned at 7:18 p.m.

ADJOURNMENT

  
Chairperson

  
CBO/Superintendent

## **BOND OVERSIGHT COMMITTEE BYLAWS**

### **Section 1. COMMITTEE ESTABLISHED**

The Board of Trustees (the "Board") of the Barstow Unified School District (the "District") hereby establishes the Bond Oversight Committee (the "Committee") which shall have the purposes and duties set forth in these Bylaws.

### **Section 2. PURPOSE**

The purpose of the Committee is to inform the public at least annually concerning the expenditure of bond proceeds approved by the voters on 11/8/16 (the "Bond Proceeds") by issuing a written report.

### **Section 3. DUTIES**

To carry out its stated purpose, the Committee shall perform the following duties:

3.1 Review Expenditures. The Committee shall review quarterly expenditure reports produced by the District to (a) ensure that Bond Proceeds are expended only for the purposes set forth in the ballot measure; (b) ensure that no Bond Proceeds are used for any teacher or administrative salaries or other operating expenses; and (c) verify that capital facilities work is executed.

3.2 Review Progress of Projects. The Committee shall be apprised in writing by the District of significant changes or irregularities in the progress and completion dates of bond funded projects.

3.3 Annual Report and Interim Reports. The Committee shall present to the Board interim reports at the Committee's discretion and an annual written report (the "Annual Report") which shall, at a minimum, include the following:

- (a) A statement indicating whether the District is in compliance with the requirements of Article XIII A, Section 1(b)(3) of the California Constitution;
- (b) A summary of the Committee's proceedings and activities for the preceding year; and
- (c) An annual presentation to the Board of the annual financial and performance audits.

### **Section 4. AUTHORIZED ACTIVITIES**

4.1 In order to perform the duties set forth in Section 3, the Committee may engage in the following authorized activities:

- (a) Receive and review copies of the District's annual independent performance audit and annual independent financial audit required by Article XIII A of the California Constitution.

(b) Inspect school site facilities and grounds for which Bond Proceeds have been or will be expended, in accordance with any access procedure established by the Superintendent or his/her designee.

(c) Review the District's efforts to maximize Bond Proceeds in ways designed to: (1) reduce costs of professional fees or site preparation; (2) incorporate efficiencies in school site design; (3) encourage joint use of core facilities; or (4) involve cost-effective and efficient reusable facility plans.

4.2 Any Committee requests for copies or inspection of District records shall be made in writing to the Superintendent of the District or his/her designee.

**Section 5. MEMBERSHIP**

5.1 Number. The Committee shall consist of 7-10 members, as follows:

(a) After interviewing potential members, the Board shall appoint members of the Committee.

(b) The Committee shall include:

- (1) one member who is active in a business organization representing the business community located within the District;
- (2) one member active in a senior citizens' organization;
- (3) one member who is the parent or guardian of a child enrolled in the District;
- (4) one member who is both a parent or guardian of a child enrolled in the District and active in parent-teacher organization;
- (5) one member who is active in a bona fide taxpayers' organization;
- (6) 2-5 general members

5.2 Qualification Standards.

(a) To be a qualified member of the Committee, a person must:

- (1) be at least 18 years of age and a resident of the state in accordance with Government Code section 1020;
- (2) reside within the geographic boundaries of the District;
- (3) not be an employee or official of the District; and
- (4) not be a vendor, contractor, or consultant of the District.

(b) If a member fails to meet the qualification standards set forth above at any time during the term of service, such member shall be disqualified and the position shall be declared vacant. The Board shall appoint a new person to serve the remainder of the term, in accordance with the appointment process set forth in Section 5.3 below.

5.3 Appointment. The Board shall appoint members to the Committee. Prior to appointment, the Superintendent or his/her designee shall conduct a nomination process to ensure that each person nominated meets the qualification standards set forth in Section 5.2. The Superintendent or his/her designee shall establish a process that provides reasonable notice to Board members and specified nominating organizations. When an appointment is necessary to fill a vacancy, the Superintendent or his/her designee shall ensure that a nomination is received from the same organization or category as the Committee member whose position is vacant.

5.4 Ethics; Conflicts of Interest. By accepting appointment to the Committee, each member agrees to comply with Article 4 (commencing with Section 1090) and Article 4.7 (commencing with Section 1125) of Division 4 of Title 1 of the Government Code and the Political Reform Act (Gov. Code Section 81000 *et seq.*), and to complete the Form 700 as required by all "designated employees" of the District. Additionally, each member shall comply with the Committee Ethics Policy attached as Attachment A to these Bylaws.

5.5 Term. Except as otherwise provided herein: Committee members shall serve a term of two (2) years; with successive terms, if any, to be for a term of two (2) years. No member may serve more than three (3) consecutive terms.

5.6 Removal; Vacancy. The Board may remove any Committee member for cause, including failure to attend three (3) consecutive committee meetings or for failure to comply with the Bylaws or Committee Ethics Policy. Upon the removal of a member, his or her seat shall be declared vacant. The Board shall fill any vacancies on the Committee in accordance with the appointment process set forth in Section 5.3.

5.7 Compensation. The Committee members shall not be compensated for their services.

## **Section 6. MEETINGS OF THE COMMITTEE**

6.1 Regular Meetings. The Committee shall establish a schedule for the date and time of regular meetings to be held at least once each year.

6.2 Location. All meetings shall be held at 551 South Avenue H, Barstow, California, in the Board Room, or other District facilities.

6.3 Procedures. All meetings shall be open and public in accordance with the Ralph M. Brown Act, Government Code Section 54950 *et seq.* (the "Brown Act"). Meetings shall be conducted according to such procedural rules as the Committee may adopt. A majority of the number of Committee members shall constitute a quorum for the transaction of any business except adjournment.

## **Section 7. DISTRICT SUPPORT**

7.1 The District shall provide to the Committee necessary technical and administrative assistance as follows:

(a) preparation of and posting of public notices as required by the Brown Act ensuring that all notices to the public are provided in the same manner as notices regarding meetings of the Board;

(b) provision of a meeting room, including any necessary audio/visual equipment;

(c) preparation and copies of any documentary meeting materials, such as agendas and reports; and

(d) retention of all minutes of the proceedings of the Committee and all documents received and reports issued by the Committee and any other Committee records, and providing public access to such records, including the posting of minutes of the proceedings of the Committee and all documents received and reports issued by the Committee and any other Committee records on the Internet website maintained by the District.

7.2 District staff shall attend all Committee proceedings in order to report on the status of projects and expenditure of the Bond Proceeds.

7.3 The Committee may request the Board to authorize legal counsel to advise the Committee on legal matters relating to the operation and/or subject matter of the Committee.

**Section 8. OFFICERS**

The Committee shall elect a Chair and a Vice-Chair who shall act as Chair only when the Chair is absent, which positions shall continue for two year terms. No person shall serve as Chair for more than two consecutive terms.

**Section 9. AMENDMENT OF BYLAWS**

Any amendment to these Bylaws shall be approved by a two-thirds vote of the entire Committee and must be approved by the Board prior to becoming effective.

**Section 10. TERMINATION**

The Committee shall automatically terminate and disband at the earlier of the date when (a) the Committee issues a final report after all Bond Proceeds are spent, or (b) the Committee issues a final report after all projects funded by Bond Proceeds are completed.

**Section 11. APPLICABILITY OF CALIFORNIA LAW**

The Committee was established by the District in order to comply with Section 15278 *et seq.* of the California Education Code (the "Code"). Nothing in these Bylaws shall be interpreted in a manner that is inconsistent with the provisions of the Code.

## ATTACHMENT A

### BOND OVERSIGHT COMMITTEE ETHICS POLICY STATEMENT

This Ethics Policy Statement provides general guidelines for Committee members to follow in carrying out their roles. Not all ethical issues that Committee members face are covered in this Ethics Policy Statement. The guidelines set forth in this Ethics Policy Statement are not exhaustive and do not excuse Committee members from existing laws, rules, policies and procedures as well as from concepts that define generally accepted good business practices and professional conduct. Committee members are expected to adhere strictly to the provisions of this Ethics Policy Statement. All capitalized terms used herein shall have the meanings set forth in the Bylaws of the Committee.

#### POLICY

- **CONFLICT OF INTEREST.** A Committee member shall not make or influence a District decision related to: (1) any contract funded by Bond Proceeds or (2) any construction project which will benefit a Committee member's outside employment, business, or personal finances or benefit an immediate family member, such as a spouse, child or parent.
- **OUTSIDE EMPLOYMENT.** A Committee member shall not use his or her authority over a particular matter to negotiate future employment with any person or organization that relates to: (1) any contract funded by Bond Proceeds, or (2) any construction project. A Committee member shall not make or influence a District decision related to any construction project involving the interests of a person with whom the member has an agreement concerning current or future employment, or remuneration of any kind. For a period of three (3) years after leaving the Committee, a former Committee member may not represent any person or organization for compensation in connection with any matter pending before the District that, as a Committee member, he or she participated in personally and substantially. Specifically, for a period of three (3) years after leaving the Committee, a former Committee member and the companies and businesses for which the member works shall be prohibited from contracting with the District with respect to: (1) bidding on projects funded by the Bond Proceeds; and (2) any construction project.
- **COMMITMENT TO UPHOLD LAW.** A Committee member shall uphold the federal and California Constitutions, the laws and regulations of the United States and the State of California and all other applicable government entities, and the policies, procedures, rules and regulations of the District.
- **COMMITMENT TO DISTRICT.** A Committee member shall place the interests of the District above any personal or business interests of the member.