



BYLAWS

CITIZENS' BOND OVERSIGHT COMMITTEE

Section 1 COMMITTEE ESTABLISHED

The Board of Trustees (the "Board") of the Fresno Unified School District (the "District") hereby establishes a Citizens' 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 proceeds of the bonds which were approved by the voters at an election held on March 6, 2001 (the "Measure K Bonds") and proceeds of the bonds which were approved by the voters at an election held on November 2, 2010 (the "Measure Q Bonds") and proceeds of the bonds which were approved by the voters at an election held on November 8, 2016 (the "Measure X Bonds").

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 proceeds of the Measure K Bonds and the Measure Q Bonds and the Measure X Bonds (collectively, the "Bond Proceeds") are expended only for the purposes set forth in the respective ballot measures; and (b) ensure that no Bond Proceeds are used for any teacher or administrative salaries or other operating expenses.
- 3.2 **Annual Report.** An annual report on behalf of the Committee shall be presented (Annual Report") at a public meeting of the Board by the Chair in December of each year for the prior fiscal year. The Annual Report shall 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 with respect to the expenditure of the Bond Proceeds; and
 - (b) A summary of the Committee's proceedings and activities for the preceding year.

Section 4 AUTHORIZED ACTIVITIES

- 4.1 **Activities.** In order to perform the duties set forth in Section 3.0, the Committee may engage in any of the activities which are authorized under Section 15278 of the California Education Code (the "Education Code"), including any of 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 Chief Operations Officer.
 - (c) Review the District's efforts to maximize Bond Proceeds in ways designed to: (1) reduce costs of professional fees or site design; (2) encourage joint use of core facilities; or (3) involve cost-effective and efficient reusable facility plans.
- 4.2 **Request.** Any Committee requests for copies or inspection of District records shall be made in writing to the Chief Operations Officer.

Section 5 MEMBERSHIP

- 5.1 **Number.** The Committee shall consist of a minimum of seven members, as follows:
- (a) The Board shall appoint all members of the Committee except the Chair.
 - (b) The members of the Committee appointed by the Board shall include:
 - 1. One member who is active in a business organization representing the business community located within the District
 - 2. One member who is active in a senior citizen's organization
 - 3. One member who is active in a bona fide taxpayers' organization
 - 4. One member who is the parent or guardian of a child enrolled in the District
 - 5. One member who is both a parent or guardian of a child enrolled in the District and active in parent-teacher organization
- 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 citizen 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
 - 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 appointment process set forth in Section 5.3 below.

5.3 **Appointment.** Except as set forth in Section 8 below, the Board shall appoint members to the Committee. Prior to appointment, the District Superintendent shall conduct a nomination process to ensure that each person nominated meets the qualification standards set forth in Section 5.2. When an appointment is necessary to fill a vacancy, the Superintendent shall inform the Board of any membership category in Section 5.1(b) not represented.

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 4.7 (commencing with Section 1125) of Division 4 of Title 1 of the Government Code and the Political Reform Act (Gov. Code 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 to these Bylaws.

5.5 **Term.** Each member of the Committee shall serve for a term of two years and for no more than three consecutive terms, excepting the original appointees’ term, which will be either one year or two years in order to provide continuity for the Committee.

5.6 **Removal.** The Board may remove any Committee member for cause, including failure to attend two consecutive committee meetings. 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 quarterly.

6.2 **Location.** All meetings shall be held at the administrative offices of the District located at 4600 N. Brawley, Fresno, California 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 and norms as the Committee may adopt. Six (6) Committee members shall constitute a quorum for the transaction of any business other than adjournment. Except as set forth in Section 9 below, at least five (5) votes shall be required for the Committee to take action.

Section 7 DISTRICT SUPPORT

- 7.1 **Assistance.** 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.
 - (d) Retention of all Committee records, and providing public access to such records, including the posting of Committee records on the Internet website maintained by the District.
- 7.2 **Records.** District staff shall maintain all Committee records, and provide public access to such records.
- 7.3 **Legal Advice.** 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.
- 7.4 **Not Bond-supported.** The District shall not use any bond proceeds to provide the support set forth in this Section 7.

Section 8 OFFICERS

The Superintendent shall appoint a Chair who shall be a voting member of the Committee. The Chair may then nominate a Vice Chair, whom the Committee will consider. The Vice Chair shall act as Chair only when the Chair is absent. These positions shall continue for two-year terms. No person shall serve as Chair for more than three consecutive terms.

Section 9 AMENDMENT OF BYLAWS

Any amendment to these Bylaws shall be approved by two-thirds vote of the 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) all Bond Proceeds are spend, or (b) all projects funded by Bond Proceeds are completed.

Section 11 APPLICABILITY OF THE CALIFORNIA LAW

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

Adopted September 24, 2003

Amended January 14, 2009

Amended January 26, 2011

Amended February 26, 2014

Amendment to be recommended February 8, 2017

GOVERNMENT CODE 1090

GOVERNMENT CODE - GOV

TITLE 1. GENERAL [100 - 7914]

(Title 1 enacted by Stats. 1943, Ch. 134.)

DIVISION 4. PUBLIC OFFICERS AND EMPLOYEES [1000 - 3599]

(Division 4 enacted by Stats. 1943, Ch. 134.)

CHAPTER 1. General [1000 - 1241]

Chapter 1 enacted by Stats. 1943, Ch. 134.)

ARTICLE 4. Prohibitions Applicable to Specified Officers [1090 - 1099]

(Article 4 enacted by Stats. 1943, Ch. 134.)

1090.

(a) Members of the Legislature, state, county, district, judicial district, and city officers or employees shall not be financially interested in any contract made by them in their official capacity, or by any body or board of which they are members. Nor shall state, county, district, judicial district, and city officers or employees be purchasers at any sale or vendors at any purchase made by them in their official capacity.

(b) An individual shall not aid or abet a Member of the Legislature or a state, county, district, judicial district, or city officer or employee in violating subdivision (a).

(c) As used in this article, "district" means any agency of the state formed pursuant to general law or special act, for the local performance of governmental or proprietary functions within limited boundaries.

(Amended by Stats. 2014, Ch. 483, Sec. 1. Effective January 1, 2015.)

CITIZENS' BOND OVERSIGHT COMMITTEE ETHICS POLICY STATEMENT

This Ethics Policy Statement provides general guidelines for Committee members to follow. However, the guidelines set forth in this 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. 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 any family member or relative.

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 interest of a person with whom the member has an agreement concerning current or future employment, or remuneration of any kind. For a period of two 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 two 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. No member of the Citizens' Bond Oversight Committee will speak individually for, or in the name of, the total Committee.