

**Burbank Unified School District
Administrative Services**

REPORT TO THE BOARD

TO: Members of the Board of Education

FROM: Andrew Cantwell, Assistant Superintendent, Administrative Services

PREPARED BY: Terri Ramirez Adams, Senior Administrative Secretary

SUBMITTED BY: Terri Ramirez-Adams, Senior Administrative Secretary

DATE: January 16, 2025

SUBJECT: Adoption of Resolution 19 – Adopting Bylaws Governing the
Measure ABC Citizens’ Oversight Committee

Background:

On April 18, 2024, the Board of Education of the Burbank Unified School District, the District, adopted Resolution No. 35 ordering an election for general obligation bonds to be held on November 5, 2024.

Discussion/Issues:

Pursuant to State law, the District is required to establish and appoint a citizens’ oversight committee to review bond expenditures for the purpose of ensuring that Measure ABC funds are spent on voter-approved projects. This resolution approves bylaws that will govern the administration of the committee. Committee members are expected to be appointed by the Board at a public meeting, upon recommendation of the Superintendent, within 60 days. District staff will commence the notice and recruitment period following adoption of this Resolution.

Financial Impact:

There is no fiscal impact in adopting this resolution.

Recommendations:

Andrew Cantwell, Assistant Superintendent, Administrative Services, recommends that the Board of Education adopt Resolution 19 – Adopting Bylaws Governing Citizens’ Oversight Committee, as presented.



RESOLUTION NO. 19

**RESOLUTION OF THE BOARD OF EDUCATION OF THE
BURBANK UNIFIED SCHOOL DISTRICT ADOPTING BYLAWS GOVERNING
THE MEASURE ABC CITIZENS' OVERSIGHT COMMITTEE**

WHEREAS, Burbank Unified School District (the "District") was successful at an election conducted on November 5, 2024, in obtaining authorization from at least 55% of District voters to issue up to \$458,205,000 aggregate principal amount of general obligation bonds for the purpose of financing the specific types of school facilities projects set forth in the general obligation bond measure approved by voters ("Measure ABC"); and

WHEREAS, the Measure ABC bond election was conducted under the provisions of Proposition 39, known as the Smaller Classes, Safer Schools and Financial Accountability Act, approved by California voters on November 7, 2000 ("Proposition 39"); and

WHEREAS, pursuant to the provisions of Proposition 39, Measure ABC, and, specifically Section 15278 of the California Education Code, the Board of Education of the District is obligated to establish a citizens' oversight committee (the "Committee") to satisfy the accountability requirements of Proposition 39; and

NOW, THEREFORE, THE BOARD OF EDUCATION THE BURBANK UNIFIED SCHOOL DISTRICT DOES HEREBY FIND, DETERMINE AND CERTIFY AS FOLLOWS:

Section 1. Recitals. The foregoing recitals are true and correct.

Section 2. Committee Established. The Committee is hereby established. The Committee shall be governed and administered pursuant to the requirements of State law and Measure ABC. The Bylaws in the form attached here as Appendix A, which are hereby approved and adopted for the purpose of establishing the Committee.

Section 3. Effective Date. This resolution shall take effect on and after its adoption.

* * * * *

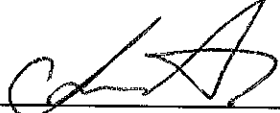
PASSED AND ADOPTED this 16th day of January 2025, by the following vote:

AYES: 5

NOES: 0

ABSTAIN: 0

ABSENT: 0



President, Board of Education

Attest:

By: Charlene Tate
Clerk of the Board of Education

MEASURE ABC (BOND) OVERSIGHT COMMITTEE BYLAWS

Sec. 1.0 COMMITTEE ESTABLISHED

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

Sec. 2.0 PURPOSE

The purpose of the Committee is to represent the interest of the community, staff, students, and parents in school renovation and new construction as well as to inform the public of the District's fiscal responsibility in the appropriation and expenditure of all funds for construction, modernization, and/or renovation of District facilities, and specifically, as required by Proposition 39, at least annually issue a written report concerning the expenditure of bond proceeds approved by the voters (the "bond proceeds") until they are fully exhausted. (Education Code section 15278 and 15280)

Sec. 3.0 DUTIES

To carry out its stated purpose as set forth in Section 2.0, the Committee shall serve in an informational capacity to the Board of Education and public by performing the following duties, and bringing forth any recommendations it might have for improvement:

3.1 Review Expenditures. The Committee shall review monthly expenditure reports of construction, modernization and/or renovation funds, including bond funds produced by the District and other related bond fund documents to (a) ensure that bond proceeds are expended only for the purposes described in Article XIII A, Section 1(b)(3) of the California Constitution and set forth in the ballot measure; and (b) ensure that no bond proceeds are used for any teacher or administrative salaries or other school operating expenses. (Education Code sections 15278(b)(1) and (b)(2))

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 all construction, modernization, and/or renovation projects, including bond funded projects on a monthly basis.

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 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 relating to bonded indebtedness incurred by a school district for the construction, reconstruction, rehabilitation, or replacement of school facilities, including the furnishing and equipping of school facilities, or

the acquisition or lease of real property for school facilities, approved by 55 percent of the voters; and

(b) A summary of the Committee's proceedings and activities for the preceding year. (Education Code section 15280(b))

Relevant excerpts of the Annual Report shall be published in a local print or online publication.

3.4 Internet Website. Approved minutes of the proceedings of the Committee shall be a matter of public record and be made available on an Internet website maintained by the District. All documents received and reports issued shall be maintained by the District for review pursuant to a Public Records Act request. (Education Code section 15280(b) and Government Code section 6250 *et seq.*)

3.5 Annual Audit. An Annual Audit shall be conducted and the results published in a local print or online publication and posted on the District's website. (Education Code sections 15278(c)(1), (2) and 15280(b))

Section 4.0 AUTHORIZED ACTIVITIES

4.1 In order to perform the duties set forth in Section 3.0, the Committee may engage in the following activities as authorized by the Board in addition to those authorized pursuant to Education Code section 15278(c) or as authorized by the Board:

(a) Receive and review copies of the District's annual independent performance audit and annual independent financial audit, required by Article XIII A, Section 1(b)(3) of the California Constitution.

(b) Review all available construction and/or facilities fiscal reports.

(c) All Committee members are encouraged to inspect all school site facilities and grounds at least once a year. These visits should include, but are not limited to, locations where bond proceeds have been or will be expended, in accordance with any access procedure established by the Board, or designee, to ensure that bond revenues are expended in compliance with the requirements of Article XIII A, Section 1(b)(3) of the California Constitution.

(d) Receive and review copies of any deferred maintenance proposals or plans developed by the District.

(e) Review and provide recommendations regarding the District's efforts to maximize bond proceeds by implementing cost-saving measures, including, but not limited to: (1) mechanisms designed to reduce costs of professional fees; (2) mechanisms designed to reduce the costs of site preparation; (3) recommendations regarding the joint use of core facilities; (4) mechanisms designed to reduce costs by incorporating efficiencies in schoolsite design; (5) recommendations regarding the use of cost-effective and efficient reusable facility plans.

4.2 Any Committee requests for copies or inspection of District records shall be communicated to the Measure ABC (Bond) Oversight Committee Chair who will then aggregate requests and forward to the Superintendent or designee. Individual Committee members have no authority as individuals to direct District staff; only the Committee has the authority to engage in the duties set forth in Section 3.0 and the activities authorized in Section 4.0.

Sec. 5.0 MEMBERSHIP

5.1. Number. The Committee shall consist of at least seven (7) members (and may be larger). The Board may also appoint Alternates (see section 5.3 below) and/or Ex-Officio Members (see section 5.4 below) for the Oversight Committee as they see fit. Alternates and ex-officio members are not voting members of the Committee.

(a) After interviewing potential members at a public meeting, the Board shall appoint members of the committee.

(b) The Committee shall include pursuant to Education Code section 15282:

- (1) one member who is active in a business organization representing the business community located within the District (e.g. the Chamber of Commerce);
- (2) one member active in a senior citizens' organization (e.g. a local senior center);
- (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 a parent-teacher organization in the District; and
- (6) two (2) or more general members.

5.2. Qualification Standards.

(a) To be a qualified person, he or she must:

- (1) be at least 18 years of age and a resident of the state in accordance with Government Code section 1020;
- (2) not be an employee or officer of the District, or a member of their immediate family as defined in the Political Reform Act, Government Code section 82029, and 2 California Code of Regulations section 18229.
- (3) not be a vendor, contractor, or consultant of the District, or a member of the immediate family of any one of the proceeding. (See, definition of "immediate family," above.)

(b) If a member fails to meet the qualification standards set forth above at any time during the term of service, the 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. Alternates. A maximum of ten (10) alternate members ("Alternates") may be appointed by the Board in the same manner as Committee members. Alternates are non-voting participants in the processes of the Committee. While serving as an Alternate, Alternates shall comply with the ethics and conflicts of interest requirements set forth in Section 5.6, comply with the Committee Ethics Policy, and open meeting laws as set forth in Section 6.3. The Board will consider Alternates when vacancies occur on the Committee, but reserves the right to seek new Committee members from outside of the pool of Alternates. Such consideration is subject to the Alternate having a completed application on file, being qualified and/or nominated within the category listed in Section 5.1(a) that corresponds with the vacancy, and meeting the Qualification Standards set forth in Section 5.2.

5.4. Ex-Officio Members. The Board may appoint up to nine (9) Ex-Officio members ("Ex-Officio Members") to the Committee. An Ex-Officio Member shall be a representative of a major group of stakeholders, as identified by the Board. Ex-Officio Members are non-voting participants, but will serve as process observers who can provide input that may be beneficial to the Committee's discussions or deliberations. Ex-Officio Members are entitled to receive all documentation accorded Committee members or Alternates, and to participate in any school facilities visits, inspections and/or observations which may occur. Ex-Officio Members shall comply with the ethics and conflicts of interest requirements set forth in Section 5.6, comply with the Committee Ethics Policy, and open meeting laws as set forth in Section 6.3. Ex-Officio Members shall not be an employee, official, vendor, contractor or consultant of the District.

5.5 Appointment. The Board shall by majority vote appoint members to the Committee. Prior to appointment, the District Superintendent shall have published in the District notice of any vacancy on the Committee, and shall conduct a nomination process to ensure that each person nominated meets the qualification standards set forth in Section 5.2. The Superintendent 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 shall ensure that a nomination is received from the same organization or category as the Committee member whose position is vacant.

5.6 Ethics; Conflicts of Interest. By accepting appointment to the Committee, each member agrees to comply with Articles 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 of all "designated employees" of the District. Additionally, each member shall comply with the Committee Ethics Policy attached as Attachment A to these Bylaws.

5.7 Term. Except as otherwise provided herein: four (4) members shall serve a term of two (2) years beginning May 30, 2013; and five (5) members shall serve a term of three (3) years beginning May 30, 2013, with successive terms, if any, to be for a term of two

years. No member may serve more than three (3) consecutive terms. Any current member who satisfies the requirements for the category of membership in which he or she serves, may be reappointed by the Board to a two or three year term.

5.8 Removal; Vacancy. The Board may remove any Committee member for cause, including, but not limited to, the failure to possess or maintain the qualifications necessary to serve in any specified category of Committee member, failure to attend three consecutive Regular Committee meetings, or for failure to comply with these Board Bylaws or the Committee Ethics Policy. Upon a member's removal, his or her seat shall be declared vacant. The Board, in accordance with the appointment process set forth in Section 5.3 shall fill any vacancies on the Committee.

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

Sec. 6.0 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 monthly to include an annual organizational meeting to be held in June.

6.2 Location. All meetings shall be held at the District Office at 1900 W. Olive Avenue, Burbank, CA 91506 or at any designated location within the legal boundaries of the District.

6.3 Procedures. All meetings shall be open and public in accordance with the Ralph M. Brown Act, Government Code Section 54950 *et seq.* Meetings shall be conducted according to such procedural rules as the Committee may adopt. The Committee's rules with respect to public speakers shall be consistent with those of the Board relating to public speakers. (See, Board Bylaw 9323). A majority of the number of Committee members shall constitute a quorum for the transaction of any business except adjournment.

Sec. 7.0 DISTRICT SUPPORT

7.1 The Board shall, without expending bond funds, provide the Committee with any necessary technical assistance and shall provide administrative assistance in furtherance of its purpose and sufficient resources to publicize the conclusions of the Committee. 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 District 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 Committee records, and providing public access to such records.

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

Sec. 8.0 REPORTS

In addition to the Annual Report required in Section 3.3, the Committee may report to the Board on a monthly basis in order to inform the Board on the activities of the Committee. Such report shall be in writing and at a minimum shall summarize the proceedings and activities conducted by the Committee. Committee minutes shall be circulated to Board members, administrative staff as well as Committee Members.

Sec. 9.0 OFFICERS

The Committee shall elect a chair, a vice-chair who shall act as chair only when the chair is absent, and a clerk which positions shall continue for two (2) year terms. No person shall serve as Chair for more than two consecutive terms. The officers of the Committee may be removed by majority vote of the Committee members as defined in Section 5.1, above.

Sec.10. AMENDMENT OF BYLAWS

The Board may amend these Bylaws by majority vote and may seek input from the Committee.

Sec. 11.0 TERMINATION

The Board wishes to maintain this Committee over the long term; however, the Committee may be terminated and disbanded by a majority vote of the Board 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.

ATTACHMENT A

MEASURE ABC (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 Statement. However, this Statement captures some of the critical areas that help define ethical and professional conduct for Committee members. The provisions of this Statement were developed from existing laws, rules, policies and procedures as well as from concepts that define generally accepted good business practices. Committee members are expected to strictly adhere to the provisions of this Ethics Policy.

POLICY

- **CONFLICT OF INTEREST.** A Committee member shall not make or attempt to influence a District decision relating to: (1) any contract funded by bond proceeds or (2) any construction project which will benefit the Committee member's outside employment, business, or personal finances or benefit an immediate family member, such as a dependent, a spouse, a child or a domestic partner.
- **OUTSIDE EMPLOYMENT.** A Committee member shall not use his or her authority over a particular matter, however limited by the Board's Bylaws relating to the Measure ABC (Bond) Oversight Committee, 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 or had an agreement concerning past, 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 (particularly the Education Code) and all other applicable government entities, and the policies, procedures, rules and regulations of the Burbank Unified School District.
- **COMMITMENT TO DISTRICT.** A Committee member shall place the interests of the District above any personal or business interests of the member.