Orange Unified School District
Election of 2016
General Obligation Bonds

Citizens' Oversight Committee
Amended and Restated Procedures, Policies and Guidelines

INTRODUCTION

Pursuant to the provisions of the Strict Accountability in Local School Construction Bonds Act of 2000 (the "Act"), codified at Sections 15264 and following of the Education Code, the Orange Unified School District (the "District") has placed a bond measure on the November, 2016, ballot (the "2016 Bond Measure"), which must be approved by at least 55% of the voters of the District voting on the measure to pass. The Act requires the Governing Board of the District (the "Board") to appoint a Citizens' Oversight Committee (the "Committee") after the successful bond election.

Legal authority for formation and duties of the Committee is found in Sections 15264 and 15278 to 15282 of the Education Code. The purpose of these Procedures, Policies and Guidelines is to direct the formation and actions of the Committee by reference to the statutory requirements. Where the statutory direction is insufficiently specific, the Board has furnished missing details. In addition, the Board sets forth below its expectations, suggestions, and desires for the operations of the Committee.

I. Establishment

The Board is required to appoint members to an independent citizens' oversight committee after the passage of the 2016 Bond Measure. *Educ. Code §15278(a).* In an effort to increase transparency, the Board desires to establish the Committee prior to when the voters will vote on the 2016 Bond Measure.

II. Purpose

A. Statutory Purposes. The Committee is charged by statute with the following purposes:

1. To promptly alert the public to any waste or improper expenditure of school construction bond money. *Educ. Code §15264(c).*
2. To inform the public concerning the expenditure of bond revenues. *Educ. Code §15278(b).*
3. Ensuring that bond revenues are expended only for the purposes described in the Constitution; that is, 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. *Calif. Const. art. XIIIA, §1(b)(3); Educ. Code §15278(b)(1).*

4. Ensuring that no funds are used for any teacher or administrative salaries or other school operating expenses. *Calif. Const. art. XIIIA, §1(b)(3)(A); Educ. Code §15278(b)(2).*

B. Role of Committee vis-à-vis Board.
As the legally elected representative of the voters, the Board, on the advice of the Superintendent, must make all decisions relating to how bond funds are spent, how bond projects are configured, the cost, priority and timeline for completion of the various bond projects, and all other matters necessary in connection with the District's building program. The Board values the Committee's input on these matters as an oversight body.

III. Members

A. Minimum Size. The Committee shall always be comprised of at least 7 members. *Educ. Code §15282(a).*

B. Required Members. Pursuant to statute, the Board shall appoint to the Committee the following members: *Educ. Code §15282(a).*

1. One member 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 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 the parent or guardian of a child enrolled in the District and who is active in a parent-teacher organization, such as the PTA or school site council.
6. Two other members, selected from the public at large.

C. Board Procedures for Appointment of Committee.

1. Appointment.
   a. Persons interested in serving as members of the Committee shall submit a written application to the Superintendent, specifying such information as the Superintendent shall reasonably require. Such information shall include, at a minimum:
      (i) the specific position or positions listed in Section III.B, above, for which the applicant qualifies
      (ii) such information as may be necessary to verify that the applicant meets that qualification requirement.
   b. The Superintendent shall recommend from among the qualifying applications a list of names to the Board for appointment to the committee, specifying how the requirements of Section III.B are met, or as many of those requirements as possible given the applications submitted.
   c. The slate of names shall be approved or rejected as a whole by a majority vote of the Board. If rejected, the Board shall direct the Superintendent to prepare a new slate of names for approval, including a new application procedure if appropriate.

2. Failure to Appoint.

a. Willful failure to appoint the Committee is grounds for legal action by any taxpayer against the Board. *Educ. Code §15284(a)(4).*

b. The Board will make a good faith effort to appoint the Committee and fill vacancies to ensure that the Committee is fully constituted and functioning. No vacancy, at initial appointment or otherwise, will prevent the Committee from meeting and conducting its business.

c. In the event that the Superintendent does not receive acceptable applications from the public to fill all of the positions specified in Section III.B, above, or if at any time there is a vacant position on the Committee, the Superintendent shall cause a notice of the vacancy to be posted in a conspicuous public place (e.g., where regular public notices of the Board are posted), specifying the eligibility requirement for the vacant position and that a written application must be submitted to the Superintendent, and such notice shall remain posted until the vacancy is filled. The Superintendent, in his discretion, may advertise the vacant position in a newspaper reasonably expected to be circulated among interested persons, and may contact organizations to request nomination of interested persons to fill the positions that require active membership in such organization.

D. Additional Eligibility Restrictions. The following persons are not eligible to serve on the Committee: *Educ. Code §15282(b).*

1. Any employee of the District.

2. Any official of the District.

For purposes of this limitation, the Board finds that any elected or appointed member of the Board is an "official of the district" within the meaning of Section 15282(b). The Board finds that no member of any other citizen committee of the District appointed by the Board to serve without pay is an "official of the district" within the meaning of Section 15282(b).

3. Any vendor, contractor or consultant of the District.

The Board finds that no person is a vendor, contractor or consultant of the District prohibited from serving on the Committee within the meaning of Section 15282(b) unless such person, or any company of which such person is an owner or part owner, agrees or has agreed to perform services or furnish goods or supplies to the District under any agreement or contract that has not been fully performed. Prior contractual relationships with the District do not disqualify a person from serving on the Committee.

E. Term.

1. Each of the members specified by statute is appointed for a term of four years. *Educ. Code §15282(a).* All members serving on the Committee as

of February 1, 2023 shall have their current terms extended to four years from the date of most recent appointment to the Committee.

2. No member shall be appointed to more than three consecutive terms. *Educ. Code §15282(a).*

The Board hereby further establishes the following provisions on the terms of members:

3. Any member appointed to meet any of the criteria of categories 1 – 5 described in Section III.B, above, shall serve only so long as such member continues to fulfill the requirement of the position to which appointed.

4. Notwithstanding the term limits described above, the term of any member shall terminate upon:

   a. death of the member;

   b. written resignation of the member;

   c. disability or illness of the member, upon a finding by the Board that the member is unable to effectively continue to serve on the Committee;

   d. the sale or provision of any goods or services to the District, or entry into any contract with the District for such sale or provision, whether or not related to the bond program, such that the member becomes a "vendor, contractor, or consultant" within the meaning of Section III.D.3, above;

   e. the employment, appointment or election of such member to a position with the District, such that the member becomes an "employee of the District" or an "official of the District" within the meaning of Section III.D.1 or 2, respectively; or

   f. failure of the member to participate in the meetings and activities of the Committee, upon a finding by the Board that the member is unable or unlikely to effectively continue to serve on the Committee.

   The Board requests that Committee members keep the Board informed regarding the status of other members, so that the Board can take appropriate action to replace or reappoint Committee members in a timely manner.

5. The term of any member appointed to succeed a member whose term has been terminated pursuant to Section III.E.4 shall be four years, or such lesser time as remains in the term of the departing member, as the Board shall determine.

F. Compensation. Members serve without compensation. Educ. Code §15282(a).

Conflict of Interest has been removed due to the change from "..advisory board" to "oversight board" in Section II.B.

IV. Authorized Activities

In furtherance of its purposes, the Committee is authorized by statute to engage in the following activities: *Educ. Code §15278(c) and 15286.*

A. Receiving and reviewing copies of the annual, independent performance audit required by the Constitution.

B. Receiving and reviewing copies of the annual, independent financial audit required by the Constitution. Consistent with the provisions contained in subparagraphs (C) and (D) of paragraph (3) of subdivision (b) of Section 1 of Article XIII A of the California Constitution, the required annual, independent financial and performance audits for the preceding fiscal year shall be submitted to the Committee at the same time they are submitted to the District, but no later than March 31 of each year. These audits shall be conducted in accordance with the Government Auditing Standards issued by the Comptroller General of the United States for financial and performance audits.

C. Inspecting school facilities and grounds to ensure that bond revenues are expended in compliance with the requirements of paragraph (3) of subdivision (b) of Section 1 of Article XIIIA of the California Constitution.

D. Receiving and reviewing copies of any deferred maintenance proposals or plans developed by the District.

E. Reviewing efforts by the District to maximize bond revenues through cost-saving measures.

V. Meetings

A. Initial Organization; Officers. In order that the Committee serve effectively and fulfill the purposes for which it is established, the Board recommends to the Committee that the Committee shall organize and conduct meetings as follows:

1. Initial Meeting. At the initial meeting of the Committee, the Superintendent or a person designated by the Superintendent should open the meeting and facilitate the selection by the Committee members of a presiding officer. Thereafter, selection of a presiding officer and any other officers of the Committee should be by whatever means the Committee determines.
2. Chair. The Committee should designate a member as presiding officer or chair to preside over meetings of the Committee.
3. Vice Chair. The Committee should designate a member as Vice Chair to assume the duties of the Chair in the Chair's absence.
4. Representative. The Committee should designate a member or members to represent the Committee at public meetings of the Board and make reports thereto on a regular basis as the Committee shall determine or as the Board may request.
5. Secretary. In order to fulfill the legal requirements that the Committee's minutes and documents and reports be entered into the public record, the District, at the request of the Committee, shall provide a District staff member to act as secretary to keep accurate minutes of the Committee's meetings and actions.

B. Reports; Meetings.

1. Reports. The Committee shall issue regular reports on the results of its activities. A report shall be issued at least once a year. *Educ. Code §15280(b).*

2. Annual Meeting of the Committee. The Committee is required to conduct at least one annual meeting, the purpose of which is to receive the reports and documents required to be provided to the Committee by the Board, and to approve a report of the Committee. *Educ. Code §15280(b), 15278(c).*
3. Other Meetings of the Committee. The Board recommends that the Committee meet as often as necessary in order to effectively perform its duties.

C. Notice of Meetings; Minutes.
1. The Committee's meetings are governed by the Ralph M. Brown Act, commencing at Section 54950 of the Government Code. *Educ. Code §15280(b).*
   a. All Committee proceedings shall be open to the public.
   b. Notice to the public of any meeting of the Committee shall be provided in the same manner as the proceedings of the Board.
2. Minutes of the proceedings of the Committee and all documents received and reports issued by the Committee are a matter of public record. *Educ. Code §15280(b).*
3. The District shall maintain and make available to the Committee an Internet website for publication of proceedings of the Committee. *Educ. Code §15280(b).*
4. All documents received and reports issued by the Committee shall be made available to the public on the website. *Educ. Code §15280(b).*
   In order to publicize and make available the Committee's proceedings, the Committee Secretary shall provide to the Superintendent any documents received by, and reports issued by, the Committee, in whatever form received or issued, and minutes of the meetings of the Committee or any subcommittees created by the Committee.
   District staff is directed by the Board to assist the Committee in publicizing its meetings, in complying with the requirements of the Brown Act, and in posting documents and reports on the website maintained by the District for the Committee. District staff will assist the Committee in these and the other activities of the Committee as provided in Section IV.D, below.

D. Technical Assistance.
1. The Board is required to provide the Committee with any necessary technical assistance and shall provide administrative assistance to the Committee in furtherance of its purpose. *Educ. Code §15280(a).*
2. The Board is required to provide sufficient resources to publicize the conclusions of the Committee. *Educ. Code §15280(a).*
3. No bond funds shall be expended on any activities or technical assistance provided to the Committee. *Educ. Code §15280(a).*