Proposition 39, approved by California voters in the November 7, 2000, general election, provides that the Governing Board of a school district may pursue the authorization and issuance of general obligation bonds by 55 percent vote of the electorate. As a result of the passage of Proposition 39, language was added to the Education Code requiring school districts passing a bond designated as a Proposition 39 bond to establish a Citizens' Oversight Committee ("Committee") to actively review and report on uses of bond proceeds to ensure that they are spent only on school facilities improvements allowed under each bond measure and not for any other purpose. The Committee shall be established within sixty (60) days of the date that the Board enters the election results in its minutes. A school district may also establish a voluntary bond oversight committee for a general obligation bond adopted by a two thirds vote of the electorate.

1. Committee's Purpose

The purpose of the Committee is to inform the public concerning the expenditure and uses of bond revenues. The Committee's legal charge is to actively review and report on the expenditure of taxpayer's money for school construction. The Committee shall convene to provide oversight of the following:

a. That bond revenues from bonds adopted by a 55 percent vote of the electorate are expended only for the purpose described in Article 13A, section 1, subdivision (b)(3) of the California Constitution including the construction, reconstruction, rehabilitation or replacement of school facilities, including for a Proposition 39 bond measure the furnishing and equipping of school facilities, or the acquisition or lease of real property for school facilities; and

b. That, for bonds adopted by a 55 percent vote of the electorate, as prohibited by Article l3A, section 1, subdivisions (b)(3)(A) of the California Constitution, no funds are used for any teacher and administrative salaries or other school operating expenses, except for salaries of bond facilities project administrators paid pursuant to the November 2001 and February 2003 resolutions validated by the Judgment of Validation in the Superior Court of California, Contra Costa County Action No. N03-02l6; and

c. That, for bonds adopted by a two thirds vote of the electorate, funds are used only for the purposes described in Article l3A, section 1, subdivision (b)(2) of the California Constitution including the acquisition or improvement of real property.

2. Committee's Duties

The Committee may engage in the following activities in furtherance of its purpose:

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a. Receiving and reviewing copies of the annual performance audits required by Article 13A, section 1, subdivisions (b)(3)(C) of the California Constitution.

- The Auditor shall deliver directly to the Committee a copy of each audit report at the same time as delivery is made to the District. [1]
- The Auditor shall deliver directly to the Committee progress reports at the same time at these reports are issued to the District. [2]
- The Committee shall participate with the District review of the Auditor's performance. [3]

b. Receiving and reviewing the annual financial audits required by Article 13A, section 1, subdivisions (b)(3)(D) of the California Constitution.

c. Inspecting school facilities and grounds to ensure that Bond revenues are expended in compliance with the requirements of Article 13A, section 1, subdivision (b)(3) of the California Constitution.

d. Receiving and reviewing copies of any deferred maintenance proposals or plans developed by the District, including any reports required by Education Code section 17584.1.

e. Reviewing efforts by the District to maximize Bond revenues by implementing cost-saving measures including, but not limited, to the following:

(1) Mechanisms designed to reduce the costs of professional fees;

(2) Mechanisms designed to reduce the cost of site preparation;

(3) Recommendations regarding the joint use of core facilities;

(4) Mechanisms designed to reduce costs by incorporating efficiencies in school site design;

(5) Recommendations regarding the use of cost-effective and efficient reusable facility plans.

[1] Amendment approved by Board of Education on June 1, 2005.
[2] Ibid.
[3] Ibid.

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3. Committee Operations

The Committee's legal charge is to review bond expenditures and to inform the public about the uses of Bond proceeds. The Committee shall not have the authority to:

a. Participate in the bond sale and issuance process or make decisions concerning the timing, terms or structure of a bond issuance, except that the Committee may review the District's plans for any bond sale and may review bond issuance documents upon the conclusion of a bond sale if desired;

b. Determine how bond funds shall be spent;

c. Select contractors or consultants for bond projects or participate in the negotiation or bid process for such contractors and consultants;

d. Require the District to prepare reports or conduct audits more frequently than those required by law.

Committee members shall have the authority to inspect a job site or construction project . Visits to job sites require that the Committee member(s) be accompanied by a representative of the District and require that all safety measures in effect at the job site be followed.

Committee members shall have the authority to contact District staff, District contractors or consultants, including without limitation, accountants, auditors, architects, financial advisors and legal counsel.

The Committee shall not be entitled to legal representation by District legal counselor at District expense, unless permitted by the Board.

The Committee shall meet on the fourth Wednesday of each month or such other date as directed by the Committee chairperson or the Board. The Committee shall meet at least quarterly, and Committee members shall be available to attend Board meetings when performance and financial audits are presented. The Superintendent or his/her designee

shall attend Committee meetings. Members of the Board shall attend as necessary or desirable. The chairperson shall call the roll of the Committee members and/or Committee alternates, if applicable, at the beginning of each meeting. Each Committee member and Board-approved Committee alternate in attendance on behalf of a Committee member shall sign an attendance sheet that shall be maintained by the person designated by the chairperson. If the Committee member is not present for roll call and/or does not sign the attendance sheet, the Committee member shall be considered absent

Deleted: d. Enter or inspect a job site or construction project without prior permission of the District Superintendent or designee. Frequency and timing of all such visits are within the sole discretion of the Superintendent or designee. Visits to job sites require that the Committee member(s) be accompanied by a representative of the District and require that all safety measures in effect at the job site be followed; ¶
e. Contact District contractors or consultants, including without limitation, accountants, auditors, architects, financial advisors and legal counsel, without the prior permission of the District Superintendent or designee. ¶
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from the Committee meeting. Committee Officers [4] shall prepare agendas and the District staff shall [5] send copies to all Committee members at least three (3) days prior to each meeting. The Committee's meetings are subject to the Ralph M. Brown Act, Government Code, section 54950 et seq. Meetings shall be open to the public and noticed in the same manner as proceedings of the Board. Committee decisions and recommendations shall be made by a "50% plus one" vote of the total membership. The Committee shall annually select a chairperson and other officers as it determines, each for a one-year term that may be renewed as determined by the Committee. A person designated by the chairperson shall keep minutes of each Committee meeting, which shall be supported by audio tape recording. The minutes shall be distributed to each Committee member, and the Board, if requested, at the earliest reasonable date prior to the next subsequent meeting. Minutes of Committee proceedings and all documents received and reports issued shall be a matter of public record. The Committee shall submit all documents and minutes to the District's webmaster for publication on the District's Internet website for public and community information services.

The Committee shall prepare regular reports on Committee activities. A report shall be issued at least once each year. Upon completion of all bond projects, the Committee shall prepare a final written report summarizing its activities and conclusions.

The Board shall, without expending Bond funds:

a. Provide the Committee with any necessary technical assistance;

b. Provide administrative assistance in furtherance of the Committee's purpose; and

c. Provide the Committee with sufficient resources to publicize the Committee's conclusions.

The Assistant Superintendent for Business Operations will serve as a resource to the Committee. He/she shall assign such other District staff as are needed to assist the Committee in carrying out its duties. The Program Manager and the Administrative Assistant of the Bond Management Team (SGI) and the Master Architect (WLC) will provide assistance and coordination support to the Committee.

By Committee vote at any of its regular meetings, the Committee may form subcommittees for specific tasks. The Committee shall elect a chair of each sub-committee and provide written assignment goals for each subcommittee. Sub-committees may be subject to the Ralph M. Brown Act, pursuant to Government Code, section 54952, subdivision (b).

[4] Ibid.
[5] Ibid.

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The Committee and Board shall hold joint meetings during the first quarter (January through March) and third quarter (July through September) of each year. [6]

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Committee members may request public records relating to the bond program, as defined by the California Public Records Act. The District shall, within 10 days from receipt of the request, respond to the request.

The Committee shall make a monthly report to the Board of Education at the second regular Board meeting of each month. This report shall be placed on the Board's agenda. All recommendations approved by the Committee shall be presented to the Board of Education and shall be included in the Board's agenda package as part of the Committee's monthly report to the Board. The Board shall respond to the Committee's recommendation(s) within sixty (60) days after receipt of the recommendation(s). [7]

4. Committee Selection and Composition

The Committee shall be comprised of individuals who either live or work within the boundaries of the District. The Superintendent or designee shall solicit applications for membership on the Committee, and in the event the number of applicants exceeds the number of spaces available, shall conduct interviews of interested citizens and make recommendations to the Board for appointments. The Board shall have the authority at its sole discretion to select and appoint the Committee. While the Committee must consist of at least seven members, the Board intends the Committee to consist of between 15 and 21 [8] members; however, the Board shall determine the final size of the Committee.

As required by law, Committee membership shall include the following categories:

a. One member shall, at the time of appointment, be active in a business organization representing the business community of the District;

b. One member shall, at the time of appointment, be active in a senior citizens' organization, which may be a local, regional, statewide or national organization;

c. One member shall, at the time of appointment, be active in a bona fide taxpayers' organization, which may be a local, regional, statewide or national organization;

d. One member shall, at the time of appointment, be the parent or guardian of at least one child currently enrolled in a school of the District;

[6] Ibid.
[7] Amendment approved by the Board of Education on September 28, 2005.
[8] Amended from 20 to 21 by the Board of Education on June 1, 2005.

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e. One member shall, at the time of appointment, be both a parent or guardian of at least one child currently enrolled in a school of the District and be an active member in a District parent-teacher organization, such as the PTA or school site council.

Committee membership shall also include but not be limited to, at the discretion of the Board, the following community members: f. One member shall be recommended by each City Council from the cities of EI Cerrito, Hercules, Pinole, Richmond and San Pablo;

g. Two members shall reside in unincorporated areas of the District and shall be recommended by the County Supervisors of each respective unincorporated area;

h. One member shall be recommended by each member of the Board of Trustees;

i. One member shall, at the time of appointment, be a member of the Council of Industries;

j. One member shall, at the time of appointment, represent the building trades.

k. One member shall, at the time of appointment, be a member of Public Employees Union Local 1, who is not a District employee. [9]

l. One member shall, at the time of appointment, be a member of the Citizens Advisory Committee for Special Education. [10]

No employee or official of the District shall be appointed to the Committee. Additionally, no vendor, contractor, or consultant of the District shall be appointed to the Committee.

After appointment to a two-year term, Committee members who wish to be appointed for a second two-year term shall reapply to the Board for consideration. Committee members shall receive no remuneration for their participation on the Committee.

5. Committee Alternates

Committee members who are unable to attend a Committee meeting may request Board approval of an alternate to represent him/her within limited circumstances. The proposed alternate must, at the time of Board approval, meet the Community membership requirements of the Committee member for whom they would serve as an alternate. The Board must pre-approve the selection of each alternate. Alternates may sit with the Committee, participate in Committee discussions and vote on matters other than

[9] Amendment approved by the Board of Education on June 1, 2005.
[10] Ibid.

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Committee reports. The following requirements also apply to the use of Committee alternates:

a. A Committee member must notify the chairperson and District staff designated by the chairperson at least three (3) days prior to a Committee meeting that the Committee member will not attend the meeting and that the member's Committee alternate shall attend in his/her place.

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b. As soon as possible after receiving notice, District staff shall provide a separate copy of the agenda to the identified Committee alternate(s), in addition to the agenda provided to the Committee member(s).

c. A Committee alternate who attends a meeting in place of a Committee member must keep the Committee member informed of events that occurred at the Committee meeting attended by the Committee alternate.

6. Replacing a Committee Member

Members should attend regular monthly meetings and any other regularly scheduled meetings. Members are expected to share responsibilities for carrying out the work of the Committee and abide by Board policies and administrative regulations. The Committee will advise a Committee member in writing that he/she is in violation of Committee participation requirements if the Committee member fails to attend two (2) consecutive regularly scheduled meetings. A new Committee member will be named by the Board if one or more of the following events occurs:

a. The Committee member submits a written resignation;

b. The Committee member misses three (3) consecutive Committee meetings; or

c. The Committee member attends less than 50% of the Committee meetings in a six month period.

An individual who replaces such a member shall serve until the completion of the original member's term. Thereafter, the member must apply for an additional term if she/he wishes to remain on the Committee. A member who is replaced may appeal to the Board for the Board to reappoint that person to the Committee.

A Committee member who no longer serves as a representative of the designated group she/he was appointed to represent (e.g., ceases to be active within a taxpayers' organization, or ceases to have a child enrolled in the District) shall be allowed to

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complete his/her term. However, that Committee member shall not be entitled to serve a subsequent term as a representative of the designated group.

Within sixty (60) days of being notified of a Committee vacancy, the Board will appoint a new member to complete the term of the vacancy following the process used to select the original Committee members.

Committee members shall be subject to prohibitions regarding incompatibility of office pursuant to Government Code 1125-1129 and financial interest in contracts pursuant to Government Code 1090-1098.

Regulation WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT

Approved: April 9, 2003 Richmond, California, as amended June 1, 2005, and September 28, 2005

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