



Burbank Unified School District
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REPORT TO THE BOARD

TO: Board of Trustees

PREPARED BY: Dr. Jason Hasty – Assistant Superintendent of Business Services

SUBMITTED BY: Dr. Jason Hasty – Assistant Superintendent of Business Services

DATE: August 20, 2026

SUBJECT: Consideration of Approval of Amended and Restated Bylaws Governing the Measure ABC Citizens' Bond Oversight Committee

Background:

On January 16, 2025, the Board adopted Resolution No. 19 establishing the Measure ABC Citizens' Bond Oversight Committee and adopting related bylaws. At staff's request, legal counsel reviewed the bylaws to update and clarify provisions governing the Committee's oversight responsibilities and administration.

Discussion/Issues:

The amended and restated bylaws clarify the Committee's oversight of Measure ABC bond proceeds; annual and interim reporting and audit review requirements; the respective authority of the Board, Superintendent, and Committee members; membership, appointment, term, alternate, and ex-officio provisions; requests for District records; and District administrative support. The revised bylaws also provide for meetings at least annually and no more frequently than quarterly, and include transition language regarding completion of Measure S bond expenditures and termination of the Measure S Committee following its final report.

The proposed bylaws were provided to Committee members at the August 12, 2026 meeting. Upon Board approval, the amended and restated bylaws will supersede the prior Measure ABC bylaws.

Fiscal Impact:

No Fiscal Impact.

Recommendation:

It is the recommendation of District administration that the Board of Trustees approve the Amended and Restated Bylaws Governing the Measure ABC Citizens' Bond Oversight Committee, as presented.

**BURBANK UNIFIED SCHOOL DISTRICT
BYLAWS GOVERNING CITIZEN BOND OVERSIGHT COMMITTEES
(VOTER-APPROVED 55% BOND MEASURES
PURSUANT TO PROPOSITION 39 OF 2000)**

Sec. 1.0 COMMITTEE ESTABLISHED

The Board of Education (the “**Board**”) of Burbank Unified School District (the “**District**”) is required to appoint members to an independent citizens’ oversight committee (“**Committee**”) as a result of the passage of any voter-approved bond measure conducted pursuant to paragraph (3) of subsection (b) of Section 1 of Article XIII A of the Constitution of the State of California (added pursuant to Proposition 39 in November 2000), in accordance with the Strict Accountability in Local School Construction Bonds Act of 2000, Section 15264 et. seq. of the California Education Code. Educ. Code §15278(a). Proposition 39 together with its related legislation is referred to herein as the “Proposition 39”.

For Measure S of 2013, the Board adopted Bylaws. Expenditure of all Measure S bond proceeds was completed during fiscal year 2025-26. As such, the Measure S Committee will prepare its final report and thereafter the Board shall deem it terminated and disbanded in accordance with the applicable Measure S Bylaws.

For Measure ABC of 2024, on January 16, 2025, the Board adopted Resolution No. 19 establishing the Committee for Measure ABC and adopting related Bylaws.

By approval of these Bylaws, the Board desires and declares that these Bylaws govern the Measure ABC Committee, amending and restating in their entirety any prior bylaws adopted for the Measure ABC Committee. The Board may determine in the future to make these Bylaws applicable to a future successful bond measure pursuant to Proposition 39 and related statutes.

Sec. 2.0 PURPOSE

The purposes of the Committee are set forth in Proposition 39, and these Bylaws are specifically made subject to the applicable provisions of Proposition 39 as to the duties and rights of the Committee. The Committee shall be deemed to be subject to the Ralph M. Brown Public Meetings Act of the State of California, Government Code Section 54950 *et seq.* (the “Brown Act”) and shall conduct its meetings in accordance with the provisions thereof, and further in accordance with “*Roberts Rules of Order.*”

The District shall provide necessary technical assistance and administrative support to the Committee as shall be consistent with the Committee's purposes, as set forth in Proposition 39, but without expending bond funds on such support.

The proceeds of general obligation bonds issued pursuant to the authority of a Proposition 39 bond measure Bond are hereinafter referred to as “bond proceeds.” The Committee shall confine its review of District expenditures specifically to expenditures of bond proceeds generated by the measure for which the oversight duty has been appointed. Regular and

deferred maintenance projects and all monies generated under other sources shall fall outside the scope of the Committee's review.

Sec. 3.0 DUTIES

To carry out its stated purposes 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:

3.1 Inform the Public. The Committee shall inform the public about the District's expenditure of bond proceeds, by meeting and preparing at least one annual report. In fulfilling this duty, all official communications of the Committee to either the Board or the public shall come from the Chair acting on behalf of the Committee. The Chair shall only speak on behalf of the Committee or release information attributed to the Committee that reflects the view of a majority of the Committee. No Committee member shall represent that they are speaking on behalf of the Committee unless authorized to do so by a majority vote of the Committee.

3.2 Review Expenditures. The Committee shall review expenditure reports of bond funds produced by the District to (a) ensure that bond proceeds are expended only for (i) the purposes described in Article XIII A, Section 1(b)(3) of the California Constitution, being on 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 and (ii) the purposes set forth in the project list presented to voters in connection with the ballot measure; and (b) ensure that no bond proceeds are used for any teacher or administrative salaries or other school operating expenses, other than to perform administrative oversight work on construction projects authorized by the bond measure. (Education Code sections 15278(b)(1) and (b)(2); see also Opin. No. 04-110 CA Attorney General (2004)). In connection with its review of expenditures, the Committee shall also receive and review annual, independent performance and financial audits as referenced in Section 3.5 below.

The Committee shall be apprised in writing by the District of significant changes or irregularities in the progress and completion dates (if any) of its construction, modernization and/or renovation projects, as part of the materials and reports provided to the Committee in connection with its review of bond fund expenditures.

3.3 Annual Report and Interim Reports. At least once a year, commencing with the end of the first fiscal year in which any bond proceeds are expended and continuing through the end of the fiscal year in which bond proceeds have been spent in full, the Committee shall annually prepare and approve, by majority vote, a written report (each, an "Annual Report") in accordance with Education Code Section 15280(b), the findings of which shall be summarized by the Chair of the Committee to the Board in public session, which annual written report shall include the following:

- (a) A summary of the Committee's proceedings and activities for the preceding year, and

- (b) A statement indicating whether the District is in compliance with the requirements of Proposition 39.

The Committee may prepare and present to the Board interim reports at the Committee's discretion from time to time as deemed necessary to fulfill its duties, which shall also be in writing, approved by a majority vote of the Committee, and shall summarize the proceedings and activities conducted by the Committee.

All reports of the Committee shall be posted on the District's publicly available website.

3.4 Internet Website. All approved minutes, reports, and documents received by the Committee are a matter of public record and shall be posted by the District on its Internet website

3.5 Receive and Review Annual Independent Audits. The District will have third party auditors prepare annual performance and financial audits of bond funds in accordance with Proposition 39. The Committee shall receive and review said audits. Audits shall be provided to the Committee at the same time as submitted to the District Board, and no later than March 31 of each year. Audits shall be posted on the District's website.

3.6 Duties of the Board/Superintendent. Either the Board or the Superintendent, as the Board shall determine, shall have the following powers reserved to it, and the Committee does not have jurisdiction over the following types of activities:

- (a) Approval of contracts.
- (b) Approval of change orders.
- (c) Expenditures of bond funds.
- (d) Handling of all legal matters.
- (e) Identification of projects to be funded with bond proceeds.
- (f) Approval of project prioritization, project plans and schedules.
- (g) Approval of all deferred maintenance plans.
- (h) Approval of the sale of bonds.

3.7 Oversight of Bond Measure Projects Only. In recognition of the fact that the Committee is charged with reviewing and reporting on the expenditure of bond proceeds, the Board has not charged the Committee with responsibility for the following:

- (a) Projects financed through the State of California, developer fees, certificates of participation, lease/revenue bonds, the general fund or

the sale of surplus property, without bond proceeds, shall be outside the scope of oversight of the Committee.

- (b) The establishment of priorities and order of construction for bond projects, which shall be made by the Board in its sole discretion.
- (c) The selection of architects, engineers, soils engineers, construction managers, project managers, CEQA consultants and such other professional service firms as are required to complete the project based on District criteria established by the Board in its sole discretion.
- (d) The approval of the design for each project including exterior materials, paint color, interior finishes, site plan and construction methods (modular vs. permanent) which shall be determined by the Board in its sole discretion.
- (e) The selection of independent audit firm(s), performance and financial audit consultants and such other consultants as are necessary to support the activities of the Committee.
- (f) The appointment or reappointment of qualified applicants to serve on the Committee, subject to legal limitations, and based on criteria adopted in the Board's sole discretion as part of carrying out its function under Proposition 39.

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 pursuant to Education Code Section 15278(c):

- (a) Receive and review copies of the District's annual independent performance audit and annual independent financial audit, required by Proposition 39.
- (b) Inspect all school site facilities and grounds where bond proceeds have been or will be expended, to ensure that bond revenues are expended in compliance with the requirements of Proposition 39; provided, however, that any access to sites and grounds shall be pre-arranged and coordinated with District staff.
- (c) Receive and review copies of any deferred maintenance proposals or plans developed by the District.
- (d) 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.

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

4.2 If there are existing public records or documents the Committee has not received but believes are needed to discharge its duties, any requests shall be made to District staff in writing by the Chair on behalf of the Committee.

Sec. 5.0 MEMBERSHIP

5.1. Number. The Committee shall consist of at least seven (7) members appointed by the Board upon the recommendation of the Superintendent from a list of candidates submitting written applications to the Office of the Superintendent following the posting of notice of a vacancy on the Committee on the District's web site. The Board may, but is not required to, appoint more than seven members to the Committee.

Pursuant to Education Code section 15282, membership of the Committee shall consist of:

- (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 members of the community-at-large.

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.)
- (4) Agree to abide by the ethics requirement described in Section 5.6.

The District may give preference to applicants who reside within District boundaries.

(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 5.5 below.

5.3. Alternates. A maximum of three (3) alternate members (“Alternates”) may be appointed by the Board in the same manner as Committee members in order to be prepared to serve in the event of an unexpected vacancy on the Committee. 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 five (5) 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. Members of the Committee shall be appointed by the Board through the following process: (a) the District shall notify the public through its customary forums that it is accepting applications for Committee members, which may include posting at school sites, advertising in the local newspapers, and/or posting notice on the District’s website or other social media forums, as well as the solicitation of local groups for applications; (b) applications shall be made available at the District office and/or through the District’s web site; (c) the Superintendent will review the applications which have been submitted by the stated deadline; and (d) the Superintendent will make recommendations to the Board with respect to appointment. Appointments shall be made by the Board upon approval by majority vote at an open meeting. Appointments shall be recorded in the Board minutes.

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 with the Committee Ethics Policy attached as Attachment A to these Bylaws. The Board may require the filing of Form 700 as required of all “designated employees” of the District.

5.7 Term. Except as otherwise provided herein, each member shall serve a term of three years, commencing on the date of the first meeting of the Committee. No member may serve more than three consecutive terms. This limitation shall not prevent a former Committee member whose term has expired from serving again following at least a six-month period from such expiration.

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.

In the event the District is unable to appoint members meeting the criteria listed in Section 5.1, the Committee may proceed with to meet and discharge its duties, with one or more vacancies, provided that at the meeting there is a quorum of appointed members.

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

5.10 Authority of Members. (a) Committee members shall not have the authority to direct staff of the District; and (b) individual members of the Committee retain the right to address the Board as an individual or, on behalf of the Committee if said member has been authorized to do so by a majority vote of the Committee.

Sec. 6.0 MEETINGS OF THE COMMITTEE

6.1 Regular Meetings. The Committee shall meet at least once a year pursuant to the requirements of Proposition 39, or, more frequently as the Committee deems is necessary to discharge its legal review and reporting duty, but not more frequently than quarterly, unless however, a majority of the Committee votes to add one or more additional meetings to the annual schedule in order to discharge their oversight duty. At the end of each meeting, the Committee shall identify the next approximate meeting date, taking into consideration guidance from District staff regarding bond project timelines and meaningful projected expenditure dates.

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 District 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, including but not limited to:

(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, minutes and reports; and

(d) retention of all Committee records, and providing public access to such records.

7.2 Copies of Bond Audits. Pursuant to Education Code Section 15286, the District shall submit a copy of its annual bond financial audit and performance audit, prepared each fiscal year in which bond proceeds have been expended, to the Committee at the same time such audits are submitted to the Board, and in any event no later than March 31 of each year. In addition, pursuant to Education Code Section 15280(a)(2), if findings, recommendations or concerns are identified in such audits, within three months of receiving the audits, the District shall provide the Committee with responses to such findings.

7.3 A member of District staff shall attend all Committee proceedings in order to report on the status of projects and the expenditures of bond proceeds.

Sec. 8.0 REPORTS

In addition to the Annual Report required in Section 3.3, the Committee may report to the Board from time to time 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. All written reports shall be made publicly available on the District's internet web site.

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 from time to time by majority vote and may seek input from the Committee.

Sec. 11.0 TERMINATION

The Committee shall automatically terminate and disband concurrently with the Committee's submission of the final Annual Report which reflects the final accounting of the expenditure of the bond funds for which is has been assigned oversight duties.

ATTACHMENT A

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 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.