

**CBOC Committee Member Proposed DRAFT
for review at meeting**

CBOC Guidelines: 3-4-2022

<https://docs.google.com/document/d/1kN3MZ0Ehy1J5u5eTfgJ3BjDo30LTQGRpvZ4X-IfnI5M/edit?usp=sharing>

Our Task: The [Education Code](#) (copied below) asks us to

- 1) **Ensure expenditures are only for projects listed in the Measure**
- 2) **Ensure expenditures aren't for salaries**
- 3) **Review efforts by the district to maximize bond revenues**

How we ensure money is spent on projects from the approved list

- We use the annual performance and financial audit.
- Note: Measure language written loosely to include the kitchen sink. Thus, very little effort required here.

How we ensure money isn't spent on salaries

- We use the annual performance and financial audit.
- Note: Again, a pretty easy constraint to satisfy from the District's perspective, and thus little effort likely required from us.

How we provide Oversight to maximize bond revenues (limit waste):

We ask the following questions about **each project**.

- 1) How does the district currently address this unmet need?
- 2) What is the next best alternative to the chosen project?
- 3) What possible joint uses of other facilities were considered?
- 4) How was the size of the project chosen to accommodate future needs?
- 5) If you didn't have bond money, would BUSD still do this project?
- 6) Were facility plans reused? What would make it possible to reuse facility plans?
 - a) Note: what does the language mean by "facility plan"?
- 7) Provide data on cost per student served (e.g. new \$2m kitchen serves 20 or 2000)
- 8) Explain significant change orders.
- 9) Explain choice of contractor
- 10) If professional fees were spent, did other districts (OUSD, Albany, Alameda, WCCUSD) get by with less on professional fees for similar projects?
 - a) Note: professional fees include design fees as well as ...
- 11) If property acquisition is relevant:
 - a) Why were cheaper alternatives discarded?
 - b) How was the sale/lease price negotiated?
 - c) If the district used their own property for a project, did the district consider selling the property instead and buying an alternative cheaper property?
- 12) Not project specific:
 - a) Are you deferring maintenance on any current property?

Independence

- We are tasked with providing oversight of the district. To that end, the Ed Code stipulates that we are an **independent** committee (as opposed to the P&O and PAC Committees, which Board member Alper suggested we model ourselves after).
 - [Is Your CBOC Independent?](#) An independent CBOC needs to answer each of these twelve (12) questions with a "yes."

- 1. Can you prepare your own agenda?
- 2. Can you meet whenever you want?
- 3. Can you approve your own bylaws?
- 4. Can you establish subcommittees?
- 5. Do you have your own budget?
- 6. Do you have the ability to post documents to the CBOC website?
- 7. Does the District provide you with all documents requested?
- 8. Do you have independent legal counsel who works for the CBOC?
- 9. Do you receive and accept the annual financial and performance audit reports?
- 10. Does the CBOC prepare and issue its annual report including compliance opinion?
- 11. Can CBOC members talk with contractors, architects, consultants, and auditors without restriction?
- 12. Can CBOC members visit construction sites?

Communication

- We are subject to the Brown Act, but we are allowed to email each other as long as we do not conduct a serial meeting (i.e. discussing business which leads to us “developing a concurrence”). Examples of communication that are encouraged
 - Emailing a document to everyone
 - Replying-all with “thanks”
 - Not allowed: discussions which lead to us “developing a concurrence.”
- <https://empowerla.org/wp-content/uploads/2012/04/Brown-Act-Serial-Communications.pdf>

Relevant Ed. Code: [Education Code Section 15278-15282](#)

15278.

(a) If a bond measure authorized pursuant to paragraph (3) of subdivision (b) of Section 1 of Article XIII A of the California Constitution and subdivision (b) of Section 18 of Article XVI of the California Constitution is approved, the governing board of the school district or community college shall establish and appoint members to an **independent** citizens’ oversight committee, pursuant to Section 15282, within 60 days of the date that the governing board enters the election results on its minutes pursuant to Section 15274.

(b) The purpose of the citizens’ oversight committee shall be to inform the public concerning the expenditure of bond revenues. The citizens’ oversight committee shall actively review and report on the proper expenditure of taxpayers’ money for school construction. The citizens’ oversight committee shall advise the public as to whether a school district or community college district is in compliance with the requirements of paragraph (3) of subdivision (b) of Section 1 of Article XIII A of the California Constitution. The citizens’ oversight committee shall convene to provide oversight for, but not be limited to, both of the following:

(1) Ensuring that bond revenues are expended only for the purposes described in paragraph (3) of subdivision (b) of Section 1 of Article XIII A of the California Constitution. [article xiii a \[tax limitation\]](#)
[\[section 1 - sec. 7\]](#)

(2) Ensuring that, as prohibited by subparagraph (A) of paragraph (3) of subdivision (b) of Section 1 of Article XIII A of the California Constitution, no funds are used for any teacher or administrative salaries or other school operating expenses.

(c) **In furtherance of its purpose, the citizens' oversight committee may engage in any of the following activities:**

- (1) Receiving and reviewing copies of the annual, independent performance audit required by subparagraph (C) of paragraph (3) of subdivision (b) of Section 1 of Article XIII A of the California Constitution.
- (2) Receiving and reviewing copies of the annual, independent financial audit required by subparagraph (C) of paragraph (3) of subdivision (b) of Section 1 of Article XIII A of the California Constitution.
- (3) 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 XIII A of the California Constitution.
- (4) Receiving and reviewing copies of any deferred maintenance proposals or plans developed by a school district or community college district, including any reports required by Section 17584.1.
- (5) **Reviewing efforts by the school district or community college district to maximize bond revenues by implementing cost-saving measures, including, but not limited to, all of the following:**
 - (A) Mechanisms designed to reduce the costs of professional fees.
 - (B) Mechanisms designed to reduce the costs of site preparation.
 - (C) Recommendations regarding the joint use of core facilities.
 - (D) Mechanisms designed to reduce costs by incorporating efficiencies in school site design.
 - (E) Recommendations regarding the use of cost-effective and efficient reusable facility plans.

15280.

- (a) (1) The **governing board of the district shall, without expending bond funds, provide the citizens' oversight 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 citizens' oversight committee.
- (2) The governing board of the district shall provide the citizens' oversight committee with responses to any and all findings, recommendations, and concerns addressed in the annual, independent financial and performance audits required by subparagraphs (C) and (D) of paragraph (3) of subdivision (b) of Section 1 of Article XIII A of the California Constitution within three months of receiving the audits.
- (b) All citizens' oversight committee proceedings shall be open to the public and notice to the public shall be provided in the same manner as the proceedings of the governing board of the district. The citizens' oversight committee shall issue regular reports on the results of its activities. A report shall be issued at least once a year. Minutes of the proceedings of the citizens' oversight committee and all documents received and reports issued shall be a matter of public record and be made available on an Internet Web site maintained by the governing board of the district.

15282.

(a) The citizens' oversight committee shall consist of at least seven members who shall serve for a minimum term of two years without compensation and for no more than three consecutive terms. While consisting of a minimum of at least seven members, the citizens' oversight committee shall be comprised, as follows:

- (1) One member shall be active in a business organization representing the business community located within the school district or community college district.
- (2) One member shall be active in a senior citizens' organization.
- (3) One member shall be active in a bona fide taxpayers' organization.
- (4) For a school district, one member shall be the parent or guardian of a child enrolled in the school district. For a community college district, one member shall be a student who is both currently enrolled in the community college district and active in a community college group, such as student government. The community college student member may, at the discretion of the governing board of the community college district, serve up to six months after his or her graduation.
- (5) For a school district, one member shall be both a parent or guardian of a child enrolled in the school district and active in a parent-teacher organization, such as the Parent Teacher Association or school site council. For a community college district, one member shall be active in the support and organization of a community college or the community colleges of the district, such as a member of an advisory council or foundation.

(b) An employee or official of the school district or community college district shall not be appointed to the citizens' oversight committee. A vendor, contractor, or consultant of the school district or community college district shall not be appointed to the citizens' oversight committee. Members of the citizens' oversight committee shall, pursuant to Sections 35233 and 72533, abide by the prohibitions contained in Article 4 (commencing with Section 1090) and Article 4.7 (commencing with Section 1125) of Chapter 1 of Division 4 of Title 1 of the Government Code.

(Amended by Stats. 2013, Ch. 76, Sec. 27. (AB 383) Effective January 1, 2014.)

First Draft: Summer 2001

~~As guided by Ed. Code 15278, the member of the Committee shall undertake an organized review of all Bond Expenditures according to the following procedure:~~

- ~~1. At the start of the Committee's year, a request shall be made to the District for a list of contemplated and new Bond Expenditures.~~
- ~~2. The Committee shall rank these by current or future impact in dollars and then divide the projects among the committee members to provide the maximum amount of review. It is not required that any project receive the attention of more than one Committee member and smaller projects may go unreviewed when larger projects demand more attention.~~
- ~~3. The designated Committee members shall then interact with the District to gather information and assemble a report on their focus project including any or all of the following:~~
 - ~~a. a review of the professional fees contemplated or expended including a comparison of such fees to those expended by similarly situated districts for similar projects~~
 - ~~b. a review of any site selection processes with an eye toward the reduction of the costs of site preparation or acquisition including a review of alternate sites considered by the District.~~
 - ~~c. a review of sites and methods considered by the District for joint use so as to avoid the expenditure.~~
 - ~~d. a review of the District's efforts to reduce costs by incorporating efficiencies in schoolsite design, including a comparison of the cost of similar facilities in other districts; and~~
 - ~~e. a review of the District's efforts to avoid costs through the reuse of facility plans.~~
- ~~4. Although the focus on cost is important, Committee Members should also consider efficiency (i.e. consider educational value rather than a singular focus on cutting costs).~~

5. The Designated committee member shall present their findings to the Committee
6. The Committee shall present these findings to the public at a meeting chosen to have maximum attendance and exposure, ideally at a school board meeting.