

Berkeley Unified School District Citizens' Bond Oversight Committee Bylaws

Introduction

Proposition 39, approved by California voters in the General Election of November 7, 2000 provides that the Governing Board of a school district may pursue the authorization and issuance of general obligation bonds passed by a vote of 55 percent or more 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" or "CBOC") 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. A school district may also establish a voluntary bond oversight committee for a general obligation bond adopted by a two-thirds (2/3) vote of the electorate.

Section 1. Name

The name of this Committee is the Berkeley Unified School District Citizens' Bond Oversight Committee (the "Committee").

Section 2. Meeting Location

The Committee's principal place of business and regular meeting location shall be at the 1005 Parker Street, Berkeley, CA conference room. The Committee may request a change in its regular meeting location, but any permanent change of regular meeting location must be approved by the Board of Education (the "Board") of the Berkeley Unified School District (the "District").

Section 3. Objective and Purpose

The primary objective and purpose of the Committee shall be to monitor and report to the public on the proper expenditure of voter-approved bond measure revenues for which the Board has designated and appointed the Committee. Such measures currently include Measure A (1992), Measure AA (2000), Measure I (2010), and Measure G (2020). The Committee shall carry out its purpose in accordance with §15278-15282 of the Cal. Ed. Code: [Link to the Legislative Code](#).

Section 4. Members

1. The Committee shall have seven members appointed by the Board. All members shall be voting members. The members shall elect a Chairperson and Secretary. The composition of the Committee shall meet the requirements of Cal. Ed. Code § 15282. All members must reside in the City of Berkeley.
2. Members are expected to attend all meetings. If a member without a good reason acceptable to the Committee fails to attend either (a) two or more consecutive meetings or (b) three or more meetings in a year, then the Committee shall define the member as inactive. The Chair will advise a Committee member in writing that the member is in violation of Committee participation requirements, and the CBOC may declare that the position is vacant and request that the School Board appoint a replacement for the vacant position
3. The CBOC website shall have a fillable membership application.

Section 5. General Powers

The Committee shall exercise its power and authority consistent with Education Code §15278 et seq. and these Bylaws.

Section 6. Powers

The Committee shall have the power to:

1. Perform any and all duties imposed on them collectively or individually by law, or by these Bylaws;
2. Meet at such time and place as required by these Bylaws; and,
3. Review and report on the expenditures of all voter-approved bond measures for which the Board has appointed the Committee under Education Code, §15278. The Committee's authority regarding any particular bond measure shall continue until such time as all revenues from that measure have been spent and a final report issued.

Section 7. Actions and Reports

The Committee may engage in the following activities:

1. Receiving and reviewing copies of the annual, independent performance and financial audits required by Cal. Const. Art. XIII A, § 1(b)(3)(C) & § 1(b)(3)(D): [CA Constitution](#)
 - a. The Auditor shall deliver directly to the Committee a draft copy of each audit report at the same time as delivery is made to the District.
 - b. The Auditor shall deliver directly to the Committee progress reports at the same time as these reports are issued to the District.
 - c. The Committee shall participate with the District in a yearly review of the Auditor's performance.
2. Inspecting District school facilities and grounds to ensure that bond revenues are expended in compliance with the requirements of Cal. Const. Art. XIII A, § 1(b)(3).
3. Reviewing efforts by the District to maximize bond revenues by implementing efficiency enhancing measures, including, but not limited to:
 - a. Mechanisms designed to reduce costs of professional fees.
 - b. Mechanisms designed to reduce 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.
4. The Committee shall cause an annual report to be furnished to the Board, not later than 60 days after the completion of the annual audit of the year-end close of the District's financial records and upon the release of any report to the public. The Committee Chairperson shall present all Committee reports to the Board at a regularly scheduled meeting of the Board.
5. The report shall contain the following summary information in appropriate detail:
 - a. Committee's ongoing review summary of activities on the expenditure of bond proceeds;
 - a. Results of whether bond proceeds were expended on project costs consistent with the applicable bond measure and not used on teacher or administrative salaries or other school operating expenses.
 - b. Provide a copy of any report issued to the public in the event the Committee determined bond funds were spent improperly or wastefully.
 - c. The Committee may organize and produce the report in any manner it determines appropriate, and may request reasonable information from the District as needed to complete the report.
6. All documents of the Committee are considered public records consistent with the California Public Records Act and shall be made available by the Committee to the public in a manner consistent with District Board Policy.
7. The Committee may vote at any of its regular meetings to establish subcommittees for specific

tasks. Subcommittees will comply with the Brown Act, pursuant to Govt. Code, § 54952(b) if and as required. The Committee may vote at any of its regular meetings to dissolve any subcommittee formed.

Section 8. Logistical Support from the District

1. The District shall provide the Committee with technical and administrative assistance and financial resources to further its mission and purpose. Financial support will not come from bond funds except when the law permits.
2. The District shall provide independent legal counsel, responsible only to the Committee, to advise the Committee on relevant legal issues. The district will pay for such legal counsel, but all legal privilege and client loyalty shall be accorded solely to the Committee. The Committee shall select its independent legal counsel working according to applicable State statutory and regulatory provisions and district procurement rules and procedures.
3. Committee documents (agendas, audit reports, annual reports, financial reports, status reports, and all other documents received by the Committee) and recordings of Committee meetings, if any, shall be permanently maintained on the Committee's website.

Section 9. Terms of Office

Each member shall hold office for two years without compensation. A regular term of office shall begin in March, commencing with the regularly scheduled March quarterly meeting and end at the close of business on the day prior to the regularly scheduled March meeting two years later. A member may apply for a second and/or a third two year term. No person may serve more than three consecutive terms. Sequential terms are not automatic and are subject to approval by the Board. The Board shall be notified of any vacancy and shall have the sole power to fill all vacancies. ~~Any member's term of office may be terminated at any time by a unanimous vote of the Board.~~ The term of office for any member appointed to fill a vacancy, shall be the same as that of the member whose seat was vacated, except that the new member may serve a second and/or third term.

Section 10. Place of Meetings; Meetings by Telephone or Telecommunication Equipment

All meetings shall comply with Government Code Section 54950, et seq. (the "Brown Act"). Meetings shall be held at the principal office of the Committee unless otherwise provided by the members, or at such place within the District that has been designated from time to time by resolution of the members. Alternatives to in-person meetings and the use of electronic, telecommunications equipment or other platforms may be used only if consistent with the Brown Act or other applicable law.

Section 11. Regular Meetings

The Committee shall meet at least once a quarter, with a goal to meet approximately once per month. Meetings shall be canceled if a quorum cannot be established at the time of the meeting. The election of officers shall occur in the month of March of every even-numbered year, except that an election may occur at the first meeting of the Committee and at the meeting immediately after any office becomes vacant before the scheduled election time.

Section 12. Special meetings

Special meetings of the Committee may be called by the Chairperson or by a majority of the members and called pursuant to Brown Act requirements.

Section 13. Quorum for Meetings.

A quorum shall consist of a majority of the **active** members, or four members, whichever is less.

Section 14. Majority Action as Committee Action

Every act or decision done or made by a majority of the members present at a meeting duly held at which a quorum is present is the act of the Committee.

Section 15. Conduct of Meetings

Meetings of the Committee shall be presided over by the Chairperson of the Committee, or, if no such person has been so designated or, in their absence, the Secretary of the Committee or, in the absence of each of these persons, by a temporary Chairperson chosen by a majority of the Members present at the meeting. The Secretary of the Committee shall act as a secretary of all meetings of the Committee, provided that, in their absence, the presiding officer shall appoint another person to act as Secretary of the meeting.

Section 16. Vacancies

Vacancies on the Committee shall exist upon the **death or resignation** of any member. Any member may resign effective upon giving written notice to the Chairperson of the Committee, the Secretary, or the Committee as a whole, unless the notice specifies a later time for the effectiveness of such resignation. Vacancies on the Committee may only be filled by the Board.

Section 17. Duties of the Chairperson of the Committee

The Chairperson of the Committee shall be elected by the members of the Committee. Such election shall occur every two years at the organizational (March) meeting, or at any regular meeting, if the office becomes vacant before the end of the term. They shall assume all duties normally associated with that office.

1. The Chairperson of the Committee shall conduct the meetings of the Committee.
2. The Chairperson shall, when present, preside at all meetings, and shall see that all orders and resolutions of the Committee are carried into effect.
3. The Chairperson shall:
 - a. put to a vote and announce the results of actions taken on questions before the Committee;
 - b. resolve all questions of order (subject to appeal); call special meetings when deemed necessary;
 - c. make reports to the Board as required by these Bylaws or statute and shall exercise and perform such other duties as may be prescribed by the Committee from time to time.

The Chairperson may request aid from the District in the performance of their duties.

Section 18. Duties of the Secretary

The Secretary shall be elected by the members of the Committee and shall:

1. Keep the minutes of all meetings, recording therein the time and place of holding a meeting, whether regular or special, how called, how notice thereof was given, the names of those present or represented at the meetings, and the proceedings thereof.
2. See that all meeting notices are duly given in accordance with the provisions of these Bylaws or as required by law.
3. Ensure that Committee documents, including meeting minutes, bylaws, agendas, etc. are posted on the Committee's website.
4. In general, perform all duties incident to the office of Secretary and such other duties as may be required by law, or by these Bylaws, or which may be assigned to them from time to time by the Committee.

The Secretary may request aid from the District in the performance of their duties.

Section 19. Agenda Creation Process

As an independent committee, it is the responsibility of the CBOC Chair to create the agenda . The Chair will work with District staff to ensure solicitations for agenda items, requests made by the CBOC members and the public and the posting of the agenda is in accordance with applicable laws. Furthermore, timely requests ensure district staff have adequate time to prepare. Two Committee members can place an action item on the next meeting agenda.

The Chairperson may request aid from the District in the performance of their duties.

Section 20. Amendment of Bylaws

Amendments to the Bylaws may be approved at any noticed meeting at which a quorum is present by a majority of the Committee.

APPROVED AND DULY ADOPTED on (date)

Chair

Secretary

Dates of amendments