

**WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT**

**BOARD OF EDUCATION  
LOVONYA DEJEAN MIDDLE SCHOOL  
3400 Macdonald Avenue  
Richmond, CA 94805**

**ADDENDUM**

**August 17, 2011**

**The following is a modification to the agenda of the August 17, 2011, Board of Education Meeting:**

**DISCUSSION ITEM**

**\*G.1 Policy Modification – Board Policy 7214.2 – Modification of Attachment**

Comment:

Board Policy 7214.2 complies with the intent of Proposition 39 which was approved in 2000 to establish a Citizens' Oversight Committee to "actively review and report on the use of bond proceeds" whenever the district passes a Proposition 39 bond.

A subcommittee of the Citizens Bond Oversight Committee has reviewed administrative regulation AR7214.2 and has made recommendations for modifications to that regulation. Because both current administrative regulations and the revisions recommended by the CBOC subcommittee include provisions and specifications that only the Board can approved, the administrative regulations for BP 7214.2 need to be incorporated into the policy itself.

Recommendation:

That the Board review and discuss the proposed revisions to BP 7214.2 in anticipation of acting those changes at a subsequent Board meeting.

Fiscal Impact:

None

West Contra Costa Unified School District  
1108 Bissell Avenue  
Richmond, California 94801  
Office of the Superintendent

**ITEM REQUIRING ATTENTION----BOARD OF EDUCATION**

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**To:** Board of Education **Meeting Date:** August 17, 2011  
**From:** Bruce Harter **Agenda Item:** G.1  
Superintendent  
**Subject:** Policy Modification - Board Policy 7214.2 - **Modification of Attachment**

**Background Information:**

Board Policy 7214.2 complies with the intent of Proposition 39 which was approved in 2000 to establish a Citizens' Oversight Committee to "actively review and report on the use of bond proceeds" whenever the

# West Contra Costa USD

## Administrative Regulation

### Citizens Bond Oversight Committee (CBOC)

BP 7214.2

#### Facilities

##### 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. 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 (2/3) 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 13A, section 1, subdivision (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. N03-0216; and
- c) That, for bonds adopted by a two-thirds (2/3) vote of the electorate, funds are used only for the purposes described in Article 13A, 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:

- a) Receiving and reviewing copies of the annual performance audits required by Article 13A, section 1, subdivision (b)(3)(C) of the California Constitution.
  1. The Auditor shall deliver directly to the Audit Subcommittee a draft copy of each audit report at the same time as delivery is made to the District.

2. The Auditor shall deliver directly to the Committee progress reports at the same time at these reports are issued to the District.
  3. The Committee shall participate with the District in a yearly review of the Auditor's performance.
- b) Receiving and reviewing the annual financial audits required by Article 13A, section 1, subdivisions (b)(3)(D) of the California Constitution.
1. The Auditor shall deliver directly to the Audit Subcommittee a draft copy of each audit report at the same time as delivery is made to the District.
  2. The Auditor shall deliver directly to the Committee progress reports at the same time at these reports are issued to the District.
  3. The Committee shall participate with the District in a yearly review of the Auditor's performance.
- 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.

### **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 have the authority to:

- a) Inspect a job site or construction project in coordination with the District 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.
- b) Contact District staff, District contractors or consultants, including without limitation, accountants, auditors, architects, financial advisors and legal counsel in coordination with District Superintendent or designee.

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.

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

After the Board has set their regular yearly meeting schedule, the Committee shall determine the meeting schedule of the CBOC so as not to conflict with the meetings of the Board. The Committee shall also meet on such other dates 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.

CBOC meetings shall be conducted using Robert's Rules of Order as a guide.

The Chairperson shall call the roll of the Committee members at the beginning of each meeting. Each 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 from the Committee meeting.

Committee Officers shall prepare agendas and the District staff shall send copies and documents for action to all Committee members at least three (3) days prior to each meeting. Pursuant to Board policy and directives, 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 Committee membership in attendance.

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 or equivalent. 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.

Formal record requests by Committee members shall be submitted to the Associate Superintendent of Operations or his/her designee. These formal requests shall be responded to within ten (10) calendar days.

The Committee shall submit all documents and minutes to the District's web-master 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

- 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 Associate Superintendent of Operations will serve as a resource to the Committee. He/she shall assign such other District staff and professional service providers as needed to assist the Committee in carrying out its duties.

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).

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

The Committee shall make reports to the Board of Education at each regular Board meeting. This report shall be placed on the Board's agenda. All recommendations approved by the Committee shall be presented to the Board of Education. The Board shall respond to the Committee's recommendation(s) within sixty (60) days after receipt of the recommendation(s).

#### **4. Financial Operations**

- a) The Board of Education shall adopt an annual Facilities Program Budget.
- b) District staff shall identify the budget by fund and account code on each Board action memo that recommends the expenditure of funds for facility projects.
- c) The Facility Program Budget shall be formally amended by the board of Education during the calendar year, as needed, for new and revised projects and change orders.

#### **5. 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.

Applicants shall submit a written application form to the Superintendent and CBOC Chair delineating the applicant's qualifications to serve on the CBOC. On this form applicants shall acknowledge their commitment to faithfully attend the meetings of the CBOC and to serve the best interests of the community.

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 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;

- e) One member shall, at the time of appointment, be 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.
- f) Committee membership shall also include but not be limited to, at the discretion of the Board, the following community members:
  - 1. One member shall be recommended by each City Council from the cities of EI Cerrito, Hercules, Pinole, Richmond and San Pablo;
  - 2. Two members shall reside in unincorporated areas of the District and shall be recommended by the County Supervisors of each respective unincorporated area;
  - 3. One member shall be recommended by each member of the Board of Trustees;
  - 4. One member shall, at the time of appointment, be a member of the Council of Industries;
  - 5. One member shall, at the time of appointment, represent the Contra Costa Building and Construction Trades Council.
  - 6. One member shall, at the time of appointment, be a member of Public Employees Union Local 1 (without being District employee).
  - 7. One member shall, at the time of appointment, be a member of the Citizens Advisory Committee for Special Education.

Pursuant to Education Code Section 15282(b), 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. If, while serving on the Committee, a member becomes an official or employee of the District or becomes a vendor, contractor or consultant of the District, their membership on the Committee shall cease immediately.

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.

#### **6. Removal from Office of an Elected Officer**

If the members of the CBOC have determined that the Chairman, Vice Chairman or Secretary of the CBOC is not fulfilling the requirements of their duly elected office, the CBOC may take action to remove that officer from his/her elected position.

The process for this to take place is as follows:

A member of the CBOC must submit to the Superintendent of Schools a written, dated and signed charge against an officer stating the reasons the officer should be removed from office.

One additional member of the CBOC must cosign this set of charges.

To ensure that all members of the CBOC have been notified, the Superintendent of Schools shall send a copy of this set of charges via Certified Mail to the charged officer as well as all members of the CBOC.

The Superintendent of Schools, or his duly appointed representative, shall serve as a Trial Officer at the next meeting of the CBOC wherein the charging party shall be afforded an opportunity to convince the CBOC members in attendance why the charged officer shall be removed from office.

The charged officer shall be afforded an opportunity to respond and convince the CBOC members in attendance why the charges should be rejected.

When the Trial Officer has concluded that both sides of the issue have been given sufficient time to argue their positions, a secret vote of the CBOC members in attendance shall be taken.

It shall take the vote of two thirds (2/3) of the CBOC members in attendance to remove the charged officer.

If necessary, an election shall be held to fill the vacated office.

### **7. 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 at least 3 of the previous 12 meetings. In the event that an attendance violation occurs, the CBOC may remove the delinquent member from the CBOC and declare that position to be vacant.

A new Committee member will be named by the Board if one or more of the following events occur:

- a) The Committee member submits a written resignation;
- b) The Committee member fails to meet the participation requirements above

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 groups such as a.i-7.8(mmfi.7(6 0 )TJo)-5.4



Once these comments are incorporated into the Draft Minutes, these Draft Minutes (clearly marked and labeled as such) shall then be posted on the CBOC web site for public review. These Draft Minutes shall also be publicly noticed along with all other agenda items prior to the next meeting of the CBOC.

Once a set of Draft Minutes has been approved, the Draft Minutes shall be replaced on the CBOC web site with the Approved Minutes properly marked and labeled as approved.

**9. Use of the Committee for Non-Oversight Purposes**

The use of the Citizens' Bond Oversight Committee shall not be used for the personal or political benefit of any person, group, cause or issue without the express consent of the CBOC.

No CBOC member may use their affiliation with the CBOC for personal or political gain. Any CBOC member's reference to membership in the CBOC to further an issue or a cause will also require the following: "Titles for information purposes only".

Legal Reference

EDUCATION CODE

15278-15288

CALIFORNIA CONSTITUTION

Article, XIII A, Section 1 (b)

Article, XVI, Section 18 (b)

Policy WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT

adopted: August, 2008 Richmond, California

revised: January 9, 2008

revised: