

**West Contra Costa Unified School District
Board Policy
Citizens' Bond Oversight Committee
BP 7214.2
Facilities**

1. BACKGROUND INFORMATION

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 instead of a two-thirds majority.

As a result of the passage of Proposition 39, language was added to the California Education Code requiring school districts passing a bond designated as a Proposition 39 bond to ensure all the following are realized:

- (a) Vigorous efforts are undertaken to ensure that all expenditures of bond revenues are in strict conformity with the law.
- (b) Taxpayers directly participate in the oversight of bond expenditures.
- (c) The members of the oversight committee promptly alert the public to any waste or improper expenditure of bond revenues.
- (d) That the unauthorized expenditures of bond revenues are vigorously investigated, prosecuted, and that the courts act swiftly to restrain any improper expenditures.

In furtherance of the Legislature's intent, school districts passing a bond designated as a Proposition 39 bond must establish and appoint members to an independent citizens' oversight committee ("Bond Oversight Committee," "Committee," or "CBOC") to actively review and report on uses of bond revenues to ensure that they are spent only on school facilities improvements allowed under each bond measure and not for any other purpose. The Bond Oversight Committee must be established within sixty (60) days of the date that the school district's governing board enters the election results in its minutes. A school district may also establish a voluntary oversight committee for any general obligation bond adopted by a two-thirds (2/3) vote of the electorate. California Education Code Sections 15278 through 15288 govern the establishment and operation of the Bond Oversight Committee.

2. PURPOSE OF POLICY

West Contra Costa Unified School District ("District") voters have approved multiple Proposition 39 School Bond Measures. In accordance with legal requirements, the

The purpose of the Bond Oversight Committee shall be to inform the public concerning the expenditure

4.3. Matters not within Committee's Review. Consistent with the requirements of law including Education Code Sections 15282, subsection (b), the Committee shall serve a review function and shall not replace or impede the activity and discretionary decision making of the elected Board members, District staff or advisory committees. The Committee shall *not* have authority to:

4.3.1. Participate in any 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.

4.3.2. Determine how bond proceeds will be spent.

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

4.3.4. Approve construction contracts and/or change orders.

4.3.5. Approve construction plans and/or schedules.

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

5. **BOND OVERSIGHT COMMITTEE MEMBERSHIP**

In accordance with Education Code section 15278, subsection (a), the District's Governing Board shall establish and appoint members to the Committee.

5.1. Number. The Bond Oversight Committee shall consist of a minimum of

A Committee member cannot be removed, except for cause, i.e., illegal activity or

5.4.2. The Selection Committee ("Selection Committee") shall review and may interview all Candidates.

5.4.2.1. The Selection Committee shall include five members: the CBOC Chair and a designated appointee from the CBOC, two members of the Board of Education, and the Superintendent or CBOC Liaison.

5.4.2.2. The Selection Committee shall make recommendations to the Board to assist the Board in appointing Committee members.

5.5. Ethics: Conflicts of Interest. By accepting appointment to the Committee, each member must agree to comply with Articles 4 (commencing with section 1090) and 4.7 (commencing with section 1125) of Division 4 of Title 1 of the California Government Code and the Political Reform Act (Gov. Code §§ 81000 et seq.). Committee members may not hold any incompatible office or position during their term of membership. Committee members shall disclose immediately any possible or potential conflict of interest. A Committee member's failure to disclose any possible or potential conflict of interest when known or when reasonably should be known, will result in the member's removal from the Committee.

6. MEETINGS

6.1. All Committee meetings shall be open to the public and are subject to the California Brown Act (Govt Code section 54950 et seq.). District staff, as designated by the Superintendent or designee, will be responsible for working with the chair of the Committee to prepare and properly notice agendas, minutes and reports of the Committee. No bond funds may be used to pay any of these expenses.

6.2. At its organizational meeting and annually thereafter, the Committee will select a Chair and Vice-Chair/Secretary. Committee decisions will be made by majority vote of a quorum present and shall follow Robert's Rules. For purposes of this Committee, a quorum consists of half of the total membership plus one member. All members shall be entitled to one vote on Committee recommendations.

6.3. The Committee shall meet at least quarterly.

7. DISTRICT SUPPORT

7.1. District will provide 2.3 (rp)2.3 (o-3.6 ()-h Tc -0.011 r (IC)1Tc -0.026 Tw [R]6.3 (ot2)JJ-0.0a (aj)-1)10.6 (w)-3.4

7.1.2.

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