

Bond Oversight Committee Information

PURPOSE OF THE CITIZENS' BOND OVERSIGHT COMMITTEE

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 and shall conduct its meetings in accordance with the provisions thereof. The District shall provide necessary administrative support at District expense to the Committee as consistent with the Committee's purposes as set forth in Proposition 39.

The proceeds of general obligation bonds issued pursuant to the Election are hereinafter referred to as "bond proceeds." The Committee shall confine itself specifically to bond proceeds generated under the ballot measure. Regular and deferred maintenance projects and all monies generated under other sources shall fall outside the scope of the Committee review.

Committee Appointment and Membership

The Committee shall consist of at least seven (7) members to serve for a term of two (2) years, without compensation, and for no more than three (3) consecutive terms. The Committee may not include any vendor, contractor, or consultant of the school district. The Committee must include all of the following:

- (a) One member who is active in a business organization representing the business community located within the school district
- (b) One member active in a seniors organization
- (c) One member who is active in a bona fide taxpayers organization
- (b) One member active in a school-connected organization
- (c) One member who is a parent of an enrolled student
- (d) One member of the community-at-large

Members of the school community shall be invited to apply for membership. The application will include the reasons for desiring to serve, qualifications and documentation of the category under which the member will serve. A Superintendent committee, which will include up to two Trustees, will oversee the application process, set initial terms for members and make recommendations to the Board of Trustees for appointment.

Members of the Committee are expressly subject to the requirements and limitations of Government Code Section 1090, et seq. (which prohibits involvement in public agency contracts) and Government Code Section 1125, et seq. (which prohibits incompatible public offices). Qualified members of the committee must be at least 18 years of age and reside within the District's geographic boundary, in accordance with Government Code Section 1020. The Committee may not include any employee or official of the District or any vendor, contractor or consultant of the District. By accepting appointment to the Committee, each member agrees to comply with Government Code 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. Additionally, each member shall comply with the Committee Ethics Policy attached as "Attachment A" to these Bylaws.

Duties and Authority of the Committee Consistent with Proposition 39

1. The Committee shall inform the public concerning the District's expenditures of bond proceeds.
2. The Committee may review quarterly expenditure reports produced by the District to ensure that (a) bond proceeds are expended only for the purposes set forth in the ballot measure; (b) no bond proceeds are used for any teacher or administrative salaries or other operating expenses.
3. The Committee shall present to the Board, in public session, an annual written report which shall include the following:
 - (a) A statement indicating whether the District is in compliance with the requirements of Article XIII A, Section 1(b)(3) of the California Constitution; and (b) A summary of the Committee's proceedings and activities for the preceding year.
4. Either the Board or the Superintendent, as the Board shall determine, shall have the following powers reserved to it, and the Committee shall have no jurisdiction over the following types of activities:
 - (i) Approval of construction contracts,
 - (ii) Approval of construction change orders,
 - (iii) Approval of construction funds,
 - (iv) Handling of all legal matters,
 - (v) Approval of construction plans and schedules,
 - (vi) Approval of Deferred Maintenance Plan, and
 - (vii) Approval of the sale of bonds.
5. In recognition of the fact that the Committee is charged with overseeing the expenditure of bond proceeds, the District has not charged the Committee with responsibility for:
 - (a) Projects financed through the State of California, developer fees, redevelopment tax increment, certificates of participation, lease/revenue bonds, the general fund or the sale of surplus property without bond proceeds shall be outside the authority of the Committee.
 - (b) The establishment of priorities and order of construction for the bond projects shall be made by the Board in its sole discretion.
 - (c) The selection of architects, engineers, soil 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) by the Board in its sole discretion and shall report to the Committee on any cost saving techniques considered or adopted by the Board.
 - (e) The selection of independent audit firm(s), performance audit consultants and such other consultants as are necessary to support the activities of the Committee.
 - (f) The approval of an annual budget for the Committee that is sufficient to carry activities set forth in Proposition 39 and included herein.
 - (g) The adoption of a plan for publicizing the activities of the Committee and the determination as to whether a mailer, a newspaper notice or website materials would best suit the distribution of the Committee's findings and recommendations.

(h) The amendment or modification of the Bylaws for the Committee as provided herein, subject to the legal requirements of Proposition 39.

(i) 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 functions under Proposition 39.

6. In order to perform the duties set forth, the Committee may engage in the following authorized activities:

(a) Receive and review copies of the District's annual independent performance audit and annual independent financial audit, required by Article XIIA of the California Constitution.

(b) Inspect school facilities and grounds for which bond proceeds have been or will be expended, in accordance with any access procedure established by the District's Superintendent.

(c) Review copies of deferred maintenance proposals or plans developed by the District.

(d) Review efforts by the District to maximize bond proceeds by implementing various cost-saving measures.

7. The Committee does not have independent legal capacity from the District.

Meeting Procedures of the Committee

1. The Committee shall meet up to quarterly and regular meeting dates, time, and place shall be established by the Committee and published/posted in accordance with the Ralph M. Brown Act and applicable school district procedures. All Committee proceedings shall be open to the public and shall be subject to the provisions of the Ralph M. Brown Act (the same statutes that govern school district governing board meetings).

Termination

The Committee shall automatically terminate and disband at the earlier date when (a) all bond proceeds are spent, or (b) all projects funded by the bond proceeds are completed.

CITIZENS' BOND OVERSIGHT COMMITTEE ETHICS POLICY STATEMENT

This following Ethics Policy Statement provides general guidelines for Committee members to perform 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 influence a District decision related to: (1) any contract funded by bond proceeds or (2) any construction project which will benefit the committee member's outside employment, business, or a personal financial interest or benefit an immediate family member, such as a spouse, child or parent. **OUTSIDE EMPLOYMENT.** A Committee member shall not use his or her authority over a particular matter 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 interest of a person with whom the member has an agreement concerning current or future employment, or remuneration of any kind. For a period of two (2) 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 two (2) 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 Cotati-Rohnert Park Unified School District.

COMMITMENT TO DISTRICT. A Committee member shall place the interest of the District above any personal or business interest of the member.