

RESOLUTION NO. 14-06

RESOLUTION OF THE BOARD OF EDUCATION OF THE BYRON UNION SCHOOL DISTRICT ESTABLISHING A CITIZENS' BOND OVERSIGHT COMMITTEE AND APPROVING FORM OF BYLAWS THEREFOR

WITNESSETH:

WHEREAS, the Board of Education of the Byron Union School District (the "District") previously adopted its resolution (the "Resolution") requesting Contra Costa County (the "County") to call an election for general obligation bonds (the "Bond Election") to be held on June 6, 2006; and

WHEREAS, notice of the Bond Election was duly given; and on June 6, 2006, the Bond Election was duly held and conducted for the purpose of voting a measure for the issuance of bonds of the District in the amount of \$19,700,000 (the "Bond Measure"); and

WHEREAS, based on the statement of results for the County, more than 55% of the votes cast on the Bond Measure were in favor of issuing the aforementioned bonds; and

WHEREAS, Section 15278 of the Education Code of the State of California provides that the governing board of a school district shall establish and appoint members to an independent citizens' oversight committee, within 60 days of the date that the governing board enters the election results on its minutes; and

WHEREAS, the Board of Education of the District wishes hereby to establish such independent citizens' oversight committee in connection with issuance of bonds under the Bond Measure;

Now, therefore, the Board of Education of the Byron Union School District does hereby find, determine and certify as follows:

Section 1. Bond Election Results. The Board of Education of the District has entered the results of the Bond Election results on its minutes within 60 days of the date of this Resolution.

Section 2. Authorization. The Bond Measure was 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 in accordance with the requirements of the Strict Accountability in Local School Construction Bonds Act of 2000 (the "Act").

Section 3. Establishment of Committee. An independent citizens' oversight committee (the "Committee") is hereby established for the purposes set forth in the Act.

BYLAWS OF THE BYRON UNION SCHOOL DISTRICT MEASURE C CITIZENS' OVERSIGHT COMMITTEE

Section 1. Name. The name of this Committee shall be the Byron Union School District Measure C Citizens' Oversight Committee (herein referred to as the "Committee").

Section 2. Objectives and Purposes. The primary objectives and purposes of this Committee shall be to monitor and report on the expenditure of Measure C bond proceeds and to inform the public at least annually concerning the expenditure of the bond proceeds by issuing a written report.

Section 3. Members. This Committee shall have at least seven members, as established by the Byron Union School District Board (herein referred to as the "Board"). All members shall be voting members. The members shall annually elect a Chair and a Vice Chair.

Section 4. General Powers. The Committee shall have powers and authority as established by Education Code Section §15278 (attached).

Section 5. Duties. To carry out its stated purpose, the Committee shall perform the following duties:

(a) review expenditure reports produced by the District to (i) ensure that Measure C bond proceeds are expended only for the purposes set forth in the ballot measure; and (ii) ensure that no Measure C bond proceeds are used for any teacher or administrative salaries or other operating expenses.

(b) present to the Board an annual written report which shall include the following:

(i) 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

(ii) a summary of the Committee's proceedings and activities for the preceding year.

Section 6. Actions and Reports. The Committee may engage in the following activities:

(a) receive and review copies of the annual, independent performance audit and 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;

(b) inspect school facilities and grounds for which Measure C bond proceeds have been or will be expended 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;

(c) receive and review copies of any deferred maintenance proposals or plans developed by the District, including any reports required by Section 17584.1 of the California Education Code; and

(d) review efforts by the District to maximize bond revenues by implementing cost-saving measures.

Section 7. Membership. The Board shall appoint members to the Committee. Prior to appointment, the Superintendent shall conduct a nomination process to ensure that each person nominated meets the qualification standards set forth in this Sections 7. The Committee shall consist of at least seven members, as follows:

(a) one member who is active in a business organization representing the business community located within the District;

(b) one member who is active in a senior citizens' organization;

(c) one member who is the parent or guardian of a child enrolled in the District;

(d) one member who is both a parent or guardian of a child enrolled in the District and active in a parent-teacher organization;

(e) one member who is active in a bona fide taxpayers' organization; and

(f) Remaining members-at-large who will be appointed at the discretion of the Board.

To be a qualified member of the Committee, a person must:

(a) be at least 18 years of age and a citizen of the State of California in accordance with Section 1020 of the California Government Code;

(b) not be an employee or official of the District; and

(c) not be a vendor, contractor, or consultant of the District.

If a member fails to meet the qualification standards set forth above at any time during the term of service, such member shall be disqualified and the position shall be declared vacant. The Board shall appoint a new person to serve the remainder of the term, in accordance with the appointment process set forth above.

Section 8. Terms of Office. Each Member shall hold office for two years. Members may serve two terms. The Board shall be notified of any vacancy and shall have the sole power to fill all vacancies.

Section 9. Ethics; Conflicts of Interest. By accepting appointment to the Committee, each member agrees to comply with Article 4 (commencing with Section 1090) and 4.7

(commencing with Section 1125) of Division 4 of Title 1 of the Government Code and the Political Reform Act (Government Code §§ 81000 et seq.). Additionally, each member shall comply with the Committee Ethics Policy attached as Attachment A to these Bylaws.

Section 10. Compensation. The Committee members shall not be compensated for their services.

Section 11. Place of Meetings; Meetings by Telephone or Other Telecommunications Equipment. All meetings shall be held at the administrative offices of the District. All meetings shall comply with Government Code Section §54950 et seq. (the "Brown Act"). Any meeting, regular or special, may be held by conference telephone, video-screen communication, or communications equipment, so long as all members participating in such meeting can hear one another, public participation is afforded, and the meeting meets all applicable requirement of the Brown Act.

Section 12. Regular Meetings. The Committee shall meet once each quarter. Meetings will be held on the evening of the second Thursday of the quarter, except when impractical to do so.

Section 13. 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 14. Quorum for Meetings. A quorum shall consist of a majority of the members.

Section 15. 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. Meetings may be adjourned when a quorum is not present.

Section 16. 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 his or her absence, the Vice Chairperson 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 Committee shall follow Roberts Rules of Order in conducting its business.

Section 17. Vacancies. Vacancies on the Committee shall exist on the death, resignation or upon excessive unexcused absences of any member. Excessive unexcused absences are defined as unexcused absences for three consecutive regularly scheduled meetings.

Any member may resign effective upon giving written notice to the Chairperson of the Committee, the Vice Chairperson or the Committee, unless the notice specifies a later time for the effectiveness of such resignations.

Vacancies on the Committee may only be filled by the District Board in accordance with the appointment process set forth in Section 7.

Section 18. Duties of the Chairperson of the Committee. If a Chairperson of the Committee is elected, he or she shall assume all duties normally associated with that office. The Chairperson of the Committee shall conduct the meetings of the Committee. The Chairperson shall, when present, preside at all meetings, and shall see that all orders and resolution[s] of the Committee are carried into effect. The Chairperson shall: put to a vote and announce the results of actions taken on questions before the Committee; resolve all questions of order, subject to appeal; call special meetings when deemed necessary; and shall exercise and perform such other duties as may be prescribed by the Committee from time to time.

The Board shall appoint the first Chairperson of the Committee. The Board shall appoint a chairperson familiar with Measure C, experienced in supervising public works projects, and capable of leading the Committee during its initial year. After this, the Committee shall select the Chairperson by voting.

Section 19. Duties of the Vice Chairperson of the Committee. If a Vice Chairperson is elected, he or she shall assume all duties normally associated with that office. The Vice Chairperson of the Committee shall conduct the meetings of the Committee should the Chairperson of the Committee be absent.

Section 20. District Support. The District shall provide to the Committee necessary technical and administrative assistance as follows:

- (a) preparation of and posting of public notices as required by the Brown Act ensuring that all notices to the public are provided in the same manner as notices regarding meetings of the Board of Education;
- (b) provision of a meeting room, including any necessary audio/visual equipment;
- (c) preparation and copies of any documentary meeting materials, such as agendas and reports; and
- (d) retention of all Committee records and provision of public access to such records, including the posting of Committee records on the Internet website maintained by the District.

District staff shall maintain all Committee records and provide public access to such records.

The District shall not use any Measure C bond proceeds to provide the support set forth in this Section 20.

Section 21. Amendment of Bylaws. Subject to any provision of applicable law, these Bylaws, or any of them, may be altered, amended or repealed and new Bylaws adopted by approval of the Board.

Section 22. Termination. The Committee shall automatically terminate and disband at the earlier of the date when (a) all Measure C bond proceeds are spent, or (b) all projects funded by Measure C bond proceeds are completed.

Section 23. Applicability of the California Law. The Committee was established by the District in order to comply with Sections 15278 et seq. of the Education Code. Nothing in these Bylaws shall be interpreted in a manner that is inconsistent with such provisions of the Education Code.

ATTACHMENT A

INDEPENDENT CITIZENS' OVERSIGHT COMMITTEE ETHICS POLICY STATEMENT

This Ethics Policy Statement provides general guidelines for Committee members to follow. The guidelines set forth in this Statement are not exhaustive and do not excuse Committee members from existing laws, rules, policies and procedures as well as from concepts that define generally accepted good business practices and professional conduct. Committee members are expected to adhere strictly to the provisions of this Ethics Policy. All capitalized terms used herein shall have the meanings set forth in the Bylaws of the Committee.

POLICY

- **CONFLICT OF INTEREST.** A Committee member shall not make or influence a District decision related to any contract funded by Measure C bond proceeds or any construction project which will benefit a Committee member's outside employment, business, or personal finances or benefit an immediate family member, such as a spouse, child or parent.
- **OUTSIDE EMPLOYMENT.** A Committee member shall not use his or her position as a Committee member to negotiate future employment with any person or organization that relates to any contract funded by Measure C bond proceeds or any construction project. A Committee member shall not make or influence a District decision related to any construction project involving the interests 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 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 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: (i) bidding on projects funded by the Measure C bond proceeds, and (ii) 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 and all other applicable government entities, and the policies, procedures, rules and regulations of the District.
- **COMMITMENT TO DISTRICT.** A Committee member shall place the interests of the District above any personal or business interests in all Committee deliberations and recommendations.

Section 4. Bylaws. The Committee shall operate pursuant to the Board approved Bylaws. The Committee shall have only those responsibilities granted to them in the Act and the Bylaws. The Bylaws, as submitted herewith and attached hereto, are hereby approved.

Section 5. Other Actions. Officers of the Board and members of the Committee established hereunder are hereby authorized and directed, jointly and severally, to do any and all things and to execute and deliver any and all documents which they may deem necessary or advisable in order to give effect to and comply with the terms and intent of this Resolution. Such actions heretofore taken by such officers, officials and staff are hereby ratified, confirmed and approved.

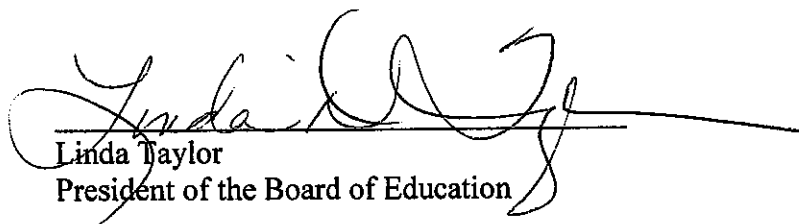
APPROVED, PASSED AND ADOPTED on 9/5, 2006, by the following vote:

Ayes: *Unanimous*

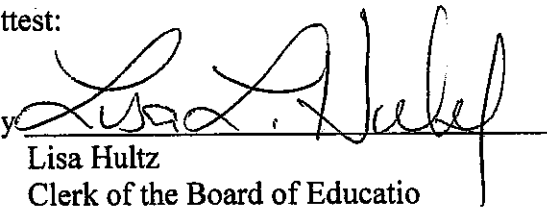
Noes:

Abstain:

Absent:


Linda Taylor
President of the Board of Education

Attest:

By 
Lisa Hultz
Clerk of the Board of Education