

Dublin Unified School District Citizens' Bond Oversight Committee Bylaws

Adopted: May 4, 2005

Any Bylaws adopted by the Citizens' Oversight Committee for the Dublin Unified School District are subject to the California Education Code, Board Policy 7214 and Administrative Regulation No. 7214.1 of the Board of Trustees of the Dublin Unified School District.

1.0 Preamble

For bonds passed pursuant to Article XIII A, Section 1(b)(3) of the California Constitution, which allows a 55% majority to pass the bond, the Board of Trustees is required by section 15278 of the California Education Code (the "Code") to appoint an "independent citizens' oversight committee." Per section 15282 of the Code, the Committee must have at least 7 members and represent specific segments of the community.

References in these Bylaws to the Dublin Unified School District shall hereinafter be referred to as the "District." References to the Dublin Unified School District Board of Trustees shall hereinafter be referred to as the "Board."

2.0 Name, Purpose, and Duties

2.1 Name

The name of this organization shall be the "Citizens' Bond Oversight Committee for Dublin Unified School District" hereinafter referred to as the "Committee."

2.2 Purpose

The purpose of the Committee is to inform the public concerning the expenditure and uses of Measure C (2004); Measure E (2012); and Measure H (2016) bond revenues. The Committee's legal charge is to actively review and report on the expenditure of taxpayers' money for school construction in accordance with voter-approved projects. The Committee shall convene to provide oversight of the following:

A. Ensure that bond revenues are expended only for the purposes described in Article XIII A, section I, subdivision (b)(3) of the California Constitution including the construction, reconstruction, rehabilitation or replacement of school facilities, including the furnishing and equipping of school facilities, or the acquisition or lease of real property for school facilities.

B. Ensure that as prohibited by Article XIII A, section I, subdivision (b)(3)(A) of the California Constitution, no bond revenues are expended for any teacher, school site or other academic administrator salaries or other school operating expenses.

2.3 Duties

Committee members shall be expected to attend its regularly scheduled meetings, diligently review all pertinent information provided to the Committee pursuant to state laws, and abide by all rules of conduct

established in these Bylaws. In furtherance of its purpose the Committee will at its discretion engage in the following activities:

- A. Receive and review copies of the annual performance audits required by Article XIII A, section I, subdivision (b)(3)(C) of the California Constitution.
- B. Receive and review the annual financial audits required by Article XIII A, section I, subdivision (b)(3)(D) of the California Constitution.
- C. Inspect school facilities and grounds to ensure that Bond revenues are expended in compliance with the requirements of Article XIII, section 1, subdivision (b)(3) of the California Constitution.
- D. Receive and review copies of any deferred maintenance proposals or plans developed by the District, including any reports required by California Education Code Section 17584.1.
- E. Review 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.

3.0 Committee Composition

The Board of Trustees shall have sole discretion to select and appoint Committee members and to determine its final size. The Committee shall consist of at least seven members, including the following community representation:

- 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 a parent or guardian of a child enrolled in the District;
- E. One member shall, at the time of appointment, be a parent or a guardian of a child enrolled in the District and active in a parent-teacher organization; and
- F. Two members shall, at the time of appointment, be members of the community at large.

A single individual may be appointed as a representative of more than one of the above categories, if applicable.

Any number of alternate members may be appointed. Alternate members are encouraged to attend meetings and participate in discussions. Alternate members shall have no voting rights.

3.1 Eligibility

- A. The Committee shall be comprised of individuals who either live or work within the boundaries of the District.

B. No employee, official, vendor, contractor, or consultant of the District shall be appointed to the Committee.

C. Committee members shall be subject to prohibitions regarding incompatibility of office pursuant to Government Code sections 1125-1129 and financial interest in contracts pursuant to Government Code sections 1090-1098.

3.2 Term of Service

A. The initial terms of the first Committee appointed (the "Initial Committee") shall be made by a random drawing by the members. The establishment of the Initial Committee resulted in all seven members being appointed at the same time. The provisions of this section shall only apply to the seven members appointed to the Initial Committee. The purpose of this section 3.2(A) is to stagger the timing for future appointments.

1. The Secretary shall prepare 7 Ballots consisting of three (3) ballots which read "ONE YEAR TERM" and four (4) ballots which read "TWO YEAR TERM."

2. Each member of the Initial Committee shall randomly draw a ballot.

3. Those selecting a ballot reading "One Year Term" shall have an initial term of 1 year.

4. Those selecting a ballot reading "Two Year Term" shall have an initial term of 2 years.

5. Those who received a one year term shall be eligible for appointment to one consecutive term of two (2) years, as described in section D below.

6. The Secretary shall maintain a record of the terms being filled by each Initial Committee member to allow the Board to make subsequent appointments.

B. Committee members serve without compensation.

C. Except as occurs under section A(3) above, all terms of Committee members shall be for two (2) years and for no more than three (3) consecutive terms.

D. Upon completion of a two-year term and provided that they have not already served three consecutive terms, Committee members who wish to be appointed for a second or third consecutive term shall reapply to the Board for consideration.

3.3 Replacing a Committee Member

A. If a Committee position becomes vacant, the Committee Chair shall request that the Board appoint a replacement. Unless failure to act results in the inability to meet a Committee quorum, if six months or less remain of the unexpired two-year term, the Board may choose to leave that position vacant for the remainder of the term.

B. The Committee may recommend to the Board removal of a Committee member for cause. Cause shall include excessive absences from Committee meetings and/or violations of these Bylaws. Specific cause for the removal recommendation to the Board must be cited in the Board's meeting agenda and motion for removal.

C. A replacement Committee member may be appointed by the Board if one or more of the following events occurs:

1. The Committee member submits a written resignation to the Board, with a copy to the Committee Chair;

2. The Committee recommends removal of a member for cause, including excessive absences from Committee meetings (ref: Section 5.9 below) and/or violating these Bylaws. A motion to remove a member shall be approved by an affirmative vote of not less than two-thirds of the members present at a Committee meeting, a quorum being present. The motion and its result shall be communicated in writing to the member under consideration and to the Board President within one week after the meeting at which the motion was approved.

D. Within sixty (60) days of being notified of a Committee vacancy required to be filled in accordance with these Bylaws and based on the classification of the seat vacated, the Board will appoint a new member to complete the term of the vacancy, following the process used to select the Initial Committee members; provided that the Committee shall retain the composition required by Section 3.0 hereof. The procedures for recruitment of Committee members are inclusive of, but not limited to, the following process.

1. Posting of vacancy via public notice in a newspaper of general circulation, District website, District list-serve, main offices of all District sites, and public library.
2. Application packets to serve shall be made available on the District website, District office, public library, and to interested parties upon request.
3. In the event the number of applicants exceeds the number of vacancies, the Superintendent or designee shall conduct interviews of interested applicants.
4. The Board will receive staff's recommendations for appointment to the Committee at a regularly scheduled meeting.

E. Committee members appointed to fill vacant, unexpired terms may apply and shall be eligible for reappointment to a succeeding full two-year term.

F. A Committee member who no longer serves the group s/he was appointed to represent (e.g., ceases to be active within a taxpayers organization) shall be allowed to complete his/her current term. However, that Committee member shall not be entitled to serve a subsequent term as a representative of that group.

4.0 Committee Officers

Officers of the Committee shall be a Chair, a Vice-Chair and a Secretary. The Committee may choose to establish other elected positions by amending these Bylaws.

4.1 Elections

At the April meeting in each year, the Committee shall place into nomination and elect a Chair, a Vice-Chair and a Secretary. A clerk will be provided by the District. If the Committee amends these Bylaws to establish other elected positions, their election shall take place at the same meeting as the elections of the Chair, Vice-Chair and Secretary.

4.2 Term of Office

Officers shall be elected for a one-year term and shall not be term-limited except for the limit on the terms of Committee members set forth in Section 3.2 above.

4.3 Duties of the Chair

- A. The Chair shall call Committee meetings (ref: Sections 5.0 and 5.1 below).
- B. The Chair shall establish the agenda for each Committee meeting.

C. The Chair shall preside over each Committee meeting, following the adopted Rules of Procedure (ref: Section 5.5 below).

D. The Chair shall, upon willing concurrence of candidates, appoint the members of each Subcommittee that the Committee chooses to form (ref: Sections 7.0, 7.1, and 7.2 below).

E. The Chair shall attend, or appoint another Committee member to attend, meetings of the Board at which bond planning, revenue, expenditure, reporting, and related budgetary issues are on the agenda.

F. The Chair or his/her Committee-approved designee shall serve as spokesperson for the Committee in all representations of the Committee to the public, the Board, and the media (ref: Section 6.0.A and 6.0.B below).

G. The Chair is an ex-officio member of all subcommittees.

H. The Chair may designate a Parliamentarian to assist in complying with Robert's Rules of Order during Committee meetings (ref: Section 5.5 below).

4.4 Duties of the Vice-Chair

The Vice-Chair shall perform each of the duties of the Chair as necessary in the absence of the Chair.

4.5 Duties of the Secretary

A. Subject to review by the Chair before publishing, the Secretary shall provide oversight in the preparation, recording, and distribution by District-provided clerical support of the following documents in accordance with the Ralph M. Brown Act (the "Brown Act"):

1. Committee meeting agendas;
2. All reports, materials, and meeting packets as required by or addressed to the Committee;
3. The minutes of Committee meetings (ref: Section 5.8 below);
4. All written material submitted by the public during Committee meetings;
5. All official correspondence addressed to the Committee;
6. Reports adopted by the Committee;
7. Committee attendance records (ref: Section 5.9.B, below).

B. The Secretary shall take and record roll at the beginning of each Committee meeting to determine the existence of a quorum. If a quorum ceases to exist during a meeting, the Secretary shall immediately inform the Chair.

4.6 Succession

The Vice-Chair will accede to the Chair when a vacancy occurs in that office. In the event of a vacancy in the office of Vice-Chair or Secretary, the position will be filled by election, agendized at its next regular Committee meeting.

5.0 Meetings

All Committee meetings subject to the Brown Act will be held in a fully-accessible District facility.

A. The Committee shall meet at least once in each calendar quarter of each year.

B. The Committee shall hold a joint meeting with the Board of Trustees as requested.

C. Committee members shall be available to attend Board meetings when performance and financial audits relating to the bond measure are presented.

5.1 Calling Meetings

Committee meetings may be scheduled on a regular basis by majority vote of the Committee. In addition, special meetings may be called by the Chair or Vice-Chair, or by any group of Committee members whose number represents a quorum. All Committee meetings shall be arranged through the District-appointed Clerk and shall be noticed in accordance with the Brown Act.

5.2 Agendas

A. Agendas for regular Committee meetings will be prepared by its Chair (ref: Section 4.3.B above). To the extent available, all documents applicable to agenda items shall be distributed in advance of meetings.

B. Any member of the Committee may submit a request for placing an item on a future agenda.

C. Agendas may include a consent calendar for routine, non-controversial items. These items must be clearly identified on published agendas. Any member of the Committee or public may request at the meeting that an item be added to the consent calendar or be pulled for discussion.

D. After roll-call and the establishment of a quorum, meetings will begin with a consent calendar.

5.3 Quorum

Actions may be undertaken at a meeting only if at least a majority of Committee members in office are present.

5.4 Committee Voting

Unless otherwise specified in these Bylaws (ref: 3.3.C.2 and 6.0.B), an action item on the agenda may be approved by a simple majority of Committee members in attendance, a quorum being present (ref: 5.3). Members must be present to vote.

5.5 Rules of Procedure

Meetings shall be conducted with courtesy and decorum and in accordance with Robert's Rules of Order.

5.6 California's Open Meeting Law

All meetings of the Committee shall be open to the public and shall be noticed and conducted in strict compliance with the Brown Act.

5.7 Public Participation

Any member of the public present at a meeting may address the Committee during the period designated for public comment. The Chair may, at his/her discretion, choose in advance to place an equal time limit on all speakers.

5.8 Minutes

Minutes of Committee proceedings and all documents received and reports issued shall be a matter of public record, and in accordance with SB751 amending Government Code §54950 et seq. (Ralph M, Brown Act) effective January 1, 2014. To the extent practicable, the District shall make them available on the District's internet website. The District shall provide secretarial/clerical services to assist the Committee Secretary in preparation, distribution, and posting of minutes for all Committee meetings (ref: Section 4.5 above). Minutes published before adoption by the Committee shall always be labeled "Unadopted Minutes".

5.9 Attendance

Regular attendance at Committee and applicable Subcommittee meetings is a fundamental obligation of every member of the Committee. Absences are disruptive to Committee activity and representation. Failure to attend three consecutive meetings without acceptable reason announced in advance shall constitute due cause for member removal (ref: Section 3.3.B and C).

A. Members anticipating an absence must call or email the Committee Chair or Secretary no later than 24 hours before the scheduled meeting.

B. Committee attendance reports will be distributed annually and upon request by the Chair.

6.0 Committee Reports

A. The Committee shall prepare regular reports on its activities. A report shall be issued at least once each year. Upon completion of all bond projects, the Committee Secretary shall prepare or cause to be prepared a final written report summarizing its activities and conclusions.

B. The Committee's legal charge is to actively review and report on the expenditure of taxpayers' money for bond projects in accordance with Section 2.2. All such reports, written and/or oral, that represent the Committee's position must proceed from Committee review, be duly approved as to substance by an affirmative vote of a majority of the members present at a Committee meeting, a quorum being present, and be faithfully articulated to the public only by the Committee Chair or an approved designee (ref: Section 4.3.F, above).

C. Reports of minority viewpoints will be allowed. All such reports, written and/or oral, that represent the minority's position must be reviewed, be duly approved as to substance without prejudice by a vote of the Committee, and be faithfully articulated to the public only by a designated minority spokesperson.

To avoid the need for minority reports, and to maximize the working relationships on and public confidence in the Committee, all due diligence should be pursued to resolve divisive issues during the review process, thereby attaining fullest possible Committee support for the content of public reports.

D. Any member of the Committee may speak as an individual on bond issues but must clearly state for the record and insist that it be made known that such statements are their own personal views which do not necessarily represent those of the Committee or the District.

E. All Committee contact with the media or other press related activities on behalf of the Committee must be approved by a majority of the Committee, and communication with the press shall only be done by the Committee Chair or other authorized Committee representative.

7.0 Subcommittees

The Committee may, on majority vote, form or disband subcommittees (standing or ad hoc) to perform specific parts of its purpose and duties, such as performing audits and issuing reports. The Chair shall appoint all subcommittee members. Subcommittees shall elect their own chairs and vice-chairs. Subcommittee meetings may proceed only when a quorum is present, a quorum being defined as a majority of the members appointed to such subcommittee. Subcommittee chairs shall be responsible for calling its meetings, preparing its agendas, noticing its members, and delivering timely reports of subcommittee actions to the Committee. Subcommittee meetings shall be conducted in accordance with the adopted Rules of Procedure (ref: Section 5.5 above).

7.1 Standing Subcommittees

A standing subcommittee undertakes ongoing duties in preparation for deliberation by the Committee. All standing subcommittees must fully comply with the Brown Act, irrespective of their number of members. Membership can include any number up to the full membership of the Committee.

7.2 Ad Hoc Subcommittees

An ad hoc subcommittee is temporary in nature. They may be formed to undertake specific, one-time duties in preparation for deliberation by the Committee. An ad hoc subcommittee shall be automatically disbanded upon acceptance of its final report to the Committee. Membership on ad hoc subcommittees will normally be limited to less than a quorum of the Committee. If thus limited, ad hoc subcommittee meetings need not comply with Brown Act noticing.

8.0 Amendment

These Bylaws may be amended by majority vote of the Committee at any regular meeting at which said amendment is agendized and a quorum is present.

[End]