

# Citizens' Oversight Committee

## Bylaws

[Revised 6-17-04]



**Fort Bragg Unified School District**

**312 South Lincoln Street**

**Fort Bragg, CA 95437**

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**Steve Lund, Superintendent**

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## **BYLAWS**

### **I. COMMITTEE ESTABLISHED**

The Board of Education (the "Board") of the Fort Bragg Unified School District (the "District") has established the Measure D Citizens' Oversight Committee (the "Committee") which shall have the purposes and duties set forth in the Board's Measure D Citizen's Oversight Bylaws.

### **II. PURPOSE**

The purpose of the Committee is to inform the public, at least annually, concerning the expenditure of bond proceeds approved by the voters November 4, 2003, (the "Bond Proceeds") by issuing a written report.

### **III. DUTIES**

To carry out its stated purpose, the Committee shall perform the following duties:

A. Review Expenditures. The Committee shall review expenditure reports produced by the District to (a) ensure that Bond Proceeds are expended only for the purposes set forth in the ballot measure; and (b) ensure that no Bond Proceeds are used for any teacher or administrative salaries or other operating expenses.

B. Annual Report. The Committee shall present to the Board and shall make public, an annual written report (the "Annual Report") which shall include the following:

1. 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
2. A summary of the Committee's proceedings and activities for the preceding year.
3. A statement of the District's success to maximize Bond Proceeds as outlined in Section VI (A) below.

### **IV. AUTHORIZED ACTIVITIES**

A. In order to perform the duties set forth in Section 3 hereof, the Committee may engage in the following authorized activities:

1. Receive and review copies of the District's annual independent performance audit and annual independent financial audit required by Article XIII A of the California Constitution.

2. Inspect school facilities and grounds for which 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, in accordance with any access procedure established by the Superintendent or designee.
3. 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 (the "Education Code").
4. Review efforts by the District to maximize Bond Proceeds by implementing cost-saving measures, including, but not limited to, all of the following: (1) mechanisms designed to reduce the costs of professional fees; (2) mechanisms designed to reduce the costs of site preparation; (3) recommendations regarding the joint use of core facilities; (4) recommendations regarding the use of cost-effective and efficient reusable facility plans; or (5) mechanisms designed to reduce costs by incorporating efficiencies in school site design.

B. Any Committee requests for copies or inspection of District records shall be made in writing to the Superintendent or designee. Any and all costs associated with said request will be considered a district expenditure.

## **V. MEMBERSHIP**

A. Members of the Committee shall be appointed in accordance with Item B, Qualification Standard, listed below.

- B. Qualification Standard. To be a qualified member of the Committee, a person must:
1. 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 (the "Government Code");
  2. not be an employee or official of the District;
  3. not be a vendor, contractor, or consultant of the District; and
  4. not be an elected public official.

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 in Section C below.

C. Appointment. The Board shall appoint members to the Committee as specified in Item V (B) Qualification Standard.

D. 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.), and to complete the Form 700 Statement of Economic Interest required by certain designated employees of the District. Additionally, each member shall comply with the Committee Ethics Policy attached as Attachment A to these Bylaws.

E. Term. Each member of the Committee shall serve for a term of two years and for no more than two consecutive terms.

F. The Committee members shall not be compensated for their services.

G. Removal; Vacancy. The Board may remove any Committee member for cause, including unexcused failure to attend two consecutive committee meetings. The Committee Officers shall determine appropriate reasons to excuse absences and such excused absences shall be recorded in the minutes. The Committee Officers shall inform the Board of their recommendation for removal of a member. Upon the removal of a member, his or her seat shall be declared vacant. The Board shall fill any vacancies on the Committee in accordance with the appointment process set forth in Item V(C) Appointment above listed.

#### **D. MEETINGS OF THE COMMITTEE**

A. Regular Meetings. The Committee shall establish a schedule for the date and time of regular meetings to be held at least quarterly to include an annual organizational meeting to be held at the first regularly scheduled meeting after May. The Committee may elect at an official meeting of the Committee to cancel any meeting which is not required in the majority opinion of the Committee in the case of a majority of a quorum in attendance at an official meeting of the Committee.

B. Special Meetings. The Committee may hold special meetings as it determines or as requested by the Board.

C. Location. All meetings shall be held at the administrative offices of the District located at 312 South Lincoln Street, Fort Bragg, California, or other District facilities.

D. Procedures. All meetings shall be open and public in accordance with the Ralph M. Brown Act, Government Code Sections 54950 et seq. (the "Brown Act"). Meetings shall be conducted according to such procedural rules as the Committee may adopt. A majority of the number of Committee members shall constitute a quorum for the transaction of any business except adjournment. The following shall apply unless in conflict with the Brown Act:

1. Each member of the Committee shall be notified of the annual schedule of the quarterly meeting dates within ten days following approval of the schedule by the Committee. Each member shall be notified at least 24 hours in advance by mail, fax, email or telephone of the scheduled date and time for special meetings as they are called by the Board or the Committee.
2. The District shall post notice of the Committee's meetings at the District office and such other places as the District provides notices for school board meetings at least 72 hours in advance for regular meetings and at 24 hours in advance for special meetings. The District will post notice of special meetings 72 hours in advance if time permits.

#### **E. DISTRICT SUPPORT**

A. The District shall provide to the Committee necessary technical and administrative assistance in a timely manner as follows:

1. 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;
  2. Provision of a meeting room, including any necessary audio/visual equipment;
  3. Preparation and copies of any documentary meeting materials, such as agendas and reports; and
  4. Retention of all Committee records and provides public access to such records.
  5. District will provide Committee with a web site for posting of minutes and reports at the following address: <<http://fbusd.com>>
- B. District staff shall maintain all Committee records and provide public access to such records.
- C. The District shall not use any Bond Proceeds to provide the support set forth in this Section 7, District Support.

## **F. OFFICERS**

The Committee shall elect a president, vice president and secretary who shall serve a one-year term without limitation of subsequent terms that the Committee may authorize. The following shall apply to the election and duties of officers:

1. Members shall be nominated for these officer positions by at least one other member of the Committee and shall, at any regular or special meeting, win approval of a majority of the Committee in attendance.
2. Members of the Committee may cast one vote for a nominee for each of the offices under consideration and the procedure for voting shall allow the casting of ballots to be in writing or by voice vote at the discretion of the Committee.
3. Should a vacancy occur due to the death, resignation or removal of an officer, the Committee shall conduct a subsequent election at its next official meeting using the procedure provided above to fill the vacancy for the remainder of the term of the office.
4. At the initial organization meeting, the Superintendent of the District or the President of the Board of Trustees shall act as facilitator of the meeting until officers are elected.
5. Each member present at a meeting of the Committee shall be entitled to cast one vote for each action of the Committee which vote shall be aye, nay or abstain.
6. President of the Committee shall conduct the meetings according to Cannon's Rules of Order and shall interpret the rules and procedures applicable to the Committee provided that a majority of Committee members may overrule the President.
7. The Vice President of the Committee shall conduct the meetings of the Committee when the President is not in attendance, has removed himself/herself due to a conflict of interest and upon resignation, removal, death or incapacitation of the President.
8. The Secretary of the Committee shall keep accurate records of the Committee's meetings and actions and prepare, with the assistance of the District, such reports, website materials and mailers.

## **IX. VOTING**

A. The following actions shall be approved by a majority of members present at a duly authorized meeting of the Committee:

1. Acceptance of the annual financial audit and annual performance audit.
2. Adoption of the resolutions, statements of opinion, requests to the Governing Board and expenditures from its budget.
3. Adoption of procedures and guidelines, as permitted herein.
4. Scheduling of additional meetings or canceling existing meetings.
5. Requesting site inspections to verify the progress of work.
6. Designating the creation of subcommittees and assign its members to serve on such subcommittees by an affirmative vote of members present.

7. Designating one or more members of the Committee to represent the Committee at meetings of the Governing Board or other public meetings reasonably necessary to the functioning of the Committee.

B. The following action shall be approved by at least 2/3rds of those members present at a duly authorized meeting of the Committee.

1. Requesting a Grand Jury inquiry of a matter before the Committee.
2. Request that a court of competent jurisdiction seek an injunction against the award of a contract or other legally binding action of the Governing Board that it believes is contrary to the consent obtained from the voters for the expenditure of bond proceeds.

C. The Committee shall not permit absentee voting or proxy voting on items requiring a majority vote of members present.

G. The Committee shall require that members disclose any conflict of interest relating to an item before the Committee and that any conflicted member abstain from voting on any such items.

#### **X. AMENDMENT OF BYLAWS**

Any amendment to these Bylaws shall be approved by the Board prior to becoming effective.

#### **XI. TERMINATION**

The Committee shall automatically terminate and disband at the earlier of the date when (a) all Bond Proceeds are spent, or (b) all projects funded by Bond Proceeds are completed provided, in either case, the Committee has issued its final report.

#### **XII. 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”**

### **CITIZENS’ OVERSIGHT COMMITTEE**

#### **MEASURE D**

#### **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 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 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 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 of the member.