

**SANTA BARBARA ELEMENTARY SCHOOL DISTRICT
MEASURE R2010
CITIZENS' OVERSIGHT COMMITTEE BYLAWS
(Proposition 39 General Obligation Bond Elections)**

Section 1.0 COMMITTEE ESTABLISHED

The Santa Barbara Elementary School District (the "District") Board of Education (the "Board") hereby establishes the Santa Barbara Elementary School District Measure R2010 Citizens' Bond Oversight Committee (the "Committee") which shall be subject to the purpose, parameters, policies, and regulations set forth in sections 15278 *et seq.* of the California Education Code and these Bylaws.

Section 2.0 PURPOSE

The purpose of the Committee is to inform the public at least annually by issuing a written report concerning the expenditure of the Measure R2010 bond proceeds approved by the voters in the November 2, 2010 election (the "bond proceeds").

Section 3.0 DUTIES

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

- 3.1 Review Expenditures. Actively review and report on the proper expenditure of taxpayers' money for school construction.
- 3.2 Annual Report. The Committee shall present to the Board 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, which provides:
 - 1) Bond proceeds are expended only for 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;
 - 2) No bond proceeds are used for any teacher or administrative salaries or other school operating expenses;
 - 3) A list of projects to be funded was included on the ballot;

- 4) An annual independent performance audit is performed; and
 - 5) An annual independent financial audit is performed.
- (b) A summary of the Committee's proceedings and activities for the preceding year.

Section 4.0 AUTHORIZED ACTIVITIES

- 4.1 In order to perform the duties set forth in Section 3.0, the Committee may engage in the following authorized activities:
- (a) Receive and review copies of the District's annual performance audit;
 - (b) Receive and review copies of the District's annual financial audit;
 - (c) Inspect school site facilities and grounds for which bond proceeds have been or will be expended, to ensure that bond proceeds are expended for authorized purposes; provided that such inspection will be conducted in accordance with any access procedure established by the District's Superintendent;
 - (d) Receive and review copies of any deferred maintenance proposal or plans developed by the District; and
 - (e) Review efforts by the District to maximize bond revenues by implementing cost-saving measures, including, but not limited to:
 - 1) Mechanisms designed to reduce the cost of professional fees;
 - 2) Mechanisms designed to reduce the costs 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; and
 - 5) Recommendations regarding the use of cost-effective and efficient reusable plans.
- 4.2 Any Committee requests for copies or inspection of District records shall be made in writing to the District's Superintendent.

Section 5.0 MEMBERSHIP

5.1. Number. To the extent feasible, the Committee shall consist of at least seven (7) members and must include representatives from each of the following:

- (a) One member active in a business organization representing the business community located within the District;
- (b) One member active in a senior citizens' organization;
- (c) One member active in a bona fide taxpayers' organization;
- (d) One member who is the parent or guardian of a child enrolled in the District; and
- (e) One member who is both a parent or guardian of a child enrolled in the District and active in parent-teacher organization.

5.2. Qualification Standards.

- (a) To be a qualified person, he or she must:
 - 1) Not be an employee or official of the District; and
 - 2) Not be employed as or by a vendor, contractor, or consultant of the District.

5.3. Appointment.

- (a) The initial members of the Committee shall be appointed by the Board within sixty (60) days of the date of the canvass of election results by the Board as required by section 15278(a) of the California Education Code. In the event the Board finds it necessary to extend the period of time for appointment of initial Committee members, due to the period of time necessary to solicit for, identify and recruit potential members, the Board may, by Board action, extend the period of time required for purposes of making the initial appointments.
- (b) The Board may solicit applications, or provide for an application process, for appointment to the Committee in such manner as the Board shall direct. The Board may require candidates for membership on the Committee to submit information either on a stated form or to include informational criteria in a manner as may be established by the Board. Notwithstanding Section 1.0 hereof, the

Board may, in its discretion, solicit applications for membership to the Committee in advance of an actual Proposition 39 general obligation bond election date as may be necessary or desirable to have adequate applicants to fill all of the required positions on the Committee and to have adequate time in which to fully and completely consider all of the applicants and their corresponding information. The solicitation of applicant information shall not require the formation of the Committee if the bond election in question is not successful.

- (c) In making its appointment, the Board shall satisfy the necessary statutory membership requirements on the Committee as set forth in Section 5.1 hereof. In making its appointments to the Committee the Board may, in its discretion, consider various factors applicable to each candidate, including, but not limited to: (i) residency within the boundaries of the District; (ii) whether the candidate is a registered voter within the District; and (iii) the professional and educational background of any prospective Committee member, which may include experience in construction, property, facilities management and/or finance matters or other factors which tend to support or complement the purposes of the Committee. The Committee shall initially have seven (7) members; however, the Board retains the right to appoint additional members to the Committee provided that the Committee shall always have an odd number of members. In the event that section 15282 of the California Education Code or other applicable statute or regulation is amended to require a different or greater number of Committee members, the Board shall, within the time set by California law, take action to appoint appropriate Committee members as shall be required.
- (d) Any appointee to the Committee shall be required to comply with the requirements and limitations of Section 5.4 hereof.

5.4 Ethics; Conflicts of Interest. It is the express desire and intention of the Board that members of the Committee shall not be, or have, any financial interest in the matters which they review.

- (a) All members of the Committee, as a condition of membership on the Committee, may be requested to sign a certificate declaring that such Committee appointee has no conflict of interest as to the issues which shall be before the Committee.
- (b) All members of the Committee shall expressly be subject to the limitations and requirement of sections 1090 *et seq.* of the California Government Code.

- (c) All members of the Committee shall expressly be subject to the limitations and requirements of sections 1125 *et seq.* of the California Government Code.
- (d) All Committee members shall submit required Statements of Economic Interests, including filing annual Statements of Economic Interests, pursuant to the District's current Conflict of Interest Code and California Government Code sections 81008. All such Statements of Economic Interests shall be filed with the District and shall be available for public review as required by California Government Code sections 81000 *et seq.* All members of the Committee shall be furnished with a copy of, and must comply with, the District's current Conflict of Interest Code upon their taking office as Committee members. Additionally, all persons appointed to the Committee shall be provided with a copy of these Bylaws and any amendments thereto.

5.5 Term

- (a) Each member of the Committee shall serve for a term not to exceed two (2) years. Among the initial Committee members, three (3) Committee members shall be designated as "one year" and four (4) Committee members shall be designated as "two year" term members. No member of the Committee shall serve more than two (2) consecutive terms. A member of the Committee may serve multiple non-consecutive terms as the Board may determine or direct.
- (b) The term of office of a Committee member shall end upon the completion of their initial term or subsequent two-year term. In the event that a vacancy is determined by the Board as set forth in Section 5.6 hereof, the initial term of office of the newly appointed Committee member shall end upon the completion of the term of the Committee member whose vacancy is being filled.

5.6 Vacancy

- (a) Determination of Vacancy. The Board may determine that a Committee member's seat on the Committee has become vacant under any of the following circumstances:
 - 1) Resignation of that Committee member submitted in writing to the Board which shall be effective upon its receipt by the Board;
 - 2) Death, or a legal determination of the incapacity of that Committee member;

- 3) The Committee member relocates their principal place of residence to a location outside the boundaries of the District;
 - 4) Conviction of a violation of Government Code sections 1090 *et seq.* or other applicable conflict of interest laws (see Section 5.4 hereof);
 - 5) Conviction of any crime resulting in imprisonment or conviction of a felony involving moral turpitude;
 - 6) The election or appointment of that Committee member to a public office which is deemed or determined to be an incompatible public office with simultaneous membership on the Committee (see Section 5.4 hereof);
 - 7) Two (2) or more consecutive absences from regularly scheduled Committee meetings; and/or
 - 8) In the case of a Committee member who represented one (1) of the five (5) groups set forth in Section 5.1 hereof, where that member ceases to be a member or a representative of the identified group and does not resume or restore such status within sixty (60) days of such occurrence.
- (b) The District, on behalf of the Board, shall give at least ten (10) days prior written notice of the intent to determine a vacancy on the Committee prior to taking action thereon, and the reasons thereof, which notice shall be mailed, by United States mail certified, first class postage prepaid, to the last known address of the Committee member in question and to the chairperson or president of the Committee. The power to make determinations as to vacancies on the Committee is expressly reserved to the Board.
- 1) In the event a vacancy is determined, such Committee position shall remain vacant until the Board appoints a new Committee member for that position. Following the determination of the vacancy on the Committee the Board shall follow the procedures set forth in Section 5.3 hereof to fill such vacancy within a reasonable period of time. The power to fill vacancies on the Committee is expressly reserved to the Board.
 - 2) In making appointments to fill vacancies as set forth in Section 5.3, the Board shall make appointments such that the

five (5) representative groups, as set forth in Section 5.1 hereof, shall be maintained.

5.7 Compensation

- (a) Members of the Committee shall serve without compensation.
- (b) The private and personal property of the Committee members shall be exempt from execution or other liability for any debts, liabilities or obligations of the District or the Committee, and no Committee members shall be personally liable or responsible for any debts, liabilities or obligations of the District or the Committee except where expressly set forth in California law.

5.8 Dual Membership on Citizens' Oversight Committees

- (a) With the Board's approval, a Committee Member may serve simultaneously on multiple Citizens' Oversight Committees of the District established to provide advice, oversight and accountability to ensure the proceeds of any tax or bond issue approved by the voters in an election, are expended only for purposes approved at the election (the "Alternate Committee").
- (b) Simultaneous membership by a Committee Member on an Alternate Committee other than the Committee governed by these Bylaws shall not, by itself, be deemed to be inconsistent, incompatible, in conflict with, or inimical to the duties of the member of the Committee and shall not, by itself, result in the Board's determination that the member's seat is vacant pursuant to Section 5.6 herein.

Section 6.0 MEETINGS OF THE COMMITTEE

6.1 Activities of the Committee. The Committee may engage in any of the following activities in furtherance of its purpose:

- (a) Any activities described in Section 4.1 herein; and
- (b) The Committee shall issue regular reports of the results of its activities. The Committee must issue at least one report each year.

6.2 Brown Act Compliance: Public Records.

- (a) Regular meeting dates, time and place shall be established by the Committee and published/posted in accordance with the Ralph M. Brown Act (Government Code sections 54950 *et seq.*) and applicable District posting procedures. All Committee proceedings shall be

open to the public and shall be subject to the provisions of the Ralph M. Brown Act. The Committee may adopt rules, regulations, guidelines and/or similar procedures as may be necessary or desirable in order to comply with the requirements of the Ralph M. Brown Act.

- (b) All documents received by the Committee, Committee minutes and reports issued by the Committee shall be a matter of public record.

Section 7.0 DISTRICT SUPPORT

7.1 Statutory Requirement. The Board of the District, without any use of bond proceeds, shall provide the Committee with:

- (a) Any reasonable, necessary administrative and technical support in furtherance of the Committee's purpose; and
- (b) Sufficient resources to publicize the conclusions of the Committee including establishing, operating and updating the Committee's internet website.

7.2 Administrative and Technical Support.

- (a) Administrative support provided by District staff to the Committee shall include all of the following:
 - 1) Preparing, mailing and posting agendas for meetings of the Committee in compliance with the Ralph M. Brown Act;
 - 2) Preparing and submitting documents (including agenda materials) to the Committee members and to members of the public in compliance with the Ralph M. Brown Act;
 - 3) Arranging for meeting locations and preparing meeting facilities for scheduled meetings of the Committee;
 - 4) The taking, transcribing, providing and maintaining of minutes of the Committee meetings which minutes shall, at a minimum, include an identification of all Committee members present and absent at any meeting of the Committee and a statement of the vote on each issue of business directed, determined or set out by the Committee; and
 - 5) Maintaining Committee records and responding to California Public Records Act requests directed to the Committee which California Public Records Act requests and responses shall be

handled according to the same procedures as are applicable to the District under its California Public Records Act policy.

- (b) District staff shall provide the following technical support to the Committee:
 - 1) Arranging tours and inspections of school facilities and grounds as may be reasonably scheduled by the Committee as set forth in Section 4.1 above.
 - 2) Providing audits and written reports as provided for in Section 6.1 above, and providing, operating, maintaining and updating the Committee Internet website as set forth in Section 7.3 hereof.
- (c) The District shall, in compliance with Section 7.1 hereof, provide sufficient administrative support and technical resources to conform with the directives and requirements set forth in the law and within these Bylaws. In covering such costs, the District shall cover such costs as are reasonably necessary or required under California law and these Bylaws in furtherance of the Committee's express purpose. In the event of a question relating to whether an expense of the Committee is reasonably necessary, such determination shall lie within the purview of the Superintendent of the District, who shall have the responsibility to provide a final determination on approval of such cost(s).

7.3 Committee Internet Website. Education Code section 15280(b) requires that certain documents relating to the Committee be made available on an internet website maintained by the District. The cost to operate, maintain and update the Committee Internet website shall be the responsibility of the District. The Committee Internet website may be included within an existing website operated by the District or may be operated separately. The following documents and information shall appear on the Committee Internet website and shall be updated from time to time:

- (a) Minutes of Committee meetings;
- (b) Reports issued by the Committee; and
- (c) Documents received by the Committee

Section 8.0 REPORTS

Reports, including the annual report of the Committee, and recommendations of the Committee shall be presented to the Board. Committee recommendations for

specific actions shall be forwarded to the Board and such District staff members as such recommendations shall concern.

Section 9.0 OFFICERS

The Committee shall elect a chair, a vice-chair who shall act as chair only when the chair is absent and a secretary, which positions shall continue for two (2) year terms. No person shall serve as chair for more than two (2) consecutive terms.

Section 10.0 AMENDMENT OF BYLAWS

These Bylaws set forth herein shall be subject to such later and further amendments and modifications by the Board as may be required by California law or may be reasonably necessary in fulfilling the purpose of the Committee or in the efficient administering of the business of the Committee.

Section 11.0 TERMINATION

11.1 The Committee shall be disbanded at the end of the fiscal year in which:

- (a) All Measure R2010 bond proceeds and earnings thereon have been expended;
- (b) The Committee has issued its final annual report as required under Section 6.1(b) above; and
- (c) The Committee has completed and conducted its final meeting which shall be scheduled after notice of Section 11.1(a) herein occurs.

11.2 In the event that the Committee is disbanded and the District succeeds in a later bond election where the provisions of Proposition 39 and California law are applicable, the Board may, depending upon the passage of time, either reconstitute the last seated Committee or appoint new Committee members. Such determination shall be in the sole and absolute discretion of the Board.

11.3 All records of the Committee shall be kept by the District (pursuant to its records retention policy) for a period of at least two (2) years after the disbanding of the Committee as provided for herein.

Section 12.0 POWERS RESERVED TO THE BOARD OF EDUCATION

12.1 In recognition of the fact that the Committee is charged with overseeing expenditure of bond proceeds for approved bond projects as set forth in section 2.0 hereof:

- (a) Projects financed through the State of California, developer fees, redevelopment tax increment, certificates of participation, CFD 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 at its sole discretion;
- (c) The selection of architects, engineers, soils 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 is at the Board's 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 is at the Board's sole discretion and the Board 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 shall be the responsibility of the Board;
- (f) The approval of an annual budget for the Committee that is sufficient to carry out the activities set forth in Proposition 39 and included herein shall be the responsibility of the Board;
- (g) The allocation of California School Building Program grant funds to projects in the order and in an amount determined by the Board is at the Board's sole discretion;
- (h) 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 is at the sole discretion of the Board;
- (i) The amendment or modification of the Bylaws for the Committee as provided herein shall be the responsibility of the Board, subject to the legal requirements of Proposition 39;
- (j) The appointment or reappointment of qualified applicants to serve on the Committee, subject to legal limitations, and based on criteria adopted by the Board is at the Board's sole discretion as part of carrying out the Board's function under Proposition 39; and

- (k) Any other power or authority pertained by the Board by way of policy Board action or common procedure.

Adopted by the Santa Barbara School Districts Board of Education on January ____, 2011.