

**ALBANY UNIFIED SCHOOL DISTRICT
County of Alameda, California**

Election of February 5, 2008
Measure E General Obligation Bonds (“Measure E (2008)”)

and

Election of June 7, 2016
**Measure B General Obligation Bonds (“Measure B”)
Measure E General Obligation Bonds (“Measure E”)**

**Citizens’ Oversight Committee
Procedures, Policies and Guidelines**

INTRODUCTION

Measure E (2008) and Measure E (2016) were each approved by at least 55% of the votes cast on the proposition by voters of the Albany Unified School District (the “District”) pursuant to the provisions of the Strict Accountability in Local School Construction Bonds Act of 2000 (“Proposition 39”), codified at Sections 15264 and following of the California Education Code (the “Education Code”). Proposition 39 requires the Board of Education (the “Board”) to appoint a Citizens’ Oversight Committee after the successful bond elections.

Measure B was approved by at least two-thirds of the votes cast on the proposition by the voters of the District pursuant to the provisions of Section 15100 and following of the Education Code.

Legal authority for formation and duties of the Citizens’ Oversight Committee (the “Committee”) is found in Sections 15264 and 15278 to 15282 of the Education Code. The purpose of these Procedures, Policies and Guidelines is to direct the formation and actions of the Committee by reference to the statutory requirements. Where the statutory direction is insufficiently specific, the Board has furnished missing details. In addition, the Board sets forth below its expectations, suggestions, and desires for the operations of the Committee. All references below to the provisions of law are to the Education Code of the State of California, unless otherwise specified in context.

I. Establishment

Pursuant to Proposition 39, the Board is required to appoint members to an independent citizens’ oversight committee as a result of the passage of Measure E (2008) at the election conducted on February 5, 2008 and Measure E (2016) at the election conducted on June 7, 2016. *Educ. Code §15278(a)*.

In addition, the Board is required to appoint members to an independent citizens’ oversight committee pursuant to the ballot measures submitted to the voters for Measure E (2008), Measure B (2016), Measure E (2016).

II. Purposes

- A. Statutory Purposes for Measure E (2008) Bonds and Measure E (2016) Bonds. The Committee is charged by statute with the following purposes:
1. To promptly alert the public to any waste or improper expenditure of school construction bond money. *Educ. Code §15264(c).*
 2. To inform the public concerning the expenditure of bond revenues. *Educ. Code §15278(b).*
 3. Ensuring that bond revenues are expended only for the purposes described in the Constitution; that is, 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. *Calif. Const. art. XIII A, §1(b)(3); Educ. Code §15278(b)(1).*
 4. Ensuring that no funds are used for any teacher or administrative salaries or other school operating expenses. *Calif. Const. art. XIII A, §1(b)(3)(A); Educ. Code §15278(b)(2).*
- B. Board Charge to Committee. In addition to the statutory purposes, the Board believes that the Committee's purposes should include facilitating understanding between the Board and the residents of the District, as a complement to the Board's own regular public meetings and citizen outreach efforts. The Board believes the Committee will best serve its statutory purposes, the purposes set forth in the respective ballot measures, and the interests of the community by:
1. communicating the community's concerns or satisfaction to the Board with regard to those projects and the District's overall building and renovation plans; and
 2. communicating the Board's intentions with respect to bond projects to the community.
- C. Role of Committee vis-à-vis Board.
1. As the legally elected representative of the voters, the Board, on the advice of the Superintendent, must make all decisions relating to how bond funds are spent, how bond projects are configured, the cost, priority and timeline for completion of the various bond projects, and all other matters necessary in connection with the District's building program.
 2. The Committee will need to refer to the text of Measure E (2008), Measure B (2016), and Measure E (2016), and the Bond Project Lists contained therein, but the Committee's interpretations of Measure E (2008), Measure B (2016), and Measure E (2016) are not binding on the Board.

III. Members

- A. Minimum Size. The Committee shall always be comprised of at least 9 members. *Educ. Code §15282(a).*
- B. Required Members. Pursuant to statute, the Board shall appoint to the Committee the following members: *Educ. Code §15282(a).*
 - 1. One member active in a business organization representing the business community located within the District.
 - 2. One member active in a senior citizens' organization.
 - 3. One member active in a bona fide taxpayers' organization.
 - 4. One member who is the parent or guardian of a child enrolled in the District.
 - 5. One member who is the parent or guardian of a child enrolled in the District and who is active in a parent-teacher organization, such as the PTA or schoolsite council.
 - 6. Four other members, selected from the public at large.
- C. Board Procedures for Appointment of Committee.
 - 1. Appointment.
 - a. Persons interested in serving as members of the Committee shall submit a written application to the Superintendent or the designee thereof, specifying such information as the Superintendent shall reasonably require. Such information shall include, at a minimum:
 - (i) the specific position or positions listed in Section III.B, above, for which the applicant qualifies
 - (ii) such information as may be necessary to verify that the applicant meets that qualification requirement.
 - b. The Superintendent or the designee thereof shall recommend from among the qualifying applications a list of names to the Board for appointment to the committee, specifying how the requirements of Section III.B are met, or as many of those requirements as possible given the applications submitted.
 - (i) Preference may be given to residents of the City of Albany.
 - c. The slate of names shall be approved or rejected as a whole by a majority vote of the Board. If rejected, the Board shall direct the Superintendent or the designee thereof to prepare a new slate of

names for approval, including a new application procedure if appropriate.

2. Failure to Appoint.

a. Willful failure to appoint the Committee is grounds for legal action by any taxpayer against the Board. *Educ. Code §15284(a)(4)*.

b. The Board will make a good faith effort to appoint the Committee and fill vacancies to ensure that the Committee is fully constituted and functioning. No vacancy, at initial appointment or otherwise, will prevent the Committee from meeting and conducting its business.

c. In the event that the Superintendent or the designee thereof does not receive acceptable applications from the public to fill all of the positions specified in Section III.B, above, or if at any time there is a vacant position on the Committee, the Superintendent or the designee thereof shall cause a notice of the vacancy to be posted in a conspicuous public place (e.g., where regular public notices of the Board are posted), specifying the eligibility requirement for the vacant position and that a written application must be submitted to the Superintendent or the designee thereof, and such notice shall remain posted until the vacancy is filled. The Superintendent, in his/her discretion, may advertise the vacant position in a newspaper reasonably expected to be circulated among interested persons, and may contact organizations to request nomination of interested persons to fill the positions that require active membership in such organization.

3. The Board may determine to appoint members of the Committee from time to time, in addition to the nine positions specified in Section III.B, above, and without regard to the membership requirements so specified.

D. Additional Eligibility Restrictions. The following persons are not eligible to serve on the Committee: *Educ. Code §15282(b)*.

1. Any employee of the District.

2. Any official of the District.

For purposes of this limitation, the Board finds that any elected or appointed member of the Board is an “official of the district” within the meaning of Section 15282(b) of the Education Code. The Board finds that no member of any other citizen committee of the District appointed by the Board to serve without pay is an “official of the district” within the meaning of Section 15282(b) of the Education Code.

3. Any vendor, contractor or consultant of the District.

The Board finds that no person is a vendor, contractor or consultant of the District prohibited from serving on the Committee within the meaning of Section 15282(b) of the Education Code unless such person, or any company of which such person is an owner or part owner, agrees or has agreed to perform services or furnish goods or supplies to the District under any agreement or contract that has not been fully performed. Prior contractual relationships with the District do not disqualify a person from serving on the Committee.

E. Term.

1. Each of the members specified by statute is appointed for a term of two years. *Educ. Code §15282(a).*
2. No member shall be appointed to more than three consecutive two-year terms. *Educ. Code §15282(a).*

The Board hereby further establishes the following provisions on the terms of members:

3. Any additional members appointed pursuant to the Board's reserved prerogative under Section III.C.3 above, may be appointed to a term of less than two years, as the Board shall specify, but shall not be appointed to a term any longer than two years.
4. Any additional members appointed pursuant to the Board's reserved prerogative under Section III.C.3 shall serve no more than two consecutive terms.
5. Any member appointed to meet any of the criteria of categories 1 – 5 described in Section III.B, above, shall serve only so long as such member continues to fulfill the requirement of the position to which appointed.
6. Notwithstanding the two-year term required by statute, the term of any member shall terminate upon:
 - a. death of the member;
 - b. written resignation of the member;
 - c. disability or illness of the member, upon a finding by the Board that the member is unable to effectively continue to serve on the Committee;
 - d. the sale or provision of any goods or services to the District, or entry into any contract with the District for such sale or provision, whether or not related to the bond program, such that the member becomes a

“vendor, contractor, or consultant” within the meaning of Section III.D.3, above;

- e. the employment, appointment or election of such member to a position with the District, such that the member becomes an “employee of the District” or an “official of the District” within the meaning of Section III.D.1 or 2, respectively; or
- f. failure of the member to participate in the meetings and activities of the Committee, upon a finding by the Board that the member is unable or unlikely to effectively continue to serve on the Committee.

The Board requests that Committee members keep the Board informed regarding the status of other members, so that the Board can take appropriate action to replace or reappoint Committee members in a timely manner.

- 7. The term of any member appointed to succeed a member whose term has been terminated pursuant to Section III.E.6 shall be two years, or such lesser time as remains in the term of the departing member, as the Board shall determine.
- 8. In order to provide for consistency and continuity in the Committee’s operations and deliberations, and to establish a Committee whose entire membership does not turn over every two years, the Board may request the resignation of one or more, but fewer than all, members after one year, in order to reappoint such member, or any other person meeting the requirements for the seat that has been vacated by such resignation, to a two-year term.

F. Compensation. Members serve without compensation. *Educ. Code §15282(a).*

IV. Authorized Activities

In furtherance of its purposes, the Committee is authorized by statute to engage in the following activities: *Educ. Code §15278(c) and §15286.*

- A. Receiving and reviewing copies of the annual, independent performance audit required by the California Constitution, at the same time such audit is submitted to the District, no later than March 31 of each year.
- B. Receiving and reviewing copies of the annual, independent financial audit required by the California Constitution, at the same time such audit is submitted to the District, no later than March 31 of each year.
- C. Inspecting school facilities and grounds 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.

- D. Receiving and reviewing copies of any deferred maintenance proposals or plans developed by the District, including any reports required to be given to the Legislature by Section 17584.1 regarding a failure to set aside 1/2 of 1% of current year revenues for deferred maintenance expenditures.
- E. Reviewing efforts by the District to maximize bond revenues 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. Mechanisms designed to reduce costs by incorporating efficiencies in schoolsite design.
 - 5. Recommendations regarding the use of cost-effective and efficient reusable facility plans.

V. Meetings

- A. Initial Organization; Officers. In order for the Committee to serve effectively and fulfill the purposes for which it is established, the Board recommends to the Committee that the Committee shall organize and conduct meetings as follows:
 - 1. Initial Meeting. At the initial meeting of the Committee, the Superintendent or a person designated by the Superintendent should open the meeting and facilitate the selection by the Committee members of a presiding officer. Thereafter, selection of a presiding officer and any other officers of the Committee should be by whatever means the Committee determines.
 - 2. President. The Committee should designate a member as presiding officer or president to preside over meetings of the Committee.
 - 3. Representative. The Committee should designate a member or members to represent the Committee at public meetings of the Board and make reports thereto on a regular basis as the Committee shall determine or as the Board may request.
 - 4. Secretary. The Committee should designate a member as secretary to keep accurate minutes of the Committee's meetings and actions, in order to fulfill the legal requirement that such minutes and documents and reports be entered into the public record.
- B. Reports; Meetings.

1. Reports. The Committee shall issue regular reports on the results of its activities. A report shall be issued at least once a year. *Educ. Code §15280(b)*.
2. Annual Meeting of the Committee. The Committee is required to conduct at least one annual meeting, the purpose of which is to receive the reports and documents required to be provided to the Committee by the Board, and to approve a report of the Committee. *Educ. Code §15280(b), 15278(c)*.
3. Other Meetings of the Committee. The Board recommends that the Committee meet as often as necessary, at least semi-annually, in order to effectively perform its duties.
4. The Board will reserve a place on the regular Board agenda for address by a representative of the Committee. The Committee is not expected or required to make a report at each regular Board meeting.

C. Notice of Meetings; Minutes.

1. The Committee's meetings are governed by the Ralph M. Brown Act, commencing at Section 54950 of the Government Code. *Educ. Code §15280(b)*.
 - a. All Committee proceedings shall be open to the public.
 - b. Notice to the public of any meeting of the Committee shall be provided in the same manner as the proceedings of the Board.
2. Minutes of the proceedings of the Committee and all documents received and reports issued by the Committee are a matter of public record. *Educ. Code §15280(b)*.
3. The District shall maintain and make available to the Committee an Internet website for publication of proceedings of the Committee. *Educ. Code §15280(b)*.
4. All documents received and reports issued by the Committee shall be made available to the public on the website. *Educ. Code §15280(b)*.

In order to publicize and make available the Committee's proceedings, the Committee Secretary shall provide to the Superintendent any documents received by, and reports issued by, the Committee, in whatever form received or issued, and minutes of the meetings of the Committee or any subcommittees created by the Committee.

District staff is directed by the Board to assist the Committee in publicizing its meetings, in complying with the requirements of the Ralph M. Brown Act, and in posting documents and reports on the website maintained by the District for the

Committee. District staff will assist the Committee in these and the other activities of the Committee as provided in Section IV.D, below.

D. Technical Assistance.

1. The Board is required to provide the Committee with any necessary technical assistance and shall provide administrative assistance to the Committee in furtherance of its purpose. *Educ. Code §15280(a).*
2. The Board is required to provide sufficient resources to publicize the conclusions of the Committee. *Educ. Code §15280(a).*
3. No bond funds shall be expended on any activities or technical assistance provided to the Committee. *Educ. Code §15280(a).*

The Board will not treat this prohibition against expending bond funds to provide technical assistance to the Committee to include the preparation and photocopying for the members of the Committee copies of the annual independent performance audit and the annual independent financial audit of the bond program required by the Constitution.

4. At the Committee's request, the Board will endeavor to provide the materials, meeting space, and staff consultation as the Committee shall require, specifically taking into account whether the request involves a reasonable expenditure of District general funds. The Board does not expect to purchase specialized software or hardware, commit additional staff time, or engage consultants to develop information for, prepare reports for, or attend meetings of, the Committee beyond what is required by statute and what is prepared for the Board.

APPROVED this day, _____, 2016.

President of the Board of Education
of the Albany Unified School District

Attest:

Secretary of the Board of Education of
the Albany Unified School District

ALBANY UNIFIED SCHOOL DISTRICT

Election of February 5, 2008

Measure E General Obligation Bonds (“Measure E (2008”)

and

Election of June 7, 2016

Measure B General Obligation Bonds (“Measure B”)

Measure E General Obligation Bonds (“Measure E”)

**BOND (MEASURE E (2008), MEASURE B (2016) AND MEASURE E (2016))
CITIZENS’ OVERSIGHT COMMITTEE (“COMMITTEE”)**

MEMBERSHIP APPLICATION

<i>Date</i> _____ <i>Name</i> _____ <i>Phone</i> _____ <i>Email</i> _____	<i>Address:</i> _____ _____ _____ _____		
<table style="width:100%; border-collapse: collapse;"> <tr> <td style="width:20%; padding: 2px;"><i>Membership Representation Category</i></td> <td style="padding: 2px;"> <input type="checkbox"/> Active member of a business organization representing the business community located within the District <input type="checkbox"/> Active member of a senior citizen’s organization <input type="checkbox"/> Active member of a bona fide taxpayer’s organization <input type="checkbox"/> Parent or guardian of a child enrolled in the District <input type="checkbox"/> Parent or guardian of a child enrolled in the District <i>and</i> an active member of a parent-teacher organization (e.g., PTA/PTSA or school site council) <input type="checkbox"/> At large member </td> </tr> </table>		<i>Membership Representation Category</i>	<input type="checkbox"/> Active member of a business organization representing the business community located within the District <input type="checkbox"/> Active member of a senior citizen’s organization <input type="checkbox"/> Active member of a bona fide taxpayer’s organization <input type="checkbox"/> Parent or guardian of a child enrolled in the District <input type="checkbox"/> Parent or guardian of a child enrolled in the District <i>and</i> an active member of a parent-teacher organization (e.g., PTA/PTSA or school site council) <input type="checkbox"/> At large member
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<i>Primary Residence</i> <input type="checkbox"/> is <input type="checkbox"/> is not within the Albany Unified School District			
<i>Qualifications and Experience</i> (<input type="checkbox"/> continued on attached sheet): <div style="border: 1px solid black; height: 80px; width: 100%;"></div>			
<p><i>Certification:</i></p> <p>I have read and understood the Procedures, Policies and Guidelines for the Committee as adopted by the Board of Education of the Albany Unified School District (“Board”) and, in particular, I CERTIFY THAT:</p> <ol style="list-style-type: none"> 1. I am not an employee, official, vendor, contractor or consultant of or to the District (“related party”) and I understand that should I become a related party, my membership on the Committee is immediately terminated. 2. I understand the extent and the limitations of the Committee’s responsibilities and role and that, in particular, that the Committee is not granted any powers to determine how bond funds are spent and the Committee’s sole legal charge is to inform the public. 3. I understand that the Board shall be solely responsible to make all decisions relating to how bond funds are spent, how bond projects are configured, the cost priority and timeline for completion of bond projects and all other matters in connection with the District’s building and facilities programs. 4. I understand that my term of membership on the Committee is two (2) years and that my membership may be revoked by the Board prior to the end of that term should the Board reasonably determine that I am unwilling or unable to fulfill my obligations as a member of the Committee or should I cease to qualify in the membership category for which I was appointed or for any act of malfeasance. 			
<p>In good faith I apply to be a member of the Committee and if appointed by the Board I intend to accept the appointment and serve my complete term.</p>			
<i>Signature:</i> _____			