

**LONG-RANGE FACILITIES MASTER PLAN
CITIZEN OVERSIGHT COMMITTEE**

A **Long-Range Facilities Master Plan Citizen Oversight Committee, (the Oversight Committee)**
was established as a Board Committee, conducting business in compliance with the *Brown Act*.
In accordance with the June 16, 1998 School Board Agenda Item 1.3.

**AMENDED
AND
RESTATED BYLAW**

Board Adopted:

February 11, 2014

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Section 1. Committee Established.

In 1995 the Governing Board of the San Gabriel Unified School District (the "Board") established a District-wide Facilities Steering Committee and seven (7) Campus Facilities Committees. These committees consisted of representatives from each campus within the District and were assigned the mission of developing a thorough analysis of District-wide facilities needs. The individual campus committees submitted their work products to the Steering Committee, which was made up of two (2) representatives from each of the five (5) elementary school attendance areas and three (3) additional members.

After two years of work, the Steering Committee developed an overall and prioritized long range facilities needs plan for the District, which was then incorporated into Chapter II, (Educational Facilities) and Chapter IV, (Implementation Plan) of the Long-Range Facilities Master Plan (the "Facilities Plan") and which established the Long Range Citizen's Master Plan Oversight Committee, (the "Oversight Committee"). The Facilities Master Plan was then presented to and approved by the Board in 1998.

The San Gabriel Unified School District (the "District") was successful in the election conducted on March 5, 2002 (the "Measure S Election"), in obtaining authorization from the District's voters to issue up to \$46,045,000 aggregate principal amount of the District's general obligation bonds. On February 5, 2008 the District was also successful in obtaining authorization from the District's voters to issue up to \$65,075,000 aggregate principal amount of the District's general obligation bonds (the "Measure A Election"). The Measure S Election and the Measure A Elections are hereinafter referred to collectively as the "Elections." Both Elections were conducted under Proposition 39, being chaptered as the Strict Accountability in Local School Construction Bonds Act of 2000, Section 15264 *et seq.* of the Education Code of the State ("Prop 39"). Pursuant to Section 15278 of the Education Code, the District is obligated to establish the Committee in order to satisfy the accountability requirements of Prop 39. In November of 2002, the Board approved Agenda item 8.1 which expanded the duties of the Oversight Committee to include those established under the Proposition 39 regulations.

Section 2. Mission.

The Oversight Committee is an oversight committee appointed by the Governing Board of the San Gabriel Unified School District. In accordance with the June 16, 1998 Board Agenda Item 1.3, the Oversight Committee members are community members appointed for the purpose of working together to uphold the long-range goals and intent of the Facilities Master Plan. The Oversight Committee is responsible to provide independent monitoring of all implementation phases of the Facilities Master Plan, including but not limited to the expenditure of capital funds. The Governing Board shall, without expending bond funds, provide the citizens oversight committee with any necessary technical assistance and shall provide administrative assistance in furtherance of its purpose and sufficient resources to publicize the committee's conclusions. (Education Code 15280)

The Mission of the Oversight Committee is four fold:

First, to remain well versed in the particulars of the Master Plan Facilities document and the status of the progress and expenditures of the ongoing implementation programs.

Second, the Oversight Committee shall monitor the progress of the implementation Programs established within the Facilities Master Plan, to insure that they continue in the manner laid out within the Plan and in line with the goals and intent of the Plan.

Third, the Oversight Committee will review and make recommendations to the Governing Board regarding any changes or amendments to the Facilities Master Plan document, now and in the future, and shall be an integral part of any discussions or decisions regarding the progress of established programs or changes to any portion of the Facilities Master Plan document.

Fourth, the Oversight Committee will perform the responsibilities of Section 12578 of the Education Code.

In accordance with provisions in Education Code Sections 15278 and 15282, introduced under proposition 39, the Oversight Committee members are community members appointed for the purpose of ensuring that bond revenues are expended only for the purposes described in the San Gabriel Unified School District General Obligation Bond Allocation and Implementation Plan, pursuant to purposes described in the California Constitution and to uphold the long-range goals and intent of the Facilities Plan. The Oversight Committee shall actively review and report on the proper expenditure of taxpayers' money for school construction and shall convene to provide oversight.

Section 3. Purpose.

The Long-Range Facilities Master Plan Citizen Oversight Committee is established as a citizen-based recommending body to the Governing Board for those Board decisions which specifically pertain to the Facilities Master Plan document and for the purposes set forth in Prop. 39. The basic charges of the Oversight Committee are to uphold the long-range goals and intent of the Master Plan by providing knowledgeable and independent monitoring of the progress of the implementation of the Plan, including the expenditure of the capital funds; and to perform those functions required by Prop. 39. The Committee shall be deemed to be subject to the *Ralph M. Brown Public Meetings Act* of the State of California and shall conduct its meetings in accordance with the provisions thereof. The District shall provide necessary administrative support to the Committee as shall be consistent with the Committee's purpose.

Section 4. Oversight Committee Tasks including Prop. 39 Requirements.

The Oversight Committee has no decision making authority, but rather has oversight of the implementation, formation or reformation of the Facilities Master Plan under the purview of a

recommending body. The Board can choose to approve or reject the Oversight Committee recommendations as they deem appropriate.

The tasks of the Oversight Committee include those that can be identified as necessary to accomplish the Mission and overall intent of the Committee and Education Code Section 15278 and 15282 in accordance with Proposition 39 regulations.

Specific tasks and meeting schedules should be determined by Oversight Committee members conferring directly with district staff and as requested by members of the San Gabriel Unified School District Governing Board. For bonds passed with a 55% majority, Education Code Section 15266, as added by AB 1908 (CH. 44, Statutes of 2000,) the district must comply with the accountability provisions of Proposition 39. The proceeds of General Obligation Bonds issued pursuant to the Elections are hereinafter referred to as "bond proceeds."

The tasks are outlined as follows:

1. Remaining well versed in the particulars of the Facilities Master Plan document.
 - a. Review and become familiar with Chapter II and Chapter IV (Education Facility Needs and Implementation Plan)
 - Identify the goals and intent of the document;
 - Become familiar with the Highest Priority Needs for each school campus;
 - Become familiar with the priority phasing for facilities at each campus.
2. Report to the Board quarterly on status of facilities programs at each of the campuses:
 - a. Receiving and reviewing copies of the annual, independent performance audit required by Article 13A, Section 1(b) (3) (C) of the California Constitution.
 - b. Receiving and reviewing copies of the annual, independent financial audit required by Article 13A, Section 1(b) (3) (D) of the California Constitution.
3. Review of other available financing and expenditure schedules
 - a. Annual Report. The Committee shall present to the Board, in public session, 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.

- b. Review and make recommendations of selection criteria for professional services relevant to facilities.
 - c. Review of facilities construction schedules
 - d. Inspecting school facilities and grounds to ensure that revenues are expended in compliance with San Gabriel Unified School District General Obligation Allocation and Implementing Plan as required by Article 132(A), Section 1(b) (3) of the California Constitution.
 - e. Receiving and reviewing copies of any deferred maintenance proposals or plans developed by the district, including any reports required by Education Code Section 17584.1.
4. Reviewing efforts by the District to maximize bond revenues.
- a. The Committee shall actively review and report on the proper expenditure of bond proceeds for school construction and shall convene to provide oversight for, but not limited to, the following: (Education Code Section 15278)
 - b. Ensuring that bond revenues are expended only for the purposes described in Article 13A, Section 1(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.
 - c. Ensuring that, as prohibited by Article 13A, Section 1(b) (3) (A) of the California Constitution, no funds are used for any teacher and administrative salaries and other school operating expenses.
 - d. Ensuring that facilities expenditures and programs are consistent with the San Gabriel Unified School District General Obligation Bond Allocation and Implementation Plan and with the stated goals and intent of the Facilities Master Plan document.
 - e. A requirement that proceeds from the sale of the bonds be used only for the purposes specified in the ballot language and not for any other purposes including teacher and administrative salaries and other school operating expenses.
 - f. A list of specific school facility projects to be funded and certification that the Governing Board has evaluated safety, class size reduction and information technology needs in developing that list.
 - g. A requirement that the Board conduct an annual, independent performance audit to ensure that the funds have been expended only on the specific projects listed.

3. One (1) member active in a business organization representing the business community located in the District.
4. One (1) member active in a senior citizens' organization.
5. One (1) member active in a bona-fide taxpayer's association.
6. Two (2) members of the community at-large.

Committee members are required to live within the boundaries of the San Gabriel Unified School District.

Membership shall emphasize a balanced group of community members with respect to age, gender, ethnicity, experience and residential location within the District. An additional emphasis is placed on community members with familial relationships to the District (i.e., parent, legal guardian, grandparent, uncle/aunt, etc.).

To maintain an emphasis on community member participation, no employee, official, vendor, contractor or consultant of the district shall be appointed to the Oversight Committee. (Education Code Section 15282)

5.2 Qualification Standards.

- (a) To be a qualified person, he or she must be at least 18 years of age.
- (b) The Committee may not include any employee, official of the District or any vendor, contractor or consultant of the District.

5.3 Ethics: Conflicts of Interest.

By accepting appointment to the Committee, each member agrees to comply with Articles 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 1" to these Amended and Restated Bylaws.

5.4 Terms of Office.

Except as otherwise provided herein, each member shall serve a term of two (2) years, beginning on the date of the member's appointment by the Board. No member may serve more than two (2) consecutive terms.

Whenever necessary, the Governing Board shall make new appointments or remove members.

5.5 Appointment.

Members of the Committee shall be appointed by the Governing Board through the following process:

- (a) appropriate local groups will be solicited for applications;
- (b) the Superintendent or designee will review the applications; and
- (c) Superintendent or designee will make recommendations to the Governing Board.

Section 6. Removal; Vacancy.

The Governing Board may remove a Committee member or members with a majority vote of the Board, for reasons including, but not limited to, failure to attend two consecutive Committee meetings without a reasonable excuse or for failure to comply with the Committee's Ethics Policy and/or based upon a recommendation by the Committee to do so. Upon a member's removal, his or her seat shall be declared vacant. The Governing Board, in accordance with the established appointment process shall fill any vacancies on the Committee.

Section 7. Compensation.

The Committee members shall not be compensated for their services.

Section 8. Meetings of the Committee.

8.1 Open to the Public.

All Oversight Committee proceedings shall be open to the public and noticed in the same manner as proceedings of the Governing Board. (Education Code Section 15280)

8.2 Regular Meetings.

The Committee is required to meet at least once a year. The Oversight Committee typically meets once a month; however, the Committee may choose to set their own requirement for additional meetings.

Section 9. Location.

All meetings shall be held within the San Gabriel Unified School District, located in Los Angeles County, California.

Section 10. Procedures.

All meetings shall be open to the public in accordance with the *Ralph M. Brown Act*, Government Code Section 54950 *et seq.* Meetings shall be conducted according to such additional procedural rules as the Committee may adopt.

Section 11. Meeting Notices and District Support.

11.1 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 District Board;

11.2 Minutes of the proceedings and all documents received and reports issued shall be a matter of public record and shall be made available on the district's Internet website. (Education Code Section 15280)

(a) provision of a meeting room, including any necessary audio/visual equipment;

(b) preparation and copies of any documentary meeting materials, such as agendas and reports; and

(c) retention of all Committee records, and providing public access to such records on an Internet website maintained by the District.

11.3 District staff and/or District consultants shall attend all Committee proceedings in order to report on the status of projects and the expenditure of bond proceeds.

Section 12. Reports.

In addition to the Annual Report required in Section 3.2, the Committee may report to the Governing Board at least semi-annually in order to advise the Board on the activities of the Committee. Such report shall be in writing and shall summarize the proceedings and activities conducted by the Committee.

Section 13. Officers.

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

Section 14. Amendment of Bylaws.

Any amendment to these Bylaws shall only be acted upon by the Board, following a review by the Committee and receipt of a recommendation(s) by the Committee, after which Amendments shall be approved by a two-thirds vote of the entire Governing Board.

ATTACHMENTS:

1. Citizens' Bond Oversight Committee Ethics Policy Statement
2. Amendments to the Facilities Master Plan (Rev. 6/11/02)

ATTACHMENT 1

CITIZENS' BOND OVERSIGHT COMMITTEE ETHICS POLICY STATEMENT

This Ethics Policy Statement provides general guidelines for Committee members to follow in carrying out their roles. Not all ethical issues that Committee members face are covered in this Statement. However, this Statement captures some of the critical areas that help define ethical and professional conduct for Committee members. The provisions of this Statement were developed from existing laws, rules, policies and procedures as well as from concepts that define generally accepted good business practices. Committee members are expected to strictly adhere to the provisions of this Ethics Policy.

POLICY

- CONFLICT OF INTEREST. A Committee member shall not make or influence a District decision related to: (1) any contract funded by bond proceeds, or (2) any construction project which will benefit the Committee member's outside employment, business, or a personal finance or benefit an immediate family member, such as a spouse, child or parent.
- OUTSIDE EMPLOYMENT. A Committee member shall not use his or her authority over a particular matter to negotiate future employment with any person or organization that relates to: (1) any contract funded by bond proceeds, or (2) any construction project. A Committee member shall not make or influence a District decision related to any construction project involving the interest 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 (2) 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 (2) 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: (1) bidding on projects funded by the bond proceeds; and (2) 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 (particularly the Education Code) and all other applicable government entities, and the policies, procedures, rules and regulations of the San Gabriel Unified School District.
- COMMITMENT TO DISTRICT. A Committee member shall place the interests of the District above any personal or business interest of the member.

ATTACHMENT 2

AMENDMENTS TO THE FACILITIES MASTER PLAN

OVERVIEW

The following section outlines the process and conditions under which amendments to the Long-Range Facilities Master Plan (the “Plan”) can be made. The strength of any long-range plan lies in two converse areas. First, the Plan must be direct and specific enough to establish an unchanging path of decision-making into the future. Second, the Plan must be flexible enough to allow change based on new information and circumstances. The amendment process allows the flexibility for change, but requires scrutiny over the suggested change. **Any amendment to the Long-Range Facilities Master Plan must be driven by the need for the logical continuation of the established goals and intent of the Plan.** In other words, it must be a change necessary to maintain the integrity of the Plan.

CONDITIONS FOR PLAN AMENDMENTS

The San Gabriel Unified School District (the “District”) Facilities Master Plan document was developed through a process that relied on public input and participation, professional analysis of existing and future conditions and a thorough assessment of the methods for future implementation of findings.

The resulting document provides a thorough and dependable map for future decision-making with respect to the facilities needs of the District. This implementation chapter provides an action plan for the step-by-step implementation, sequencing and financing available and necessary to accomplish the highest priority needed improvements at each campus. In addition, the established goals and overall intent identified in the document provide a logical means for decision-making in the future.

It must be noted, however, and emphasized that **any** long-range planning effort geared at looking 20-25 years into the future faces the probability that circumstances will change. It is necessary, therefore, to ensure that **while the planning document provides a clear and stable guide for the future, it also provides an avenue for flexibility and change.**

The amendment process allows the needed flexibility necessary to change the directed implementation programs, and expenditures. The long-range intent and goals of the Plan should remain intact. **The intent of the Master Plan is to provide a decision-making path for the Governing Board (the “Board”) and District Administration to address the facility needs of the District. Further, to recognize the importance of balancing the expenditures to meet the needs at the campus.**

GOALS OF THE FACILITIES MASTER PLAN

The overall goals of the plan are:

1. **To incorporate a high degree of community and staff participation in the investigation and identification of the districtwide, long-range facility needs;**
2. **To establish priorities amongst the various facility improvements called for in the Plan; and**
3. **To determine funding mechanisms and recommend implementation programs.**

The intent and overall goals of the Master Plan are established as a guide for future decision makers. Since all aspects of future conditions cannot possibly be determined, these components extend the life of the Plan and should be used as a basis for future decisions.

The amendment process should be limited for use in circumstances such as natural disaster, drastic changes in population or function of the District, changes to outside revenue sources, (positive or negative) or other major changes to the assumptions on which the Plan is based.

Because the Master Plan Implementation Programs stretch out over many years, and may well be supported by local tax dollars, **it is important that the proposed programs within the Plan stand as a promise to the citizens of the District that to the greatest extent possible, what was proposed will be accomplished.**

THE AMENDMENT PROCESS

Amendments to the Master Plan should not be an everyday occurrence. They should not be based on political whim, or changing public opinion. As previously stated, they should be a required avenue to upholding the Master Plan goals and intent.

The following outlines the steps necessary to initiate an amendment to the Facilities Master Plan:

- **Amendment must be initiated by the Governing Board.**
In order to initiate a Facilities Master Plan Amendment, the Governing Board must request staff **and** the Oversight Committee to coordinate an investigation of all aspects of the proposed amendment. Staff and the Oversight Committee must bring a recommendation item to a Governing Board meeting.
- **A request to consider an Amendment may be recommended to the Governing Board by the Oversight Committee.**
In a case where unusual or unanticipated circumstances have occurred as described in the section above, (Conditions for Plan Amendments) which may affect the planned progress of Implementations Programs or funding expenditures laid out in the Facilities Master Plan, the Oversight Committee may initiate a recommendation requesting the Governing Board to initiate a Plan amendment.

- **Amendment request must be reviewed by the Citizens Oversight Committee.**
The Oversight Committee must review the specifics of any proposed amendment at regular or special meetings. The review should include, but not be limited to, any ramifications to established implementation programs, funding, or expenditures that might be created by the amendment. The review must address the consistency of the amendment with the established goals and intent of the Facilities Master Plan.
- **Oversight Committee must make a recommendation to the Governing Board.**
The Oversight Committee must make a recommendation to the Governing Board, supported by a majority vote of the full membership of the committee at the time. The recommendation must identify the consistency or lack of consistency of the amendment to the goals and intent of the Plan. The recommendation must also make findings on what effects the amendment would make to other aspects of the Plan.
- **The Governing Board must determine whether to initiate an amendment.**
After receiving staff and Oversight Committee recommendations, the Governing Board must vote to initiate an amendment to the Plan. The Governing Board must then direct staff to proceed with development of the amendment text, to be reviewed at a minimum of two Board meetings.
- **The Governing Board must review amendment text at two regularly-scheduled Board meetings.**
The Governing Board must review the amendment text and receive public comment at two meetings, prior to approving the amendment to the Facilities Master Plan. The final amendment text will be added as a supplement to the original document.