**Lowell Joint**

**School District**

l ***Tradition of Excellence Since 1906***



**LOWELL JOINT SCHOOL DISTRICT**

**MEASURE LL CITIZENS' BOND OVERSIGHT COMMITTEE**

**Procedures- Policies - Guidelines**

***Board Adopted: February 4, 2019***

**INTRODUCTION**

Measure LL was approved by at least 55% of the voters of the Lowell Joint Union School District (the "District") pursuant to the provisions of the Strict Accountability in Local School Construction Bonds Act of2000, codified at Sections 15264 and following of the Education Code. The Act requires the Board of Trustees of the District (the "Board") to appoint a Citizens' Oversight Committee (the "Committee") after the successful bond election.

Legal authority for formation and duties of 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. Board directions, policies, and guidelines are indicated below.

**I. Establishment**

The Board is required to appoint members to an independent citizens' oversight committee as a

result of the passage of Measure LL at the election conducted on November 6, 2018. *Educ. Code*

*§15278(a).*

II. **Purpose**

A. Statutory Purposes. The Committee is charged by statute with the following purposes:

1. To 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. Canst. art. XII/A, §1(b)(3); Educ. Code §15278(b)(l).*

4. Ensuring that no funds are used for any teacher or administrative salaries or regular school operating expenses. *Calif. Canst. art. XII/A, §I (b)(3)(A); Educ. Code §15278(b)(2).*

B. Role of Committee vis-a-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 LL and the Bond Project

List contained therein. C. Duties of Committee.

1. Inform the Public. The Committee shall inform the public concerning the

District's expenditure of bond proceeds. In fulfilling this duty, all official

communications to either the Board or the public shall come from the Chair acting on behalf of the Committee. The Chair shall only release information that reflects the consensus view of the Committee.

2. Review Expenditures. The Committee shall review expenditures reports produced by the District to ensure that (a) bond proceeds were expended only for the purpose set forth in the Measure LL; and (b) no bond proceeds were used for any teacher or administrative salaries or other operating expenses.

3. Annual Report. The Committee shall present to the Board, in public session, an

annual written report which shall include the following:

1. A statement indicating whether the District is in compliance with the requirements of Article XIIA, Section 1 (b)(3) of the California Constitution; and

n. A summary of the Committee's proceedings and activities for the preceding year.

4. Duties of the Board and/or Superintendent. Either the Board or the Superintendent, as the Board shall determine, shall have the following powers reserved to it, and the Committee shall have no jurisdiction over the following types of activities:

(a) Approval of contracts,

(b) Approval of change orders,

(c) Expenditure of bond proceeds,

(d) Handling of all legal matters,

(e) Approval of project plans and schedules,

(f) Approval of all deferred maintenance plans, and

(g) Approval of the sale of bonds.

5. Measure LL Projects Only. In recognition of the fact that the Committee is charged with overseeing the expenditure of bond proceeds, the Board is responsibility for:

a. Projects financed without bond proceeds either through the State of

California, developer fees, tax increment revenues, certificates of

participation, lease/revenue bonds, the District general fund or other sources, which shall be outside the authority of the Committee.

b. The establishment of priorities and order of construction for the projects to

be funded with bond proceeds, which shall be made by the Board in 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 projects funded with bond proceeds which shall be based on criteria established by the Board in its 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) which shall be determined by the Board in its sole discretion.

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 which shall be determined by the Board in its sole discretion and may be the audit firm that audits the District's financial statements.

f. The approval of an annual budget for the Committee that is sufficient to carry out its activities which shall be determined by the Board in its sole discretion.

g. The appointment or reappointment of qualified applicants to serve on the

Committee, subject to legal limitations, which shall be based on criteria adopted in the Board's sole discretion as part of carrying out its function under Proposition 39.

III. **Members**

A. Minimum Size. The Committee shall always be comprised of at least 7 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 (1) member active in a business organization representing the business

community located within the District.

2. One (1) member active in a senior citizens' organization.

3. One (1) member active in a bona fide taxpayers' organization.

4. One (1) member who is the parent or guardian of a child enrolled in the District.

5. One (1) 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 School Site Council.

6. Two (2) 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

completed application to the Superintendent by the published deadline.

The official application is attached to these procedures-policies-guidelines.

b. The Board and Superintendent will develop a slate of recommend members from among the qualifying applications for appointment to the committee.

c. The slate of names shall be approved as a whole by a majority vote of the

Board.

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 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 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, and such notice shall remain posted until the vacancy is filled. The Superintendent, at 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 seve11 positions specified in Section Ill.A, above, and without regard to the membership requirements so specified.

D. Additional Eligibility Restrictions and Qualification Standards.

1. The following persons are not eligible to serve on the Committee: Educ. Code

§15282(b).

a. Any employee of the District. b. 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). 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).

c. 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) 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.

2. All committee members must be at least 18 years of age.

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

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.

F. Conflicts of Interest. Members of the committee shall abide by the conflict of interest prohibitions provided in Government Code sections 1090 and 1125, *et seq.*

G. Authority of Members. (a) Committee members shall not have the authority to direct staff of the District, (b) individual members of the Committee retain the right to address the

Board, either on behalf of the Committee or as an individual, and (c) the Committee may only request copies of reports and documents which have been previously presented to the Board and which are a public record.

H. 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 Constitution.

B. Receiving and reviewing copies of the annual, independent financial audit required by the

Constitution. Consistent with the provisions contained in subparagraphs (C) and (D) of paragraph (3) of subdivision (b) of Section 1 of Article XIII A of the California Constitution, the required annual, independent financial and performance audits for the preceding fiscal year shall be submitted to the Committee at the same time they are submitted to the District, but no later than March 31 of each year. These audits shall be conducted in accordance with the Government Auditing Standards issued by the Comptroller General of the United States for financial and performance audits.

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 XIIIA of the California Constitution.

D. Receiving and reviewing copies of any deferred maintenance proposals or plans

developed by the District.

E. Reviewing efforts by the District to maximize bond revenues through cost-saving measures.

**V. Meetings**

A. Initial Organization; Officers. In order that the Committee 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:

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|  | 1. | Initial Meeting. At the initial meeting of the Committee, the Superintendent or aperson 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 |
| 2. | whatever means the Committee determines.Chair. The Committee should designate a member as presiding officer or chair to |
| 3. | preside over meetings of the Committee.Vice Chair. The Committee should designate a member as Vice Chair to assume |
|  | the duties of the Chair in the Chair's absence. |
| 4. | 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. |
| 5. | 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. | Rep | orts & 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, but no more frequently than quarterly unless the Committee determines there is a need or at the requested of the Board. 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. All meetings shall be held within the boundaries of the Lowell Joint School

District.

4. 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. A majority of the number of Committee members shall constitute a quorum for the transaction of any business of the Committee.

5. Other Meetings of the Committee. The Board recommends that the Committee meet as often as necessary in order to effectively perform its duties.

6. 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 members will assist the Committee in publicizing its meetings, in

complying with the requirements of the 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.

VI. **Ethics**

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. In order to provide support, a staff representative will attend each meeting of the

Committee. 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.

A. Committee members accept and commit to abide with the Lowell Joint School District

Citizen's Bond Oversight Committee Ethics Statement (attached).

B. Committee members accept and commit to abide with the Lowell Joint School District

Core Values (attached)