

San Jose Unified School District  
2002 Measure F

Citizens' Bond Oversight Committee

## Bylaws

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## Table of Contents

Section	Page
1.0 Preamble	3
2.0 Name, Purpose, and Duties	3
2.1 Name	3
2.2 Purpose	3
2.3 Duties	4
3.0 Committee Composition	4
3.1 Eligibility	5
3.2 Term of Service	5
3.3 Replacing a Committee Member	5
4.0 Committee Officers	6
4.1 Elections	6
4.2 Term of Office	6
4.3 Duties of the Chair	6
4.4 Duties of the Vice-Chair	6
4.5 Duties of the Secretary	7
4.6 Succession	7
5.0 Meetings	7
5.1 Calling Meetings	7
5.2 Agendas	7
5.3 Quorum	8
5.4 Committee Voting	8
5.5 Rules of Procedure	8
5.6 California's Open Meeting Law	8
5.7 Public Participation	8
5.8 Minutes	8
5.9 Attendance	8
6.0 Committee Reports	9
7.0 Subcommittees	9
7.1 Standing Committees	9
7.2 Ad Hoc Committees	9
8.0 Amendment	10
9.0 Liability and Legal Representation	10

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**1.0 Preamble**

For school bonds passed pursuant to Article 13A, Section 1(b)(3) of the California Constitution, which allows a 55% majority to pass the bond, the School Board is required by section 15278 of the California Education Code to appoint an "independent citizens oversight committee." Per section 15282 of the Code, the Committee must have at least seven members and represent specific segments of the community.

References in these Bylaws to the San Jose Unified School District shall hereinafter be referred to as the "District" or "SJUSD." References to the San Jose Unified School District Board of Education shall hereinafter be referred to as the "Board" or the "BoE."

**2.0 Name, Purpose, and Duties**

**2.1 Name**

The name of this organization shall be the "Citizens' Bond Oversight Committee for 2002 Measure F", hereinafter referred to as the "Committee" or "CBOC."

**2.2 Purpose**

The purpose of the Committee is to inform the public concerning the expenditure and uses of *2002 Measure F* bond revenues. The Committee's legal charge is to actively review and report on the expenditure of taxpayers' money for school construction in accordance with voter approved projects. The Committee shall convene to provide oversight of the following:

- A. Ensure that bond revenues are expended only for the purpose described in Article 13A, section I, subdivision (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.
- B. Ensure that as prohibited by Article 13A, section I, subdivision (b)(3)(A) of the California Constitution, no bond revenues are expended for any teacher and administrative salaries or other school operating expenses.
- C. Ensure that bond revenues are expended consistent with the wording of Measure F as it appeared in the ballot for the election of March 5, 2002.
- D. Ensure that bond revenues are expended consistent with the SJUSD "General Obligation Bond Project Report' of November 2001 (Document 8305.2 as filed with the Santa Clara County Registrar of Voters).

### **2.3 Duties**

Committee members shall be expected to attend its regularly scheduled meetings, diligently review all pertinent information provided to the committee pursuant to state laws, and abide by all rules of conduct established in these Bylaws. In furtherance of its purpose the Committee will at its discretion engage in the following activities:

- A. Receive and review copies of the annual performance audits required by Article 13A, section I, subdivision (b)(3)(C) of the California Constitution.
- B. Receive and review the annual financial audits required by Article 13A, section I, subdivision (b)(3)(D) of the California Constitution.
- C. Inspect school facilities and grounds to ensure that Bond revenues are expended in compliance with the requirements of Article 13A, section 1, subdivision (b)(3) of the California Constitution.
- D. Receive and review copies of any deferred maintenance proposals or plans developed by the District, including any reports required by California Education Code Section 17584.1.
- E. Review efforts by the District to maximize Bond revenues by implementing cost-saving measures including, but not limited to the following:
  - 1. Mechanisms designed to reduce the costs of professional fees;
  - 2. Mechanisms designed to reduce the cost 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;
  - 5. Recommendations regarding the use of cost-effective and efficient reusable facility plans.

### **3.0 Committee Composition**

The Board of Education shall have sole discretion to select and appoint Committee members and to determine its final size. The Committee shall consist of at least seven members, including the following community representation:

- A. One member shall, at the time of appointment, be active in a business organization representing the business community of the District;
- B. One member shall, at the time of appointment, be active in a senior citizens organization, which may be a local, regional, statewide, or national organization;
- C. One member shall, at the time of appointment, be active in a bona fide taxpayers organization, which may be a local, regional, statewide, or national organization;
- D. One member shall, at the time of appointment, be the parent or guardian of at least one child currently enrolled in a school of the District;
- E. One member shall, at the time of appointment, be both a parent or guardian of at least one child currently enrolled in a school of the District and be an active member in a District parent-teacher organization, such as the PTA or a school site council.

A single individual may be appointed as a representative of more than one of the above categories, if applicable.

### **3.1 Eligibility**

- A. The Committee shall be comprised of individuals who either live or work within the boundaries of the District.
- B. No employee, official, vendor, contractor, or consultant of the District shall be appointed to the Committee.
- C. Committee members shall be subject to prohibitions regarding incompatibility of office pursuant to Government Code sections 1125-1129 and financial interest in contracts pursuant to Government Code sections 1090-1098.

### **3.2 Term of Service**

- A. Committee members serve without compensation for a term of two (2) years, and for no more than two (2) consecutive terms.
- B. Appointed Committee members shall be seated in July of each even-numbered year, except those appointed to replace vacancies.
- C. After appointment to a two-year term, Committee members who wish to be appointed for a second two-year term shall reapply to the Board for consideration.

### **3.3 Replacing a Committee Member**

- A. If a Committee position becomes vacant, the Committee Chair shall request that the Board of Education appoint a replacement. Unless failure to act results in the inability to meet a Committee quorum, if six months or less remain of the unexpired two-year term, the Board may choose to leave that position vacant for the remainder of the term.
- B. Any Committee member may request that the removal of another Committee member be agendized for the CBOC's next meeting and may, at that meeting, introduce a motion to remove said member from the Committee for excessive absence or for any other egregious violation(s) of the Committee's adopted *Code of Conduct*. Specific cause must be cited in the meeting agenda and motion for removal.
- C. A replacement Committee member may be appointed by the Board of Education if one or more of the following events occurs:
  - 1. A Committee member submits a written resignation to the Board, with a copy to the Committee Chair;
  - 2. The Committee approves a motion to remove a member for cause, including non-attendance at meetings (ref: Section 5.9 below), violating these Bylaws, and/or violating the CBO's adopted *Code of Conduct*. A motion to remove a member shall be approved by an affirmative vote of not less than two-thirds of the members present at a CBOC meeting, the matter having been agendized and a quorum being present. The motion and its result shall be communicated in writing to the member under consideration and to the Board President within one week after the meeting that the motion was approved. Removal shall be effective immediately upon passing the motion. If the motion fails, the member under consideration shall not be subject to double jeopardy.
- D. Within sixty (60) days of being notified of a Committee vacancy, the Board will appoint a new member to complete the term of the vacancy, following the process used to select the original Committee members.

E. Committee members appointed to fill vacant, unexpired terms may apply and shall be eligible for reappointment to a succeeding full two-year term.

F. A Committee member who no longer serves the group s/he was appointed to represent (e.g., ceases to be active within a taxpayers organization, or ceases to have a child enrolled in the District, etc.) shall be allowed to complete his/her current term. However, that Committee member shall not be entitled to serve a subsequent term as a representative of that group.

#### **4.0 Committee Officers**

Officers of the Committee shall be a Chair, a Vice-Chair, and a Secretary. The Committee may choose to establish other elected positions by amending these Bylaws (ref: Section 8.0 below).

#### **4.1 Elections**

At their first meeting following July 1 of each year, the Committee shall place into nomination and elect a Chair, a Vice-Chair, and a Secretary. If the Committee amends these Bylaws to establish other elected positions, their election shall take place at the same meeting as the elections of the Chair, Vice-Chair, and the Secretary.

#### **4.2 Term of Office**

Officers shall be elected for a one-year term and shall not be term-limited except for the limit on the terms of Committee members set forth in Section 2.2 above.

#### **4.3 Duties of the Chair**

A. The Chair shall call CBOC meetings (ref: Sections 5.0 and 5.1 below).

B. The Chair shall establish the agenda for each CBOC meeting.

C. The Chair shall preside over each CBOC meeting, following the adopted Rules of Procedure (ref: Section 5.5 below).

D. The Chair shall, upon willing concurrence of candidates, appoint the members of each Subcommittee that the CBOC chooses to form (ref: Section 7.0, 7.1, and 7.2 below).

E. The Chair shall attend, or appoint another CBOC member to attend, meetings of the Board of Education at which *Measure F* planning, revenue, expenditure, reporting, and related budgetary issues are agendaized.

F. The Chair, or his/her CBOC-approved designee shall serve as spokesperson for the CBOC in all representations of the CBOC to the public, the Board of Education, and the media (ref: Section 6.0.A and 6.0.B below).

G. The Chair is an ex-officio member of all subcommittees.

H. The Chair may appoint a Parliamentarian to assist in complying with Robert's Rules of Order during CBOC meetings (ref: Section 5.5 below).

#### **4.4 Duties of the Vice-Chair**

The Vice-Chair shall perform each of the duties of the Chair as necessary in the absence of the Chair.

#### **4.5 Duties of the Secretary**

A. Subject to review by the Chair before publishing, the Secretary shall provide oversight in the preparation, recording, and distribution by District-provided secretarial services of the following documents in accordance with the Brown Act (ref: Section 5.6 below):

1. CBOC meeting agendas;
2. All reports, materials, and meeting packets as required by or addressed to the CBOC;
3. The minutes of CBOC meetings (ref: Section 5.8 below);
4. All written material submitted by the public during CBOC meetings;
5. All official correspondence addressed to the CBOC;
6. Reports adopted by the CBOC;
7. CBOC attendance records (ref: Section 5.9.B, below).

B. The Secretary shall take and record roll at the beginning of each CBOC meeting to determine the existence of a quorum. If a quorum ceases to exist during a meeting, the Secretary shall immediately inform the Chair.

#### **4.6 Succession**

The Vice-Chair will accede to Chair when a vacancy occurs in that office. In the event of a vacancy in the office of Vice-Chair or Secretary, the position will be filled by election, agendized at the next CBOC meeting.

#### **5.0 Meetings**

All CBOC meetings subject to the Brown Act (ref: Section 5.6 below) will be held in a handicapped-accessible facility at the San Jose Unified School District facility.

A. The Committee shall meet at least once each year, but may choose to meet more frequently (e.g., quarterly or monthly) by majority vote of the Committee.

B. The first Committee meeting for newly appointed members seated in July of each even-numbered year shall be a joint meeting with members who have just completed their Committee service.

#### **5.1 Calling Meetings**

Committee meetings may be scheduled on a regular basis by majority vote of the Committee. In addition, special meetings may be called by the Chair or Vice Chair, or by any group of Committee members whose number represents a quorum. All CBOC meetings shall be arranged through the District-provided secretarial services and be noticed in accordance with the Brown Act (ref: Section 5.6 below).

#### **5.2 Agendas**

A. Agendas for CBOC meetings will be prepared by its Chair (ref: Section 4.3.B above). All documents applicable to agenda items shall be distributed in advance of meetings.

B. Any member of the CBOC may submit a request for placing an item on a future agenda.

C. Agendas may include a consent calendar for routine, non-controversial items. These items must be clearly identified on published agendas. Any member of the CBOC or public may request at the meeting that an item be pulled for discussion.

D. After roll-call and the establishment of a quorum, meetings will begin with a consent calendar.

### **5.3 Quorum**

Actions may be undertaken at a meeting only if a quorum of seated members is present. A quorum is established when any whole number of Committee members greater than half the seated members is present. "Seated members" means the number of members set by the Board of Education, less any who have resigned or been removed.

### **5.4 Committee Voting**

Unless otherwise specified in these Bylaws (ref: 3.3.C.2, 6.0.B and 8.0), an agenda item may be approved by a simple majority of Committee members in attendance, a quorum being present (ref: Section 5.3 above).

### **5.5 Rules of Procedure**

Meetings shall be conducted with courtesy and decorum and in accordance with Robert's Rules of Order.

### **5.6 California's Open Meeting Law**

All meetings of the Committee shall be open to the public and shall be noticed and conducted in strict compliance with the Ralph M. Brown Act (section 54950 et seq. of the California Government Code).

### **5.7 Public Participation**

Any member of the public present at a meeting may address the Committee. The Chair may, at his/her discretion, choose in advance to place an equal time limit on all speakers.

### **5.8 Minutes**

Minutes of Committee proceedings and all documents received and reports issued shall be a matter of public record and the District shall make them available on the District's Internet website. The District shall provide secretarial services to assist the CBOC Secretary in preparation, distribution, and posting of minutes for all CBOC meetings (ref: Section 4.5 above). Minutes published before adoption by the CBOC shall always be labeled "Unadopted Minutes."

### **5.9 Attendance**

Regular attendance at Committee and applicable subcommittee meetings is a fundamental obligation of every member of the CBOC. Absences are disruptive to Committee activity and representation. Failure to attend two consecutive meetings without acceptable reason announced in advance shall constitute due cause for member removal (ref: Section 3.3.C).

- A. Members anticipating an absence must call or email the Committee Chair or Secretary no later than 24 hours before the scheduled meeting.
- B. CBOC attendance reports will be distributed annually and upon request by the Chair.

## **6.0 Committee Reports**

A. The CBOC shall prepare regular reports on its activities. A report shall be issued at least once each year. Upon completion of all bond projects, the CBOC Secretary shall prepare or cause to be prepared a final written report summarizing its activities and conclusions.

B. The CBOC's legal charge is to actively review and report on the expenditure of taxpayers' money for school construction (Section 1.1, above). All such reports, written and/or oral, that represent the Committee's position must proceed from CBOC review, be duly approved as to substance by an affirmative vote of not less than two-thirds of the members present at a CBOC meeting, the matter having been agendized and a quorum being present, and be faithfully articulated to the public only by the CBOC Chair or an approved designee (ref: Section 4.3.F, above).

C. Reports of minority viewpoints will be allowed. All such reports, written and/or oral, that represent the minority's position must be reviewed, be duly approved as to substance without prejudice by a vote of the CBOC, and be faithfully articulated to the public only by a designated minority spokesperson.

To avoid the need for minority reports, and to maximize the working relationships on and public confidence in the Committee, all due diligence should be pursued to resolve divisive issues during the review process, thereby attaining fullest possible Committee support for the content of public reports.

D. Any member of the Committee may speak as an individual on *Measure F* issues, but must clearly state for the record and insist that it be made known that such statements are their own personal views which do not necessarily represent those of the Committee or the District.

## **7.0 Subcommittees**

The CBOC may, on majority vote, form or disband subcommittees (standing or ad hoc) to perform specific parts of its purpose and duties, such as performing audits and issuing reports. The Chair shall appoint all subcommittee members. Subcommittees shall elect their own chairs and vice-chairs. Subcommittee meetings may proceed only when a quorum is present, a quorum being defined as half-plus-one of the full number of subcommittee members. Subcommittee chairs shall be responsible for calling its meetings, preparing its agendas, noticing its members, and delivering timely reports of subcommittee actions to the CBOC. Subcommittee meetings shall be conducted in accordance with the adopted Rules of Procedure (ref: Section 5.5 above).

### **7.1 Standing Subcommittees**

A standing subcommittee undertakes ongoing duties in preparation for deliberation by the CBOC. All standing subcommittees must fully comply with the Brown Act (ref: Section 5.6 above), irrespective of their number of members. Membership can include any number up to the full membership of the CBOC.

### **7.2 Ad Hoc Subcommittees**

An ad hoc subcommittee is temporary in nature. They may be formed to undertake specific, one-time duties in preparation for deliberation by the CBOC. An ad hoc subcommittee shall be automatically disbanded upon acceptance of its final report to the CBOC. Membership on ad hoc subcommittees will normally be limited to less than a quorum of the CBOC. If thus limited, ad hoc subcommittee meetings need not comply with Brown Act noticing (ref: Section 5.6 above).

## **8.0 Amendment**

These Bylaws may be amended by an affirmative vote of not less than two-thirds of the members present at a CBOC meeting at which said amendment has been agendized and a quorum is present.

## **9.0 Liability and Legal Representation**

In acting within its official capacity as defined in these Bylaws, Citizen' Bond Oversight Committee members shall be entitled to legal representation at District expense against expenses, judgments, fines, settlements and other amounts actually and reasonably incurred in a proceeding (including a derivative action) to which that person was or is threatened to be made a party by reason of the fact that s/he was or is a member of or agent for the Committee, to the extent allowed by applicable California Legal Code.

In no event shall anything herein contained be construed as authorizing the District to indemnify any such officers or Committee members against any liability or expense by reason of willful malfeasance, bad faith, gross negligence or reckless disregard of the duties involved in the conduct of their office. The foregoing right of indemnification shall not be exclusive of other rights as to which any officer or Committee member may be entitled by law.

*[End]*