

San Jose Unified School District
Measure F – Proposition 39 General Obligation Bond Program
Matrix / Summary of Roles and Responsibilities of
District’s Governing Board, District Staff, and Citizens’ Bond Oversight Committee

Section Location in Outline	Tasks Performed as Part of Bond Program	Responsible Group		
		District Board	District Staff	CBOC
I.B	Determine facility needs , modernize & acquire sites	✓		
I.C	Determine financing of facilities	✓		
I.C.1	Call bond election & sell bonds	✓		
II.B.2	Recommend scope , budget, sites, etc. to Board (IP)		✓	
I.E.1	Determine & certify scope , budget, sites, etc. (IP)	✓		
I.D.1	Establish CBOC & appoint members	✓		
I.D.3; III.H	Establish CBOC policies & regulations	✓		✓
II.B.1	Recommend consultants & submit to Board for approval		✓	
I.E.2	Let consultant contracts , including auditors	✓		
II.B.4-5	Prepare bids , invite bids & submit to Board for approval		✓	
I.E.6	Let contracts & approve changes orders with contractors	✓		
II.B.3, 6	Oversee and administer the performance of all projects		✓	
I.E.4	Authorize payment to consultants and contractors	✓		
II.C	Report to Board and CBOC		✓	
I.E.12	Provide Assistance (administrative & technical) to CBOC	✓	✓	
I.E.7	Accept completed projects	✓		
I.E.10-11	Conduct audits financial & performance audits	✓		
III.B	Receive & review scope , budget, sites, etc. (IP)			✓
III.E.1-2	Receive & review annual financial & performance audits			✓
III.E.4	Receive & review deferred maintenance reports			✓
III.E.3	Inspect school facilities (accompanied by District staff)			✓
III.E.5	Review cost-saving measures of District			✓
	Inform the public concerning:			
III.C.1	The proper expenditure of bond revenues			✓
III.C.2	The District’s project list and related student needs			✓
III.C.3-4	The preparation of the financial & performance audit			✓
III.F	Issue a report at least once a year			✓

**San Jose Unified School District
Measure F – Proposition 39 General Obligation Bond Program**

**Roles and Responsibilities of
District’s Governing Board, District Staff, and Citizens’ Bond Oversight Committee**

**Joint Presentation to Board and CBOC
January 8, 2007**

I. DISTRICT GOVERNING BOARD

A. General Powers.

1. The District’s Board of Education may initiate and carry on any program, activity, or act in any manner which is not in conflict with, inconsistent with, or preempted by any law and which is not in conflict with the purposes for which school districts are established. (Ed. Code, § 35160.)
2. The Board may execute any powers delegated by law to it or to the District and shall discharge any duty imposed by law upon it or upon the District, and may delegate to an officer or employee of the District any of those powers or duties. The Board, however, retains ultimate responsibility over the performance of those powers or duties so delegated. (Ed. Code, § 35161.)

B. Provide Facilities for the Education of Children.

1. Evaluate school facilities needs and determine when new facilities are needed.
2. Approve additions or alterations to existing buildings.
3. Select and acquire sites.

C. Determine the Method of Financing.

1. If a bond measure, call election and sell bonds.
2. If a Proposition 39 Bond Measure, determine scope, locations and schedule of projects and that bond proceeds would only be spent on appropriate types of projects. (Ed. Code, § 15100.)
3. If a Proposition 39 Bond Measure, provide a list of the specific school facilities project to be funded with bond proceeds. (Cal. Const., Art XIII A, § 1(b)(3)(B).)
4. If a Proposition 39 Bond Measure, certify that the Board has evaluated safety, class size reduction, and information technology needs in developing the project list. (Cal. Const., Art. XIII A, § 1(b)(3)(B).
5. If a bond measure, arrange for sale of bonds. (Ed. Code, § 15140 et seq.)

D. **For a Proposition 39 Bond Measure, appoint a Citizens' Bond Oversight Committee (CBOC).**

1. The Board shall establish and appoint members to an independent citizens' oversight committee pursuant to Education Code section 15282 within 60 days of the date that the Board enters the election results on its minutes. (Ed. Code, § 15278(a).)
2. The Board must appoint CBOC members from statutorily-specified community groups. (Ed. Code, § 15282(a).). The Board may not appoint any:
 - a) Employee or official of the District to the CBOC. (Ed. Code, § 15282(b).)
 - b) Vendor, contractor, or consultant of the District to the CBOC.
 - c) Persons who have a conflict of interest pursuant to Government Code section 1090 et seq.
 - d) Persons who hold an office incompatible with service on the CBOC pursuant to Government Code section 1125 et seq. (Ed. Code, § 15282(b).)
3. The Board may establish policies and regulations for the CBOC.
 - a) Policies and regulations can address the CBOC's purpose, duties, the extent of its authority, member selection and composition, and vacancies, including the time period and process for filling vacancies.
 - b) The Board can specify that regular attendance at meetings is expected and can address removal and replacement of CBOC members who fail either to attend a specified number of meetings or to submit a written resignation.
 - c) The Board can require a minimum number of meetings per year.
 - d) The Board may specify that some Board members and the superintendent or designee(s) may attend CBOC meetings.
 - e) The Board should address the situation in which a member ceases to belong to the group he or she was appointed to represent.

E. **Implement the Bond Program.**

1. The Board shall authorize the bond program budget, scope, schedule and locations. (Ed. Code, § 15100.)
2. The Board shall approve the selection of architects, engineers and other consultants as needed to design and implement facilities improvement projects and to perform the financial and performance audits of the bond funds and program. (Ed. Code, § 17266; Gov. Code, § 4529.10 et seq.)

3. The Board shall obtain all requisite approvals of the design of facilities improvement projects. (Ed. Code, §§ 17267 and 17268.)
4. The Board shall determine the method of payment for construction contracts. (Ed. Code, § 17603.)
5. The Board shall let any contracts involving an expenditure of more than fifty thousand dollars for the purchase of equipment, materials, or supplies, non-construction services, repairs and maintenance and any contracts for public projects involving an expenditure of fifteen thousand dollars or more as required by law. (Pub. Contract Code, § 20111.)
6. The Board shall authorize all contracts and all changes to contracts. (Ed. Code, § 35200, Public Contract Code, § 20111, 20118.4.)
7. The Board shall accept all completed projects.
8. The Board shall ensure that bond funds have been expended only on projects included in a list of the specific school facilities projects to be funded. (Cal. Const., Art. XIII A, § 1(b)(3)(C).)
9. The Board shall ensure that the proceeds from the sale of bonds are used only for the purposes of 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, and not for any other purpose, including teacher and administrator salaries and other school operating expenses. (Cal. Const., Art. XIII A, § 1(b)(3)(A).)
10. The Board shall conduct an annual, independent performance audit to ensure that the funds have been expended only on the specific projects listed. (Cal. Const., Art. XIII A, § 1(b)(3)(C).)
11. The Board shall conduct an annual, independent financial audit of the proceeds from the sale of the bonds until all of the proceeds have been expended for the school facilities projects. (Cal. Const., Art. XIII A, Sec 1(b)(3)(D).)
12. The Board shall, without expending bond funds, provide the CBOC any necessary technical assistance, administrative assistance in furtherance of its purpose, and sufficient resources to publicize the committee's conclusions. (Ed. Code, § 15280(a).)

II. **STAFF**

A. **General Powers.**

1. The Board may delegate its power to contract to the superintendent or designee. No contract made pursuant to a delegation shall be valid or constitute an enforceable obligation of the District unless and until the contract has been approved or ratified by the Board. (Ed. Code, § 17604.)

2. Delegation for contracts not in excess of the amounts specified in Public Contract Code section 20111, if contracts are controlled by section 20111, shall be reviewed by the Board every 60 days. (Ed. Code, § 17605.)

B. Carry Out Bond Program.

1. Under Board direction, select consultants for recommendation to the Board. (Gov. Code, § 4529.10 et seq.)
2. Recommend to the Board the budget, scope, schedule and locations of Bond program work.
3. Oversee and assist in the design of bond program work to meet the District's needs.
4. Oversee and implement the bidding of construction projects. (Pub. Contract Code, §§ 100-9203; 20101-20118.4; 22030-22355.)
5. Recommend to the Board the award of contracts to the low responsive, responsible bidder for each contract. (Pub. Contract Code, § 20111.)
6. Oversee and implement the performance of bond-funded construction projects.
7. Under Board direction, implement selection of financial and performance auditors. (Cal. Const., Art. XIII A, § 1(b)(3)(C) and (D).)

C. Report to Board and Citizens' Bond Oversight Committee.

D. Provide Administrative and Technical Assistance to the CBOC.

1. This includes administrative and technical assistance for compliance with the Brown Act. (Gov. Code, § 54950 et seq.; Ed. Code, § 15280(b).)
2. This includes assistance with the preparation of regular reports on committee activities, with at least one report issued each year. (Ed. Code, § 15280(b).)
3. This includes making all documents and minutes available on the District's Internet website. (Ed. Code, § 15280(b).)

III. CITIZENS' BOND OVERSIGHT COMMITTEE

A. Inform the public concerning the expenditure of bond revenues. (Ed. Code., s§ 15278(a).)

B. Actively review and report on the proper expenditure of taxpayers' money for school construction. (Ed. Code, § 15278(a).)

C. **Advise the public as to whether the District is in compliance with the following accountability requirements.**

1. That the proceeds from the sale of bonds be used only for the purposes of 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, and not for any other purpose, including teacher and administrator salaries and other school operating expenses.
2. That the District has provided a list of the specific school facilities projects to be funded and certification that the Board has evaluated safety, class size reduction, and information technology needs in developing that list.
3. That the Board has conducted an annual, independent performance audit to ensure that the funds have been expended only on the specific projects listed.
4. That the Board has conducted an annual, independent financial audit of the proceeds from the sale of the bonds until all of those proceeds have been expended for the school facilities projects. (Cal. Const., Art. XIII A, § 1(b)(3).)

D. **Provide oversight for, but not be limited to, both of the following.**

1. Ensuring that bond revenues are expended only for the purposes of 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. (Ed. Code, § 15278(b)(1).)
2. Ensuring that no funds are used for any teacher or administrative salaries or other school operating expenses. (Ed. Code, § 15278(b)(2).)

E. **The CBOC may engage in any of the following activities.**

1. Receiving and reviewing copies of the annual, independent performance audit. (Ed. Code, § 15278(c)(1).)
2. Receiving and reviewing copies of the annual, independent financial audit. (Ed. Code, § 15278(c)(2).)
3. Inspecting school facilities and grounds to ensure that bond revenues are expended only for the purposes of 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. (Ed. Code, § 15278(c)(3).)
4. Receiving and reviewing copies of any deferred maintenance proposals or plans developed by the District, including any required reports. (Ed. Code, § 15278(c)(4).)

5. Reviewing efforts by the District to maximize bond revenues by implementing cost-saving measures, including, but not limited to, all of the following:
 - a) Mechanisms designed to reduce the costs of professional fees.
 - b) Mechanisms designed to reduce the costs of site preparation.
 - c) Recommendations regarding the joint use of core facilities.
 - d) Mechanisms designed to reduce costs by incorporating efficiencies in school site design.
 - e) Recommendations regarding the use of cost-effective and efficient reusable facility plans. (Ed. Code, § 15278(c)(5).
 6. The CBOC shall issue regular reports on the results of its activities. (Ed. Code, § 15280(b).)
- F. **Issue a report at least once a year. (Ed. Code, §15280(b).)**
- G. **The CBOC may receive documents which shall be placed, along with minutes of CBOC proceedings, on the District's website. (Ed. Code, § 15280(b).)**
- H. **The CBOC may want to adopt operational bylaws to assist it in carrying out its functions, however the bylaws should not contradict or provide more authority than the applicable state statutes or the District's policies and regulations.**
- I. **The CBOC shall not perform certain functions such as:**
1. The CBOC has no authority to participate in the school district's actual bond sale and issuance process, or make decisions regarding the timing, terms, or structure of a bond issuance.
 2. The CBOC does not have the authority to select, or participate, in the negotiation or bid process for contractors or consultants for bond projects.
 3. The CBOC may not inspect job sites or construction projects without prior permission of the school district's superintendent, reserving the right to determine frequency and timing of visits to the superintendent.
 4. The CBOC may not contact school district contractors or consultants without prior permission of the superintendent.