



**Meeting of the Citizens Oversight Committee**  
**March 21, 2012 – 6:00 p.m. – Library at Emery Secondary School**  
**1100 47<sup>th</sup> Street, Emeryville**

**Emery Unified School District Guiding Principles:**  
***We Hold High Academic, Social, and Professional Expectations***  
***We Create a Sense of Family***  
***We Inspire and Support Innovation to End Racist and Classist Practices***

**PUBLIC AGENDA**

**A. OPENING CEREMONY/ROLL CALL (approximately 6:00 p.m.)**

Brian Carver, Resigned  
Charlie Schuman, Vice Chair  
Francisco Aalbers, Member  
Lisa Carlisle, Member  
Betsy Cooley, Resigned  
Matt Johnson, Resigned  
Mitchell Fine, Member  
Ron Henry, Member  
Judy Inouye, Member  
Vacancy, Member  
Marcelline Krafchick, Member  
Kelly Maddox, Member

Dave Martinez, Member  
Tom Rauch, Member  
Barbie Robinson, Member  
Andrea Sanchez Cortez, Member  
Rodney Wong, Member

**Staff**

Dr. Debra Lindo, Superintendent of Schools  
Roy Miller, ECCL Project Director  
Dr. Hayin Kim, Director of Community and Youth  
Engagement

**B. APPROVAL OF AGENDA (approximately 6:05 pm)**

**C. APPROVAL OF MINUTES (approximately 6:08 pm)**

**D. REPORTS (approximately 6:10 p.m.)**

- I. Superintendent's Report
- II. COC Chairperson's Report
- III. EUSD Staff Comments
- IV. COC Member Comments

**E. VISITORS – Public comment for items NOT on the agenda (approximately 6:20 p.m.)**

*Citizens Oversight Committee Procedures: Community members are encouraged to attend Citizens Oversight Committee meetings. Each agenda contains a "Visitors" section, to allow for public comment on items NOT listed on the agenda. Public comments on items that ARE on the agenda will be taken at the time of the item. When recognized by the COC Chair, speakers are asked to limit their comments to three (3) minutes.*

*This is a public meeting. Under the Ralph M. Brown Act, any person has the right to record these proceedings with an audio or video tape recorder so long as they do so without causing a persistent disruption. Cal. Gov. Code 54953.5(a). Please note that an official audio recording of the meeting is taking place and is available upon request to the Emery Unified School District. All writings that are public records and relate to an agenda item below which are distributed to a majority of the Oversight Committee (including writings distributed to a majority of the Oversight Committee less than 72 hours prior to the meeting noticed below) will be available at the Emery Unified School District, 4727 San Pablo Avenue, Emeryville, CA during normal business hours (8am to 4pm, Monday through Friday, excluding legal holidays) and at [www.emeryvillecenter.org](http://www.emeryvillecenter.org). Cal. Gov. Code. 54957.5(a)-(d).*

- F. COC ACTION/DISCUSSION ITEMS (approximately 6:25 pm), PUBLIC COMMENT INVITED
1. ANNUAL COC ORGANIZATIONAL MEETING. COC will nominate and elect new Chair and Vice-chair positions which will serve until the March 20, 2013 meeting of the COC. COC will discuss replacement of members who have resigned. (10 minutes)
  2. DISCUSSION OF COC ANNUAL REPORT. The COC will discuss the content and creation of its required annual report. (40 minutes)
  3. DISCUSSION OF JOINT SCHOOL BOARD/COC MEETING. The EUSD Board of Trustees has expressed the desire to have a joint meeting with the COC to discuss potential COC By-Laws revisions. COC will discuss this joint meeting proposal. (10 minutes)
  4. THE SUPERINTENDENT WILL PRESENT INFORMATION ABOUT PROPOSED MODIFICATIONS TO THE COC BY-LAWS that were discussed at the March 12, 2012 School Board meeting. COC discussion will follow the Superintendent's presentation. (15 minutes)
  5. FINANCE (5 minutes total)
    - a. Subcommittee liaison report- none to report at this meeting as no liaison meeting was held
    - b. Additional input from staff: 1) review of financial info for 02/12
    - c. Discussion
  6. SCOPE OF WORK (5 minutes total)
    - a. Subcommittee liaison report- none to report at this meeting as no liaison meeting was held
    - b. Additional input from staff: 1) future meeting location for the COC, 2) update on the ECCL project Conceptual Design work and overall project schedule
    - c. Discussion
  7. COMMUNITY ENGAGEMENT (5 minutes total)
    - a. Subcommittee liaison report- Judy Inouye
    - b. Additional input from staff: 1) report of Fellows activities, 2) look-ahead to future Community Design Workshops in the Schematic Design Phase of the ECCL project work
    - c. Discussion
- G. NEXT COC MEETING AGENDA ITEMS (April 18, 2012)
- H. COC CHAIR REPORT TO CITY-SCHOOLS
- I. COC COMMITTEE MEMBER CLOSING COMMENTS
- J. CALENDAR REVIEW
- K. ADJOURNMENT

*Pursuant to the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990, any individual with a disability who requires reasonable accommodation related to COC meetings, may request assistance by contacting the Office of the Superintendent at (510) 601-4906.*



**Meeting of the Citizens Oversight Committee  
February 15, 2012 – 6:00 p.m. – Emery Bay Village Community Room  
160 Emery Bay Drive, Emeryville**

***Emery Unified School District Guiding Principles:  
We Hold High Academic, Social, and Professional Expectations  
We Create a Sense of Family  
We Inspire and Support Innovation to End Racist and Classist Practices***

**PUBLIC AGENDA**

**A. OPENING CEREMONY/ROLL CALL (approximately 6:00 p.m.)**

Brian Carver, Chair

Charlie Schuman, Vice Chair

Francisco Aalbers, Member **(ABSENT)**

Lisa Carlisle, Member

Betsy Cooley, Member

Matt Johnson, Member

Mitchell Fine, Member

Ron Henry, Member

Judy Inouye, Member

Vacancy, Member

Marcelline Krafchick, Member **(ABSENT)**

Kelly Maddox, Member **(ABSENT)**

Dave Martinez, Member

Tom Rauch, Member **(ABSENT)**

Barbie Robinson, Member

Andrea Sanchez Cortez, Member **(ABSENT)**

Rodney Wong, Member

**Staff**

Dr. Debbra Lindo, Superintendent of Schools

Roy Miller, Project Director

Dr. Hayin Kim, Director of Community and Youth  
Engagement

**B. APPROVAL OF AGENDA (approximately 6:05 pm)**

- I. B. Carver suggested a move of guest item (F2), Presentation of the Financial and Performance Audits, ahead of (F1).

**\*\*Move to approve amended agenda: C. Schuman; Second: M. Fine; No objections. Amended agenda approved.**

**C. APPROVAL OF MINUTES (approximately 6:08 pm)**

- I. Clarification of COC recommendations **(in bold)**:

1) Convert all **current** one-year terms to two-year terms.

2) Better define the COC's mandate and roles and responsibilities **for members and officers.**

3) For the Board to consider the possibility of a two-committee structure: 1. Finance **(as the statutory oversight committee)** and 2. Community Engagement and Steering committees.

**\*\*Move to approve amended minutes: B. Carver; No objections. Amended minutes approved.**

D. REPORTS (approximately 6:10 p.m.)

I. Superintendent's Report

- I. The Superintendent, Cheryl Webb, Jennifer West and Pat O'Keefe went on the annual City/EUSD trip to Washington D.C. trip to build relations with state and national representatives, focused around the ECCL and programming.
- II. Board meeting summary: 1) a study session with architects and ECCL options was held on March 6 2) staff recommendations regarding COC bylaws to be shared under F1. 3) Special education, internship, and graduation requirement reports were presented to the Board. 4) Two 7<sup>th</sup> graders from AYES presented and asked District to revisit idea of school lockers and bike racks. 5) Girls Basketball is heading to playoffs.

II. COC Chairperson's Report

- I. COC Chairperson attended the following:
  - 1/23 Board meeting on COC roles and responsibilities – no actions were taken;
  - 1/30 School Board meeting re: bonds
  - 2/2 City/Schools meeting re: COC roles and responsibilities, where concerns re: the of splitting COC into two were raised, especially with effects on public's perception;
  - 2/8 Finance subcommittee meeting – more info from C. Schuman;
  - 2/14 School board study session on the options for a final conceptual design.

III. EUSD Staff Comments

- I. Terri Ryland reported that the District is 1 week away from closing the second QSCB bond sale of \$7.6 M—strictly GO (general obligations) bonds for a total of \$49M out of the \$95M. CFW projects a possible plan for an additional \$20M with a 20-year term.
- II. M. Fine had a question re: project scope changes, effects on architectural work and contract fees. Roy Miller informed the committee that that no full service contract has been signed and that this will not happen until conceptual design phase is completed due to changes that may occur during this phase.
- III. R. Wong had a question re: City/Schools approving the hiring of a design team and a schedule of deliverable products. Roy Miller informed the COC that the team hired, with MOU-I funds, is a program design team working on program development with District and Community Service staff. The end product will have a highly positive impact on the architecture work.

IV. COC Member Comments - None

E. VISITORS – Public comment for items NOT on the agenda (approximately 6:20 p.m.)

- I. J. Simon noted that Measure J started because the District wanted high quality and safe schools that won't replicate the failed models in the past, and believes this should be the focus of the work that surrounds the ECCL and thanks members for their time and oversight of the project.
- II. B. Carver noted a break down in the noticing of meetings: postings for the February COC meeting weren't seen when he passed by the designated posting locations; posting of the finance subcommittee meeting was found only at the District Office, but not at AYES and ESS. Superintendent Lindo reported back to the COC that staff is still trying to figure out the breakdown of the posting process and will correct it for future meetings.

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F. COC ACTION/DISCUSSION ITEMS (approximately 6:25 pm), PUBLIC COMMENT INVITED

- I. THE SUPERINTENDENT WILL PRESENT INFORMATION ABOUT THE COC'S ROLES AND RESPONSIBILITIES that result from discussion and action taken at the February 13, 2012 School Board meeting. COC discussion will follow the Superintendent's presentation. (20 minutes)

The Superintendent brought 3 suggestions to the Board for action:

- 1) The Board approved to have 1 year terms can re-new membership as 2-year terms. Roy Miller wanted to clarify that this was different from the recommendation suggested by the COC. However, the approved recommendation follows Ed. Code and the Board prefers a process where membership history will be staggered.
- 2) The Board did not approve the recommendation to split the COC into two committees; Board wants to continue discussion re: bylaw language and roles and responsibilities. District attorney is looking over COC bylaws and suggestions will be brought back to the Board.
- 3) The Superintendent recommended to the Board to keep liaison committees, but eliminate subcommittees. The Board asked staff to continue discussion with the COC.

Some members of the COC expressed concern that #3 was suggested to the Board without prior notice to COC members. Superintendent's main concern is the absence of staff at liaison/subcommittee meetings as they are meeting under the auspice of EUSD.

The meeting continued with a conversation on building trust between each other and with staff; committee structure, processes, and norms; the function and purpose of liaison committees, subcommittees, and the COC; and other possible structures. No solid next steps were suggested; no actions were taken.

II. FINANCE (20 minutes total)

- I. Subcommittee liaison report- none to report at this meeting as no liaison meeting was held
1. No liaison meeting was held to save staff time and information requests / questions can be done via email.
  2. Finance subcommittee met on February 8, 2012, 7PM. Meeting was attended by Charlie Schuman, Betsy Cooley, Matt Johnson, Mitchell Fine, Brian Carver, and no guests.
  3. A brief discussion on the subcommittee's mission statement was held, but was tabled until the next meeting.
  4. Subcommittee came up with 3 questions referred to Terri Ryland:
    - 1) Question re: posting of meeting notices, but was previously answered by Superintendent Lindo.
    - 2) Question re: final audit reports. Final reports were not ready, but subcommittee received draft audits. Final audit reports were to be included with the meeting packet.
    - 3) A request for more information on two November warrants re: Kingsley Bogart in the total amount of \$25,000 was made.

Roy Miller answered that Kingsley Bogart was the District counsel involved with the ECCL project. The November charges were for contract development work with full service architect contracts, CEQA consultants, and lease-leaseback builder, especially the pre-construction portion.

5. A goal for the next subcommittee meeting on March 14 is to look over all previous finance reports in detail.
6. A discussion on the subcommittee / liaison-meeting structure was tabled under (F1).

II. Additional input from staff:

- 1) review of financial info for 01/12 – Terri Ryland reviewed the 01/12 financial warrants. She observed that reports only include current year activity and suggested an additional column to note cumulative expenditures from previous years.
- 2) presentation of financial audit report, 3) presentation of performance audit report – Terri Montgomery gave a presentation of the financial and performance audits, what they look like, key items to look for, what information they cover, the purpose of each, procedures performed to come to a conclusion of expenditures, and answered member questions.
  - B. Carver inquired about “GAGAS.” T. Montgomery noted that the information is found on pg. 11 and notes that the audit is done under government agency standards.
  - T. Montgomery affirmed the alignment of administrative expenditures with Measure J. Opinion by CA attorney general in regards to this topic can be found on pg. 4. She advised that ballot text is the most authoritative language for expenditures.

**\*\*Move to accept the June 30, 2011 audit report: C. Shuman; Second: R. Henry; None opposed. Audit report accepted.**

III. Discussion

III. SCOPE OF WORK (10 minutes total)

- a. Subcommittee liaison report- none to report at this meeting as no liaison meeting was held
- b. Additional input from staff: 1) future meeting location for the COC, 2) update on the ECCL project Conceptual Design work and overall project schedule

Roy Miller reported the following:

- 1) Architects are back and trying to conclude the conceptual design phase with a goal of Board approval of the conceptual design by mid-March.
- 2) ESS is to move off site this summer; no interim location has been finalized.
- 3) Turner Construction will begin demolition during Fall 2012, construction starting Fall 2013, and occupancy by Fall 2015.
- 4) Project is to have 2 phases with schematic work done for both phases. Phase 2 work will stop at the completion of schematic design until future funds are available. Phase 1 is designed with \$10M of flexibility.

c. Discussion

IV. COMMUNITY ENGAGEMENT (10 minutes total)

- a. Subcommittee liaison report – Judy Inouye
- b. Additional input from staff: 1) report of Fellows activities, 2) look-ahead to Community Design Workshop #7 on March 3, 2012.

Community Design Workshop 7 is on March 3, 2012 from 2PM – 5PM at ESS. The workshop will have a presentation of the final conceptual design and a 2<sup>nd</sup> step to explore community input for aesthetic direction.

c. Discussion

G. NEXT COC MEETING AGENDA ITEMS (March 21, 2012)

\*\*Before next meeting, have staff check in with current members on their interest to continue serving on the COC

I. COC Elections

II. Staff recommendations and Board actions on COC bylaws and roles and responsibilities.

H. COC CHAIR REPORT TO CITY-SCHOOLS

I. Acceptance of audit report

I. COC COMMITTEE MEMBER CLOSING COMMENTS

J. CALENDAR REVIEW

K. ADJOURNMENT (9:17 PM)

*Pursuant to the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990, any individual with a disability who requires reasonable accommodation related to COC meetings, may request assistance by contacting the Office of the Superintendent at (510) 601-4906.*

COC Members list  
Term Renewal for March 2012

| Category   | 1-year term members | Renewal Interest    |  | Category   | 2-year term members  | Completing Term |
|--|---------------------|---------------------|--|--|----------------------|-----------------|
| Member with experience w/Facilities Management-Dev (1)           | Tom Rauch           | YES                 |  | Parent with child(ren) currently enrolled in the District (need 1) | Barbie Robinson      | YES             |
| Parent member of AY PTO (1)                                      | Ron Henry           | YES                 |  | Parent member of ESS PTO (1)                                       | Dave Martinez        | YES             |
| At-Large Member of the public (need 4)                           | Judy Inouye         | YES                 |  | At-Large Member of the public (need 4)                             | Betsy Cooley         | NO              |
| Member of a recognized arts organization (1)                     | Frank Aalbers       | Recommends Amy Chen |  | At-Large Member of the public (need 4)                             | Marcelline Krafchick | YES             |
| At-Large Member of the public (need 4)                           | Charlie Schuman     |                     |  | Active Member of a senior citizen group (need 1)                   | Rodney Wong          | Maybe           |
| Active parent member of a District support organization (need 1) | Brian Carver        | NO                  |  | Student alumnus/alumna of the school district (1)                  | Lisa Carlisle        | YES             |
| Active Member of a bona fide taxpayer organization (need 1)      | Matt Johnson        | NO                  |  | Student (2)  | Andrea Sanchez       | Maybe           |
| Active Member of a business organization (need 1)                | Mitch Fine          | YES                 |  | Student (2)  | Kelley Maddox        | YES             |
|  |                     |                     |  | Member who has educational/community services/rec. experience (1)  | Joy Kent             | NO              |



# CITIZENS' BOND OVERSIGHT COMMITTEE BYLAWS

## Section 1. Committee Established.

The Emery Unified School District (the "District") was successful at the election conducted on November 2, 2010, in obtaining authorization from the District's voters to issue up to \$95,000,000 aggregate principal amount of the District's general obligation bonds, pursuant to a greater than 55% vote. The election was conducted under Proposition 39, being chaptered as the Strict Accountability in Local School Construction Bonds Act of 2000, at Section 15264 et seq. of the Education Code of the State ("Prop 39"). Pursuant to Section 15278 of the Education Code, the District established the Citizens' Bond Oversight Committee (the "Committee") at a special meeting held on [insert date here] in order to satisfy the accountability requirements of Prop 39. The Board of Trustees of the Emery Unified School District (the "Board") hereby adopts the Citizens' Bond Oversight Committee Bylaws setting forth the duties and rights of the Committee. The Committee does not have independent legal capacity from the District.

## Section 2. Purposes.

The purposes of the Committee are set forth in Prop 39, and these Bylaws are specifically made subject to the applicable provisions of Prop 39 as to the duties and rights of the Committee. 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 purposes, set forth in Prop 39.

The proceeds of general obligation bonds issued pursuant to the Election are hereinafter referred to as "bond proceeds."

## Section 3. Duties.

To carry out its stated purposes, the Committee shall perform the following duties:

**3.1 Inform the Public.** The Committee shall inform the public concerning the District's expenditures of bond proceeds.

**3.2 Review Expenditures.** The Committee shall review quarterly expenditure reports produced by the District to ensure that (a) bond proceeds are expended only for the purposes set forth in the ballot measure; (b) no bond proceeds are used for any teacher or administrative salaries or other operating expenses, (c) bond proceeds are maximized.

**3.3 Annual Report.** The Committee shall present to the Board, in public session, an annual written report which shall include the following: (a) 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 (b) A summary of the Committee's proceedings and activities for the preceding year.

**3.4 Steering Committee.** The Committee shall act as a Steering Committee for the scope of work associated with the Measure J projects.

**3.5 Community Engagement.** The Committee shall ensure community engagement as stipulated by the Measure J bond language.

**3.6 Relationship with City/Schools Committee.** The Committee shall provide a monthly update on COC activities to the City/Schools Committee and shall make recommendations to the City/Schools Committee as needed to move the Measure J bond project work forward.

**3.7 Duties of the Board/Superintendent.** The Committee shall not have responsibility for the following types of activities. Either the Board or the Superintendent, as the Board shall determine, shall have the following powers reserved exclusively to it:

- (i) Approval of construction contracts,
- (ii) Approval of construction change orders,
- (iii) Appropriation of construction funds,
- (iv) Handling of all legal matters,
- (v) Approval of construction plans and schedules,
- (vi) Approval of Deferred Maintenance Plan, and
- (vii) Approval of the sale of bonds.

The Committee shall review, in summary form, items (ii) through (iii) above as part of its financial oversight duties. The Committee may review, in summary form, others of these items to the extent that the Board/Superintendent approves and to the extent that they are necessary to the Committee's duties.

## **Section 4. Authorized Activities.**

**4.1** In order to perform the duties set forth in Section 3, the Committee may engage in the following authorized activities:

(a) Receive and review copies of the District's annual independent performance audit and annual independent financial audit, required by Article XIII A of the California Constitution.

(b) Inspect school site facilities and grounds for which bond proceeds have been or will be expended, in accordance with any access procedure established by the Director of Maintenance and Operations.

(c) Review copies of deferred maintenance proposals or plans developed by the District.

(d) Review the District's efforts to maximize bond proceeds in ways designed to: (1) reduce costs of professional fees, (2) incorporate efficiencies in school site design; (3) encourage joint use of core facilities; (4) involve cost-effective and efficient reusable facility plans, or (5) reduce costs to the bond funds for site acquisition or construction.

**4.2** Make requests for copies or inspection of District records in writing to the District's Chief Business Officer, Business Services.

## **Section 5. Membership.**

**5.1** The committee shall consist of a minimum of seven (7) members recommended to the Board of Trustees by the City/Schools Committee and then appointed by the Board of Trustees from a list of candidates submitting written applications, and based on criteria established by Prop 39 as follows:

- One (1) parent.
- One (1) member active in a business organization representing the business community located in the District.
- One (1) member active in a senior citizen's organization.
- One (1) member active in a bona-fide taxpayers association.
- One (1) parent active in a support organization for the District, such as the Parent Teacher Organization.
- Two (2) members of the community at-large appointed by the Board.

In addition to the membership required by Prop 39 listed above, the following additional members may be appointed to the COC:

- Two additional (2) Community-at-Large members - Must be resident, or work in Emeryville or has child in EUSD
- One (1) Parent member of AY PTO
- One (1) Parent member of ESS PTO
- One (1) member with experience w/Facilities Management/Dev.
- One (1) member of a recognized arts organization
- One (1) student alumnus/alumna of the school district
- One (1) member who has education/community services/rec. experience
- Two (2) students

Unless otherwise stipulated, members of the COC are not required to be residents within Emeryville.

**5.2 Qualification Standards.** To be eligible for membership, the following qualifications must be met:

(a) To be a qualified person, he or she must be, if a student, in at least grade 8, or

(b) The committee may not include any employee or official of the District or the City, or any vendor, contractor or consultant of the District or the City. The committee may not include any elected members

of the City Council or the School Board of Trustees. Student members of the COC may cast votes that shall be counted for the purposes of determining the outcome of any formal action taken by the COC.

(c) Members must conduct their responsibilities in a manner consistent with these by-laws, the “Guiding Principles” adopted by the City/Schools Committee for the bond projects, and any policies adopted by the City/Schools Committee for the bond projects.

**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 (Gov. Code §§81000 et seq.), and to complete the Form 700 as required by all “designated employees” of the District. Additionally, each member shall comply with the Committee Ethics Policy attached as Attachment A to these Bylaws.

**5.4 Term.** Except as otherwise provided herein, 8 members will be appointed to one-year terms and 9 members will be appointed to two-year terms. All appointees, regardless of the original term of appointment, are limited to a second term not to exceed two years.

**5.5 Removal: Vacancy.** The Board may remove any Committee member for cause, including unexcused failure to attend three consecutive Committee meetings or for failure to comply with the Committee Ethics Policy, or for repeated disruptive behavior that interferes with the Committee’s ability to conduct its work in an orderly fashion. Upon a member’s removal, his or her seat shall be declared vacant. The Board shall fill by appointment any vacancies on the Committee or any additional membership on the Committee.

**5.6 Compensation.** The Committee members shall not be compensated for their services.

**5.7 Authority of Members.** Committee members shall not have the authority to direct staff of the District. Individual members of the Committee retain the right to address the Board as an individual.

## **Section 6. Meetings of the Committee.**

**6.1 Regular Meetings.** The Committee shall establish a schedule for the date and time of regular meetings to be held monthly to include an annual organizational meeting to be held in July.

**6.2 Location.** All meetings shall be held at a location within the Emery Unified School District.

**6.3 Procedures and Quorum.** 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. Seven (7) Committee members shall constitute a quorum for the transaction of any business except adjournment.

**6.4 Meeting processes.** All meetings shall be conducted in accordance with *Robert's Rules of Order Newly Revised* in all cases to which they are applicable and in which they are not inconsistent with any special rules of order the meeting may adopt.

## **Section 7. District Support.**

**7.1** 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,
- (b) provision of a meeting room, including any necessary audio/visual equipment,
- (c) preparation and copies of any documentary meeting materials, such as agendas, meeting minutes, and reports, and
- (d) retention of all Committee records, and providing public access to such records on an Internet website maintained by the District Board.

**7.2 District staff.** As identified by the Superintendent of Schools, shall include individuals whose work responsibilities directly relate to the bond projects and those who can provide the Committee with support in the accomplishment of the Committee's responsibilities. As identified by the Superintendent, those District staff shall attend all Committee proceedings in order to report on the status of projects, the expenditures of bond proceeds, and any other matter within the jurisdiction of the Committee.

## **Section 8. Reports.**

In addition to the Annual Report required in Section 3.2, the Committee shall report to the Board following each quarterly meeting 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. The Committee shall also give a status update monthly to the City/Schools Committee at their regular monthly meeting.

## **Section 9. 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 one (1) year term. No person shall serve as chair for more than one term.

## **Section 10. Amendment of Bylaws.**

Any amendment to these Bylaws shall be approved by a two-thirds vote of the entire Board.

## **Section 11. Termination.**

The Committee shall automatically terminate and disband at the earlier of the date when (a) all bond proceeds are spent, or (b) all projects funded by bond proceeds are completed.

## **ATTACHMENT A – CITIZENS’ BOND OVERSIGHT COMMITTEE ETHICS POLICY STATEMENT**

This Ethics Policy Statement provides general guidelines for Committee members to follow while 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 Emery 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.

The undersigned acknowledges he or she has received a copy of this Ethics Policy Statement, understands the provisions of this policy and agrees to adhere to its requirements.

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Date

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Member, Citizens Oversight Committee

# **FIRST AMENDED CITIZENS' BOND OVERSIGHT COMMITTEE BYLAWS**

## **Section 1. Committee Established**

The Emery Unified School District (the "District") was successful at the election conducted on November 2, 2010, in obtaining authorization from the District's voters to issue up to \$95,000,000 aggregate principal amount of the District's general obligation bonds, pursuant to a greater than 55% vote. The election was conducted under Proposition 39, being chaptered as the Strict Accountability in Local School Construction Bonds Act of 2000, at Section 15264 et seq. of the Education Code of the State ("Prop 39"). The proceeds of the general obligation bonds issued pursuant to the election are hereinafter referred to as "bond proceeds." Pursuant to Section 15278 of the Education Code, the District established the Citizens' Bond Oversight Committee (the "Committee") at a special meeting held on [insert date here] in order to satisfy the accountability requirements of Prop 39. The Board of Trustees of the Emery Unified School District (the "Board") hereby adopts these First Amended Citizens' Bond Oversight Committee Bylaws setting forth the purposes, rights and authorized activities of the Committee.

## **Section 2. General Governance, Standing and Respective Roles**

The Committee shall be subject to the Ralph M. Brown Public Meetings Act of the State of California (the "Brown Act") and shall conduct its meetings in accordance with the provisions thereof. Minutes of the proceedings of the Committee and all documents received and reports issued shall be a matter of public record and be made available on an internet website maintained by the Board. The Committee does not have any independent legal capacity from the District, and the Committee shall not have the right to create subcommittees. The Committee can, however, appoint individual members as liaisons to staff (in a maximum number which is less than a quorum of the Committee) in the following areas: (a) Finance; and (b) Community Engagement. All actions and tasks associated in any way with utilization and allocation of the bond proceeds are the sole responsibility of the Board and/or Superintendent. The Committee's role (as further set forth in Section 3.1 below) is simply to look at what the District and/or Superintendent have decided and done, and determine whether those actions align with pre-established requirements set by the District, or pursuant to statute. To that end, the Committee has certain defined "review" obligations set forth in these Bylaws, which only occur after the District has made decisions or taken actions; indeed it is not the Committee's role, nor does it have the ability, to act prospectively.

More specifically, the Board and/or District decide: (1) what to spend the bond proceeds on and in what amounts; and (2) what plan and steps should be utilized to create community engagement. The Board/District is the insurer in that it is held accountable for its actions. Although the Committee has the obligation to review specified documents, its role is passive in that it cannot take any action with respect to the expenditure of bond proceeds or regarding how to accomplish community engagement. Put simply, the Committee passively observes: (1) to ascertain whether the District spent bond proceeds on the identified project list categories; and

(2) to determine whether the community engagement activities chosen by the District are consistent with the adopted community engagement plan (as further described in Section 3.3 below).

### **Section 3. Purpose and Authorized Activities**

The term "review", as used in Sections 3.1, 3.2 and 4.1 does not mean that the Committee has the right to review any actions or decisions taken by the District and/or Superintendent prior to such actions being taken. Rather, the Committee is simply reviewing such actions and decisions, subsequently, for purposes of monitoring, as set forth herein. The term "review" ***does not*** mean that the Committee has any decision-making ability regarding, by way of illustration and not limitation: (A) utilization of the bond proceeds; (B) methods of community engagement; (C) how to maximize bond revenues; and (D) the content of any deferred maintenance plan or proposal.

**3.1 Purpose.** The Committee's purpose shall be to:

- A. Inform the public concerning the expenditure of bond revenues.
- B. Actively review and report on the proper expenditure of taxpayers' money for construction.
- C. Advise the public as to whether a school district is in compliance with the requirements of paragraph (3) of subdivision (b) of Section 1 of Article XIII A of the California Constitution, and ensure that bond proceeds are expended only for those purposes.
- D. Ensure, solely via the review activities set forth in Sections 3.2 and 4.1 below, that no bond proceeds are used for teacher or administrative salaries or other school operating expenses.

**3.2 Activities.** In furtherance of its purposes set forth in Section 3.1 above, the Committee shall engage in any or all of the following review and reporting activities:

- A. Receive and review copies of the annual, independent performance audit required by subparagraph (C) of paragraph (3) of subdivision (b) of Section 1 of Article XIII A of the California Constitution.
- B. Receive and review copies of the annual, independent financial audit required by subparagraph (C) of paragraph (3) of subdivision (b) of Section 1 of Article XIII A of the California Constitution.
- C. Inspect 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. Receive and review copies of any deferred maintenance proposals or plans developed by the District, including any reports required by 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 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.
- F. Issue a regular report to the Board, once a year and in public session, consisting solely of: (1) a summary of the Committee’s proceedings and activities for the preceding year; and (2) a statement indicating whether the District is in compliance with the requirements of Article XIII A, Section 1 (b)(3) of the California Constitution.
- G. Issue quarterly reports to the Board in writing, summarizing the proceedings and activities conducted by the Committee during the preceding quarter.

**3.3 Community Engagement.** The Committee shall review community engagement activities implemented by the District, solely for the purpose of determining whether or not such activities are consistent with the process set forth in District Resolution No. 6-2011/12, the “Community Engagement Process Resolution for Design of School Sites or Related Facilities Resulting from Use of Measure J Funds” (hereinafter “Resolution No. 6-2011/12”) attached hereto as Attachment B. Further, Committee members shall have the ability to participate in the various community workshops that District staff will be planning, hosting and presenting. It is the intent of the District and Committee that the Committee's steering function shall be fulfilled by attendance at, and participation in, those community workshops.

**3.4 Relationship with City/Schools Committee.** The Committee shall provide a monthly update on Committee activities to the City/Schools Committee.

**Section 4. District, Board and Superintendent Duties**

4.1 Duties of the Board/Superintendent. The Committee shall have no responsibility regarding, or input on, the following types of activities. The Board or the Superintendent, as the Board shall determine, shall have the following powers reserved exclusively to it:

- A. Approval of construction contracts.
- B. ) Approval of construction change orders.
- C. Appropriation and utilization of construction funds.
- D. Appropriation and utilization of bond proceeds.
- E. Handling of all legal matters.
- F. Approval of construction plans and schedules.
- G. Approval of Deferred Maintenance Plan.
- H. Approval of the sale of bonds.
- I. Determination of how to implement, and implementation of, the community engagement activities and processes contained in Resolution No. 6-2011/12.
- J. Determination of what efforts, if any, to implement to maximize bond revenues by implementing cost-saving measures.

In order to fulfill its obligations set forth in Section 3.1 above, the Committee shall review, in summary form, items "D" and "G".

**4.2 District Support.** The Board shall, without expending bond proceeds, provide the Committee with necessary technical assistance and administrative assistance as follows:

- A. Preparation of and posting of public notices as required by the Brown Act.
- B. Provision of a meeting space, including any necessary audio/visual equipment.
- C. Preparation and copies of any documentary meeting materials, such as agendas, minutes and reports.
- D. Retention of all Committee records, and provision of access to such records on an internet website maintained by the Board.

## **Section 5. Membership**

### **5.1 Composition.**

The committee shall consist of a minimum of seven (7) members recommended to the Board of Trustees by the City/Schools Committee and then appointed by the Board of Trustees from a list of candidates submitting written applications, and based on criteria established by Prop 39 as follows:

- One (1) parent.
- One (1) member active in a business organization representing the business community located in the District.
- One (1) member active in a senior citizen's organization.
- One (1) member active in a bona-fide taxpayers association.
- One (1) parent active in a support organization for the District, such as the Parent Teacher Organization.
- Two (2) members of the community at-large appointed by the Board.

In addition to the membership required by Prop 39 listed above, the following additional members may be appointed to the COC:

- Two additional (2) Community-at-Large members - Must be resident, or work in Emeryville or has child in EUSD
- One (1) Parent member of A Y PTO
- One (1) Parent member of ESS PTO
- One (1) member with experience w/Facilities Management/Dev.
- One (1) member of a recognized arts organization
- One (1) student alumnus/alumna of the school district
- One (1) member who has education/community services/rec. experience
- Two (2) students

Unless otherwise stipulated, members of the COC are not required to be residents within Emeryville.

**5.2 Qualification Standards.** To be eligible for membership, the following qualifications must be met:

- (a) To be a qualified person, he or she must be, if a student, in at least grade 8, or
- (b) The committee may not include any employee or official of the District or the City, or any vendor, contractor or consultant of the District or the City. The committee may not include any elected members of the City Council or the School Board of Trustees. Student members of the COC may cast votes that shall be counted for the purposes of determining the outcome of any formal action taken by the COC.
- (c) Members must conduct their responsibilities in a manner consistent with these by-laws, the "Guiding Principles" adopted by the City/Schools Committee for the bond projects, and any policies adopted by the City/Schools Committee for the bond projects.

**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

(Gov. Code §§81000 et seq.), and to complete the Form 700 as required by all “designated employees” of the District. Additionally, each member shall comply with the Committee Ethics Policy attached as Attachment A to these Bylaws.

**5.4 Term.** Except as otherwise provided herein, 8 members will be appointed to one-year terms and 9 members will be appointed to two-year terms. All appointees, regardless of the original term of appointment, are limited to a second term not to exceed two years.

**5.5 Removal: Vacancy.** The Board may remove any Committee member for cause, including unexcused failure to attend three consecutive Committee meetings or for failure to comply with the Committee Ethics Policy, or for repeated disruptive behavior that interferes with the Committee’s ability to conduct its work in an orderly fashion. Upon a member’s removal, his or her seat shall be declared vacant. The Board shall fill by appointment any vacancies on the Committee or any additional membership on the Committee.

**5.6 Compensation.** The Committee members shall not be compensated for their services.

**5.7 Authority of Members.** Committee members shall not have the authority to direct staff of the District. Individual members of the Committee retain the right to address the Board as an individual.

## **Section 6. Meetings of the Committee**

**6.1 Regular Meetings.** The Committee shall establish a schedule for the date and time of regular meetings to be held monthly to include an annual organizational meeting to be held in July.

**6.2 Location.** All meetings shall be held at a location within the Emery Unified School District.

**6.3 Procedures and Quorum.** All meetings shall be open to the public in accordance with the Brown Act Seven (7) Committee members shall constitute a quorum for the transaction of any business except adjournment

**6.4 Meeting processes.** All meetings shall be conducted in accordance with Robert’s Rules of Order Newly Revised in all cases to which they are applicable and in which they are not inconsistent with any special rules of order the meeting may adopt.

## **Section 7. Officers**

The Committee shall elect a Chair and a Vice-Chair, which positions shall continue for a one (1) year term. No person shall serve as chair for more than one term.

**7.1 Chair.** The Chair shall perform the following duties:

- A. Open the meeting at the appointed time by calling the meeting to order, having ascertained that a quorum is present.

- B. Announce the business of the Committee in accordance with the agenda.
- C. Recognize members who are entitled to the floor.
- D. State and put to vote all legitimate motions that come before the Committee or arise during the course of the proceedings, and announce the results of the vote.
- E. Protect the Committee from motions meant to delay by refusing to recognize them.
- F. Enforce rules relating to debate and order and decorum within the Committee.
- G. Expedite business in a way that allows members to exercise their rights.
- H. Decide all questions of order.
- I. Respond to inquiries from members related to procedure or factual information relating to the business of the Committee.
- J. Authenticate acts, orders, and proceedings of the Committee with his or her signature when necessary.
- K. Adjourn the meeting by Committee vote at the prescribed time, or in event of an emergency.

**7.2 Vice Chair.** If, for any reason, the Chair vacates the chair during a meeting or is absent from a meeting, the Vice-Chair shall perform the duties of the Chair, as listed above in Section 7.1.

**7.3 Committee Members.** Committee members shall have the following rights:

- A. The right to attend meetings and speak.
- B. The right to make motions and/or vote on motions.

## **Section 8. Amendment of Bylaws**

Any amendment to these Bylaws shall be approved by a two-thirds vote of the entire Board.

## **Section 9. Termination**

The Committee shall automatically terminate and disband at the earlier of the date when (a) all bond proceeds are spent, or (b) all projects funded by bond proceeds are completed.

**ATTACHMENT A**

**CITIZENS' BOND OVERSIGHT COMMITTEE ETHICS POLICY STATEMENT**

This Ethics Policy Statement provides general guidelines for Committee members to follow while 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 Emery 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.

The undersigned acknowledges he or she has received a copy of this Ethics Policy Statement, understands the provisions of this policy and agrees to adhere to its requirements.

Date: \_\_\_\_\_

\_\_\_\_\_  
Member, Citizens Oversight Committee

**ATTACHMENT B**

RESOLUTION No. 6-2011/12

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More specifically, the Board and/or District decide: (1) what to spend the bond proceeds on and in what amounts; and (2) what plan and steps should be utilized to create community engagement. The Board/District is the ensurer in that it is held accountable for its actions. Although the Committee has the obligation to review specified documents, its role is passive in that it cannot take any action with respect to the expenditure of bond proceeds or regarding how to accomplish community engagement. Put simply, the Committee passively observes: (1) to ascertain whether the District spent bond proceeds on the identified project list categories; and (2) to determine whether the community engagement activities chosen by the District are consistent with the adopted community engagement plan (as further described in Section 3.3 below).

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The proceeds of general obligation bonds issued pursuant to the Election are hereinafter referred to as "bond proceeds."

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**Section 3. Duties Purpose and Authorized Activities-**

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The term "review", as used in Sections 3.1, 3.2 and 4.1 does not mean that the Committee has the right to review any actions or decisions taken by the District and/or Superintendent prior to such actions being taken. Rather, the Committee is simply reviewing such actions and decisions, subsequently, for purposes of monitoring, as set forth herein. The term "review" *does not mean* that the Committee has any decision-making ability regarding, by way of illustration and not limitation: (A) utilization of the bond proceeds; (B) methods of community engagement; (C) how to maximize bond revenues; and (D) the content of any deferred maintenance plan or proposal.

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**3.1 Purpose.** To carry out its stated purposes, the Committee shall perform the following duties: The Committee's purpose shall be to:

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- A. Inform the public concerning the expenditure of bond revenues.
- B. Actively review and report on the proper expenditure of taxpayers' money for construction.
- C. Advise the public as to whether a school district is in compliance with the requirements of paragraph (3) of subdivision (b) of Section 1 of Article XIII A of the California Constitution, and ensure that bond proceeds are expended only for those purposes.
- D. Ensure, solely via the review activities set forth in Sections 3.2 and 4.1 below, that no bond proceeds are used for teacher or administrative salaries or other school operating expenses.

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**3.2 Activities,** In furtherance of its purposes set forth in Section 3.1 above, the Committee shall engage in any or all of the following review and reporting activities:

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- A. Receive and review copies of the annual, independent performance audit required by subparagraph (C) of paragraph (3) of subdivision (b) of Section 1 of Article XIII A of the California Constitution.

B. Receive and review copies of the annual, independent financial audit required by subparagraph (C) of paragraph (3) of subdivision (b) of Section 1 of Article XIII A of the California Constitution.

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C. Inspect 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. Receive and review copies of any deferred maintenance proposals or plans developed by the District, including any reports required by Education Code section 17584.1.

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E. Review efforts by the District to maximize bond revenues by implementing cost-saving measures, including but not limited to all of the following:

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(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.

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(5) Recommendations regarding the use of cost-effective and efficient reusable facility plans.

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F. Issue a regular report to the Board, once a year and in public session, consisting solely of: (1) a summary of the Committee's proceedings and activities for the preceding year; and (2) a statement indicating whether the District is in compliance with the requirements of Article XIII A, Section 1 (b)(3) of the California Constitution.

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G. Issue quarterly reports to the Board in writing, summarizing the proceedings and activities conducted by the Committee during the preceding quarter.

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~~**3.1 Inform the Public.** The Committee shall inform the public concerning the District's expenditures of bond proceeds.~~

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~~**3.2 Review Expenditures.** The Committee shall review quarterly expenditure reports produced by the District to ensure that (a) bond proceeds are expended only for the purposes set forth in the ballot measure; (b) no bond proceeds are used for any teacher or administrative salaries or other operating expenses; (c) bond proceeds are maximized.~~

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~~**3.3 Annual Report.** The Committee shall present to the Board, in public session, an annual written report which shall include the following: (a) A statement indicating whether the District is in compliance with the requirements of Article XIII A, Section 1 (b)(3) of the California~~

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Constitution, and (b) A summary of the Committee's proceedings and activities for the preceding year.

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**3.4 Steering Committee.** The Committee shall act as a Steering Committee for the scope of work associated with the Measure J projects.

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**3.35 Community Engagement.** The Committee shall ~~review~~ensure community engagement activities implemented by the District, solely for the purpose of determining whether or not such activities are consistent with the process as stipulated set forth in by the Measure J bond District Resolution No. 6-2011/12, the "Community Engagement Process Resolution for Design of School Sites or Related Facilities Resulting from Use of Measure J Funds" (hereinafter "Resolution No. 6-2011/12") language attached hereto as Attachment B. Further, Committee members shall have the ability to participate in the various community workshops that District staff will be planning, hosting and presenting. It is the intent of the District and Committee that the Committee's steering function shall be fulfilled by attendance at, and participation in, those community workshops.

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**3.46 Relationship with City/Schools Committee.** The Committee shall provide a monthly update on COC Committee activities to the City/Schools Committee and shall make recommendations to the City/Schools Committee as needed to move the Measure J bond project work forward.

#### Section 4. District, Board and Superintendent Duties

**4.13.7 Duties of the Board/Superintendent.** The Committee shall ~~not~~ have no responsibility regarding, or input on, for the following types of activities. ~~Either~~ The Board or the Superintendent, as the Board shall determine, shall have the following powers reserved exclusively to it:

- A. ~~(i)~~ Approval of construction contracts.
- B. ~~(ii)~~ Approval of construction change orders.
- C. ~~(iii)~~ Appropriation and utilization of construction funds.
- D. Appropriation and utilization of bond proceeds.
- E. ~~(iv)~~ Handling of all legal matters.
- F. ~~(v)~~ Approval of construction plans and schedules.
- G. ~~(vi)~~ Approval of Deferred Maintenance Plan, ~~and~~
- H. ~~(vii)~~ Approval of the sale of bonds.
- I. Determination of how to implement, and implementation of, the community engagement activities and processes contained in Resolution No. 6-2011/12.

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J. Determination of what efforts, if any, to implement to maximize bond revenues by implementing cost-saving measures.

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~~In order to fulfill its obligations set forth in Section 3.1 above, the Committee shall review, in summary form, items (ii) through (iii) "D" and "G" above as part of its financial oversight duties. The Committee may review, in summary form, others of these items to the extent that the Board/Superintendent approves and to the extent that they are necessary to the Committee's duties.~~

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4.2 District Support. The Board shall, without expending bond proceeds, provide the Committee with necessary technical assistance and administrative assistance as follows:

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A. Preparation of and posting of public notices as required by the Brown Act.

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B. Provision of a meeting space, including any necessary audio/visual equipment.

C. Preparation and copies of any documentary meeting materials, such as agendas, minutes and reports.

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D. Retention of all Committee records, and provision of access to such records on an internet website maintained by the Board.

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**Section 4. Authorized Activities:**

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4.1 In order to perform the duties set forth in Section 3, the Committee may engage in the following authorized activities:

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(a) Receive and review copies of the District's annual independent performance audit and annual independent financial audit, required by Article XIII A of the California Constitution.

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(b) Inspect school site facilities and grounds for which bond proceeds have been or will be expended, in accordance with any access procedure established by the Director of Maintenance and Operations.

(c) Review copies of deferred maintenance proposals or plans developed by the District.

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(d) Review the District's efforts to maximize bond proceeds in ways designed to: (1) reduce costs of professional fees; (2) incorporate efficiencies in school site design; (3) encourage joint use of core facilities; (4) involve cost effective and efficient reusable facility plans, or (5) reduce costs to the bond funds for site acquisition or construction.

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4.2 Make requests for copies or inspection of District records in writing to the District's Chief Business Officer, Business Services.

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**Section 5. Membership.**

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**5.1 Composition.**

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The committee shall consist of a minimum of seven (7) members recommended to the Board of Trustees by the City/Schools Committee and then appointed by the Board of Trustees from a list of candidates submitting written applications, and based on criteria established by Prop 39 as follows:

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- One (1) parent.
- One (1) member active in a business organization representing the business community located in the District.
- One (1) member active in a senior citizen’s organization.
- One (1) member active in a bona-fide taxpayers association.
- One (1) parent active in a support organization for the District, such as the Parent Teacher Organization.
- Two (2) members of the community at-large appointed by the Board.

In addition to the membership required by Prop 39 listed above, the following additional members may be appointed to the COC:

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- Two additional (2) Community-at-Large members - Must be resident, or work in Emeryville or has child in EUSD
- One (1) Parent member of A Y PTO
- One (1) Parent member of ESS PTO
- One (1) member with experience w/Facilities Management/Dev.
- One (1) member of a recognized arts organization
- One (1) student alumnus/alumna of the school district
- One (1) member who has education/community services/rec. experience
- Two (2) students

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Unless otherwise stipulated, members of the COC are not required to be residents within Emeryville.

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**5.2 Qualification Standards.** To be eligible for membership, the following qualifications must be met:

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- To be a qualified person, he or she must be, if a student, in at least grade 8, or
- The committee may not include any employee or official of the District or the City, or any vendor, contractor or consultant of the District or the City. The committee may not include any elected members of the City Council or the School Board of Trustees. Student members of the COC may cast votes that shall be counted for the purposes of determining the outcome of any formal action taken by the COC.
- Members must conduct their responsibilities in a manner consistent with these by-laws, the “Guiding Principles” adopted by the City/Schools Committee for the bond projects, and any policies adopted by the City/Schools Committee for the bond projects.

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**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 (Gov. Code §§81000 et seq.), and to complete the Form 700 as required by all “designated employees” of the District. Additionally, each member shall comply with the Committee Ethics Policy attached as Attachment A to these Bylaws.

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**5.4 Term.** Except as otherwise provided herein, 8 members will be appointed to one-year terms and 9 members will be appointed to two-year terms. All appointees, regardless of the original term of appointment, are limited to a second term not to exceed two years.

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**5.5 Removal: Vacancy.** The Board may remove any Committee member for cause, including unexcused failure to attend three consecutive Committee meetings or for failure to comply with the Committee Ethics Policy, or for repeated disruptive behavior that interferes with the Committee’s ability to conduct its work in an orderly fashion. Upon a member’s removal, his or her seat shall be declared vacant. The Board shall fill by appointment any vacancies on the Committee or any additional membership on the Committee.

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**5.6 Compensation.** The Committee members shall not be compensated for their services.

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**5.7 Authority of Members.** Committee members shall not have the authority to direct staff of the District. Individual members of the Committee retain the right to address the Board as an individual.

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**Section 6. Meetings of the Committee.**

**6.1 Regular Meetings.** The Committee shall establish a schedule for the date and time of regular meetings to be held monthly to include an annual organizational meeting to be held in July.

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**6.2 Location.** All meetings shall be held at a location within the Emery Unified School District.

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**6.3 Procedures and Quorum.** 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.~~ Seven (7) Committee members shall constitute a quorum for the transaction of any business except adjournment.

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**6.4 Meeting processes.** All meetings shall be conducted in accordance with Robert’s Rules of Order Newly Revised in all cases to which they are applicable and in which they are not inconsistent with any special rules of order the meeting may adopt.

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**Section 7. District Support.**

~~7.1 The District shall provide to the committee necessary technical and administrative assistance as follows:~~

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~~(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;~~

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

~~(c) preparation and copies of any documentary meeting materials, such as agendas, meeting minutes, and reports, and~~

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

~~**7.2 District staff**, As identified by the Superintendent of Schools, shall include individuals whose work responsibilities directly relate to the bond projects and those who can provide the Committee with support in the accomplishment of the Committee's responsibilities. As identified by the Superintendent, those District staff shall attend all Committee proceedings in order to report on the status of projects, the expenditures of bond proceeds, and any other matter within the jurisdiction of the Committee.~~

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~~**Section 8. Reports.**~~

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~~In addition to the Annual Report required in Section 3.2, the Committee shall report to the Board following each quarterly meeting 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. The Committee shall also give a status update monthly to the City/Schools Committee at their regular monthly meeting.~~

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~~**Section 79. Officers.**~~

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~~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 a one (1) year term. No person shall serve as chair for more than one term.~~

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~~**7.1 Chair.** The Chair shall perform the following duties:~~

- ~~A. Open the meeting at the appointed time by calling the meeting to order, having ascertained that a quorum is present.~~
- ~~B. Announce the business of the Committee in accordance with the agenda.~~
- ~~C. Recognize members who are entitled to the floor.~~
- ~~D. State and put to vote all legitimate motions that come before the Committee or arise during the course of the proceedings, and announce the results of the vote.~~
- ~~E. Protect the Committee from motions meant to delay by refusing to recognize them.~~
- ~~F. Enforce rules relating to debate and order and decorum within the Committee.~~
- ~~G. Expedite business in a way that allows members to exercise their rights.~~

H. Decide all questions of order.

I. Respond to inquiries from members related to procedure or factual information relating to the business of the Committee.

J. Authenticate acts, orders, and proceedings of the Committee with his or her signature when necessary.

K. Adjourn the meeting by Committee vote at the prescribed time, or in event of an emergency.

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7.2 Vice Chair. If, for any reason, the Chair vacates the chair during a meeting or is absent from a meeting, the Vice-Chair shall perform the duties of the Chair, as listed above in Section 7.1.

7.3 Committee Members. Committee members shall have the following rights:

A. The right to attend meetings and speak.

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B. The right to make motions and/or vote on motions.

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Section 810. Amendment of Bylaws.

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Any amendment to these Bylaws shall be approved by a two-thirds vote of the entire Board.

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Section 911. Termination.

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The Committee shall automatically terminate and disband at the earlier of the date when (a) all bond proceeds are spent, or (b) all projects funded by bond proceeds are completed.

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**ATTACHMENT A -**

**CITIZENS' BOND OVERSIGHT COMMITTEE ETHICS POLICY STATEMENT**

This Ethics Policy Statement provides general guidelines for Committee members to follow while 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 Emery 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.

The undersigned acknowledges he or she has received a copy of this Ethics Policy Statement, understands the provisions of this policy and agrees to adhere to its requirements.

Date: \_\_\_\_\_

\_\_\_\_\_  
Member, Citizens Oversight Committee

**ATTACHMENT B**

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| Measure J Accounts Payable Warrants  |            |                                |  |  |            |  |
|--------------------------------------|------------|--------------------------------|--|--|------------|--|
| February 1 through February 29, 2012 |            |                                |  |  |            |  |
| 50099551                             | 02/02/2012 | Office Depot                   | Office supplies                                |  | 10.39      |  |
| 50101303                             | 02/21/2012 | Wendy Chew                     | Reimbursement for purchase of office supplies  |  | 269.59     |  |
| 50101308                             | 02/21/2012 | Kim, Hayin                     | Reimbursement for purchase of office equipment |  | 69.98      |  |
| 50101311                             | 02/21/2012 | Roy Miller                     | Reimbursement for purchase of office equipment |  | 139.97     |  |
| 50100055                             | 02/08/2012 | Vavrinek Trine Day & Co.       | Measure J auditors                             |  | 2,500.00   |  |
| 50100051                             | 02/08/2012 | School Facility Consultants    | State funding for ECCL project                 |  | 3,899.40   |  |
| 50100047                             | 02/08/2012 | Page & Moris                   | Library design consultant                      |  | 2,300.00   |  |
| 50100053                             | 02/08/2012 | TSA Structural Engineers, Inc. | ESS seismic bracing inspection                 |  | 800.00     |  |
| 50101306                             | 02/21/2012 | Feldman, Joe                   | Community Design Workshop 6 facilitator        |  | 975.00     |  |
| 50100043                             | 02/08/2012 | Kingsley Bogard                | District Counsel: contract development work    |  | 4,220.90   |  |
| 50100045                             | 02/08/2012 | LSA Associates                 | Environmental CEQA consultant                  |  | 5,831.44   |  |
| 50100046                             | 02/08/2012 | MKTHINK                        | Conceptual Design Phase work                   |  | 174,585.00 |  |
|                                      |            |                                | Non-Payroll                                    |  | 195,601.67 |  |
|                                      |            |                                | Jan Payroll                                    |  | 32,746.42  |  |
|                                      |            |                                | Total Expenditures Jan                         |  | 228,348.09 |  |
|                                      |            |                                |  |  |            |  |
|                                      |            |                                |  |  |            |  |

**Measure J: ECCL Actual Expenditures as of February 29, 2012**

| Bond Projects  | notes | 2010-11<br>Actuals | 2011-12 Adopted<br>Budget | Revised Budget      | Encumbrance       | Year-to-Date<br>Prior Month | Year-to-Date<br>Current Month | Activity for<br>Jan | Balance             | Total Spent on<br>ECCL To Date |
|--|-------|--------------------|---------------------------|---------------------|-------------------|-----------------------------|-------------------------------|---------------------|---------------------|--------------------------------|
| Construct, Furnish & Equipment Facilities              | 1     | 995,062            | 1,871,000.00              | 1,877,258.00        | 168,796.19        | 580,067.33                  | 956,250.00                    | 376,182.67          | 752,211.81          | 1,951,312.44                   |
| Replace, demolish or renovate District properties      |       |                    | 2,200,000.00              | 2,200,000.00        | 10,000.00         | 331,850.00                  | 506,435.00                    | 174,585.00          | 1,683,565.00        | 506,435.00                     |
| Replace portables with permanent classrooms            |       |                    | 0.00                      | 0.00                | 0.00              | 0.00                        | 0.00                          | 0.00                | 0.00                | 0.00                           |
| Construction school-site support                       |       |                    | 0.00                      | 0.00                | 0.00              | 0.00                        | 0.00                          | 0.00                | 0.00                | 0.00                           |
| Upgrade and replace classroom technology               |       | 105,517            | 0.00                      | 14,483.00           | 10.22             | 4,184.68                    | 4,184.68                      | 0.00                | 10,288.10           | 109,701.79                     |
| Acquire available real property                        |       |                    | 0.00                      | 0.00                | 0.00              | 0.00                        | 0.00                          | 0.00                | 0.00                | 0.00                           |
| Provide appropriate packing facilities                 |       |                    | 0.00                      | 0.00                | 0.00              | 0.00                        | 0.00                          | 0.00                | 0.00                | 0.00                           |
| Provide Interim housing                                |       | 39,762             | 670,000.00                | 760,238.00          | 8,781.83          | 55,447.36                   | 56,247.36                     | 800.00              | 695,208.81          | 96,009.64                      |
| Make additional repairs and upgrades                   |       |                    | 0.00                      | 0.00                | 0.00              | 0.00                        | 0.00                          | 0.00                | 0.00                | 0.00                           |
| Perform necessary site preparation                     |       |                    | 250,000.00                | 250,000.00          | 0.00              | 0.00                        | 5,831.44                      | 5,831.44            | 244,168.56          | 5,831.44                       |
| Address unforeseen conditions revealed by construction |       |                    | 0.00                      | 0.00                | 0.00              | 0.00                        | 0.00                          | 0.00                | 0.00                | 0.00                           |
| Mitigate items identified by the EIR                   |       |                    | 0.00                      | 0.00                | 0.00              | 0.00                        | 0.00                          | 0.00                | 0.00                | 0.00                           |
| Install energy efficient systems                       |       |                    | 0.00                      | 0.00                | 0.00              | 0.00                        | 0.00                          | 0.00                | 0.00                | 0.00                           |
| <b>Total</b>   |       | <b>1,140,342</b>   | <b>4,991,000.00</b>       | <b>5,101,979.00</b> | <b>187,588.24</b> | <b>971,549.37</b>           | <b>1,528,948.48</b>           | <b>557,399.11</b>   | <b>3,385,442.28</b> | <b>2,669,290.31</b>            |
| Payroll  |       |                    |                           |                     |                   |                             |                               | 32,746.42           |                     |                                |
| QSCB Debt Service and Costs of Issuance                |       |                    |                           |                     |                   |                             |                               | 329,051.23          |                     |                                |
| Non-payroll expenditures                               |       |                    |                           |                     |                   |                             |                               | 195,601.67          |                     |                                |
| <b>Total Activity for Month</b>                        |       |                    |                           |                     |                   |                             |                               | <b>557,399.32</b>   |                     |                                |

was adjusted to include \$75,000 budget lines not coded to specific "a to m" components of project - i.e. bond audit fees, consultants and contracted services.