

**Issue:**

Resolution No. 3543.

**Superintendent's Recommendation:**

Adopt Resolution No. 3543, Establishing Amended Policies and Regulations Relative to a Citizens' Bond Oversight Committee for General Obligation Bonds Approved Pursuant to Proposition 39 and Related Law.

**Analysis:**

On November 7, 2006, the voters approved Proposition O authorizing the district to issue general obligation bonds to finance certain specified capital projects and facilities pursuant to Proposition 39 which required the formation of a Citizens' Bond Oversight Committee. Resolution No. 3543 was adopted on July 24, 2006, creating the committee. Previous amendments increased committee membership from seven (7) to nine (9) members and established June 30<sup>th</sup> as a common end-of-term date for all members.

Annual updates of this resolution began in 2012 and in this update staff recommends the following changes:

1. Deletion of the redundant preamble.
2. Add language regarding the four at-large members (memorializing past board actions).
3. Stating that it is "desired" that members of the committee have experience in construction and finance rather than "requiring a majority" to have such experience.
4. Adding a residency requirement for the parent, senior and at-large positions (not retroactive).
5. Making the residency requirement for at-large positions be by area (North, West, South and East) (not retroactive).
6. Stating that it is "desired" that the other committee positions be filled by residents but not required (not retroactive).
7. In order to avoid potential conflicts of interest, committee members must not be members of another legislative body or appointed to a committee by another legislative body.
8. Require notification by March 31<sup>st</sup> of the last year in a term if the current committee member wishes to be considered for re-appointment.
9. Adding a section regarding reimbursement of travel expenses.
10. Memorializing the requirement to submit Form 700s.
11. Delete the recommendation that sub-committees meet at least quarterly.
12. Other changes to formatting (including the paragraph numbering) and language that do not change the meaning or intent of the current policy. These changes are incorporated into the text and are not highlighted.

**Fiscal Impact:**

None.

**SWEETWATER UNION HIGH SCHOOL DISTRICT**

**RESOLUTION NO. 3543**

**RESOLUTION ESTABLISHING AMENDED )  
POLICY AND REGULATIONS RELATIVE )  
TO A CITIZENS' OVERSIGHT COMMITTEE )  
FOR GENERAL OBLIGATION BONDS )  
APPROVED PURSUANT TO PROPOSITION )  
39 AND RELATED LAW )**

ON THE MOTION OF Member \_\_\_\_\_, seconded by Member \_\_\_\_\_, the following resolution is adopted:

WHEREAS, the Sweetwater Union High School District ("District") is a public school district organized and operated relative to the laws of the State of California ("State"); and

WHEREAS, the voters within the State approved "The Smaller Classes, Safer Schools and Financial Accountability Act" ("Proposition 39") on November 7, 2000, authorizing school district general obligation bond elections upon certain terms and conditions; and

WHEREAS, the board called a general obligation bond election on November 7, 2006, (designated as "Proposition O"), pursuant to the provisions of Proposition 39 and applicable State law ("Election"); and

WHEREAS, Assembly Bill 1908 adopted Article 2 of Chapter 1.5 of Part 10 of Division 1 of Title 1 of the California Education Code ("Law") (which became effective following the passage of Proposition 39) which requires, upon certain terms and conditions, the formation and appointment of a Citizens' Oversight Committee for certain purposes relative to general obligation bonds approved pursuant to the provisions and requirements of Proposition 39; and

WHEREAS, on July 24, 2006, the Board adopted a policy and regulations to address the form, purpose, appointment, and related matters dealing with a Citizens' Bond Oversight Committee of the District, established and appointed pursuant to the Law ("Committee"); and

WHEREAS, in April 2012 and April 2013, the Board has amended the policy as recommended by staff and the Committee; and

WHEREAS, as part of the annual review of the policy, additional changes are desired and recommended by staff and the Committee; and

WHEREAS, the Board desires to express its philosophy of having the Committee be a supportive committee of the District, which contributes value to the District and Proposition O and serves to protect community interests in the utilization and expenditure of the bond funds.

NOW, THEREFORE, THE BOARD OF TRUSTEES OF THE SWEETWATER UNION HIGH SCHOOL DISTRICT DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:

- Section 1: The Board does hereby find and determine that the foregoing recitals and determinations are true and correct and are hereby incorporated by this reference.
- Section 2: The amended Citizens' Bond Oversight Committee Policy and Regulations attached hereto as Exhibit "A" are incorporated herein by this reference and are hereby adopted by this Board on behalf of the District.
- Section 3: The provision and terms of this resolution shall be effective upon adoption.

PASSED AND ADOPTED by the Board of Trustees of the Sweetwater Union High School District, County of San Diego, State of California, this \_\_\_\_ day of \_\_\_\_, 2014, by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

\*\*\*\*\*

State of California )  
                                  ) SS  
County of San Diego )

I, Deanne Vicedo, Clerk of the Board of Trustees of the Sweetwater Union High School District, County of San Diego, State of California, do hereby certify that the foregoing is a true copy of a resolution adopted by said board at a regular meeting thereof, at the time and by the vote therein stated, which original resolution is on file in the office of said board.

\_\_\_\_\_  
Deanne Vecedo, Clerk

\_\_\_\_\_  
Date

## RESOLUTION NO. 3543

### EXHIBIT "A"

#### SWEETWATER UNION HIGH SCHOOL DISTRICT CITIZENS' BOND OVERSIGHT COMMITTEE POLICY AND REGULATIONS

~~GENERAL OBLIGATION BONDS - The Sweetwater Union High School District Citizens' Oversight Committee Policy and Regulations.~~ [This section is a redundant statement of the above title and is not needed]

#### 1. Adoption of Policy and Regulations - Legal Authority.

- 1.1. This Sweetwater Union High School District ("District") Citizens' Bond Oversight Committee Policy and Regulations ("Policy and Regulations") is adopted and established by the Board of Trustees ("Board") of the District pursuant to the provisions and requirements of Article 2 of Chapter 1.5 of Part 5 of Division 1 of Title 1 of the California Education Code 15264 *et seq.*, (hereinafter the "Law") and pursuant to Education Code Section 35160. This Policy and Regulations will apply to the District and the Oversight Committee (as defined in Section 3) and may also be referred to as bylaws.

#### 2. Background.

- 2.1. On November 7, 2000, California voters approved Proposition 39, the Smaller Classes, Safer Schools and Financial Accountability Act (School Facilities; 55% Local Vote; Bonds, Taxes; Accountability Requirements). The central purpose and legislative intent of Proposition 39 was to ensure that the expenditures of bond measures are in strict conformity with the law; that taxpayers directly participate in the oversight of bond expenditures; and that members of the oversight committees alert the public to any waste or improper expenditure of school construction bond money.
- 2.2. The text of Proposition 39 includes various accountability requirements as further discussed herein. In an effort to increase voter approval for Proposition 39, the California Legislature passed, and Governor Davis signed, Assembly Bill 1908 ("AB1908"), which provides additional requirements relative to school district general obligation bond elections conducted pursuant to Proposition 39. Those requirements include provisions requiring school districts that are successful in Proposition 39 bond elections to establish and appoint a citizens' oversight committee, as required by the Law. This Policy and Regulations was adopted by the District pursuant to the Law in order to provide procedures for the District Citizens' Oversight Committee ("Oversight Committee") and to address related matters.

#### 3. Definitions.

- 3.1. Unless the context clearly requires otherwise, or a term is differently defined within this Policy and Regulations, the terms defined in this Section will, for all purposes of this Policy and Regulations, have the meaning(s) herein specified:

- 3.1.1. "AB 1908" means Assembly Bill 1908 of the California 2000 Legislative Session (Chapter 44 of Statutes of 2000).
- 3.1.2. "Board" means the Board of Trustees of the District.
- 3.1.3. "Bond(s)" means the general obligation bonds of the Sweetwater Union High School District as authorized by the approval of the bond Proposition ("Proposition O") at the Election by the voters within the District and issued pursuant to State law.
- 3.1.4. "Oversight Committee" means the Sweetwater Union High School District Citizens' Bond Oversight Committee formed and appointed by the Board pursuant to the requirements of the Law, and this Policy and Regulations, also referred to as the "CBOC".
- 3.1.5. "District" means the Sweetwater Union High School District.
- 3.1.6. "Election" means the general obligation bond election on Proposition O held within the boundaries of the District on November 7, 2006, pursuant to the provisions of Proposition 39 and applicable State law.
- 3.1.7. "Law" means Article 2 of Chapter 1.5 of Part 5 of Division 1 of Title 1 of the California Education Code (Education Code Sections 15278 et seq.).
- 3.1.8. "Proposition 39" means Proposition 39, the smaller classes, safer schools and Financial Accountability Act (school facilities; 55% local vote; bonds, taxes; accountability requirements) as approved by the California electorate on November 7, 2000.

#### 4. Establishment of Oversight Committee.

- 4.1. The Board must establish the Oversight Committee and initially appoint seven (7) members to the Oversight Committee, not more than sixty (60) days after the Board's certification of the Election results in accordance with the purpose, parameters, policies and regulations set forth in California Law and herein. The Board, in its discretion, may increase the number of members of the Oversight Committee at any time, provided that the Oversight Committee must always have an odd number of members, provided that the maximum number of members of the Oversight Committee must not exceed eleven (11).
- 4.2. The Board must appoint members to the Oversight Committee in order to meet the membership requirements of Education Code Section 15282(a).

#### 5. Purpose of Oversight Committee.

- 5.1. Statutory Purpose. The purpose of the Oversight Committee is to inform the public, at least annually in a written report, about the expenditure of Proposition O Bond proceeds. In

carrying out this purpose the Oversight Committee will:

- 5.1.1. Actively review and report on the proper expenditure of Proposition O Bond proceeds;
- 5.1.2. Advise the public as to whether the District is in compliance with the requirements of Article XIII A, Section 1(b)(3) of the California Constitution, which provides that:
  - 5.1.2.1. Bond proceeds may be expended only for the construction, reconstruction, rehabilitation, or replacement of school facilities, including the furnishing and equipping of school facilities, or the acquisition or lease of real property for school facilities as approved by the voters and as identified in the school facilities project list prepared for Proposition O;
  - 5.1.2.2. No Bond proceeds are used for any teacher or administrative salaries or other school operating expenses;
  - 5.1.2.3. Annual independent performance audits must be performed by an independent consultant selected by the District; and
  - 5.1.2.4. Annual independent financial audits must be performed by an independent consultant selected by the District.

5.2. The Oversight Committee will undertake and accomplish those matters expressly stated in, or directly provided by District Resolution No. 3543, State law and this Policy and Regulations.

## 6. Oversight Committee Composition.

### 6.1. Membership.

- 6.1.1. The Oversight Committee will consist of nine (9) members and at no time consist of less than seven (7) members, subject to the provisions of Sections 4 and 7.1.4 and any vacancies which may occur.
- 6.1.2. The Oversight Committee must not include any employee or official of the District or any vendor, contractor or consultant of the District.
- 6.1.3. The Oversight Committee will include all of the following:
  - 6.1.3.1. One (1) member who is active in a business organization representing the business community located within the District;
  - 6.1.3.2. One (1) member who is active in a senior citizen's organization;
  - 6.1.3.3. One (1) member who is active in a bona fide taxpayer association;
  - 6.1.3.4. One (1) member must be the parent or guardian of a child enrolled in the

District; and

6.1.3.5. One (1) member must be both a parent or guardian of a child enrolled in the District and active in a parent-teacher organization, such as the Parent Teacher Association or school site council

6.1.3.6. Four (4) at-large members.

~~Five (5) members of the Oversight Committee must satisfy the requirements set forth in VI, Section 6.0, (c)(i-v) hereof. The five (5) members appointed pursuant to VI, Section 6.0, (c)(i-v), must individually represent one of the five (5) groups set forth in Section 6.0, (c)(i-v) hereof. One member may represent more than one (1) of the groups, so long as the remaining four (4) members individually, distinctly and separately satisfy the remaining four (4) groups. In making the appointments of the remaining and additional Oversight Committee members the Board may, in its discretion, consider the various factors set forth in Section 7.0(d) hereof. The Board may remove an Oversight Committee member during his or her tenure consistent with the provisions of applicable law and as set forth in this Policy and Regulations in Section 7.2 hereof. [These requirements are listed in section 6.1.3 and this section is unnecessary]~~

6.1.4. In addition to the foregoing, a majority of it is desired that the members of the Oversight Committee shall possess skills and/or experience in one or more of the following areas:

6.1.4.1. Large scale construction operations.

6.1.4.2. Municipal/public finance matters.

6.1.4.3. Multiple years' experience with agency/entity budgeting (which may include public agency or public entity budgeting).

6.1.4.4. Project management.

6.1.4.5. Other qualified professionals.

6.2. Residency Requirements. For terms starting after June 30, 2014, the following residency requirements will apply to new and reappointed committee members.

6.2.1. The members appointed to categories 6.1.3.2, .4 and .5, the senior and parent representatives, must reside within the District.

6.2.2. The members appointed to category 6.1.3.6, the at-large members, must reside within the district. One member will reside in each of the following groups of high school attendance areas:

6.2.2.1. North: Bonita Vista and Sweetwater Union High Schools;

6.2.2.2. West: Castle Park, Chula Vista and Hilltop High Schools;

6.2.2.3. South: Mar Vista, Montgomery, San Ysidro, and Southwest High Schools;

6.2.2.4. East: Eastlake, Olympian and Otay Ranch High Schools.

6.2.3. It is desired that the members appointed to categories 6.1.3.1 and .3, the business and taxpayer representatives, reside in the District.

6.3. Members of the Oversight Committee will not be elected members of legislative bodies and will not be members of any committee appointed by other legislative bodies.

7. Oversight Committee Appointments, Term and Vacancies.

7.1. Appointments.

7.1.1. The initial members of the Oversight Committee must be appointed by the Board not more than sixty (60) days after the Board's certification of the Election results as required by the Law. Appointments must be discussed and made in open session in accordance with Government Code Section 54957. The appointment(s) must be made either at a regularly scheduled meeting of the Board, or at a special meeting of the Board, the time, place and date of which must have been announced at a regularly scheduled meeting of the Board. At the time of making any such appointment(s), information concerning the qualifications of the Oversight Committee candidates to be considered by the Board (subject to redaction of personal information, such as addresses, phone numbers and e-mail addresses) must be available to members of the public.

7.1.2. The Board will solicit applications for appointment to the Oversight Committee and may require candidates for membership on the Oversight Committee to submit information on a stated form. Applicants listed in categories in section 6.1.3.1, .2, .3 and .5 must include a letter from the organization they represent acknowledging their participation and/or membership in the organization. Important information regarding the application form and the application process will be posted on the District's website at [www.sweetwaterschools.org](http://www.sweetwaterschools.org) (or such other internet address as will be utilized from time to time). Notwithstanding Section 7.1.1, the Board may, in its discretion, solicit applications for membership to the Committee in advance of an actual Proposition 39 general obligation bond election date as may be necessary or desirable to have adequate applicants to fill all of the required positions on the Committee and to have adequate time in which to fully and completely consider all of the applicants and their corresponding information.

7.1.3. The Board has authorized the Superintendent, or the Superintendent's designee(s), to review applications submitted to the District for Oversight Committee membership and make recommendations to the Board to assist the Board in appointing Oversight Committee members. One or more Oversight Committee members may be part of the



evaluation process and participate in the recommendation of new members.

7.1.4. In making its appointments, the Board must appoint members in categories 6.1.3.1 through 6.1.3.5. In making its appointments to the Oversight Committee the Board may, in its sole discretion, consider various factors applicable to each candidate, including, but not limited to, (i) residency within the boundaries of the District, (ii) whether the candidate is a registered voter within the District, and (iii) the professional and educational background of any prospective Oversight Committee member, which may include experience in construction, property, facilities management or finance matters or other factors which tend to support or complement the purposes of the Oversight Committee.

7.1.5. The Oversight Committee will initially have seven (7) members; however, the Board retains the right to appoint additional members to the Oversight Committee provided that the Oversight Committee must always have an odd number of members. In the event that the Law is amended to require a different or greater number of Oversight Committee members, the Board must, within the time set by California law, take action to appoint appropriate Oversight Committee members as required.

~~(a) Any appointee to the Oversight Committee shall be required to comply with the requirements and limitations of Section 6.0, 7.1, 7.2 and 8.2 hereof. [Oversight Committee members must comply with this entire document and therefore this section is not needed]~~

## 7.2. Term.

7.2.1. The Oversight Committee members will serve for a term of three years. Members may be appointed by the Board, in its discretion, for no more than three (3) consecutive terms as provided by the Law. A member of the Oversight Committee may serve multiple non-consecutive terms as the Board may determine or direct. A member that has not served three (3) consecutive terms will notify the Board of their interest to be reappointed to an additional term by March 31st of the year that their current term expires.

7.2.2. The term of office of an Oversight Committee member will end upon the completion of their term or, in the event that a vacancy for that Oversight Committee member's position is determined by the Board as set forth in this Policy and Regulations.

7.2.3. The term of office of a member of the Oversight Committee may end prematurely in the event that the Oversight Committee terminates pursuant to the provisions set forth in Section 13.

7.2.4. Beginning with appointments in 2012, terms will end on June 30th. The dates listed herein are the first three-year cycle (e.g. the members expiring on 6/30/13 also expire in 2016 and every three years thereafter).

7.2.4.1. Expiring 6/30/13: One at-large member, parent/PTO member and business organization member.

7.2.4.2. Expiring 6/30/14: Two at-large members, parent member.

7.2.4.3. Expiring 6/30/15: One at-large member, senior member and taxpayer organization member.

7.3. Vacancies.

7.3.1. Determination of Vacancy. The Superintendent on behalf of the Board may determine that an Oversight Committee member's seat on the Oversight Committee has become vacant under any of the following circumstances:

7.3.2. Resignation of that Oversight Committee member submitted in writing to the Superintendent (which will be effective upon its receipt by the Superintendent if a resignation date is not stated);

7.3.3. Death, or a legal determination of the incapacity, of that Oversight Committee member;

7.3.4. Conviction of a violation of Government code Section 1090 et seq. or other applicable conflict of interest laws (see Section 8.3);

7.3.5. Conviction of any crime resulting in imprisonment;

7.3.6. Unexcused absences for three consecutive meetings;

7.3.7. Unexcused absences for any three meetings out of six consecutive meetings;

7.3.8. Failure to meet the residency requirements; or

7.3.9. As may otherwise be prescribed or required by law.

7.4. The power to make determinations as to vacancies on the Committee is expressly reserved to the Board.

7.5. In the event that any vacancy on the Oversight Committee occurs, by way of resignation or otherwise, the Board must appoint a replacement Oversight Committee member for each vacancy (provided that the statutory minimum number of Oversight Committee members must be maintained) to serve for the remainder of the unexpired term of the vacating Oversight Committee member in a manner consistent with applicable law. If the unexpired term is less than two years long, then the appointment will be for a term that includes both the unexpired term plus the next term in order to comply with the requirement that terms be a minimum of two years.

7.6. In the event a vacancy is determined, such Oversight Committee position will remain vacant until the Board appoints a new Oversight Committee member for that position. Following the determination of the vacancy on the Oversight Committee, the Board will follow the

procedures set forth in Section 7 to fill such vacancy within a reasonable period of time. The power to fill vacancies on the Oversight Committee is expressly reserved to the Board.

7.7. In making appointments to fill vacancies as set forth in this Section 7, the Board must make appointments such that the five (5) representative groups, as set forth in Section 6.1.3.1 through 6.1.3.5 will be maintained.

8. Service on Oversight Committee.

8.1. Service Without Compensation. As set forth in the Law, members of the Oversight Committee will serve without compensation.

8.2. Reimbursement of Travel Expenses: Travel by committee members and reimbursement for any travel expenses is governed by Board Policy 3353, Reimbursement for Travel Expenses for Representatives of the Board. Any request for travel expenses must be first approved by the Oversight Committee prior to submittal to the Board for approval. Approval from the Board is required prior to the travel.

8.3. Non-Liability for District Debts. The private and personal property of the Oversight Committee members will be exempt from execution or other liability for any debts, liabilities or obligations of the District or the Oversight Committee, and no Oversight Committee members will be personally liable or responsible for any debts, liabilities or obligations of the District or the Oversight Committee except where expressly set forth in California law.

8.4. Conflicts of Interest and Prohibited Actions. Members of the Oversight Committee must not have any financial interest in the matters which they review. All Oversight Committee members will be subject to the following requirements:

8.4.1. Each member, as a condition of membership on the Oversight Committee, may be requested to sign a certification declaring that he or she has no conflict of interest as to the issues which will be before the Oversight Committee.

8.4.2. Each member will be required to submit the Fair Political Practices Commission Statement of Economic Interests (Form 700) at the beginning of their first term, annually, and at the end of their membership on the committee.

8.4.3. Each member is subject to the limitations and requirements of Article 4 of Division 4 of Title 1 of the California Government Code (Government Code Sections 1090, et seq.)

8.4.4. Each member is subject to the limitations and requirements of Article 4.7 of Division 4 of Title 1 of the California Government Code (Government Code Sections 1125, et seq.)

8.4.5. Each member will perform his or her duties in an impartial manner, free from bias caused by his or her own financial interests or the financial interests of persons who have supported him or her. Each Oversight Committee member is obligated to

discharge his or her responsibilities with integrity and fidelity.

9. Oversight Committee Activities and Meetings.

9.1. Activities of the Oversight Committee. In furtherance of its specifically enumerated purposes, the Oversight Committee may engage in any of the following activities relating solely and exclusively to the expenditure of the Proposition O Bond proceeds as set forth in Section IX of the Policy and Regulations:

9.1.1. Receive and review copies of the annual performance audit(s) conducted by an independent consultant selected by the District to ensure that Proposition O bond funds have been expended on the specific projects identified in the District's Proposition O School Facilities Projects list;

9.1.2. Receive and review copies of the annual financial audit(s) conducted by an independent consultant selected by the District to ensure that Proposition O bond funds have been expended on the specific projects identified in the District's Proposition O School Facilities Projects list.

9.1.3. Inspect school facilities and grounds, during normal District business hours, and subject to state laws concerning campus security, to ensure that Proposition O Bond proceeds are expended for the purposes set forth in the bond Proposition approved by the voters;

9.1.4. Receive and review copies of all deferred maintenance proposals or plans developed by the District;

9.1.5. Review efforts by the District to maximize Proposition O Bond revenues by implementing cost-saving Propositions, including, but not limited to:

9.1.5.1. Mechanisms designed to reduce the cost of professional fees;

9.1.5.2. Mechanisms designed to reduce the costs of site preparation;

9.1.5.3. Recommendations regarding the joint use of core facilities;

9.1.5.4. Mechanisms designed to reduce costs by incorporating efficiencies in school site design; and

9.1.5.5. Recommendations regarding the use of cost-effective and efficient reusable plans.

9.1.6. As appropriate, report on and/or provide comments (which may be written or oral) to the Board and/or public upon any activities listed among Sections 9.1.1 through 9.1.5, or any other matters as are within the Oversight Committee's purview.

9.1.7. The Oversight Committee will issue written regular reports of the results of its

activities. The Oversight Committee must issue at least one (1) written report each year or fiscal year ("Annual Report"), as may be applicable. Annual Reports will summarize the activities and accomplishments of the Oversight Committee for the prior year (or Fiscal Year, as may be applicable), related issues affecting the authorized bond projects, financial status and progress towards completion of the authorized bond projects. Each Annual Report will be published electronically and sent to all publications and other forms of media within the District, elected officials within the District and interested parties who request a copy of such Annual Reports. Oversight Committee members may append minority reports to an Annual Report should there be dissenting views.

9.2. Meetings.

- 9.2.1. The Oversight Committee must meet at least once annually as required by the Law.
- 9.2.2. Regular meetings of the Oversight Committee may occur as often as monthly depending on the amount of project activity to be reviewed.
- 9.2.3. Special meetings may be called by the Chair or three members of the Oversight Committee.

9.3. Brown Act Compliance; Public Records.

- 9.3.1. Regular meeting dates, time, and place will be established by the Oversight Committee and published/posted in accordance with the Ralph M. Brown Act (Government Code Sections 54950 et seq.) and applicable District posting procedures. All Oversight Committee proceedings must be open to the public and will be subject to the provisions of the Ralph M. Brown Act. The Oversight Committee may adopt rules and regulation guidelines or similar procedures as may be necessary or desirable in order to comply with the requirements of the Ralph M. Brown Act. The Board recommends that the Committee ~~or subcommittees thereof~~, meet at least quarterly.
- 9.3.2. All documents received by the Oversight Committee, Oversight Committee minutes and reports issued by the Oversight Committee will be a matter of public record and will be available on the Committee's website.

9.4. Rules of Procedure and Decorum.

- 9.4.1. The Oversight Committee may establish rules for the conduct of the Oversight Committee's proceedings. These rules may be enacted by motion or resolution. The rules must be congruent with fundamental concepts as to public agency notice and hearings.
- 9.4.2. The Oversight Committee will elect a chair and vice-chair each June to serve during the next school year (July through June).

9.5. Attendance at Board Meetings. Members of the Oversight Committee may be requested to attend the meeting(s) of the Board where the annual financial audit and performance audit, prepared pursuant to the provisions of Proposition 39, are presented to the Board.

9.6. Limitations on Activities. The Board hereby sets forth the following limitations on the actions and activities of the Oversight Committee (although the Oversight Committee may review documents relating to such activities):

9.6.1. The Oversight Committee has no authority to participate in the District's Bond issuance process or Bond sale, or to make decisions regarding the terms, timing or structure of the Bond issuance, except that prior to the issuance of bonds, the Committee will be informed of the full details of the selection of bond counsel, underwriters and the issuance of bonds;

9.6.2. The Oversight Committee does not have the authority, once the Bonds are issued and sold, to determine how the Bond funds will be expended;

9.6.3. The Oversight Committee members do not have the authority to solicit, select or participate in the negotiation or bid process for contractors or consultants for Bond financed projects (however, Oversight Committee members may be invited to witness bid openings, Board approval of contracts or similar actions for Bond financed projects);

9.6.4. The Oversight Committee members do not have the authority to control, comment upon and have no power of approval over or upon design, architectural or engineering considerations or matters relating to facilities funded or constructed with bond proceeds;

9.6.5. The Oversight Committee, and its members, may enter upon, tour, and inspect, District job sites, project boundaries and construction projects only with the express permission of the District's Superintendent (for reasons which include, but are not limited to, campus security, public safety, interference with contractors and liability matters) (the foregoing limitation does not prevent or preclude Oversight Committee members from viewing District construction works or projects from an off-campus or public access location) and reasonable requests under this section will be approved in a timely manner; and

9.6.6. The Oversight Committee, and its members, may not contact District consultants or contractors without the prior permission of the Superintendent. Reasonable requests for contact will be approved in a timely manner.

#### 10. Technical and Administrative Support.

10.1. Statutory Requirement. The Board, without any use of Proposition O Bond proceeds, will provide the Oversight Committee with:

10.1.1. All reasonable necessary technical assistance and reasonable administrative assistance

in furtherance of the Oversight Committee's purpose; and

10.1.2. Sufficient resources to prepare and publicize the Oversight Committee's conclusions, all documents received by the Oversight Committee, minutes from the Oversight Committee's meetings and reports issued by the Oversight Committee (including establishing, operating and updating the Oversight Committee's website).

10.1.3. The Board will have the discretion to determine what type, manner or means of technical and administrative assistance is necessary to assist the Oversight Committee in achieving its purpose. The Oversight Committee will submit an itemized budget request each January for the budget for the next fiscal year for any technical and administrative support required in addition to staff assigned to the support the Oversight Committee.

10.1.4. The Board may also appoint or designate District staff to provide reasonable technical and administrative assistance to the Oversight Committee. The Board will also consider any recommendations or suggestions made by the Oversight Committee members regarding the technical and administrative support.

10.2. Administrative Support. Administrative support provided by District staff to the Oversight Committee will include all of the following:

10.2.1. Preparing, mailing and posting agendas for meetings of the Oversight Committee in compliance with the Ralph M. Brown Act;

10.2.2. Preparing and submitting documents (including agenda materials) to the Oversight Committee members and to members of the public in compliance with the Ralph M. Brown Act;

10.2.3. Arranging for meeting locations and preparing meeting facilities for scheduled meetings of the Oversight Committee;

10.2.4. The taking, transcribing, providing and maintaining of minutes of the Oversight Committee meetings which minutes will, at a minimum, include an identification of all Oversight Committee members present and absent at any meeting of the Oversight Committee and a statement of the vote on each issue of business directed, determined or set out by the Oversight Committee; and

10.2.5. Maintaining Oversight Committee records and responding to Public Records Act requests directed to the Oversight Committee by the public. Public Records Act requests and responses will be handled according to the same procedures as are applicable to the District in accordance with applicable law and the current requirements of the Public Records Act (Government Code Section 6250 et seq.).

10.3. Technical Support. Technical support provided by District staff to the Oversight Committee will include all of the following:

- 10.3.1. Arranging tours and inspections of school facilities and grounds as may be reasonably scheduled by the Oversight Committee as set forth in Section 9.1 and subject to the limitations set forth herein.
- 10.3.2. Providing audits and written reports as provided for in Section 9.1, and providing, operating, maintaining and updating the Oversight Committee Internet Website as set forth in Section 10.4.
- 10.3.3. The District will, in compliance with Sections 10.1, 10.2 and 10.3, provide sufficient administrative support and technical resources to conform to the directives and requirements set forth in the Law and within this Policy and Regulations. In covering such costs, the District will cover such costs as are reasonably necessary or required under State law and this Policy and Regulations in furtherance of the Oversight Committee's express purpose. In the event of a question relating to whether an expense of the Oversight Committee is reasonably necessary, such determination will lie within the purview of the Superintendent of the District, who will have the responsibility to provide a final determination on approval of such cost(s).
- 10.3.4. Providing maintenance schedules and budgets for major systems installed on projects funded under the Proposition O program.

10.4. Oversight Committee Internet Website. Education Code Section 15280(b) requires that certain documents relating to the Oversight Committee be made available on an internet website maintained by the Board. Information pertaining or relating to the Oversight Committee will appear on the Committee's website. The cost to operate, maintain and update the Oversight Committee Internet Website will be the responsibility of the District.

10.4.1. The Oversight Committee Internet Website may be included within an existing website operated by the District (www.sweetwaterschools.org or some other internet address which may be determined and designated in the future) or may be operated separately. The following documents and information will generally appear on the Committee's website which will be updated from time to time:

10.4.2. Minutes of Oversight Committee meetings;

10.4.3. Reports issued by the Oversight Committee; and

10.4.4. Documents formally received by the Oversight Committee.

10.5. Presentation of Reports. Reports, including the annual report of the Oversight Committee and recommendations of the Oversight Committee will be presented to the Board. Oversight Committee recommendations for specific actions will be forwarded to the Board and appropriate District staff members.

## 11. Review of Audits.

11.1. In furtherance of the Oversight Committee's activities related to receiving by March 31st of



each year the preceding fiscal year annual performance and annual financial audits as provided for in Sections 9.1.1 and 9.1.2 the Oversight Committee may:

11.1.1. Review and comment on the Request for Proposal for auditing services.

11.1.2. Participate in the selection process for the auditor(s).

11.1.3. Participate in the entrance conference with the auditor(s) and District.

11.1.4. Recommend scope or issues that the performance audit should address.

11.1.5. Receive each audit at the same time as it is delivered to the Board.

11.1.6. Participate in the exit conference with the auditor(s) and District.

11.1.7. Have the auditor(s) present the audits to the Oversight Committee.

11.1.8. Participate with the District in a yearly review of each auditor's performance.

11.2. The Auditor for the District's General Fund must not perform the Proposition O performance audit.

12. Joint Meeting with the Board of Trustees.

12.1. The Oversight Committee and Board should hold two joint meetings each year in May and October or as mutually agreed. One may be a tour of facilities and one may be a workshop.

13. Termination of Oversight Committee; Records.

13.1. The term of the Oversight Committee will expire at the end of the fiscal year in which:

13.1.1. All Proposition 39, Proposition O Bond proceeds and earnings thereon have been expended;

13.1.2. The Oversight Committee has issued its final annual report as required under Section 9.1.7; and

13.1.3. The Oversight Committee has completed and conducted its final meeting which will be scheduled after notice of 13.1.1 occurs.

13.2. All records of the Oversight Committee will be kept by the District (pursuant to its records retention policy) for a period of at least two (2) years after the termination of the Oversight Committee as provided for herein.

14. Delegation of Board's Authority.

14.1. The Board hereby appoints the Superintendent or his/her designee as its designees, to assist

the Board in implementing the provisions, sections, terms and sub-sections of this Policy and Regulations.

15. Amendment of Policy and Regulations.

15.1. The Policy and Regulations set forth herein will be subject to such later and further amendments by the Board to the extent permissible by applicable law.

16. Severability.

16.1. If any article, section, subsection, paragraph, sentence, clause or phrase contained in this Policy and Regulations becomes illegal, null or void or against public policy, for any reason, or is held by a court of competent jurisdiction to be illegal, null or void or against public policy, the remaining articles, sections, subsections, paragraphs, sentences, clauses or phrases contained in this Policy and Regulations will not be affected thereby.

Adopted: July 24, 2006.  
Amended: April 16, 2012.  
Amended: April 9, 2013.  
Amended:

DRAFT