

[Current BB 9131 is outdated. It appears that the Board has approved in 2011 (and then twice modified in 2012 and 2014) a different BB 9131 but GAMUT has not been updated. The changes in blue have already been approved by the Board. The changes in red are those that are currently under consideration.]

Berkeley USD

Board Bylaw

~~School Measure I~~ **Citizens' Construction Oversight Committee**

BB 9131

Board Bylaws

~~The Governing Board shall form a School Construction Oversight Committee (the "Committee") in order to provide enhanced accountability to the community by ensuring that monies are spent in accordance with the Berkeley Schools Bond Measure of 2000. The Committee shall be answerable to and make recommendations directly to the School Board.~~

~~Charge of the Committee:~~

~~The purpose of the School Construction Oversight Committee is to assist the School Board in monitoring the progress of construction projects and the expenditure of construction funds. The committee will:~~

- ~~1. Review construction program plans and expenditures to ascertain whether construction expenditures are consistent with the annual plan and whether projects are proceeding as planned and report to the Board on a quarterly basis.~~
- ~~2. Review any major change in anticipated costs or nature of projects previously reviewed by the committee and approved by the Board. (Example: substitution of state funded, fast track projects.)~~
- ~~3. Advise the School Board of any concerns with regard to its expenditures or progress of Measure AA fund projects.~~
- ~~4. Present a report to the Board for its review in the fall of each year in conjunction with the Board's annual auditing process. The report shall include, but not be limited to, a review of construction plans as well as projected and actual expenditures and fund acquisitions.~~
- ~~5. Upon the Board's specific request, advise the Board on the development of policy recommendations.~~

~~Composition of the Committee~~

~~The Committee shall be comprised of 11 official, voting members, who meet the criteria specified in Board Policy 9130, to be selected as follows:~~

- ~~1. ——— Nine Board appointed representatives.~~
- ~~2. ——— Two representatives appointed by the Superintendent.~~

~~Criteria for Membership~~

~~Appointments shall be made to achieve a balanced, diverse committee with representation in at least the following areas:~~

- ~~1. ——— Construction experience or knowledge— familiarity with costs of construction and standard trade practices in public construction projects.~~
- ~~2. ——— Project management— knowledge of or experience with complex projects.~~
- ~~3. ——— The district facilities needs and planning efforts to date.~~
- ~~4. ——— Budgetary knowledge— familiarity with standard accounting practices; knowledge of bond funding desirable.~~
- ~~5. ——— Familiarity with the Berkeley school community and the interests of representative school groups.~~
- ~~6. ——— Maintenance and safety knowledge— familiarity with standard practices in the maintenance and safety of facilities.~~

~~Committee Guidelines~~

~~The provisions of the Ralph M. Brown Act (Government Code 54950) shall apply to this Committee. The Committee should follow the guidelines set forth in the School Board's policy on Advisory Committees.~~

Section 1. Name

The name of this Committee shall be the Berkeley Unified School District Measure I Citizens' Construction Oversight Committee (herein referred to as the "Committee"). It may also be referred to as the Construction Bond Oversight Committee or "CBOC."

Section 2. Meeting Location

The Committee shall meet at the 1720 Oregon Street conference room. The Committee may request a change in the meeting location at a future date. Any permanent change of location must be approved by the Board, and noted by the Secretary of the Committee.

Section 3. Objective and Purpose

The primary objective and purpose of the Committee shall be to monitor and report on the expenditures of Measure I bond proceeds, and to inform the public on those expenditures and bond proceeds. The Committee is also requested to review and report on remaining bond expenditures remaining from Measure A of 1992 and Measure AA of 2000.

Section 4. Members

The Committee shall have seven members appointed by the Board of Education. All members shall be voting members. The members shall elect a Chairperson (or co-Chairs), who must be a member of the Committee, and a Secretary, who need not be a member of the Committee. ~~The composition of the Committee shall meet the requirements of Education Code section 15282.~~ All members must reside in the City of Berkeley.

The composition of the Committee shall be as follows:

1. One member shall be active in a business organization representing the business community located within the district.
2. One member shall be active in a senior citizens' organization.
3. One member shall be active in a bona fide taxpayers' organization.
4. One member shall be the parent or guardian of a child enrolled in the school district.
5. One member shall be both a parent or guardian of a child enrolled in the school district and active in a parent-teacher organization, such as the Parent Teacher Association or schoolsite council.

Section 5. General Powers

The Committee shall have only those powers and authority specifically contained in Education Code Section 15278.

Section 6. Powers

The Committee shall have the power to:

1. Perform any and all duties imposed on them collectively or individually by law, or by these bylaws;
2. Meet at such time and place as required by these bylaws; ~~and,~~
3. Review, audit and report on the expenditures of Measure I proceeds; ~~and,~~
4. Report on new expenditures from Measures A of 1992 and AA of 2000.

Section 7. Actions and Reports

~~The Committee may engage in the following activities:~~

- ~~1. Receiving and reviewing 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.~~
 - ~~a. Receiving and reviewing 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.~~

- ~~b. Inspecting District 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.~~
- ~~c. Reviewing efforts by the District to maximize bond revenues by implementing cost saving measures, including, but not limited to:~~
 - ~~i. Mechanisms designed to reduce costs of professional fees.~~
 - ~~ii. Mechanisms designed to reduce costs of site preparation.~~
 - ~~iii. Recommendations regarding the joint use of core facilities.~~
 - ~~iv. Mechanisms designed to reduce costs by incorporating efficiencies in school site design.~~
 - ~~v. Recommendations regarding the use of cost effective and efficient reusable facility plans.~~

2.1. The Committee shall cause an annual report to be furnished to all District Governing Board members, not later than 60 days after the completion of the annual audit of the year-end close of the District's financial records. The report shall contain the following summary information in appropriate detail:

- a. Committee's ongoing review summary of activities on the expenditure of Measure I bond proceeds;
- b. Advice given to the public (annually/quarterly) whether the estimated tax to be levied exceeds \$60 per \$100,000 assessed value; ~~(Cal. Const. Art. XIII A, Section 1(b)(3).)~~
- c. Results of whether bond proceeds were expended on project costs and not used on teacher or administrative salaries or other operating expenses; ~~-~~
- d. Provide a copy of any report issued to the public in the event the Committee determined Measure I funds were spent improperly or wastefully; and, -

~~3.~~ The annual report shall be accompanied by any report thereon of independent accountants, or, if there is no such report, the certificate of an authorized officer of the Committee that such statements were prepared without audit from the books and records of the Committee.

4.2. The Committee shall also cause, when appropriate, to be published a public report containing the information on any improper use of Measure I proceeds. The Secretary of the Committee shall cause all reports prepared by the Committee to be provided to the Superintendent and the members of the Board of Education upon release to the public. The Chair ~~person of the Committee or designee~~ shall present all reports to the Board of Education at a regularly scheduled meeting of the Board.

5.3. All documents of the Committee are considered public records consistent with the California Public Records Act and shall be made available by the Committee to the public in a manner consistent with District Board Policy.

4. The Committee may vote at any of its regular meetings to establish subcommittees for specific tasks. The Committee shall elect a chair for each subcommittee formed and provide a written assignment for each subcommittee. Subcommittees will comply with the Brown Act, pursuant to Govt. Code, Section 54952, subdivision (b) as required. The Committee may vote at any of its regular meetings to dissolve any subcommittee formed.

5. The Committee may also engage in the following activities:

- a. 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.
- b. Inspect District 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.
- c. Review efforts by the District to maximize bond revenues by implementing cost-saving measures, including, but not limited to:
 - i. Mechanisms designed to reduce costs of professional fees.
 - ii. Mechanisms designed to reduce costs of site preparation.
 - iii. Recommendations regarding the joint use of core facilities.
 - iv. Mechanisms designed to reduce costs by incorporating efficiencies in school site design.
 - v. Recommendations regarding the use of cost-effective and efficient reusable facility plans.

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Section 8. Terms of Office

Each member shall hold office for two years without compensation. A regular term of office shall begin in March commencing with the regularly scheduled March quarterly meeting and end at the close of business on the day prior to the regularly scheduled March quarterly meeting two years later. A member may apply for a second and/or a third two year term. No person may serve more than three consecutive two terms. The Board of Education of the District shall be notified of any vacancy and shall have the sole power to fill all vacancies. Any member's term of office may be terminated at any time by a unanimous vote of the Board of Education. The term of office for any member appointed to fill a vacancy, shall be the same as that of the member whose seat was vacated, and shall not count as a full term~~except that the new member may serve a second term.~~

Section 9. Place of Meetings; Meetings by Telephone or Telecommunication Equipment

All meetings shall comply with Government Code Section 54950, et seq. (the "Brown Act"). Meetings shall be held at the principal office of the Committee unless otherwise provided by the members, or at such place within the District that has been designated from time to time by resolution of the members. Any meeting, regular or special, may be held by conference telephone, video-screen communication, or communications equipment, so long as all members participating in such meeting can hear one another, public participation is afforded, and the meeting meets all applicable requirements of the Brown Act.

Section 10. Regular Meetings

The Committee shall meet at least once a quarter, with a goal to meet approximately once per month. Meetings shall be cancelled if a quorum cannot be established at the time of the meeting. The election of officers shall occur in the month of March of every even-numbered

year, except that an election may occur at the first meeting of the committee and at the meeting immediately after any office becomes vacant before the scheduled election time.

Section 11. Special meetings

Special meetings of the Committee may be called by the Chair~~person~~ or by a majority of the members and called pursuant to Brown Act requirements.

Section 12. Quorum for Meetings.

A quorum shall consist of a majority of the members, or four members, whichever is less.

Section 13. Majority Action as Committee Action

Every act or decision done or made by a majority of the members present at a meeting duly held at which a quorum is present is the act of the Committee.

Section 14. Conduct of Meetings

Meetings of the Committee shall be presided over by the Chair~~person of the Committee~~, or, if no such person has been so designated or, in his or her absence, the Secretary ~~of the Committee~~ or, in the absence of each of these persons, by a temporary ~~Chairperson~~ person chosen by a majority of the Directors present at the meeting. The Secretary ~~of the Committee~~ shall act as secretary of all meetings of the Committee, provided that, in his or her absence, the presiding officer shall appoint another person to act as Secretary of the meeting.

Section 15. Vacancies

Vacancies on the Committee shall exist upon the death, removal, or resignation of any member. Any member may resign effective upon giving written notice to the Chair~~person of the Committee~~, the Secretary, or the Committee as a whole, unless the notice specifies a later time for the effectiveness of such resignation. Vacancies on the Committee may only be filled by the Board of Education.

Section 16. Duties of the Chair~~person of the Committee~~

The Chair~~person of the Committee~~ shall be elected by the members of the Committee. Such election shall occur every two years at the organizational meeting, or at any regular meeting, if the office becomes vacant before the end of the term. He or she shall assume all duties normally associated with that office. The Chair~~person of the Committee~~ shall conduct the meetings of the Committee. The Chair~~person~~ shall, when present, preside at all meetings, and shall see that all orders and resolutions of the Committee are carried into effect. The Chair~~person~~ shall: put to a vote and announce the results of actions taken on questions before the Committee; resolve all questions of order (subject to appeal); call special meetings when deemed necessary; make reports to the Board of Education as required by these Bylaws, statute, or as may be requested by the Board of Education, and shall exercise and perform such other duties as may be prescribed by the Committee from time to time.

Section 17. Duties of the Secretary

The Secretary shall be elected by the members of the Committee, and shall:

1. Keep at the principal office of the Committee the original, or a copy of the Bylaws, as amended or otherwise altered to date.
2. Keep at the principal office of the Committee or at such other place as the Committee may determine, a book of minutes of all meetings, recording therein the time and place of holding, whether regular or special, how called, how notice thereof was given, the names of those present or represented at the meeting, and the proceedings thereof.
3. See that all notices are duly given in accordance with the provisions of these Bylaws or as required by law.
4. Be custodian of the records.
5. In general, perform all duties incident to the office of Secretary and such other duties as may be required by law, or by these Bylaws, or which may be assigned to him or her from time to time by the Committee.

Section 18. Amendment of Bylaws

Only the Board can amend these Bylaws. Subject to any provision of applicable law, these Bylaws, or any of them, may be recommended by majority vote of the committee, for alteration, amendment, or repeal. Subject to any provision of applicable law, these Bylaws, or any of them, may be altered, amended, or repealed and new Bylaws adopted by approval of the Board of Education.

Section 19. Other Duties as Assigned

The Board may assign additional duties to the Committee as it determines by majority vote of the Board. Such additional duties will not interfere with the Committee completing its duties stipulated in the law or contained in these by-laws.

Section 20. Facilities Advisory Committee

If at any time the Measure I Citizens' Construction Oversight Committee has more than 2 vacancies, the Superintendent or designee may create a Facilities Advisory Committee that may include current or former members of the Measure I Citizens' Construction Oversight Committee. The duties of the Facilities Advisory Committee shall include all the duties of the Measure I Citizens' Construction Oversight Committee except those for which only the Measure I Citizens' Construction Oversight Committee may perform.