

Board Bylaw

FACILITIES SAFETY AND MAINTENANCE OVERSIGHT COMMITTEE

BB 9132- H ???

Board Bylaws

FACILITIES SAFETY AND MAINTENANCE OVERSIGHT COMMITTEE

The Berkeley Schools Facilities Safety and Maintenance Oversight Committee (the "Committee") is authorized by the *Berkeley Schools Facilities Safety and Maintenance Act of 2010* ("Measure H", the "Measure") to provide accountability to the community by overseeing the implementation of the Measure. The Facilities Safety and Maintenance Oversight Committee shall be answerable to and make recommendations directly to the Board of Education ("Board").

CHARGE OF THE COMMITTEE:

In order to review the District's administration of and compliance with the terms of the Measure, the Committee shall do the following:

- (1) Strategic Plan: The Committee shall provide input into a long term, multi-year strategic plan (the "Strategic Plan") for maintenance and security of the District's facilities to be developed by District staff, for Board approval. The Strategic Plan shall be consistent with the intent of the Measure and will be reviewed annually.
- (2) Annual Plan: With the purpose of ensuring that the intent of Measure H is being met, the Committee shall provide input into an expenditure plan (the "Annual Plan") to be developed annually by the District staff recommending specific expenditures of the tax proceeds for maintenance and safety that are consistent with the intent of the Measure. The Committee shall develop processes to insure that the particular needs of each site are understood and considered in the development of the Annual Plan. A draft Annual Plan shall be distributed to the Committee and made available for public review at least two weeks prior to Board action. The plan will include measurable goals and objectives.
- (3) Reporting: Four quarterly progress reports shall be developed by District staff annually throughout each year. These reports shall summarize the activities of the Department for each period, and report on specific areas of the Annual Plan as progress is made on stated goals.
- (4) The Committee may review the Independent Auditor's Report required by Measure H.

The Committee shall terminate upon the expenditure of all funds raised under Measure H.

COMPOSITION OF THE COMMITTEE:

The Committee shall be comprised of seven members appointed by the Board. All members shall be voting members.

CRITERIA FOR MEMBERSHIP:

Where possible, members of the Committee shall have:

- (1) Facilities safety and maintenance experience or knowledge--familiarity with standard practices in construction and maintenance of public facilities.
- (2) Budgetary knowledge--familiarity with standard accounting practices.
- (3) Administrative experience--familiarity with effective management and administrative practices.
- (4) Familiarity with the Berkeley school community and the interests of representative school groups.
- (5) Familiarity with BUSD maintenance needs and planning efforts to date.

Membership shall be limited to residents or property taxpayers of the City of Berkeley, parents of BUSD students, or employees who are not in a conflict of interest position, i.e., individuals, agents of employees or vendors who may stand to gain financially from a recommendation of the Committee.

The Board may, at its discretion, appoint one or two Board Members as Board Liaison(s) to the Committee. No Board Member may be a voting member to the Committee.

The Maintenance Department shall designate a Staff Liaison to the Committee.

TERM OF APPOINTMENT

The Board shall appoint members annually or where a vacancy occurs. Members' terms expire December 1st each year unless otherwise provided for by the Board. Committee members may be re-appointed to more than one term.

A vacancy on the Committee shall exist upon the death, resignation, or excessive absence of any member, if a member becomes ineligible to continue to serve on the Committee, or upon occurrence of any other reason specified by section 1770 of the Government Code, as may be applicable. An excessive absence is defined as absence for three consecutive meetings.

SUBCOMMITTEES

The Committee may form subcommittees to assist the Committee in developing recommendations in specific aspects of its charge. Such subcommittees may be created at will by a majority vote of the Committee. At the time that a subcommittee is formed, the Committee shall define the length of time that it will exist. The Chairpersons of subcommittees shall be appointed Committee members. Membership on subcommittees is not limited to appointed Committee members. Subcommittees will report to the full Committee and to none other. Nor shall the Subcommittee or any member thereof present themselves as speaking for the Committee.

COMMITTEE GUIDELINES

The provisions of the Ralph M. Brown Act (section 54950 of the Government Code) and the guidelines set forth in the Board's policy on Advisory Committees (Board Bylaw 9130) shall apply to this Committee:

1. Meeting notice, time and place. Committee meetings shall be in a public place, open to the public, and noticed as required by the requirements of the Brown Act. The day and time of meetings shall be agreed upon among the Committee members and the Staff Liaison. All meetings are open to the public as provided by the Brown Act and shall be held at times of reasonable public access. A closed session may not be convened without the express authority of the Board or its designee.
2. Record keeping. The Committee shall establish a calendar and perform the standard record-keeping functions of such committees, including: having written agendas, recording attendance and minutes of each meeting, recording votes, and disseminating these documents to committee members and the Board.
3. Frequency of meetings. The Committee shall meet not less than quarterly.
4. Chairperson. As defined by Board Bylaw 9130.5, unless otherwise acted upon by the Board, the Committee shall designate a chairperson. The chairperson shall be elected by majority vote for a term coinciding with the appointment year. The chairperson shall be an appointed member of the Committee, a Berkeley resident and non-employee of the District.

The chairperson shall have the following responsibilities:

- a. Establish the agenda in conjunction with the Staff Liaison.
 - b. Preside at the meeting.
 - c. Be the designated spokesperson for the Committee.
 - d. Regularly review the Board agenda for items pertinent to the Committee's charge.
 - e. Ensure that any Board Liaison to the Committee receive regular updates on the work of the Committee.
 - f. Receive official notification of Committee appointments and changes to appointments.
 - g. Periodically inform the Board of the status of Committee membership including regarding vacancies on the Committee.
5. Conduct of Meetings. The Committee will follow standard meeting procedures (Robert's Rules of Order) unless the chairperson determines that informal proceedings would be more efficient and effective in completing the Committee's business as long as those proceedings otherwise meet the requirements of this Bylaw. Meetings shall be conducted in an open, civil manner.
 6. Quorum. Quorum shall consist of a majority of the total existing membership of the Committee. Notwithstanding the preceding, a quorum must have a minimum of three members.
 7. Communications with Board. The Committee shall make timely, written, progress reports to the Board pertinent to its charge and timeline as specified by the Board. The Committee shall request that these reports shall be placed on the Board meeting agenda through the Board's regular calendar and agenda process.

The Committee shall also be provided an opportunity to address the Board when an item on the Board agenda falls within the subject matter jurisdiction of the Committee and the Committee's statement represents the majority view of the Committee (which may be verified by meeting records). The chairperson shall notify the Board president prior to the Board meeting of the Committee's intent to speak.

Committee members speaking during three-minute public testimony on maintenance or Committee-related matters shall not represent themselves as speaking for the Committee unless the Committee has by a majority vote authorized them to present a resolution or similar information to the Board.

AMENDMENT OF BYLAW

The Committee may make recommendations to the Board regarding amendment of this Bylaw. Subject to any provision of applicable law, these Bylaws may be altered, amended, or repealed only by the Board. Notice of proposed amendments to the Bylaw shall be included for discussion on the agenda of the Board meeting just prior to the meeting in which these amendments will be voted.

Legal Reference:

EDUCATION CODE

35010 Control of district; prescription and enforcement of rules

35024 Executive committee

35160 Authority of governing boards

35160.1 Broad authority of school districts

GOVERNMENT CODE

54952 Legislative body, definition

54952.2 Definition of meeting

54954 Time and place of regular meetings; special meetings; emergencies

54954.3 Opportunity for public to address legislative body

ATTORNEY GENERAL OPINIONS

81 Ops.Cal.Atty.Gen. 156 (1998)

80 Ops.Cal.Atty.Gen. 308 (1997)

79 Ops.Cal.Atty.Gen. 69 (1996)

Bylaw BERKELEY UNIFIED SCHOOL DISTRICT

adopted: **March 5, 2003** Berkeley, California