

## **Berkeley Unified School District**

Board Bylaw 9130

### **Advisory Committees**

#### 1. Intent

The Governing Board may create Advisory Committees for special purposes. It is the intent of the Board to encourage the participation and involvement of the Berkeley community in our public schools. Membership on Board Advisory Committees is an important means of ensuring such participation. Thus, the Board will make efforts to ensure that the composition of all Committees is as representative of the diversity of the Berkeley school community as is practicable.

#### 2. Limitation of Advisory Committees

The Board possesses certain legal powers and prerogatives, which cannot be delegated or surrendered to others. Recommendations of an advisory committee are not, therefore, binding on the Board and must be submitted to the Board for consideration and action. The Board shall ensure that Committees act in accordance with applicable Board policies and local/state/federal laws.

Tax Oversight Committees. Intent.

#### 1. Intent

The Board has Committees created by or associated with local legislation authorizing collection of taxes for special purposes. Such Committees shall be defined as Tax Oversight Committees. These Committees include (but may not be limited to):

- a. Berkeley Schools Excellence Project Planning and Oversight Committee (BSEP P&O)
- b. Facilities Safety Maintenance Oversight Committee (FSMOC)
- c. Construction Bond Oversight Committee (CBOC)
- d. Other Committees as may be specified by local, state or federal code applicable to school districts. One example of this is covered in Board Policy 3280 which governs the creation and bylaws of the Surplus Site Committee.

## 2. Charge

Tax Oversight Committees are charged with monitoring the expenditure of the tax monies and ensuring compliance with the terms of the local legislation governing those tax revenues. As part of its charge, the Board shall provide the committees with a timeline for the completion of their charge and designate when and how reports are to be made. Additional charges of each Committee may be specified by statute, committee specific Board policy or by Board-approved Bylaws.

## 3. Composition and Qualifications

Except where otherwise specified by statute (e.g., BSEP Planning & Oversight Committee or specifically listed in the bylaws as is true for the CBOC) the Board shall determine the composition and the qualifications of membership. Membership in Tax Oversight Committees shall be defined in the individual by-laws, but unless stated otherwise shall not include people who are not residents or property taxpayers of the City of Berkeley, parents of BUSD students, 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 Committee may form subcommittees to assist the Committee in developing recommendations in specific aspects of its charge. The composition and charge of such subcommittees shall be in accordance with Board approved Bylaws.

## 4. Term of Appointment

The Board shall appoint members per the by-laws. If no by-laws exist, members shall be appointed for one year only and terms will expire December 1st each year unless otherwise provided for by the Board. Committee members may be re-appointed to more than one term. Any Committee member who misses three meetings during the year without a valid excuse may be replaced by the appointing individual or appointing group.

## 5. Members

The Board and/or the Superintendent shall appoint members except where otherwise acted upon by the Board, specified in applicable legislation or Board-approved bylaws. If nothing is specified in the by-laws, each Board Member, including the Student Directors and the Superintendent shall have at least one appointed representative. When the number of members to be appointed by the Board is greater than the number of Board Members, each Board member shall appoint one member; remaining appointments shall be approved by a majority vote of the Board. The Board may, at its discretion, appoint one or two Board Members as Liaison to the Committee. No Board Member may be a voting

member to any such committee. The votes of students appointed to committees shall be counted, with the exception of the votes of those students appointed to committees established by the California Education Code.

## Board Task Forces

### 1. Intent

The Board may create, from time to time, a Task Force to address issues of current concern to the Board. The charge of such a Task Force shall be to assist the Board in the development of policy recommendations for Board consideration. Composition of

A Board Task Force may vary in accordance with the purpose and charge of the Task Force. The Board shall provide the committees with a timeline for the completion of their charge and designate when and how reports are to be made. Such a Task Force shall be dissolved upon completion of its assignment, or it may be dissolved by a vote of the Board at any time. The Board shall reconsider and reaffirm both the charge and membership of each of its Task Forces at the Board's annual organizational meeting.

### 2. Composition and Qualifications

The Board shall determine the composition and the qualifications of membership. The Board shall take care to ensure that members are free of any conflict of interest position and that citizen members outnumber staff.

### 3. Term of Appointment

The Board shall appoint or reappoint Task Force members at the Board's annual organizational meeting. Task Force members may be re-appointed to more than one term. Any member who misses three meetings during the year without a valid excuse may be replaced by the appointing individual or appointing group.

### 4. Members

The Board and/or the Superintendent shall appoint Task Force members except where that authority is otherwise delegated by the Board. Each Board Member, including the Student Directors, and the Superintendent shall have at least one appointed representative. Community members shall outnumber staff members in all Task Forces. When the number of members to be appointed by the Board is greater than the number of Board Members, each Board member shall appoint one member; remaining appointments shall be approved by a majority vote of the Board. Employees serving on a Task Force may be appointed by the Board or, where deemed by the Board to be appropriate to the

charge of the Task Force, shall be appointed by their bargaining unit. The Board may, at its discretion, appoint one or two Board Members as Liaison to the Committee. No Board Member may be a voting member to any such committee. The votes of students appointed to committees shall be counted, with the exception of the votes of those students appointed to committees established by the California Education Code.

### Administrative Responsibilities

The administration will provide reasonable levels of support to advisory committees to assist them in the completion of its charge. The Board shall delegate to the Superintendent (or his/her designee), the following responsibilities:

1. Publicize the creation of the Committee and conduct outreach to recruit a group of diverse candidates for membership.
2. Designate an appropriate staff person to support the work of the Committee.
3. Provide training and orientation to the Committees shortly following their initial organizational meeting.
4. Provide copies to each member of the committee's charge, roster, Board guidelines, materials pertinent to the Committee/Task Force's charge and, at the request of the appointing party, "conflict of interest" declaration forms
5. Provide assistance to the committee to produce required reports and records.
6. Provide assurance to the Board that committees are acting in accordance with applicable Board policies and local/state/federal laws.

### Committee Guidelines

The provisions of the Ralph M. Brown Act (Government Code 54950) shall apply to any committee created by formal action of The Board. Committees shall follow the Brown Act. Committees shall not adopt their own rules or by-laws except as authorized by the Board. Committees will observe the following guidelines:

1. Meeting Notice, Time and Place

Advisory Committee meetings shall be in a public place, open to the public, and noticed at least 72 hours in advance (preferably longer). The day and time of meetings shall be agreed upon among the Committee members and the staff.

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. Appointment of Chairperson

Unless otherwise acted upon by the Board or specified in Board approved Bylaws, the Committee shall designate a permanent chairperson. The chairperson shall be an appointed member of the Committee, a Berkeley resident and nonemployee of the district.

## 4. Conduct of Meetings

Committees will follow standard meeting procedures (Robert's Rules of Order) with meetings conducted in an open, civil manner.

## 5. Quorum

Quorum shall consist of no fewer than "one half plus one" of the total number of representatives.

## 6. Communications with Board

Advisory Committees shall make timely, written, progress reports to the Board pertinent to its charge and timeline as specified by the Board. These reports shall be placed on the Board meeting agenda by the Staff Liaison to the Committee through the Board's regular calendar and agenda process.

Advisory Committees may 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). Committee representatives shall notify the Board president prior to the Board meeting of the Committee's intent to speak.

## 7. Committee Activities

Any public activities to be sponsored by a committee must receive approval by the Board before they can be publicized as a Board-sponsored event.

## Chairperson Responsibilities

1. Establish the agenda in conjunction with the staff liaison.
2. Preside at the meeting.
3. Be the designated spokesperson for the committee.
4. Regularly review the Board agenda for items pertinent to the committee's charge.
5. Ensure that the Board liaison to the committee receive regular updates on the work of the Committee.

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