



Measure L Citizens' Bond Oversight Committee Meeting

COMMITTEE MEMBER PACKET

June 19, 2019

6:30 pm – 7:30 pm

LOCATION:

Vinci Park Elementary School – FIS Room
1311 Vinci Park Way, San Jose, CA 95131

Measure L Citizens Oversight Committee Meeting

Berryessa Union School District

June 19, 2019, Wednesday, 6:30 PM – 7:30 PM

Location: Vinci Park Elementary School, 1311 Vinci Park Way, San Jose, CA 95131

Agenda

- | | |
|---|-------|
| 1- Call to order | Marty |
| a. Roll call | |
| Marty Michaels – Chair | |
| Amy Chen – Vice Chair | |
| Adrienne O’Leary | |
| Frank Cancilla | |
| Susan Fowle | |
| Paul Guth | |
| b. Adoption of agenda | All |
| c. Approval of March 20, 2019 meeting minutes | All |
| 2- Public comments | |
| 3- Reports | |
| a. Measure L project update | Tony |
| b. Financial report | Tony |
| c. Additional Project List | Tony |
| 4- Old business | |
| Future meeting date | Marty |
| 5- New business | All |
| 6- Adjournment | Marty |

UNADOPTED

**Berryessa Union School District
1376 Piedmont Road
San Jose, CA 95132**

Measure L Citizens' Oversight Committee Meeting
Morrill Middle School
March 20, 2019
6:30 p.m. – 7:30 p.m.

REGULAR MEETING MINUTES

Members Present: Marty Michaels, Chair
Amy Chen, Vice Chair
Adrienne O'Leary
Frank Cancilla
Susan Fowle

District Staff Present: Tony Kanastab, Director of Bond Facilities and
Modernization
Amy Zhou, Budget Bond Accountant

Public Present: Jessica Berry, Auditor - Nigro & Nigro, Sandy Nguyen, Nhu
Nguyen, and Shelby Tran - Public

1. Call to Order

Minutes

Mr. Marty Michaels called the meeting to order at 6:34 p.m.

a. Roll Call -

Minutes

All present.

b. Adoption of Agenda

Minutes

Motion to approve by Frank Cancilla, 2nd by Ms. Chen. All in favor.

c. Approval of the December 12, 2018, CBOC Meeting Minutes

Minutes

Motion to approve by Mr. Cancilla, 2nd by Ms. Fowle. All in favor.

2. Public Comments

Minutes

Sandy Nguyen, Nhu Nguyen, and Shelby Tran are present from the public. No other comments.

3. Reports

a. Bond Audit Report

Minutes

Ms. Berry presented the 2017-2018 Audit Report to the Committee. She reiterated the auditors' responsibility is to express their opinion on the financial statements based on the audit and to ensure that statements are in accordance with Government Auditing Standards. She also stated that they issued an "unmodified" opinion which means that they found the District's financial statements "present fairly, in all material respects the financial position of the Measure L General Obligation Bond Building Fund." She also showed to the Committee on page 4 the total Liabilities and Fund Balance as of June 2017 was approximately \$26.8 million and the Statement of Revenues, Expenditures, and Changes in Fund Balance on page 5. Also, she mentioned on page 11-12 of the report is regarding the internal control evaluation and that they did not identify any material deficiencies in the District's internal control. Ms. Berry also presented the Auditor's Report on Performance (pag13), where he shows their objective and the procedures that they performed. She added that they'd tested about \$5.8 million in bond fund invoices paid and processed for the year.

b. CBOC Annual Report

Minutes

Mr. Michaels shared to the committee that he had presented the CBOC Annual Report to the Board and received positive feedback.

Mr. Michaels requested that a spending plan and schedule for the expected \$2.5M to \$3.0M budget underspending. Mr. Kanastab added that once this plan is approved by the Board, the plan will be shared with the committee.

c. Measure L Project Update

Minutes

Mr. Kanastab presented the updated report to the committee, starting with the image of Majestics Ways FIS.

- Ruskin Elementary School - FIS – Mr. Kanastab stated contractor has corrected the waterfall panels and the contractor has order replacement light for Marine Room, which might be too dark, and will install the lights once they are received.
- Brooktree ES FIS – Mr. Kanastab stated that the mural was replaced and the contractor has yet to receive the replacement ceilings from the manufacturer. The tackable wall surface at the mountains will be replaced over spring break.
- Cherrywood Elementary – FIS – Mr. Kanastab said that construction has begun and the contractor is currently doing demolition, elevator shaft foundations and has begun rough framing. Completion is scheduled for August 2019.
- Toyon Elementary School – FIS – Mr. Kanastab stated that the contractor had completed all the site concrete, installation of drywall, and ceiling framing. They are currently working on the finish carpentry, painting, casework, sliding marker boards, and the mechanical/plumbing/electrical finish trim. Completion is scheduled for mid-April.

After the report was presented, Mr. Kanastab showed the committee the following pictures:

- Cherrywood FIS – the images show the changes from February to March.
- Toyon FIS – the images show the changes from December to March.
- Morrill FIS – two images of the completed FIS.
- Ruskin FIS – two images of the completed FIS.
- Piedmont FIS – three images of the completed FIS.
- Brooktree FIS – three images of the FIS.

d. Measure L Financial Report

Minutes

Mr. Kanastab presented the Measure L 2nd Quarter Report from 07/01/2018-12/31/2018 showing that as of the end of the 2nd quarter, the District has spent

about \$6 M and about \$3.8M in the 2nd quarter. The District has a balance of \$19M.

Mr. Cancilla asked if a report showing the budget and expenses per school be expanded to not only include by the school, but also by the project. Mr. Kanstab stated that would be included at the next meeting.

4. Old Business

a. Committee membership - extension

Minutes

Mr. Michaels reiterated that since some of the member's terms have expired already – they all agreed to continue to serve in the committee as long as the District is continuously posting and is actively recruiting for new members to help.

b. Future committee meeting dates

Minutes

Mr. Michaels asked Mr. Kanastab if the District has a Board Meeting schedule for the next school year. Mr. Kanastab added that the Board Meeting schedule would be approved by the June Board Meeting. Mr. Michaels stated future meeting dates as well will be determined at the next committee meeting.

5. New Business

Minutes

None

6. Adjournment

Minutes

Motion to adjourn by Mr. Michaels at 7:42 pm, 2nd by Mr. Cancilla. All in favor.



Pathway to the Future

Citizens Bond Oversight Committee

June 19, 2019

Measure L – Overview

- Project Updates
- Program Schedule Review

Measure L – Project Updates

Cherrywood Elementary School - FIS

- Complete:
 - Demolition
 - Elevator foundations
 - Rough framing
 - HVAC roof platform
 - Roofing
 - Flooring demolition/prep
 - Rough-in electrical - walls
- In progress:
 - Elevator shaft sheetrock
 - Drywall
 - Wall Insulation
 - Rough-in HVAC
 - Flooring

Measure L – Project Updates



Cherrywood FIS – Kitchen/Elevator Area - April

Measure L – Project Updates



Cherrywood FIS – Kitchen/Elevator Area - May

Measure L – Project Updates



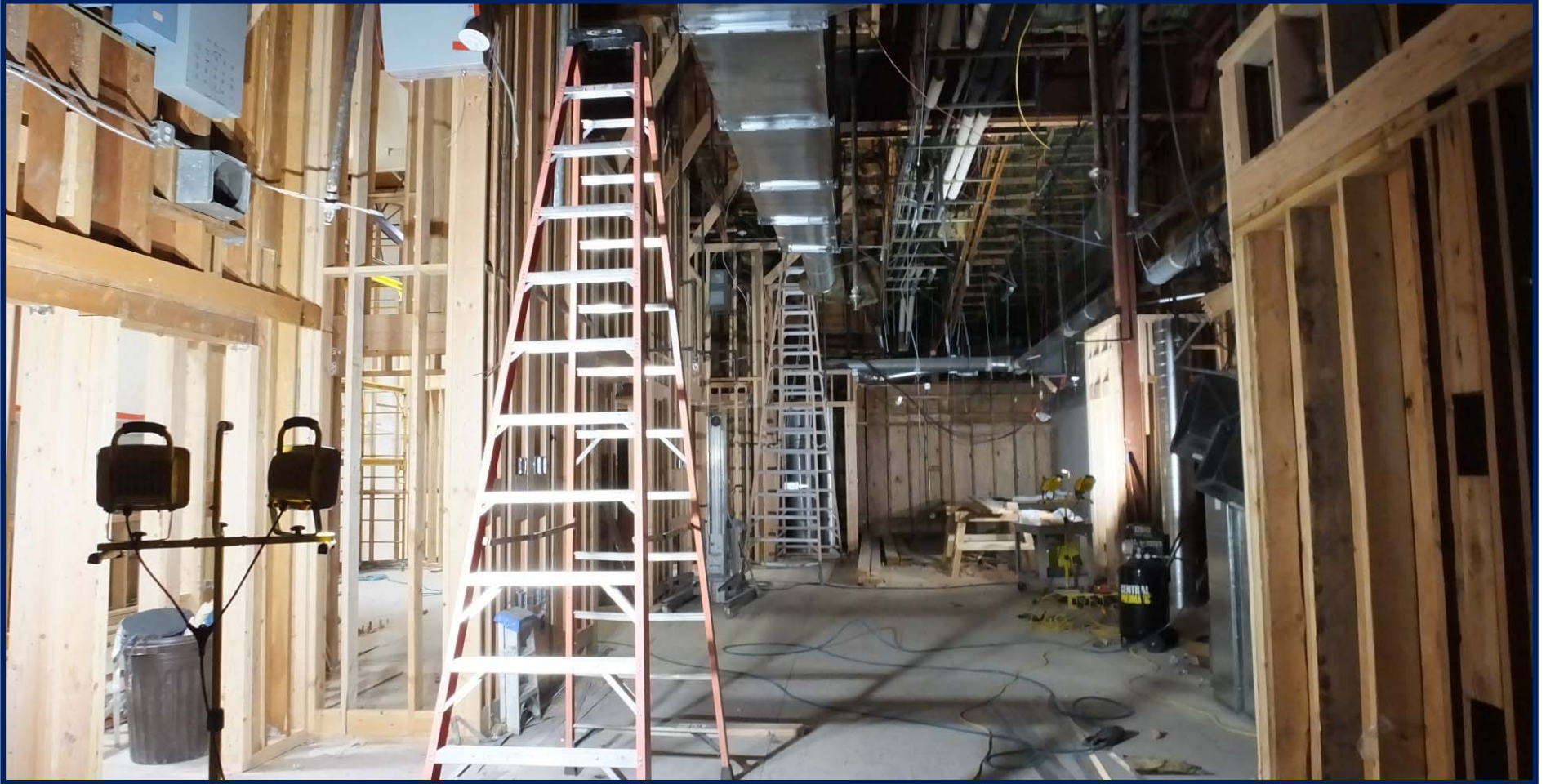
Cherrywood FIS – FIS Space Looking West- April

Measure L – Project Updates



Cherrywood FIS – FIS Space Looking West- April

Measure L – Project Updates



Cherrywood FIS – FIS Space Looking West- April

Measure L – Project Updates



Cherrywood FIS – Front FIS Space Looking East- April

Measure L – Project Updates



Cherrywood FIS – Front FIS Space Looking East- April

Measure L – Project Updates



Cherrywood FIS – Front FIS Space Looking East- June

Measure L – Project Updates

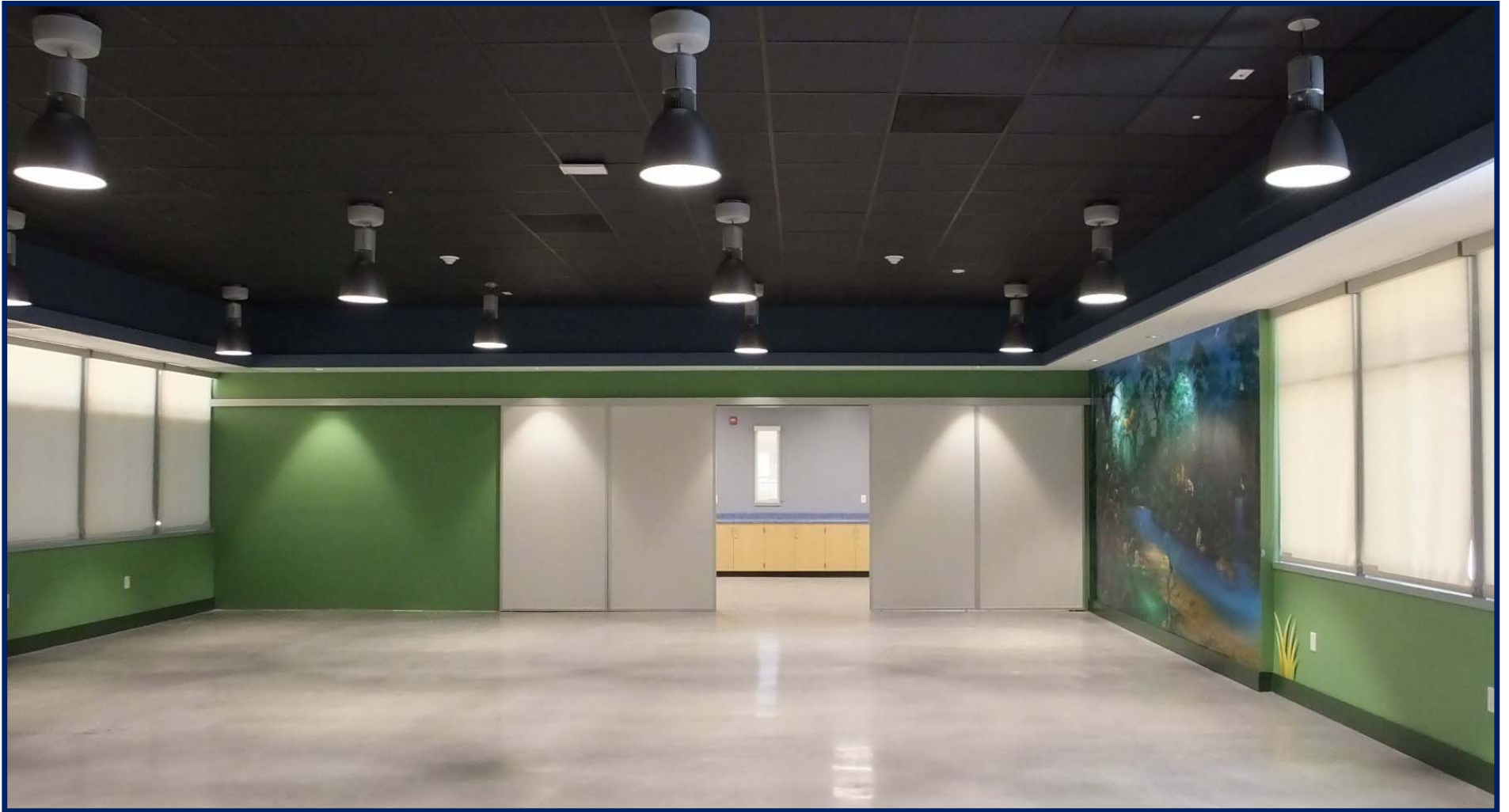
Toyon Elementary School - FIS

- Grass installation

Brooktree Elementary School - FIS

- Printed ceiling tiles replacement

Measure L – Project Updates



Toyon FIS – Looking East - May

Measure L – Project Updates



Toyon FIS – Looking West - May

Measure L – Project Updates



Toyon FIS – Library

Measure L – Project Updates



Brooktree FIS

Measure L – Project Updates



Ruskin FIS

Measure L – Project Updates



Vinci Park FIS

Measure L – Project Updates



Morrill FIS

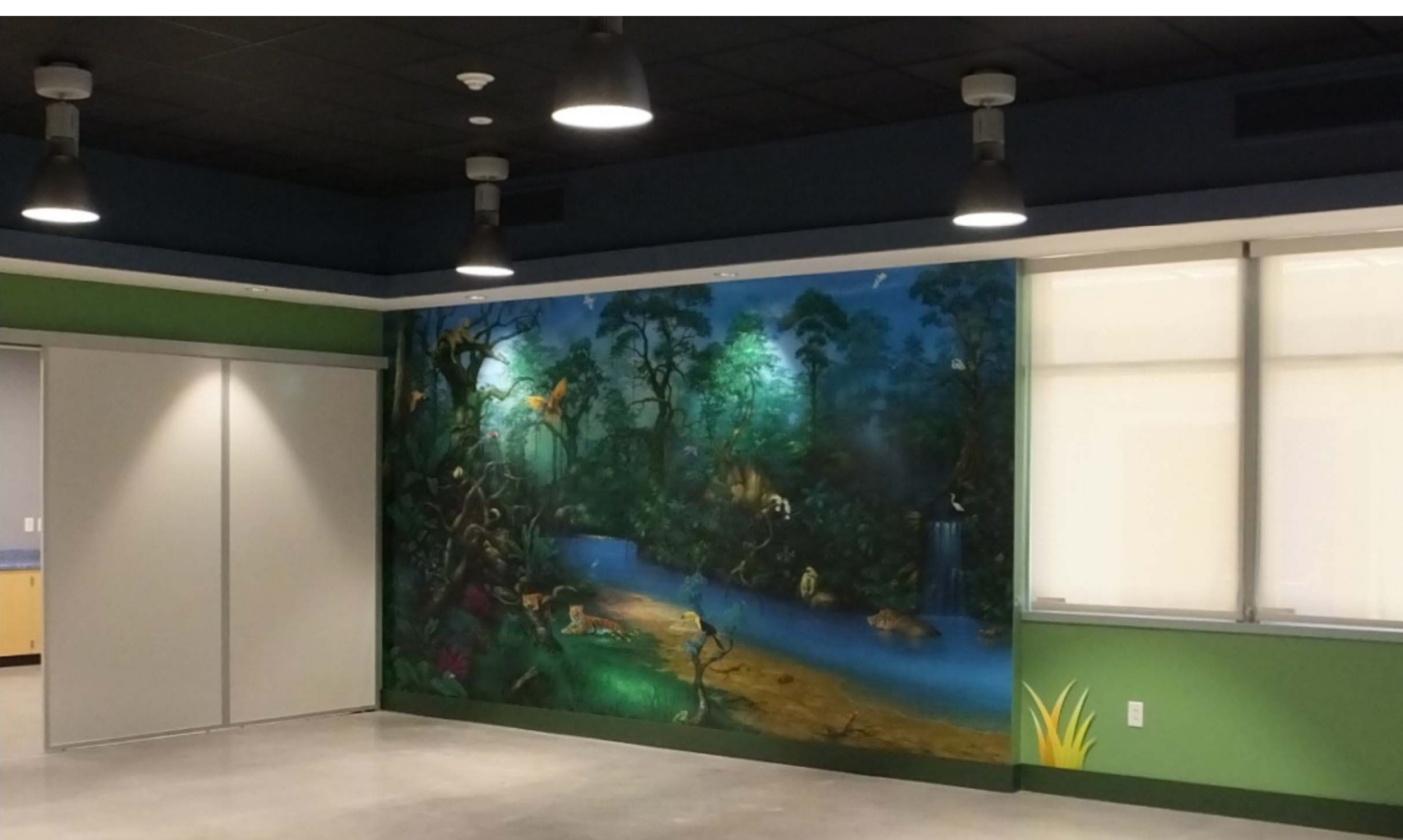
Measure L – Project Updates



Piedmont FIS

Measure L – Program Schedule

[illegible]



Thank You

Berryessa Union School District

Measure L Bond

Additional Projects List

June 4, 2019

SUMMARY	
PROJECTS	TOTAL
TRAFFIC GATES (BT, CW, NB, NW, SD, VP, MMS, PMS, SMS)	\$96,000
CAFETERIA TABLE REPLACEMENT (CW, LV, NW, VP, PMS, SMS)	\$156,021
LIBRARY SHELVING (BT, MW, NB, SD, VP)	\$124,300
MUSIC ROOM FURNITURE (MMS, PMS, SMS)	\$55,500
HVAC PROJECTS (CW, TY, MMS)	\$436,635
PLUMBING PROJECTS (CW, PMS, SMS)	\$92,213
PORTABLE RESTROOM REPLACEMENT @ BROOKTREE	\$212,500
PERIMETER FENCING (CW, LV, NB, RK, SMS)	\$333,000
PAVING (LV)	\$276,276
WIRELESS THERMOSTAT @ PORTABLES (ALL)	\$81,600
SECURITY CAMERA - QUAD/EXTERIOR AREAS (MIDDLE SCHOOLS)	\$99,900
MAIN ALARM SECURTIY PANEL REPLACEMENT (ALL)	\$162,500
ADD FERTIGATION SYSTEM TO IRRIGATION SYSTEM (MMS)	\$6,600
LUNCH SHADE STRUCTURES (NB, RK, MMS)	\$340,075
TOTAL	\$2,473,120
CONTINGENCY	\$2,690,207
DIFFERENCE	(\$217,087)

Berryessa Union School District

Measure L Bond

Additional Projects List

June 4, 2019

Traffic Gates at Parking Lots

- Install traffic gates at Brooktree, Cherrywood, Noble, Northwood, Summerdale, Vinci Park, Morrill (not the BYC parking lot), Piedmont, and Sierramont.

Cafeteria Tables Replacement

The replacement of 72 of the 170 cafeteria tables in the District. This project would replace all the café tables at Cherrywood, Laneview, Northwood, Vinci Park, Piedmont, and Sierramont. Any tables that are in good condition from these schools would be used to replace tables at Brooktree, Majestic Way, Noble, Ruskin, Summerdale, Toyon, and Morrill that are in fair condition.

Library Shelving

Replace library shelving at Brooktree, Majestic Way, Noble, Summerdale, and Vinci Park.

Music Room Furniture

Purchase choral risers and possibly ergonomic music chairs as needed at Morrill, Piedmont, and Sierramont.

HVAC Projects

- Cherrywood, replace the underground hot and cold water HVAC piping from the central plant to the main building.
- Toyon, replace the underground hot and cold water HVAC piping at buildings B, C, and J.
- Morrill, add air conditioning to the Music room (Building D).

Plumbing Projects

- Cherrywood, replace the domestic waterline above the ceiling in the Kitchen area.
- Piedmont and Sierramont, install a backflow preventer for the irrigation system at each site.

Portable Restroom Replacement @ Brooktree

This restroom portable was installed in 1992 and is in poor condition. Included is the cost to replace the portable, but before replacing the portable, staff would determine if it would be less expensive to modernize the existing portable than it would be to replace in kind.

Berryessa Union School District

Measure L Bond

Additional Projects List

June 4, 2019

Perimeter Fencing

- Cherrywood, add ornamental fencing and gates at the entrance of the campus.
- Laneview, add chain link fencing and gates to the back side of campus to limit access to the campus from the play area after school hours.
- Noble, replace the existing 4-foot fencing at the kindergarten play area and lunch area to 6-foot chain link fencing.
- Ruskin, add ornamental fencing and gates between Building A & B and the staff parking area.
- Sierramont, add 6-foot chain link fencing and gates to the west and south side of the building.

Paving

Complete paving replacement at Laneview staff parking lot/delivery area.

Wireless Thermostat at Portables

Replace existing thermostats with a wireless thermostat. A wireless thermostat will allow all 69 portables to be monitored remotely from one location.

Security Cameras @ Middle Schools

Installation of additional cameras to monitor the quad and exterior areas of the campuses. The District previously installed cameras at the administration areas and parking lots.

Main Security Alarm Panel Replacement

At schools replace main alarm security panel and keypads.

Add Fertigation System to Irrigation System

Add fertigation system to irrigation system at Morrill.

Lunch Shade Structure

Add lunch shade structures at Noble, Ruskin, and Morrill. Locations of the structures are yet to be determined.

Berryessa Union School District Bond Measure L – 2014 through March 31, 2019

3. Percentage of Total

Description	Proposed Budget	Current Budget	Budget Variances	Expenses as of 03/31/19	Balance	Percentage of Total Cost
Brooktree Elementary School						
Modernization	\$ 2,376,493	\$ 2,348,661	\$ (27,832)	\$ 1,768,849	\$ 579,812	3.05%
Paving Project	\$ 77,404	\$ 92,405	\$ 15,001	\$ 91,976	\$ 429	0.12%
Play Area Surface	\$ 40,130	\$ 28,935	\$ (11,195)	\$ 28,935	\$ 0	0.04%
Fencing	\$ 130,797	\$ 36,188	\$ (94,609)	\$ 36,188	\$ (0)	0.05%
Exterior Painting	\$ 150,891	\$ 110,299	\$ (40,592)	\$ 110,299	\$ (0)	0.14%
Total	\$ 2,775,715	\$ 2,616,488	\$ (159,227)	\$ 2,036,247	\$ 580,241	3.40%
Cherrywood Elementary School						
Modernization	\$ 2,291,762	\$ 2,320,377	\$ 28,615	\$ 874,564	\$ 1,445,813	3.01%
Paving Project	\$ 55,339	\$ 60,697	\$ 5,358	\$ 60,697	\$ 0	0.08%
Play Area Surface	\$ 143,316	\$ 67,280	\$ (76,036)	\$ 67,280	\$ (0)	0.09%
Fencing	\$ -	\$ -	\$ -	\$ -	\$ -	0.00%
Exterior Painting	\$ 150,891	\$ 134,240	\$ (16,651)	\$ 134,240	\$ 0	0.17%
Total	\$ 2,641,308	\$ 2,582,594	\$ (58,714)	\$ 1,136,782	\$ 1,445,812	3.35%
Laneview Elementary School						
Modernization	\$ 2,453,276	\$ 2,218,277	\$ (234,999)	\$ 2,109,123	\$ 109,154	2.88%
Paving Project	\$ 28,611	\$ 28,611	\$ -	\$ -	\$ 28,611	0.04%
Play Area Surface	\$ 143,170	\$ 113,075	\$ (30,095)	\$ 113,075	\$ (0)	0.15%
Fencing	\$ -	\$ -	\$ -	\$ -	\$ -	0.00%
Exterior Painting	\$ -	\$ -	\$ -	\$ -	\$ -	0.00%
Total	\$ 2,625,057	\$ 2,359,963	\$ (265,094)	\$ 2,222,198	\$ 137,765	3.06%
Majestic Way Elementary						
Modernization	\$ 2,059,300	\$ 1,824,300	\$ (235,000)	\$ 1,727,620	\$ 96,680	2.37%
Paving Project	\$ 116,151	\$ 203,535	\$ 87,384	\$ 163,535	\$ 40,000	0.26%
Play Area Surface	\$ 119,031	\$ 91,444	\$ (27,587)	\$ 91,444	\$ (0)	0.12%
Fencing	\$ 130,797	\$ 55,132	\$ (75,665)	\$ 55,132	\$ (0)	0.07%
Exterior Painting	\$ 150,891	\$ 108,702	\$ (42,189)	\$ 108,702	\$ -	0.14%
Total	\$ 2,576,170	\$ 2,283,113	\$ (293,057)	\$ 2,146,434	\$ 136,679	2.97%
Noble Elementary School						
Modernization	\$ 2,560,082	\$ 2,092,285	\$ (467,797)	\$ 2,044,487	\$ 47,798	2.72%
Paving Project	\$ 56,176	\$ 151,046	\$ 94,870	\$ 151,046	\$ -	0.20%
Play Area Surface	\$ 123,157	\$ 77,553	\$ (45,604)	\$ 77,553	\$ 0	0.10%
Fencing	\$ -	\$ -	\$ -	\$ -	\$ -	0.00%
Exterior Painting	\$ -	\$ -	\$ -	\$ -	\$ -	0.00%
Total	\$ 2,739,415	\$ 2,320,884	\$ (418,531)	\$ 2,273,086	\$ 47,798	3.01%

Berryessa Union School District Bond Measure L – 2014 through March 31, 2019

3. Percentage of Total

Description	Proposed Budget	Current Budget	Budget Variances	Expenses as of 03/31/19	Balance	Percentage of Total Cost
Northwood Elementary School						
Modernization	\$ 2,483,167	\$ 2,268,964	\$ (214,203)	\$ 2,218,195	\$ 50,769	2.95%
Paving Project	\$ 358,804	\$ 142,030	\$ (216,774)	\$ 142,030	\$ 0	0.18%
Play Area Surface	\$ 60,971	\$ 103,193	\$ 42,222	\$ 103,193	\$ (0)	0.13%
Fencing	\$ 113,358	\$ 15,921	\$ (97,437)	\$ 15,921	\$ (0)	0.02%
Exterior Painting	\$ -	\$ -	\$ -	\$ -	\$ -	0.00%
Total	\$ 3,016,300	\$ 2,530,108	\$ (486,192)	\$ 2,479,340	\$ 50,768	3.29%
Ruskin Elementary School						
Modernization	\$ 2,398,880	\$ 2,363,878	\$ (35,002)	\$ 1,997,646	\$ 366,232	3.07%
Paving Project	\$ 51,567	\$ 51,568	\$ 1	\$ -	\$ 51,568	0.07%
Play Area Surface	\$ 136,096	\$ 106,021	\$ (30,075)	\$ 106,021	\$ (0.26)	0.14%
Fencing	\$ -	\$ -	\$ -	\$ -	\$ -	0.00%
Exterior Painting	\$ 111,241	\$ 103,429	\$ (7,812)	\$ 103,429	\$ (0.09)	0.13%
Total	\$ 2,697,784.00	\$ 2,624,896	\$ (72,888)	\$ 2,207,096	\$ 417,800	3.41%
Summerdale Elementary School						
Modernization	\$ 2,341,378	\$ 2,403,827	\$ 62,449	\$ 2,403,827	\$ (0.27)	3.12%
Paving Project	\$ 405,310	\$ 392,368	\$ (12,942)	\$ 392,368	\$ 0.09	0.51%
Play Area Surface	\$ 230,310	\$ 110,456	\$ (119,854)	\$ 110,456	\$ 0.04	0.14%
Fencing	\$ -	\$ -	\$ -	\$ -	\$ -	0.00%
Exterior Painting	\$ -	\$ -	\$ -	\$ -	\$ -	0.00%
Total	\$ 2,976,998.00	\$ 2,906,651	\$ (70,347)	\$ 2,906,651	\$ (0.14)	3.77%
Toyon Elementary School						
Modernization	\$ 2,241,527	\$ 2,344,766	\$ 103,239	\$ 1,268,405	\$ 1,076,361	3.05%
Paving Project	\$ 83,970	\$ 266,934	\$ 182,964	\$ 273,394	\$ (6,460)	0.35%
Play Area Surface	\$ 246,016	\$ 90,684	\$ (155,332)	\$ 90,684	\$ 0	0.12%
Fencing	\$ -	\$ -	\$ -	\$ -	\$ -	0.00%
Exterior Painting	\$ 160,401	\$ -	\$ (160,401)	\$ -	\$ -	0.00%
Total	\$ 2,731,914	\$ 2,702,384	\$ (29,530)	\$ 1,632,482	\$ 1,069,902	3.51%
Vinci Park Elementary School						
Modernization	\$ 2,605,980	\$ 2,577,173	\$ (28,807)	\$ 2,337,684	\$ 239,489	3.35%
Paving Project	\$ 79,045	\$ 190,053	\$ 111,008	\$ 190,053	\$ -	0.25%
Play Area Surface	\$ 38,490	\$ 56,158	\$ 17,668	\$ 56,158	\$ (0)	0.07%
Fencing	\$ 78,478	\$ 27,212	\$ (51,266)	\$ 27,212	\$ (0)	0.04%
Exterior Painting	\$ -	\$ -	\$ -	\$ -	\$ -	0.00%
Total	\$ 2,801,993	\$ 2,850,596	\$ 48,603	\$ 2,611,107	\$ 239,489	3.70%

Berryessa Union School District Bond Measure L – 2014 through March 31, 2019

3. Percentage of Total

Description	Proposed Budget	Current Budget	Budget Variances	Expenses as of 03/31/19	Balance	Percentage of Total Cost
Morrill Middle School						
Modernization	\$ 3,805,000	\$ 3,769,999	\$ (35,001)	\$ 2,978,416	\$ 791,583	4.90%
Paving Project	\$ 816,200	\$ 443,792	\$ (372,408)	\$ 443,792	\$ (0)	0.58%
Fencing	\$ -	\$ -	\$ -	\$ -	\$ -	0.00%
Exterior Painting	\$ 228,163	\$ 117,574	\$ (110,589)	\$ 117,574	\$ (0)	0.15%
Total	\$ 4,849,363	\$ 4,331,365	\$ (517,998)	\$ 3,539,782	\$ 791,583	5.63%
Piedmont Middle School						
Modernization	\$ 4,141,510	\$ 4,106,511	\$ (34,999)	\$ 2,342,534	\$ 1,763,977	5.33%
Paving Project	\$ 73,405	\$ 573,406	\$ 500,001	\$ 48,585	\$ 524,821	0.74%
Fencing	\$ -	\$ -	\$ -	\$ -	\$ -	0.00%
Exterior Painting	\$ -	\$ -	\$ -	\$ -	\$ -	0.00%
Total	\$ 4,214,915	\$ 4,679,917	\$ 465,002	\$ 2,391,119	\$ 2,288,798	6.08%
Sierramont Middle School						
Modernization	\$ 3,987,414	\$ 4,242,543	\$ 255,129	\$ 4,219,783	\$ 22,760	5.51%
Paving Project	\$ 1,961,877	\$ 1,188,517	\$ (773,360)	\$ 1,188,517	\$ (0)	1.54%
Fencing	\$ -	\$ -	\$ -	\$ -	\$ -	0.00%
Exterior Painting	\$ -	\$ -	\$ -	\$ -	\$ -	0.00%
Total	\$ 5,949,291	\$ 5,431,060	\$ (518,231)	\$ 5,408,301	\$ 22,759	7.05%
Energy Conservation Project	\$ 10,836,279	\$ 9,652,758	\$ (1,183,521)	\$ 9,652,759	\$ (1)	12.54%
Central Kitchen	\$ 5,971,020	\$ 5,954,028	\$ (16,992)	\$ 5,947,250	\$ 6,778	7.73%
District Office- Main	\$ 2,154,423	\$ 3,337,944	\$ 1,183,521	\$ 143,081	\$ 3,194,863	4.33%
Technology - Wireless/Infrastructure	\$ 2,349,611	\$ 3,028,938	\$ 679,327	\$ 3,018,018	\$ 10,920	3.93%
Technology - Classroom	\$ 3,191,980	\$ 2,967,634	\$ (224,346)	\$ 1,417,848	\$ 1,549,786	3.85%
District - Wide	\$ 5,696,500	\$ 6,026,887	\$ 330,387	\$ 5,629,432	\$ 397,455	7.83%
Program	\$ 3,038,500	\$ 3,038,500	\$ -	\$ 1,816,337	\$ 1,222,163	3.95%
Bond Contingency	\$ 1,165,464	\$ 2,773,292	\$ 1,607,828	\$ -	\$ 2,773,292	3.60%
Total Program Cost	\$ 77,000,000	\$ 77,000,000	\$ 0	\$ 60,615,350	\$ 16,384,650	100%
Interest***		\$ 1,041,916	\$ 1,041,916		\$ 1,041,916	
Total Program Cost with Interest	\$ 77,000,000	\$ 78,041,916	\$ 1,041,916	\$ 60,615,350	\$ 17,426,566	

Total Bond Contingency as of March 31, 2019

\$ 3,815,207

**BERRYESSA UNION SCHOOL DISTRICT
INDEPENDENT CITIZENS' BOND OVERSIGHT COMMITTEE
BYLAWS**

Section 1. Committee Established. The Berryessa Union School District (the "District") was successful at the election conducted on November 4, 2014 (the "Election") in obtaining authorization from the District's voters to issue up to \$77,000,000 aggregate principal amount of the District's school facilities bond ("Measure L"). 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 is now obligated to establish an Independent Citizens' Bond Oversight Committee in order to satisfy the accountability requirements of Prop 39. The Board of Trustees of the Berryessa Union School District (the "Board") hereby establishes the Independent Citizens' Bond Oversight Committee (the "Committee") which shall have the duties and rights set forth in these Bylaws. The Committee does not have legal capacity independent 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, as set forth in Prop 39.

The proceeds of general obligation bonds issued pursuant to the Election are hereinafter referred to as "bond proceeds." The Committee shall confine itself specifically to bond proceeds generated under Measure L. Regular and deferred maintenance projects and all monies generated under other sources shall fall outside the scope of the Committee's review.

Section 3. Duties. To carry out its stated purposes, the Committee shall perform only the duties set forth in Sections 3.1, 3.2, and 3.3 hereof, and shall refrain from those activities set forth in Sections 3.4 and 3.5.

3.1 **Inform the Public.** The Committee shall inform the public concerning the District's expenditure of bond proceeds. In fulfilling this duty, all official communications to either the Board or the public shall come from the Chair acting on behalf of the Committee. The Chair shall only release information that reflects the majority view of the Committee.

3.2 **Review Expenditures.** The Committee shall review expenditure reports produced by the District to ensure that (a) bond proceeds were expended only for the purposes set forth in Measure L; and (b) no bond proceeds were used for teacher or administrative salaries or other operating expenses in compliance with Attorney General Opinion 04-110, issued on November 9, 2004.

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 Duties of the Board/Superintendent. Either the Board or the Superintendent, as the Board shall determine, shall have the following powers reserved to it, and the Committee shall have no jurisdiction over the following types of activities:

- (i) Review and approval of contracts,
- (ii) Review and approval of change orders,
- (iii) Expenditures of bond funds,
- (iv) Handling of all legal matters,
- (v) Approval of project plans and schedules,
- (vi) Approval of all deferred maintenance plans, and
- (vii) Approval of the sale of bonds.

3.5 Measure L Projects Only. In recognition of the fact that the Committee is charged with reviewing the expenditure of bond proceeds, the Board has not charged the Committee with responsibility for:

(a) Projects financed through the State of California, developer fees, redevelopment tax increment, certificates of participation, lease/revenue bonds, the general fund or the sale of surplus property without bond proceeds shall be outside the authority of the Committee.

(b) The establishment of priorities and order of construction for the bond projects, which shall be made by the Board in its sole discretion.

(c) The selection of architects, engineers, soils engineers, construction managers, project managers, CEQA consultants and such other professional service firms as are required to complete the project based on District criteria established by the Board in its sole discretion.

(d) The approval of the design for each project including exterior materials, paint color, interior finishes, site plan and construction methods (modular vs. permanent) which shall be determined by the Board in its sole discretion.

(e) The selection of independent audit firm(s), performance audit consultants and such other consultants as are necessary to support the activities of the Committee.

(f) The approval of an annual budget for the Committee that is sufficient to carry out the activities set forth in Prop 39 and included herein.

(g) The appointment or reappointment of qualified applicants to serve on the Committee, subject to legal limitations, and based on criteria adopted in the Board's sole discretion as part of carrying out its function under Prop 39.

Section 4. Authorized Activities.

4.1 In order to perform the duties set forth in Section 3.0, the Committee may engage in the following authorized activities:

(a) Receive copies of the District's annual, independent performance audit and annual, independent financial audit required by Prop 39 (Article XIII A of the California Constitution) (together, the "Audits") at the same time said Audits are submitted to the District, and review the Audits.

(b) Inspect District facilities and grounds for which bond proceeds have been or will be expended, in accordance with any access procedure established by the District's Superintendent.

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

(d) Review efforts by the District to maximize bond proceeds by implementing various cost-saving measures.

(e) Receive from the Board, within three months of the District receiving the Audits, responses to any and all findings, recommendations, and concerns addressed in the Audits, and review said responses.

Section 5. Membership.

5.1 Number.

The Committee shall consist of at least seven (7) members appointed by the Board from a list of candidates submitting written applications, and based on criteria established by Prop 39, to wit:

- One (1) member shall be the parent or guardian of a child enrolled in the District.
- One (1) member shall be both a parent or guardian of a child enrolled in the District and active in a parent-teacher organization, such as the P.T.A. or a school site council.
- One (1) member active in a business organization representing the business community located in the District.
- One (1) member active in a senior citizens' organization.
- One (1) member active in a bona-fide taxpayers association.
- Two (2) members of the community at-large.

5.2 Qualification Standards.

- (a) To be a qualified person, he or she must be at least 18 years of age.
- (b) The Committee may not include any employee, official of the District or any vendor, contractor or consultant of the District.

5.3 Ethics: Conflicts of Interest.

(a) Members of the Committee are not subject to the Political Reform Act (Gov. Code §§ 81000 *et seq.*), and are not required to complete Form 700; but each member shall comply with the Committee Ethics Policy attached as “Attachment A” to these Bylaws.

(b) Pursuant to Section 35233 of the Education Code, the prohibitions contained in Article 4 (commencing with Section 1090) of Division 4 of Title 1 of the Government Code (“Article 4”) and Article 4.7 (commencing with Section 1125) of Division 4 of Title 1 of the Government Code (“Article 4.7”) are applicable to members of the Committee. Accordingly:

(i) Members of the Committee shall not be financially interested in any contract made by them in their official capacities or by the Committee, nor shall they be purchasers at any sale or vendors at any purchase made by them in their official capacity, all as prohibited by Article 4; and

(ii) Members of the Committee shall not engage in any employment, activity, or enterprise for compensation which is inconsistent, incompatible, in conflict with, or inimical to duties as a member of the Committee or with the duties, functions, or responsibilities of the Committee or the District. A member of the Committee shall not perform any work, service, or counsel for compensation where any part of his or her efforts will be subject to approval by any other officer, employee, board, or commission of the District’s Board of Trustees, except as permitted under Article 4.7.

5.4 Term. Except as otherwise provided herein, each member shall serve a term of two (2) years, commencing as of the date of appointment by the Board. No member may serve more than three (3) consecutive terms. At the Committee’s first meeting, members will draw lots or otherwise select a minimum of two members to serve for an initial one (1) year term and the remaining members for an initial two (2) year term. Members whose terms have expired may continue to serve on the Committee until a successor has been appointed. Terms commence on the date or number is appointed to the Committee by the Board of Trustees.

5.5 Appointment. Members of the Committee shall be appointed by the Board through the following process: (a) the District will advertise in the local newspapers, on its website, and in other customary forums, as well as solicit appropriate local groups for applications; (b) the Superintendent will review the applications; and (c) the Superintendent will make recommendations to the Board.

5.6 Removal; Vacancy. The Board may remove any Committee member for any reason, including failure to attend two consecutive Committee meetings without reasonable excuse or for

failure to comply with the Committee Ethics Policy. Upon a member's removal, his or her seat shall be declared vacant. The Board, in accordance with the established appointment process shall fill any vacancies on the Committee. The Board shall seek to fill vacancies within 90 days of the date of occurrence of a vacancy.

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

5.8 Authority of Members. (a) Committee members shall not have the authority to direct staff of the District; (b) individual members of the Committee retain the right to address the Board, either on behalf of the Committee or as an individual; (c) the Committee shall not establish sub-committees for any purpose; and (d) the Committee shall have the right to request and receive copies of any public records relating to Measure L funded projects.

Section 6. Meetings of the Committee.

6.1 Regular Meetings. The Committee shall meet at least once a year, but shall not meet more frequently than quarterly.

6.2 Location. All meetings shall be held within the boundaries of the Berryessa Union School District, located in Santa Clara County, California.

6.3 Procedures. 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. A majority of the number of Committee members shall constitute a quorum for the transaction of any business of the Committee.

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, translation and copies of any documentary meeting materials, such as agendas and reports; and

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

7.2 District staff and/or District consultants shall attend Committee proceedings in order to report on the status of projects and the expenditure of bond proceeds.

Section 8. Reports. In addition to the Annual Report required in Section 3.3, the Committee may report to the Board from time to time 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.

Section 9. Officers. The Superintendent shall appoint the initial Chair. Thereafter, the Committee shall elect a Chair and a Vice-Chair who shall act as Chair only when the Chair is absent. The Chair and Vice-Chair shall serve in such capacities for a term of one year and may be re-elected by vote of a majority of the members of the Committee.

Section 10. Amendment of Bylaws. Any amendment to these Bylaws shall be approved by a majority vote of the Board.

Section 11. Termination. The Committee shall automatically terminate and disband concurrently with the Committee's submission of the final Annual Report which reflects the final accounting of the expenditure of all Measure L monies.

CITIZENS' BOND OVERSIGHT COMMITTEE ETHICS POLICY STATEMENT

This Ethics Policy Statement provides general guidelines for Committee members in carrying out their responsibilities. 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 Berryessa Union School District.
- **COMMITMENT TO DISTRICT.** A Committee member shall place the interests of the District above any personal or business interest of the member.