



Measure L Citizens' Bond Oversight Committee Meeting

COMMITTEE MEMBER PACKET

September 5, 2017

6:30 pm – 7:30 pm

LOCATION:

Sierramont Middle School – FIS room
3155 Kimlee Dr., San Jose, CA 95132-3699

Please add tab: AGENDA

Measure L Citizens' Oversight Committee Meeting

Berryessa Union School District

September 5, 2017 (Tuesday) @ 6:30 PM – 7:30 PM

Location: Sierramont Middle School – FIS Room

3155 Kimlee Dr, San Jose, CA 95132-3699

Agenda

- 1- Call to order
 - a. Roll call Marty
Marty Michaels – Chair
Amy Chen – Vice Chair
Adrienne O'Leary
Frank Cancilla
Susan Fowle
 - b. Adoption of agenda Marty
 - c. Approve CBOC June 7, 2017 meeting minutes Marty
- 2- Public comments
- 3- Reports
 - a. Measure L project update Tony
 - b. Measure L financial report Phuong
- 4- Old business
 - a. Committee membership update Marty
- 5- New business
 - a. Committee Chair election/appointment for 2017/2018 All
 - b. Future committee meeting dates Marty
- 6- Adjournment

FUTURE MEETINGS

December 6, 2017

March 7, 2018

June 6, 2018

Please add tab: MEETING MINUTES

UNADOPTED

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

Measure L Citizens' Oversight Committee Meeting
Noble Elementary School FIS Room
June 7, 2017
6:30 p.m. – 7:30 p.m.

REGULAR MEETING MINUTES

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

District Staff Present: Tony Kanastab, Consultant-Director of Bond Facilities and
Modernization
Han Nguyen, Director of Business Services
Margot Sandoval, Administrative Assistant, Business Services
Pam Lee, Budget Bond Accountant

Public Present: None

1. Call to Order

Minutes

Mr. Marty Michaels called the meeting to order at 6:31 p.m.

a. Roll Call -

Minutes

All present:

Martin Michaels, Chair
Amy Chen, Vice-Chair
Adrienne O'Leary
Kevin Costello
Susan Fowle
Frank Cancilla
Han Nguyen
Margot Sandoval
Tony Kanastab
Pam Lee

b. Adoption of Agenda

Minutes

Motion to approve by Mr. Cancilla, 2nd by Ms. Chen & Ms. Fowle.

c. Approval of the March 1, 2017 CBOC Meeting Minutes

Minutes

Motion to approve by Ms. Chen, 2nd by Mr. Cancilla; Mr. Costello correction on page 5.

2. Public Comments

Minutes

Ms. Chen asked if the school gates are usually open for the public to be able to utilize the school playground.

3. Reports

a. Measure L Project Update

Minutes

Mr. Kanastab reported on the status of the Measure L – 2017, as everyone followed the report.

- Laneview's cabling: completed
- Noble's specialty doors: completed
- Sierramont's FIS & Gym – Audio Visual: completed
- Vinci Park FIS project plan to be presented to the board June 20th

Mr. Michaels asked how do we know when a project is complete. Mr. Kanastab answered that the project is completed once the Notice of Completion (NOC) has been submitted. He added that after 30 days of the NOC, the retention/final payment is released.

Mr. Michaels mentioned that the Ribbon Cutting Ceremony for the new Student Nutrition Service building will be held on June 16th. He asked "What will we see?" Mr. Kanastab stated that the work is about 70% completed. He mentioned that the new building will have 3 sections: kitchen, offices, and storage area. Mr. Michaels also asked when it would be functional, and Mr. Kanastab replied, in early August.

Mr. Costello requested to continue to the next topic. Mr. Kanastab stated that bids (including alternates) have been accepted for Majestic Way's & Laneview's Modernization Project. Ms. O'Leary asked what the glass door for Noble FIS room was made of. Mr. Kanastab explained that it was laminated glass. Mr. Kanastab said that bids are completed for Piedmont's & Ruskin's Modernization Project, which included Piedmont's exterior painting and Ruskin's wall mural.

Mr. Kanastab also said that the flooring projects will be completed through the State's CMAS program. He also mentioned that the electrical upgrades are completed for the audio/video (A/V) system. He also added that all bids have been received for Pavement Rehabilitation Project with 8 alternates. He is also hopeful that the furniture will be ordered on the 8th. He mentioned they will be ordering the rectangle desks instead of the triangle desks for Kindergarten thru 5th Grade classrooms. Mr. Michaels asked if the furniture is standard or customized. Mr. Kanastab stated that all the classroom furniture is standard. He added that the furniture for the FIS will be different for each FIS. The principals for each site will work with the vendor and architects to select furniture.

Mr. Kanastab went through the 2018 Project Update as well. Mr. Michaels asked if there is a way to reduce approval time, and if there's something that can be done to get the design process faster. Mr. Kanastab explained that the design process has been reduced as much as possible and still was able to realistically complete the project. The design process has been separated into two phases, FIS and modernization, allowing the design team and site staff to agree upon a design concept before the end of the school year. This will allow the design team time over the summer to complete the drawings for the FIS and review with the sites in August for approval. He also stated external factors, such as drawing reviews done by DSA, which takes about 3-5 months to review. Nevertheless, Mr. Kanastab stated that in comparison to some of the Districts, BUSD is in a better position with its projects.

Mr. Kanastab also mentioned the FIS Field Trip, where all the principals, architects and construction managers (CMs) were invited to share ideas and issues/problems that had happened before and to see different options for the FIS.

Mr. Kanastab also presented the Measure L Program Schedule. Mr. Michaels was concerned about the "big" gap between March-June. Mr. Kanastab stated that the project can't start until school is out. He mentioned that Majestic, Ruskin, Laneview, and Piedmont will be moving Friday (June 9th). He said that they have met with the site staff as a group and individually (library and kitchen staff) to define expectations regarding the move.

Mr. Michaels asked if there are any problems/issues that can be foreseen, and if there are small indicators that can help reveal future problems. Mr. Kanastab mentioned that the bidding climate is one factor. He also mentioned that labor

prices are going up. Examples are that companies are not hiring anymore electrician apprentices. He also mentioned other factors such as, different state requirements such as prevailing wages that the District has to abide by.

b. Measure L 2016-17 2nd Quarter Financial Report

Minutes

Mr. Kanastab presented the financial report to the board. (On the report, He corrected and stated that \$27,373 District Staff Costs and \$186, 397 Other Operating/Misc. Expense in the report should be under Moving Costs.) Mr. Michaels asked if the \$30 M was received, and Ms. Nguyen confirmed that it was. Mr. Michaels asked what happens to the funds if we are under budget. Mr. Kanastab stated that we have a contingency or “wish” list that has additional projects that we can do if there is additional funds. Ms. Chen asked if there is a way to apply for more grants. Mr. Kanastab said that the District is applying for State funds through Prop. 51. The amount the District is eligible for and the timeline of when the funds will be received is not known at this time.

4. Old Business

a. Northwood bldgs. 503 & 504 window frame damage update

Minutes

Per Mr. Kanastab the damaged window frames have been fixed.

b. Vacant CBOC position update

Minutes

Mr. Michaels stated that he will reached out to our councilmember Mr. Lan Diep in advertising the position. He will also try to contact Ms. Gomez, (Mr. Ector’s Admin Assistant), or Ms. Le for support. Mr. Costello mentioned that his term is also ending and would want to see if the District would be able to find a replacement. Per By laws, members cannot serve more than 3 consecutive terms. Mr. Costello asked what everyone’s terms are. Mr. Michaels said that he will check the old minutes to verify. Mr. Michaels agreed to continue his terms for 2 more years.

Mr. Michaels also asked regarding Measure K – Parcel Tax. Ms. Nguyen said that Measure K brings in about \$2 M and focuses on Math & Science.

5. New Business

Minutes

- Per Ms. O’Leary, District did a fantastic job with the design of the FIS at Toyon.

6. Adjournment

Minutes

Motion to adjourn by Mr. Costello at 7:35pm, 2nd by Mr. Cancilla.

Please add tab: PROJECT UPDATE



Citizens Bond Oversight Committee

September 5, 2017

Measure L – Phase 2 Projects

- Phase II Modernization:

- Vinci Park Elementary School - FIS
 - FIS drawing are at DSA for review. Anticipate approval by mid-September.
 - Bids late September 2017
 - Early November 2017
 - Completion February 2018

- FIS Furniture

- Vendor met with site Principal on August 30, 2017
- Order furniture by early November
- Furniture delivery mid February

- Central Kitchen

- Student Nutrition moved into the new office space on 7.26.17
- Central Kitchen was open to the public on 8.1.17
- Received Final Health Department approval on 8.10.17
- Contractor is working on completing Punch List Items

Measure L – Phase 3 Projects

- Laneview Modernization Projects

- Exterior and interior painting - complete
- Flooring - complete
- New administration reception desk – complete
- Stage curtains and vinyl wall mural - complete
- Audio Visual equipment - complete
- Glazing (exterior glass replacement) – scheduled to be completed by 9/30 (weekend work)

- Majestic Way Modernization Project

- Interior painting - complete.
- Flooring - complete
- Stage curtains and vinyl wall mural - complete
- Audio Video equipment @ MPR – complete
- Glazing (exterior glass replacement) – scheduled to be completed by 10/8 (weekend work)

Measure L – Phase 3 Projects

- **Ruskin Modernization Project**

- Interior painting - complete
- Flooring - complete
- Stage curtains and vinyl wall mural - complete
- Audio Visual equipment @ MPR – complete
- Glazing (exterior glass replacement) – schedule to be completed by 9/17 (weekend work)

- **Piedmont Modernization Project**

- Interior painting – complete
- Exterior painting – scheduled to be completed by August 4, 2017
- Flooring – complete
- Sports for the MP and Mini gym – complete
- Stage curtain – complete
- Glazing (exterior glass replacement) – schedule to be completed by 9/30 (weekend work)

Laneview Elementary School



Laneview Elementary School



Laneview Elementary School



Majestic Way Elementary School



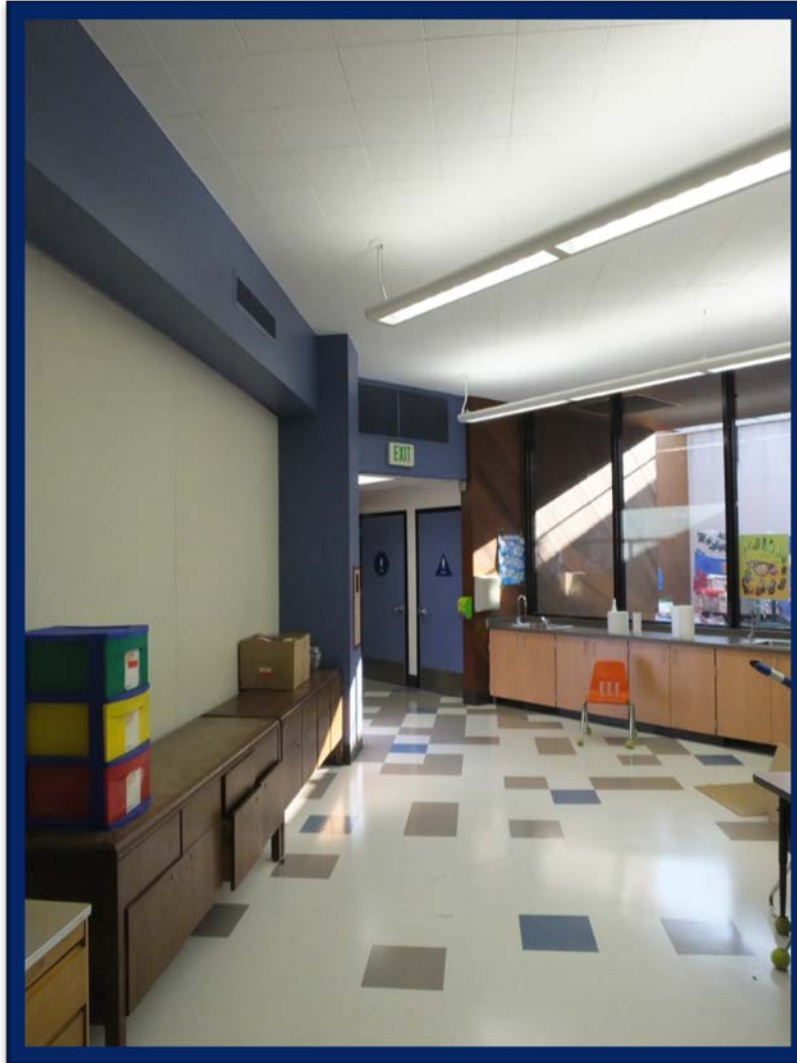
Majestic Way Elementary School



Majestic Way Elementary School



Majestic Way Elementary School



Majestic Way Elementary School



Ruskin Elementary School



Ruskin Elementary School



Ruskin Elementary School



Piedmont Middle School



Piedmont Middle School



Piedmont Middle School



Central Kitchen



Central Kitchen



Central Kitchen



Measure L – Phase 3 Projects

- Modernization Projects

- Moving

- Administration spaces moves are completed by July 29, 2017
 - Library moves will be completed by August 2, 2017
 - Classroom moves will be completed by August 9, 2017
 - Teachers move-in to classrooms starting August 10, 2017

- Pavement Rehabilitation

- The paving projects at Brooktree, Majestic Way and then Cherrywood are complete

- Furniture - Classroom

- Installation was completed by August 11, 2017

- Pavement Rehabilitation – Piedmont Middle School

- Design complete by 9/30
 - Submit to City & DSA for Review mid October
 - Bid early February
 - Construction start June 2018

Measure L – Phase 3 Projects

- Laneview FIS Project
 - Bids September 19, 2017
 - Start late October
 - Completion February 2018
- Majestic Way FIS Project
 - Bids September 19, 2017
 - Start late October
 - Completion February 2018
- FIS Furniture
 - Vendor met with site Principal on August 30, 2017
 - Order furniture by early November
 - Furniture delivery mid February








Measure L – Phase 4 Projects

- Modernization Projects








- Ruskin Elementary School - FIS
 - Meeting with Site Staff to review design – early September
 - Submit to DSA - late September
- Piedmont Middle School - FIS
 - Meeting with Site Staff to review design – early September
 - Submit to DSA - late September
- Brooktree Elementary School
 - Meeting with Site Staff to review design – early September
 - Submit to DSA - late September
- Cherrywood Elementary School
 - Meeting with Site Staff to review design – early September
 - Submit to DSA - mid October
- Toyon Elementary School
 - Meeting with Site Staff to review design – early September
 - Submit to DSA - mid October
- Morrill Middle School
 - Meeting with Site Staff to review design – early September
 - Submit to DSA – late September

Measure L – Program Schedule

Construction Legend

	Design
	DSA Review
	Bid
	Award
	Construction
	Start of School
	Punch List

Furniture Legend

	Furniture Order Finalized
	Quote Pricing
	PO Generated
	Furniture Ordered
	Start of School
	Lead Time
	Furniture Received and Placed

2017 Construction & Furniture Projects	
--	--

Construction Projects	
Project A	Completed
Project B	In Progress
Project C	On Hold
Project D	Planned

[illegible]

Furniture Projects									
--------------------	--	--	--	--	--	--	--	--	--

[illegible]

Measure L – Program Schedule

[illegible]

Measure L – Program Schedule

[illegible]



Thank You

Please add tab: FINANCIAL REPORT

BERRYESSA UNION SCHOOL DISTRICT
MEASURE L - BOND FUND
MULTI YEAR SUMMARY REPORT
AS OF 08/28/2017

	2014-15	2015-16	2016-17	2017-18	TOTALS
	Actuals	Actuals	Actuals	Projections	
Beginning Balance	77,000,000	75,252,603	62,159,364	36,015,997	77,000,000
Add Other Revenue			1,000		1,000
Add Interest	63,790	239,242	184,326		487,358
Total	77,063,790	75,491,845	62,344,690	36,015,997	77,488,358
Less Expense	1,811,187	13,332,482	26,328,693		41,472,361
Carryover Amount	75,252,603	62,159,364	36,015,997	36,015,997	36,015,997
Site/Program					
Brooktree	125,242	91,957	119,873		337,072
Cherrywood	45,476	212,848	19,739		278,063
Laneview	18,515	96,373	700,110		814,998
Majestic Way	118,612	165,237	562,081		845,931
Noble	15,298	698,692	1,986,545		2,700,535
Northwood	58,082	780,064	2,089,451		2,927,597
Ruskin	36,429	214,798	448,844		700,070
Summerdale	196,750	1,046,519	2,132,084		3,375,353
Toyon	25,115	330,205	28,552		383,872
Vinci Park	38,287	599,550	1,730,280		2,368,117
Morrill	54,691	465,096	88,511		608,298
Piedmont	18	112,816	645,708		758,543
Sierramont	39,282	1,535,189	4,595,331		6,169,802
Districtwide					-
MOD	115,887				115,887
Furniture		20,000	57,461		77,461
Energy Conservation		4,114,665	5,538,094		9,652,759
Technology Wireless	111,597	1,955,165	646,651		2,713,413
Technology Classroom					-
Technology - Others	225,247				225,247
Administration	526,832	321,488	442,510		1,290,830
Moving		9,147	188		9,335
Central Kitchen	59,828	562,670	4,496,680		5,119,179
					-
Site/Program Total	1,811,187	13,332,482	26,328,693	-	41,472,361

Project Budget
BERRYESSA UNION SCHOOL DISTRICT
MEASURE L BOND
2016-17 Fourth Quarter Report
07/01/2016 - 06/30/2017
Cost Control Summary

SUMMARY				
Description	Adopted Budget 1/21/2015 (1)	2016-17 Operating Budget 6/30/2017	Total Expended to Date 6/30/2017	Balance
HARD CONSTRUCTION COSTS				
Construction	50,671,230	37,735,186	20,469,698	17,265,488
Construction Contingency	4,839,623	2,341,275	205,744	2,135,531
Sub-Total Hard Costs	55,510,853	40,076,461	20,675,442	19,401,019
Furniture, Fixtures & Equipment		4,876,371	1,851,329	3,025,042
Total Hard Costs	55,510,853	44,952,832	22,526,771	22,426,061
SOFT CONSTRUCTION COSTS				
Architectural & Engineering				
Architectural & Engineering	4,886,579	2,902,956	945,329	1,957,627
Architectural & Engineering Reimbursable	222,090	134,718	9,181	125,537
Specialty Consultants				
Engineering Studies / Surveys	65,000	12,600	7,700	4,900
Kitchen Consultant (Included in Aes)	50,000			-
Geotechnical Study/Inspection/Report	52,000			-
Hazardous Material Consulting	-			-
CEQA (Included in Testing)	31,000			-
Energy Consultant	-	451,440	451,440	(0)
Technology Consultant	80,000			-
Construction Management				
Construction Management	2,873,822	1,854,741	621,401	1,233,340
Reimbursable	131,237	66,979		66,979
Plan Check & Permit Fees				
Assessment Fees (DSA Included)	393,496	203,823	55,474	148,349
CDE Fee	-			-
Other Permit & Plan Check Fees	50,000	7,231	-	7,231
Utilities Fee	150,000	1,037	1,037	-
Document Reproduction				
Plan Document Reproduction & Printing	80,000	33,053	14,641	18,412
Advertisement	12,000	7,598	1,228	6,370
Testing & Inspection				
DSA Project Inspector (IOR)	830,195	595,484	223,679	371,805
Material Testing & Inspection (CEQA Included)	166,469	134,374	121,130	13,244
Geotechnical Inspection	70,750			-
Hazardous Material Inspection/Abatement	-	62,220	59,965	2,255
Other Expenses				
State Funding Consultant	-			-
Community Relations Consultant	-			-
Planning	-	32,081		32,081
Miscellaneous	50,000	7,550	1,550	6,000
Soft Cost Contingency	319,046	128,798		128,798
Solar Contingency		1,183,521		1,183,521
Kitchen Contingency		799,112		799,112
Sub-Total Softs Costs	10,513,684	8,619,316	2,513,754	6,105,562
OTHER PROJECT COSTS				
District Staff Costs	-			-
Interim Housing	-			-
Moving (Pack/Unpacking/Movers,Storage)	1,060,000	792,712	352,908	439,804
Furniture, Fixtures & Equipment	5,684,400			-
Equipment and Non-Capital Equipment(Technology)	-	2,514,282	455,242	2,059,040
Other Costs Planning	27,500			-
Other Operating/Misc Expense	-			-
Sub-Total Other Project Costs	6,771,500	3,306,994	808,150	2,498,844

Project Budget
BERRYESSA UNION SCHOOL DISTRICT
MEASURE L BOND
2016-17 Fourth Quarter Report
07/01/2016 - 06/30/2017
Cost Control Summary

SUMMARY				
Description	Adopted Budget	2016-17 Operating Budget	Total Expended to Date	Balance
PROGRAM COSTS				
Administration				
District Staff Cost/Program Management Costs	1,375,000	872,869	280,243	592,626
Legal Fees	125,000	78,759	38,758	40,001
Special Consultants				-
Mater Plan Costs	150,000			-
Hazardous Material Consulting	40,000			-
Geotechnical Report	50,000			-
Roofing Consultant	-			-
Design Guidelines, Standard Specifications	30,000			-
Program Support Costs				-
Printing, Supplies & Reimbursables	65,000	21,355	2,068	19,287
Office Equipment/Equip Maintenance	25,000	8,500	806	7,694
Interim Housing	125,000			-
Seminars/Training	10,000	3,000		3,000
Audit Expense	5,000	26,000	11,250	14,750
Public Relations and Contractor Outreach				-
Public Relations/Communications	75,000			-
Public Bid Advertising	15,000			-
Bond Costs				-
Bond Counsel Advisor	170,000	61,500	61,500	-
Bond Underwriter	470,000			-
Other Issuance Costs	30,000	3,685	3,685	-
Disclosure Counsel	40,000	21,000	21,000	-
Financial Advisor	90,000	60,708	60,708	-
Election Costs	60,000			-
Other Operating Expenses	-			-
Program Contingency				-
Program Cost Contingency	88,500	1,070,315		1,070,315
Total Program Costs	3,038,500	2,227,691	480,017	1,747,674
Overall Bond Reserve	1,165,463	3,173,268		3,173,268
	77,000,000	62,280,101	26,328,693	35,951,409

Please add tab: BYLAWS

**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.