



Measure L Citizens' Bond Oversight Committee Meeting

COMMITTEE MEMBER PACKET

June 7, 2017

6:30 pm – 7:30 pm

LOCATION:

Noble Elementary School

3466 Grossmont Dr. San Jose, CA 95132-2890

Please add tab: AGENDA

Measure L Citizens' Oversight Committee Meeting

Berryessa Union School District

June 7, 2017 @ 6:30 PM – 7:30 PM

Location: Noble Elementary School

3466 Grossmont Dr., San Jose, CA 95132-3199

Agenda

- 1- Call to order
 - a. Roll call
Marty Michaels – Chair
Amy Chen – Vice Chair
Adrienne O'Leary
Frank Cancilla
Kevin Costello
Susan Fowle
Marty
 - b. Adoption of agenda
Marty
 - c. Approve CBOC March 1, 2017 meeting minutes
Marty
- 2- Public comments
- 3- Reports
 - a. Measure L project update
Tony
 - b. Measure L financial report
Tony
- 4- Old Business
 - a. Northwood bldgs 503 & 504 window frame damage update
Tony
 - b. Vacant CBOC position update.
Marty
- 5- New Business
- 6- Adjournment

FUTURE MEETINGS

September 6, 2017

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
Northwood Elementary School FIS Room
March 1, 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

Member Absent: Frank Cancilla

District Staff Present: Phuong Le, Deputy Superintendent, Administrative Services
Margot Sandoval, Administrative Assistant, Business Services
Tony Kanastab, Consultant-Director of Bond Facilities and
Modernization

Public Present: None

1. Call to Order

Minutes

Mr. Marty Michaels called the meeting to order at 6:38 p.m

a. Roll Call

Minutes

Martin Michaels, Chair
Amy Chen, Vice-Chair
Adrienne O'Leary
Kevin Costello
Susan Fowle
Phuong Le
Margot Sandoval
Tony Kanastab

b. Adoption of Agenda

Minutes

Motion to approve by Ms. Amy Chen, 2nd by Ms. Adrienne O’Leary

c. Approval of the December 7, 2016 CBOC Meeting Minutes

Minutes

Motion to approve by Ms. Amy Chen, 2nd by Mr. Kevin Costello

2. Public Comments

Minutes

Mr. Kevin Costello commented that the window frames in Buildings 503 and 504 at Notrhwood seemed to have some damage and are in need of some repair. Mr. Tony Kanastab said that he would check the window frames and follow-up with any repairs that may be needed.

Ms. Margot Sandoval handed out the Measure L Citizen’s Bond Oversight Committee By-Laws to all members, for their information.

3. Reports

a. Measure L Project Update

Minutes

Mr. Tony Kanastab reported on the status of the Measure L – 2016, as everyone followed the report.

Ms. Adrienne O’Leary mentioned that there was a power outage at Toyon Elementary School, and asked why there was no back-up power. Ms. Phuong Le replied that the Solar Panels do not store extra power, and all extra power goes back to the grid. The Solar Panels only produce 60-80%. Back-up power needs to come from a portable generator, which one is not currently available at Toyon School.

Mr. Tony Kanastab added that the following remaining work was complete:

- Noble FIS AV & Electrical and MPR AV & Electrical
- Nortwood FIS AV & Electrical and MPR AV & Electrical
- Summerdale Fence Installation

The Central Kitchen is still on schedule to be completed in May of 2017. However, there were some delays in poring the concrete slab, due to the rain.

Piedmont Middle, Ruskin, and Vinci Park Elementary Schools’ March project presentations have been moved to April.

The painting, and carpet projects are going out to bid on April 6th, so they are ready to start in June. The green color indicates the timeline when the construction work is being done. The FIS is being redesigned and it will take DSA 4-5 months to review. The bidding for the FIS spaces will start in September, and the projects are scheduled to be completed in December 2017. The paving project is in the design stage and work will be complete in the summer, as well as the cabling.

Mr. Tony Kanastab will begin looking into the furniture, shelving, and storage needs for the classrooms.

Mr. Tony Kanastab continued: Toyon and Cherrywood contracts for the Architect and Construction Managers have not been awarded, however the designs are scheduled to be submitted to DSA by September. It will take 4-5 for DSA to review. Bidding is scheduled for January 2018, expected to be awarded in April, so the projects can begin in June. He also explained that some items may take longer to come in, especially if they are made to order, and in some cases it is best to build around them.

Mr. Marty Michaels asked if the projects scheduled for completion in 2018, can be started sooner. Mr. Tony Kanastab explained the District can't award contracts before DSA approves the designs.

Mr. Marty Michaels asked if all the FIS spaces were standard, if all schools have the same FIS space or if they were different. Mr. Kanastab explained that the space for the FIS are not all the same, as each school was designed differently, with the exception of Brooktree, Majestic Way and Summerdale. Ms. Amy Chen also asked how they were budgeted and if they all received the same amount of funds. Mr. Kanastab explained the each FIS has the same original budget, however the budgets change from year to year based on the addition of escalation. Elementary and Middle schools have different budgets.

Mr. Marty Michaels mentioned that the Wi-Fi at Toyon was working until the power outage. Ms. Phuong Le explained that the Technology Dept. was having some Personnel issues and the Board approved to hire some temporary employees, who were very good at trouble shooting and will begin working on Monday. Ms. Adrienne O'Leary mentioned that there are 16 Mac Books that are not being used, and haven't been used for a while. Ms. Phuong will contact Mr. Dave Johnstone to make him aware of the technical problems.

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

Minutes

Ms. Phuong Le reviewed the report with the committee. She explained that 38% of the money was spent and only 2% was left. The District is schedule to sell the rest of the bonds, which is \$30M. Mr. Marty Michaels asked, "What information

is taken to the Board?”, “How does the process work?”, “Is the Board up to date?” Ms. Phuong Le explained that in April 2015, the Board approved the expenditures through the Implementation Plan. The Board approves all the contracts before work is done, so they are up to date on the progress.

Ms. Phuong Le explained that the total revenue of the \$77M never changes. That is the total amount approved by the voters. Mr. Marty Michaels asked Ms. Phuong Le, what her guess was as to whether or not there will be any amount left over. She explained that there is a priority one (1) list, which was recommended to the Board. If there are funds left over, they would look at priority two list. Mr. Marty Michaels asked, “How do you get a wish list?” Ms. Phuong Le explained that there is a Master Plan which can’t be changed because it has been established by the Architects. Mr. Tony Kanastab explained that the Principals give input on the needs of their school sites.

Ms. Adrienne O’Leary asked if the Toyon School HVAC was on the priority one list. Ms. Phuong Le explained that the HVAC was not part of it, and \$2.5M was the assessment for the HVAC, and not part of the budget. The HVAC gets fixed, as needed. The proceeds of the Flickinger sale were used to upgrade the roofing and HVAC at all the school sites. In addition the multi-purpose rooms was redone - upgraded in 2006.

Ms. Adrienne O’Leary said that Toyon PTA had raised funds for a new Marquee, and they were told that the new Marquee was part of modernization. Due to this information, the PTA re-designated the funds and the funds have been spent. She asked why it was no longer on the Master list and wanted to know why it was not communicated that the Marquee was no longer on the list. Ms. Phuong Le stated that she was not aware of the Marquee being on the Master List, which is the “Implementation Plan”, and it has not been changed and nothing has been removed from this list.

Ms. Amy Chen asked, “When funds are cut, who decides? How is eligibility established to be on the priority list?” Ms. Phuong Le explained the procedure that was used to establish the needs of the schools, which was that the principals were involved in making the decision for their site and a priority list was established. Based on the needs of each school and the funds from the Bond, the Implementation Plan was created and approved by the Board.

4. Old Business

a. Bond amortization schedule explanation

Minutes

Ms. Phuong Le, presented Mr. Dave Olson from PFM Financial. Mr. Dave Olson thanked the committee for their time and presented the Election of 2014 Series B GO Bonds structure, and rates. Mr. Marty Michaels thanked Mr. Dave Olson for his time and presentation.

b. Kids/Staff feedback on FIS space

Minutes

Mr. Tony Kanastab presented to the committee a list of Pros and Cons from teachers and students from Noble, Northwood, and Summerdale Elementary Schools, and Sierramont Middle School about what they thought about the FIS Space at their sites. The Laneview, and Majestic Way Elementary School's designs will be presented to the Board at the March 14th Board meeting. Principals are sharing their knowledge and experience with other Principals about what has been done at their sites.

c. Vacant CBOC position

Minutes

Ms. Phuong Le mentioned that it has been difficult to get members. She also mentioned that there is a \$75 member fee to be part of the Tax Payer Association. Mr. Marty Michaels said he would contact Mr. Lan Diep, City Council, to assist with advertising that CBOC position was vacant.

d. Trustees response to annual report

Minutes

Will Ector thanked the CBOC for all their time and work.

5. New Business

Minutes

- Mr. Kevin Costello stated that the school's curve appeal looks safe, clean, and good.
- Ms. Phuong Le mentioned that the Business Department was currently under staffed and thanked her department for all the work they had been doing.

6. Adjournment

Minutes

Meeting adjourned at 8:10 p.m

Please add tab: PROJECT UPDATE



MEASURE L BOND UPDATE

May 9, 2017

Measure L – Overview

- 2016 Project Update
- 2017 Project Update
- 2018 Project Update
- Program Schedule Review

Measure L – 2016 Project Review

- Phase II Technology Upgrade - Cabling
 - Stage I Cabling Upgrades:
 - Laneview – Complete
- Remaining Work by School
 - Noble Elementary School:
 - Specialty doors – Complete
 - Sierramont Middle School:
 - FIS & Gym - Audio Visual: Complete
 - Vinci Park Elementary School:
 - Schedule to receive bids in early September of 2017. The FIS plan will be presented to the Board at the June 20th meeting.

Measure L – 2016 Project Update

- Noble – Exterior Specialty Doors



Measure L – 2016 Project Update

- Central Kitchen
 - Expected completion *June* 2017



Measure L – 2017 Project Update

- Modernization Projects

- Laneview & Majestic Way Modernization Project

- Bid April 5, 2017, received 5 bids.

- Recommend to award contract to Pacific Contractors Group for both schools:

Base bid	\$646,000
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Alternate 1 - Exterior Glazing Laneview	\$ 16,000
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Alternate 2 – Exterior Glazing Majestic Way	<u>\$ 34,000</u>
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Total	\$696,000
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- Scope of work

- Exterior painting – *Laneview only*

- Painting of interior

- Cleaning of tackable wall surface

- Vinyl wall mural at MPR

- Replacement of Stage Curtain

Measure L – 2017 Project Update

- Modernization Projects

- Piedmont & Ruskin Modernization Project

- Bid April 11, 2017, received 4 bids
 - Recommend to award contract to OnPoint Construction for both Schools:

Base bid	\$698,489
Alternate 1 - Exterior Glazing Piedmont	\$ 32,000
Alternate 2 – Paint Ceiling Piedmont	\$ 43,000
Alternate 3 – Exterior Glazing Ruskin	\$ 54,000
Alternate 4 – Replace window curtains at MPR`	\$ 12,500
Alternate 5 – Paint Ceilings Ruskin	<u>\$ 57,800</u>
Total	\$897,789

- Scope of work

- Exterior painting – (wainscot & doors) *Piedmont only*
 - Painting of interior
 - Cleaning of tackable wall surface
 - Vinyl wall mural at MPR
 - Replacement of Stage Curtain

Measure L – 2017 Project Update

- Modernization Projects

- Flooring replacement for 2017 projects will be through the State's CMAS program.
- Audio Visual at MPR for Laneview, Majestic Way and Ruskin
 - Electrical upgrades are complete
 - Audio Visual is scheduled to be complete by the end of May, contingent on equipment delivery
 - Piedmont's MPR upgrades will be part of the FIS project
- Laneview and Majestic Way FIS Project - Bids early September 2017

- Stage IV Cabling Upgrades

- Brooktree, Northwood, Ruskin, Vinci Park - awarded - Summer 2017

- Pavement Rehabilitation

- Brooktree, Cherrywood, Majestic Way – Bidding May 19, 2017

- Furniture - Classroom

- Currently reviewing alternate furniture types and classroom shelving requirements

Measure L – 2018 Project Update

- Modernization Projects
 - Ruskin Elementary School -FIS
 - Design Phase
 - Piedmont Middle School - FIS
 - Design Phase
 - Brooktree Elementary School
 - Design Phase
 - Cherrywood Elementary School
 - Design Phase
 - Toyon Elementary School
 - Design Phase
 - Morrill Middle School
 - Design Phase
 - FIS Field Trip - May 17, 2017
 - “FIS Design Vision Activities” at One Workplace

Measure L – Program Schedule

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2017 Construction & Furniture Projects
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Construction Projects	
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2018 Construction & Furniture Projects	
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Furniture Legend

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

Construction Projects	2017
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Construction Projects	2017
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2018 Construction & Furniture Projects	
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The figure contains two legends side-by-side. The 'Construction Legend' on the left lists seven stages with corresponding color swatches: Design (red), DSA Review (light blue), Bid (yellow), Award (purple), Construction (green), Start of School (cyan), and Project Complete (dark blue). The 'Furniture Legend' on the right lists five stages: Furniture Order Finalized (red), Quote Pricing (yellow), PO Generated (purple), Furniture Ordered (green), and Furniture Received and Placed (dark blue). The 'Start of School' stage is represented by a cyan swatch in the construction legend but has no corresponding entry in the furniture legend.

Construction Legend	Furniture Legend
Design	Furniture Order Finalized
DSA Review	Quote Pricing
Bid	PO Generated
Award	Furniture Ordered
Construction	Start of School
Start of School	Lead Time
Project Complete	Furniture Received and Placed

The figure contains two legends side-by-side. The 'Construction Legend' on the left lists seven stages with corresponding color swatches: Design (red), DSA Review (light blue), Bid (yellow), Award (purple), Construction (green), Start of School (cyan), and Project Complete (dark blue). The 'Furniture Legend' on the right lists five stages: Furniture Order Finalized (red), Quote Pricing (yellow), PO Generated (purple), Furniture Ordered (green), and Furniture Received and Placed (dark blue). The 'Start of School' stage is represented by a cyan swatch in the construction legend but has no corresponding entry in the furniture legend.

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DSA Review	Quote Pricing
Bid	PO Generated
Award	Furniture Ordered
Construction	Start of School
Start of School	Lead Time
Project Complete	Furniture Received and Placed

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DSA Review	Quote Pricing
Bid	PO Generated
Award	Furniture Ordered
Construction	Start of School
Start of School	Lead Time
Project Complete	Furniture Received and Placed

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Construction Legend	Furniture Legend
Design	Furniture Order Finalized
DSA Review	Quote Pricing
Bid	PO Generated
Award	Furniture Ordered
Construction	Start of School
Start of School	Lead Time
Project Complete	Furniture Received and Placed

Construction Projects	2018
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Construction Projects	2018
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Furniture Projects	
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Thank You

Please add tab: FINANCIAL REPORT

Project Budget
BERRYESSA UNION SCHOOL DISTRICT
MEASURE L BOND
2016-17 Third Quarter Report
07/01/2016 - 03/31/2017
Cost Control Summary

SUMMARY				
Description	Adopted Budget 1/21/2015 (1)	2016-17 Operating Budget 3/31/2017	Total Expended to Date 3/31/2017	Balance
HARD CONSTRUCTION COSTS				
Construction	50,671,230	40,327,342	14,620,934	25,706,408
Construction Contingency	4,839,623	-	-	-
Sub-Total Hard Costs	55,510,853	40,327,342	14,620,934	25,706,408
Furniture, Fixtures & Equipment		4,929,692	1,895,698	3,033,994
Total Hard Costs	55,510,853	45,257,034	16,516,632	28,740,402
SOFT CONSTRUCTION COSTS				
Architectural & Engineering				
Architectural & Engineering	4,886,579	2,992,072	564,222	2,427,850
Architectural & Engineering Reimbursable	222,090	201,442	7,021	194,421
Specialty Consultants				
Engineering Studies / Surveys	65,000			-
Kitchen Consultant (Included in Aes)	50,000			-
Geotechnical Study/Inspection/Report	52,000	6,229		6,229
Hazardous Material Consulting	-			-
CEQA (Included in Testing)	31,000			-
Energy Consultant	-	451,440	439,878	11,562
Technology Consultant	80,000			-
Construction Management				
Construction Management	2,873,822	1,887,691	338,507	1,549,184
Reimbursable	131,237	106,405		106,405
Plan Check & Permit Fees				
Assessment Fees (DSA Included)	393,496	220,448	31,088	189,360
CDE Fee	-			-
Other Permit & Plan Check Fees	50,000	17,508	(320)	17,828
Utilities Fee	150,000			-
Document Reproduction				
Plan Document Reproduction & Printing	80,000	42,768	9,300	33,468
Advertisement	12,000	38,064	1,020	37,044
Testing & Inspection				
DSA Project Inspector (IOR)	830,195	664,938	196,989	467,949
Material Testing & Inspection (CEQA Included)	166,469	272,477	96,522	175,955
Geotechnical Inspection	70,750			-
Hazardous Material Inspection/Abatement	-	36,155	33,660	2,495
Other Expenses				
State Funding Consultant	-			-
Community Relations Consultant	-			-
Planning	-	48,475		48,475
Miscellaneous	50,000	144,351	1,550	142,801
Soft Cost Contingency	319,046	157,182		157,182
Solar Contingency		9,000		9,000
Kitchen Contingency		1,211,936		1,211,936
Sub-Total Softs Costs	10,513,684	8,508,581	1,719,436	6,789,145
OTHER PROJECT COSTS				
District Staff Costs	-	-	27,373	(27,373)
Interim Housing	-	134		134
Moving (Pack/Unpacking/Movers,Storage)	1,060,000			-
Furniture, Fixtures & Equipment	5,684,400			-
Equipment and Non-Capital Equipment(Technology)	-	2,514,282	432,085	2,082,197
Other Costs Planning	27,500			-
Other Operating/Misc Expense	-	905,019	186,397	718,622
Sub-Total Other Project Costs	6,771,500	3,419,435	645,855	2,773,580

Project Budget
BERRYESSA UNION SCHOOL DISTRICT
MEASURE L BOND
2016-17 Third Quarter Report
07/01/2016 - 03/31/2017
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	1,044,035	201,114	842,921
Legal Fees	125,000	41,049	21,390	19,659
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	26,167	1,276	24,891
Office Equipment/Equip Maintenance	25,000	15,189	379	14,810
Interim Housing	125,000			-
Seminars/Training	10,000	3,220		3,220
Audit Expense	5,000	40,000	8,000	32,000
Public Relations and Contractor Outreach				-
Public Relations/Communications	75,000			-
Public Bid Advertising	15,000			-
Bond Costs				-
Bond Counsel Advisor	170,000	82,000		82,000
Bond Underwriter	470,000	150,000		150,000
Issuance Costs	30,000	15,000		15,000
Disclosure Counsel	40,000	20,000		20,000
Financial Advisor	90,000	45,000		45,000
Election Costs	60,000			-
Other Operating Expenses	-	222,000		222,000
Program Contingency				-
Program Cost Contingency	88,500	477,803		477,803
Total Program Costs	3,038,500	2,181,463	232,159	1,949,304
Overall Bond Reserve	1,165,463	2,913,588	-	2,913,588
	77,000,000	62,280,101	19,114,082	43,166,019

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.

Please add tab: NOTES

