



Measure L Citizens' Bond Oversight Committee Meeting

COMMITTEE MEMBER PACKET

September 19, 2018

6:30 pm – 7:30 pm

LOCATION:

Majestic Way Elementary School – FIS Room
1855 Majestic Way, San Jose, CA 95132

AGENDA

Measure L Citizens' Oversight Committee Meeting

Berryessa Union School District

Date: September 19, 2018, Wednesday @ 6:30 PM – 7:30 PM

Location: Majestic Way Elementary School – FIS Room

1855 Majestic Way, San Jose, CA 95132

Agenda

- 1- Call to order
 - a. Roll call
Marty Michaels – Chair
Amy Chen – Vice Chair
Adrienne O'Leary
Frank Cancilla
Susan Fowle
Marty
 - b. Adoption of agenda
Marty
 - c. Approve CBOC June 21, 2018 meeting minutes
Marty
- 2- Public comments
- 3- Reports
 - a. Measure L project update and financial report
Tony
- 4- Old business
 - a. Committee membership
Tony
 - b. Future committee meeting dates
Marty
- 5- New business
- 6- Adjournment
- 7- Tour of FIS
Tony

FUTURE MEETINGS

December 12, 2018

March 20, 2019

June 19, 2019

MEETING MINUTES

UNADOPTED

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

Measure L Citizens' Oversight Committee Meeting
Student Nutrition Services Building/Central Kitchen – Conference Room
June 27, 2018
6:30 p.m. – 7:30 p.m.

REGULAR MEETING MINUTES

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

District Staff Present: Tony Kanastab, Director of Bond Facilities and
Modernization
Pam Lee, Budget Bond Accountant

Public Present: Bud Lomonaco – East Side Union School District CBOC Member

1. Call to Order

Minutes

Mr. Marty Michaels called the meeting to order at 6:40 p.m.

a. Roll Call -

Minutes

All present and Ms. Fowle joined the meeting through a teleconference, and Bud Lomonaco from East Side Union School District CBOC, as guest

b. Adoption of Agenda

Minutes

Motion to approve by Mr. Cancilla, 2nd by Ms. O'Leary & Ms. Chen.

c. Approval of the March 21, 2018 CBOC Meeting Minutes

Minutes

Motion to approve by Mr. Cancilla, 2nd by Ms. O'Leary, All in favor.

2. Public Comments

Minutes

Ms. Chen stated that the gates at Noble are still closed on weekends and after school hours. Tony said that he will check with Mr. Cruz, Maintenance Director, because he said that the custodians were given the instructions to open the gates for public when school is not in session.

3. Reports

a. Measure L Project Update

Minutes

Mr. Kanastab presented the updated report to the committee:

Measure L - Projects Update

- Vinci Park ES FIS – Mr. Kanastab stated that that Interior Work (Phase 1) will be done in summer and Exterior Work (Phase 2) will start the week of June 18. He also added that there were two break-ins and two TVs were stolen. Fortunately, the suspects have been identified and arrested. Mr. Kanastab stated that they are planning to install security cameras in the FIS. Mr. Michaels asked if this will be monitored, and Mr. Kanastab stated that these will be just recording and will be reviewed if an incident occurred. Ms. O’Leary asked if the Bond monies are okay to fund these security cameras, and Mr. Kanastab said, yes. He also added that a parent at Ruskin is donating 16 cameras and this will help the District with some of the costs.
- Majestic Way FIS Project – Mr. Kanastab showed a picture to the committee stating that Majestic Way’s theme is the “Butterfly.” He added that the Library Media Techs (LMT) will also be using this room.
- Ruskin Elementary School & Piedmont Middle School – FIS – Mr. Kanastab said that Beals Martin was contracted for this project and they started construction in June 11. Mr. Michaels inquire about the paving project, and Mr. Kanastab replied that the District only received one bid, so they are postponing it until next summer. He added they plan to re-bid in the fall.
- Moving – Mr. Kanastab also updated the committee that the classroom, library, & kitchen packing was completed on June 8th. Waters Moving Company completed moving out each school on June 10th. He added that

the Administration area is scheduled to be packed by June 26 and will be moved out by the 27th of June.

- Brooktree
 - FIS/Modernization Package – Mr. Kanastab shared to the committee that the District received 2 bids in March 29 that were under budget. CRW Construction started construction on June 11th and started with the FIS demo.
 - Flooring Package – Mr. Kanastab also said that H.L Murphy started construction on June 25th.
- Cherrywood Elementary School
 - Interior Painting Package – Mr. Kanastab stated that the District received 13 bids that were under budget on March 28th. He added that Tiber Painting was selected and they started today (June 27) and will take 3 weeks to complete.
 - Flooring Package – Mr. Kanastab said H.L. Murphy started construction June 25th.
 - FIS/Modernization Package - Mr. Kanastab told the committee that DSA is currently reviewing the plan. He explained that they are planning to have 2 chair lifts instead of an elevator because it would be more cost effective and because there is a limited space. Ms. O’Leary asked if the DSA can deny the plan, and Mr. Kanastab answered, “Yes,” and that means the District will have to submit a revised plan.
- Toyon Elementary School
 - Interior/Exterior Painting Package – Mr. Kanastab said that the District received 13 bids on March 28th and have assigned the contract to Color Chart. They started work on June 11th.
 - Flooring Package – Mr. Kanastab added that H.L. Murphy started construction on June 11th as well.
 - FIS/Modernization Package – Mr. Kanastab stated that the plan will be submitted to DSA on August 6th and construction will begin in Fall 2018. He added that this FIS will a “blended” FIS and will incorporate the library. Ms. O’Leary asked if lighting fixtures are under Bond, and Mr. Kanastab replied that it is under PROP 39.
- Morrill Middle School
 - FIS/Modernization Package – Mr. Kanastab said that the District received 1 bid under budget on April 3, 2018 for Cal State Construction. They started work on June 11th.

- Flooring Package – Mr. Kanastab stated that H.L. Murphy is also doing this project and has started on June 11th.
- FIS Furniture – 2018 Project – Mr. Kanastab told the committee that he had met with the principals for this project.
- Classroom Furniture – 2018 Projects – Mr. Kanastab said that the furniture has been ordered and deliveries are expected to arrive starting July 23rd.

Mr. Kanastab added that the goal is to finish most projects by January of 2019 except for the Cherrywood FIS (elevator issue), and Piedmont paving. Mr. Michaels inquired if the cost savings data from the Solar project has been received, and Mr. Kanastab replied “not yet.” Ms. Chen asked if the guaranteed savings are met, what will happen, and Mr. Kanastab answered that Opterra will have to provide the difference. He also mentioned that there are other minor improvements that are being done in Noble, Northwood, & Sierramont. Ms. O’Leary asked if more money will be used for these, and Mr. Kanastab replied that the District will be using the saving funds for these projects.

b. Measure L Financial Report

Minutes

Mr. Kanastab presented the Measure L Quarter Report from 07/01/2017-03/31/2018 to the committee and showed them the current expenses as of date and the balances. Mr. Michaels asked how much funds will be left and Mr. Kanastab stated that currently the District has about 3 million in contingency account. He added that some of these fund will go for the Cherrywood for the elevator and the HVAC unit upgrades Mr. Michaels asked what would be three projects that should be a priority after all the main projects have been completed. Mr. Kanastab stated that he would suggest for new cafeteria tables, new library shelving, and some roof updates/repairs.

Mr. Kanastab also showed the committee the budget and expenses for per school site and mentioned that Tech Classroom budget is based on number of students and that the principals have authority to decide on what to spend the funds for. Ms. Chen asked which schools are completely done, and Mr. Kanastab answered that Summerdale is the only school completely done. There are a few schools that are about 98% complete and there are Laneview, Majestic, Noble, Northwood, Ruskin, Sierramont. The Central Kitchen is also complete.

c. Central Kitchen Update

Minutes

Mr. Kanastab also presented to the committee the Central Kitchen report that was presented in the Board Meeting by Ms. Fujikawa, Director of Student Nutrition Services. He mentioned to the committee about the new equipment that are being used and how these should contribute to better food quality, diverse menu, and additional food that can be processed in the kitchen. He also mentioned that they purchase additional wrapping machines, and he stated that they auctioned some of the old equipment and used these funds to help cover some of the costs. Ms. Chen and Ms. O'Leary, however, agreed that the food and menu are still the same compared to last year. Ms. Chen also inquired about providing breakfast menu for the kids.

4. Old Business

a. Committee membership...response to published ads

Minutes

At the beginning of the meeting, Mr. Cancilla inquired about the responses that District received regarding the advertisement for the current CBOC vacancies. He and Ms. Chen suggested to ask for help to Lan Diep, Councilmember.

Mr. Michaels also recommended to advertise the vacancies through more popular publications, such as the Metro or San Jose Mercury News instead of San Jose Post Record which has a fewer audience. Mr. Cancilla asked if there's fund/budget for this expenses, and Mr. Kanastab said that there is.

Mr. Lomonaco also responded that they have the same problem in East Side Union School District, so they have to be diligent in recruiting and inviting the public to be part of their committee. Mr. Michaels suggested advertising the vacancies during the District's Board Meeting. Furthermore, Mr. Cancilla suggested that we should announce these vacancies to PTA meetings. Ms. Chen advise that it is best to go during the first meeting at the beginning of the year. Mr. Michael's also asked if the Superintendent should announce this during the PTA meetings, and Mr. Kanastab stated that he should go instead in lieu of the Superintendent

b. Future committee meeting dates

Minutes

Mr. Michaels reviewed with the committee the future dates.

5. New Business

Minutes -

No new business topic were discussed

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6. Adjournment

Minutes

Motion to adjourn by Mr. Michaels at 7:56 pm, 2nd by Mr. Cancilla and Ms. O'Leary. Tour of the Central Kitchen began right after the meeting was completed.

PROJECT UPDATE

A photograph of a modern building with a black metal fence in the foreground and trees in the background. The building has a light-colored, textured facade and a green roof. The fence is made of black metal bars and runs along the side of the building. There are several large trees with green leaves in the background. The sky is clear and blue.

Citizens Bond Oversight Committee

September 19, 2018

Measure L – Overview

- Project Updates
- Program Schedule Review

Measure L – Project Updates

- **Vinci Park Elementary School - FIS**
 - Phase 1 – Interior Work - Complete
 - Phase 2 – Exterior Work
 - In Progress:
 - FIS fencing
 - Install of exterior sink
- **Ruskin Elementary School - FIS**
 - On schedule to complete in October 2018
- **Piedmont Middle School - FIS**
 - On schedule to complete in October 2018

Measure L – Project Updates

- **Ruskin Elementary School**

- Completed Portion of the Modernization Project:

- ADA parking upgrades
 - Concrete replacement between buildings D and E/F
 - ADA path of travel adjacent to FIS
 - Minor ADA upgrades to student restrooms near Kitchen
 - ADA drinking fountain replacement
 - Replacement of main building entrance doors and frames
 - ADA upgrades to restroom at Nurse's office

- In Progress:

- Replace existing fencing panels with decorative fence panels and fencing
 - Flexible Instruction Space is on Schedule to complete in October

Measure L – Project Updates



Ruskin - FIS

Measure L – Project Updates



Ruskin - FIS

Measure L – Project Updates

- **Piedmont Middle School**

- Completed Portion of the Modernization Project:

- Minor ADA parking upgrades (stripping)
 - Provide path of travel (ramp) to exterior student restrooms at building H
 - ADA upgrades to student restrooms
 - Staff restroom repairs
 - ADA drinking fountain replacement
 - Water bottle filling station

- In Progress:

- Fencing - gate replacement for ADA
 - Flexible Instruction Space is on schedule on schedule to complete in October

Measure L – Project Updates



Piedmont - FIS

Measure L – Project Updates



Piedmont - FIS

Measure L – Project Updates

- **Brooktree Elementary School**

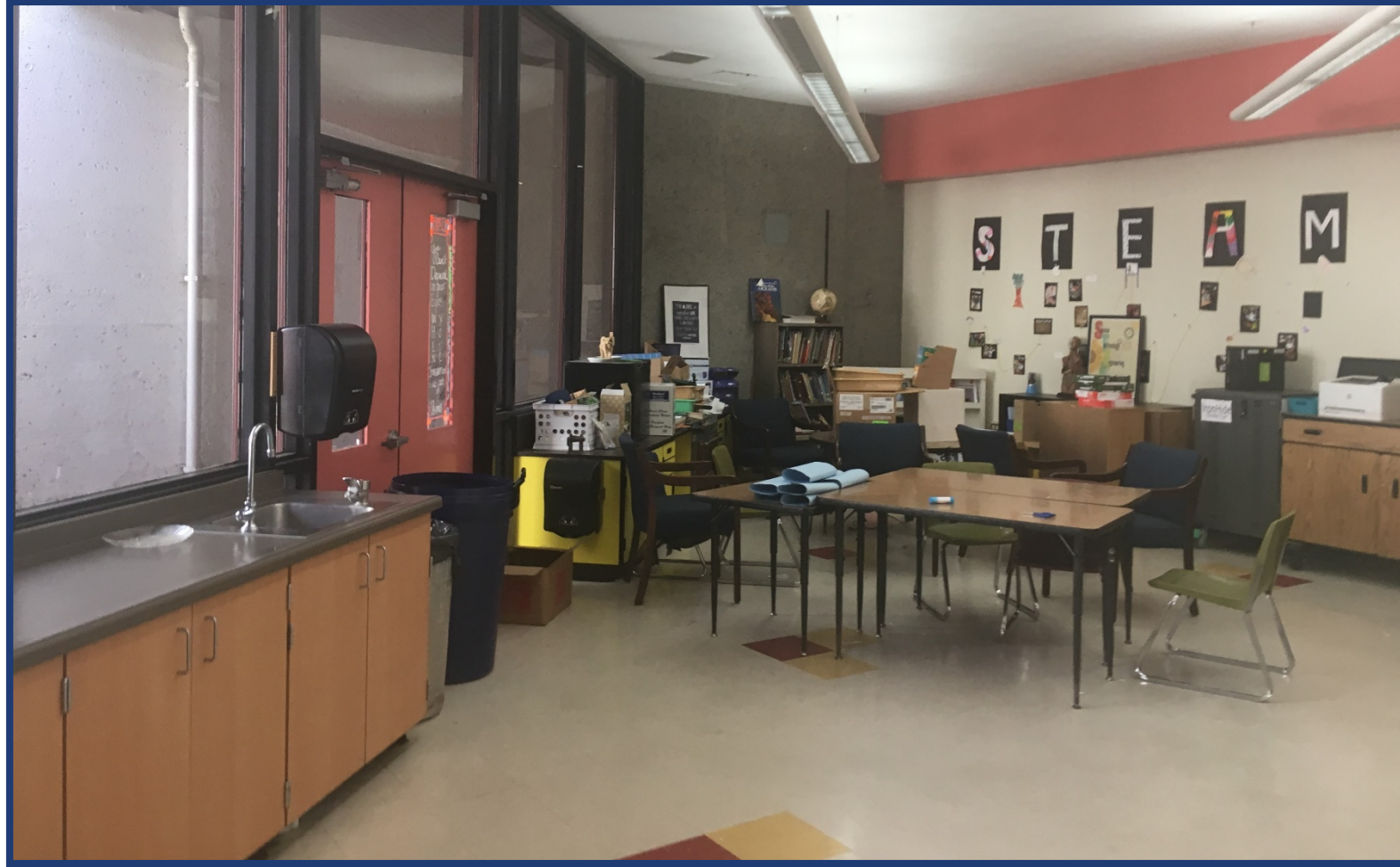
- Completed Portion of the Modernization Project:
 - Provide path of travel to exterior student restrooms at playground
 - ADA upgrades to exterior student restrooms
 - ADA drinking fountain replacement
 - ADA upgrades to staff restrooms
 - Interior painting
 - Entry window glass replacement
 - Flooring
- Flexible Instruction Space is on schedule to complete in October

Measure L – Project Updates



Brooktree - MPR

Measure L – Project Updates



Brooktree Work Room - Before

Measure L – Project Updates



Brooktree Work Room - After

Measure L – Project Updates



Brooktree – FIS

Measure L – Project Updates



Brooktree – FIS

Measure L – Project Updates

- **Cherrywood Elementary School**

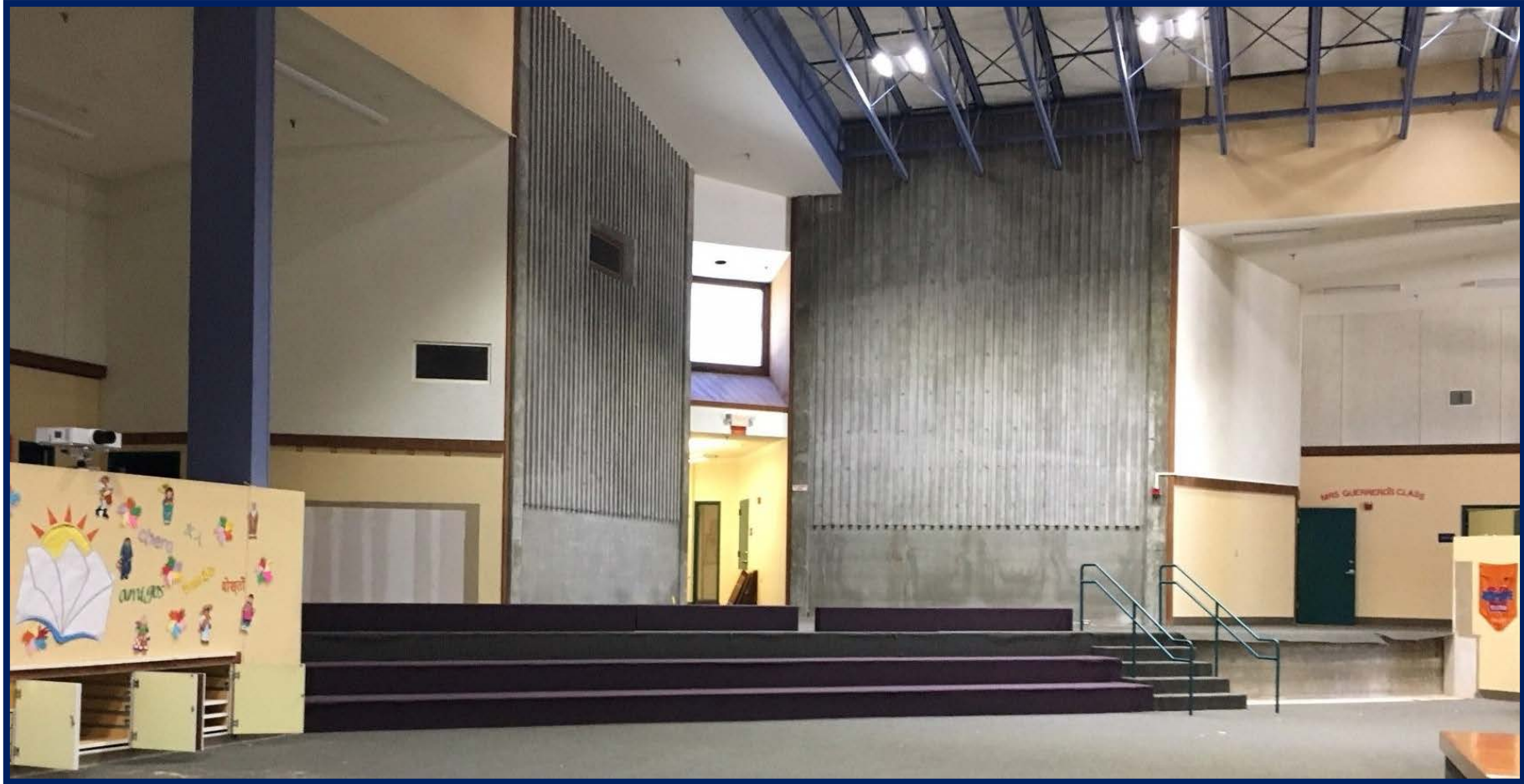
- Completed Portion of the Modernization Project:
 - Interior Painting Project
 - Flooring
 - Removal of existing casework at main space (MPR)
 - Tackable wall panels in main space (MPR)
 - Classroom whiteboard
- FIS
 - Submitted to DSA with approval excepted by late October
 - Schedule to receive bids in early January 2019
 - Recommendation of award at the January 15, 2019 Board Meeting
 - Construction is scheduled to start April 2019

Measure L – Project Updates



Cherrywood - Classroom

Measure L – Project Updates



Cherrywood MPR - Before

Measure L – Project Updates



Cherrywood MPR - After

Measure L – Project Updates

- **Toyon Elementary School**
 - Completed Portion of the Modernization Project:
 - Interior painting
 - Exterior painting
 - Flooring
 - Exterior door replacement
 - Stage partition repair
 - Sink repair at Classroom 1
 - Toilet repair/replacement TK restrooms
 - Painting of Classroom windows

Measure L – Project Updates



Toyon Exterior

Measure L – Project Updates



Toyon Kindergarten Classroom - Before

Measure L – Project Updates



Toyon Kindergarten Classroom - After

Measure L – Project Updates

- **Toyon Elementary School - continue**

- FIS

- Submitted to DSA 8/6
- Receive bids 10/30
- Recommendation of award at the November 13, 2018 meeting
- Start construction November 2018
- Completion February 2019

Measure L – Project Updates

- **Morrill Middle School**

- Completed Modernization Project:

- Site concrete replacement at Administration entrance
 - Site concrete replacement at northwest stairs
 - Site concrete replacement between B & C
 - Provide path of travel; ramp to blacktop area
 - Upgrade ADA parking
 - Minor ADA upgrades to student restrooms
 - ADA upgrades to staff restrooms
 - Concrete slab repair at buildings B, C, D, and E
 - Interior painting
 - Reconfigure of Library space
 - Flooring

Measure L – Project Updates

- **Morrill Middle School - continue**

- In Progress:

- Fencing is 80% complete
 - Flexible Instruction Space is on schedule for completion in late October

Measure L – Project Updates



Morrill – Administration

Measure L – Project Updates



Morrill - Art Classroom

Measure L – Project Updates



Morrill - Art Classroom

Measure L – Project Updates



Morrill - Science Classroom

Measure L – Project Updates



Morrill - FIS

Measure L – Project Updates



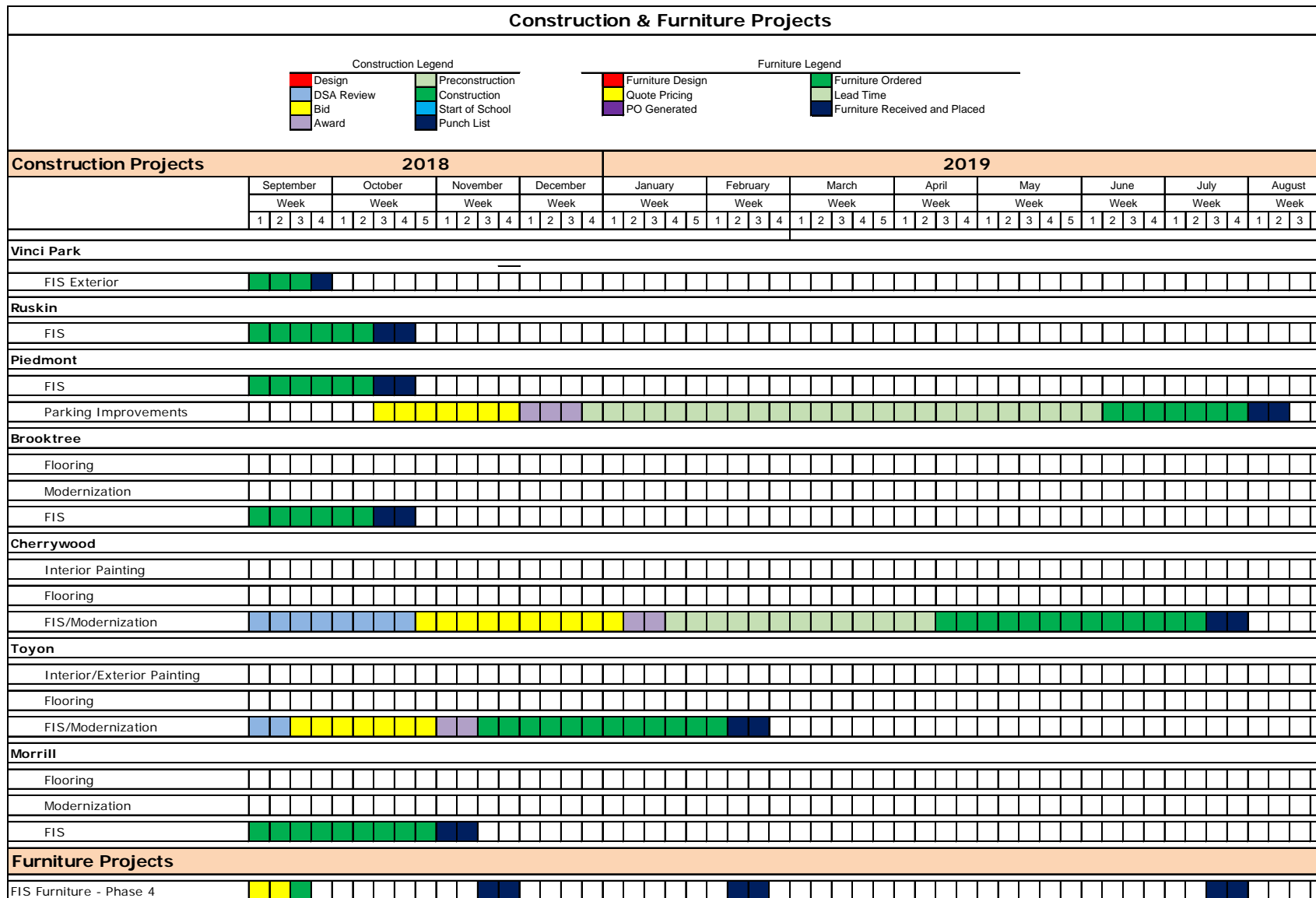
Morrill - FIS

Measure L – Project Updates



Morrill - FIS

Measure L – Program Schedule



Thank You



FINANCIAL REPORT

Project Budget
BERRYESSA UNION SCHOOL DISTRICT
MEASURE L BOND
2017-2018 4th Quarter Report
07/01/2017-06/30/2018
Cost Control Summary

SUMMARY				
Description	Adopted Budget 1/21/2015 (1)	2017-2018 Operating Budget 6/30/2018	Total Expended to Date 6/30/2018	Balance
HARD CONSTRUCTION COSTS				
Construction	50,671,230	19,457,720	6,915,904	12,541,816
Construction Contingency	4,839,623	1,742,364	36,250	1,706,114
Sub-Total Hard Costs	55,510,853	21,200,084	6,952,154	14,247,930
Furniture, Fixtures & Equipment		3,075,383	1,450,065	1,625,318
Total Hard Costs	55,510,853	24,275,467	8,402,218	15,873,249
SOFT CONSTRUCTION COSTS				
Architectural & Engineering				
Architectural & Engineering	4,886,579	1,836,978	934,342	902,636
Architectural & Engineering Reimbursable	222,090	110,107	11,220	98,887
Specialty Consultants				
Engineering Studies / Surveys	65,000	27,550	26,800	750
Kitchen Consultant (Included in Aes)	50,000			-
Geotechnical Study/Inspection/Report	52,000			-
Hazardous Material Consulting	-			-
CEQA (Included in Testing)	31,000			-
Energy Consultant	-			-
Technology Consultant	80,000			-
Construction Management				
Construction Management	2,873,822	1,278,805	782,072	496,733
Reimbursable	131,237	66,979		66,979
Plan Check & Permit Fees				
Assessment Fees (DSA Included)	393,496	178,802	123,051	55,751
CDE Fee	-			-
Other Permit & Plan Check Fees	50,000	3,782		3,782
Utilities Fee	150,000			-
Document Reproduction				
Plan Document Reproduction & Printing	80,000	19,913	10,023	9,890
Advertisement	12,000	6,916	2,856	4,060
Testing & Inspection				
DSA Project Inspector (IOR)	830,195	331,765	126,352	205,413
Material Testing & Inspection (CEQA Included)	166,469	27,485	5,148	22,337
Geotechnical Inspection	70,750	14,300	14,300	-
Hazardous Material Inspection/Abatement	-	73,425	58,075	15,350
Other Expenses				
State Funding Consultant	-			-
Community Relations Consultant	-			-
Planning	-	15,764		15,764
Miscellaneous	50,000	6,000		6,000
Soft Cost Contingency	319,046	68,047		68,047
Solar Contingency				-
Kitchen Contingency				-
Sub-Total Softs Costs	10,513,684	4,066,618	2,094,239	1,972,379
OTHER PROJECT COSTS				
District Staff Costs	-	-		-
Interim Housing	-			-
Moving (Pack/Unpacking/Movers,Storage)	1,060,000	441,934	278,287	163,647
Furniture, Fixtures & Equipment	5,684,000			-
Equipment and Non-Capital Equipment(Technology)	-	2,034,750	232,352	1,802,398
Other Costs Planning	27,500			-
Other Operating/Misc Expense	-	-	-	-
Sub-Total Other Project Costs	6,771,500	2,476,684	510,639	1,966,045

Project Budget
BERRYESSA UNION SCHOOL DISTRICT
MEASURE L BOND
2017-2018 4th Quarter Report
07/01/2017-06/30/2018
Cost Control Summary

SUMMARY				
Description	Adopted Budget	2017-2018 Operating Budget	Total Expended to Date	Balance
PROGRAM COSTS				
Administration				
District Staff Cost/Program Management Costs	1,375,000	596,033	307,242	288,791
Legal Fees	125,000	40,000	1,046	38,955
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	18,796	2,353	16,443
Office Equipment/Equip Maintenance	25,000	9,511	2,872	6,639
Interim Housing	125,000			-
Seminars/Training	10,000	3,000	15	2,985
Audit Expense	5,000	14,750	6,500	8,250
Public Relations and Contractor Outreach				-
Public Relations/Communications	75,000			-
Public Bid Advertising	15,000			-
Bond Costs				-
Bond Counsel Advisor	170,000			-
Bond Underwriter	470,000			-
Other Issuance Costs	30,000			-
Disclosure Counsel	40,000			-
Financial Advisor	90,000			-
Election Costs	60,000	-		-
Other Operating Expenses	-			-
Program Contingency				-
Program Cost Contingency	88,500	1,065,082		1,065,082
Total Program Costs	3,038,500	1,747,172	320,028	1,427,144
Overall Bond Reserve	1,165,463	3,903,614		3,903,614
	77,000,000	36,469,555	11,327,124	25,142,430

Berryessa Union School District Bond Measure L – 2014 through June 30, 2018

3. Percentage of Total

Description	Proposed Budget	Current Budget	Budget Variances	Expenses as of 06/30/2018	Balance	Percentage of Total Cost
Brooktree Elementary School	\$ 2,775,715	\$ 2,616,486	\$ (159,229)	\$ 914,127	\$ 1,702,359	3.40%
Cherrywood Elementary School	\$ 2,641,308	\$ 2,582,594	\$ (58,714)	\$ 841,428	\$ 1,741,166	3.35%
Laneview Elementary School	\$ 2,625,057	\$ 2,359,963	\$ (265,094)	\$ 2,167,652	\$ 192,311	3.06%
Majestic Way Elementary	\$ 2,576,170	\$ 2,283,113	\$ (293,057)	\$ 2,100,836	\$ 182,277	2.97%
Noble Elementary School	\$ 2,739,415	\$ 2,320,884	\$ (418,531)	\$ 2,247,607	\$ 73,277	3.01%
Northwood Elementary School	\$ 3,016,300	\$ 2,530,108	\$ (486,192)	\$ 2,449,004	\$ 81,104	3.29%
Ruskin Elementary School	\$ 2,697,784	\$ 2,624,896	\$ (72,888)	\$ 1,368,167	\$ 1,256,729	3.41%
Summerdale Elementary School	\$ 2,976,998	\$ 2,906,651	\$ (70,347)	\$ 2,906,651	\$ -	3.77%
Toyon Elementary School	\$ 2,731,914	\$ 2,519,419	\$ (212,495)	\$ 703,327	\$ 1,816,092	3.27%
Vinci Park Elementary School	\$ 2,801,993	\$ 2,850,596	\$ 48,603	\$ 2,551,852	\$ 298,744	3.70%
Morrill Middle School	\$ 4,849,363	\$ 4,331,365	\$ (517,998)	\$ 1,910,738	\$ 2,420,627	5.63%
Piedmont Middle School	\$ 4,214,915	\$ 4,679,917	\$ 465,002	\$ 1,529,897	\$ 3,150,020	6.08%
Sierramont Middle School	\$ 5,949,291	\$ 5,431,060	\$ (518,231)	\$ 5,406,060	\$ 25,000	7.05%
Energy Conservation Project	\$ 10,836,279	\$ 10,836,279	\$ -	\$ 9,652,759	\$ 1,183,520	14.07%
Central Kitchen	\$ 5,971,020	\$ 5,971,021	\$ 1	\$ 5,947,250	\$ 23,771	7.75%
District Office- Main	\$ 2,154,423	\$ 2,154,423	\$ -	\$ 137,117	\$ 2,017,306	2.80%
Technology - Wireless/Infrastructure	\$ 2,349,611	\$ 3,028,937	\$ 679,326	\$ 3,001,037	\$ 27,900	3.93%
Technology - Classroom	\$ 3,191,980	\$ 2,967,634	\$ (224,346)	\$ 1,164,636	\$ 1,802,998	3.85%
District - Wide	\$ 5,696,500	\$ 6,004,451	\$ 307,951	\$ 4,187,983	\$ 1,816,468	7.80%
Program	\$ 3,038,500	\$ 3,038,500	\$ -	\$ 1,611,358	\$ 1,427,142	3.95%
Bond Contingency	\$ 1,165,464	\$ 2,961,698	\$ 1,796,234	\$ -	\$ 2,961,698	3.85%
Total Program Cost	\$ 77,000,000	\$ 76,999,995	\$ (5)	\$ 52,799,486	\$ 24,200,509	100%
Interest***		\$ 941,916	\$ 941,916		\$ 941,916	
Total Program Cost with Interest	\$ 77,000,000	\$ 77,941,911	\$ 941,911	\$ 52,799,486	\$ 25,142,425	

Total Bond Contingency as of June 30, 2018

\$ 3,903,614

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.

Notes