



**PUSD**

Pasadena Unified School District

## **BOND OVERSIGHT COMMITTEE BYLAWS**

### **Sec. 1.0 COMMITTEE ESTABLISHED**

The Board of Trustees of the Pasadena Unified School District (the “Board”) hereby establishes the Citizens’ Bond Oversight Committee (the “Committee”) which shall have the purposes and duties set forth in these Bylaws.

### **Sec. 2.0 PURPOSE**

The purpose of the Committee is to inform the public at least annually by issuing a written report concerning the expenditure of bond proceeds approved by the voters (the “bond proceeds”).

### **Sec. 3.0 DUTIES**

To carry out its stated purpose, the Committee shall serve in an advisory capacity to the Board of Education performing the following duties:

3.1 Review Expenditures. The Committee shall review quarterly expenditure reports of bond funds produced by the District and other related bond fund documents to (a) ensure that bond proceeds are expended only for the purposes set forth in the ballot measure; and (b) ensure that no bond proceeds are used for any teacher salaries.

3.2 Review Progress of Projects. The Committee shall be apprised in writing by the District of significant changes or irregularities in the progress and completion dates of bond funded projects.

3.3 Annual Report and Interim Reports. The Committee shall present to the Board interim reports at the Committee’s discretion and an annual written report which shall at a minimum 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.

Relevant excerpts of the Annual Report shall be posted to the District’s Internet website, and provided to the Sierra Madre City Council, Altadena Town Council, Pasadena City Council, and the local media.

3.4 Internet Website. Minutes and Agenda of the proceedings of the Committee shall be a matter of public record and be made available on an Internet website maintained by the District. Relevant documents received and reports issued shall be maintained by the District for review pursuant to Public Records Act request.

3.5 Annual Audit. An Annual Audit shall be conducted and the results posted on the District's Internet website.

#### **Section 4.0 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 and review copies of the District's annual independent performance audit and annual independent financial audit, required by Article XIII A of the California Constitution.

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

(c) Review the District's efforts to maximize bond proceeds in ways designed to: (1) reduce costs of professional fees or site acquisition; (2) incorporate efficiencies in school site design; (3) encourage joint use of core facilities; or (4) involve cost-effective and efficient reusable facility plans.

4.2 Any Committee requests for copies or inspection of District records shall be made in writing to the District's Superintendent or designee.

#### **Sec. 5.0 MEMBERSHIP**

5.1. Number. The Committee shall consist of between nine and fifteen members.

(a) After interviewing potential members, the Board shall appoint members of the committee.

(b) The Committee shall include:

- (1) one member who is active in a business organization representing the business community located within the District;
  - (2) one member active in a senior citizens' organization;
  - (3) one member who is the parent or guardian of a child enrolled in the District;
  - (4) one member who is both a parent or guardian of a child enrolled in the District and active in parent-teacher organization;
  - (5) one member who is active in a bona fide taxpayers' organization;
- and

(6) four general members.

5.2. Qualification Standards.

(a) To be a qualified person, he or she must:

- (1) be at least 18 years of age and a resident of the state in accordance with Government Code section 1020;
- (2) not be an employee of the District who is directly related to the construction of school facilities in the District or an official of the District.
- (3) not be a vendor, contractor, or consultant of the District.

(b) If a member fails to meet the qualification standards set forth above at any time during the term of service, the member shall be disqualified and the position shall be declared vacant. The Board shall appoint a new person to serve the remainder of the term, in accordance with the appointment process set forth in Section 5.3 below.

5.3. Appointment. The Board shall appoint members to the Committee. Prior to appointment, the District Superintendent shall conduct a nomination process to ensure that each person nominated meets the qualification standards set forth in Section 5.2. The Superintendent shall establish a process that provides reasonable notice to Board members and specified nominating organizations. When an appointment is necessary to fill a vacancy, the Superintendent shall ensure that a nomination is received from the same organization or category as the Committee member whose position is vacant.

5.4 Ethics; Conflicts of Interest. By accepting appointment to the Committee, each member agrees to comply with Articles 4 (commencing with Section 1090) and 4.7 (commencing with Section 1125) of Division 4 of Title 1 of the Government Code and the Political Reform Act (Gov. Code §§ 81000 et seq.), and to complete the Form 700 as required by all “designated employees” of the District. Additionally, each member shall comply with the Committee Ethics Policy attached as Attachment A to these Bylaws.

5.5 Term. Except as otherwise provided herein: members shall serve a term of two (2) years beginning March 1, 2009; with successive terms, if any, to be for a term of two years. No member may serve more than two (2) consecutive terms. Initial term for simple majority of members shall be three years with the minority total of members to serve two years.

5.6 Removal; Vacancy. The Board may remove any Committee member for cause, including failure to attend three consecutive Regular Committee meetings 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 appointment process set forth in Section 5.3 shall fill any vacancies on the Committee.

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

## **Sec. 6.0 MEETINGS OF THE COMMITTEE**

6.1 Regular Meetings. The Committee shall establish a schedule for the date and time of regular meetings to be held at least quarterly to include an annual organizational meeting to be held in June.

6.2 Location. All meetings shall be held at the District's administrative offices at 351 South Hudson Ave. Pasadena, California or other District facilities.

6.3 Procedures. All meetings shall be open and public in accordance with the Ralph M. Brown Act, Government Code Section 54950 et seq. Meetings shall be conducted according to such 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 except adjournment.

## **Sec. 7.0 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 and copies of any documentary meeting materials, such as agendas, minutes and reports; and

(d) retention of all Committee records, and providing public access to such records.

7.2 District staff shall attend all Committee proceedings in order to report on the status of projects and the expenditures of bond proceeds.

7.3 The Committee may request the Board to authorize legal counsel to advise the Committee on legal matters relating to the operation and/or subject matter of the Committee.

## **Sec. 8.0 REPORTS**

In addition to the Annual Report required in Section 3.2, the Committee shall report to the Board not less than semi-annually in order to advise the Board on the activities of the Committee. Such report shall be in writing and at a minimum shall summarize the proceedings and activities conducted by the Committee. Committee minutes shall be circulated to Board members, administrative staff as well as Committee Members.

**Sec. 9.0            OFFICERS**

The board shall appoint the first chair who will serve for the first year. The committee shall elect the chair after the first year. The Committee shall elect a vice-chair who shall act as chair only when the chair is absent and a clerk which positions shall continue for up to two (2) year terms. No person shall serve as Chair for more than two consecutive terms.

**Sec.10.            AMENDMENT OF BYLAWS**

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

**Sec. 11.0            TERMINATION**

The Committee shall terminate and disband by a majority vote of the Board. Normally this will occur at the earlier of the date when (a) the committee issues a final report after all bond proceeds are spent, or (b) the committee issues a final report after all projects funded by bond proceeds are completed.

## ATTACHMENT A

### BOND OVERSIGHT COMMITTEE ETHICS POLICY STATEMENT

This Ethics Policy Statement provides general guidelines for Committee members to follow in carrying out their roles. 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 form 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 personal finances 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 interests of a person with whom the member has an agreement concerning current or future employment, or remuneration of any kind. For a period of three (3) 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 three (3) 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 Pasadena Unified School District.
- **COMMITMENT TO DISTRICT.** A Committee member shall place the interests of the District above any personal or business interests of the member.