

CONTRA COSTA COMMUNITY COLLEGE DISTRICT CITIZENS' BOND OVERSIGHT COMMITTEE BYLAWS

Introduction

Measures A 2002¹/2006² and Measure E 2014³ were approved by at least 55% of the voters of the Contra Costa Community College District pursuant to the provisions of the Strict Accountability in Local School Construction Bonds Act of 2000, codified at Sections 15264 and following of the Education Code. The Act requires the Board of Trustees (the "Board") to appoint a Citizens' Oversight Committee (the "Committee") after the successful bond election.

Legal authority for formation and duties of the Committee is found in Sections 15264 and 15278 to 15282 of the Education Code. The purpose of these Procedures, Policies and Guidelines is to direct the formation and actions of the Committee by reference to the statutory requirements. Where the statutory direction is insufficiently specific, the Board has furnished missing details. In addition, the Board sets forth below its expectations, suggestions, and desires for the operations of the Committee. (All references below to the provisions of law are to the Education Code of the State of California, unless otherwise specified in context.)

I. Establishment

The Board is required to appoint members to an independent citizens' oversight committee as a result of the passage of Measure A at the elections conducted on March 5, 2002, Measure A at the elections conducted on June 6, 2006 and Measure E at the elections conducted on June 3, 2014. *Education Code Section 15278(a)*

II. Purpose

A. Statutory Purposes. The Committee is charged by statute with the following purposes:

1. to promptly alert the public to any waste or improper expenditure of construction bond money (*Education Code Section 15264(c)*);
2. to inform the public concerning the expenditure of bond revenues (*Education Code Section 15278(b)*);
3. to ensure that bond revenues are expended only for the purposes described in the California Constitution ("Constitution"); that is, for the construction, reconstruction, rehabilitation, or replacement of college facilities, including the furnishing and equipping of college facilities, or the acquisition or lease of real property for college facilities (*California Constitution, Article XIII A, Section 1(b)(3)*; *Education Code Section 15278(b)(1)*); and
4. to ensure that no funds are used for any teacher or administrative salaries or other college operating expenses (*California Constitution, Article XIII A, Section 1(b)(3)(A)*; *Education Code Section 15278(11)(2)*).

B. Committee Charge. In addition to the statutory purposes, the Committee's purpose includes facilitating understanding between the Board and the residents of the District, as a complement to the Board's own regular public meetings and citizen outreach efforts. The Committee will best serve its statutory purposes and the interests of the community by:

¹ Measure A 2002 is a facilities bond measure passed on March 5, 2002, by the voters of the Contra Costa Community College District (District). Measure A 2002 authorizes the District to issue up to \$120 million in general obligation bonds for the purpose of repairing, rehabilitating, and improving existing facilities, and adding new educational facilities. The Governing Board entered the election results in the minutes of the April 24, 2002, meeting.

² Measure A 2006 is a facilities bond measure passed on June 6, 2006, by the voters of the District. Measure A 2006 authorizes the District to issue up to \$286.5 million in general obligation bonds for the purpose of repairing, rehabilitating, and improving existing facilities, and adding new educational facilities. The Governing Board entered the election results in the minutes of the July 26, 2006, meeting.

³ Measure E 2014 is a facilities bond measure passed on June 3, 2014, by the voters of the District. Measure E 2014 authorizes the District to issue up to \$450 million in general obligation bonds for the purpose of repairing, rehabilitating, and improving existing facilities, and adding new educational facilities. The Governing Board entered the election results in the minutes of the July 23, 2014, meeting.

1. responsibly reviewing Board plans with regard to bond projects;
2. communicating the community's concerns or satisfaction to the Board with regard to those projects and the District's overall building and renovation plans; and
3. communicating the Board's intentions with respect to bond projects to the community.

C. Role of the Committee. The Committee serves in an advisory capacity to the Board.

III. Members

A. Minimum Size. The Committee shall be comprised of at least seven members, which members shall meet the criteria as noted in Section III.B.1-5 (*Education Code Section 15282(a)*), and not more than eleven members.

B. Required Members. Pursuant to statute, the Board shall appoint to the Committee the following members (*Education Code Section 15282(a)*):

1. one member active in a business organization representing the business community located within the District (one member per college – total three members);
2. one member active in a senior citizens' organization (total one member);
3. one member active in a bona fide taxpayers' organization (total one member);
4. one member shall be a student⁴ who is both currently enrolled in the District and active in a community college group, such as student government (total one voting member plus two alternates. Each college may appoint a student representative who can attend all meetings, but there will only be one student vote. In order to cast the student vote, student representatives will decide on the ranking order of who is the primary voting student member, secondary voting member if the primary voting member is absent, and the voting student member if the primary and secondary student members are absent.); and
5. one member shall be active in the support and organization of a community college or the community colleges of the District, such as a member of an advisory council or foundation (one member per college – total three members).

C. Board Procedures for Appointment of Committee.

1. Appointment
 - a. Persons, at least 18 years of age, who are interested in serving as members of the Committee shall submit a written application (see Attachment A) to the chief administrative services officer, specifying such information as the chief administrative services officer shall reasonably require. Such information shall include, at a minimum:
 - (i) the specific position or positions listed in Section III. B above, for which the applicant qualifies; and
 - (ii) such information as may be necessary to verify that the applicant meets that qualification requirement.
 - b. The chief administrative services officer shall forward the names and applications of those applicants meeting the qualification requirements to the chancellor. The chancellor will forward to the Board the names and applications of those applicants.
 - c. The Board, or any member thereof, may request additional information about any applicant, including a personal interview. All such information shall be public, and any such interviews shall be conducted at a public Board meeting.
 - d. Applicants shall be nominated by motion of a member of the Board.
 - e. Members shall be appointed by a majority vote of the Board. The appointment shall specify which of the specific positions listed in Section III.B the appointment fulfills.

⁴ The student member may, at the discretion of the Governing Board, serve up to six months after his or her graduation.

2. Failure to Appoint
 - a. Willful failure to appoint the Committee is grounds for legal action by any taxpayer against the Board. *Education Code Section 15284(a)(4)*
 - b. The Board will make a good-faith effort to appoint the Committee and fill vacancies to ensure that the Committee is fully constituted and functioning. No vacancy, at initial appointment or otherwise, will prevent the Committee from meeting and conducting its business.
 - c. In the event that acceptable applications from the public to fill all of the positions specified in Section III.A above are not received, or if at any time there is a vacant position on the Committee, the chief administrative services officer shall:
 - (i) notify the Governing Board of the vacancy; and
 - (ii) cause a notice of the vacancy to be posted in a conspicuous public place (e.g., where regular public notices of the Board are posted), specifying the eligibility requirement for the vacant position and that a written application must be submitted to the chief administrative services officer and such notice shall remain posted until the vacancy is filled. The chief administrative services officer in her/his discretion, may advertise the vacant position in a newspaper reasonably expected to be circulated among interested persons, and may contact organizations to request nomination of interested persons to fill the positions that require active membership in such organization.

D. Additional Eligibility Restrictions. The following persons are not eligible to serve on the Committee (*Education Code Section 15282(b)*):

1. any regular employee of the District;
2. any official of the District⁵; and
3. any vendor, contractor or consultant of the District⁶.

E. 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. Additionally, each member shall comply with the Committee Ethics Policy shown as “Attachment B” to these Procedures, Policies, and Guidelines.

F. Term.

1. Each of the members specified by statute is appointed for a term of two years. *Education Code Section 15282(a)*
2. No member shall be appointed to more than three consecutive two-year terms. *Education Code Section 15282(a)*
3. The Board hereby further establishes the following provisions on the terms of members:
 - a. Any member appointed to meet any of the criteria of categories 1— 5 described in Section III.B above, shall serve only so long as such member continues to fulfill the requirement of the position to which appointed.
 - b. Notwithstanding the two-year term required by statute, the term of any member shall terminate upon:
 - (i) death of the member;
 - (ii) written resignation of the member;
 - (iii) disability or illness of the member, upon a finding by the Board that the member is unable to effectively continue to serve on the Committee;
 - (iv) the sale or provision of any goods or services to the District, or entry into any contract with the District for such sale or provision, whether or not related to the bond program, such that the member becomes a

⁵ For purposes of this limitation, any elected or appointed member of the Board is an “official of the district” within the meaning of Section Education Code Section 15282(b). No member of any other citizen committee of the District appointed by the Board to serve without pay is an “official of the district” within the meaning of Section Education Code Section 15282(b).

⁶ No person is a vendor, contractor or consultant of the District prohibited from serving on the Committee within the meaning of Section 15282(b) unless such person, or any company of which such person is an owner or part owner, agrees or has agreed to perform services or furnish goods or supplies to the District under any agreement or contract that has not been fully performed. Prior contractual relationships with the District do not disqualify a person from serving on the Committee.

“vendor, contractor, or consultant” within the meaning of Section III.D.3, above;

- (v) the employment, appointment or election of such member to a position with the District, such that the member becomes an “employee of the District” or an “official of the District” within the meaning of Section III.D.1 or 2, respectively; and
 - (vi) failure of the member to participate in two consecutive meetings without prior approval of the Committee. The Committee chair should keep the Board informed regarding the status of other members, so that the Board can take appropriate action to replace or reappoint Committee members in a timely manner.
- 4. The term of any member appointed to succeed a member whose term has been terminated pursuant to Section III.F.3.b shall be two years, or such lesser time as remains in the term of the departing member, as the Board shall determine.
 - 5. In order to provide for consistency and continuity in the Committee’s operations and deliberations, and to establish a Committee whose entire membership does not turn over every two years, the Board may request the resignation of one or more, but fewer than all, members after one year, in order to reappoint such member, or any other person meeting the requirements for the seat that has been vacated by such resignation, to a two-year term.

G. Compensation. Members serve without compensation. *Education Code Section 15282(a)*

IV. Authorized Activities

In furtherance of its purposes, the Committee is authorized by statute to engage in the following activities (*Education Code Section 15278(c)*):

- A. receiving and reviewing copies of the annual, independent performance audit required by the Constitution⁵;
- B. receiving and reviewing copies of the annual, independent financial audit required by the Constitution⁷;
- C. inspecting college facilities and grounds to ensure that bond revenues are expended in compliance with the requirements of paragraph (3) of subdivision (b) of Section 1 of Article XVI of the California Constitution;
- D. receiving and reviewing copies of any deferred maintenance proposals or plans developed by the District; and
- E. reviewing efforts by the District to maximize bond revenues by implementing cost-saving measures, including, but not limited to, all of the following:
 - 1. mechanisms designed to reduce the costs of professional fees;
 - 2. mechanisms designed to reduce the costs of site preparation;
 - 3. recommendations regarding the joint use of core facilities;
 - 4. mechanisms designed to reduce costs by incorporating efficiencies in college site design; and
 - 5. recommendations regarding the use of cost-effective and efficient, reusable facility plans.

V. Meetings

- A. Initial Organization: Officers. In order that the Committee serve effectively and fulfill the purposes for which it is established, the Committee shall organize and conduct meetings as follows:

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The independent financial and performance audits submitted pursuant to Education Code Section 15278(c) for the preceding fiscal year shall be submitted to the citizens’ oversight committee by **March 31** of each year.

1. Initial Meeting. At the initial meeting of the Committee, the chancellor or a person designated by the chancellor should open the meeting and facilitate the selection by the Committee members of a presiding officer. Thereafter, selection of a chair and any other officers of the Committee should be by whatever means the Committee determines.
2. Chair. The Committee should designate a member as chair to preside over meetings of the Committee and to represent the Committee at public meetings of the Board and make reports thereto on a regular basis as the Committee shall determine or as the Board may request. The Committee Chair will serve a minimum term of two years or until terminated pursuant to Section III.F.3.b. The Committee shall designate a new Chair at the last regular meeting preceding July 1, to begin serving July 1.
3. Secretary. The Committee should designate a member as secretary to keep accurate minutes of the Committee's meetings and actions, in order to fulfill the legal requirement that such minutes and documents and reports be entered into the public record.

B. Reports: Meetings.

1. Reports. The Committee shall issue regular reports on the results of its activities at least once a year. *Education Code Section 15280(b)*
2. Annual Meeting of the Committee. The Committee is required to conduct at least one annual meeting, the purpose of which is to receive the reports and documents required to be provided to the Committee by the Board, and to approve a report of the Committee. *Education Code Sections 15280(b), 15278(c)*
3. Other Meetings of the Committee. The Board recommends that the Committee meet as often as necessary, at least quarterly, in order to effectively perform its duties.
4. Quorum. A majority of the appointed voting committee members shall constitute a quorum for conducting a meeting. The minimum quorum shall consist of four members present. Assuming there is a quorum, the committee may act by a majority of the members present.

C. Notice of Meetings: Minutes.

1. The Committee's meetings are governed by the Ralph M. Brown Act, commencing at Section 54950 of the Government Code. *Education Code Section 15280(b)*
 - a. All Committee proceedings shall be open to the public.
 - b. Notice to the public of any meeting of the Committee shall be provided in the same manner as the proceedings of the Board.
2. Minutes of the proceedings of the Committee and all documents received and reports issued by the Committee are a matter of public record. *Education Code Section 15280(b)*
3. The District shall maintain and make available to the Committee an Internet website for publication of proceedings of the Committee. *Education Code Section 15280(b)*
4. All documents received and reports issued by the Committee shall be made available to the public on the District website. *Education Code Section 15280(b)*
5. In order to publicize and make available the Committee's proceedings, the Committee secretary shall provide to the chief administrative services officer any documents received by, and reports issued by, the Committee, in whatever form received or issued, and minutes of the meetings of the Committee or any subcommittees created by the Committee.
6. District staff is directed by the Board to assist the Committee in publicizing its meetings, in complying with the requirements of the Brown Act, and in posting documents and reports on the website maintained by the District for the Committee. District staff will assist the Committee in these and the other activities of the Committee as provided in Section V.D.

D. Technical Assistance.

1. The Board is required to provide the Committee with any necessary technical assistance and shall provide administrative assistance to the Committee in furtherance of its purpose. *Education Code Section 15280(a)*
2. The Board is required to provide sufficient resources to publicize the conclusions of the Committee. *Education Code Section 15280(a)*

3. No bond funds shall be expended on any activities or technical assistance provided to the Committee. *Education Code Section 15280(a)*
4. The District shall expend General Fund monies to provide the administrative and technical assistance reasonably required by law. The District shall not be required to prepare reports for, or attend meetings of, the Committee beyond what is required by statute and what is prepared for the Board.

**CONTRA COSTA COMMUNITY COLLEGE DISTRICT
CITIZENS' BOND OVERSIGHT COMMITTEE**

**Attachment A
Application for Appointment**

About Measures A 2002/2006 and Measure E 2014

Measure A 2002 is a facilities bond measure passed on March 5, 2002, by the voters of the Contra Costa Community College District (District). Measure A 2002 authorizes the District to issue up to \$120 million in general obligation bonds for the purpose of repairing, rehabilitating, and improving existing facilities, and adding new educational facilities. The Governing Board entered the election results in the minutes of the April 24, 2002, meeting.

Measure A 2006 is a facilities bond measure passed on June 6, 2006, by the voters of the District. Measure A 2006 authorizes the District to issue up to \$286.5 million in general obligation bonds for the purpose of repairing, rehabilitating, and improving existing facilities, and adding new educational facilities. The Governing Board entered the election results in the minutes of the July 26, 2006, meeting.

Measure E 2014 is a facilities bond measure passed on June 3, 2014, by the voters of the District. Measure E 2014 authorizes the District to issue up to \$450 million in general obligation bonds for the purpose of repairing, rehabilitating, and improving existing facilities, and adding new educational facilities. The Governing Board entered the election results in the minutes of the July 23, 2014, meeting.

**Duties of the Citizens' Bond Oversight Committee (Committee)
(See complete list at Procedures, Policies and Guidelines, IV.A-E)**

- The Committee shall inform the public concerning the District's expenditure of bond proceeds.
- The Committee may review reports produced by the District to ensure that bond proceeds are expended only for the purposes set forth in Measures A 2002/2006 and Measure E 2014 and that no bond proceeds are used for any teacher or administrator salaries or other operating expenses.
- The Committee shall issue a report at least once a year.

Qualifications

- Applicant must be at least 18 years of age.
- Applicant may not be an employee of the District, official of the District, or any vendor, contractor, or consultant of the District.

Applicant Information

Name: _____

Home Address: _____

Home Telephone: _____ Email: _____

Committee Membership Designations

State law requires that representation on the Committee be as follows. Please indicate the Committee designation(s) for which you are qualified:

- A student enrolled at any one of the campuses of the Contra Costa Community College District (Contra Costa College, Diablo Valley College, Los Medanos College, San Ramon Campus, Brentwood Center) and active in a community college support group, such as student government.
Organization name: _____
- A member active in a business organization representing the business community located in the District.
Business name: _____
- A member active in a senior citizens' organization.
Organization name: _____
- A member active in a bona fide taxpayers' association.
Organization name: _____
- A member active in a District support organization, such as a foundation.
Organization name: _____

Employer Information

Name of Applicant's Employer: _____

Work Address: _____

Work Telephone: _____ Email: _____

Please answer the following questions

1. Have you ever attended one of the five District campuses? _____; If so, which campus?

2. Do you have or have you had any relatives who attended any of the five District campuses? _____
Comments: _____

3. Are you aware of any potential conflict of interest that would affect your ability to serve on the Measure A 2002 and 2006 Citizens' Bond Oversight Committee? _____ If yes, please explain:

4. Are you now or have you ever been employed by the District? _____
If yes, please explain:

5. Why would you like to be appointed to the Committee? *(Please respond on a separate sheet.)*

Additional Information

Describe your professional skills and training. *(You may attach an additional page or resume.)*

Describe your community service background, including participation and membership in local civic organizations. *(You may attach an additional page or resume.)*

Describe your educational background. *(Response optional)*

Certificate of Applicant

All answers and statements in this document are true and complete to the best of my knowledge and belief.

Signature: _____ Date: _____

**CONTRA COSTA COMMUNITY COLLEGE DISTRICT
CITIZENS' BOND OVERSIGHT COMMITTEE
Measures A 2002/2006 and Measure E 2014**

**Attachment B
Ethics Policy Statement**

This Ethics Policy Statement provides general guidelines for Committee members to follow 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 the Ethics Policy 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 Statement.

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 Contra Costa Community College District.

COMMITMENT TO DISTRICT. A Committee member shall place the interests of the District above any personal or business interest of the member.