



**Meeting of the Citizens Oversight Committee
November 5, 2019– 5:30 p.m.
District Office Conference Room
4727 San Pablo Avenue, Emeryville**

District Goals

- All students in EUSD will be provided with equitable access to educational opportunities and programs for economic, political and social empowerment
- All students will learn and demonstrate 21st century skills including collaboration, critical thinking and creativity to be college and career ready
- Innovative technology will be integrated to facilitate global awareness, communication, collaborative learning and critical thinking
- To provide a comprehensive multi-use city-school campus that fosters a respectful environment, engages students in an innovative education, and offers comprehensive resources to bring member of the Emeryville community together to interact and learn

PUBLIC AGENDA

A. Meeting Opening / Roll Call (approximately 5:30 p.m.)

Rodney Wong, Chair
Joshua Simon, Vice-Chair
Mitchell Fine, Member
Marcelline Krafchick, Member
Miguel Dwin, Member

Dr. Quiauna Scott, Superintendent of Schools
Dora Siu, Chief Business Officer

B. Public Comment (approximately 5:35)

C. Approval of April 30, 2019 Minutes

D. Review 2018-2019 Bond Expenditures

E. Review of 2019-20 Bond Expenditures through September 30, 2019

F. Revise 2019-20 Annual Workplan

G. Discuss Bylaws and Proposed Changes

H. Adjournment (approximately 7:15 p.m.)

Pursuant to the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990, any individual with a disability who requires reasonable accommodation related to Board meetings, may request assistance by contacting the Office of the Superintendent at (510) 601-4906.



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MINUTES

A. Meeting Opening / Roll Call

The meeting convened at 5:42 p.m. Present: Dwin, Krafchick, Simon, Wong

B. Public Comment – none given

C. Approval of December 17, 2018 Minutes

Approved by roll call vote; moved: Dwin, seconded: Krafchick

D. Approval of 2016-2017 Annual Report

Approved by roll call vote with amendment to add code section regarding funding; moved: Dwin, seconded: Simon

E. Review 2017-2018 Bond Financial and Performance Audits

Approved by roll call vote endorsing school bond's acceptance; moved: Krafchick Dwin, seconded: Dwin

F. Development and Approval of 2017-18 Annual Report

Approved by roll call vote; moved: Simon, seconded: Dwin

G. Discuss Bylaws/Develop Annual Work Plan

This item was briefly discussed with the request to add an organizational item to the next agenda.

H. Adjournment

The meeting adjourned at 7:24 p.m.

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EMERY UNIFIED SCHOOL DISTRICT
Emeryville Center of Community Life
Measure J Bond Expenditures Detail
For Fiscal Year 2018-2019 through 6/30/2019

	<u>Amount</u>
Option 801 - A) Construct, Furnish & Equip Facilities	
4300 Materials & Supplies Subtotal	(1,626.10)
4400 Non-Capitalized Equipment Subtotal	23,842.47
5800 Other Services & Operating Exp Subtotal	116.07
5820 Audit Expense Subtotal	11,886.84
5830 Contracted Services Subtotal	33,142.78
5845 Legal Expenses Subtotal	8,280.52
Total for Option 801	75,642.58
Option 805 - E) Upgrade and Replace Classroom Technology	
4300 Materials & Supplies Subtotal	13,363.37
4400 Non-Capitalized Equipment Subtotal	1,333.28
4415 Computer Equipment Subtotal	120,331.95
6410 Equipment & Technology Subtotal	(73.62)
Total for Option 805	134,954.98
Option 810 - J) Perform Necessary Site Preparation	
6157 Environment Subtotal	940.00
Total for Option 810	940.00
Total Measure J Bond Expenses from 7/1/2018 through 6/30/2019	211,537.56

EMERY UNIFIED SCHOOL DISTRICT
 Emeryville Center of Community Life
 Measure J Bond Expenditures Detail
 for Fiscal Year 2019-20 through 9/30/2019

<u>Object</u>	<u>Object Name</u>	<u>PO#</u>	<u>Vendor</u>	<u>Description</u>	<u>Pmt Date</u>	<u>Amount</u>
Option 801 - A)	Construct, Furnish & Equip Facilities			BIR-18-20A GO BOND SUBSIDY PYMT ELEC 2010 SERIES 2019G	09/12/19	115,000.00
5830	Contracted Services					115,000.00
	5830 Contracted Services Subtotal					115,000.00
	Total for Option 801					
Option 805 - E)	Upgrade and Replace Classroom Technology					
4300	Materials & Supplies					
			Amazon Capital Services, Inc	IT	09/16/19	2,668.07
			Amazon Capital Services, Inc	IT	09/16/19	93.82
			Amazon Capital Services, Inc	IT	09/16/19	3,497.95
	4300 Materials & Supplies Subtotal					6,259.84
4315	Comp Softw		BankCard Center	CREDIT CARD	09/06/19	313.10
	4315 Comp Softw Subtotal					313.10
4415	Comp Equip					
			Amazon Capital Services, Inc	IT	09/16/19	1,664.95
			Amazon Capital Services, Inc	IT	09/16/19	1,168.99
	4415 Comp Equip Subtotal					2,833.94
	Total for Option 805					9406.88
	Total Measure J Bond Expenses from 7/01/19 through 9/30/19					124,406.88

<u>Description</u>	<u>Pmt Date</u>	<u>Amount</u>
Requisition was cancelled	11/18/18	5,257.06-
Clear PY sales use tax	06/30/19	.23-
REIMBURSEMENT	07/16/18	1,178.72
bulletin boards for halls in Bldg. C	09/12/18	1.41
bulletin boards for halls in Bldg. C	09/12/18	147.48
bulletin boards for halls in Bldg. C	09/12/18	7.64
bulletin boards for halls in Bldg. C	09/12/18	91.50
5 locking cabinets per ETA contract	04/12/19	1,939.19
ADA Sign Principals Office	05/13/19	265.25
		1,626.10-
INN# 6739970430	07/16/18	9,903.17
Liability released due to final payment	08/10/18	.01-
desk and table for new Supt.	08/22/18	1,832.18
5 Screens for Classrooms	02/08/19	12,107.13
		23,842.47
INT-Q1/19C Bank Fee for Fund 56400	11/28/18	116.07
		116.07
AUDITORS 18/19	11/19/18	881.34
AUDITORS 18/19	06/05/19	3,918.00
AUDITORS 18/19	06/14/19	7,087.50
		11,886.84
ACCESS SERVICE FOR '17-'18	07/16/18	4,300.00
install more mesh on the gates	08/01/18	14,945.78
Make, paint, and install wall padding in the gym	08/22/18	1,568.80
Make, paint, and install wall padding in the gym	08/22/18	14,119.20
Requisition was manually completed	10/27/18	17,641.00-
consultant to assist COC	06/05/19	7,250.00
ACCESS PLUS SERVICE FOR '18-'19	06/30/19	4,200.00
Assessed Valuation and other tax services	03/01/19	400.00
2017-18 SEC Annual Disclosure Report	03/01/19	1,000.00
2017-18 SEC Annual Disclosure Report	04/24/19	3,000.00
		33,142.78
2018-2019 Legal Services	08/22/18	1,976.50
2018-2019 Legal Services	10/01/18	261.52
2018-2019 Legal Services	05/01/19	685.00
2018-2019 Legal Services	05/13/19	3,048.50
2018-2019 Legal Services	06/24/19	2,309.00
		8,280.52
		75,642.58
TECHNOLOGY	09/12/18	4,596.60
TECHNOLOGY	09/12/18	115.25

EMERY UNIFIED SCHOOL DISTRICT
Emeryville Center of Community Life
Measure J Bond Expenditures Detail
For Fiscal Year 2018-19 through 6/30/2019

<u>Object</u>	<u>Object Name</u>	<u>PO#</u>	<u>Vendor</u>
Option 801 - A) Construct, Furnish & Equip Facilities			
4300	Materials &Supplies	P18-00202	Hodge Products Inc
			Corinne Yeager
		P19-00123	Office Depot
		P19-00123	Office Depot
		P19-00123	Office Depot
		P19-00123	Office Depot
		P19-00281	Bay Office Interior Design
		P19-00305	Sign Source of Charleston
		4300 Materials & Supplies Subtotal	
4400	Non-Capitalized Equip		Apple Inc.
		P18-00321	Bay Office Interior Design
		P19-00042	Bay Office Interior Design
		P19-00214	CDW Government Inc.
		4400 Non-Capitalized Equip Subtotal	
5800	Other Services & Operating Exp		
		5800 Other Services & Operating Exp Subtotal	
5820	Audit Expense	P19-00180	CWDL
		P19-00180	CWDL
		P19-00180	CWDL
		5820 Audit Expense Subtotal	
5830	Contracted Services		ACOE
		P19-00031	Rex Lock and Safe, Inc.
		P19-00029	Commercial Systems
		P19-00029	Commercial Systems
		P18-00107	Rex Lock and Safe, Inc.
		P19-00209	Government Financial Strategies Inc.
			ACOE
			CALIFORNIA MUNICIPAL STATS
		P19-00188	Keygent LLC
		P19-00188	Keygent LLC
		5830 Contracted Services Subtotal	
5845	Legal Exp	P19-00016	Fagen Friedman & Fullfrost LLP
		P19-00016	Fagen Friedman & Fullfrost LLP
		P19-00016	Fagen Friedman & Fullfrost LLP
		P19-00016	Fagen Friedman & Fullfrost LLP
		P19-00016	Fagen Friedman & Fullfrost LLP
		5845 Legal Exp Subtotal	
		Total for Option 801	
Option 805 - E) Upgrade and Replace Classroom Technology			
4300	Materials & Supplies		Amazon Capital Services, Inc
			Amazon Capital Services, Inc

TECHNOLOGY	09/12/18	52.25
TECHNOLOGY	09/12/18	662.83
TECHNOLOGY	09/12/18	51.24
TECHNOLOGY	09/12/18	899.40
TECHNOLOGY	09/12/18	45.45
TECHNOLOGY	09/12/18	74.90
TECHNOLOGY	09/12/18	147.45
TECHNOLOGY	09/12/18	239.91
TECHNOLOGY	09/12/18	54.44
TECHNOLOGY	09/12/18	60.53
TECHNOLOGY	09/12/18	54.51
IT	11/02/18	1,249.50
IT	11/02/18	24.99
IT	11/02/18	51.96
IT	11/02/18	1,173.19
IT	11/02/18	27.36
IT	11/02/18	488.16
IT	11/02/18	1,138.26
IT	11/02/18	63.84
IT DEPT	02/01/19	118.74
IT DEPT	02/01/19	94.90
IT DEPT	02/01/19	186.77
IT DEPT	02/01/19	39.95
IT DEPT	02/01/19	79.90
IT DEPT	02/01/19	49.95
IT DEPT	02/01/19	2.40
IT DEPT	02/01/19	54.57
IT DEPT	02/01/19	185.48
IT DEPT	02/01/19	141.01
IT	02/25/19	287.33
IT	02/25/19	43.69
IT	03/11/19	226.53
IT	03/11/19	306.31
IT	03/11/19	87.81
IT	03/11/19	143.75
IT	03/11/19	42.26
		13,363.37
IT DEPT	02/01/19	1,333.28
		1,333.28
Apple MBP (Teacher Laptops)	08/22/18	120,331.95
		120,331.95
Refund	01/14/19	73.62-
		73.62-
		134,954.98
EPA ID & MANIFEST# 201525142	09/07/18	940.00
		940.00
		940.00
3/30/19		211,537.56

EMERY UNIFIED SCHOOL DISTRICT
Emeryville Center of Community Life
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Total for Option 805	9,406.88
Total Measure J Bond Expenses from 7/1/2019 through 9/30/2019	124,406.88

Measure J
Citizens' Oversight Committee

Annual Work Plan¹
For Fiscal Year 2019-20

April 30, 2019

Measure J

As approved by voters on November 2, 2010:

"Shall Emery Unified School District: maintain academic excellence/student performance, attract and retain quality teachers by: replacing/upgrading outdated schools no longer meeting seismic safety standards; provide updated classrooms, technology, science/computer labs: improve school safety; create energy efficient cost-saving facilities that provide job training, after-school, pre-school, and other community services by issuing \$95 million dollars in bonds at legal rates with independent citizens' oversight, audits, and NO money for administrator salaries, benefits, or pensions?"

On the following page is the complete bond project list as shown in Exhibit A-1 to the Board of Trustees' Resolution.

¹ The Committee was assisted by District staff and Government Financial Strategies, who is serving as a consultant to the Citizens Oversight Committee, not as the District's financial advisor and does not give any advice regarding the issuance of bonds.

EXHIBIT A-1

BOND PROJECT LIST

- a) Construct, furnish and equip leased and owned facilities, including but not limited to classrooms, science labs, and schools.
- b) Replace, demolish or renovate District properties to meet current seismic safety standards;
- c) Replace outdated portable buildings with permanent classrooms;
- d) Construct school-site support including libraries, physical education facilities, multipurpose rooms, food service facilities, health and recreation facilities and play fields for joint school and community use;
- e) Upgrade and replace classroom technology infrastructure and improve access to computer systems;
- f) Acquire available real property as needed to construct facilities;
- g) Provide appropriate and sufficient parking facilities including but not limited to pick-up and drop-off access for students;
- h) Provide for costs associated with interim housing as needed during the period of construction;
- i) Make additional repairs and upgrades as needed to educational facilities;
- j) Perform necessary site preparation/restoration in connection with new construction, renovation, demolition, or deferred maintenance of educational facilities including off-site facilities as required;
- k) Address unforeseen conditions revealed by construction or emergency repairs (e.g. plumbing or gas line breaks, seismic, structural, asbestos and other hazardous materials);
- l) With written consent from neighbors, mitigate items identified by the Environmental Impact Review as appropriate;
- m) Install energy efficient systems including but not limited to solar electrical systems and related infrastructures.

Measures J Citizens' Oversight Committee Members

<u>Name</u>	<u>Role</u>
Mr. Rodney Wong	Senior Citizens' Organization
Mr. Joshua Simon	Taxpayers' Organization
Mr. Mitchell Fine	Business Organization
Ms. Judy Inouye	Community-at-Large
Dr. Marcelline Krafchick	Community-at-Large
Mr. Miguel Dwin	Community-at-Large
Vacant	Parent of a Student & Active in PTA
Vacant	Parent of a Student

Meetings/Tours

<u>Date</u>	<u>Topic(s)</u>	<u>Materials Reviewed</u>	<u>Location</u>
November 5, 2019	Review Financial Reports Discuss Current Bylaws and Proposed Changes	Financial Reports Bylaws	District Office Conf. Room
December 2019 / January 2020	Review Financial Reports Update on District's Community Engagement Efforts Relating to Measure J Projects Approve Proposed Bylaws Changes to be Submitted to the Board	Financial Reports	District Office Conf. Room
March 2020	Review Financial Reports Review Measure J 2018-19 Financial and Performance Audits	Financial and Performance Audits Financial Reports	District Office Conf. Room
June 2020	Review Financial Reports Review and Approve Measure J 2018-19 Annual Report	Financial Reports	District Office Conf. Room

*Meeting dates and locations are subject to change, as approved by a majority of members of the Oversight Committee.

All activities of the Citizens' Oversight Committees will be in accordance with the Strict Accountability in Local School Construction Bonds Act of 2000, and the adopted by-laws.

Citizens' Oversight Committee Web Site

The Citizens' Oversight Committee web page includes meeting notices, agenda, minutes, and materials reviewed. This web page can be found at:

<https://emeryusd.k12.ca.us/measure-j-citizens-oversight-committee/>

FOURTH AMENDED CITIZENS' BOND OVERSIGHT COMMITTEE BYLAWS

Section 1. Committee Established

The Emery Unified School District (the "District") was successful at the election conducted on November 2, 2010, in obtaining authorization from the District's voters to issue up to \$95,000,000 aggregate principal amount of the District's general obligation bonds, pursuant to a greater than 55% vote. 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"). The proceeds of the general obligation bonds issued pursuant to the election are hereinafter referred to as "bond proceeds." Pursuant to Section 15278 of the Education Code, the District established the Citizens' Bond Oversight Committee (the "Committee") at a special meeting held on 13 December 2010 in order to satisfy the accountability requirements of Prop 39. The Board of Trustees of the Emery Unified School District (the "Board") hereby adopts these First Amended Citizens' Bond Oversight Committee Bylaws setting forth the purposes, rights and authorized activities of the Committee.

Section 2. General Governance, Standing and Respective Roles

The Committee shall be subject to the Ralph M. Brown Public Meetings Act of the State of California (the "Brown Act") and shall conduct its meetings in accordance with the provisions thereof. Minutes of the proceedings of the Committee and all documents received and reports issued shall be a matter of public record and be made available on an internet website maintained by the Board. The Committee does not have any independent legal capacity from the District, and the Committee shall not have the right to create subcommittees. The Committee can, however, appoint individual members as liaisons to staff (in a maximum number which is less than a quorum of the Committee) in the following areas: (a) Finance; and (b) Community Engagement. All actions and tasks associated in any way with utilization and allocation of the bond proceeds are the sole responsibility of the Board and/or Superintendent. The Committee's role (as further set forth in Section 3.1 below) is simply to look at what the District and/or Superintendent have decided and done, and determine whether those actions align with pre-established requirements set by the District, or pursuant to statute. To that end, the Committee has certain defined "review" obligations set forth in these Bylaws, which only occur after the District has made decisions or taken actions; indeed it is not the Committee's role, nor does it have the ability, to act prospectively.

More specifically, the Board and/or District decide: (1) what to spend the bond proceeds on and in what amounts; and (2) what plan and steps should be utilized to create community engagement. The Board/District is the insurer in that it is held accountable for its actions. Although the Committee has the obligation to review specified documents, its role is passive in that it cannot take any action with respect to the expenditure of bond proceeds or regarding how to accomplish community engagement. Put simply, the Committee passively observes: (1) to ascertain whether the District spent bond proceeds on the identified project list categories; and

(2) to determine whether the community engagement activities chosen by the District are consistent with the adopted community engagement plan (as further described in Section 3.3 below).

Section 3. Purpose and Authorized Activities

The term "review", as used in Sections 3.1, 3.2 and 4.1 does not mean that the Committee has the right to review any actions or decisions taken by the District and/or Superintendent prior to such actions being taken. Rather, the Committee is simply reviewing such actions and decisions, subsequently, for purposes of monitoring, as set forth herein. The term "review" ***does not*** mean that the Committee has any decision-making ability regarding, by way of illustration and not limitation: (A) utilization of the bond proceeds; (B) methods of community engagement; (C) how to maximize bond revenues; and (D) the content of any deferred maintenance plan or proposal.

3.1 Purpose. The Committee's purpose shall be to:

- A. Inform the public concerning the expenditure of bond revenues.
- B. Actively review and report on the proper expenditure of taxpayers' money for construction.
- C. Advise the public as to whether a school district is in compliance with the requirements of paragraph (3) of subdivision (b) of Section 1 of Article XIII A of the California Constitution, and ensure that bond proceeds are expended only for those purposes.
- D. Ensure, solely via the review activities set forth in Sections 3.2 and 4.1 below, that no bond proceeds are used for teacher or administrative salaries or other school operating expenses.

3.2 Activities. In furtherance of its purposes set forth in Section 3.1 above, the Committee shall engage in any or all of the following review and reporting activities:

- A. Receive and review copies of the annual, independent performance audit required by subparagraph (C) of paragraph (3) of subdivision (b) of Section 1 of Article XIII A of the California Constitution.
- B. Receive and review copies of the annual, independent financial audit required by subparagraph (C) of paragraph (3) of subdivision (b) of Section 1 of Article XIII A of the California Constitution.
- C. Inspect school 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 XIII A of the California Constitution.

- D. Receive and review copies of any deferred maintenance proposals or plans developed by the District, including any reports required by Education Code section 17584.1.
- E. Review 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 schoolsite design.
 - (5) Recommendations regarding the use of cost-effective and efficient reusable facility plans.
- F. Issue a regular report to the Board, once a year and in public session, consisting solely of: (1) a summary of the Committee's proceedings and activities for the preceding year; and (2) a statement indicating whether the District is in compliance with the requirements of Article XIII A, Section 1 (b)(3) of the California Constitution.
- G. Issue quarterly reports to the Board in writing, summarizing the proceedings and activities conducted by the Committee during the preceding quarter.

3.3 Community Engagement. The Committee shall review community engagement activities implemented by the District, solely for the purpose of determining whether or not such activities are consistent with the process set forth in District Resolution No. 6-2011/12, the "Community Engagement Process Resolution for Design of School Sites or Related Facilities Resulting from Use of Measure J Funds" (hereinafter "Resolution No. 6-2011/12") attached hereto as Attachment B. Further, Committee members shall have the ability to participate in the various community workshops that District staff will be planning, hosting and presenting. It is the intent of the District and Committee that the Committee's steering function shall be fulfilled by attendance at, and participation in, those community workshops.

3.4 Relationship with City/Schools Committee. The Committee shall provide a monthly update on Committee activities to the City/Schools Committee.

Section 4. District, Board and Superintendent Duties

4.1 Duties of the Board/Superintendent. The Committee shall have no responsibility regarding, or input on, the following types of activities. The Board or the Superintendent, as the Board shall determine, shall have the following powers reserved exclusively to it:

- A. Approval of construction contracts.

- B. Approval of construction change orders.
- C. Appropriation and utilization of construction funds.
- D. Appropriation and utilization of bond proceeds.
- E. Handling of all legal matters.
- F. Approval of construction plans and schedules.
- G. Approval of Deferred Maintenance Plan.
- H. Approval of the sale of bonds.
- I. Determination of how to implement, and implementation of, the community engagement activities and processes contained in Resolution No. 6-2011/12.
- J. Determination of what efforts, if any, to implement to maximize bond revenues by implementing cost-saving measures.

In order to fulfill its obligations set forth in Section 3.1 above, the Committee shall review, in summary form, items "D" and "G".

4.2 District Support. The Board shall, without expending bond proceeds, provide the Committee with necessary technical assistance and administrative assistance as follows:

- A. Preparation of and posting of public notices as required by the Brown Act.
- B. Provision of a meeting space, including any necessary audio/visual equipment.
- C. Preparation and copies of any documentary meeting materials, such as agendas, minutes and reports.
- D. Retention of all Committee records, and provision of access to such records on an internet website maintained by the Board.

Section 5. Membership

5.1 Composition.

The committee shall consist of a minimum of seven (7) members recommended to the Board of Trustees by the City/Schools Committee and then appointed by the Board of Trustees from a list of candidates submitting written applications, and based on criteria established by Prop 39 as follows:

- One (1) parent.
- One (1) member active in a business organization representing the business community located in the District.
- One (1) member active in a senior citizen's organization.

- One (1) member active in a bona-fide taxpayers association.
- One (1) parent active in a support organization for the District, such as the Parent Teacher Organization.
- Two (2) members of the community at-large appointed by the Board.

In addition to the membership required by Prop 39 listed above, the following additional members may be appointed to the COC:

- One (1) member with experience w/Facilities Management/Dev.
- One (1) student alumnus/alumna of the school district
- Two (2) students

Unless otherwise stipulated, members of the COC are not required to be residents within Emeryville.

5.2 Qualification Standards. To be eligible for membership, the following qualifications must be met:

- (a) To be a qualified person, he or she must be, if a student, in at least grade 8, or
- (b) The committee may not include any employee or official of the District or the City, or any vendor, contractor or consultant of the District or the City. The committee may not include any elected members of the City Council or the School Board of Trustees. Student members of the COC may cast votes that shall be counted for the purposes of determining the outcome of any formal action taken by the COC.
- (c) Members must conduct their responsibilities in a manner consistent with these by-laws, the “Guiding Principles” adopted by the City/Schools Committee for the bond projects, and any policies adopted by the City/Schools Committee for the bond projects.

5.3 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.

5.4 Term. When the COC was originally formed, the District appointed 8 members to one-year terms and 9 members to two-year terms. In light of AB 1199 and accompanying revision of Education Code section 15282, the following term rules shall apply prospectively to all members:

- (a) All members' terms shall be at least two years;
- (b) No member may serve more than three consecutive terms; and

(c) Members who served a one-year term shall have that term counted against the three consecutive term limit.

5.5 Removal: Vacancy. The Board may remove any Committee member for cause, including unexcused failure to attend three consecutive Committee meetings or for failure to comply with the Committee Ethics Policy, or for repeated disruptive behavior that interferes with the Committee's ability to conduct its work in an orderly fashion. Upon a member's removal, his or her seat shall be declared vacant. The Board may fill by appointment any vacancies on the Committee or any additional membership on the Committee. The total number of members may not be less than seven.

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

5.7 Authority of Members. Committee members shall not have the authority to direct staff of the District. Individual members of the Committee retain the right to address the Board as an individual.

Section 6. Meetings of the Committee

6.1 Meeting Frequency. The Committee shall establish a schedule for the date and time of regular meetings which will be held monthly until June 2013 and, starting in that month and thenceforward, the Committee meetings will be held at 6:00 pm on the third Wednesday in September, November, January, March, May, and June of each year and will include an annual organizational meeting to be held in June. In addition, the COC Chair may convene such special meetings in between the regular meetings as the Chair deems appropriate.

6.2 Location. All meetings shall be held at a location within the Emery Unified School District.

6.3 Procedures and Quorum. All meetings shall be open to the public in accordance with the Brown Act. Six (6) Committee members shall constitute a quorum for the transaction of any business except adjournment.

6.4 Meeting processes. All meetings shall be conducted in accordance with Robert's Rules of Order Newly Revised in all cases to which they are applicable and in which they are not inconsistent with any special rules of order the meeting may adopt.

Section 7. Officers

The Committee shall elect a Chair and a Vice-Chair, which positions shall continue for a one (1) year term. No person shall serve as chair for more than one term.

7.1 Chair. The Chair shall perform the following duties:

- A. Open the meeting at the appointed time by calling the meeting to order, having ascertained that a quorum is present.
- B. Announce the business of the Committee in accordance with the agenda.

- C. Recognize members who are entitled to the floor.
- D. State and put to vote all legitimate motions that come before the Committee or arise during the course of the proceedings, and announce the results of the vote.
- E. Protect the Committee from motions meant to delay by refusing to recognize them.
- F. Enforce rules relating to debate and order and decorum within the Committee.
- G. Expedite business in a way that allows members to exercise their rights.
- H. Decide all questions of order.
- I. Respond to inquiries from members related to procedure or factual information relating to the business of the Committee.
- J. Authenticate acts, orders, and proceedings of the Committee with his or her signature when necessary.
- K. Adjourn the meeting by Committee vote at the prescribed time, or in event of an emergency.

7.2 Vice Chair. If, for any reason, the Chair vacates the chair during a meeting or is absent from a meeting, the Vice-Chair shall perform the duties of the Chair, as listed above in Section 7.1.

7.3 Committee Members. Committee members shall have the following rights:

- A. The right to attend meetings and speak.
- B. The right to make motions and/or vote on motions.

Section 8. Amendment of Bylaws

Any amendment to these Bylaws shall be approved by a two-thirds vote of the entire Board.

Section 9. Termination

The Committee shall automatically terminate and disband at the earlier of the date when (a) all bond proceeds are spent, or (b) all projects funded by bond proceeds are completed.

ATTACHMENT A

CITIZENS' BOND OVERSIGHT COMMITTEE ETHICS POLICY STATEMENT

This Ethics Policy Statement provides general guidelines for Committee members to follow while 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 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 Emery Unified School District.

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

The undersigned acknowledges he or she has received a copy of this Ethics Policy Statement, understands the provisions of this policy and agrees to adhere to its requirements.

Date: _____

Member, Citizens Oversight Committee

ATTACHMENT B

RESOLUTION No. 6-2011/12

The Community Engagement Resolution

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