

BERKELEY UNIFIED SCHOOL DISTRICT

TO: William Huyett, Superintendent
FROM: Lew Jones, Director of Facilities
DATE: March 23, 2011
SUBJECT: By-Laws for the Measure I Citizens' Oversight Committee

BACKGROUND INFORMATION

Attached to this cover memo are the bylaws for the Measure I Citizens' Oversight Committee. The document includes a signature line for the Clerk of the Board. The Board provided direction to staff at its February 23, 2011 meeting.

If approved by the Board, the current policy which created a reconstituted Construction Committee (Board Policy 9131) on March 5, 2003, would be voided.

It is our intent to provide a list of proposed appointments at the next Board meeting. The Board may wish to appoint some members for a one year term to avoid all the appointments becoming due at once.

POLICY/CODE

Education Code 15282 and 15278. Board Policy 9131.

FISCAL IMPACT

There is no fiscal impact to creating by-laws.

STAFF RECOMMENDATION

Approve the attached by-laws.

Bylaws Of the Berkeley Unified School District Measure I Citizens' Construction Oversight Committee

Section 1. Name

The name of this Committee shall be the Berkeley Unified School District Measure I Citizens' Construction Oversight Committee (herein referred to as the "Committee").

Section 2. Meeting Location

The Committee shall meet at the 1720 Oregon Street conference room. The Committee may request a change in the meeting location at a future date. Any permanent change of location must be approved by the Board, and noted by the Secretary of the Committee.

Section 3. Objective and Purpose

The primary objective and purpose of the Committee shall be to monitor and report on the expenditures of Measure I bond proceeds, and to inform the public on those expenditures and bond proceeds. The Committee is also requested to review and report on remaining bond expenditures remaining from Measure A of 1992 and Measure AA of 2000.

Section 4. Members

The Committee shall have seven members appointed by the Board of Education. All members shall be voting members. The members shall elect a Chairperson and Secretary. The composition of the Committee shall meet the requirements of Education Code section 15282. All members must reside in the City of Berkeley.

Section 5. General Powers

The Committee shall have only those powers and authority specifically contained in Education Code Section 15278.

Section 6. Powers

The Committee shall have the power to:

1. Perform any and all duties imposed on them collectively or individually by law, or by these bylaws;
2. Meet at such time and place as required by these bylaws; and,
3. Review, audit and report on the expenditures of Measure I proceeds.
4. Report on new expenditures from Measures A of 1992 and AA of

2000.

Section 7. Actions and Reports

The Committee may engage in the following activities:

1. Receiving and reviewing 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.
 - a. Receiving and reviewing 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.
 - b. Inspecting District 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.
 - c. Reviewing efforts by the District to maximize bond revenues by implementing cost-saving measures, including, but not limited to:
 - i. Mechanisms designed to reduce costs of professional fees.
 - ii. Mechanisms designed to reduce costs of site preparation.
 - iii. Recommendations regarding the joint use of core facilities.
 - iv. Mechanisms designed to reduce costs by incorporating efficiencies in school site design.
 - v. Recommendations regarding the use of cost-effective and efficient reusable facility plans.
2. The Committee shall cause an annual report to be furnished to all District Governing Board members, not later than 60 days after the completion of the annual audit of the year-end close of the District's financial records. The report shall contain the following summary information in appropriate detail:
 - a. Committee's ongoing review summary of activities on the expenditure of Measure I bond proceeds;
 - b. Advice given to the public (annually/quarterly) whether the estimated tax to be levied exceeds \$60 per \$100,000 assessed value (Cal. Const. Art. XIII A, Section 1(b)(3).)
 - c. Results of whether bond proceeds were expended on project costs and not used on teacher or administrative salaries or other operating expenses.
 - d. Provide a copy of any report issued to the public in the event the Committee determined Measure I funds were spent improperly or wastefully.

3. The annual report shall be accompanied by any report thereon of independent accountants, or, if there is no such report, the certificate of an authorized officer of the Committee that such statements were prepared without audit from the books and records of the Committee.
4. The Committee shall also cause, when appropriate, to be published a public report containing the information on any improper use of Measure I proceeds. The Secretary of the Committee shall cause all reports prepared by the Committee to be provided to the Superintendent and the members of the Board of Education upon release to the public. The Chairperson of the Committee shall present all reports to the Board of Education at a regularly scheduled meeting of the Board.
5. All documents of the Committee are considered public records consistent with the California Public Records Act and shall be made available by the Committee to the public in a manner consistent with District Board Policy.

Section 8. Terms of Office

Each member shall hold office for two years without compensation. A regular term of office shall begin in March commencing with the regularly scheduled March quarterly meeting and end at the close of business on the day prior to the regularly scheduled March quarterly meeting two years later. A member may apply for a second two year term. No person may serve more than two terms. The Board of Education of the District shall be notified of any vacancy and shall have the sole power to fill all vacancies. Any member's term of office may be terminated at any time by a unanimous vote of the Board of Education. The term of office for any member appointed to fill a vacancy, shall be the same as that of the member whose seat was vacated, except that the new member may serve a second term.

Section 9. Place of Meetings; Meetings by Telephone or Telecommunication Equipment

All meetings shall comply with Government Code Section 54950, et seq. (the "Brown Act"). Meetings shall be held at the principal office of the Committee unless otherwise provided by the members, or at such place within the District that has been designated from time to time by resolution of the members. Any meeting, regular or special, may be held by conference telephone, video-screen communication, or communications equipment, so long as all members participating in such meeting can hear one another, public participation is afforded, and the meeting meets all applicable requirements of the Brown Act.

Section 10. Regular Meetings

The Committee shall meet at least once a quarter, with a goal to meet

approximately once per month. Meetings shall be cancelled if a quorum cannot be established at the time of the meeting. The election of officers shall occur in the month of March of every even-numbered year, except that an election may occur at the first meeting of the committee and at the meeting immediately after any office becomes vacant before the scheduled election time.

Section 11. Special meetings

Special meetings of the Committee may be called by the Chairperson or by a majority of the members and called pursuant to Brown Act requirements.

Section 12. Quorum for Meetings.

A quorum shall consist of a majority of the members, or four members, whichever is less.

Section 13. Majority Action as Committee Action

Every act or decision done or made by a majority of the members present at a meeting duly held at which a quorum is present is the act of the Committee.

Section 14. Conduct of Meetings

Meetings of the Committee shall be presided over by the Chairperson of the Committee, or, if no such person has been so designated or, in his or her absence, the Secretary of the Committee or, in the absence of each of these persons, by a temporary Chairperson chosen by a majority of the Directors present at the meeting. The Secretary of the Committee shall act as secretary of all meetings of the Committee, provided that, in his or her absence, the presiding officer shall appoint another person to act as Secretary of the meeting.

Section 15. Vacancies

Vacancies on the Committee shall exist upon the death or resignation of any member. Any member may resign effective upon giving written notice to the Chairperson of the Committee, the Secretary, or the Committee as a whole, unless the notice specifies a later time for the effectiveness of such resignation. Vacancies on the Committee may only be filled by the Board of Education.

Section 16. Duties of the Chairperson of the Committee

The Chairperson of the Committee shall be elected by the members of the Committee. Such election shall occur every two years at the organizational meeting, or at any regular meeting, if the office becomes vacant before the end of the term. He or she shall assume all duties normally associated with that office. The Chairperson of the Committee shall conduct the meetings of the Committee. The Chairperson shall,

when present, preside at all meetings, and shall see that all orders and resolutions of the Committee are carried into effect. The Chairperson shall: put to a vote and announce the results of actions taken on questions before the Committee; resolve all questions of order (subject to appeal); call special meetings when deemed necessary; make reports to the Board of Education as required by these Bylaws, statute, or as may be requested by the Board of Education, and shall exercise and perform such other duties as may be prescribed by the Committee from time to time.

Section 17. Duties of the Secretary

The Secretary shall be elected by the members of the Committee, and shall:

1. Keep at the principal office of the Committee the original, or a copy of the Bylaws, as amended or otherwise altered to date.
2. Keep at the principal office of the Committee or at such other place as the Committee may determine, a book of minutes of all meetings, recording therein the time and place of holding, whether regular or special, how called, how notice thereof was given, the names of those present or represented at the meeting, and the proceedings thereof.
3. See that all notices are duly given in accordance with the provisions of these Bylaws or as required by law.
4. Be custodian of the records.
5. In general, perform all duties incident to the office of Secretary and such other duties as may be required by law, or by these Bylaws, or which may be assigned to him or her from time to time by the Committee.

Section 18. Amendment of Bylaws

Only the Board can amend these Bylaws. Subject to any provision of applicable law, these Bylaws, or any of them, may be recommended by majority vote of the committee, for alteration, amendment, or repeal. Subject to any provision of applicable law, these Bylaws, or any of them, may be altered, amended, or repealed and new Bylaws adopted by approval of the Board of Education.

Section 19. Other Duties as Assigned

The Board may assign additional duties to the Committee as it determines by majority vote of the Board. Such additional duties will not interfere with the Committee completing its duties stipulated in the law or contained in these by-laws.

Date Adopted:

Clerk of the Board of Education