

CITIZENS' BOND OVERSIGHT COMMITTEE BYLAWS

Section 1.0 COMMITTEE ESTABLISHED

The Board of Trustees of the Albany Unified School District (the "Board") has established the Citizens' Bond Oversight Committee (the "Committee") which shall have the purposes and duties set forth in these Bylaws. Pursuant to Section 15278 of the Education Code, the District is obligated to establish the committee in order to satisfy the accountability requirements of Prop 39.

Section 2.0 PURPOSE

The purpose of the Committee as set forth in Prop. 39 is to inform the public at least annually by issuing a written report concerning the expenditure of bond proceeds from Measure E approved by the voters February 2008 (the "bond proceeds").

Section 3.0 DUTIES

To carry out its stated purpose, the Committee shall perform the following duties:

3.1 Review Expenditures. The Committee shall review expenditure reports produced by the District to ensure that (a) bond proceeds are expended only for the purposes set forth in the ballot measure; (b) no bond proceeds are used for any teacher or administrative salaries or other operating expenses.

3.2 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.

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 Superintendent.

- (c) Review copies of deferred maintenance proposal or plans developed by the District.
- (d) Review the District's efforts to maximize bond proceeds.

4.2 Make requests for copies or inspection of District records in writing to the Superintendent.

Section 5.0 MEMBERSHIP

5.1 Number.

(a) The committee shall consist of a minimum of 7 members appointed by the Board of Education from a list of candidates recommended by an independent body and based on criteria established by law.

5.2 Qualification Standards.

(a) To be a qualified person, he or she must be at least 18 years of age in accordance with Government Code section 1020.

(b) The committee may not include any employee, official of the school district or any vendor, contractor or consultant of the school district [EC 15282].

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.

Except as otherwise provided herein, each member shall serve a term of two (2) years beginning January 9, 2007. No member may serve more than two (2) consecutive terms.

5.5 Removal; Vacancy.

The Board may remove any Committee member for cause, including failure to attend three consecutive 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 established appointment process shall fill any vacancies on the Committee.

5.6 Compensation.

The Committee members shall not be compensated for their services.

Section 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 and include an annual organizational meeting to be held in August.

6.2 Location.

All meetings shall be held in the District's Boardroom, located at 904 Talbot Avenue, Albany, 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 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.

6.4 Quorum

Four (4) members constitute a quorum.

Section 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 and reports; and
- (d) retention of all Committee records, and providing public access to such records on an Internet website maintained by the District Board.

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 Legal counsel to advise the Committee on legal matters relating to the operation and/or subject matter of the Committee, with Board approval.

Section 8.0 REPORTS

In addition to the Annual Report required in Section 3.2, the Committee shall report to the Board at least yearly 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 9.0 OFFICERS

The Committee shall elect a chair and a vice-chair who shall act as chair only when the chair is absent, which positions shall continue for one (1) year term. No person shall serve as Chair for more than two consecutive terms.

Section 10.0 AMENDMENTS OF BYLAWS

Any amendment to these Bylaws shall be approved by five (5) members of the Board.

Section 11.0 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 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 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 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 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 Albany 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.