



## **Best Practices**

### **MEMORANDUM OF UNDERSTANDING**

#### **BETWEEN**

#### **GOVERNING BOARD OF SCHOOL DISTRICT OR COMMUNITY COLLEGE**

This document was prepared by the California Association of Bond Oversight Committees (CABOC) to assist the Citizens' Bond Citizen Oversight Committees (CBOC) established by California Proposition 39 of 2000 to negotiate meaningful, Memorandum of Understanding (MOU) with their Governing Board of the School District or Community College.

Prior to beginning to customize a CBOC MOU with a governing board, interested parties should familiarize themselves with the specific State of California statutes that are on point, including Education Code §§15264-88 on "Strick Accountability in Local School Construction Bonds Act of 2000" and particularly §§15278-82 on Citizens' Bond Oversight Committees.

January 26, 2021

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Memorandum of Understanding Governing Board and CBOC

Best Practices Committee January 8, 2021 final

**CALIFORNIA ASSOCIATION OF  
BOND OVERSIGHT COMMITTEES**

**BEST PRACTICE FOR**

**MEMORANDUM OF UNDERSTANDING**

**BETWEEN**

**GOVERNING BOARD OF SCHOOL DISTRICT OR  
COMMUNITY COLLEGE**

**CITIZENS' BOND OVERSIGHT COMMITTEE (CBOC)** This document was prepared by the California Association of Bond Oversight Committees (CABOC) to assist the Citizens' Bond Citizen Oversight Committees (CBOC) established by California Proposition 39 of 2000 to negotiate meaningful, Memorandum of Understanding (MOU) with their Governing Board of the School District or Community College.

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When possible the CBOC should be represented by legal counsel in these negotiations.

CABOC acknowledges the Los Angeles Unified School District CBOC for allowing us to share their MOU with other CBOC's.

A MOU version for large school district is also available upon request.

For more information contact CABOC at [www.bondoversight.org](http://www.bondoversight.org)

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## **1. The Purpose of this Document**

The (full name of district) (“District”) and the (full name of CBOC) (the “Committee”) hereby adopt this Memorandum Of Understanding (hereafter “MOU”) to articulate the role, duties and purpose of the Committee, its place in the organization of the District, its relationship with the District, and the District’s commitment to provide the Committee with the resources, support and cooperation required to accomplish its mission.

## **2. The Mission and Purpose of the Committee**

2.1. The shared vision of the Committee and the District is to build, modernize, repair, and maintain schools that promote the full development of the student; are educationally and environmentally sound; enhance their neighborhoods through design and programming as centers of community; provide for the safety and protection of students, district faculty and staff, neighbors, and visitors; and reflect the wise and efficient use of limited land and public resources.

2.2. The mission of a strong and independent Committee is to oversee the expenditure of money for the construction, repair, and modernization of schools by the District in accordance with California law. The Committee is charged with the responsibility of communicating its findings and recommendations to the District and the public so that the school bond funds authorized by the District’s voters are expended as the voters intended and comply with all applicable statutes, and that projects are completed wisely and efficiently.

## **3. Committee Membership**

3.1. The membership of the Committee shall be as follows. The five members whose qualifications are dictated by Education Code §15282(a) are noted with a pound sign (#).

3.1.1. The Governing Board (Board) shall appoint one member nominated by the (specific name) Chamber of Commerce, a business organization representing the business community located within the school district (#).

3.1.2. The Board shall appoint one member who is active in and nominated by the \_\_\_\_\_, a senior citizens’

organization (#).

3.1.3. The Board shall appoint one member nominated by the (name of specific taxpayers’ organization), a *bona fide* taxpayers’ organization (#).

3.1.4. The Board shall appoint at least one member who is the parent or guardian of a child enrolled in the District (#).

For Community College: Student currently both enrolled and active in community college group (#).

3.1.5. The Board shall appoint at least one member who is the parent or guardian of a child enrolled in the District and active in a parent-teacher organization such as the PTA or school site council (#).

For Community College: Member active in the support and organization of a community college or community colleges of the district (#).

3.1.6. Board shall appoint one member nominated by \_\_\_\_\_

3.1.7. The Board shall appoint one member nominated by \_\_\_\_\_

3.2. The Committee members shall serve in accordance with the terms permitted by law. Following an absence of one year, any individual whose term has expired due to statutory term limits shall be eligible to serve again.

3.3. Members are expected to attend all meetings. If a member without good reason acceptable to the Committee fails to attend either (a) two or more consecutive meetings or (b) three or more meetings in a year, then the Committee shall define the member as inactive and shall inform the Board of its action in accordance with procedure as established by the Committee.

3.4 No employee or official of the District shall be appointed to the Committee. No vendor, contractor, or consultant of the District shall be appointed to the Committee. Committee members shall comply with the District’s Conflict of Interest Code and abide by Article 4 and Article 4.7 of Division 4 of Title 1 of the Government Code. Former District employees or officials may only be appointed to the Committee after a separation period of

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at least two years.

3.5 Committee members are required to sign a conflict-of-interest statement and to disclose any potential conflicts that may arise in the course of their service.

#### **4. Committee Governance**

4.1. The Committee shall meet monthly or as the Committee shall deem necessary to conduct its business. All Committee proceedings shall be open to the public except as necessary to consider legally privileged matters consistent with State law. Notice to the public shall be provided in the same manner as the proceedings of the Board.

4.2. The Committee shall maintain bylaws regarding its internal organization.

#### **5. Committee Reports**

The Committee shall issue regular reports on the results of its activities. Minutes of the Committee's proceedings and all documents received, and reports issued shall be a matter of public record and be made available at Committee meetings. Such minutes, documents and reports shall be posted on the Committee's website, which shall be provided and maintained by the District.

Documents posted to the website shall be retrievable, downloadable, indexable, and electronically searchable by commonly used internet search applications. The citizens' oversight committee shall approve the design of the website. A direct link shall be posted on the governing board's primary internet website or home page to the citizens' oversight committee's website. The governing board shall provide the citizens' oversight committee control over their website so that they can promptly upload documents to that website.

#### **6. Commitment to the Committee**

6.1 The District acknowledges that effective oversight by the Committee is not only required by law but is essential to the District's ability to accomplish the construction, repair, and modernization of its schools. Therefore, the District commits to cooperate and coordinate with the Committee, and to provide it with access to information and with sufficient

logistical support so that the Committee may effectively perform its oversight function. Further, the District will ensure that all District personnel and consultants are committed to open communication and the timely sharing of information and teamwork with the Committee.

6.2 At the Committee Chair's request, the District agrees to provide a time certain at Board meetings for the Committee Chair or a designated Committee Member to report on Committee matters to the District.

## 7. Access to Information

7.1 The District agrees to provide the Committee with the necessary information to engage in effective oversight. Receipt of timely and complete information is essential for the Committee to perform its duties.

7.2 All expenditures by the District of funds obtained through local bond proceeds authorized, shall be subject to the review and oversight of the Committee, which shall review and report on all bond fund expenditures concerning whether the expenditures were made consistent with the purposes for which the bonds were authorized. The Committee has the responsibility to inform the public concerning the expenditure of bond proceeds in accordance with the provisions of Education Code §15278.

7.3 The Committee shall review annual, independent performance and financial audits of the bond fund expenditures and report to the public no less than once each year in which bond funds are being spent regarding the use of the funds. Furthermore, per Education Code §15280(a)(2), the Board shall provide the Committee with responses to all findings, recommendations, and concerns addressed in the audits within three months of receiving the audits.

7.3.1 The annual performance audit shall meet the requirements of the *California Guide for Annual Audits of K-12 Local Education Agencies and State Compliance Reporting, Appendix A and Government Auditing Standards* Section 1.22a, program effectiveness and results audit objectives.

7.3.2 The Committee shall participate in the auditor selection process.

7.3.3 The Committee shall have an entrance and exit conference with each auditor.

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7.3.4 The District shall provide the Committee with draft and final copies of audits at the same time as they are delivered to the District.

7.3.5 The Committee shall participate with the District in annual auditor performance reviews

7.4 One CBOC will be established for all proposition 39 bond measures.

**8. Logistical Support from the District**

8.1 The District agrees to provide the Committee with technical and administrative assistance and financial resources in furtherance of its mission and purpose. Financial support will not come from bond funds, except to the extent permitted by law.

8.1.1 Provide Independent Legal Counsel, responsible to the Committee, to advise the Committee on relevant legal issues. The cost for such Legal Counsel will be paid by the District but all legal privilege and client loyalty shall be accorded solely to the Committee.

8.1.2 Record Committee meetings with translators available at the meetings as needed.

**APPROVED AND DULY ADOPTED AS OF THE (date) BY:**

(name of agency) Governing Board (name of agency) Citizens' Bond Oversight Committee

By: \_\_\_\_\_  
Superintendent or CEO  
President of the Board

By: \_\_\_\_\_  
Chairperson of the Committee