



CALIFORNIA ASSOCIATION OF

BOND OVERSIGHT COMMITTEES

March 14, 2022

Best Practices Exposure Draft

California Association of Bond Oversight Committees is preparing a series of "Best Practice" standards to guide School Proposition 39 Citizens' Bond Oversight Committees (CBOC).

These standards can guide CBOC members in providing effective independent oversight of the expenditures of billions of dollars of Proposition 39 school bond funds.

Each "Best Practice" will go through a vigorous and comprehensive review process by various stakeholders prior to final publication including:

- CBOC members.
- School district officials
- County office of education officials
- State officials
- Related associations
- Taxpayers' associations

The comment period for the attached Best Practice Bylaws will end on Tuesday, March 29, 2022.

Please click below to submit your comments. A response will be provided for each comment submitted.

[Click Here to
Submit Comments](#)

About California Association of Bond Oversight Committees (CABOC)

CABOC was founded in 2019 as a Nonprofit California Public Benefits Corporation. CABOC is exempt from Federal income tax under Internal Revenue Code Section 501(c)(3).

"The California Association of Bond Oversight Committees is dedicated to the proposition that taxpayers deserve information on proper school bond expenditures through facilitation of independent citizens' bond oversight committees in accordance with the passage of Proposition

39 (School Facilities. 55% Local Vote. Bonds, Taxes. Accountability Requirements.) Our mission is to develop and deliver support for thorough oversight through training, newsletters, conferences and workshops; and to represent our collective interests at the statewide level to benefit all Californians."

CABOC is the only statewide nonprofit organization providing training and support for CBOCs.

BYLAWS

MEASURE XX CITIZENS' BOND OVERSIGHT COMMITTEE (CBOC)

Note: For approval by CBOC under their own authority. One CBOC for all active bond measures.

INTRODUCTION

CABOC's preferred best practice is for each CBOC to have a Memorandum of Understanding (MOU) with the K-12 or community college district it was established to oversee that delineates the relationship, rights, and responsibilities of the district and the CBOC in relation to each other *and* bylaws that the CBOC itself establishes, and only the CBOC, to regulate the internal operation of the CBOC.

The MOU and the bylaws need to be carefully coordinated and constructed for each CBOC. This is explained further in ([link to the intro to the MOU/bylaws page on our website](#)).

However, there are very few CBOCs that have an MOU at this point in time. Most CBOCs do not have bylaws, and, for those that do, most are either developed by the district or require district approval of any changes.

CABOC is working to advance legislation, develop MOU and bylaws templates, provide training for CBOC members on what should be in MOUs and bylaws and how to get them for their CBOCs, and to provide technical assistance to CBOCs that are negotiating with their districts.

While we continue to work towards powerful MOUs and bylaws that give CBOCs all the power that they need to perform the jobs that the California electorate intended when it enacted Proposition 39, this document is a shorter and deliberately less aggressive bylaws template that we believe may be less troublesome to get adopted in the current environment.

CABOC believes that all bylaws (and MOU) templates will require significant customization for each CBOC and the district it is responsible for overseeing.

1. Purpose of Bylaws

The (full name of CBOC) (the "Committee") hereby adopts these Bylaws 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 need for the district to provide the Committee with the resources, support, and cooperation required to accomplish its mission.

CABOC Bylaws Best Practice

2. Mission and Purpose

2.1. The vision of the Committee is to ensure that the district builds, modernizes, repairs, and maintains schools that promote the full development of the student; are educationally and environmentally sound; enhance their neighborhoods through design and programming as centers of the 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 bond 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. Membership

3.1. The membership of the Committee shall be determined by the district consistent with Education Code §15282(a).

3.2. Members are expected to attend all meetings. If a member without a 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. The Committee Chair may also request the member to resign.

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 required 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, California Open Meeting Act (known as the Brown Act).

4.2 Robert's Rules of Order latest version shall govern the parliamentary procedures, including the removal of Committee Officers.

4.3 The Committee shall post the date and time of future meetings on its website at least six months in advance.

4.4 The draft minutes of a meeting shall be posted and distributed to each CBOC member within two weeks after the meeting.

4.5 District governing board members, staff, and external advisors attending CBOC meetings shall be identified by nameplate and or nametags.

5. Committee Reports

5.1 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.

5.2 The Committee shall periodically examine the CBOC's website to ensure current contents.

5.3 The CBOC website shall have a fillable membership application.

6. Commitment to the Committee

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. Cooperation and coordination with the district to provide it with access to information and with sufficient logistical support so that the Committee may effectively perform its oversight function is essential.

7. Access to Information

7.1 The district is required 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 considering 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.

7.4 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 from audit objectives.

7.5 The Committee shall participate in the auditor selection process.

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

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

7.8 The Committee shall participate in annual auditor performance reviews.

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8. Logistical Support from the District

8.1 The District shall 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.

8.2 The District shall 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.

8.3 Committee meetings shall be recorded with translators available at the meetings as needed.

9. Officers

9.1 The officers shall be a chair, vice-chair, and secretary. The Committee shall elect officers at its first regular meeting and its last regular meeting each year. Officer terms are one year or until their successors are elected. The term of office shall begin at the close of the regular meeting at which the election takes place.

9.2 Duties of chair: preside at meetings, establish and appoint a chair of standing or ad hoc subcommittees subject to the ratification of the Committee, appoint individuals who are not members as advisors to the subcommittee subject to the ratification of the Committee.

9.3 Duties of vice-chair: preside at meetings in the absence of the chair, other duties as assigned.

9.4 Duties of Secretary: maintain a roster of members, maintain an up-to-date meeting attendance record of members, review draft minutes prepared by the district, and circulate to the members for approval.

9.5 The chair, vice-chair, and secretary shall determine the agenda for each meeting considering requests from members. Any two Committee members can place an action item on the next meeting agenda.

9.6 Any two Committee members can place an action item on the next meeting agenda.

APPROVED AND DULY ADOPTED on (date)

Recorded vote on Bylaws

Chair

Secretary