

# California Association of Bond Oversight Committees

**CBOC Bylaws Best Practice** Approved Board of Directors May 13, 2023

## BYLAWS XXXXXX DISTRICT

### MEASURE XX CITIZENS' BOND OVERSIGHT COMMITTEE

#### 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.

#### 2. Mission and Purpose

2.1 The vision of the Committee is to ensure that the district builds, modernizes, and maintains schools that promote the full development of the student; are educationally and environmentally sound; 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 consistent with the requirements of the California Constitution, statutes, and other applicable laws and regulations.

2.2 California Education Code §15278(b) states, "The purpose of the citizens' oversight committee shall be to inform the public concerning the expenditure of bond revenues. The citizens' oversight committee shall actively review and report on the proper expenditure of taxpayers' money for school construction. The citizens' oversight committee shall advise the public as to whether a school district or community college district complies with the requirements of paragraph (3) of subdivision (b) of Section 1 of Article XIII A of the California Constitution."

2.3 California Constitution, Article XXX A, Section 1. (b)(3), defines the allowed uses of "Proposition 13" school construction bond funds as "the construction, reconstruction, rehabilitation, or replacement of school facilities, including the furnishing and equipping of school facilities, or the acquisition or lease of real property for school facilities."

#### 3. Membership

3.1. The Committee's membership 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

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34 meetings or (b) three or more meetings in a year, then the Committee shall  
35 define the member as inactive.

### 36 4. Committee Governance

37 4.1. The Committee shall meet monthly or as the Committee shall deem necessary  
38 to conduct its business. All Committee proceedings shall be open to the public  
39 except as required to consider legally privileged matters consistent with State  
40 law. Notice to the public shall be provided in the same manner as the  
41 proceedings of the Board, California Open Meeting Act (known as the Brown  
42 Act).

43 4.2 Robert's Rules of Order latest version shall govern the parliamentary  
44 procedures, including removing Committee Officers.

45 4.3 The Committee shall post the date and time of future meetings on its website at  
46 least 12 months in advance. The Committee is free to schedule additional  
47 meetings as needed.

48 4.4 The draft minutes of a meeting shall be posted and distributed to each CBOC  
49 member within two weeks after the meeting date.

50 4.5 District governing board members, staff, and external advisors attending CBOC  
51 meetings shall be identified by nameplate or nametags.

52 4.6 A majority of the Committee then serving, excluding inactive members  
53 designated by the Committee for lack of attendance, shall constitute a quorum  
54 at meetings.

### 55 5. Committee Reports

56 5.1 The Committee shall issue regular reports on the results of its activities.  
57 Minutes of the Committee's proceedings and all documents received and reports  
58 issued shall be a matter of public record and available at Committee meetings.

59 Such minutes, papers, and reports shall be posted on the Committee's website  
60 and provided and maintained by the district.

61 5.2 The Committee shall annually examine the CBOC's website to ensure it is  
62 current and up-to-date.

63 5.3 The CBOC website shall have a fillable membership application.

64 5.4 No later than 60 days after the Committee submits a recommendation to the  
65 governing board, the Committee shall record the board response in its minutes.

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### 6. Access to Information

6.1 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 expenses were consistent with the purposes for which the bonds were authorized. The Committee is responsible for informing the public concerning the use of bond proceeds following the provisions of Education Code §15278.

6.2 The Committee shall review annual, independent performance and financial audits of the bond fund expenditures and report to the public at least once each year on 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.

6.3 The Committee shall participate in the auditor selection process.

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

6.5 The district shall simultaneously provide the Committee with draft and final copies of audits as they are delivered to the district.

6.6 The Committee shall participate in annual auditor performance reviews.

### 7. Logistical Support from the District

7.1 The District shall provide the Committee with technical and administrative assistance and financial resources to further its mission and purpose. Financial support will not come from bond funds except when the law permits.

7.2 The District shall provide independent legal counsel, responsible only to the Committee, to advise the Committee on relevant legal issues. The district will pay for such legal counsel, but all legal privilege and client loyalty shall be accorded solely to the Committee. The Committee shall select its independent legal counsel working according to applicable State statutory and regulatory provisions and district procurement rules and procedures.

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

7.4 Committee documents (agendas, agenda backup documents, audit reports, annual reports, financial reports, status reports, and all other documents received

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98 by the Committee) and recordings of Committee meetings, if any, shall be  
99 permanently maintained on the Committee's website.

### 100 8. Officers

101 8.1 The officers shall be a chair, vice-chair, and secretary. The Committee shall  
102 elect officers at its initial meeting and its regular meeting before the expiration  
103 of terms. Officer terms are one year or until their successors are elected. The  
104 term of office shall begin at the beginning of the regular meeting after the  
105 election, except at the initial meeting, the term will start immediately. If an  
106 office is vacant, such as due to the death or resignation of a member, then a  
107 replacement shall be elected at the next meeting.

108 8.2 Duties of chair: preside at meetings, establish and appoint the chair of standing  
109 and ad hoc subcommittees, and appoint individuals who are not members as  
110 consultants without a vote to the subcommittee subject to the ratification of the  
111 Committee. Also, call special meetings, change the date of previously  
112 scheduled meetings, and set agendas working with district staff and Committee  
113 members.

114 8.3 Duties of vice-chair: preside at meetings in the chair's absence, other duties as  
115 assigned.

116 8.4 Duties of Secretary: maintain a roster of members, keep an up-to-date meeting  
117 attendance record, review draft minutes prepared by the district, and circulate to  
118 the members for consideration within two weeks after each meeting. Act as  
119 chair in the absence of the chair and vice chair. Monitor the CBOC website to  
120 ensure that it is correct and up-to-date.

121 8.5 The chair shall determine the agenda for each meeting, considering requests  
122 from members. Two Committee members can place an action item on the next  
123 meeting agenda.

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125 **9. Amendments**

126 Amendments to the Bylaws may be approved at any noticed meeting at which a quorum is  
127 present by a majority of the Committee.

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131 APPROVED AND DULY ADOPTED on (date)

132

Chair

Secretary

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134

Dates of amendments