

**CITIZENS' BOND OVERSIGHT COMMITTEE
BYLAWS**

Sec. 1.0 COMMITTEE ESTABLISHED

The Board of Trustees of the Vista Unified School District (the "Board") hereby establishes the Citizens' Bond Oversight Committee (the "Committee") which shall have the purposes and duties set forth in these Bylaws.

Sec. 2.0 PURPOSE

The purpose of the Committee is to inform the public at least annually by issuing a written report concerning the expenditure of bond proceeds from Measure 0 approved by the voters March 5, 2002 (the "bond proceeds").

Sec. 3.0 DUTIES

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

3.1. Review Expenditures. The Committee shall review—~~quarterly~~ expenditure reports produced by the District to (a) ensure that bond proceeds are expended only for the purposes set forth in the ballot measure; and (b) ensure that 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 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.

Sec. 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 District's Management Representative.

(c) Receive and review copies of any deferred maintenance proposal or plans developed by the District.

(d) Review the District's efforts to maximize bond proceeds in ways designed to: (1) reduce costs of professional fees or site acquisition; (2) incorporate efficiencies in school site design; (3) encourage joint use of core facilities; or (4) involve cost-effective and efficient reusable facility plans.

4.2. Any Committee requests for copies or inspection of District records shall be made in writing to the District's Management Representative.

Sec. 5.0 MEMBERSHIP

5.1. Number. The Committee shall consist of 13 members, as follows:

(a) Each Board member shall nominate one qualified person;

(b) Each of the following organizations shall nominate one qualified person who is active in the organization:

(1) Vista Chamber of Commerce;

(2) Oceanside Chamber of Commerce;

(3) City of Vista Seniors Commission;

(4) Del Norte Parent Teacher Association Council (this person must be a parent of a child enrolled at the District);

(5) District Parent Advisory Committee ("DPAC");

(6) District English Learner Advisory Committee ("DELAC"); (7)

(7) San Diego County Taxpayers Association;

(8) San Diego Chapter, American Institute of Architects.

(c) In addition to the parent nominated by the Del Norte Parent Teacher Association Council, at least one person appointed to the Committee must be a parent of a child enrolled in the District.

5.2. Qualification Standards.

(a) To be a qualified person, he or she must:

(1) be at least 18 years of age and a citizen of the state in accordance with Government Code section 1020;

(2) reside within the District's geographic boundaries;

(3) not be an employee or official of the District; and

(4) not be employed as or by a vendor, contractor, or consultant of the District.

(b) If a member fails to meet the qualification standards set forth above at any time during the term of service, the member shall be disqualified and the position shall be declared vacant. The Board shall appoint a new person to serve the remainder of the term, in accordance with the appointment process set forth in Section 5.3 below.

5.3. Appointment.

The Board shall appoint members to the Committee. Prior to appointment, the District Superintendent shall conduct a nomination process to ensure that each person nominated meets the qualification standards set forth in Section 5.2. The Superintendent shall establish a process that provides reasonable notice to Board members and specified nominating organizations. When an appointment is necessary to fill a vacancy, the Superintendent shall ensure that a nomination is received from the same Board member or organization that appointed the Committee member whose position is vacant.

5.4. 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.

5.5. Term

Except as otherwise provided herein, each member shall serve a term of two (2) years beginning July 1. No member may serve more than two (2) consecutive terms. At the Committee's first meeting, members will draw lots to select seven (7) members for an initial three (3) year term and six (6) members for an initial two (2) year term.

5.6. 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 appointment process set forth in Section 5.3 shall fill any vacancies on the Committee.

5.7. Compensation

The Committee members shall not be compensated for their services.

Sec. 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 to include an annual organizational meeting to be held in July. Commencing January 2012, the Committee shall meet at least semiannually.

6.2. Location. All meetings shall be held at the District's administrative offices at 1234 Arcadia Avenue, Vista, California or other District facilities.

6.3. Procedures. All meetings shall be open and 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 seated Committee members shall constitute a quorum for the transaction of any business except adjournment. Vacant seats shall not be counted when determining whether a quorum exists.

Sec. 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. The Committee may request the Board to authorize legal counsel to advise the Committee on legal matters relating to the operation and/or subject matter of the Committee.

7.4. The District shall not use any bond proceeds to provide the support set forth in this Section 7.0.

Sec. 8.0 REPORTS

In addition to the Annual Report required in Section 3.2, the Committee shall report to the Board not less than quarterly 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. Commencing January 2012, the Committee shall report to the Board at least semiannually.

Sec. 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 two (2) year terms. No person shall serve as Chair for more than two consecutive terms.

Sec. 10.0 AMENDMENT OF BYLAWS

Any amendment to these Bylaws shall be approved by a two-thirds vote of the entire Board.

Sec. 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 Vista 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.