SECTION 6.25.1 Citizens’ Oversight Committees

I. Adoption of Policies and Procedures – Legal Authority

The Poway Unified School District (“District”) Board Policies and Administrative Procedures for Citizens’ Oversight Committees are adopted and established by the Board of Education (“Board”) of the District pursuant to the provisions and requirements of Article 2 of Chapter 1.5 of Part 5 of Division 1 of Title 1 of California Education Code 15264 et seq (hereinafter the “Law”) and pursuant to Education Code 35160. The policies and procedures shall apply to the District and Oversight Committees (as defined below).

II. Definitions

Unless the context clearly requires otherwise, or a term is differently defined within these policies or procedures, the terms defined in this section shall, for all purposes of this procedure, have the meaning(s) herein specified:

AB 1908 means Assembly Bill 1908 of the California 2000 Legislative Session, being Chapter 44 of Statutes of 2000.

Board means the Board of Education of the District.

Bond(s) means the general obligation bonds of Poway Unified School District authorized by the approval of the bond measure at Elections by the voters within School Facilities Improvement Districts issued pursuant to State law.

Oversight Committee(s) means the Poway Unified School District Citizens’ Oversight Committee(s) formed and appointed by the Board of the District pursuant to the requirements of the Law and these policies and procedures.

District means the Poway Unified School District.

Election(s) means any general obligation bond election held within the boundaries of the District or an SFID, pursuant to the provisions of Proposition 39 and applicable State law.

Law means Article 2 of Chapter 1.5 of Part 5 of Division 1 of Title 1 of the California Education Code (being Education Code Sections 15278 et seq).

Proposition 39 means Proposition 39, the Smaller Classes, Safer Schools and Financial Accountability Act (School Facilities; 55% Local Vote; Bonds, Taxes; Accountability Requirements) as approved by the California electorate on November 7, 2000.

SFID means any School Facilities Improvement District of the Poway Unified School District formed pursuant to Education Code Sections 15300 et seq.
III. Purpose of Oversight Committees

1. Statutory Purpose. The purpose of the Oversight Committees shall be to inform the public, at least annually in a written report, concerning the expenditure of Bond proceeds from the corresponding Elections. In carrying out this purpose the Oversight Committees shall:
   a. Actively review and report on the proper expenditure of Bond proceeds;
   b. Advise the public as to whether the District is in compliance with the requirements of Article XIII A, Section 1(b)(3) of the California Constitution, which provides that:
      (1) Bond proceeds may be expended only for 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 as approved by the voters and as identified in the school facilities project list prepared for the corresponding Election;
      (2) No Bond proceeds are used for any non-construction-related teacher or administrative salaries or other non-construction-related school operating expenses;
      (3) Annual independent performance audits must be performed by an independent consultant selected by the District; and
      (4) Annual independent financial audits must be performed by an independent consultant selected by the District.

2. Bond Measure Provisions. The Oversight Committees shall also have the power to review and provide comments to the Board on Bond measure expenditure plans, Bond measure-related staffing and consultants, and the District's Deferred Maintenance Plan provided that the Oversight Committee shall be advisory only, and shall not replace or impede the activity of elected school Board members.

3. The Oversight Committees shall undertake and accomplish those matters expressly stated in, or directly provided by Resolution No. 45-2003, State law, and these policies and procedures.

IV. Oversight Committee Composition

1. The Oversight Committees shall initially consist of seven (7) members and at no time consist of less than seven (7) members, subject to the provisions of Section V.1(d) hereof.

2. The Oversight Committees may not include any employee or official of the District or any vendor, contractor, or consultant of the District.

3. The Oversight Committees shall include all of the following:
   a. One (1) member who is active in a business organization representing the business community located within the District;
   b. One (1) member who is active in a senior citizen's organization;
   c. One (1) member who is active in a bona fide taxpayer association;
   d. One (1) member shall be the parent or guardian of a child enrolled in the District; and
   e. One (1) member shall be both a parent or guardian of a child enrolled in the District and active in a parent-teacher organization, such as the Parent Teacher Association or school site council.
In addition to the State requirements, the District Board has made the commitment to ensure that a majority of the members of the committees have knowledge and experience in the fields of construction, architecture design, public financing, contract law, and/or building program management.

4. Five (5) members of the Oversight Committees must satisfy the requirements set forth in Section IV.3(a-e) hereof. The five (5) members appointed pursuant to Section IV.3(a-e), must individually represent one of the five (5) groups set forth in Section IV.3(a-e) hereof. [One member may represent more than one (1) of the groups, so long as the remaining four (4) members individually, distinctly, and separately satisfy the remaining four (4) groups.] In making the appointments of the remaining and additional members of the Oversight Committees, the Board may, in its discretion, consider the various factors set forth in Section V.1(d) hereof. The Board may remove an Oversight Committee member during his or her tenure consistent with the provisions of applicable law.

V. Oversight Committee Appointments, Term, and Vacancies

1. Appointments
   a. The initial members of the Oversight Committees shall be appointed by the Board not more than sixty (60) days after the Board’s certification of the corresponding Election results as required by the Law. Appointments shall be discussed and made in open session in accordance with Government Code Section 54957.
   b. The Board may solicit applications for appointment to the Oversight Committees and may require candidates for membership on the Oversight Committees to submit information on a stated form. Important information regarding the application form and the application process will be posted on the District’s website at http://www.powayusd.com (or such other internet address as shall be utilized from time to time).
   c. The Board may authorize the Superintendent, or the Superintendent’s designee(s), to advertise for and solicit candidates for consideration of appointment to the Oversight Committees, review applications submitted to the District for membership to the Oversight Committees, and make recommendations to the Board to assist the Board in appointing members to the Oversight Committees.
   d. In making its appointments, the Board shall satisfy the necessary statutory membership requirements on the Oversight Committees as set forth in Section IV.3 hereof. In making its appointments to the Oversight Committees, the Board may, in its discretion, consider various factors applicable to each candidate, including, but not limited to, (i) residency within the boundaries of the District, (ii) whether the candidate is a registered voter within the District, and (iii) the professional and educational background of any prospective member of the Oversight Committees, which may include experience in construction, property, facilities management, or finance matters or other factors which tend to support or complement the purposes of the Oversight Committees. The Oversight Committees shall initially have seven (7) members; however, the Board retains the right to appoint additional members to the Oversight Committees provided that the Oversight Committees shall always have an odd number of members. In the event that the Law is amended to require a different or greater number of Oversight Committee members, the Board shall, within the time set by California law, take action to appoint appropriate members to the Oversight Committees as shall be required.
   e. Any appointee to the Oversight Committees shall be required to comply with the requirements and limitations of Sections IV.1, V.2, V.3, and VI.3 hereof.
SECTION 6.25.1 Citizens’ Oversight Committees

2. Term
   a. The members of the Oversight Committees shall serve for a term of two years without compensation and at the end of the first term, it is anticipated that one half (½) of the members' terms shall be staggered. Hence, some members serving on the Oversight Committees may not serve for more than one (1) term. Members may be appointed by the Board, in its discretion, for no more than two (2) consecutive terms as provided by the Law. Members of the Oversight Committees may serve multiple non-consecutive terms as the Board may determine or direct.
   b. The term of office of an Oversight Committee member shall end upon the completion of their initial or subsequent term or, in the event that a vacancy for that Oversight Committee member's position is determined by the Board as set forth in these policies and procedures.
   c. The term of office for a member on the Oversight Committees may end prematurely in the event that the Oversight Committees terminate pursuant to the provisions set forth in Section IX.1 hereof.

3. Vacancies
   a. Determination of Vacancy. The Board may determine that a member's seat on the Oversight Committee has become vacant under any of the following circumstances:
      (1) Resignation of that member from the Oversight Committee(s) submitted in writing to the Board, Superintendent, or designee (which shall be effective upon its receipt);
      (2) Death, or a legal determination of the incapacity of that member of the Oversight Committees;
      (3) Conviction of a violation of Government Code Section 1090 et seq or other applicable conflict of interest laws (see Section VI.3);
      (4) Conviction of any crime resulting in imprisonment; or
      (5) As may otherwise be prescribed or required by law.
      The power to make determinations as to vacancies on the Oversight Committees is expressly reserved to the Board.
   b. In the event that any vacancy on the Oversight Committees occurs, by way of resignation or otherwise, the Board may, in its discretion, appoint a replacement member to the Oversight Committees for each vacancy to serve for the remainder of the unexpired term of the vacating member of the Oversight Committees in a manner it determines to be consistent with applicable law.
   c. In the event a vacancy is determined, such positions on the Oversight Committees shall remain vacant until the Board appoints a new member to the Oversight Committee for that position. Following the determination of the vacancy on the Oversight Committees, the Board shall follow the procedures set forth in Section V.1 hereof to fill such vacancy within a reasonable period of time. The power to fill vacancies on the Oversight Committees is expressly reserved to the Board.
   d. In making appointments to fill vacancies as set forth in this Section V, the Board shall make appointments such that the five (5) representative groups, as set forth in Section IV.3 and IV.4 hereof, shall be maintained.

VI. Service on Oversight Committees

1. Service Without Compensation. As set forth in the Law, members of the Oversight Committees shall serve without compensation.
2. Non-Liability for District Debts. The private and personal property of the members of the Oversight Committees shall be exempt from execution or other liability for any debts, liabilities, or obligations of the District or the Oversight Committees, and no members of the Oversight Committees shall be personally liable or responsible for any debts, liabilities, or obligations of the District or the Oversight Committees except where expressly set forth in California law.

3. Conflicts of Interest and Prohibited Actions. It is the express desire and intention of the Board that members of the Oversight Committees shall not be, or have, any financial interest in the matters which they review. All members of the Oversight Committees shall be subject to the following requirements:
   a. Each member, as a condition of membership on the Oversight Committees, may be requested to sign a certification declaring that he or she has no conflict of interest as to the issues which shall be before the Oversight Committees.
   b. Each member shall expressly be subject to the limitations and requirements of Article 4 of Chapter 1 of Division 4 of Title 1 of the California Government Code, being Government Code Sections 1090 et seq.
   c. Each member shall expressly be subject to the limitations and requirements of Article 4.7 of Chapter 1 of Division 4 of Title 1 of the California Government Code, being Government Code Sections 1125 et seq.
   d. Each member shall submit required Statements of Economic Interests, including filing annual Statements of Economic Interests, pursuant to the District's current Conflict of Interest Code and California Government Code Section 81008 et seq. All such Statements of Economic Interests shall be filed with the District and shall be available for public review as required by California Government Code Section 81000 et seq. Each member of the Oversight Committees shall be furnished with a copy of the District's current Conflict of Interest Code upon his or her taking office as a member of the Oversight Committees. Additionally, all persons appointed to the Oversight Committees shall be provided with a copy of these policies and procedures and any amendments thereto.
   e. Each member shall perform his or her duties in an impartial manner, free from bias caused by his or her own financial interests or the financial interests of persons who have supported him or her. Each member of the Oversight Committees is obligated to discharge his or her responsibilities with integrity and fidelity.

VII. Oversight Committees’ Activities and Meetings

1. Activities of the Oversight Committees. In furtherance of its specifically enumerated purposes, the Oversight Committees may engage in any of the following activities relating solely and exclusively to the expenditure of the corresponding Bond proceeds as set forth in Section VII of these policies and procedures:
   a. Receive and review copies of the annual performance audit(s) conducted by an independent consultant selected by the District to ensure that corresponding Bond funds have been expended on the specific projects identified in the District's corresponding Election school facilities project list;
   b. Receive and review copies of the annual financial audit(s) conducted by an independent consultant selected by the District to ensure that the Bond funds have been expended on the specific projects identified in the District's corresponding Election school facilities project list;
SECTION 6.25.1 Citizens’ Oversight Committees

c. Inspect school facilities and grounds, during normal District business hours, and subject to state laws concerning campus security, to ensure that corresponding Bond proceeds are expended for the purposes set forth in the bond measure approved by the voters;
d. Receive and review copies of any deferred maintenance proposal or plans developed by the District;
e. Review efforts by the District to maximize corresponding Bond revenues by implementing cost-saving measures, including, but not limited to:
   (1) Mechanisms designed to reduce the cost of professional fees;
   (2) Mechanisms designed to reduce the costs of site preparation;
   (3) Recommendations regarding the joint use of core facilities;
   (4) Mechanisms designed to reduce costs by incorporating efficiencies in school site design; and
   (5) Recommendations regarding the use of cost-effective and efficient reusable plans.
f. The Oversight Committees shall issue regular written reports of the results of its activities. The Oversight Committees must issue at least one (1) report each year or fiscal year, as may be applicable.

2. Bond Measure Activities. The Oversight Committees shall also have the power to review and provide comments to the Board on Bond measure expenditure plans, Bond measure-related staffing and consultants, and the District's Deferred Maintenance Plan provided that the Oversight Committees shall be advisory only, and shall not replace or impede the activity of elected Board members.

   a. Regular meeting dates, time, and place shall be established by the Oversight Committees and published/posted in accordance with the Ralph M. Brown Act (being Government Code Sections 54950 et seq) and applicable District posting procedures. All proceedings of the Oversight Committees shall be open to the public and shall be subject to the provisions of the Ralph M. Brown Act. The Oversight Committees may adopt rules and regulation guidelines or similar procedures as may be necessary or desirable in order to comply with the requirements of the Ralph M. Brown Act. These rules and procedures may be enacted by ordinance or resolution.
   b. All documents received by the Oversight Committees, minutes of the Oversight Committee meetings, and reports issued by the Oversight Committees shall be a matter of public record and shall initially be available on the District's website: http://www.powayusd.com (or such other internet address as shall be utilized from time to time).

4. Rules of Procedure and Decorum. The Oversight Committees may establish rules for the conduct of the proceedings of the Oversight Committees. These rules may be enacted by motion or resolution. The rules must be congruent with fundamental concepts as to public agency notice and hearings.

VIII. Technical and Administrative Support

1. Statutory Requirement. The Board, without any use of Bond proceeds, shall provide the Oversight Committees with:
6.0 BUSINESS SUPPORT SERVICES

SECTION 6.25.1 Citizens’ Oversight Committees

a. All reasonable necessary technical assistance and reasonable administrative assistance in furtherance of the Oversight Committees’ purposes; and

b. Sufficient resources to publicize the Oversight Committees’ conclusions, all documents received by the Oversight Committees, minutes from the Oversight Committees’ meetings, and reports issued by the Oversight Committees (including establishing, operating, and updating the Oversight Committees’ Internet websites).

c. The Board shall have the discretion to determine what type, manner, or means of technical and administrative assistance is necessary to assist the Oversight Committees in achieving their purposes.

d. The Board may also appoint or designate District staff to provide reasonable technical and administrative assistance to the Oversight Committees. The Board shall also consider any recommendations or suggestions made by members of the Oversight Committees regarding the technical and administrative support.

2. Administrative Support. Administrative support provided by District staff to the Oversight Committees shall include all of the following:

a. Preparing, mailing, and posting agendas for meetings of the Oversight Committees in compliance with the Ralph M. Brown Act;

b. Preparing and submitting documents (including agenda materials) to members of the Oversight Committees and to members of the public in compliance with the Ralph M. Brown Act;

c. Arranging for meeting locations and preparing meeting facilities for scheduled meetings of the Oversight Committees;

d. The taking, transcribing, providing, and maintaining of minutes of meetings of the Oversight Committees which minutes shall, at a minimum, include an identification of all members of the Oversight Committees present and absent at any meeting of the Oversight Committees and a statement of the vote on each issue of business directed, determined, or set out by the Oversight Committees; and

e. Maintaining Oversight Committees’ records and responding to Public Records Act requests directed to the Oversight Committees by the public. Public Records Act requests and responses shall be handled according to the same procedures as are applicable to the District in accordance with applicable law and the current requirements of the Public Records Act. (Government Code Section 6250 et seq)

3. Technical Support. Technical support provided by District staff to the Oversight Committees shall include all of the following:

a. Arranging tours and inspections of school facilities and grounds, during normal District business hours, as may be reasonably scheduled by the Oversight Committees as set forth in Section VII.1(c) above.

b. Providing audits and written reports as provided for in Sections VII.1 and VII.2 above, and providing, operating, maintaining, and updating the Oversight Committee Internet website as set forth in Section VIII.4 hereof.

c. The District shall, in compliance with Section VIII.1, VIII.2, and VIII.3 hereof, provide sufficient administrative support and technical resources to conform with the directives and requirements set forth in the Law and within these policies and procedures. In covering such costs, the District shall cover such costs as are reasonably necessary or required under State law and these policies and procedures in furtherance of the Oversight Committees’ express purposes. In the event of a question relating to whether an expense of the Oversight Committees is reasonably necessary, such determination shall lie within the purview of the Superintendent of
the District, who shall have the responsibility to provide a final determination on approval of such cost(s).

4. Oversight Committees’ Internet Website. Education Code Section 15280(b) requires that certain documents relating to the Oversight Committees be made available on an Internet website maintained by the Board. Information pertaining or relating to the Oversight Committee shall appear on the District’s website at http://www.powayusd.com until such time the Board decides to create and establish an Oversight Committees’ Internet website. The cost to operate, maintain, and update the Oversight Committees’ Internet website shall be the responsibility of the District. The Oversight Committees’ Internet website may be included within an existing website operated by the District or may be operated separately. The following documents and information shall appear on the applicable Internet website at http://www.powayusd.com and shall be updated from time to time:
   a. Minutes of Oversight Committees’ meetings;
   b. Reports issued by the Oversight Committees; and
   c. Documents received by the Oversight Committees.

5. Presentation of Reports. Reports, including the annual report of the Oversight Committees, and recommendations and comments of the Oversight Committees shall be presented to the Board. Oversight Committees’ recommendations for specific actions shall be forwarded to the Board and such District staff members as such recommendations shall concern.

IX. Termination of Oversight Committees; Records

1. The term of each Oversight Committee shall expire at the end of the fiscal year in which:
   a. All Proposition 39, Bond proceeds, and earnings thereon have been expended;
   b. The Oversight Committee has issued its final annual report as required under Section VII.1(f) above; and
   c. The Oversight Committee has completed and conducted its final meeting which shall be scheduled after notice of Section IX.1(a) hereof occurs.

2. All records of the Oversight Committees shall be kept by the District (pursuant to its records retention policy) for a period of at least two (2) years after the termination of the Oversight Committees as provided for herein.

X. Delegation of Board’s Authority

1. The Board has delegated the Superintendent, or the Superintendent’s designee, to assist the Board in implementing the provisions, sections, terms, and sub-sections of these policies and procedures.

XI. Amendment of Policy and Procedures

1. The policies and procedures set forth herein shall be subject to such later and further amendments by the Board to the extent permissible by applicable law.