

Business Services

1 **AP 6740 CITIZENS' BOND OVERSIGHT COMMITTEE**

2 **References:**

3 Education Code, Sections 15278, 15280, and 15282

4 If a bond is passed under the terms of Proposition 39, a Citizens' Bond Oversight
5 Committee must be established.

6 Pursuant to Section 15278 of the Education Code, the District is obligated to establish the
7 Committee in order to satisfy the accountability requirements of Proposition 39. The
8 purposes of the Committee are set forth in Prop 39. The Committee shall be deemed to
9 be subject to the *Ralph M. Brown Public Meetings Act* (Government Code, Section 54950
10 et seq.) and shall conduct its meetings in accordance with the provisions thereof. The
11 District shall provide necessary administrative support to the Committee as shall be
12 consistent with the Committee's purposes, as set forth in Prop 39.

13 The Committee's shall confine itself specifically to proceeds of general obligation bonds
14 generated under Bond Measures. Regular and scheduled maintenance projects and all
15 monies generated under other sources shall fall outside the scope of the Committee's
16 review.

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

- 18 1. Inform the Public: The Committee shall inform the public concerning the District's
19 expenditure of bond proceeds. In fulfilling this duty, all official communications to
20 either the Board or the public shall come from the Chair acting on behalf of the
21 Committee. The Chair shall only release information that reflects the majority view
22 of the Committee.
- 23 2. Review Expenditures: The Committee may review expenditure reports produced
24 by the District to ensure that (a) bond proceeds were expended only for the
25 purposes set forth in the Bond Measures; and (b) no bond proceeds were used for
26 any inappropriate teacher or administrative salaries or other operating expenses,
27 in accordance with Attorney General Opinion 04-110 issued on November 9, 2004.
- 28 3. Annual Report: The Committee shall present to the Board of Trustees, in public
29 session, an annual written report which shall include the following:
30 a) A statement indicating whether the District is in compliance with the
31 requirements of Article XIII A, Section 1(b)(3) of the California
32 Constitution; and
33 b) A summary of the Committee's proceedings and activities for the
34 preceding year.
- 35 4. Duties of the Board of Trustees and the President/Superintendent: Either the
36 Board of Trustees or the President/Superintendent, as the Board shall determine,

37 shall have the following powers reserved to it, and the Committee shall have no
38 jurisdiction over the following types of activities:

- 39 i. Approval of construction contracts,
- 40 ii. Approval of construction change orders,
- 41 iii. Expenditure of construction funds,
- 42 iv. Handling of all legal matters,
- 43 v. Approval of construction plans and schedules,
- 44 vi. Approval of all deferred maintenance plans, and
- 45 vii. Approval of the sale of bonds.

46 5. Bond Measures Projects Only: In recognition of the fact that the Committee is
47 charged with overseeing the expenditure of bond proceeds, the Board of Trustees
48 has not charged the Committee with responsibility for:

- 49 a) Projects financed through the State of California, developer fees,
50 redevelopment tax increment, certificates of participation, lease/revenue
51 bonds, the general fund or the sale of surplus property without bond
52 proceeds, each of which shall be outside the authority of the Committee.
- 53 b) The establishment of priorities and order of construction for the bond
54 projects shall be made by the sole discretion of the
55 President/Superintendent.
- 56 c) The selection of architects, engineers, soils engineers, construction
57 managers, project managers, CEQA consultants and such other
58 professional service firms as are required to complete the project based
59 on District criteria established by the Board in its sole discretion.
- 60 d) The approval of the design for each project including exterior materials,
61 paint color, interior finishes, site plan and construction methods (modular
62 vs. permanent) by the Board of Trustees in its sole discretion although
63 the Committee shall hear reports on any cost saving techniques
64 considered or adopted by the Board.
- 65 e) The selection of independent audit firm(s), performance audit
66 consultants and such other consultants as are necessary to support the
67 activities of the Committee.
- 68 f) The approval of an annual budget for the Committee that is sufficient to
69 carry out the activities set forth in Prop 39 and included herein.
- 70 g) The appointment or reappointment of qualified applicants to serve on
71 the Committee.

72 **Authorized Activities:**

73 In order to perform the duties listed above, the Committee may engage in the following
74 authorized activities:

- 75 • Receive and review copies of the District's annual independent performance audit
76 and annual independent financial audit, required by Prop 39 (Article XIII A of the
77 California Constitution);

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- Inspect District facilities and grounds for which bond proceeds have been or will be expended, in accordance with any access procedure established by the District's President/Superintendent;
 - Review copies of scheduled maintenance proposals or plans developed by the District; and
 - Review efforts by the District to maximize bond proceeds by implementing various cost-saving measures.

85 **Membership**

86 The Committee shall consist of a minimum of seven (7) members appointed by the Board
87 of Trustees from a list of candidates submitting written applications, and based on criteria
88 established by Prop 39, to wit:

89 1. Number

- 90 a) One (1) student enrolled and active in a community college support group,
91 such as student government.
- 92 b) One (1) member active in a business organization representing the
93 business community located in the District.
- 94 c) One (1) member active in a senior citizens' organization
- 95 d) One (1) member active in a bona-fide taxpayers organization.
- 96 e) One (1) member active in a support organization for the college, such as a
97 foundation.
- 98 f) Two (2) members of the community at-large.

99 2. Qualification Standards

- 100 a) To be a qualified person, he/she/they must be at least 18 years of age.
- 101 b) The Committee may not include any employee, official of the District or any
102 vendor, contractor or consultant of the District.

103 3. Ethics: Conflicts of Interest

104 Members of the Committee are not subject to Articles 4 (commencing with Section
105 1090) and 4.7 (commencing with Section 1125) of Division 4 of Title 1 of the
106 Government Code and the Political Reform Act (Gov. Code §§ 81000 et seq.), and
107 are not required to complete the Form 700. However, each member shall comply
108 with the Committee Ethics Policy in the Committee Bylaws.

109 4. Term

110 Except as otherwise provided herein, each member shall serve a term of two (2)
111 years, commencing as of the date of appointment by the Board. No member may
112 serve more than three (3) consecutive terms. At the Committee's first meeting,
113 members will draw lots to select a minimum of two members to serve for an initial
114 one (1) year term and the remaining members for an initial two (2) year term.
115 Members whose term has expired may continue to serve on the Committee until a
116 successor has been appointed. Members serving on the original 2004 Measure
117 Committee shall remain on the Committee and may serve for new terms as
118 described herein.

- 119 5. Appointment
120 Members of the Committee shall be appointed by the Board through the following
121 process: (a) the District shall advertise for members in accordance with its
122 customary practices, including through local newspapers and the District website;
123 (b) appropriate local groups will be solicited for applications; (c) the
124 President/Superintendent will review the applications; (d) the
125 President/Superintendent will make recommendations to the Board of Trustees.
- 126 6. Removal; Vacancy
127 The Board of Trustees may remove any Committee member for failure to attend
128 two consecutive Committee meetings without reasonable excuse or for failure to
129 comply with the Committee Ethics Policy. Upon a member's removal, his/her/their
130 seat shall be declared vacant. The Board of Trustees, in accordance with the
131 established appointment process shall fill any vacancies on the Committee. The
132 District shall seek to fill vacancies within 90 days.
- 133 7. Compensation
134 The Committee members shall not be compensated for their services.
- 135 8. Authority of Members
136 a) Committee members shall not have the authority to direct staff of the
137 District.
138 b) Individual members of the Committee retain the right to address the Board,
139 either on behalf of the Committee or as an individual.
140 c) The Committee and its members shall have the right to request and receive
141 only copies of reports and records relating to the Measures projects which
142 have been prepared for the Board and which have become a public record.

143 **Meetings of the Committee**

- 144 1. Regular Meetings: The Committee is required to meet at least once a year,
145 including an annual organizational meeting, but may not meet more frequently
146 than quarterly.
147 2. Location: All meetings shall be held within the jurisdiction of the Cerritos
148 Community College District.
149 3. Procedures: All meetings shall be open to the public in accordance with the *Ralph*
150 *M. Brown Act* (Government Code, Section 54950 et seq.). Meetings shall be
151 conducted according to such additional procedural rules as the Committee may
152 adopt. A majority of the number of Committee members shall constitute a quorum
153 for the transaction of any business.

154 **District Support**

- 155 1. The District shall provide to the Committee necessary technical and administrative
156 assistance as follows:

- 157 a) preparation of and posting of public notices as required by the *Brown Act*,
158 ensuring that all notices to the public are provided in the same manner as
159 notices regarding meetings of the Board of Trustees;
160 b) provision of a meeting room, including any necessary audio/visual
161 equipment;
162 c) preparation and copies of any documentary meeting materials, such as
163 agendas and reports; and
164 d) retention of all Committee records, and providing public access to such
165 records on an Internet website maintained by the District.
- 166 2. District staff and/or District consultants shall attend all Committee proceedings in
167 order to report on status of projects and the expenditures of bond proceeds.
168 3. No bond proceeds shall be used to provide District support to the Committee.

169 **Reports**

170 In addition to the Annual Report required, the Committee may report to the Board of
171 Trustees from time to time in order to advise the Board on the activities of the Committee.
172 Such report shall be in writing and shall summarize the proceedings and activities
173 conducted by the Committee.

174 **Officers**

175 The Committee shall elect the Chair and a Vice-Chair who shall act as Chair only when
176 the Chair is absent. No person shall serve as chair for more than two consecutive years.

177 **Amendment of Bylaws**

178 Any amendment to the Committee Bylaws shall be approved by a majority vote of the
179 Board.

180 **Termination**

181 The Committee shall automatically terminate and disband concurrently with the
182 Committee's submission of its final Annual Report which reflects the final accounting of
183 the expenditure of all the proceeds of the Measures.

184 Office of Primary Responsibility: President/Superintendent

Date Approved: March 26, 2007

Date Revised: February 6, 2013

Dates Reviewed: March 20, 2019; November 4, 2024