

**SAN FRANCISCO COMMUNITY COLLEGE DISTRICT  
POLICY MANUAL**

<b>Title:</b> Citizens' Bond Oversight Committee	<b>Number:</b> BP 2.10
<b>Legal Authority:</b> Reference: California Constitution Article XIII A, Section 1(b) and Article XVI, Section 18(b); Education Code, sections 15278 et seq.; 70902.	<b>14 Pages</b>

Introduction. On February 28, 2002, the Board of Trustees established an independent Citizens' Oversight Committee to inform the public about the expenditure of bond revenues. The Committee is designated as the San Francisco Community College District Citizens' Bond Oversight Committee (CBOC).

This policy is intended to reflect the Board's commitment to maximizing the CBOC's role in providing oversight of the District's capital program and meaningful communication with the public.

The CBOC shall have all of the responsibilities described in Education Code, section 15278(b) in that it shall actively review and report on District construction projects that use taxpayer bond money authorized by Proposition 39 and shall ensure that bond revenues are expended only for authorized purposes and that no funds are expended for prohibited purposes.

I. Committee Selection and Composition. The CBOC shall consist of a minimum of seven committee members; the Board establishes the maximum membership at twenty-one members. The CBOC shall be comprised of individuals who live within the boundaries of the District. The Chancellor or his/her designee shall solicit applications for membership on the Committee, and in the event the number of applicants exceeds the number of spaces available, shall conduct interviews of interested persons and recommend appointments to the Board. The Board has the sole discretion to select and appoint CBOC members. All CBOC members shall be appointed by resolution of the Board. Service on the CBOC shall be without compensation.

A. Proposition 39 CBOC Membership Requirements. The CBOC shall include the following community members:

1. One member shall, at the time of appointment, be active in a business organization representing the business community of the District;

2. One member shall, at the time of appointment, be active in a senior citizens' organization, which may be a local, regional, statewide or national organization;
3. One member shall, at the time of appointment, be active in a bona fide taxpayers' organization, which may be a local, regional, statewide or national organization;
4. One member shall, at the time of appointment, be a student who is both currently enrolled in the District and active in a community college group, such as student government. The Board authorizes the Chancellor to permit the community college student member to serve up to six months after his or her graduation.
5. One member shall, at the time of appointment, be active in the support and organization of the District, such as a member of an advisory council or foundation.

A single individual may be appointed as a representative of more than one of the above categories, if applicable.

B. Additional CBOC Members. In addition to the CBOC members required by Proposition 39, the Board may include the following community residents as additional members of the Committee ("additional members"):

One individual recommended to the Board for appointment to the CBOC by each of the seven publicly elected Trustees who wish to make a recommendation.

The Board may change the number or composition of the additional members of the CBOC by resolution; provided, however, that no additional member of the CBOC shall be removed prior to the expiration of his/her term solely because of a Board determination to change the number or composition.

C. Restrictions on Membership. No employee or official of the District shall be appointed to the CBOC. Additionally, no vendor, contractor, or consultant of the District, or employee or official of a District vendor, contractor, or consultant, shall be appointed to the CBOC.

After appointment to a two-year term, CBOC members who wish to be appointed for a second two-year term shall reapply to the Board for consideration.

## II. Replacing a Committee Member

A new CBOC member will be named by the Board if one or more of the following events occurs:

- A. The CBOC member submits a written resignation. The resignation shall be submitted to the Board President or to the Chancellor and shall be considered

accepted by the Board upon submission to either the Board President or Chancellor;

- B. The CBOC or the Board of Trustees by a majority vote removes a CBOC member for cause; including non-attendance at meetings and/or violating the CBOC Code of Conduct.
- C. The student CBOC member has served six months past graduation.

An individual who replaces such a member shall serve until the completion of the original member's term. Thereafter, the replacement member must apply for an additional term if he/she wishes to remain on the CBOC.

A CBOC member who no longer serves as a representative of the designated group he/she was appointed to represent (e.g., ceases to be active within a taxpayers' organization) shall be allowed to complete his/her term. However, that CBOC member shall not be entitled to serve a subsequent term as a representative of the designated group.

Within sixty (60) days of being notified of a vacancy in a membership category that is required to be filled by Proposition 39, the Board will appoint a new member to complete the term of the vacant seat on the CBOC following the process used to select the original CBOC members. As soon as practicable after being notified of a vacancy in the CBOC not required to be filled by Proposition 39, the Board may appoint a new member to complete the term of the vacant seat on the CBOC following the process used to select the original additional members. If a vacancy concerns an individual recommended by one of the seven publicly elected Trustees, and the Trustee who recommended the individual remains on the Board at the time of the vacancy, that Trustee shall be asked to recommend a replacement.

### III. CBOC's Purpose

The purpose of the CBOC is to inform the public concerning the expenditure and uses of bond revenues. The CBOC shall actively review and report on the expenditure of taxpayers' money for bond-funded construction. The CBOC shall convene to provide oversight of the following:

- A. Ensuring that bond revenues are expended only for the purposes described in the official proposition which includes the ballot measure and the General Bond Project Report; and
- B. Ensuring that, as prohibited by Article XIII A, Section 1, subdivision (b)(3)(A) of the California Constitution, no funds are used for any teacher or administrative salaries or other school operating expenses. Notwithstanding the foregoing, the CBOC shall recognize that the District is authorized to use bond proceeds for the payment of salaries of District employees who perform oversight work on construction projects.

#### IV. Required Committee Activities

To the extent practicable, the CBOC shall engage in the following activities in furtherance of its purpose:

- A. Receiving and reviewing copies of the annual, independent performance audits required by Article XIII A, Section 1, subdivision (b)(3)(C) of the California Constitution.
- B. Receiving and reviewing the annual, independent financial audits required by Article XIII A, Section 1, subdivision (b)(3)(D) of the California Constitution.
- C. Inspecting school facilities and grounds to ensure that bond revenues are expended in compliance with the requirements of Article XIII A, Section 1, subdivision (b)(3) of the California Constitution.
- D. Receiving and reviewing copies of any deferred maintenance proposals or plans developed by the District.
- E. Reviewing efforts by the District to maximize bond revenues by implementing cost-saving measures including, but not limited to, the following:
  - 1. Mechanisms designed to reduce the costs of professional fees;
  - 2. Mechanisms designed to reduce the cost 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;
  - 5. Recommendations regarding the use of cost-effective and efficient reusable facility plans.

CBOC members are expected to attend regularly scheduled meetings of the CBOC, diligently review all pertinent information provided to the CBOC pursuant to state laws, and abide by any rules of conduct for CBOC members approved by the Board of Trustees in consultation with the CBOC (the "Code of Conduct").

#### V. Limitations on Committee Role

As noted in Section III, the CBOC's purpose is to inform the public concerning the expenditure of bond revenues.

Except as may be required by a CBOC member's duties as a public official for the City and County of San Francisco, the CBOC will not be required or have the authority to:

- A. Participate in the bond sale and issuance process or make decisions concerning the timing, terms or structure of a bond issuance, except that the CBOC may review the District's plans for any bond sale and may review bond issuance documents upon the conclusion of a bond sale if desired;
  - B. Determine the specific projects on which bond funds may be spent;
  - C. Determine the priority of projects on which bond funds are spent;
  - D. Select contractors or consultants for bond projects;
  - E. Participate in the negotiation or bid process for such contractors or consultants or determine the legal sufficiency of such negotiation or bid process, except that the CBOC may review the bid selection process and documents related thereto upon completion of any such selection;
  - F. Enter or inspect a job site or construction project unless the CBOC by way of a majority vote of the full CBOC at a public meeting designates a member to take such action and that member obtains the permission of the Chancellor or his/her designee. The frequency and timing of all such approved visits will be within the sole discretion of the Chancellor or his/her designee; provided, however, that access to job sites or construction projects will not be unreasonably withheld. If a designated CBOC member believes that access has been unreasonably withheld, he/she may appeal to the Board of Trustees. Visits to job sites require that the CBOC member(s) be accompanied by a representative of the District and require that all safety measures in effect at the job site be followed;
  - G. Initiate contact with District contractors or consultants, including without limitation, accountants, auditors, architects, financial advisors and legal counsel for the purpose of discussing District construction projects unless the CBOC by way of a majority vote of the full CBOC at a public meeting designates a member to take such action and that member obtains the permission of the Chancellor or his/her designee. The frequency and timing of all such approved contacts will be within the sole discretion of the Chancellor or his/her designee; provided, however, that access to contractors or consultants will not be unreasonably withheld. If a designated CBOC member believes that access has been unreasonably withheld, he/she may appeal to the Board of Trustees.
  - H. Require the District to prepare reports or conduct audits more frequently than those required by law. The District may voluntarily provide more frequent audits or reports.
  - I. Require the District to prepare reports or audits with greater detail than those required by law. The District may voluntarily provide more detailed audits or reports.
- VI. CBOC Operations

The CBOC shall annually select a chairperson and vice-chairperson, and CBOC decisions will be made by majority vote. A secretary for the CBOC will be provided by the District.

The CBOC shall meet at least quarterly, and CBOC members shall be available to attend Board meetings when performance and financial audits are presented. The Chancellor or his/her designee shall attend CBOC meetings. Members of the Board of Trustees shall attend as necessary or desirable.

The CBOC's meetings are subject to the Ralph M. Brown Act, Gov. Code, § 54950 et seq. and the San Francisco Community College District Open Governance Sunshine Policy ("Sunshine Policy"). Meetings shall be open to the public and noticed in the same manner as proceedings of the Board in accordance with the District's Sunshine Policy. Minutes of CBOC proceedings and all documents received and reports issued shall be a matter of public record and the District shall make all documents and minutes available on the District's Internet website, all in accordance with the District's Sunshine Policy.

CBOC members shall be subject to prohibitions regarding incompatibility of office pursuant to Government Code sections 1125-1129 and financial interest in contracts pursuant to Government Code sections 1090-1099.

The Board shall, without expending Bond funds:

1. Provide the CBOC with any necessary technical assistance;
2. Provide administrative assistance in furtherance of the CBOC's purpose; and
3. Provide the CBOC with sufficient resources to publicize the CBOC's conclusions.

The CBOC shall prepare regular reports on CBOC activities. A report on CBOC activities shall be issued at least once each year. The annual report shall include information on CBOC member attendance at regularly scheduled meetings, a summary of the extent to which the CBOC engaged in the activities described in paragraph IV for the preceding year, and an explanation of any failure to hold required meetings.

Upon completion of all bond projects, the CBOC shall prepare a final written report summarizing its activities and conclusions.

The CBOC Chair or his/her designee shall report to the Board of Trustees at least once per year at a regular Board of Trustees meeting.

The Chancellor shall monitor the terms of membership of the CBOC to ensure a timely selection process for members. The Chancellor shall immediately notify the Board of any resignations or if members need to be replaced.

The Chancellor is directed to provide technical assistance and support to the CBOC to enable it to meet its mission, but shall not expend any bond funds in providing the CBOC with assistance and support. The Chancellor shall ensure that the CBOC is aware of its obligations under this policy.

The Chancellor shall periodically review the CBOC code of conduct and recommend revisions as appropriate.

The Chancellor shall ensure that legal representation is provided to the CBOC at District expense.

## Attachment 1

### BP 2.10 Citizens' Bond Oversight Committee

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The Chancellor shall periodically review the CBOC code of conduct and recommend revisions as appropriate.

The Chancellor shall ensure that legal representation is provided to the CBOC at District expense.

<b>Approved by District Board of Trustees</b>	<b>Authenticated by the General Counsel</b>	<b>Date: 10/22/09</b>
<b>Date: 10/22/09</b>	<b>Revision Number:</b>	<b>Date:</b>