SAN FRANCISCO COMMUNITY COLLEGE DISTRICT
POLICY MANUAL

Title: **PARCEL TAX OVERSIGHT COMMITTEE**	**Number:** **BP 2.11**
Legal Authority: **California Constitution Article XIIIA and California Government Code 50079.1**	**No related CCLC BP**

Purpose: The Parcel Tax Oversight Committee is hereby established to advise this Board on the expenditures funded by the measure in order to ensure that said funds are spent for the purposes approved by the voters. The Parcel Tax Oversight Committee will monitor the expenditures of these funds by the District and will report on an annual basis to the Board and community on how these funds have been spent.

Membership: The Parcel Tax Oversight Committee shall consist of seven members who shall be appointed by and serve at the pleasure of the Board of Trustees to serve for terms of two or three years, without compensation, and for no more than two consecutive terms. Four of the initial members of the committee shall be appointed to serve three-year terms, and three of the initial members shall be appointed to serve two-year terms. Thereafter, all terms shall be for two years, or until a member's successor is appointed and takes office. The Parcel Tax Oversight Committee shall be comprised of at least seven (7) members:

1. one member who is active in a business organization representing the business community located with the District;
2. one senior citizen member who is active in a senior citizens organization;
3. two members who are currently enrolled students in the District and active in a community college group, such as student government. The community college student members may, at the discretion of the Board, serve up to six months after their graduation;
4. one member who is active in the support and organization of a community college or the District, such as a member of an advisory council or foundation;
5. two (2) members of the community at-large.

No employee or official of the district shall be appointed to the Parcel Tax Oversight Committee. No vendor, contractor, or consultant of the District shall be appointed to the Parcel Tax Oversight Committee. Members of the Parcel Tax Oversight Committee, shall, pursuant to Sections 35233 and 72533, abide by the prohibitions contained in Article 4 (commencing with Section 1090) and Article 4.7 (commencing with Section 1125) of Chapter 1 of Division 4 of Title 1 of the Government Code.

Meetings: The Parcel Tax Oversight Committee shall hold a minimum of two regular meetings each year at the District Office located at City College of San Francisco, 50 Phelan Ave., San Francisco, CA. Upon request by the Parcel Tax Oversight Committee or on its own initiative, the Board of Trustees may change the time and place of any meeting or subsequent meetings, provided that adequate notice is given to the public as required by law. All Parcel Tax Oversight Committee meetings shall be open to the public as required by the Ralph M. Brown Act (California Government Code section 54950 and following).

The Parcel Tax Oversight Committee shall issue a report of its activities to the Board of Trustees at least once a year.

District staff is directed to provide the necessary and appropriate notices of the public meetings to be held by the Parcel Tax oversight committee. In keeping with this Board's policy and practice, public participation and input regarding issues being considered by the Parcel Tax oversight Committee are to be encouraged and welcomed.

Board Policy and Administrative Regulation: The Board of Trustees hereby adopts Board Policy and Administrative Regulation BP 2.11 which delineates the Bylaws and Operational Guidelines for the Measure "A" Parcel Tax Oversight committee that are attached as Exhibit "A" and incorporated by this reference.

Technical Assistance: District staff is directed to provide the Parcel Tax Oversight committee with any necessary technical and administrative assistance in furtherance of its purpose and sufficient resources to publicize its conclusions. The resources shall include the ability to make the Parcel Tax Oversight Committee's Minutes, reports, and documents available for public viewing on the District's Internet website.

SAN FRANCISCO COMMUNITY COLLEGE DISTRICT
CITIZENS' PARCEL TAX OVERSIGHT COMMITTEE BYLAWS

Committee Established. The San Francisco Community College District (the "District") was successful at the election conducted on November 6, 2012 (the "Election"), in obtaining authorization from the District's voters to issue a parcel tax (the "Measure A"). The District is now obligated to establish a Committee in order to satisfy the accountability requirements of Prop A. The Board of Trustees of the San Francisco Community College District (the "Board") hereby establishes the Parcel Tax Oversight Committee (the "Committee") which shall have the duties and rights set forth in these Bylaws. The Committee does not have legal capacity independent from the District.

Purposes. The purposes of the Committee are set forth in Prop A, and these Bylaws are specifically made subject to the applicable provisions of Prop A as to the duties and rights of the Committee. The Committee shall be deemed to be subject to the *Ralph M. Brown Public Meetings Act* of the State of California and shall conduct its meetings in accordance with the provisions thereof. The District shall provide necessary administrative support to the Committee as shall be consistent with the Committee's purposes, as set forth in Prop A.

The proceeds of parcel tax issued pursuant to the Election are hereinafter referred to as "parcel tax proceeds." The Committee shall confine itself specifically to parcel tax proceeds generated under Measure A. District/college projects and all monies generated under other sources shall fall outside the scope of the Committee's review.

Section 3. Duties. To carry out its stated purposes, the Committee shall perform only the following duties:

3.1 Inform the Public. The Committee shall inform the public concerning the District's expenditure of Parcel Tax proceeds.

3.2 Review Expenditures. The Committee shall review expenditure reports produced by the District to ensure that Parcel Tax proceeds were expended only for the purposes set forth in the Measure A:

The Board shall annually establish funding priorities and approve all allocations in accordance with the terms of the Measure:

- To provide City College of San Francisco with funds the State cannot take away;
- To offset State budget cuts;
- To prevent layoffs;
- To provide an affordable, quality education for students;
- To maintain essential courses including but not limited to writing, math, science, and other general education;
- To prepare students for four-year universities;

- To provide workforce training including, but not limited to nursing, engineering, business, and technology;
- To keep college libraries and student support services open; and
- To keep technology and instructional support up-to-date

3.3 Annual Report. The Committee shall present to the Board, in public session, an annual written report which shall include the following:

(a) A statement indicating whether the District is in compliance with the requirements of Article XIIIA, Section 1(b)(3) of the California Constitution; and

(b) A summary of the Committee's proceedings and activities for the preceding year.

3.4 Duties of the Board and/or Chancellor. Either the Board or the Chancellor, as the Board shall determine, shall have the following authority reserved to it, and the Committee shall have no jurisdiction over the following types of activities:

(a) Handling of all legal matters;

(b) Other????

3.5 Measure A Expenditures Only. In recognition of the fact that the Committee is charged with overseeing the expenditure of Parcel Tax proceeds, the Board has not charged the Committee with responsibility for:

(a) Any projects financed through the State of California;

(b) The establishment of priorities for the Parcel Tax proceeds, which shall be made by the Board

(c) The selection of independent audit firm(s), performance audit consultants and such other consultants as are necessary to support the activities of the Committee.

(d) The approval of an annual budget for the Committee that is sufficient to carry out its activities.

Section 4. 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 pertaining to the Measure A Parcel Tax proceeds as required by Article XIIIA of the California Constitution.

(b) Review copies of plans and/or documents pertaining to the Measure A Parcel Tax developed by the District.

(c) Review efforts by the District to maximize Parcel Tax proceeds by implementing various cost-saving measures.

Section 5. Membership.

5.1 Number.

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

1. one member who is active in a business organization representing the business community located with the District;
2. one senior citizen member who is active in a senior citizens organization;
3. two members who are currently enrolled students in the District and active in a community college group, such as student government. The community college student members may, at the discretion of the Board, serve up to six months after their graduation;
4. one member who is active in the support and organization of a community college or the District, such as a member of an advisory council or foundation.
5. two (2) members of the community at-large.

5.2 Qualification Standards.

(a) To be a qualified person, an individual must be at least 18 years of age.

(b) The committee may not include any employee, official of the District or any vendor, contractor or consultant of the District.

5.3 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. Additionally, each member shall comply with the Committee Ethics Policy attached as "Attachment A" to these Bylaws.

5.4 Term. Except as otherwise provided herein, each member shall serve for terms of two or three years, without compensation, and for no more than two consecutive terms. Four of the initial members of the committee shall be appointed to serve three year terms, and three of the initial members shall be appointed to serve two year terms. Thereafter, all terms shall be for two years, or until a member's successor is appointed and takes office. At the suggestion of the Chancellor, at the Committee's first meeting, members may draw lots or otherwise select a minimum of four members to serve for an initial three (3) year term and the remaining members for an initial two (2) year term.

5.5 Appointment. Members of the Committee shall be appointed by the Board through the following process: (a) appropriate local groups will be solicited for applications; (b) the

Chancellor/designee will review the applications; and (c) the Chancellor will make recommendations to the Board.

5.6 Removal; Vacancy. The Board may remove any Committee member for any reason, including failure to attend two consecutive Committee meetings without reasonable excuse or for failure to comply with the Committee Ethics Policy. Upon a member's removal, their seat shall be declared vacant. The Board, in accordance with the established appointment process shall fill any vacancies on the Committee. Vacancies shall be filled within 90 days from the initial date of each such vacancy.

5.7 Compensation. The Committee members shall not be compensated for their services.

5.8 Authority of Members. (a) Committee members shall not have the authority to direct staff of the District, (b) individual members of the Committee retain the right to address the Board, either on behalf of the Committee or as an individual, and (c) the Committee may only receive copies of reports and documents which have been previously presented to the Board and which are a public record.

Section 6. Meetings of the Committee.

6.1 Regular Meetings. The Committee is required to meet at least once a year but may meet more often as the Committee shall determine.

6.2 Location. All meetings shall be held within the San Francisco Community College District.

6.3 Procedures. All meetings shall be open to the public in accordance with the *Ralph*

M. Brown Act, Government Code Section 54950 *et seq.* Meetings shall be conducted according to such additional procedural rules as the Committee may adopt. A majority of the number of Committee members shall constitute a quorum for the transaction of any business of the Committee.

Section 7. 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.

7.2 District staff and/or District consultants shall attend Committee proceedings in order to report on the status of expenditures of Parcel Tax proceeds.

7.3 No Parcel Tax proceeds shall be used to provide District support to the Committee.

Section 8. Reports. In addition to the Annual Report required in Section 3.2, the Committee may report to the Board from time to time in order to advise the Board on the activities of the Committee. The Annual Report shall be in writing and shall summarize the proceedings and activities conducted by the Committee.

Section 9. Officers. The Chancellor shall appoint the initial Chair to serve for an initial two (2) year term. The Committee shall elect an initial Vice-Chair. Thereafter, the

Committee shall elect a Chair and a Vice-Chair who shall act as chair only when the Chair is absent.

Section 10. Amendment of Bylaws. Any amendment to these Bylaws shall be approved by a majority vote of the Board.

Section 11. Termination. The Committee shall automatically terminate and disband 180 days following the date when all Measure A Parcel Tax proceeds have been spent.

Attachment A - PARCEL TAX OVERSIGHT COMMITTEE
ETHICS POLICY STATEMENT

This Ethics Policy Statement provides general guidelines for Committee members in carrying out their responsibilities. 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 Parcel Tax proceeds or (2) any project which will benefit the committee member's outside employment, business, or a personal finance or benefit an immediate family member, such as a spouse, child or parent.

OUTSIDE EMPLOYMENT. A Committee member shall not use their authority over a particular matter to negotiate future employment with any person or organization that relates to: (1) any contract funded by Parcel Tax proceeds, or (2) any college/district project. A Committee member shall not make or influence a District decision related to any college/district project involving the interest 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, they 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 Parcel Tax proceeds; and (2) any college/district 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 San Francisco Community College District;

COMMITMENT TO DISTRICT. A Committee member shall place the interests of the District above any personal or business interest of the member.

Attachment B

SAN FRANCISCO COMMUNITY COLLEGE DISTRICT
APPLICATION FOR CITIZENS' OVERSIGH COMMITTEE

(Please Print or Type)

Name:

_____

Address:

_____

Home/Cell Phone:_____ Work Phone:_____
FAX#:_____ E-Mail:_____

Why do you want to serve on the Measure A Citizens Oversight Committee

_____
_____
_____
_____
_____
_____

Do you have any special area of expertise or experience that you think would be helpful to the committee?

_____
_____
_____
_____
_____
_____

If you have served on other school district, college, or city or community committees please list and briefly describe your role:

_____
_____
_____
_____
_____
_____

I would be able to represent the following constituencies in the District: *(check all that apply)*

☐ Business Representative – Active in a business organization representing local business
*Organization:*_____

☐ Senior Citizen Group Representative – Active member in a senior citizens' organization
Organization: _____

☐ Taxpayer Organization Member – Active in a bona fide taxpayers' association
Organization: _____

☐ Student in the San Francisco Community College District and Active in Student Government
_____: _____
_____: _____

☐ Active in an Organization Supportive of the college, such as Advisory Council or foundation
Organization: _____

☐ At-Large community Member – Resident of the San Francisco Community College District

Please note any additional information you feel should be considered as part of your application:

_____
_____
_____
_____
_____
_____

	YES	NO
Are you an employee of the San Francisco Community College District*		
Are you a vendor, contractor, or consultant to the San Francisco Community College District* San Francisco Community College District*		
Do you have conflicts that would preclude your attending quarterly meetings?		
Do you know any reason such as a potential conflict of interest, which would adversely affect your ability to serve on the Citizen's Oversight Committee?*		
Are you willing to comply with the ethics code included in the bylaws?		

**Note: Employees, vendors, contractors, and consultants of the San Francisco Community College District are prohibited by law from being members of the Citizens' Oversight Committee. Employment which could result in becoming a contractors or subcontractor to the district would also be a potential conflict.*

***Signature* of Applicant**

By signature, all answers and statements in this document are true and complete to the best of my knowledge.

Signature:_____ Date: _____

Completed applications must be received in the Chancellor's Office of the San Francisco Community College District 50 Phelan Ave, San Francisco, CA 94112 or faxed to 415.XXXXX No later than 4:30pm, XXDATEXXX

If you have any questions please call the San Francisco Community College District at 415.XXXXXXX

It is the policy of the San Francisco community College district not to unlawfully discriminate on the basis of sex, sexual orientation, gender, ethnic group identification, race, ancestry, national origin, color, religion, marital status, age or mental or physical disability in the educational programs or activities which it operates.