SAN BERNARDINO COMMUNITY COLLEGE DISTRICT
Administrative Procedure
Chapter 6 – Business and Fiscal Affairs

AP 6740  CITIZENS’ BOND OVERSIGHT COMMITTEE
(Replaces current SBCCD AP 6740)

A. Committee Established

The Board of Trustees of the San Bernardino Community College District (the "Board") hereby establishes the Citizens' Oversight Committee (the "Committee") that shall have the duties and rights set forth in Bylaws (which can be found on the District Website). The Committee does not have independent legal capacity from the District.

B. Purposes

The purposes of the Committee are set forth in Proposition 39, and its Bylaws are specifically made subject to the applicable provisions of Proposition 39 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 Proposition 39.

The proceeds of general obligation bonds issued pursuant to the Election are hereinafter referred to as "bond proceeds." The Committee shall confine itself specifically to bond proceeds generated under the Bond Measure. Regular and deferred maintenance projects and all monies generated under other sources shall fall outside the scope of the Committee’s review.

C. Duties

To carry out its stated purposes, the Committee shall perform the duties set forth in Sections 3.1, 3.2 and 3.3 of its By-Laws and shall refrain from those activities set forth in Sections 3.4 and 3.5:

D. Inform the Public

The Committee shall inform the public concerning the District's expenditure of bond proceeds. In fulfilling this duty, all official communications to either the Board or the
public shall come from the Chair acting on behalf of the Committee. The Chair shall only release information that reflects the majority view of the Committee in the actions taken.

E. Review Expenditures

The Committee shall review expenditure reports produced by the District to ensure that (a) bond proceeds were expended only for the purposes set forth in the ballot measure; and (b) no bond proceeds were used for any teacher or administrative salaries or other operating expenses in compliance with Attorney General Opinion 04-110, issued on November 9, 2004.

F. Annual Report

The Committee shall present to the Board, in public session, no later than March 31 following each fiscal year, an annual written report which shall include the following:

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

2. A summary of the Committee’s proceedings and activities for the preceding year.

G. Duties of the Board/Chancellor

Either the Board or the Chancellor, as the Board shall determine, shall have the following powers reserved to it, and the Committee shall have no jurisdiction over the following types of activities:

- Approval of contracts,
- Approval of change orders,
- Expenditures of bond funds,
- Handling of all legal matters,
- Approval of project plans and schedules,
- Approval of Deferred Maintenance Plan, and
- Approval of the sale of bonds.

H. Authorized Activities

In order to perform the duties set forth in Section 3.0, the Committee may engage in the following authorized activities:

1. Receive copies of the District’s annual independent performance audit and annual independent financial audit, required by Prop 39 (Article XIII A of the California Constitution) (together, the “Audits”) at the same time said Audits are submitted to the District, and review the Audits.
2. 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 Vice Chancellor, Business & Fiscal Services.

3. Review copies of deferred maintenance proposal or plans developed by the District.

4. Review efforts by the District to maximize bond proceeds by implementing various cost-saving measures.

5. Receive from the Board, within three months of the District receiving the Audits, responses to any and all findings, recommendations, and concerns addressed in the Audits, and review said responses.

I. Membership

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 Proposition 39, to wit:

- One (1) student enrolled and active in a community college support group, such as student government.
- One (1) member active in a business organization representing the business community located in the District.
- One (1) member active in a senior citizens’ organization.
- One (1) member active in a bona-fide taxpayers association, which includes the League of Women Voters.
- One (1) member active in a support organization for the college, such as a foundation.
- Two (2) members of the community at-large.

2. Qualification Standards

To be a qualified person, he or she must be at least 18 years of age. The Committee may not include any employee, official of the District or any vendor, contractor or consultant of the District.

3. Ethics: Conflicts of Interest.

(a) Members of the Committee are not subject to the Political Reform Act (Gov. Code §§ 81000 et seq.), and are not required to complete Form 700; but each member shall comply with the Committee Ethics Policy attached as “Attachment A” to these Bylaws.
Pursuant to Section 35233 of the Education Code, the prohibitions contained in Article 4 (commencing with Section 1090) of Division 4 of Title 1 of the Government Code (“Article 4”) and Article 4.7 (commencing with Section 1125) of Division 4 of Title 1 of the Government Code (“Article 4.7”) are applicable to members of the Committee. Accordingly:

(i) Members of the Committee shall not be financially interested in any contract made by them in their official capacities or by the Committee, nor shall they be purchasers at any sale or vendors at any purchase made by them in their official capacity, all as prohibited by Article 4; and

(ii) Members of the Committee shall not engage in any employment, activity, or enterprise for compensation which is inconsistent, incompatible, in conflict with, or inimical to duties as a member of the Committee or with the duties, functions, or responsibilities of the Committee or the District. A member of the Committee shall not perform any work, service, or counsel for compensation where any part of his or her efforts will be subject to approval by any other officer, employee, board, or commission of the District’s Board of Trustees, except as permitted under Article 4.7.

4. Term

Except as otherwise provided herein, each member shall serve a term of two (2) years, beginning on the month immediately following the member’s appointment by the Board. No member may serve more than three (3) consecutive terms. At the Committee’s first meeting, members will draw lots or otherwise select a minimum of two members to serve for an initial one (1)-year term and the remaining members for an initial two (2) -year terms. Members whose terms have expired may continue to serve on the Committee until a successor has been appointed.

5. Appointment

Members of the Committee shall be appointed by the Board through the following process: (a) the District will advertise in the local newspapers, on its website, and in other customary forums, as well as solicit appropriate local groups will be solicited for applications; (b) the Chancellor or designee will review the applications; and (c) the Chancellor or designee will make recommendations to the Board.

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, his/ or her seat shall be declared vacant. The Board, in accordance with the established appointment process shall fill any vacancies on the Committee. The Board shall seek to fill vacancies within 90 days of the date of occurrence of a vacancy.
7. Compensation

The Committee members shall not be compensated for their services.

J. Authority of Members

1. Committee members shall not have the authority to direct staff of the District;

2. Individual members of the Committee retain the right to address the Board, either on behalf of the Committee or as an individual;

3. The Committee shall not establish sub-committees for any purpose; and

4. The Committee shall have the right to request and receive copies of any public records relating to projects funded by the Prop P and Prop M.

K. Meetings of the Committee

1. Regular Meetings.

The Committee is required to meet at least once a year including an annual organizational meeting to be held in November, but shall not hold regular meetings more frequently than quarterly. Special meetings can be called if necessary.

2. Location.

All meetings shall be held within the San Bernardino Community College District, located in San Bernardino and Riverside Counties, California.

3. Procedures.

All meetings shall be open to the public in accordance with the Ralph M. Brown Act, Government Code Sections 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 except adjournment.

4. District Support.

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.

e. District staff and/or District consultants shall attend all Committee proceedings in order to report on the status of projects and the expenditures of bond proceeds.

f. No bond proceeds shall be used to provide District support to the Committee.

L. Reports

In addition to the Annual Report required in Section 3.3, the Committee may report to the Board from time to time 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.

M. Officers

The Chancellor shall appoint the initial Chair. Thereafter, the Committee shall elect a chair and a vice-chair who shall act as chair only when the chair is absent. The Chair and Vice Chair shall serve in such capacities for a term of one year and may be re-elected by vote of a majority of the members of the Committee.

N. Amendment of Bylaws

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

O. Termination

The Committee shall automatically terminate and disband concurrently with the Committee’s submission of the final Annual Report which reflects the final accounting of the expenditure of all bond proceeds.

P. 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 a personal finance or benefit an immediate family member, such as a spouse, child, or parent.

Q. Outside Employment
A Committee member shall not use his/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 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, he/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.

R. 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 Bernardino Community College District.

S. Commitment to District

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

References: Education Code Sections 15278, 15280 and 15282

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