

Mt. Diablo Unified School District

Measure “C” Citizens’ Bond Oversight Committee: Composition, Role and Functions

The legal obligation for Mt. Diablo Unified School District to select and appoint participants to serve on a Citizens’ Bond Oversight Committee (“Committee”) resides in the California Education Code. The following Education Code citations/excerpts are here presented as they clearly define the composition, role and functions of this Committee.

Proposition 39

Proposition 39, approved by the California voters in November, 2000, provides that the Governing Board of a school district may pursue the authorization and issuance of general obligation bonds by 55 percent vote of the electorate. As a result of the passage of Proposition 39, language was added to the Education Code requiring school district’s passing a bond designated as a Proposition 39 bond (like Measure “C”) to establish a Citizens’ Oversight Committee to actively review and report on uses of the bond proceeds to ensure that they are spent only on school facilities improvements allowed under each bond measure and not for any other purpose.

Obligation to Appoint the Committee

The governing board is required to establish and appoint an independent citizens’ oversight committee within 60 days of the date that the governing board enters on its minutes the election results, pursuant to Section 15274. [Education Code Section 15278(a)]

Role of the Committee

The Oversight Committee shall consist of at least seven (7) members to serve for a term of two (2) years without compensation and for no more than two (2) consecutive terms.

The Oversight Committee must include:

- One member who is active in a business organization representing the business community located within the school district;
- One member active in a senior citizens’ organization;
- One member who is the parent or guardian of a child enrolled in the school district;

- One member who is both a parent or guardian of a child enrolled in the school district and active in a parent-teacher organization; and
- One member who is active in a bona fide taxpayers' organization. [Education Code Section 15282(b)]

The Committee may not include any employee or official of the school district or any vendor, contractor or consultant of the school district. [Education Code Section 15282(b)] Nor can the Board appoint persons who hold an office incompatible with service on the Committee pursuant to Government Code section 1125 et seq. [Education Code Section 15282(b)]

Purpose and Activities of the Committee

The purpose of the Committee shall be to inform the public concerning the expenditure of the bond proceeds. The Committee shall engage in the following activities to carry out this purpose:

- Actively review and report on the proper expenditure of taxpayers' money for school construction;
- Advise the public as to whether the school district is in compliance with the requirements of Article XIII A, Section 1(b)(3) of the California Constitution; and
- Convene to provide oversight for, but not limited to:
 - Ensuring that bond revenues are expended only for the construction, reconstruction, rehabilitation or replacement of school facilities, or the acquisition or lease of real property for school facilities;
 - Ensuring that no funds are used for any teacher or administrative salaries or other school operating expenses. [Education Code Section 15278(b)]

It is the express intent of the Legislature that the members of the Committee “promptly alert the public to any waste or improper expenditure of school construction bond money.” [Education Code Section 15264]

The Committee is authorized to engage in any of the following activities in furtherance of its purpose:

- Receive and review copies of the annual independent performance audit required by Article XIII A, Section 1(b)(3)(C) of the California Constitution;
- Inspect school facilities and grounds to ensure bond revenues are expended in compliance with Article XIII A, Section 1(b)(3) of the California Constitution;
- Receive and review copies of any deferred maintenance proposals or plans developed by the school district; and

- Review efforts by the school district to maximize bond revenues by implementing cost saving measures, including but not limited to:
 - Mechanisms designed to reduce the cost of professional fees;
 - Mechanisms designed to reduce the cost of site preparation;
 - Recommendations regarding the joint use of core facilities;
 - Mechanisms designed to reduce costs by incorporating efficiencies in school site design; and
 - Recommendations regarding the use of cost-effective and efficient reusable plans. [Education Code Section 15278]

The Citizens' Bond Oversight Committee must at least annually issue regular annual reports of the result of its activities. [Education Code Section 15280(b)]

Board of Education Support of the Committee

The governing board shall provide the Committee with (a) any necessary technical assistance and administrative assistance in furtherance of the Committee's purpose and (b) sufficient resources to publicize the conclusions of the Committee. No bond funds may be used to pay any of these expenses. [Education Code Section 15280(a)]

Meetings of and Documents Provided to the Committee

All Committee meetings shall be open to the public and shall be subject to the provisions of the Ralph M. Brown Act. All documents received by the Committee and reports issued by the Committee shall be a matter of public record and be made available on an Internet website maintained by the governing board of the school district. [Education Code 15280(b)]

The Mt. Diablo Unified School District Measure C Bond Oversight Committee will meet at least quarterly. All meetings will be duly posted and will be open to the public.

The Citizens' Oversight Committee will not perform certain functions such as:

- The Committee has no authority to participate in the school district's actual bond sale and issuance process, or make decisions regarding the timing, terms and structure of a bond issuance.
- The Committee does not have authority to select, or participate, in the negotiation or bid process for contractors or consultants for bond projects.