

**PROPOSED BYLAWS OF
THE MT. DIABLO UNIFIED SCHOOL DISTRICT
MEASURE “D” CITIZENS OVERSIGHT COMMITTEE**

SECTION 1. NAME

The name of this Committee shall be the Mt. Diablo Unified School District Measure “D” Citizens Oversight Committee (herein referred to as the “Committee”).

SECTION 2. OBJECTIVES AND PURPOSES

The primary objectives and purposes of this Committee shall be to monitor and report on the expenditure of Measure “D” proceeds and to inform the public concerning the expenditure of the proceeds.

SECTION 3. MEMBERS

This Committee shall have ten members, as established by the Mt. Diablo Unified School District Governing Board (herein referred to as the “Governing Board”). All committee members shall be voting members. The committee members shall annually elect a Chair and a Vice-Chair. Committee members shall reside within District residential boundaries. No employee, official, vendor, contractor, or consultant of the District shall be appointed to the Committee.

SECTION 4. ESTABLISHMENT

The Governing Board shall establish the Committee no later than 60 days from the date the election results are certified.

SECTION 5. POWERS

The Committee shall have the power to:

- (a) Perform any and all duties imposed on them collectively by law, or by these Bylaws;
- (b) Meet at such times and places as required by these Bylaws;
- (c) Review, audit and report on the expenditure of Measure “D” bond proceeds.

SECTION 6. ACTIONS AND REPORTS

The Committee may engage in the following activities:

- (1) Review the use of Measure D funds and make recommendations to the Governing Board.
- (2) Select a firm to prepare an independent audit of the use of Measure D funds to ensure compliance with the allowable expenditures of the Measure.
- (3) Receive and review copies the independent financial audit.
- (4) Communicate with the community regarding the findings of the Committee.

SECTION 7. TERMS OF OFFICE

In the first year each Governing Board member shall appoint one member for a two-year term and a second for a three-year term. Thereafter, each committee member shall hold office for two years. Committee members may serve more than one term. The Governing Board shall be notified of any vacancy and shall have the sole power to fill all vacancies. Once appointed, the term of a committee member shall be unrelated to the term of any Governing Board member.

SECTION 8. PLACE OF MEETINGS; MEETINGS BY TELEPHONE OR OTHER TELECOMMUNICATIONS EQUIPMENT

All meetings shall comply with Government Code Section 54950, et seq. (the “Brown Act”). Any meeting, regular or special, may be held by conference telephone, video-screen communication, or communications equipment, so long as all members participating in such meeting can hear one another, public participation is afforded, and the meeting meets all applicable requirements of the Brown Act.

SECTION 9. REGULAR MEETINGS

The Committee shall meet once each quarter. Meetings will be held on the evening of the third Thursday of the quarter, except when impractical to do so. The Committee may, by majority vote, change the frequency of its meetings.

SECTION 10. SPECIAL MEETINGS

Special meetings of the Committee may be called by the Chairperson or by a majority of the members and called pursuant to Brown Act requirements.

SECTION 11. QUORUM FOR MEETINGS

A quorum shall consist of a majority of the members.

SECTION 12. MAJORITY ACTION AS COMMITTEE ACTION

Every act or decision done or made by a majority of the members present at a meeting duly held at which a quorum is present is the act of the Committee. Meetings may be adjourned when a quorum is not present.

SECTION 13. CONDUCT OF MEETINGS

Meetings of the Committee shall be presided over by the Chairperson of the Committee, or, if no such person has been so designated or, in his or her absence, the Vice-Chairperson of the Committee, or in the absence of each of these persons, by a temporary Chairperson chosen by a majority of the members present at the meeting.

The Committee shall follow Roberts Rules of Order in conducting its business.

SECTION 14. VACANCIES

Vacancies on the Committee shall exist on the death, resignation, or upon excessive unexcused absences of any member. Excessive unexcused absences are defined as unexcused absences for two consecutive regularly scheduled meetings.

Any member may resign effective upon giving written notice to the Chairperson of the Committee, the Vice-Chairperson, or the Committee, unless the notice specifies a later time for the effectiveness of such resignation.

Vacancies on the Committee may only be filled by the District Governing Board.

SECTION 15. DUTIES OF THE CHAIRPERSON OF THE COMMITTEE

If a Chairperson of the Committee is elected, he or she shall assume all duties normally associated with that office. The Chairperson of the Committee shall conduct the meetings of the Committee. The Chairperson shall, when present, preside at all meetings, and shall see that all orders and resolutions of the Committee are carried into effect. The Chairperson shall: put to a vote and announce the results of actions taken on questions before the Committee; resolve all questions of order (subject to appeal); call special meetings when deemed necessary; and shall exercise and perform such other duties as may be prescribed by the Committee from time to time.

The Board of Education shall appoint the first Chairperson of the Committee. The Board shall appoint a chairperson familiar with Measure D, experienced in supervising public works projects, and capable of leading the Committee during its initial year. After this, the Committee shall select the Chairperson by voting.

SECTION 16. DUTIES OF THE VICE-CHAIRPERSON OF THE COMMITTEE

If a Vice-Chairperson of the Committee is elected, he or she shall assume all duties normally associated with that office. The Vice-Chairperson of the Committee shall conduct the meetings of the Committee should the Chairperson of the Committee be absent.

SECTION 17. AMENDMENT OF BYLAWS

Subject to any provision of applicable law, these Bylaws, or any of them, may be altered, amended, or repealed and new Bylaws adopted by approval of the Governing Board.

SECTION 18. DISTRICT REPRESENTATIVES

The Director of Fiscal Services shall be the District Liaison to the Committee. The Governing Board shall also designate a representative to the Committee.

SECTION 19. BOARD REPORTS

The committee shall make an annual report to the Board of Education prior to the adoption of the budget for the following year.

CERTIFICATE

This is to certify that the foregoing is a true and correct copy of the Bylaws of the Committee named in the title thereto and that such Bylaws were duly adopted by the Governing Board on the date set forth below.

Dated: April 28, 2009

Richard Nicoll
Secretary to Board of Education