

**GENERAL OBLIGATION BONDS - The Hemet Unified School District Measure E Citizens' Oversight Committee Guidelines and Procedures for the March 5, 2002 Measure E General Obligation Bond Election**

**I. Adoption of Guidelines and Procedures - Legal Authority.**

- 1.0 This Hemet Unified School District ("District") Measure E Citizens' Oversight Committee Guidelines and Procedures ("Guidelines and Procedures") is adopted and established by the Governing Board ("Board") of the District pursuant to the provisions and requirements of Article 2 of Chapter 1.5 of Part 5 of Division 1 of Title I of the California Education Code 15264 *et seq.*, (hereinafter the "Law") and pursuant to Education Code Section 35160.

**II. Background.**

- 2.0 On November 7, 2000, California voters approved Proposition 39, the Smaller Classes, Safer Schools and Financial Accountability Act (School Facilities; 55% Local Vote; Bonds, Taxes; Accountability Requirements). The central purpose and legislative intent of Proposition 39 was to ensure that the expenditures of bond measures are in strict conformity with the law; that taxpayers directly participate in the oversight of bond expenditures; and that members of the oversight committees alert the public to any waste or improper expenditure of school construction bond money.

The text of Proposition 39 includes various accountability requirements as further discussed herein. In an effort to increase voter approval for Proposition 39, the California Legislature passed, and Governor Davis signed, Assembly Bill 1908 ("AB 1908"), which provides additional requirements relative to school district general obligation bond elections conducted pursuant to Proposition 39. Those requirements include provisions requiring school districts that are successful in Proposition 39 bond elections to establish and appoint a citizens' oversight committee, as required by the Law. This Guidelines and Procedures were adopted by the District pursuant to the Law in order to provide procedures for the District Measure E Citizens' Oversight Committee ("Measure E Oversight Committee") and to address related matters.

**III. Definitions.**

- 3.0 Unless the context clearly requires otherwise, or a term is differently defined within this Guidelines and Procedures, the terms defined in this Section III shall, for all purposes of this Guidelines and Procedures, have the meaning(s) herein specified:

"**AB 1908**" means Assembly Bill 1908 of the California 2000 Legislative Session, being Chapter 44 of Statutes of 2000.

"**Board**" means the Governing Board of the District.

"**Bonds**" means the general obligation bonds of the District as may be authorized by the approval of Measure E by voters and issued pursuant to State law.

"**Measure E Oversight Committee**" means the Hemet Unified School District Measure E Citizens' Oversight Committee formed and appointed by the Board of the District pursuant to the requirements of the Law, and this Guidelines and Procedures.

"**District**" means the Hemet Unified School District.

"**Election**" means the general obligation bond election on Measure E to be held on March 5, 2002, pursuant to the provisions of Proposition 39 and applicable State law.

"**Law**" means Article 2 of Chapter 1.5 of Part 5 of Division 1 of Title 1 of the California Education Code (being Education Code Sections 15278 *et seq.*).

“**Proposition 39**” means Proposition 39, the smaller classes, safer schools and Financial Accountability Act (school facilities; 55% local vote; bonds, taxes; accountability requirements) as approved by the California electorate on November 7, 2000.

**IV. Establishment of Measure E Oversight Committee.**

4.0 The Board shall establish the Measure E Oversight Committee and initially appoint nine (9) members to the Measure E Oversight Committee, not more than sixty (60) days after the Board’s certification of the Election results in accordance with the purpose, parameters, policies and regulations set forth in California Law and herein. The Board, in its discretion, may increase the number of members of the Measure E Oversight Committee at any time, provided that the Measure E Oversight Committee shall always have an odd number of members.

**V. Purpose of Measure E Oversight Committee.**

5.0 Statutory Purpose. The purpose of the Measure E Oversight Committee shall be to inform the public, at least annually in a written report, concerning the expenditure of Measure E Bond proceeds. In carrying out this purpose the Measure E Oversight Committee shall:

- (a) Actively review and report on the proper expenditure of Measure E Bond proceeds;
- (b) Advise the public as to whether the District is in compliance with the requirements of Article XIII A, Section 1(b)(3) of the California Constitution, which provides that:
  - (i) Measure E Bond proceeds may be expended only for the construction, reconstruction, rehabilitation, or replacement of school facilities, including the furnishing and equipping of school facilities, or the acquisition or lease of real property for school facilities as approved by the voters and as identified in the District’s school facilities project list prepared for Measure E;
  - (ii) Measure E Bond proceeds may not be used for any teacher or administrative salaries or other school operating expenses;
  - (iii) Annual independent performance audits must be performed by an independent consultant selected by the District ; and
  - (v) Annual independent financial audits must be performed by an independent consultant selected by the District.

5.1 The Measure E Oversight Committee shall undertake and accomplish those matters expressly stated in, or directly provided by Resolution No. 1063 State law and this Guidelines and Procedures.

**VI. Measure E Oversight Committee Composition.**

- 6.0 (a) The Measure E Oversight Committee shall initially consist of nine (9) members and at no time consist of less than seven (7) members, subject to the provisions of Section 7.0(d) hereof.
- (b) The Measure E Oversight Committee may not include any employee or official of the District or any vendor, contractor, or consultant of the District.
- (c) The Measure E Oversight Committee shall include all of the following:

- (i) One (1) member who is active in a business organization representing the business community located within the District;
  - (ii) One (1) member who is active in a senior citizen's organization;
  - (iii) One (1) member who is active in a bona fide taxpayer association;
  - (iv) One (1) member shall be the parent or guardian of a child enrolled in the District; and
  - (v) One (1) member shall be both a parent or guardian of a child enrolled in the District and active in a parent-teacher organization, such as the Parent Teacher Association or school site council.
- (d) Five (5) members of the Measure E Oversight Committee must satisfy the requirements set forth in VI, Section 6.0, (c)(i-v) hereof. The five (5) members appointed pursuant to VI, Section 6.0, (c)(i-v), must individually represent one of the five (5) groups set forth in Section 6.0, (c)(i-v) hereof. One member may represent more than one (1) of the groups, so long as the remaining four (4) members individually, distinctly and separately satisfy the remaining four (4) groups. The Measure E Oversight Committee shall keep detailed records of which member represents which group and which member, if any, represents more than one (1) group. In making the appointments of the remaining and additional Measure E Oversight Committee members the Board may, in its discretion, consider the various factors set forth in Section 7.0(d) hereof. The Board may remove a Measure E Citizens' Oversight Measure E Oversight Committee member during his or her tenure consistent with the provisions of applicable law.

**VII. Measure E Oversight Committee Appointments, Term and Vacancies.**

7.0 Appointments.

- (a) The initial members of the Measure E Oversight Committee shall be appointed by the Board not more than sixty (60) days after the Board's certification of the Election results as required by the Law. Appointments must be discussed and made in open session in accordance with Government Code Section 54957.
- (b) The Board will solicit applications for appointment to the Measure E Oversight Committee and require candidates for membership on the Measure E Oversight Committee to submit information on a stated form. Important information regarding the application form and the application process will be posted on the District's website at [www.hemetusd.k12.ca.us](http://www.hemetusd.k12.ca.us). Moreover, applications will be posted and submitted on this website.
- (c) The Board has authorized the Superintendent, or the Superintendent's designee, to advertise for and solicit candidates for consideration of appointment to the Measure E Oversight Committee, review applications submitted to the District for Measure E Oversight Committee membership and make recommendations to the Board to assist the Board in appointing Measure E Oversight Committee members.
- (d) In making its appointments, the Board shall satisfy the necessary statutory membership requirements on the Measure E Oversight Committee as set forth in Section 6.0(c) hereof. In making its appointments to the Measure E Oversight Committee the Board may, in its discretion, consider various factors applicable to each candidate, including, but not limited to, (i) residency within the boundaries of the District, (ii) whether the candidate is a registered voter within the District, and (iii) the professional and educational background of any prospective Measure E Oversight Committee member, which may

include experience in construction, property, facilities management or finance matters or other factors which tend to support or complement the purposes of the Measure E Oversight Committee. The Measure E Oversight Committee shall initially have nine (9) members; however, the Board retains the right to appoint additional members to the Measure E Oversight Committee provided that the Measure E Oversight Committee shall always have an odd number of members. In the event that the Law is amended to require a different or greater number of Measure E Oversight Committee members, the Board shall, within the time set by California law, take action to appoint appropriate Measure E Oversight Committee members as shall be required.

- (e) Any appointee to the Measure E Oversight Committee shall be required to comply with the requirements and limitations of Section 6.0, 7.1, 7.2 and 8.2 hereof.

#### 7.1 Term.

- (a) The Measure E Oversight Committee members shall serve for a term of two years without compensation and at the end of the first term, it is anticipated that one half (½) of the members' terms shall be staggered. Hence, some members serving on the Measure E Citizens' Oversight Committee may not serve for more than one (1) term. Members may be appointed by the Board, in its discretion, for no more than two (2) consecutive terms as provided by the Law. A member of the Measure E Oversight Committee may serve multiple non-consecutive terms as the Board may determine or direct.
- (b) The term of office of a Measure E Oversight Committee member shall end upon the completion of their initial or subsequent two-year term or, in the event that a vacancy for that Measure E Oversight Committee member's position is determined by the Board as set forth in this Guidelines and Procedures.
- (c) The term of office of a Measure E Oversight Committee member may end prematurely in the event that the Measure E Oversight Committee terminates pursuant to the provisions set forth in Section 11.0 hereof.

#### 7.2 Vacancies.

- (a) In the event that any vacancy on the Measure E Citizens' Oversight Committee occurs, by way of resignation or otherwise, the Board may, in its discretion, appoint a replacement Measure E Citizens' Oversight Committee member for each vacancy to serve for the remainder of the unexpired term of the vacating Measure E Citizens' Oversight Committee member in a manner it determines to be consistent with applicable law.
- (b) In the event a vacancy is determined, such Measure E Oversight Committee position shall remain vacant until the Board appoints a new Measure E Oversight Committee member for that position. Following the determination of the vacancy on the Measure E Oversight Committee, the Board shall follow the procedures set forth in Section 7.0 hereof to fill such vacancy within a reasonable period of time. The power to fill vacancies on the Measure E Oversight Committee is expressly reserved to the Board.
- (c) In making appointments to fill vacancies as set forth in this Section VII, the Board shall make appointments such that the five (5) representative groups, as set forth in Section 6.0(c) and (d) hereof, shall be maintained.

### **VIII. Service on Measure E Oversight Committee.**

- 8.0 Service Without Compensation. As set forth in the Law, members of the Measure E Oversight Committee shall serve without compensation.

- 8.1 Non-Liability for District Debts. The private and personal property of the Measure E Oversight Committee members shall be exempt from execution or other liability for any debts, liabilities or obligations of the District or the Measure E Oversight Committee, and no Measure E Oversight Committee members shall be personally liable or responsible for any debts, liabilities or obligations of the District or the Measure E Oversight Committee except where expressly set forth in California law.
- 8.2 Conflicts of Interest and Prohibited Actions. It is the express desire and intention of the Board that members of the Measure E Oversight Committee shall not be, or have, any financial interest in the matters which they review. All Measure E Oversight Committee members shall be subject to the following requirements:
- (a) Each member, as a condition of membership on the Measure E Oversight Committee, may be requested to sign a certification declaring that he or she has no conflict of interest as to the issues which shall be before the Measure E Oversight Committee.
  - (b) Each member shall expressly be subject to the limitations and requirements of Article 4 of Division 4 of Title 1 of the California Government Code, being Government Code Sections 1090, *et seq.*
  - (c) Each member shall expressly be subject to the limitations and requirements of Article 4.7 of Division 4 of Title 1 of the California Government Code, being Government Code Sections 1125, *et seq.*
  - (d) Each member shall submit required Statements of Economic Interests, including filing annual Statements of Economic Interests, pursuant to the District's current Conflict of Interest Code and California Government Code Section 81008. All such Statements of Economic Interests shall be filed with the District and shall be available for public review as required by California Government Code Section 81000, *et seq.* Each member of the Measure E Oversight Committee shall be furnished with a copy of the District's current Conflict of Interest Code upon him or her taking office as a Measure E Oversight Committee member. Additionally, all persons appointed to the Measure E Oversight Committee shall be provided with a copy of this Guidelines and Procedures and any amendments thereto.
  - (e) Each member shall perform his or her duties in an impartial manner, free from bias caused by his or her own financial interests or the financial interests of persons who have supported him or her. (Government Code 8100 *et seq.*) Each Measure E Oversight Committee member is obligated to discharge his or her responsibilities with integrity and fidelity.

**IX. Measure E Oversight Committee Activities and Meetings.**

- 9.0 Activities of the Measure E Oversight Committee. In furtherance of its specifically enumerated purposes, the Measure E Oversight Committee may engage in any of the following activities relating solely and exclusively to the expenditure of the Measure E Bond proceeds as set forth in Section IX of the Guidelines and Procedures:
- (a) Receive and review copies of the annual performance audits conducted by an independent consultant selected by the District to ensure that Measure E bond funds have been expended on the specific projects identified in the District's Measure E school facilities project list;
  - (b) Receive and review copies of the annual financial audits conducted by an independent consultant selected by the District to ensure that Measure E bond funds have been

expended on the specific projects identified in the District's Measure E School Facilities Project list;

- (c) Inspect school facilities and grounds, during normal District business hours, to ensure that Measure E Bond proceeds are expended for the purposes set forth in the bond measure approved by the voters;
- (d) Receive and review copies of any deferred maintenance proposal or plans developed by the District;
- (e) Review efforts by the District to maximize Measure E Bond revenues by implementing cost-saving measures, including, but not limited to:
  - (i) Mechanisms designed to reduce the cost of professional fees;
  - (ii) Mechanisms designed to reduce the costs of site preparation;
  - (iii) Recommendations regarding the joint use of core facilities;
  - (iv) Mechanisms designed to reduce costs by incorporating efficiencies in school site design; and
  - (v) Recommendations regarding the use of cost-effective and efficient reusable plans.
- (f) The Measure E Oversight Committee shall issue written regular reports of the results of its activities. The Measure E Oversight Committee must issue at least one (1) report each year.

9.1 Brown Act Compliance; Public Records.

- (a) Regular meeting dates, time, and place shall be established by the Measure E Oversight Committee and published/posted in accordance with the Ralph M. Brown Act (being Government Code Sections 54950 *et seq.*) and applicable District posting procedures. All Measure E Oversight Committee proceedings shall be open to the public and shall be subject to the provisions of the Ralph M. Brown Act. The Measure E Oversight Committee may adopt rules and regulation guidelines or similar procedures as may be necessary or desirable in order to comply with the requirements of the Ralph M. Brown Act. These rules and procedures may be enacted by ordinance or resolution.
- (b) All documents received by the Measure E Oversight Committee, Measure E Oversight Committee minutes and reports issued by the Measure E Oversight Committee shall be a matter of public record and shall initially be available on the District's website at [www.hemetusd.k12.ca.us](http://www.hemetusd.k12.ca.us).

9.2 Rules of Procedure and Decorum. The Measure E Oversight Committee may establish rules for the conduct of the Measure E Oversight Committee's proceedings. These rules may be enacted by ordinance or resolution. The rules must be congruent with fundamental concepts as to notice and hearings. Rules of conduct and proceedings must be reasonable and not arbitrary or capricious.

**X. Technical and Administrative Support.**

10.0 Statutory Requirement. The Board, without any use of Measure E Bond proceeds, shall provide the Measure E Oversight Committee with:

- (a) All reasonable necessary technical assistance and reasonable administrative assistance in furtherance of the Measure E Oversight Committee's purpose; and

- (b) Sufficient resources to publicize the Measure E Oversight Committee's conclusions, all documents received by the Measure E Oversight Committee, minutes from the Measure E Oversight Committee's meetings and reports issued by the Measure E Oversight Committee (including establishing, operating and updating the Measure E Oversight Committee Internet Website).
- (c) The Board shall have the discretion to determine what type, manner or means of technical and administrative assistance is necessary to assist the Measure E Oversight Committee in achieving its purpose.
- (d) The Board may also appoint or designate District staff to provide reasonable technical and administrative assistance to the Measure E Oversight Committee. The Board shall also consider any recommendations or suggestions made by the Measure E Oversight Committee members regarding the technical and administrative support.

10.1 Administrative Support. Administrative support provided by District staff to the Measure E Oversight Committee shall include all of the following:

- (a) Preparing, mailing and posting agendas for meetings of the Measure E Oversight Committee in compliance with the Ralph M. Brown Act;
- (b) Preparing and submitting documents (including agenda materials) to the Measure E Oversight Committee members and to members of the public in compliance with the Ralph M. Brown Act;
- (c) Arranging for meeting locations and preparing meeting facilities for scheduled meetings of the Measure E Oversight Committee;
- (d) The taking, transcribing, providing and maintaining of minutes of the Measure E Oversight Committee meetings which minutes shall, at a minimum, include an identification of all Measure E Oversight Committee members present and absent at any meeting of the Measure E Oversight Committee and a statement of the vote on each issue of business directed, determined or set out by the Measure E Oversight Committee; and
- (e) Maintaining Measure E Oversight Committee records and responding to Public Records Act requests directed to the Measure E Oversight Committee by the public. Public Records Act requests and responses shall be handled according to the same procedures as are applicable to the District in accordance with applicable law and the current requirements of the Public Records Act. (Government Code Section 6250 *et seq.*).

10.2 Technical Support. Technical support provided by District staff to the Measure E Oversight Committee shall include all of the following:

- (a) Arranging tours and inspections of school facilities and grounds, during normal District business hours, as may be reasonably scheduled by the Measure E Oversight Committee as set forth in Section 9.0(c) above.
- (b) Providing audits, and written reports as provided for in Section 9.0 above, and providing, operating, maintaining and updating the Measure E Oversight Committee Internet Website as set forth in Section 10.3, hereof.
- (c) The District shall, in compliance with Section 10.0, 10.1 and 10.2 hereof, provide sufficient administrative support and technical resources to conform with the directives and requirements set forth in the Law and within this Guidelines and Procedures. In covering such costs, the District shall cover such costs as are reasonably necessary or

required under State law and this Guidelines and Procedures in furtherance of the Measure E Oversight Committee's express purpose. In the event of a question relating to whether an expense of the Measure E Oversight Committee is reasonably necessary, such determination shall lie within the purview of the Superintendent of the District, who shall have the responsibility to provide a final determination on approval of such cost(s).

10.3 Measure E Oversight Committee Internet Website. Education Code Section 15280(b) requires that certain documents relating to the Measure E Oversight Committee be made available on an internet website maintained by the Board. Information pertaining or relating to the Measure E Oversight Committee shall appear on the District's website at [www.hemetusd.k12.ca.us](http://www.hemetusd.k12.ca.us), until such time the Board decides to create and establish a Measure E Oversight Committee Internet Website. The cost to operate, maintain and update the Measure E Oversight Committee Internet Website shall be the responsibility of the District. The Measure E Oversight Committee Internet Website may be included within an existing website operated by the District or may be operated separately. The following documents and information shall appear on the applicable internet website at [www.hemetusd.k12.ca.us](http://www.hemetusd.k12.ca.us) and shall be updated from time to time:

- (a) Minutes of Measure E Oversight Committee meetings;
- (b) Reports issued by the Measure E Oversight Committee; and
- (c) Documents received by the Measure E Oversight Committee.

10.4 Presentation of Reports. Reports, including the annual report of the Measure E Oversight Committee, and recommendations of the Measure E Oversight Committee shall be presented to the Board. Measure E Oversight Committee recommendations for specific actions shall be forwarded to the Board and such District staff members as such recommendations shall concern.

#### **XI. Termination of Measure E Oversight Committee; Records.**

11.0 The term of the Measure E Oversight Committee shall expire at the end of the fiscal year in which:

- (a) All Proposition 39, Measure E Bond proceeds and earnings thereon have been expended;
- (b) The Measure E Oversight Committee has issued its final annual report as required under Section 9.0(f) above; and
- (c) The Measure E Oversight Committee has completed and conducted its final meeting which shall be scheduled after notice of 11.0(a) hereof occurs.

11.1 All records of the Measure E Oversight Committee shall be kept by the District (pursuant to its records retention policy) for a period of at least two (2) years after the termination of the Measure E Oversight Committee as provided for herein.

#### **XII. Delegation of Board's Authority.**

12.0 The Board has delegated the Superintendent, or the Superintendent's designee, to assist the Board in implementing the provisions, sections, terms and sub-sections of this Guidelines and Procedures.

#### **XIII. Amendment of Guidelines and Procedures.**

13.0 The Guidelines and Procedures set forth herein shall be subject to such later and further amendments to the extent permissible by applicable law.

Adopted: February 5, 2002.