

Governing Board

Grossmont-Cuyamaca Community College District

Telephone: 644-7682

Action

Subject: CITIZENS' BOND OVERSIGHT COMMITTEE
REVISED BYLAWS

Date: MAY 21, 2013

1. PROPOSAL

Approve the revised Bylaws of the Citizens' Bond Oversight Committee, as recommended by the Chancellor.

2. INFORMATION IN SUPPORT OF PROPOSAL

a. Summary of Issue

Sections I.A1., *Membership on the Citizens' Bond Oversight Committee*, and I.D.1., *Term(s)*, of the current Citizens' Bond Oversight Committee (CBOC) Bylaws provide that members shall serve for a term of not more than two years and for not more than two consecutive terms.

California State Assembly Bill (AB) 1199, as amended June 13, 2012, extends the number of terms that a member of a local bond citizens' oversight committee may serve from two to three consecutive terms. It is necessary to revise Sections I.A.1 and I.D.1. of the Bylaws to reflect the language of AB 1199. The Governing Board is asked to approve the revised Bylaws (Attachment A) of the CBOC.

b. Background

Proposition R and *Proposition V* are Grossmont-Cuyamaca Community College District General Obligation Bonds authorized by *Proposition 39*. *Proposition R* was passed by the voters on November 5, 2002, and *Proposition V* was passed by voters on November 6, 2012. *Proposition 39*, its enabling legislation, and the California Education Code, require that the Governing Board appoint an independent Citizens' Bond Oversight Committee (CBOC).

Section V., *Amendment*, of the current Citizens' Bond Oversight Committee Bylaws provides that the Bylaws may be amended by either a two-thirds majority vote of the Committee if ratified by a majority vote of the Governing Board, or a two-thirds vote of the Governing Board.

c. Support of Strategic Planning

- (1) Efficient and effective operation of the District; and
- (2) Sound fiscal management, fiscal stability, and accountability.

Recommended:

Approved for Consideration:

Sue Rearic, Vice Chancellor Business Services

Cindy L. Miles, Chancellor

Docket Item No.

202.1

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d. **Fiscal Impact**

There is no fiscal impact.

3. **BOARD ACTION**

The Governing Board grants authority to take action as specified in Item One of this docket exhibit.

Docket Item No.

202.2

Bylaws

The Independent Citizens' Bond Oversight Committee

Education Code Section 15264 et.seq.

Adopted:

I. Membership — Appointment, Qualifications, and Term of Office

A. Membership on the Citizens' Bond Oversight Committee

1. The committee shall consist of a minimum of ten (10) members to serve for a term of two (2) years and for no more than three (3) consecutive terms. Members shall serve without compensation. All members shall be residents of the District.

The committee shall be comprised of at least:

- One member active in a business organization representing the business community located within the district;
 - One member active in a senior citizen's organization;
 - One member active in a bona fide taxpayer's organization;
 - One member who is a student enrolled in good standing in Cuyamaca College for a minimum of six units of credit and active in a college group, such as the Associated Students organization. The student may serve up to six (6) months after his or her graduation;
 - One member who is a student enrolled in good standing in Grossmont College for a minimum of six units of credit and active in a college group, such as the Associated Students organization. The student may serve up to six (6) months after his or her graduation;
 - One member who is an active member of a Cuyamaca or Grossmont College advisory committee;
 - One member who is active in the Foundation for Grossmont and Cuyamaca Colleges;
 - One member acceptable to the San Diego Building and Construction Trades Council;
 - One member who is a qualified professional in a construction-related field such as architecture, construction management or civil engineering.
 - One member who is a qualified professional in a financial or accounting-related field.
2. No employee, official, vendor, contractor, or consultant of the District shall be appointed to the committee.

B. The Governing Board will provide for appointing or reappointing the members of the CBOC through the following process:

1. The Chancellor will solicit nominations and applications through news releases, appropriate District newsletters and Web notifications as it relates to proposed new members, and a written statement of intent to continue as a member as it relates to an existing member(s) who is qualified to serve an additional term.

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2. The Chancellor will review the applications received and consult with the Chair of the CBOC. The Chancellor will make recommendations to the Governing Board.
3. The Governing Board will review the recommendations and in a duly noticed public session of the Board will make a final decision regarding appointments.
4. The nomination of a member who is active in the Foundation for Grossmont and Cuyamaca Colleges (Foundation) shall be solicited from the Board of the Foundation.
5. The nominations for members who are students enrolled in good standing and who are active in a college group shall be solicited from the respective associated student organization by the presidents of the two colleges. If an associated student organization is unable to provide a nominee to the college president in a timely manner, the college president may directly nominate a qualified student to the chancellor.

C. General Qualifications

1. Employees and Employee Representatives:

No current employee of the District may be appointed as a member of the CBOC. Any District employee representative to the Committee may participate in the Committee's deliberations but may not cast a vote as a committee member or otherwise participate in any similar form of formal decision making.

2. Interested Vendors:

No vendor, contractor, or consultant of the District shall be appointed to the CBOC.

3. Elected Officials:

Elected officials are eligible to be members of the CBOC if they do not engage in any activity outside of their CBOC membership that is incompatible or in conflict with duties or responsibilities related to the CBOC. (Ref. Government Code 1125)

D. Term(s)

1. Members of the CBOC shall serve, without compensation, for a term of not more than two years and for not more than three consecutive terms. Lots will be drawn in the first year so that one half of the group will serve a one-year term in their first cycle. This will allow for staggered terms within the Committee and greater continuity of information shared within the membership. The additional Board terms shall be computed as of July 1, 2003.

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2. The community college student may, at the discretion of the Governing Board, serve up to six months after his or her graduation.
3. Any CBOC member wishing to serve their final term of two (2) years may request re-appointment by directing a letter of intent to the Governing Board, via the Chancellor, within 60 days prior to the expiration of their first term.

E. Removal From Membership; Vacancy

Members of the CBOC may be removed by the Governing Board for cause including the member's failure to attend without prior notice two (2) consecutive Committee meetings, or a total of three (3) meetings in one calendar year, or for failure to comply with the CBOC's ethics policy statement (please see Exhibit "A" attached, with the understanding that where relevant "Members of the Board" and "Governing Board of the Grossmont-Cuyamaca Community College District" will be substituted with "CBOC Member"). Upon a member's removal, his or her seat shall be declared vacant. The seat shall also be declared vacant due to the death, disability or resignation of a member.

F. Process for Replacement

If mid-term vacancies occur, as described in Sub-Section E above, the process for replacement shall generally follow the same process as for regular appointments. The Chancellor, with the concurrence of the Governing Board, may adjust the processes as may be reasonably necessary for the particular circumstances.

II. Authority

A. CBOC Role

1. The role of the Citizens' Bond Oversight Committee shall be as set forth in Education Code Section 15264 as that section now exists or may heretofore be amended. Specific duties shall be to inform the public concerning the District's expenditure of revenues received from the sale of general obligation bonds authorized by the voters on November 5, 2002 (Proposition R), and November 6, 2013 (Proposition V). In particular, the Committee will provide oversight ensuring that:
 - a. Bond revenues are expended only for the construction, reconstruction, rehabilitation, or replacement of college facilities, including the furnishing and equipping of District facilities, or the acquisition or lease of real property for college facilities; and,
 - b. No bond revenues are expended for any teacher or administrative salaries or other college operating expenses.
2. To carry out its role, the Citizens' Bond Oversight Committee may:
 - a. Receive and review the independent performance audit conducted by the District Governing Board. Such review shall be for the purpose of ensuring that the proceeds from the sale of school facilities bonds are used for the projects specified in Proposition R and Proposition V only, and not for teacher and administrator salaries or other college operating expenses. Upon completion of

review of the performance audit, the Committee shall promptly communicate its conclusions to the Governing Board;

- b. Receive and review copies of the annual independent financial audit of the bond revenues and expenditures;
 - c. Inspect District facilities and grounds to ensure that the bond revenues are expended in compliance with the requirements of paragraph (3) of subdivision (b) of Section 1 of Article XIII A of the California Constitution;
 - d. Receive and review copies of deferred maintenance proposals or plans developed by the District; and,
 - e. Review efforts by the District to maximize bond revenues by implementing various cost saving measures.
- B. Legal Capacity of the CBOC
1. The CBOC is the citizens' advisory committee established pursuant to the Education Code Section 15264, et. seq.
 2. The CBOC's legal authority shall be as set forth in Education Code 15264, et. seq.
- C. Authority of Individual Committee Members
1. No individual committee members shall have the authority to direct District staff.
- D. Selection of Chair
1. The Governing Board, as represented by the Chancellor, shall designate the initial Chair for the CBOC.
 2. Thereafter, the chair for the CBOC will be selected annually at the first meeting held on or after July 1, or as vacancies may occur. The chair shall serve at the pleasure of the Committee.
- E. Selection of Vice Chair
1. The CBOC Chair shall designate the initial Vice Chair for the CBOC.
 2. Thereafter, the Vice Chair for the CBOC will be selected annually at the first meeting held on or after July 1, or as vacancies may occur. The Vice Chair shall serve at the pleasure of the Committee.
- F. Other CBOC Offices
1. Other CBOC offices may be created by a majority vote of the CBOC.
 2. Any newly created offices may initially be appointed by the CBOC Chair.

3. Thereafter, other CBOC offices will be selected annually at the first meeting held on or after July 1, or as vacancies may occur. Other CBOC officers shall serve at the pleasure of the Committee.

III. Procedures for CBOC Meetings and Support

A. District Staffing Support of the Committee

1. Reasonable staffing shall be provided by the District to the CBOC without charge to the bond funds.
2. The management-level staff person for the CBOC will report to the Chancellor.
3. Staffing levels are within the discretion of the Chancellor, but the CBOC may make recommendations regarding their respective staffing needs.
4. The Chancellor may seek input from individual Committee members regarding the evaluation of staff members' work as related to CBOC activities.
5. District staff shall support specific requests from the CBOC as necessary to comply with public meeting laws.

B. Legal Counsel

The Chair of the CBOC may seek District legal counsel as necessary through the Chancellor at the sole expense of the District. The CBOC does not have a separate legal capacity from the District and the Committee may not obtain other legal counsel without authorization from the Chancellor or the Governing Board.

C. Defense and Indemnity

In accordance with and subject to the terms of the Tort Claims Act (Government Code Sections 810-996-4) the District has a duty to defend and indemnify volunteers acting within the course and scope of their volunteer duties. In the event of litigation naming the CBOC, or the individual members, the Governing Board shall as required by law provide counsel for the CBOC, and shall promptly determine whether to provide counsel for individual members.

IV. Conduct of Meetings

A. Quorum

A quorum of the CBOC shall consist of 50% plus one member of the current roll of members of the CBOC.

B. Public Meetings

1. The CBOC will meet no less than once per month unless determined otherwise by a majority vote, with at least six members voting.

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2. The CBOC is subject to the open meeting laws of the State of California.
3. Notices and agendas regarding the CBOC shall be posted in the same locations as the notices and agendas regarding the Governing Board meetings.
5. The Chancellor will provide each member of the committee a current copy of the open meeting laws of the State of California.

C. Reports

At least once a year the committee shall issue a report on the result of its activities. Minutes from its proceedings, all documents received, and reports issued are a matter of public record. All minutes, documents received by, and reports issued by the CBOC shall be made available on an Internet website maintained by the District.

- D. Except as otherwise provided by its by-laws or applicable law, the CBOC shall conduct meetings in accordance with *Parliamentary Procedure*, based on the principles of Robert's Rules of Order, as applicable to small committees.

V. Amendment

These By-Laws may be amended by (i) a two-thirds majority vote of the Committee if ratified by a majority vote of the Governing Board, or (ii) a two-thirds majority vote of the Governing Board.