
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

45 public shall come from the Chair acting on behalf of the Committee. The Chair shall
46 only release information that reflects the majority view of the Committee in the actions
47 taken.

48 49 **E. Review Expenditures**

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51 The Committee shall review expenditure reports produced by the District to ensure
52 that (a) bond proceeds were expended only for the purposes set forth in the ballot
53 measure; and (b) no bond proceeds were used for any teacher or administrative
54 salaries or other operating expenses in compliance with Attorney General Opinion 04-
55 110, issued on November 9, 2004.

56 57 **F. Annual Report**

58
59 The Committee shall present to the Board, in public session, no later than March 31
60 following each fiscal year, an annual written report which shall include the following:

- 61
62 1. A statement indicating whether the District is in compliance with the
63 requirements of Article IIIA, Section 1(b)(3) of the California Constitution; and
64
- 65 2. A summary of the Committee's proceedings and activities for the preceding year.
66

67 **G. Duties of the Board/Chancellor**

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

- 72 • Approval of contracts,
- 73 • Approval of change orders,
- 74 • Expenditures of bond funds,
- 75 • Handling of all legal matters,
- 76 • Approval of project plans and schedules,
- 77 • Approval of Deferred Maintenance Plan, and
- 78 • Approval of the sale of bonds.
79

80 **H. Authorized Activities**

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

- 84
85 1. Receive copies of the District's annual independent performance audit and annual
86 independent financial audit, required by Prop 39 (Article XIII A of the California
87 Constitution) (together, the "Audits") at the same time said Audits are submitted to the
88 District, and review the Audits.
89

90 2. Inspect District facilities and grounds for which bond proceeds have been or will be
91 expended, in accordance with any access procedure established by the District's Vice
92 Chancellor, Business & Fiscal Services.

93
94 3. Review copies of deferred maintenance proposal or plans developed by the District.
95

96 4. Review efforts by the District to maximize bond proceeds by implementing various
97 cost-saving measures.
98

99 5. Receive from the Board, within three months of the District receiving the Audits,
100 responses to any and all findings, recommendations, and concerns addressed in the
101 Audits, and review said responses.
102

103 **I. Membership**

104 **1. Number.**

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106 The Committee shall consist of a minimum of seven (7) members appointed by the
107 Board of Trustees from a list of candidates submitting written applications, and based
108 on criteria established by Proposition 39, to wit:
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- 110 • One (1) student enrolled and active in a community college support group, such
111 as student government.
- 112 • One (1) member active in a business organization representing the business
113 community located in the District.
- 114 • One (1) member active in a senior citizens' organization.
- 115 • One (1) member active in a bona-fide taxpayers association, which includes
116 the League of Women Voters.
- 117 • One (1) member active in a support organization for the college, such as a
118 foundation.
- 119 • Two (2) members of the community at-large.
120

121 **2. Qualification Standards**

122 To be a qualified person, he or she must be at least 18 years of age. The Committee
123 may not include any employee, official of the District or any vendor, contractor or
124 consultant of the District.
125
126

127 **3. Ethics: Conflicts of Interest.**

128 (a) Members of the Committee are not subject to the Political Reform
129 Act (Gov. Code §§ 81000 *et seq.*), and are not required to complete Form 700; but
130 each member shall comply with the Committee Ethics Policy attached as
131 "Attachment A" to these Bylaws.
132
133

134 (b) Pursuant to Section 35233 of the Education Code, the prohibitions
135 contained in Article 4 (commencing with Section 1090) of Division 4 of Title 1 of
136 the Government Code ("Article 4") and Article 4.7 (commencing with Section 1125)
137 of Division 4 of Title 1 of the Government Code ("Article 4.7") are applicable to
138 members of the Committee. Accordingly:

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

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

151 **4. Term**

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153 Except as otherwise provided herein, each member shall serve a term of two (2) years,
154 beginning on the month immediately following the member's appointment by the
155 Board. No member may serve more than three (3) consecutive terms. At the
156 Committee's first meeting, members will draw lots or otherwise select a minimum of
157 two members to serve for an initial one (1)-year term and the remaining members for
158 an initial two (2) -year terms. Members whose terms have expired may continue to
159 serve on the Committee until a successor has been appointed.
160

161 **5. Appointment**

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163 Members of the Committee shall be appointed by the Board through the following
164 process: (a) the District will advertise in the local newspapers, on its website, and in
165 other customary forums, as well as solicit appropriate local groups will be solicited for
166 applications; (b) the Chancellor or designee will review the applications; and (c) the
167 Chancellor or designee will make recommendations to the Board.
168

169 **6. Removal; Vacancy.**

170
171 The Board may remove any Committee member for any reason, including failure to
172 attend two consecutive Committee meetings without reasonable excuse or for failure
173 to comply with the Committee Ethics Policy. Upon a member's removal, his/ or her
174 seat shall be declared vacant. The Board, in accordance with the established
175 appointment process shall fill any vacancies on the Committee. The Board shall seek
176 to fill vacancies within 90 days of the date of occurrence of a vacancy.
177

178 **7. Compensation**

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180 The Committee members shall not be compensated for their services.

181

182 **J. Authority of Members**

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

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

188

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

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

193

194 **K. Meetings of the Committee**

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196 **1. Regular Meetings.**

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

201

202 **2. Location.**

203

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

206

207 **3. Procedures.**

208

209 All meetings shall be open to the public in accordance with the Ralph M. Brown Act,
210 Government Code Sections 54950 et seq. Meetings shall be conducted according to
211 such additional procedural rules as the Committee may adopt. A majority of the number
212 of Committee members shall constitute a quorum for the transaction of any business
213 except adjournment.

214

215 **4. District Support.**

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217 The District shall provide to the Committee necessary technical and administrative
218 assistance as follows:

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220 a. Preparation of and posting of public notices as required by the Brown Act,
221 ensuring that all notices to the public are provided in the same manner as notices
222 regarding meetings of the District Board;

223

- 224 **b.** Provision of a meeting room, including any necessary audio/visual equipment;
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226 **c.** Preparation and copies of any documentary meeting materials, such as agendas
227 and reports; and
228
229 **d.** Retention of all Committee records, and providing public access to such records
230 on an Internet website maintained by the District.
231
232 **e.** District staff and/or District consultants shall attend all Committee proceedings
233 in order to report on the status of projects and the expenditures of bond proceeds.
234
235 **f.** No bond proceeds shall be used to provide District support to the Committee.
236

237 **L. Reports**

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239 In addition to the Annual Report required in Section 3.3, the Committee may report to
240 the Board from time to time in order to advise the Board on the activities of the
241 Committee. Such report shall be in writing and shall summarize the proceedings and
242 activities conducted by the Committee.
243

244 **M. Officers**

245
246 The Chancellor shall appoint the initial Chair. Thereafter, the Committee shall elect a
247 chair and a vice-chair who shall act as chair only when the chair is absent. The Chair
248 and Vice Chair shall serve in such capacities for a term of one year and may be re-
249 elected by vote of a majority of the members of the Committee.
250

251 **N. Amendment of Bylaws**

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253 Any amendment to these Bylaws shall be approved by a majority vote of the Board.
254

255 **O. Termination**

256
257 The Committee shall automatically terminate and disband concurrently with the
258 Committee's submission of the final Annual Report which reflects the final accounting
259 of the expenditure of all bond proceeds.
260

261 **P. Conflict of Interest**

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263 A Committee member shall not make or influence a District decision related to: (1) any
264 contract funded by bond proceeds, or (2) any construction project which will benefit
265 the Committee member's outside employment, business, or a personal finance or
266 benefit an immediate family member, such as a spouse, child, or parent.
267

268 **Q. Outside Employment**

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270 A Committee member shall not use his/ her authority over a particular matter to
271 negotiate future employment with any person or organization that relates to: (1) any
272 contract funded by bond proceeds, or (2) any construction project. A Committee
273 member shall not make or influence a District decision related to any construction
274 project involving the interest of a person with whom the member has an agreement
275 concerning current or future employment, or remuneration of any kind. For a period
276 of two (2) years after leaving the Committee, a former Committee member may not
277 represent any person or organization for compensation in connection with any matter
278 pending before the District that, as a Committee member, he/ ~~er~~ she participated in
279 personally and substantially. Specifically, for a period of two (2) years after leaving
280 the Committee, a former Committee member and the companies and businesses for
281 which the member works shall be prohibited from contracting with the District with
282 respect to: (1) bidding on projects funded by the bond proceeds; and (2) any
283 construction project.

284
285 **R. Commitment to Uphold Law**

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287 A Committee member shall uphold the federal and California Constitutions, the laws
288 and regulations of the United States and the State of California (particularly the
289 Education Code) and all other applicable government entities, and the policies,
290 procedures, rules and regulations of the San Bernardino Community College District.

291
292 **S. Commitment to District**

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

296
297 **References:** Education Code Sections 15278, 15280 and 15282

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