

BYLAWS of the CITRUS COLLEGE CITIZENS' OVERSIGHT COMMITTEE

Revised 2/2/21

Section 1. Committee Established. The Citrus Community College District (the "District") was successful at the election conducted on March 2, 2004 (the "2004 Election"), in obtaining authorization from the District's voters to issue up to \$121,000,000 aggregate principal amount of the District's general obligation bonds ("Measure G"), and at the election conducted on November 3, 2020 (the "2020 Election"), in obtaining authorization from the District's voters to issue up to \$298,000,000 aggregate principal amount of the District's general obligation bonds ("Measure Y"). Each election was conducted under Proposition 39, being chaptered as the Strict Accountability in Local School Construction Bonds Act of 2000, at Section 15264 *et seq.* of the Education Code of the State ("Prop 39"). Pursuant to Section 15278 of the Education Code, the District is obligated to establish the Committee in order to satisfy the accountability requirements of Prop 39 under both Measure G and Measure Y. The Board of Trustees of the Citrus Community College District (the "Board") has previously established its Citizens' Oversight Committee (the "Committee"), in compliance with the requirements of Prop 39 and Measure G; the Board wishes to reestablish the Committee to provide the oversight required under Measure Y as well, and to set forth under these Bylaws the duties and rights of the Committee in meeting its obligations under Prop 39. The Committee has no legal capacity independent from the District.

Section 2. Purposes. The purposes of the Committee are set forth in Prop 39, and these Bylaws are specifically made subject to the applicable provisions of Prop 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 Prop 39.

The proceeds of general obligation bonds issued pursuant to the Election are hereinafter referred to as "bond proceeds." The Committee shall provide oversight on expenditures of bond proceeds generated under either Measure G or Measure Y. Regular and deferred maintenance projects and all monies generated from other sources or under other programs shall fall outside the scope of the Committee's review.

Section 3. Duties. To carry out its stated purposes, the Committee shall perform the following duties, which constitute a summary of pertinent provisions of Prop 39:

- 3.1 Inform the Public.** The Committee shall inform the public concerning the District's expenditure of bond proceeds.
- 3.2 Review Expenditures.** The Committee shall review expenditure reports produced by the District to ensure that (a) bond proceeds are expended only for the purposes set forth in the Project Lists approved as a part of Measure G or Measure Y (the "Projects"); and (b) no bond proceeds are used for any teacher or administrative salaries or other operating expenses.
- 3.3 Annual Report.** The Committee shall present to the Board, in public session, an annual written report, which shall include the following:
 - (a) A statement indicating whether the District is in compliance with the requirements of Article XIII A, Section 1(b)(3)(C) of the California Constitution; and
 - (b) A summary of the Committee's proceedings and activities for the preceding year.
- 3.4 Duties of the Board and Superintendent/President.** Either the Board or the Superintendent/President, or his or her designee, as the Board shall determine, shall have the following powers reserved to it, and the Committee shall have no jurisdiction over the following types of activities:

- (i) Approval of construction contracts,
- (ii) Approval of construction change orders,
- (iii) Expenditure of construction funds,
- (iv) Handling of legal matters,
- (v) Approval of construction plans and schedules,
- (vi) Approval of all deferred maintenance plans,
- (vii) Approval of the sale of bonds authorized under Measure G or Measure Y.

3.5 Voter-Approved Projects Only. In recognition of the fact that the Committee is only charged with overseeing the expenditure of bond proceeds, the Board hereby excludes from Committee review, the following:

- (a) Projects financed through the State of California, developer fees, redevelopment tax increment, certificates of participation, lease/revenue bonds, the general fund or the sale of surplus property without bond proceeds, each of which shall be outside the authority of the Committee.
- (b) The establishment of priorities and order of construction for the Projects, which shall be set by the Board in its sole discretion.
- (c) The selection of architects, engineers, soils engineers, construction managers, project managers, CEQA consultants and such other professional service firms as are required to complete the projects based on District criteria established by the Board in its sole discretion.
- (d) The approval of the design for each Project including exterior materials, paint color, interior finishes, site plan and construction methods (modular vs. permanent) by the Board in its sole discretion.
- (e) The selection of independent audit firm(s), performance audit consultants and such other consultants as are necessary to support the activities of the Committee.
- (f) The approval of an annual budget for the Committee that is sufficient to carry out the activities set forth in Prop 39 and included herein.
- (g) The appointment or reappointment of qualified applicants to serve on the Committee, subject to legal limitations, and based on criteria adopted in the Board's sole discretion as part of carrying out its function under Prop 39.

Section 4. Authorized Activities.

4.1 In order to perform the duties set forth in Section 3, the Committee may engage in the following authorized activities:

- (a) Receive and review copies of the District's annual independent performance audits and annual independent financial audits, required by Article XIII A of the California Constitution.
- (b) Inspect college facilities and grounds for which bond proceeds have been or will be expended, subject to any access procedures established by the District's Superintendent/President or his or her designee.

- (c) Review copies of deferred maintenance proposal or plans developed by the District.
- (d) Review efforts by the District to maximize bond proceeds by implementing various cost-saving measures.

Section 5. Membership.

- 5.1 Number.** The Committee shall consist of a minimum of seven (7) members appointed by the Board from a list of candidates having submitted written applications, and based on criteria established by Prop 39, to wit:
- One (1) student enrolled and active in a college support group, such as student government.
 - One (1) member active in a business organization representing the business community located in the District.
 - One (1) member active in a senior citizen's organization.
 - One (1) member active in a bona-fide taxpayers association.
 - One (1) member active in a support organization for the college, such as the Foundation.
 - Two (2) members of the community at large.
- 5.2 Qualification Standards.**
- (a) To be a qualified person, he or she must be at least 18 years of age.
 - (b) The Committee may not include any employee, official of the District or any vendor, contractor or consultant of the District, or the immediate family members of same.
- 5.3 Ethics: Conflicts of Interest.** By accepting appointment to the Committee, each member agrees to comply with Articles 4 (commencing with Section 1090) and 4.7 (commencing with Section 1125) of Division 4 of Title 1 of the Government Code. Additionally, each member shall comply with the Committee Ethics Policy attached as "Attachment A" to these Bylaws.
- 5.4 Term.** Except as otherwise provided herein, each member shall serve a term of two (2) years, commencing on the date of the first meeting of the Committee. No member may serve more than three (3) consecutive terms.
- 5.5 Appointment.** Members of the Committee shall be appointed by the Board through the following process:
- (a) appropriate local groups will be solicited for applications;
 - (b) the Superintendent/President or his/her designee will review the applications; and
 - (c) the Superintendent/President or his/her designee will make recommendations to the Board.
- 5.6 Removal, Vacancy.** The Board may remove any Committee member for any reason, including failure to attend two consecutive Committee meetings without reasonable excuse or for failure to comply with the Committee Ethics Policy. Upon a member's removal, his or her seat shall be declared vacant. The Board, in accordance with the established appointment process shall fill any vacancies on the Committee.

5.7 Compensation. The Committee members shall not be compensated for their services.

5.8 Authority of Members.

- (a) Committee members shall not have the authority to direct staff of the District.
- (b) Individual members of the Committee retain the right to address the Board, either on behalf of the Committee or as an individual.

Section 6. Meetings of the Committee.

6.1 Regular Meetings. The Committee is required to meet at least once a year but may meet more often as the Committee shall determine.

6.2 Location. All meetings shall be held within the boundaries of the Citrus Community College District, located in Los Angeles County, California.

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

Section 7. District Support.

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

- (a) preparation of and posting of public notices, including agendas, as required by the Brown Act, ensuring that all notices to the public are provided in the same manner as notices regarding meetings of the Board;
- (b) provision of a meeting room, including any necessary audio/visual equipment;
- (c) preparation and copies of any documentary meeting materials, such as agendas and reports; and
- (d) retention of all Committee records, and providing public access to such records, on a website maintained by the District.

7.2 District staff and/or District consultants shall attend all Committee proceedings in order to report on the status of Projects and the expenditure of bond proceeds.

7.3 No bond proceeds shall be used to provide District support to the Committee.

Section 8. Reports. In addition to the Annual Report required in Section 3.2, the Committee, or any member thereof, may report to the Board from time to time in order to advise the Board on the activities of the Committee. The Annual Report shall be in writing and shall summarize the proceedings and activities conducted by the Committee.

Section 9. Officers. The Superintendent/President, or his or her designee, shall appoint the initial Chair to serve for an initial two (2) year term. The Committee shall thereafter elect its Chair and any Member of the Committee may act as Chair when the Chair is absent.

Section 10. Amendment of Bylaws. Any amendment to these Bylaws shall be approved by a majority vote of the Board.

Section 11. Termination. The Committee shall automatically terminate and disband at the earlier of the date

when (a) all bond proceeds are spent, or (b) all Projects funded by bond proceeds are completed.

CITIZENS' OVERSIGHT COMMITTEE ETHICS POLICY STATEMENT

This Ethics Policy Statement provides general guidelines for Committee members to follow in carrying out their responsibilities. Not all ethical issues that Committee members face are covered in this Statement. However, this Statement captures some of the critical areas that help define ethical and professional conduct for Committee members. The provisions of this Statement were developed from existing laws, rules, policies and procedures as well as from concepts that define generally accepted good business practices. Committee members are expected to strictly adhere to the provisions of this Ethics Policy.

POLICY

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

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

COMMITMENT TO UPHOLD LAW. A Committee member shall uphold the federal and California Constitutions, the laws and regulations of the United States and the State of California (particularly the Education Code) and all other applicable government entities, and the policies, procedures, rules and regulations of the Citrus Community College District;

COMMITMENT TO DISTRICT. A Committee member shall place the interests of the District above any personal or business interest of the member.