



**BYLAWS OF THE  
DEL MAR UNION SCHOOL DISTRICT  
MEASURE MM  
CITIZENS' OVERSIGHT COMMITTEE**

Adopted December 3, 2019

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## 1. Purpose and Intention

1.1 Purpose of Committee. The purposes of the Committee, as outlined in State law and as set forth in the School Committee Policies (Appendix A: Board Policy 7215: Citizens' Oversight Committee) are as follows:

(a) To inform the public, at least annually, in a written report, concerning the expenditure of the corresponding Proposition 39 Bond proceeds (as defined in the District Committee Policies). In carrying out this purpose the Committee shall:

(i) Actively review and report on the proper expenditure of the corresponding Proposition 39 Bond proceeds;

(ii) Advise the public as to whether the School District is in compliance with the requirements of Article XIII A, Section 1(b)(3) of the California Constitution, which provide:

(A) 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 school facilities project list prepared for each Election (as defined in the District Committee Policies);

(B) No Bond proceeds are used for any teacher or non-construction administrative salaries or other school operating expenses;

(C) Annual independent performance audits, consistent with applicable requirements of State law, must be performed by an independent consultant selected by the School District; and

(D) Annual independent financial audits must be performed by an independent consultant selected by the School District.

(b) The Committee shall undertake and accomplish those matters expressly stated in, or directly provided by State law and the District Committee Policies.

1.2 Intention. It is the intention of the Committee in adopting these Bylaws to adopt written bylaws, procedures, protocols and policies for the conduct of actions and meetings of the Committee which can be referred to by Committee Members, School District staff, School District consultants and members of the public to assist the Committee in undertaking its principal mission. Adoption of these Bylaws is permitted under Section 9.2 of the District Committee Policies.

## 2. Background

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) (also known as “Proposition 39”). The central purpose and legislative intent of Proposition 39 was to ensure that the expenditures of bonds authorized pursuant to applicable State law are in strict conformity with the applicable legal requirements; that taxpayers directly participate in each oversight committee reviewing applicable bond expenditures; and that members of each oversight committee alert the public to any waste or improper expenditure of school construction bond money.

Pursuant to the provisions of the California Constitution, and California statutory provisions, the Board called a general obligation bond election (designated as “Measure MM”) pursuant to the provisions of the California Constitution, various applicable statutory requirements and the requirements of Proposition 39. The Measure MM election was called and conducted on November 6, 2018.

Pursuant to the requirements of Education Code Section 15278 *et seq.*, the Board established the Del Mar Union School District Measure MM Citizens’ Oversight Committee (the “Committee”) to undertake those actions set forth in Education Code Sections 15278 and 15280. On July 25, 2018, the Board adopted policies and guidelines for the conduct of the Committee’s actions, appointment of Committee Members, scope of the Committee’s authority and various related matters (the District Committee Policies) (which are set out in Board Policy 7215). Members to the Committee have been appointed by the Board pursuant to the provisions of Education Code Section 15282.

The Committee has determined to adopt these Bylaws for the reasons set forth herein to govern the conduct of matters and actions of and by the Committee.

## 3. Definitions; Interpretation

3.1 Defined Terms. Unless otherwise defined herein, or the context requires otherwise, capitalized terms set forth within these Bylaws shall the meaning(s) set forth in this Section 3.

“**Board**” means the Governing Board of Trustees of the School District.

“**Brown Act**” means the Ralph M. Brown Act consisting of Government Code Sections 54950 *et seq.*

“**Bylaws**” means these Bylaws of the Del Mar Union School District Measure MM Citizens’ Oversight Committee as adopted, and as such, may be amended by action of the Committee from time to time.

“**California Constitution**” means the Constitution of the State, including the Articles and provisions thereof.

**“Committee”** means the Del Mar Union School District Measure MM Citizens’ Oversight Committee acting as a body through the actions of its Committee Members.

**“Committee Member”** or **“Member”** means a duly appointed, seated and serving member of the Committee.

**“Committee Website”** means the internet website operated and maintained by the School District on behalf of the Committee pursuant to the provisions of California Education Code Section 15280(b).

**“District”** or **“School District”** means the Del Mar Union School District, a California public school district organized and operating pursuant to the provisions of State law.

**“District Committee Policies”** means those Citizens’ Oversight Committee policies and guidelines adopted by the Board and set out in Board Policy 7215 (Appendix A) which may be amended by the Board from time to time.

**“Education Code”** means the Education Code of the State.

**“Government Code”** means the Government Code of the State.

**“President”** means the presiding Committee Member elected as President/Chair/President of the Committee and serving in such capacity. The President shall have such duties as are set forth within these Bylaws and as may otherwise be assigned by action of the Committee.

**“Secretary”** means the designated Secretary (who may be designated as a Clerk) appointed by the members of the Committee and serving in such capacity.

**“State”** means the State of California.

**“Vice President”** means the Vice President or Vice President of the Committee as elected by the Committee and serving in such capacity.

3.2 Interpretation. Unless the context herein otherwise indicates, words expressed in the singular shall include the plural and vice versa. The use of the neuter, masculine, or feminine gender is for convenience only and shall be deemed to mean and include the neuter, masculine or feminine gender, as appropriate.

(a) Headings of sections herein and the table of contents hereof are solely for convenience of reference, do not constitute a part hereof and shall not affect the meaning, construction or effect hereof.

(b) All references herein to “Sections” and other subdivisions are to be corresponding Sections or subdivisions of these Bylaws. The words “herein,” “hereof,” “hereby,” “hereunder” and other words of similar import refer to these Bylaws as a whole and not to any particular Section or subdivision thereof.

#### **4. Duties**

To carry out its stated purpose, the Committee shall perform the following duties:

4.1 Review Expenditures. The Committee shall review quarterly expenditure reports produced by the District to (a) ensure that Bond Proceeds are expended only for the purposes set forth in the ballot measure; (b) ensure that no Bond Proceeds are used for any teacher or administrative salaries or other operating expenses; and (c) verify that capital facilities work is executed.

4.2 Review Progress of Projects. The Committee shall be apprised in writing by the District of significant changes or irregularities in the progress and completion dates of bond funded projects.

4.3 Other Actions. The Committee may undertake such actions as are set out in Education Code Sections 15278 *et seq.* and in the District Committee Policies.

4.4 Reports. The Committee shall provide reports consistent with Education Code Section 15280 and as set out in these Bylaws.

#### **5. Authorized Activities**

5.1 Authorized Activities. In order to perform the duties set forth in Section 4, the Committee may engage in the following authorized activities:

(a) Receive and review copies of the annual performance audit(s) conducted by an independent consultant selected by the District to ensure that corresponding Proposition 39 bond funds have been expended on specific projects identified in the District's School Facilities Project list provided for such Election;

(b) Receive and review copies of the annual financial audit(s) conducted by an independent consultant selected by the District as required under Proposition 39 and the State law;

(c) Inspect school facilities and grounds during normal District business hours (or as otherwise arranged in advance with the District), subject to State laws or District Policies concerning campus security, to ensure that corresponding Proposition 39 Bond proceeds are expended for the purposes set forth in the District's School Facilities Project list provided for such Election;

(d) Receive and review copies of any deferred maintenance proposal(s), reports and/or plans developed by the District;

(e) Review efforts by the District to maximize Proposition 39 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.

5.2 Records Requests. Any Committee requests for copies or inspection of School District records shall be made in writing to the Superintendent of the School District or his/her designee.

5.3 Limitations on Actions. Section 9.4 of the District Committee Policies lists certain actions which the Committee/Committee Members may not undertake.

## **6. Officers of the Committee**

6.1 Officers, Election, Term of Office. The officers of the Committee shall be a President, Vice President and a Secretary. The President, Vice President and Secretary of the Committee shall be elected by action of the Committee. Each officer of the Committee shall hold office for a term as directed by the Committee. An officer of the Committee shall be determined to have vacated such office of the Committee upon the end of their respective term, vacancy of such office or other action(s) prescribed by State law. The Committee may determine to remove an officer from their office by action of the Committee.

6.2 President. The President shall act as the presiding officer for meetings of the Committee. The President shall have such duties and prerogatives as are set forth in these Bylaws. The President shall be the principal point of contact for purposes of communications between members of the Committee and School District staff.

6.3 Vice President. The Vice President shall act as the presiding officer for meetings of the Committee in absence of the President. The Vice President shall act as the President in the event of a vacancy of the office of the President until such time as the Committee shall have the opportunity to meet and elect a new President. In the absence of the President, or vacancy of such office, references herein to the President shall then apply to the Vice President.

6.4 Secretary. The Secretary shall be the chief records officer for the Committee. The Secretary shall have the duty to sign or counter-sign all approved minutes approved by action of the Committee. The Secretary shall act as the official records officer of the Committee for purposes of Public Records Act requests submitted to the Committee (as opposed to being submitted to the School District). The Secretary may coordinate his or her activities with the administrative officers of the School District to satisfy necessary legal and statutory requirements applicable to the Committee.

## 7. Meetings of the Committee

7.1 Meeting Schedule. The Committee shall establish a schedule for the date and time of regular meetings. The Committee shall meet not less than once per year.

### 7.2 Location.

(a) All meetings of the Committee shall be held within the boundaries of the School District.

(b) Unless otherwise directed by the President or by concurrence of the Committee, meetings of the Committee shall be held at the District Administrative Offices, located at 11232 El Camino Real, Suite 100, San Diego, California.

(c) The Committee may hold meetings at such other locations, including, but not limited to, District school sites, for purposes of school inspections, tours of construction activity, construction demonstrations and similar. Meeting locations, other than at the District Administrative Offices, shall be determined by the President, or as the Committee shall determine and direct.

7.3 Procedures. All meetings shall be open and public in accordance with the provisions of the Brown Act. The provisions of the Brown Act shall govern over these Bylaws in the event of a potential conflict.

7.4 Committee Meeting Agendas. The agenda for each meeting of the Committee shall be determined by the Committee and President in coordination with School District staff. Each Member may request the addition of a particular agenda item for a future Committee meeting. The determination of whether or not a matter shall be added to an agenda shall lie with the discretion of the President, unless otherwise directed by action of the Committee. Requests for agendaing of matters or items on a particular meeting of the Committee must occur sufficiently in advance of the scheduled date of such Committee meeting to allow review by the President, research and preparation of materials and information by School District staff and the posting of the agenda in compliance with the provisions of the Brown Act.

Standard agenda items for each Committee meeting, unless otherwise directed by the Committee, shall include the following:

- Call to Order
- Pledge of Allegiance
- Receipt of Public Comments
- Consideration of Approval of Committee Meeting Minutes
- Receipt and Consideration of School District Construction/Expenditure Report(s)
- Committee Member Comments

➤ **Adjournment**

Subject to concurrence of the Committee, the President may direct the re-ordering of items appearing on a given Committee meeting agenda in the interests of time, efficiency and public convenience.

Committee agendas shall include statements as required by State law (including, for example, the statement required pursuant to Government Code Section 54954.2).

7.5 Call to Order; Adjournment.

(a) Meetings of the Committee shall be called to order by the President. Meetings of the Committee may only proceed with participation of a quorum of the Committee. Absent a participating quorum of the Committee members, the Committee shall not meet and may take no action(s).

(b) A majority of the Committee Members shall constitute a quorum for purposes of conducting meetings of the Committee.

(c) Meetings of the Committee shall be adjourned upon the conclusion of business by action of the President. The President may also adjourn a meeting of the Committee for purposes of restoring order and decorum to a meeting setting.

7.6 Public Comments. As required under the provisions of the Brown Act, members of the public shall be permitted to address the Committee, either written or orally, before the Committee undertakes actions or discussions relative to matters appearing on the agenda. The provisions of Section 11 of these Bylaws shall govern with regard to public comments provided to and received by the Committee. Each Committee meeting agenda as posted shall include the following wording, or substantially such wording:

“At this time, the Committee welcomes public comments. A total of 30 minutes is provided so members of the public can address the Committee. Speakers are limited to three (3) minutes per speaker. Unless the item has been placed on the published agenda in accordance with the Brown Act, there shall be no action taken in response to public comments submitted. The Committee may: (1) acknowledge receipt of the information; (2) refer the matter to staff with no direction as to action or priority; and/or (3) direct that the matter be agendaized for a future meeting of the Committee.”

The Committee shall not undertake discussion of matters provided during the public comment session of each agenda, unless such matter appears on the agenda. The Committee may refer questions, comments or other matters provided during public comments to School District staff or may request that such matter be agendaized for a future meeting of the Committee.

The President may permit a member of the public to exceed the stated time for individual public comments on a case-by-case basis. Any such exception granted shall not establish a precedent for purposes of future Committee receipt of public comments.

7.7 Committee Actions. The Committee may act by (i) direction, (ii) motion, or (iii) resolution.

(a) Direction of the Committee shall be considered to have been given when a matter is proposed and not objected to by a majority of members of the Committee.

(b) The Committee may act by a motion made by any Committee Member, seconded by any Committee Member, and approved by a majority of the Committee Members present.

(c) The Committee may act by resolution via a written resolution or document. Any resolution shall be adopted by motion made by a Committee member, seconded by a second Committee member and approved on a roll call vote by a majority of the Committee Members present.

The Committee may direct that votes of the Committee be taken on a roll call or voice vote, as the Committee may determine. In the event of a tie vote of the Members present at such Committee meeting. The proposed action shall not be taken by the Committee.

For reference purposes only, the discussions included in the most current version of *Robert's Rules of Order* relative to Motions, Motions to Table, and Substitute Motions may be referred to for purposes of parliamentary procedure. However, the Committee expressly declines to adopt *Robert's Rules of Order* in its entirety.

7.8 Rules of Decorum. The Rules of Decorum set out in Sections 8 – 12, inclusive of these Bylaws, shall be in effect during all meetings of the Committee.

7.9 Minutes. Minutes of the meetings of the Committee shall be recorded by the Secretary. The Secretary may, but shall not be required to, utilize a recording device to assist in preparing the minutes. The Secretary may also take hand notes to use in preparing the minutes of the Committee meeting. Voice recordings of meetings of the Committee shall not be considered to be an official record of the actions of the Committee, and the official record of actions by the Committee shall be considered to be the minutes approved by the Committee.

Draft minutes shall be presented to the Committee for consideration for action. Minutes shall not be considered to be an official record of the actions of the Committee until approved as set forth in Section 7.7.

Minutes of the Committee shall be posted on the Committee Website, pursuant to Section 16 of these Bylaws, following approval of such minutes by the Committee.

## **8. Rules of Decorum and Procedure for the Committee Members**

Committee Members have the right to maintain different viewpoints and it is understood that not all Committee Members will agree on all matters. However, Committee Members should always seek to respect the dignity of their positions of influence and strive to observe common standards of decorum and courtesy to the extent possible. It is encouraged for Committee Members

to maintain a polite, respectful, and courteous manner when addressing each other, School District staff, and members of the public.

Additionally, no Committee Member will be allowed to conduct an inspection of a School District school site or School District construction project without prior consent by School District staff. This is to ensure the privacy and safety of District students and to avoid interruptions to daily instruction at School District sites. This also allows for the School District staff to make prior arrangements to ensure such safety to the students, School District staff, and Committee Member(s).

## **9. Communications between Committee Members at Meetings**

A Committee Member wishing to speak should request the floor by being recognized by the President before speaking. The President must recognize any Committee Member who seeks the floor when appropriately entitled to address the Committee.

No Committee Member shall speak again until all Committee Members have had the opportunity to speak.

Committee Members shall be mindful that the purpose of the Committee meeting is to inform the public regarding the District's bond expenditures. Committee Members shall avoid repetition and shall limit their comments to the subject matter at hand. Committee Members should strive to express their opinions or views while avoiding lengthy debates.

When one Committee Member is speaking, other Committee Members should not interrupt, disrupt, or disturb the speaker. During questions and deliberations, the President may vary the speaking sequence of Committee Members from item to item.

Communications between Committee Members are governed by the Brown Act.

## **10. Communications with Members of the Public Addressing the Committee**

In addressing specific agenda items, Committee Members may question any member of the public addressing the Committee at the conclusion of that person's testimony or all public testimony pertaining to that specific agenda item. A Committee Member wanting to ask questions to the member of public or the public at-large should first be recognized by the President.

Committee Members shall not engage with the person addressing the Committee in a dialogue, but shall confine the communication to a brief question and answer format conducted through the President.

All Committee Members requests to speak must be made through the President.

If a member of the public addresses the Committee on a matter that is not on the agenda (e.g., during public comments), the Brown Act does not allow Committee Members to engage in discussions or deliberations of the matter. A Committee Member may do the following: refer the matter to staff, ask for additional information or request a report back, or give a very limited factual

response. If a Committee Member desires, the Committee Member may, during his or her own comments portion of the meeting, request that the matter be placed on the next Committee Meeting's agenda or briefly respond to the item.

The Committee may not prohibit public criticism or negative comments relating to its policies, procedures, or recommendations. A member of the public may not be stopped from speaking about a viewpoint being expressed, even if the viewpoint is contrary to the recommendations of the Committee.

#### **11. Rules for Members of the Public**

Members of the audience should not engage in disorderly or boisterous conduct, including obscenities, lewd or disruptive behavior that would disrupt or impede the Committee Meeting. A member of the audience engaging in this behavior may, after a warning from the President, be ejected from the Committee Meeting.

No person shall block any doorways or exits.

Inside the Committee Meeting, cell phones should be silenced or turned off. Any member of the public wanting to take a phone call must move outside of the Committee Meeting and away from any doorways as to disturb the Committee Meeting.

Members of the public may address the Committee during the public comment period of the Committee Meeting. Any person wishing to speak, whether during the public comment period or before any agenda item, is requested to complete a "Speaker Request Form" and submit the form to the Committee prior to the calling to order of the meeting or as soon as reasonably practicable thereafter. All those wishing to speak must do so at the podium provided at the Committee Meeting.

No person shall address the Committee without first being recognized by the President. Each speaker shall include his/her name when called to speak.

The purpose of communicating with the Committee is to formally communicate with the Committee on matters relating to the Committee's responsibilities and business.

#### **12. Violations of Decorum**

If a violation of these policies and procedures occurs, the President shall first request that a person who is violating the rules cease such conduct. If after receiving a warning, the person persists such conduct, the President may order a recess.

**13. Annual Report and Interim Reports**

The Committee shall present to the Board interim reports at the Committee’s discretion and an annual written report (“Annual Report”) which shall, at a minimum, include the following:

- (a) A statement indicating whether the District is in compliance with the requirements of Article XIII A, Section 1(b)(3) of the California Constitution;
- (b) A summary of the Committee’s proceedings and activities for the preceding year;  
and
- (c) An annual presentation to the Board of the annual financial and performance audits.

Members of an Oversight Committee may be requested to attend the meeting(s) of the Board where the annual financial audit and performance audit, prepared pursuant to the provisions of Proposition 39, are presented to the Board.

**14. Receipt and Consideration of Annual Audit Reports**

Pursuant to the requirements of the California Constitution, the School District is required to annually provide and complete annual financial and performance audits concerning the expenditure of bond proceeds generated from the sale of bonds authorized pursuant to Measure MM. Such audit reports are to be provided to the Committee prior to March 31 of each calendar year for the prior fiscal year. The Committee shall review such audit reports as and when provided by the School District. The Committee may comment upon such reports and may provide written comments to the Board, School District staff and/or members of the public. Absent objections or comments to the annual audit reports, the Committee shall take action to receive and file such audit reports and to have such audit reports placed onto the Committee website.

**15. Committee Website**

15.1 Operation by School District. The Committee Website shall be operated by the School District for the benefit of and at the direction of the Committee.

15.2 Principal Purpose. The principal purpose of the Committee Website is to provide a vehicle for communication between the Committee and members of the public.

15.3 Agenda Reference. Unless otherwise directed by the Committee, the Committee Website URL address shall appear on each Committee meeting agenda.

**16. Website Content**

The following documents may, or shall, appear on the Committee Website as shown on the following table:

<u>Document</u>	<u>Time of Posting</u>	<u>Posting Direction</u>
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Committee Bylaws	Upon adoption, and as amended by the Committee	Automatic
Committee Meeting Agendas	Upon posting pursuant to Brown Act	Automatic
Committee Meeting Minutes	Following approval by Committee	Automatic
Reports provided to Committee	Upon provision to Committee Members	Automatic
Annual Audit Reports	Upon provision to Committee Members	Automatic
Committee-Issued Reports	Following approval by Committee	Automatic
Other documents approved by Committee	Following approval by Committee	At direction of Committee
Letters or statements of the Committee	Following approval by Committee	At direction of Committee

**17. Interpretation**

These Bylaws shall be liberally construed to effectuate their purpose. No action of the Committee shall be invalidated by the omission of the Committee to technically comply with, observe, or otherwise follow these Bylaws.

**18. Applicability of California Law; Severability**

The Committee was established by the District in order to comply with Section 15278 *et seq.* of the Education Code. Nothing in these Bylaws shall be interpreted in a manner that is inconsistent with the provisions of State law.

If any section, subsection, paragraph, sentence, clause or phrase contained in these Bylaws shall become illegal, null or void or against public policy, for any reason, or shall be held by a

court of competent jurisdiction to be illegal, null or void or against public policy, the remaining sections, subsections, paragraphs, sentences, clauses or phrases contained in these Bylaws shall not be affected thereby.

**19. Amendments**

These Bylaws may be amended from time to time by action(s) of the Committee. Any such amendment(s) shall be made in writing and remain as part of or with these Bylaws. Any such amendments shall conform to the requirements of State law and the District Committee Policies.