



**ORGANIZATIONAL MEETING OF THE
CITIZENS' OVERSIGHT COMMITTEE OF THE
DEL MAR UNION SCHOOL DISTRICT
(MEASURE MM - APPROVED BY DISTRICT VOTERS ON NOVEMBER 6, 2018)**

AGENDA

December 3, 2019

5:30 p.m.

Del Mar Union School District Office Training Center
11232 El Camino Real, San Diego, CA 92130

Citizens' Oversight Committee Website: <https://www.dmusd.org/Page/8772>

A. CALL TO ORDER: 5:30 p.m.

Acting Chairperson: Robert E. Anslow

B. ROLL CALL (Establishment of a Quorum).

Committee Members:

Kathy Huang	Business Community Representative
David Jackson	Taxpayer Organization Representative
Ira Sharp	Senior Citizens' Organization Representative
Katie Hazen	Parent-Teacher Organization Representative
Sameer Vora	Parent of Enrolled DMUSD Student Representative
Fuxiao Xin	Community-At-Large Representative
Neelum Arya	Community-At-Large Representative

C. PLEDGE OF ALLEGIANCE

D. PUBLIC COMMENTS

1. 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. 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.

- E. APPROVAL OF MINUTES
 - 1. October 2, 2019 Minutes
- F. DISCUSSION AND POSSIBLE ACTION(S) ON PROPOSED CITIZENS' OVERSIGHT COMMITTEE BYLAWS
- G. REVIEW AND DISCUSS FINAL OFFICIAL STATEMENT FROM MEASURE MM 2019 SERIES A BOND SALE
 - 1. [Final Official Statement link](#)
- H. PRESENTATION OF FIRST SET OF MEASURE MM, SERIES 2019 A BOND PAYMENT LOG
- I. PROJECT PROGRESS UPDATE
- J. PRESENTATION OF CITIZENS' OVERSIGHT COMMITTEE WEBSITE INFORMATION
- K. DISCUSSION AND POSSIBLE ACTION(S) ON CITIZENS' OVERSIGHT COMMITTEE ELECTION OF OFFICERS
- L. DISCUSSION AND POSSIBLE ACTION RELATIVE TO PROPOSED COMMITTEE MEETING SCHEDULE FOR 2020
 - 1. Set date, time and place for the next meeting(s) of Citizens' Oversight Committee
- M. COMMENTS FROM COMMITTEE MEMBERS
- N. ADJOURNMENT

Compliance with the Requirements of California Government Code Section 54954.2 In compliance with California law and the Americans with Disabilities Act, if you need special disability-related modifications or accommodations, including auxiliary aids or services in order to participate in this meeting, or if you need this agenda provided in an alternative format, please contact the District Office Administration at telephone (858) 755-9301 (as representative of the Committee) at least 72 hours in advance of the scheduled Committee meeting. Notification 72 hours prior to the meeting will assist the Committee and the District in making reasonable arrangements to accommodate your request. The meeting room(s) is/are wheelchair accessible.

Availability of Agenda Materials: Agenda exhibits and other writings that are disclosable public records distributed to all or a majority of the members of the Del Mar Union School District Citizens' Overnight Committee in connection with a matter subject to discussion or consideration at an open meeting of the Citizen's Overnight Committee(s) are available for public inspection at the District's Business Offices located at 11232 El Camino Real, San Diego, California. If such writings are distributed to members of the Committee less than 72 hours prior to the meeting, they will be available in reception area of the District's Business Offices at the same time as they are distributed, except that, if such writings are distributed immediately prior to, or during, the meeting, they will be available in the School District's Business Offices.

MINUTES

**ORGANIZATIONAL MEETING OF THE
CITIZENS' OVERSIGHT COMMITTEE OF THE
DEL MAR UNION SCHOOL DISTRICT
(MEASURE MM - APPROVED BY DISTRICT VOTERS ON NOVEMBER 6, 2018)**

October 2, 2019

5:30 p.m.

Del Mar Union School District Office Training Center
11232 El Camino Real, San Diego, CA 92130

A. CALL TO ORDER: 5:35 p.m.

Acting Chairperson: Robert E. Anslow

B. ROLL CALL (Establishment of a Quorum).

Committee Members:

Kathy Huang	Business Community Representative
David Jackson	Taxpayer Organization Representative
Ira Sharp	Senior Citizens' Organization Representative
Katie Hazen	Parent-Teacher Organization Representative
Sameer Vora	Parent of Enrolled DMUSD Student Representative
Fuxiao Xin	Community-At-Large Representative
Neelum Arya	Community-At-Large Representative

District Administrators/Staff:

Holly McClurg, Ph. D., Superintendent
Cathy Birks, Assistant Superintendent, Business Services
Chris Delehanty, Executive Director of Capital Programs and Technology
Mark Pong, Director of Finance
Michelle Bothe, Administrative Assistant, Business Services

C. PLEDGE OF ALLEGIANCE

D. INTRODUCTIONS

Citizens' Oversight Committee Members, District Staff and Consultant introductions.

E. PUBLIC COMMENTS

No public comments were made.

F. APPROVAL OF MINUTES

On a motion by Ira Sharp, seconded by Katie Hazen and carried unanimously, the COC approved the minutes of the May 8, 2019 meeting as shown.

G. PROJECT PROGRESS UPDATE

Mr. Delehanty presented an update on the Del Mar Heights School Rebuild and the new Pacific Highlands Ranch School #9. Discussion included projected timelines and the relocations of students during the Del Mar Heights School Rebuild.

Mr. Delehanty shared the projected plans for Series A, B, C, and D to include modernization at all schools.

H. ISSUANCE OF GENERAL OBLIGATION BONDS, 2018 ELECTION, SERIES 2019A TIMELINE UPDATE

Mr. Pong shared the District received a AAA rating for the Series 2019A Bonds. Issue amount of \$55,285,000. The anticipated delivery date of funds is October 16, 2019.

I. COMMITTEE APPROVAL: CITIZENS' OVERSIGHT COMMITTEE BYLAWS, BOARD POLICY 7215

No action taken. Mr. Anslow discussed adding bylaws to the Citizens' Oversight Committee. Agendize proposed bylaws to the December 2, 2019 meeting.

J. DISCUSSION AND POSSIBLE ACTION(S) ON CITIZENS' OVERSIGHT COMMITTEE ELECTION OF OFFICERS

Discussion included Mr. Anslow continuing to be temporary chair until a chair is elected.

K. DISCUSSION AND POSSIBLE ACTION RELATIVE TO PROPOSED COMMITTEE MEETING SCHEDULE FOR 2019

Next committee meeting will be on December 3, 2019 from 5:30-7:00

L. COMMENTS FROM COMMITTEE MEMBERS

No comments were made.

M. ADJOURNMENT

6:58 p.m.



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

Adopted _____, 2019

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

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1 **Purpose and Intention**

11 **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.

12 **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**

31 **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.

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

5 Authorized Activities

5 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 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 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 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 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 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 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).

ℵ 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.

ℵ 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 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.

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.

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.

B 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

151 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.

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

153 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:

Document	Time of Posting	Posting Direction
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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

II 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.

B 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.

B 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.

DRAFT

Appendix A

DEL MAR UNION SCHOOL DISTRICT FACILITIES

BOARD POLICY 7215: Citizens' Oversight Committee

I. Adoption of Policy and Regulations - Legal Authority.

1.0 This Del Mar Union School District ("District") Citizens' Oversight Committee Policy and Regulations ("Policy and Regulations") is adopted and established by the Governing Board of Trustees ("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 1 of the California Education Code 15264 *et seq.*, (hereinafter the "Law") and pursuant to Education Code Section 35160. This Policy and Regulations shall apply to the District and each Oversight Committee (as defined below).

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 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.

The provisions of Proposition 39 include various accountability requirements as further discussed herein. In association with the approval of Proposition 39, the California Legislature passed, and the Governor 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 a Proposition 39 bond election to establish, appoint and support a citizens' oversight committee, as required by the Law. This Policy and Regulations were adopted by the District pursuant to the Law in order to provide procedures for the District's Citizens' Oversight Committee(s) ("Oversight Committee(s)") and to address related matters.

III. Definitions.

3.0 Unless the context clearly requires otherwise, or a term is differently defined within this Policy and Regulations, the terms set forth in this Section III shall, for all purposes of this Policy and Regulations, 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 Trustees of the District.

“**Bond(s)**” means those general obligation bonds, or general obligation bond anticipation notes, or any combination thereof, of the Del Mar Union School District (or any school facilities improvement district formed by the District) as authorized by the approval of a bond measure at an Election by the voters within the District (or the applicable school facilities improvement district) and issued pursuant to State law.

“**Brown Act**” means the Ralph M. Brown Act, being California Government Code Sections 54950 *et seq.*

“**Oversight Committee(s)**” means each Del Mar Union School District Citizens’ Oversight Committee formed and appointed by the Board pursuant to the requirements of the Law and this Policy and Regulations.

“**District**” means the Del Mar Union School District.

“**Election**” means each general obligation bond election conducted within the boundaries of the District (or any school facilities improvement district formed by the District) 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.*) and as such may be amended from time to time.

“**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, and as such may be amended from time to time.

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

IV. Establishment of Oversight Committee.

4.0 The Board shall establish each Oversight Committee, and initially appoint a minimum of seven (7) members to each such Oversight Committee, not more than sixty (60) days after the Board’s certification of the corresponding Election results in accordance with the purpose, parameters, policies and regulations set forth in State law and herein. The Board, in its discretion, may increase the number of members of an Oversight Committee at any time, provided that each Oversight Committee shall always have an odd number of members (unless otherwise directed

by the Board). In addition to the State requirements, the Board has a stated goal that a majority of the members of each such Oversight Committee have, to the extent practical given applicants and candidates, knowledge and experience in the fields of construction, architecture design, public financing, contract law and/or building program management. Pursuant to the provisions of State law, each successful Election shall have a separate Oversight Committee appointed therefor (unless State law allows otherwise).

V. Purpose of Oversight Committee.

5.0 Statutory Purpose. The purpose of each Oversight Committee(s), as provided in State law, shall be to inform the public, at least annually in a written report, concerning the expenditure of the corresponding Proposition 39 Bond proceeds. In carrying out this purpose each Oversight Committee shall:

- (a) Actively review and report on the proper expenditure of the corresponding Proposition 39 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) 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;
 - (ii) No Bond proceeds are 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 Each Oversight Committee shall undertake and accomplish those matters expressly stated in, or directly provided by State law, [District Resolution No. 2018-20] and this Policy and Regulations and as such may be amended from time to time.

VI. Oversight Committee Composition.

- 6.0 (a) Each Oversight Committee shall initially consist of a minimum of seven (7) members and at no time consist of less than seven (7) members, subject to the provisions of Sections 4.0 and 7.0(d) hereof and any vacancies which may occur.
- (b) Each Oversight Committee may not include as a member any employee or official of the District or any vendor, contractor or consultant of the District.
- (c) Each Oversight Committee shall include among its members 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 either a parent or guardian of a child enrolled in the District and active in a parent-teacher organization, such as a parent-teacher association or school site council.
 - (vi) In addition the State requirements, the Governing Board of Trustees of the District has made a commitment to help ensure that a majority of the members of each such Committee have, to the extent possible, knowledge and experience in the fields of construction, architecture design, public financing, contract law and/or building program management.
- (d) Five (5) members of each 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. In making the appointments of the remaining and additional 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 an Oversight Committee member during his or her tenure consistent with the provisions of applicable law.

VII. Oversight Committee Appointments, Term and Vacancies.

7.0 Appointments.

- (a) The initial members of each Oversight Committee shall be appointed by the Board not more than sixty (60) days after the Board's certification of the corresponding Election results as required by the Law. Appointments shall be discussed and made in open session in accordance with Government Code Section 54957.
- (b) The Board will solicit applications (which may occur through action(s) of District staff as directed by the Board) for appointment to an Oversight Committee and may require candidates for membership on an 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.dmusd.org (or such other internet address(es) as may be utilized from time to time). Solicitations for applications for appointment to an Oversight Committee are expected to be made to various professional, civic and governmental organizations in order to provide a broad range of Oversight Committee qualified candidates. In soliciting, and appointing, members to an Oversight Committee the District expects to consult with the San Diego County Taxpayers' Organization (provided such organization exists at the time such Oversight Committee membership at issue) in the selection and appointment of the bona fide taxpayer association member of each Oversight Committee.
- (c) The Board has authorized the Superintendent, or the Superintendent's designee(s), to advertise for and solicit candidates for consideration of appointment to the initial Committee, to review applications submitted to the District for Oversight Committee membership and make recommendations to the Board to assist the Board in appointing Oversight Committee members.
- (d) In making its appointments, the Board shall satisfy the necessary statutory membership requirements on each Oversight Committee as set forth in Section 6.0(c) hereof. In making its appointments to each Oversight Committee the Board may, in its sole 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 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 each Oversight Committee. Each Oversight Committee shall initially have seven (7) members; however, the Board

retains the right to appoint additional members to each Oversight Committee provided that each Oversight Committee shall always have an odd number of members (unless otherwise directed by the Board). In the event that the Law is amended to require a different or greater number of Oversight Committee members, the Board shall, within the time set by California law, take action to appoint appropriate Oversight Committee members as shall be required.

- (e) Any appointee to each 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) Each Oversight Committee members shall serve for a term of two years without compensation. Members may be appointed by the Board, in its discretion, for no more than three (3) consecutive terms as provided by the Law. The Board may, in its discretion, rotate Oversight Committee member terms in order to maintain a level of experienced membership on the Committee. A member of each Oversight Committee may serve multiple non-consecutive terms as the Board may determine or direct.
- (b) The term of office of an Oversight Committee member shall end upon the completion of their two-year term, as determined by the Board, or in the event that a vacancy for that Oversight Committee member's position is determined by the Board as set forth in this Policy and Regulations. In the event that an Oversight Committee member is appointed to fill a vacancy on each Oversight Committee, the Board may appoint such member for a term as set by the Board, subject to the limitations of State law and these Policies and guidelines.
- (c) The term of office of an Oversight Committee member may end prematurely in the event that each Oversight Committee terminates pursuant to the provisions set forth in Section 11.0 hereof.

7.2 Vacancies.

- (a) Determination of Vacancy. The Board may determine that an Oversight Committee member's seat on each Oversight Committee has become vacant under any of the following circumstances:
 - (i) Resignation of that Oversight Committee member submitted in writing to the District and/or to the Board (which shall be effective upon its receipt by the Board or other date set forth in such written resignation, as applicable);

- (ii) Death, or a legal determination of the incapacity, of that Oversight Committee member;
- (iii) Conviction of a violation of Government code Section 1090 *et seq.* or other applicable conflict of interest laws (see Section 8.3);
- (iv) Conviction of any crime resulting in imprisonment; or
- (v) As may otherwise be prescribed or required by law.

The power to make determinations as to vacancies on each Oversight Committee is expressly reserved to the Board.

- (b) In the event that any vacancy on an Oversight Committee occurs, by way of resignation or otherwise, the Board may, in its discretion, appoint a replacement Oversight Committee member for each vacancy to serve for the remainder of the unexpired term of the vacating Oversight Committee member, or to serve for an initial two year term (as shall be determined by the Board at the time of making the appointment), in a manner it determines to be consistent with applicable law.
- (c) In the event a vacancy is determined, such Oversight Committee position shall remain vacant until the Board appoints a new Oversight Committee member for that position. Following the determination of the vacancy on an 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 (subject to qualified candidates and applicants). The power to fill vacancies on each Oversight Committee is expressly reserved to the Board.
- (d) 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 Oversight Committee.

- 80 Service without Compensation. As set forth in the Law, members of each Oversight Committee shall serve without compensation.
- 81 Non-Liability for District Debts. The private and personal property of Oversight Committee members shall be exempt from execution or other liability for any debts, liabilities or obligations of the District or each Oversight Committee, and no Oversight Committee members shall be personally liable or responsible for any debts, liabilities or obligations of the District or each Oversight Committee except where expressly set forth in California law.

82 Conflicts of Interest and Prohibited Actions. It is the express desire and intention of the Board that members of each Oversight Committee shall not be, or have, any financial interest in the matters which they review. All Oversight Committee members shall be subject to the following requirements:

- (a) Each member, as a condition of membership on an 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 each 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 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. Each Oversight Committee member is obligated to discharge his or her responsibilities with integrity and fidelity.

IX. Oversight Committee Activities and Meetings.

9.0 Activities of each Oversight Committee. In furtherance of its specifically enumerated purposes, each Oversight Committee may engage in any of the following activities relating solely and exclusively to the expenditure of the corresponding Proposition 39 Bond proceeds as set forth in Section IX of these Policy and Regulations:

- (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 the 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 Law;
- (c) Inspect school facilities and grounds, during normal District business hours (or as otherwise arranged in advance with the District), and subject to State laws 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.
- (f) Each Oversight Committee shall issue written regular reports of the results of its activities. Each Oversight Committee must issue at least one (1) written report each year or fiscal year, as may be applicable.
- (g) Pursuant to the requirements of Education Code Section 15280(a)(2), the Board shall provide the corresponding Oversight Committee with responses to any and all findings, recommendations and concerns addressed in the annual, independent financial and performance audits required by subparagraphs (C) and (D) of paragraph (3) of subdivision (b) of Section 1 of Article XIII A of the California Constitution within three months of receiving such audits.

9.1 Brown Act Compliance; Public Records.

- (a) Regular meeting dates, time, and place shall be established by each Oversight Committee and published/posted in accordance with the Brown Act and applicable District posting procedures. All Oversight Committee proceedings shall be open to the public (except as authorized by State law) and shall be subject to the provisions of the Brown Act. Each 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 Brown Act.
- (b) All documents received by an Oversight Committee, Oversight Committee minutes and reports issued by each Oversight Committee shall be a matter

of public record and shall initially be available on a website established for such purpose.

- 9.2 Rules of Procedure and Decorum. Each Oversight Committee may establish rules for the conduct of such Oversight Committee's proceedings. These rules may be enacted by motion or resolution. The rules must be congruent with fundamental concepts as to public agency notice and hearings and may not conflict with State law.
- 9.3 Attendance at Board Meetings. 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.
- 9.4 Limitations on Activities. The Board hereby sets forth the following limitations on the actions and activities of each Oversight Committee (although an Oversight Committee may review documents relating to such activities):
- (a) An Oversight Committee has no authority to participate in the District's Bond issuance process or Bond sale, or to make decisions regarding the terms, timing or structure of the Bond issuance or sale;
 - (b) An Oversight Committee does not have the authority, once the Bonds are issued and sold, to determine how such Bond funds shall be expended;
 - (c) Oversight Committee members do not have the authority to solicit, select or participate in the negotiation or bid process for contractors or consultants for Bond-financed projects;
 - (d) Oversight Committee members do not have the authority to control, comment upon and have no power of approval over or upon design, architectural or engineering considerations or matters relating to facilities funded or constructed with bond proceeds;
 - (e) Each Oversight Committee, and its members, may only inspect, tour or visit District job sites and construction projects with the express permission of the District's Superintendent (for reasons which include, but are not limited to, campus security, public safety, interference with contractors and liability matters); and
 - (f) Oversight Committees, and their members, may not contact District consultants or contractors without the prior permission of the Superintendent.

X. Technical and Administrative Support.

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

- (a) All reasonable necessary technical assistance and reasonable administrative assistance in furtherance of such Oversight Committee's purpose; and
- (b) Sufficient resources to publicize each Oversight Committee's conclusions, all documents received by each Oversight Committee, minutes from each Oversight Committee's meetings and reports issued by each Oversight Committee (including establishing, operating and updating each 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 each Oversight Committee in achieving its purpose.
- (d) The Board may also appoint or designate District staff to provide reasonable technical and administrative assistance to each Oversight Committee. The Board shall also consider any recommendations or suggestions made by Oversight Committee members regarding the technical and administrative support.

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

- (a) Preparing, mailing and posting agendas for meetings of such Oversight Committee in compliance with the Brown Act;
- (b) Preparing and submitting documents (including agenda materials) to each corresponding Oversight Committee members and to members of the public in compliance with the Brown Act;
- (c) Arranging for meeting locations and preparing meeting facilities for scheduled meetings of each Oversight Committee;
- (d) Presenting periodic reports to the Committee concerning the District's deferred maintenance proposal(s), reports and/or plans;
- (e) The taking, transcribing, providing and maintaining of minutes of each Oversight Committee meetings which minutes shall, at a minimum, include an identification of all Oversight Committee members present and absent at any meeting of each Oversight Committee and a statement of the vote on each issue of business directed, determined or set out by each Oversight Committee; and

- (f) Maintaining Oversight Committee records and responding to Public Records Act requests directed to each 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 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 such Oversight Committee as set forth in Section 9.0(c) above and subject to the limitations set forth herein.
- (b) Providing audits, and written reports as provided for in Section 9.0 above, and providing, operating, maintaining and updating each Oversight Committee Internet Website(s) as set forth in Section 10.3, hereof.
- (c) The District shall, in compliance with Sections 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 Policy and Regulations. In covering such costs, the District shall cover such costs as are reasonably necessary or required under State law and this Policy and Regulations in furtherance of each Oversight Committee's express purpose. In the event of a question relating to whether an expense of each 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 Oversight Committee Internet Website(s). Education Code Section 15280(b) requires that certain documents relating to each Oversight Committee be made available on an internet website maintained by the District Board. Information pertaining or relating to such Oversight Committee shall appear on the District's designated website address – www.dmusd.org until such time the Board decides to create and establish one or more Oversight Committee Internet Website(s). The cost to operate, maintain and update the Oversight Committee Internet Website(s) shall be the responsibility of the District. The Oversight Committee Internet Website(s) may be included within an existing website(s) operated by the District or may be operated separately. The following documents and information shall generally appear on the applicable internet website dedicated for use for Citizens' Oversight Committee information:

- (a) Minutes of Oversight Committee meetings;

- (b) Reports issued by such Oversight Committee; and
- (c) Documents formally received by such Oversight Committee.

10.4 Presentation of Reports. Reports, including the annual reports of each Oversight Committee, and recommendations of such Oversight Committee shall be presented to the Board. 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 Oversight Committee; Records.

11.0 The term of each Oversight Committee shall expire upon the occurrence and completion of all of the following events:

- (a) All corresponding Proposition 39 Bond proceeds and earnings thereon have been expended;
- (b) Each Oversight Committee has issued its final annual report as required under Section 9.0(f) above; and
- (c) Each 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 each 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 corresponding Oversight Committee as provided for herein.

XII. Delegation of Board's Authority.

12.0 The Board has delegated the Superintendent and the Assistant Superintendent, Business Services as its designee(s), to assist the Board in implementing the provisions, sections, terms and sub-sections of this Policy and Regulations.

XIII. Amendment of Policy and Regulations; SBE Waiver.

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

13.1 The Board expressly reserves the right to apply for and pursue one or more statutory waiver(s) of the conditions and requirements of the Law, and, correspondingly, this Policy and Regulations (as may be applicable), from the State Governing Board of Trustees (SBE) should the Board so determine, in its sole discretion.

XIV. Severability.

14.0 If any article, section, subsection, paragraph, sentence, clause or phrase contained in this Policy and Regulations 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 articles, sections, subsections, paragraphs, sentences, clauses or phrases contained in this Policy and Regulations shall not be affected thereby.

Adopted: July 25, 2018.



2018 General Obligation Bond Measure

Measure MM
Cumulative Project Expenditures
as of October 31, 2019

Del Mar Heights School Rebuild Project Budget

Object Code	Description	Original Budget as of 09/24/19	Actual Expenditures 10/31/19	Balance
FUNDING SOURCES:				
	Proceeds from General Obligation Bond	55,412,500		
	Other			
	<u>TOTAL FUNDS AVAILABLE</u>	<u>55,412,500</u>		
EXPENDITURES:				
1. Site				
6100-010	Land- Purchase	-		
6100-020	Appraisal Fees	-		
6100-040	Surveying Costs	26,950	17,892	9,058
6100-050	Site Support Costs	-		
6100-052	Dept. of Toxic Substance Control Fees	1,500		1,500
6100-057	Environmental Costs	81,868	10,700	71,169
6100-060	Other Site Costs	-		
6100-055	2. Relocation Assistance	-		
3. Planning				
6200-001	Architect Fees	2,287,500	343,125	1,944,375
6200-010	Engineering Fees	-		
6200-020	Division of State Architecture Fees	-		
6200-030	California Dept. of Education Fees	-		
6200-035	Energy Analysis	-		
6200-040	Preliminary Tests	13,800	7,500	6,300
6200-050	Other Costs	-		-
4. Construction				
6200-070	Main Constuction	42,625,000		42,625,000
6200-072	Constuction Management	-		
6200-075	Demolition	-		
6200-074	Other Construction	-		
6200-076	Interim Housing	-		
	Labor Compliance Program	-		
6200-080	Inspections	-		
6200-090	Construction Tests	-		
Furniture and Equipment:				
6400-003	Technology	-		
6400-004	Office	-		
6400-005	Classrooms	-		
	Additional Soft Costs and Contigencies	10,375,882		10,375,882
TOTAL BUDGET		55,412,500	379,217	55,033,284

**Del Mar Union School District
2018 General Obligation Bond Measure MM
Expenditures Through 10/31/19**

Del Mar Heights Rebuild Project Summary				
Vendor	Description	Budget	Expenditure	Balance
Baker Nowicki Design Studio	Archtect Fees	2,287,500.00	343,125.00	1,944,375.00
Dept. of Toxic Substance Control	Environment Fee	1,500.00	-	1,500.00
Nova Services	Geotechnical Services	13,800.00	7,500.00	6,300.00
Placeworks, Inc	Environmental Consultant	81,868.00	10,699.50	71,168.50
Snipes Engineering, Inc	Surveying	26,950.00	17,892.00	9,058.00
Grand Total		2,411,618.00	379,216.50	2,032,401.50

Del Mar Heights Rebuild Project Vendor Detail						
Vendor	Description	Budget	Expenditure	Remaining Balance	Invoice #	Payment Date
Baker Nowicki Design Studio	Archtect Fees	2,287,500.00	85,781.25	2,201,718.75	19009-00-01	6/27/2019
			85,781.25	2,115,937.50	19009-00-02	7/18/2019
			85,781.25	2,030,156.25	19009-00-03	8/27/2019
			51,468.75	1,978,687.50	19009-00-04	9/11/2019
			34,312.50	1,944,375.00	19009-00-05	10/4/2019
		Subtotal	343,125.00			
Nova Services	Geotechnical Services	13,800.00	7,500.00	6,300.00	7394	8/27/2019
			Subtotal	7,500.00		
Placeworks, Inc	Environmental Consultant	81,868.00	10,699.50	71,168.50	69732	9/27/2019
			Subtotal	10,699.50		
Snipes Engineering, Inc	Surveying	26,950.00	1,016.00	25,934.00	23649	7/18/2019
			10,160.00	15,774.00	23866	9/11/2019
			2,438.40	13,335.60	24059	9/18/2019
			4,277.60	9,058.00	24219	10/11/2019
			Subtotal	17,892.00		
Grand Total			379,216.50			

Pacific Highlands Ranch Elementary School Project Budget

Object Code	Description	Original Budget as of 9/24/19	Actual Expenditures 10/31/19	Balance
FUNDING SOURCES:				
	Proceeds from General Obligation Bond	22,648,362		
	<u>Other Funding Sources</u>	<u>45,751,638</u>		
	<u>TOTAL FUNDS AVAILABLE</u>	<u>68,400,000</u>		
EXPENDITURES:				
1. Site				
6100-010	Land- Purchase	10,000,000	-	10,000,000
6100-020	Appraisal Fees	-		
6100-040	Surveying Costs	17,000	16,320	680
6100-050	Site Support Costs	69,365	38,416	30,949
6100-051	Phase I Environ. Site Assessment Costs	6,900	6,892	8
6100-052	Dept. of Toxic Substance Control Fees	3,027	3,027	-
6100-060	Other Site Costs	-		
6100-055	2. Relocation Assistance	-		
3. Planning				
6200-001	Architect Fees	2,382,620	339,432	2,043,188
6200-010	Engineering Fees	-		
6200-020	Division of State Architecture Fees	-		
6200-030	California Dept. of Education Fees	-		
6200-035	Energy Analysis	-		
6200-040	Preliminary Tests	13,800	12,800	1,000
6200-050	Other Costs	-	-	-
4. Construction				
6200-070	Main Constuction	44,920,000	-	44,920,000
6200-072	Constuction Management	-		
6200-075	Demolition	-		
6200-074	Other Construction	-		
6200-076	Interim Housing	-		
	Labor Compliance Program	-		
6200-080	Inspections	-		
6200-090	Construction Tests	-		
	Furniture and Equipment:	-		
6400-003	Technology	-		
6400-004	Office	-		
6400-005	Classrooms	-		
	Additional Soft Costs and Contingencies	10,987,288	-	10,987,288
	TOTAL BUDGET	68,400,000	416,887	67,983,113

**Del Mar Union School District
2018 General Obligation Bond Measure MM
Expenditures Through 10/31/19**

Pacific Highlands Ranch School #9 Project Summary

Vendor	Description	Budget	Measure MM Expenditure	Other Funding Expenditure	Total Expenditure	Remaining Balance
Dept. of Toxic Substance Control	Environmental Fee	3,027.22	1,527.22	1,500.00	3,027.22	-
DUDEK	Phase I Environ. Rpt	6,900.00	-	6,892.46	6,892.46	7.54
Nova Services	Geotechnical Services	13,800.00	12,800.00	-	12,800.00	1,000.00
OBR Architecture, Inc	Architect Fees	2,382,620.00	339,432.01	-	339,432.01	2,043,187.99
Placeworks, Inc	Environmental Consult	69,365.00	29,975.51	8,440.00	38,415.51	30,949.49
Snipes Engineering	Surveying	17,000.00	16,320.00	-	16,320.00	680.00
Grand Total		2,492,712.22	400,054.74	16,832.46	416,887.20	2,075,825.02

Pacific Highlands Ranch School #9 Vendor Detail Summary

Vendor	Description	Budget	Expenditure	Remaining Balance	Invoice #	Payment Date	
Dept. of Toxic Substance Control	Environmental Fee	3,027.22	1,500.00	1,527.22	n/a	9/28/2018	
				1,527.22	-	n/a	3/6/2019
				Subtotal	3,027.22		
DUDEK	Phase I Environ. Rpt	6,900.00	6,161.21	738.79	20185197	9/19/2018	
			675.00	63.79	20185800	10/4/2018	
			56.25	7.54	20187259	12/7/2018	
				Subtotal	6,892.46		
Nova Services	Geotechnical Services	13,800.00	7,000.00	6,800.00	6929	6/26/2019	
			5,800.00	1,000.00	7393	8/27/2019	
				Subtotal	12,800.00		
OBR Architecture, Inc	Architect Fees	2,382,620.00	89,160.75	2,293,459.25	006-1	5/7/2019	
			89,160.75	2,204,298.50	006-2	6/18/2019	
			89,600.33	2,114,698.17	006-3	6/19/2019	
			35,845.88	2,078,852.29	006-4	7/18/2019	
			35,664.30	2,043,187.99	006-5	8/14/2019	
				Subtotal	339,432.01		
Placeworks, Inc	Environmental Consult	69,365.00	6,872.50	62,492.50	67107	12/12/2018	
			1,567.50	60,925.00	67250	12/19/2018	
			2,422.50	58,502.50	67449	1/18/2019	
			2,590.00	55,912.50	67750	1/31/2019	
			250.00	55,662.50	68580	5/16/2019	
			2,145.00	53,517.50	68964	6/25/2019	
			775.00	52,742.50	69233	7/18/2019	
			9,335.00	43,407.50	69499	8/28/2019	
			12,458.01	30,949.49	69730	9/18/2019	
	Subtotal	38,415.51					
Snipes Engineering	Surveying	17,000.00	9,860.00	7,140.00	23478	6/20/2019	
			6,460.00	680.00	23649	7/18/2019	
				Subtotal	16,320.00		
Grand Total			416,887.20				

Ineligible for Measure MM Reimbursement