

# OAKLAND UNIFIED SCHOOL DISTRICT

## Board Bylaw

### BB 9131

### Advisory and Oversight Committees and Commissions

#### Section 1 General Guidelines

##### Purposes

The Board shall establish advisory or oversight committees or commissions for the purpose of meeting legal requirements and to provide advice and involvement concerning matters of interest and welfare to the Board of Education. Advisory Committees shall focus their work on the goals and objectives of the District. Oversight committees or commissions have specific mandates outlined in authorizing legislation or voter-approved bonds and parcel taxes. These committees or commissions are advisory to the Board of Education; the Board of Education retains final authority.

All meetings of Advisory and Oversight Committees or Commissions are open to the public and shall have designated times for public comment.

##### Appointment, Term of Membership, and Attendance

Persons interested in serving on advisory committees, oversight committees or commissions shall submit an application and any documents that outline their qualifications for and commitment to serve on the body, such as a resume.

Information regarding openings for each advisory committee, oversight committee or commission, the mission, and anticipated number of meetings for each body and applications for each body shall be available from the Office of the Board of Education and the OUSD website.

Information regarding the mandate, membership, and meeting schedule for each body shall be available from the Office of the Board of Education and the OUSD website.

Unless otherwise specified, the attendance requirement for each body shall provide that if a member misses two consecutive meetings without a valid excuse, as determined by the body, the member shall be considered to have resigned.

Unless otherwise specified, the term of a member, shall be for a two-year period. Fifty percent of the members are to be appointed each year. In instances where all committee members are appointed simultaneously, the minority of members shall be appointed to one-year terms, and the majority of members shall be appointed to two-year terms.

Terms of members shall be limited to a total of six years or three full terms. Members are eligible for re-appointment after one year off the committee or commission.

All committees and commissions, unless otherwise specified, shall use the July-to-June fiscal years. All committees and commissions shall be in recess during the month of July.

A decision regarding any replacement to fill vacancies shall be made by the Board, according to the application process outlined above, unless otherwise specified.

### Size and Composition

All committees and commissions, unless otherwise specified, shall be limited to seven members. All applications shall be reviewed by the Board President or the Board President's designee. The Board President's recommendations for the appointment of members to each committee shall be forwarded to the Board of Education for ratification.

It is the goal of the Board that the composition of committees and commissions be representative of the following, unless otherwise specified in the creation resolution:

- the ethnic, age group, and socio-economic composition of the District;
- the City's seven electoral districts;
- the business community;
- community organizations;
- teachers, administrators, and other school employees;
- parents;
- students; and
- labor organizations.

### Operating Procedures

The specific function of a committee or commission shall be determined by the Board resolution establishing the committee or commission.

Each committee and commission shall elect a chairperson, vice-chairperson, and secretary.

Written minutes shall be kept of all meetings held and shall record attendance and recommendations made. Copies of un-adopted minutes shall be forwarded to the Board and to the Superintendent within ten days after each meeting. Adopted minutes shall be made available to the public by posting on the OUSD website.

If necessary, copies of all recommendations shall be forwarded by separate letter to the Board and to the Superintendent within ten days after the meeting at which the recommendations were adopted by the committee.

The quorum for each meeting shall be fifty percent plus one of the membership.

There shall be no proxy votes.

1.4.9 All committees and commissions shall comply with the provisions of the Brown Act (Government Code 54950-54961).

1.4.10 Committee and commission members shall not be compensated for their services.

### Board Liaisons

The Board President shall appoint a Board Director (each year at the Board's Annual Organization Meeting) to serve as a Board Liaison to each Advisory and Oversight committee and commission. The Board Liaison shall attend and observe all meetings, and provide consultative support to the chairperson.

### Support Services

The Superintendent shall designate a Chief (senior management) to serve as the coordinator to each committee and commission and said liaison shall be responsible for providing support services as needed. A staff person designated by the Superintendent shall support all committees and commissions on behalf of the Superintendent. The Superintendent shall publicize the availability of vacancies on committees and commissions. The Superintendent shall inform the public of the appointment of members of committees and commissions made by the Board.

### District Impact

To the extent possible, the liaison to each committee and commission shall provide a District Impact Statement on behalf of the Superintendent providing an analysis of the financial and programmatic impact of recommendations made by committees and commissions.

### Evaluation

If recommendations are enacted, the effectiveness of the recommendations shall be evaluated to determine if they are meeting the identified goals.

## **Section 2 Mandated Advisory or Oversight Committees, Commissions**

Advisory or oversight committees and commissions that are mandated by law, court decision, or regulation shall conform and operate in compliance with the legal requirements for the body. Prior to the time at which the mandate of such an advisory or oversight committee or commission ends, the Board shall determine if or in what form the committee or commission, consistent with law, shall continue to function.

Mandated committees and commissions include the ...Independent Citizens' School Facilities Bond Oversight Committee, the Measure G Parcel Tax Independent Citizens Oversight Committee, the Measure N – College and Career Readiness Commission, and

the Measure G1 – Teacher Retention and Middle School Improvement Act Oversight Commission.

**Measures A, B, and J Independent Citizens’ School Facilities Bond Oversight Committee**

**Date created:** February 27, 2013 -- Resolution No. 1213-0103

**Purpose:** To provide advice and recommendation to the District regarding the expenditure of funds for bond related projects, to actively review and report on the proper expenditure of taxpayers’ money for school construction and to take any necessary action in furtherance of its purpose including, but not limited to, receiving and reviewing copies of annual independent financial audits and deferred maintenance proposals, inspecting school facilities and grounds, receiving and reviewing cost-saving measures designed to reduce the costs of professional fees and site preparation. The Committee shall have the option to tour sites where Bond funds are being expended, with support from the Superintendent.

The Superintendent or designee shall consult with the Committee Chair regarding the selection of the Finance and Performance Auditor and the Financial Advisor as well as the hiring of a Deputy Facilities Chief. This consultation shall include appointing the Committee Chair or designee to the selection panel, if there is one, for the Finance and Performance Auditor, the Financial Advisor, and the Deputy Chief, Facilities Planning and Management to the extent permitted by law.

The activities of the Committee shall include, but are not limited to:

- (1) Receiving and reviewing copies of the annual, independent performance audit required by subparagraph (C) of paragraph (3) of subdivision (b) of Section 1 of Article XIII A of the California Constitution.
- (2) Receiving and reviewing copies of the annual, independent financial audit required by subparagraph (C) of paragraph (3) of subdivision (b) of Section 1 of Article XIII A of the California Constitution.
- (3) Periodically inspecting school facilities and grounds to ensure that bond revenues are expended in compliance with the requirements of paragraph (3) of subdivision (b) of Section 1 of Article XIII A of the California Constitution.
- (4) Preparing a publicly available annual report of bond activities and expenditures.
- (5) **Preparing other reports of their activities, findings and recommendations to the Superintendent, the Board and the public.**
- (5) **Alerting the Board, Superintendent and the Public at the earliest possible opportunity of any improper use of Bond funds, in accordance with Education Code 15264.**

**a. The Committee may request that the Board place on its next Board meeting agenda items of immediate concern related to possible improper use of Bond funds, or in cases of extreme urgency, the Committee may request a special Board meeting to consider the item.**

**(6) Reviewing, and making advisory recommendations to the OUSD Board of Directors regarding proposed changes to the Voter Approved Project List and changes to the Facilities Master Plan that impact projects paid for by bond funds.**

**a. These recommendations are to be made at a properly noticed Committee meeting prior to Board consideration of the changes.**

**(7) Reviewing and making advisory recommendations to the OUSD Board of Directors regarding proposed alterations to project budgets, timelines and other changes to bond program expenditures that are subject to OUSD Board of Directors approval.**

**a. If the Committee elects to review and make advisory recommendations regarding proposed alterations to project budgets, timelines and other changes to bond program expenditures that are subject to OUSD Board approval, these recommendations must be made at or before the Board meeting where the requested changes are to be considered for approval.**

**b. The District shall ensure that all documentation related to the requested change is provided to the Committee through the Chair at the same time that such documentation is provided to the Board.**

**c. The District shall ensure that all alterations to project budgets, timelines and other changes to the Bond program expenditures, with adequate explanations for these changes, are reported to the full Committee.**

**Number of members:** Nine (9)

**Special selection process:** Pursuant to Proposition 39 (2000), the Committee shall have at least nine members and shall include the following persons:

- One (1) member who is a parent or guardian of a child enrolled in the District.
- One (1) member active in a business organization representing the business community located in the District.
- One (1) member active in a senior citizen's organization.

- One (1) member active in a bona-fide taxpayers association.
- One (1) member who is both a parent and guardian of a child enrolled in the District and active in a parent-teacher organization, such as the Parent- Teacher Association or a school site council.
- At least three (3) members of the community-at-large appointed by the Board.

A single individual may be appointed as a representative of more than one of the above categories, if applicable. The Board of Education shall seek to ensure that the committee is representative of the diversity of the District.

**Qualification Standards:**

- (a) To be a qualified person, he or she must be at least 18 years of age.
- (b) The Bond Oversight Committee may not include any employee, official of the District, or any vendor, contractor, or consultant of the District.
- (c) A majority of the members of the Committee shall possess expertise in one or more of the following areas:
  - Large scale construction operations
  - Municipal / Public finance matter
  - Multiple years’ experience with agency/entity budgeting
  - Construction related project management
  - Real Estate acquisition or sales

**Ethics:** Conflicts of Interest.

By accepting appointment to the Committee, each member agrees to comply with Articles 4 (commencing with Section 1090) and 4.7 (commencing with Section 1125) of Division 4 of Title 1 of the Government Code and Bylaw of the Board 9270.

**Measure G Parcel Tax Independent Citizens Oversight Committee**

**Date created:** August 27, 2008 -Resolution No. 0809-0043; Effective July 1, 2009

**Purpose:** To inform the public concerning the expenditure of parcel tax revenues and to review and report on the proper expenditure of taxpayers’ money generated by the 2009 Measure G parcel tax. The committee shall:

- Receive and review a report from the Superintendent no later than December 31<sup>st</sup> of each year that details: (1) the amount of Education Parcel Tax revenues received and expended in the prior year, including District reports and independent annual audit reports pertaining hereto; and (2) the status of any projects or descriptions of any program funded from proceeds of the tax.

- Produce an annual report on the preceding fiscal year expenditures for public distribution and distribution to the Board of Education not later than February 28<sup>th</sup> annually that communicates the Committee’s finding as to whether tax proceeds are being spent for the purposes permitted by the Measure and recommendations, if any.

The Committee shall have the option to tour sites where Parcel Tax revenues are being expended.

**Special Selection Process:** The Committee shall consist of seven (7) members, and shall possess expertise in or represent the following:

- One member shall be the parent or guardian of a child enrolled in the District;
- One member shall be both a parent or guardian of a child enrolled in the District and active in a parent-teacher organization, such as the School Site Council or Parent Teacher Association;
- One member shall be a community member who does not currently have a child enrolled in the District
- One member shall be a representative of the business community; and
- At least two members shall have demonstrated financial expertise.

At least four members of the committee shall be property owners in the City of Oakland. A single individual may be appointed as a representative of more than one of the above categories, if applicable. The Board of Education shall seek to ensure the Committee is representative of the diversity of the District.

**Measure N – College and Career Readiness Commission**

Date Created: November 19, 2014 - Resolution No. 1415-0119; Effective February 1, 2015

Purpose: The Measure N College and Career Readiness Commission shall advise and report to the Board of Education and shall be responsible for:

Planning

- a) Reviewing each high school’s School Quality Review findings, Balanced Scorecard results, and education improvement plans;
- b) Submitting school funding recommendations to the Board of Education for action.

Oversight

- a) Oversight of proper allocation and use of all parcel tax monies;
- b) Reviewing annual independent audit reports;
- c) Submitting recommendations to the Board of Education any new or modified policies and administrative regulations to ensure the Oakland Unified School District’s compliance with the requirements and intent of Measure N.

Membership/Qualifications: The College and Career Readiness Commission shall be comprised of five (5) persons who demonstrate extensive knowledge and expertise in high school and postsecondary curriculum, instruction, and leadership; education research, evaluation, and analytics; and financial management and audits.

**Measure G1 – Districtwide Teacher Retention and Middle School Improvement Act Oversight Commission**

Date Created: January 25, 2017 - Resolution No. 1617-0019; Effective February 16, 2017

Purpose: The Measure G1 – Districtwide Teacher Retention and Middle School Improvement Act Oversight Commission shall advise and report to the Board of Education and shall be responsible for (a) oversight of proper allocation and use of all parcel tax monies, (b) reviewing annual independent audit reports, and (c) submitting recommendations to the Board of Education for any new or modified policies and administrative regulations to ensure the Oakland Unified School District’s compliance with the requirements and intent of Measure G1.

Membership/Qualifications: The Measure G1 – Districtwide Teacher Retention and Middle School Improvement Act Oversight Commission shall be comprised of five (5) persons, giving preference to persons who demonstrate extensive knowledge and expertise in middle school education, with a focus on arts, music, and world languages, school safety, and in compensation for K-12 educational professionals.

**Section 3 Ongoing Advisory Committees**

The Board shall designate clearly the purpose, scope of activities, and membership of other advisory committees.

Ongoing other advisory committees include the Audit Committee. The Audit Committee is maintained at the recommendation of the Financial Crisis Management and Assistance Team as a best practice for highly functioning school districts.

**Audit Committee**

**Date created:** December 13, 2006; Board Policy 3461

**Purpose:** The responsibilities of the Audit Committee shall include but not be limited to the following:

1. Recommend to the Board for approval the independent auditors.
2. Review the independent audit engagement including the fee, scope and timing of the audit, and any other services to be rendered, including non-audit services.



3. Review with the independent auditor's district policies and procedures regarding internal auditing and internal accounting and financial controls.
4. Upon completion of their audit, review with the independent auditors the cooperation they received from district personnel during the audit, the extent to which district resources could be used to minimize the time spent on the audit, and any significant matters of concern arising from the audit.
5. Review with the independent auditors any significant transactions which are not a normal part of the district's business, any changes in accounting principles and practices, all significant proposed audit adjustments, and any recommendations that they may have for improving internal controls, choice of accounting principles or management systems.
6. Review with the district's financial and accounting staff district policies regarding internal accounting and financial controls.
7. Review and recommend district policies to the Board to prohibit unethical, questionable, or illegal activities by district employees.
8. Review with the internal auditor the organization and independence of the internal audit function; the goals and plans of internal audit including the nature and extent of work; problems and experiences in completing internal audits; and findings, conclusions, and recommendations as a result of internal audits.
9. Upon completion of the independent audit, review with the district's financial and accounting managers their perception of the independent auditors, any significant matters of concern arising from the audit, and the extent to which recommendations made by the independent auditors have been implemented.
10. Prepare semi-annual written reports to the Board relating the results of committee activities.

The Board of Education shall provide written guidance to the Audit Committee on an annual basis regarding those areas on which the Audit Committee should focus.

**Number of members:** Five (5): At least three members shall possess expertise in internal and/or external audits, and/or management of a public school system.

**Selection procedure:** Community members shall apply consistent with the procedures outlined above.

### **7-11 Committee**

**Date created:** February 13, 2019 - Resolution No. 1819-0014

**Purpose:** The duties of the 7-11 Committee include: (a) Review the projected school enrollment and other data provided by the District to determine the amount of surplus space and real property; (b) Establish a priority list of use of surplus space and real property that will be acceptable to the community; (c) Cause to have circulated throughout the attendance area the priority list and provide for hearings of community input on acceptable uses, including sale or lease for child care development purposes per Education Code section 17458); (d) Make a final determination of limits of tolerance of use; and (e) Provide a report to the Board recommending a determination of whether real property is surplus space and real property. (Education Code § 17390)

Number of members: 7-11. The Committee must be comprised of at least seven members who represent each of the following:

- The ethnic, age group and socioeconomic composition of the District
- The business community, such as store owners, managers or supervisors
- Landowners or renters, with preference to be given to representatives of neighborhood associations
- Teachers
- Administrators
- Parents of students
- Persons with expertise in environmental impact, legal contracts, building codes and land use planning, including, but not limited to, knowledge of the zoning and other land use restrictions of the cities or cities and counties in which surplus space and real property is located.

A single individual may be appointed as a representative of more than one of the above categories, if applicable. The Board of Education shall seek to ensure the Committee is representative of the diversity of the District.

**Selection procedure:** Community members shall apply consistent with the procedures outlined above.

#### **Section 4      Task Forces of Limited Duration**

The Board shall designate clearly the purpose, scope of activities, membership, and duration of task forces that are, by design, of limited duration.

#### **Section 5      Committee Ethics Policy Statement**

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

## POLICY

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

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

- (1) Bidding on projects funded by the bond or parcel tax proceeds; and
- (2) Any construction project.

**COMMITMENT TO UPHOLD LAW.** A committee or commission member shall uphold the federal and California Constitutions, the laws and regulations of the United States and the State of California (particularly the Education Code) and all other applicable government entities, and the policies, procedures, rules and regulations of the Oakland Unified School District;

**COMMITMENT TO IMPROVEMENT OF DISTRICT.** A committee and commission member shall place the interests of the District above any personal or business interest of the member.

3/27/13; 11/19/14A; 1/25/17A; 2/13/19A; 4/22A