Livermore Valley Joint Unified School District Measure J Bond Oversight Committee

December 7, 2022

Roles and Responsibilities of Board, Staff and CBOC

(First, a Little About the Brown Act)

I. <u>Purposes of the Brown Act</u>

- A. To keep the public informed of the actions, debates and views of locally elected representatives; and
- B. To provide the procedural framework for local legislators to meet, debate, act and listen collectively to their constituents.

II. <u>Applicability</u>:

person elected to serve as a member of a legislative body who has not yet assumed the duties of

, even before

taking office. (Government Code § 54952.1)

III. Legislative Body

- A. Includes any: Commission, Committee, Board, other body, advisory committees that are standing committees that have continuing subject matter jurisdiction or fixed meeting schedules.
- B. Whether: Permanent or Temporary; Decision-making or advisory; Established by charter, ordinance, resolution, or .

(Government Code § 54952)

IV. Meetings

- A. Physically Together: Any congregation of a majority of the members of a legislative body at the same time and place to hear, discuss, or deliberate upon any item that is within the subject matter jurisdiction of the legislative body; or
- B. Use of Technology: Any use of direct communication, personal intermediary, or technological devices that is employed by a majority of the members of the legislative body to develop a collective concurrence (Government Code § 54952.2), including telephone, email, texts, Shapchat, TikTok, Facebook, Twitter, Instagram, communication through an intermediary, etc.
- C Substance v. Procedure: Communication limited to providing information (i.e.,

determining agenda and time allotted to each of them) do not constitute meetings if they do not constitute discussions of a topic within the subject matter of the Board/Committee.

- b) Vendor, contractor, or consultant of the District to the CBOC.
- c) Persons who have a conflict of interest:
 - (1) with a contractual interest related to the District or CBOC (Gov. Code § 1090 et seq.)
 - (2) who hold an office incompatible with service on the CBOC (Gov. Code § 1125 et seq.)
- 3. (Ed. Code § 15282(b).)
- 4. Bylaws/Policies. The Board may establish policies and regulations for the CBOC. These are within the -approved CBOC Bylaws.
 - Policies and regulations can address the CBOC member selection and composition, and vacancies, including the time period and process for filling vacancies.
 - b) Attendance. The Board can specify that regular attendance at meetings is expected and can address removal and replacement of CBOC members who fail either to attend a specified number of meetings or to submit a written resignation.

- 6. Project List. The Board shall ensure that bond funds have been expended only on projects included in a list of the specific school facilities projects to be funded. (Cal. Const., Art. XIIA § 1(b)(3)(C).)
- 7. Appropriate Expenditure/ Staff Salaries. The Board shall ensure that the proceeds from the sale of bonds are used only for the purposes of 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, and not for any other purpose, including teacher and administrator salaries and other school operating expenses. (Cal. Const., Art. XIIIA § 1(b)(3)(A).) This has been clarified by the California Attorney General in an advisory opinion that allows school districts to use bond funds to pay for staff that is performing services related to the bond. (Cal. A. G. Opinion; 87 Ops.Cal.Atty.Gen. 157 (2004).
- 8. Performance Audit. The Board shall conduct an annual, independent performance audit to ensure that the funds have been expended only on the specific projects listed. (Cal. Const., Art. XIIA § 1(b)(3)(C).)
- 9. Financial Audit. The Board shall conduct an annual, independent financial audit of the proceeds from the sale of the bonds until all of the proceeds have been expended for the school facilities projects. (Cal. Const., Art. XIIIA, Sec 1(b)(3)(D).)
- 10. Technical Assistance. The Board shall, without expending bond funds, provide the CBOC any necessary technical assistance, administrative assistance in furtherance of its purpose, and sufficient resources to § 15280(a).)

COMMITTEE

A. Inform the public