

GENERAL OBLIGATION BONDS – The Palm Springs Unified School District Citizens’ Oversight Committees’ Policy and Regulations.

I. Adoption of Policy and Regulations – Legal Authority.

1.0 This Palm Springs Unified School District (“District”) Citizens’ Oversight Committees’ Policy and Regulations (“Policy and Regulations”) is adopted and established by the Board of Education (“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 I 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 the Oversight Committees (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 the oversight of bond expenditures; and that members of the oversight committees alert the public to any waste or improper expenditure of school construction bond money.

The text of Proposition 39 includes various accountability requirements as further discussed herein. In an effort to increase voter approval for Proposition 39, the California Legislature passed, and Governor Davis 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 Proposition 39 bond elections to establish and appoint 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 Citizens’ Oversight Committees (“Oversight Committees”) 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 defined 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 Board of Education of the District.

“**Bond(s)**” means the general obligation bonds of the Palm Springs Unified School District as authorized by the approval of bond measures at Elections by the voters within the District and issued pursuant to State law.

“**Oversight Committee(s)**” mean the Palm Springs Unified School District Citizens’ Oversight Committees formed and appointed by the Board of the District pursuant to the requirements of the Law, and this Policy and Regulations.

“**District**” means the Palm Springs Unified School District.

“**Election(s)**” mean any general obligation bond election held within the boundaries of 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.*).

“**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.

IV. Establishment of Oversight Committees.

- 4.0 The Board shall establish Oversight Committees and initially appoint at least seven (7) members to each 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 California Law and herein. The Board, in its discretion, may increase the number of members of the Oversight Committees at any time.

V. Purpose of Oversight Committees.

- 5.0 Statutory Purpose. The purpose of the Oversight Committees shall be to inform the public, at least annually in a written report, concerning the expenditure of Bond proceeds from the corresponding Election. In carrying out this purpose the Oversight Committees shall:

- (a) Actively review and report on the proper expenditure of 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 the corresponding Election;

- (ii) No Bond proceeds are used for any non-construction related teacher or administrative salaries or other non-construction related 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 The Oversight Committees shall undertake and accomplish those matters expressly stated in, or directly provided by District Resolution Nos. 2004/2005-24 and 2007/2008-67, State law and this Policy and Regulations (as adopted and amended from time to time).

VI. Oversight Committees Composition.

- 6.0
- (a) The Oversight Committees shall initially consist 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.
 - (b) The Oversight Committees may not include any employee or official of the District or any vendor, contractor, or consultant of the District.
 - (c) The Oversight Committees shall each include 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 both a parent or guardian of a child enrolled in the District and active in a parent-teacher organization, such as the Parent Teacher Association or school site council.
 - (d) Five (5) members of the Oversight Committees 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 members to the Oversight Committees, the Board may, in its discretion, consider the various factors set forth in Section 7.0(d) hereof. The Board may remove a member of the Oversight Committees during his or her tenure consistent with the provisions of applicable law and as set forth in this Policy and Regulations.

VII. Oversight Committee Appointments, Term and Vacancies.

7.0 Appointments.

- (a) The initial members of the Oversight Committees 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 may solicit applications for appointment to the Oversight Committees and may require candidates for membership on the Oversight Committees to submit information on a stated form. Important information regarding the application form and the application process will generally be posted on the District's website at <http://www.pusd.us> (or such other internet address as shall be utilized from time to time). Notwithstanding Section 7.1(a) hereof, the Board may, in its discretion, solicit applications for membership to the Oversight Committees in advance of an actual Election date as may be necessary or desirable to have adequate applicants to fill all of the required positions on the Oversight Committees and to have adequate time in which to fully and completely consider all of the applicants and their corresponding information.
- (c) The Board has authorized the Superintendent, or the Superintendent's designee(s), to review applications submitted to the District for membership to the Oversight Committees and make recommendations to the Board to assist the Board in appointing members to the Oversight Committees.
- (d) In making its appointments, the Board shall satisfy the necessary statutory membership requirements on the Oversight Committees as set forth in Section 6.0(c) hereof. In making its appointments to the Oversight Committees, 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 member of the Oversight Committees, which may include experience in construction, real property, facilities management or finance matters or other factors which tend to

support or complement the purposes of the Oversight Committees. The Oversight Committees shall initially have at least seven (7) members; however, the Board retains the right to appoint additional members to the Oversight Committees. In the event that the Law is amended to require a different or greater number of members of the Oversight Committees, the Board shall, within the time set by California law, take action to appoint appropriate members to the Oversight Committees as shall be required.

- (e) Any appointee to the Oversight Committees 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) The members of the Oversight Committees shall serve for a term of two years without compensation and at the end of the first term, it is anticipated that one-half (½) of the members' terms may be staggered. Hence, some members serving on the Oversight Committees may not serve for more than one (1) term. Notwithstanding the foregoing, Oversight Committee members may, with their consent, serve a shortened term in order to accommodate staggering of Oversight Committee membership positions. Members may be appointed by the Board, in its discretion, for no more than three (3) consecutive terms as provided by the Law. Members of the Oversight Committees may serve multiple non-consecutive terms as the Board may determine or direct.
- (b) The term of office for a member on Oversight Committees shall end upon the completion of their initial or subsequent term 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.
- (c) The term of office for a member on the Oversight Committees may end prematurely in the event that the Oversight Committees terminate pursuant to the provisions set forth in Section 11.0 hereof.
- (d) The current or former members of an Oversight Committee may serve on a different Oversight Committee concurrently or after their terms of office on the initial Oversight Committee have expired.

7.2 Vacancies.

- (a) Determination of Vacancy. The Board may determine that a member's seat on an Oversight Committee has become vacant under any of the following circumstances:
 - (i) Resignation of that member from the Oversight Committee(s) submitted in writing to the Board (which shall be effective upon its receipt by the Board);

- (ii) Death, or a legal determination of the incapacity, of that member of the Oversight Committees;
- (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;
- (v) Absent for (two) consecutive meetings and non-responsive to meeting request; or
- (vi) As may otherwise be prescribed or required by law.

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

- (b) In the event that any vacancy on the Oversight Committees occurs, by way of resignation or otherwise, the Board may, in its discretion, appoint a replacement member to the Oversight Committees for each vacancy to serve for the remainder of the unexpired term of the vacating member to the Oversight Committees in a manner it determines to be consistent with applicable law.
- (c) In the event a vacancy is determined, such position on the Oversight Committees shall remain vacant until the Board appoints a new member to the Oversight Committees for that position. Following the determination of the vacancy on the Oversight Committees, the Board shall follow the procedures set forth in Section 7.0 hereof to fill such vacancy within a reasonable period of time. The power to fill vacancies on the Oversight Committees is expressly reserved to the Board.
- (c) 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 Committees.

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

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

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

IX. Oversight Committees Activities and Meetings.

9.0 Activities of the Oversight Committees. In furtherance of its specifically enumerated purposes, the Oversight Committees may engage in any of the following activities relating solely and exclusively to the expenditure of the corresponding Bond proceeds as set forth in Section IX of the 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 Bond funds have been expended on the specific projects identified in the District's corresponding Election School Facilities Project list;
- (b) Receive and review copies of the annual financial audit(s) conducted by an independent consultant selected by the District to ensure that the Bond funds have been expended on the specific projects identified in the District's corresponding Election School Facilities Project list;
- (c) Inspect school facilities and grounds, during normal District business hours, and subject to state laws concerning campus security, to ensure that the corresponding Bond proceeds are expended for the purposes set forth in the bond measure approved by the voters;

- (d) Receive and review copies of any deferred maintenance proposal or plans developed by the District;
- (e) Review efforts by the District to maximize the corresponding 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) The Oversight Committees shall issue written regular reports of the results of its activities. The Oversight Committees must each issue at least one (1) written report each year or fiscal year, as may be applicable.

9.1 Brown Act Compliance; Public Records.

- (a) Regular meeting dates, time, and place shall be established by the Oversight Committees and published/posted in accordance with the Ralph M. Brown Act (being Government Code Sections 54950, *et seq.*) and applicable District posting procedures. All Oversight Committees proceedings shall be open to the public and shall be subject to the provisions of the Ralph M. Brown Act. The Oversight Committees may adopt rules and regulation guidelines or similar procedures as may be necessary or desirable in order to comply with the requirements of the Ralph M. Brown Act.
- (b) All documents received by the Oversight Committees, Oversight Committees minutes and reports issued by the Oversight Committees shall be a matter of public record and shall initially be available on the District's website at <http://www.psusd.us>

9.2 Rules of Procedure and Decorum. The Oversight Committees may establish rules for the conduct of the Oversight Committees' 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.

9.3 Attendance at Board Meetings. Members of the Oversight Committees 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 the Oversight Committees (although the Oversight Committees may review documents relating to such activities):

- (a) The Oversight Committees have 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;
- (b) The Oversight Committees do not have the authority, once the Bonds are issued and sold, to determine how the Bond funds shall be expended;
- (c) The members of the Oversight Committees 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) The members of the Oversight Committees 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) The Oversight Committees, 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) The Oversight Committees, and its 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 the Oversight Committees with:

- (a) All reasonable necessary technical assistance and reasonable administrative assistance in furtherance of the Oversight Committees' purpose; and
- (b) Sufficient resources to publicize the Oversight Committees' conclusions, all documents received by the Oversight Committees, minutes from the Oversight Committees' meetings and reports issued by the Oversight Committees (including establishing, operating and updating the Oversight Committees 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 the Oversight Committees in achieving its purpose.

- (d) The Board may also appoint or designate District staff to provide reasonable technical and administrative assistance to the Oversight Committees. The Board shall also consider any recommendations or suggestions made by the members of the Oversight Committees regarding the technical and administrative support.

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

- (a) Preparing, mailing and posting agendas for meetings of the Oversight Committees in compliance with the Ralph M. Brown Act;
- (b) Preparing and submitting documents (including agenda materials) to the members of the Oversight Committees and to members of the public in compliance with the Ralph M. Brown Act;
- (c) Arranging for meeting locations and preparing meeting facilities for scheduled meetings of the Oversight Committees;
- (d) The taking, transcribing, providing and maintaining of minutes of the meetings of the Oversight Committees, which minutes shall, at a minimum, include an identification of all members of the Oversight Committees, present and absent at any meeting of the Oversight Committees, and a statement of the vote on each issue of business directed, determined or set out by the Oversight Committees; and
- (e) Maintaining records of the Oversight Committees and responding to Public Records Act requests directed to the Oversight Committees 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 the Oversight Committees 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 the Oversight Committees 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 the Oversight Committees' Internet Websites as set forth in Section 10.3, hereof.
- (c) The District shall, in compliance with Section 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 the Oversight Committees' express purpose. In the event of a question relating to whether an expense of the Oversight Committees 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 Committees' Internet Website(s). Education Code Section 15280(b) requires that certain documents relating to the Oversight Committees be made available on an internet website maintained by the Board. Information pertaining or relating to the Oversight Committees shall appear on the District's website at <http://www.psusd.us> until such time the Board decides to create and establish the Oversight Committees' Internet Website(s). The cost to operate, maintain and update the Oversight Committees' Internet Website(s) shall be the responsibility of the District. The Oversight Committees' 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(s) located at <http://www.psusd.us> (or some other internet address(es) which may be determined and designated in the future) which shall be updated from time to time:

- (a) Minutes of Oversight Committees meetings;
- (b) Reports issued by the Oversight Committees; and
- (c) Documents formally received by the Oversight Committees.

10.4 Presentation of Reports. Reports, including the annual report of the Oversight Committees, and recommendations of the Oversight Committees shall be presented to the Board. Oversight Committees recommendations for specific actions shall be forwarded to the Board and such District staff members as such recommendations shall concern.

XI. Termination of Oversight Committees; Records.

11.0 The term of each Oversight Committee shall expire at the end of the fiscal year in which:

- (a) All corresponding Proposition 39 Bond proceeds and earnings thereon have been fully expended;
- (b) The Oversight Committee has issued its final annual report as required under Section 9.0(f) above; and

- (c) The 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 the Oversight Committees 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 Oversight Committees as provided for herein.

XII. Delegation of Board's Authority.

12.0 The Board has delegated the Assistant Superintendent of Business Services, or the Assistant Superintendent of Business Services 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.

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.

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: November 9, 2004

Amended: April 22, 2008

Amended: March 11, 2025