

**DUTIES AND AUTHORIZED ACTIVITIES
OF THE
PROPOSITION S
INDEPENDENT CITIZENS' OVERSIGHT COMMITTEE
(ICOC)**

1. **PURPOSE OF THIS DOCUMENT**

The San Diego Unified School District ("District") Board of Education ("Board") developed this document to more clearly articulate the duties and authorized activities of the Proposition S Independent Citizens' Oversight Committee ("Committee"). This document is intended to clarify these duties and activities in a manner consistent with applicable law.

2. **DUTIES.** To carry out its stated purpose in the law and its Bylaws, the Committee shall perform the following duties:

- A. **Inform the Public.** The Committee shall inform the Board and the public concerning the District's expenditure of bond proceeds.
- B. **Receive and Review Expenditures.** The Committee shall receive and review expenditure reports and other information produced by the District to ensure that bond proceeds are expended only for the purposes set forth in Proposition S, and ensure that no bond proceeds are used for any teacher or administrative salaries or other operating expenses.
- C. **Annual Report.** The Committee shall present to the Board, in public session, an annual written report which shall include the following:
 - 1) A statement indicating whether the District is in compliance with the requirements of Article XIII A, Section 1(b)(3) of the California Constitution; and
 - 2) A summary of the Committee's proceedings and activities for the preceding year.
- D. **Voter-Approved Projects Only.** In recognition of the fact that the Committee is charged with overseeing the expenditure of bond proceeds, the Board has not charged the Committee with responsibility for projects financed through the State of California, developer fees, redevelopment tax increment, certificates of participation, lease/revenue bonds, the general fund or the sale of surplus property without bond proceeds shall be outside the authority of the Committee.

3. **AUTHORIZED ACTIVITIES.** In order to perform the duties set forth in Section 2, the Committee may engage in the following authorized activities:

- A. Receive and review copies of the District's annual independent performance audit and annual independent financial audit, required by Proposition 39 (Article XIII A of the California Constitution).

- B. Inspect school site facilities and grounds for which bond proceeds have been or will be expended, in accordance with any access procedure established by Executive Director, Capital Facilities Bond Program.
- C. Review copies of any deferred maintenance proposal or plans developed by the District.
- D. Review the District's efforts to maximize bond proceeds by implementing various cost-saving measures.
- E. Any requests for copies or inspection of District records shall be made *in writing*, through the Chair of the Committee, to the District's Executive Director, Capital Improvement Bond Program.
- F. No member of the Committee shall have the authority to direct District staff.

4. **AUTHORITY SPECIFICALLY RESERVED BY THE BOARD.**

- A. Either the Board or the Superintendent, as the Board shall determine, shall have following powers reserved to it, and the Committee shall have no jurisdiction over the following types of activities:
 - 1) Approval of construction contracts, construction change orders, construction plans and schedules, payment requisitions and other documents necessary to effectuate completion of construction and payment for construction services;
 - 2) Appropriation of construction funds;
 - 3) Handling of legal matters;
 - 4) Approval of Deferred Maintenance Plan;
 - 5) Approval of the sale of bonds;
- B. The establishment of priorities and order of construction for the bond projects shall be made by the Board in its sole discretion.
- C. The selection and direction of architects, engineers, soils engineers, construction managers, project managers, CEQA consultants and such other professional service firms as are required to complete the project based on District criteria established by the Board in its sole discretion.
- D. The approval of the design for each project including exterior materials, paint color, interior finishes, site plan and construction methods (modular vs. permanent) shall be by the Board in its sole discretion. District staff shall report to the Committee on any cost saving techniques considered or adopted by the Board.

- E. The selection and direction of independent audit firm(s), performance audit consultants and such other consultants as are necessary to support the activities of the Committee shall be reserved by the Board in its sole discretion.
- F. The approval of an annual budget for the Committee that is sufficient to carry out the activities set forth in Proposition 39 and included herein shall be made by the Board in its sole discretion.
- G. The Board reserves the allocation of State School Building Program grant funds to projects in the order and in the amount determined by the Board's sole discretion.
- H. The Board reserves the appointment or reappointment of qualified applicants to serve on the Committee, subject to legal limitations, and based on criteria adopted in the Board's sole discretion as part of carrying out its function under Proposition 39.