



# TUCSON UNIFIED SCHOOL DISTRICT



## BOND FISCAL OVERSIGHT COMMITTEE (BFOC) “BYLAWS ”

### **Section 1. Committee Established.**

The Tucson Unified School District (the “District”) was successful at the election conducted on November 2, 2004, in obtaining authorization from the District’s voters to issue up to \$235,000,000 aggregate principal amount of the District’s Class B bonds, pursuant to a greater than 55% vote. The election was conducted under Proposition 400, which reads approval to issue bonds totaling \$235 million to build additional classrooms, renovate science labs, purchase new buses, upgrade physical education facilities and performing arts facilities, make older buildings more energy efficient and provide other facility improvements.

- Student safety: \$4.5 million
- Class size reduction and classrooms: \$38 million
- Fine and performing arts: \$13.9 million
- Physical education facilities: \$70.6 million
- Building and facilities upgrades: \$56.3 million
- Technology and academic upgrades: \$14.5 million
- Support facilities: \$15.5 million
- New schools: \$21.6 million

By law, the District cannot deviate from the improvements that its leadership has announced will be funded by the bond and budget increase funds. However, as long as the dollar amounts and intention of the expenditures are not altered, school councils will have the opportunity to adjust projects within those limits allowed by law. Additionally, the District is in the process of appointing an Oversight Committee comprised of business and community leaders, which will be charged with the responsibility of ensuring that the funds are spent as intended and most effectively.

### **Section 2. Purpose.**

*The purpose of the Bond Fiscal Oversight Committee is to oversee the expenditure of \$235 million dollars in bonds over the next several years in projects that will benefit the students, staff and community of TUSD, in accordance with the public vote.*

### **Section 3. Duties.**

To carry out its stated purpose, the Committee shall perform the following duties:

**3.1 Review Expenditures.** The Committee shall review monthly expenditure reports produced by the District to ensure that (a) bond proceeds are expended only for the purposes set forth in the ballot measure; (b) no bond proceeds are used for teacher/administrative salaries or other operating expenses, (c) bond proceeds are maximized.

**3.2 Annual Report.** The Committee shall present to the TUSD Governing Board, in public session, an annual written report which shall include the following: (a) A statement indicating whether the District is spending funds as intended and most effectively (b) A summary of the Committee's proceedings and activities for the preceding year.

### **Section 4. Authorized Activities.**

**4.1** In order to perform the duties set forth in Section 3, 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.

(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 the District.

(c) Review copies of deferred maintenance proposals or plans developed by the District.

(d) Review the District's efforts to maximize bond proceeds in ways designed to: (1) reduce costs of professional fees, (2) incorporate efficiencies in school site design; (3) encourage joint use of core facilities; (4) involve cost-effective and efficient reusable facility plans, or (5) reduce costs to the bond funds for site acquisition or construction.

**4.2** Make requests for copies or inspection of District records in writing to the District's Chief Executive Officer, Educational Support Services.

## **Section 5. Membership.**

**5.1 Number.** The committee shall consist of a minimum of 9 members appointed by the TUSD Governing Board with at least: (a) one representative of the local business community; (b) one person active in a public organization, (c) one person active in a bona fide taxpayers' organization; (d) one parent of a student who is either currently or recently (with in the last 3 years) enrolled in the District (e) one person active in the support and organization of the District, such as a member of one of its Site councils or the District's Foundation, (f) additional appointees as selected by the TUSD Governing Board.

## **5.2 Qualification Standards.**

(a) To be a qualified person, he or she must be at least 18 years of age.

(b) The committee may not include any employee, official of the District or any vendor, contractor or paid consultant of the District.

(c) To be a qualified person, he or she must live within the District Boundaries at the time of original appointment.

**5.3 Ethics; Conflicts of Interest.** By accepting appointment to the Committee, each member agrees to comply with the Committee Ethics Policy attached as Attachment A to these Bylaws.

**5.4 Term.** Except as otherwise provided herein, each member shall serve a term, as follows, from the date appointed by the TUSD Governing Board:

Three (3) members will serve a four (4) year term

Three (3) members will serve a three (3) year term

Three (3) members will serve a two (2) year term

**Current members and terms are listed in exhibit D.**

**Committee members may be reappointed to serve additional terms by the TUSD Governing Board upon request.**

**5.5 Removal: Vacancy.** The Committee may remove any Committee member for cause, including failure to comply with the BFOC Attendance Policy (Attachment B) The TUSD Governing Board may remove any Committee member for failure to comply with the Committee Ethics Policy (Attachment A). Upon a member's removal, his or her seat shall be declared vacant. The Board shall fill, by appointment, any vacancies on the Committee or any additional membership on the Committee.

**5.6 Compensation.** The Committee members shall not be compensated for their services.

## **Section 6. Meetings of the Committee.**

**6.1 Regular Meetings.** The Committee shall establish a schedule for the date and time of regular meetings to be held at least monthly to include an annual organizational meeting.

A majority of five (5) Committee members shall constitute a quorum for the transaction of any business except adjournment.

All meetings shall be held in compliance with the open meeting law.

**6.2 Location.** All meetings shall be held at the LIRC (Lee Instructional Resource Center) Building in the Engineering Conference Room located at 2025 E. Winsett

Street, Tucson, Arizona 85719. An alternate location is permissible with notice to the committee members and the public as required by law.

**6.3 Procedures.** All meetings shall be open to the public. Meetings shall be conducted according to such additional procedural rules and meeting norms (See Exhibit E) as the Committee may adopt. Meeting minutes as prepared by district staff shall be available to the public within three business days.

**VOTE BY PROXY.** A Committee member may select to vote by proxy. The Committee member will establish said proxy by use of the BFOC Proxy Form.

**VOTE BY TELEPHONIC.** A Committee member may select to attend telephonically any BFOC meeting that does not require physical attendance. The Committee member will establish said attendance in writing to the BFOC secretary.

## **Section 7. District Support.**

**7.1** The District shall provide to the committee necessary technical and administrative assistance as follows:

- (a) preparation of and posting of public notices as required by law, ensuring that all notices to the public are provided in the same manner as notices regarding meetings of the TUSD Governing District Board,
- (b) provision of a meeting room, including any necessary audio/visual equipment,
- (c) preparation and copies of any documentary meeting materials, such as agendas, meeting minutes and reports, and
- (d) retention of all Committee records, and providing public access to such records on an Internet website maintained by the District.

**7.2** District staff shall attend all Committee proceedings in order to report on the status of projects and the expenditures of bond proceeds.

## **Section 8. Reports.**

In addition to the Annual Report required in Section 3.2, the Committee shall report to the TUSD Governing Board following each quarterly meeting in order to advise the District on the activities of the Committee. Such a report shall be in writing and shall summarize the proceedings and activities conducted by the Committee.

## **Section 9. Officers.**

The Committee shall elect a Chair and a Vice-Chair who shall act as Chair only when the Chair is absent; those positions shall continue for two (2) year terms. No person shall serve as Chair for more than two consecutive terms.

9.1 Timeframe: The process outlined in Sections 9.2 and 9.3 for Election of Officers shall be initiated by the Chair or a quorum of members prior to the end of the current officers' term, or within two months of a vacancy if either of the positions becomes vacant.

9.2 Nominations: Nominations will be solicited during the regularly scheduled BFOC meeting. Those nominated must agree to place their names in consideration for the position.

9.3 Voting: Elections shall be held during one of the regularly scheduled committee meetings. Voting shall follow the same voting procedures as outlined in 6.3 Procedures. The candidate with the most votes for Chair or Vice-Chair shall assume their respective positions at either the conclusion of the current term or at the next committee meeting following the election, in the case of a vacancy.

The BFOC may establish Sub-Committees with no more than four (4) members.

## **Section 10. Amendment of Bylaws.**

Any amendment to these Bylaws shall be approved by a two-thirds vote (6) of the entire BFOC and approved by the governing board.

**Section 11. Termination.**

The Committee shall automatically terminate and disband at the earlier of the date when (a) all bond proceeds are spent, or (b) all projects funded by bond proceeds are completed and a final report has been approved.

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**Approved by Governing Board**

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**Date**

## **ATTACHMENT A - CITIZENS' BOND OVERSIGHT COMMITTEE ETHICS POLICY STATEMENT**

This Ethics Policy Statement provides general guidelines for Committee members to follow while carrying out their roles. Not all ethical issues that Committee members face are covered in this Statement. However, this Statement captures some of the critical areas that help define ethical and professional conduct for Committee 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 members are expected to strictly adhere to the provisions of this Ethics Policy.

### **POLICY**

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

**OUTSIDE EMPLOYMENT.** A Committee 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 proceeds, or (2) any construction project. A Committee member shall not make or influence a District decision related to any construction project 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, a former Committee member may not represent any person or organization for compensation in connection with any matter pending before the District that, as a Committee member, he or she participated in personally and substantially. Specifically, for a period of two (2) years after leaving the Committee, a former Committee 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 proceeds, and (2) any construction project.

**COMMITMENT TO DISTRICT.** A Committee member shall place the interests of the District above any personal or business interest of the member.

# ATTACHMENT B - CITIZENS' BOND OVERSIGHT COMMITTEE ATTENDANCE POLICY STATEMENT

The TUSD Bond Fiscal Oversight Committee recognizes that regular attendance on the part of committee members is critical to the success of the Committee's Mission. The Committee understands that the attendance of committee members is not only key to the proper functioning of the Committee but is a major component in the comprehensive knowledge required to understand the 2004 Bond Program and to provide the necessary fiscal oversight.

## Purpose

The emphasis of the attendance policy is on the importance of the regular attendance of committee members. To be successful, it is imperative that all members of the committee are aware and supportive of the policy, its purpose, procedures and the consequences for non-compliance.

The committee members are community members that have agreed to voluntarily serve on the Committee in support of the Bond Program. By the acceptance of their membership, these members have pledged themselves to support the mission of the Committee and have accepted the obligation of regular attendance.

Committee members are expected to attend 100% of the committee meetings. Regular attendance is essential for success of the mission; therefore, absences shall be excused only for necessary and important reasons. Such reasons include illness, bereavement, other family emergencies and observance of major religious holidays of faith.

## Attendance Guidelines

- The Committee Record Keeper will take the attendance of members.
- Members shall notify the District if they have scheduled to be in attendance or if they will not be able to attend. Any change in attendance status should be provided to the District.
- Members, who cannot physically attend but are willing to participate via telephone, should notify the District of that level of availability. Such participation shall not count as an absence.
- Members who cannot physically attend may send a proxy in their place. The member should notify the District of the attendance of a proxy along with the name of the individual. Once a proxy has been assigned for a meeting, the proxy shall have the full powers of the member.

## Absences and Dismissal

- The Committee Record Keeper will document members' attendance as described above.
- The Committee may dismiss from the Committee any member that has had three (3) consecutive unexcused absences or five (5) absences in any 12-month time period. Dismissal requires a majority vote of a quorum of the Committee.
- The Committee may provide a member an extended leave of absence at the request of the member. If a member is on extended leave, the quorum shall be reduced to reflect the absence of the member on leave.



BOND FISCAL OVERSIGHT COMMITTEE

“CALL TO AUDIENCE” ATTACHMENT C

If you desire to speak before the Tucson Unified School District Bond Fiscal Oversight Committee, please complete the following information and submit this card to the secretary to the Bond Fiscal Oversight Committee prior to the time of the scheduled meeting. Please limit your comments to three (3) minutes.

Name: \_\_\_\_\_ Date: \_\_\_\_\_

Address: \_\_\_\_\_ Phone: \_\_\_\_\_

City/State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Topic: \_\_\_\_\_

Relationship to TUSD as a parent:

Child(ren) \_\_\_\_\_ School \_\_\_\_\_

Children \_\_\_\_\_ School \_\_\_\_\_

Children \_\_\_\_\_ School \_\_\_\_\_

If you are a TUSD student: Grade \_\_\_\_\_ School \_\_\_\_\_

If you are a TUSD employee: Worksite \_\_\_\_\_

If you are a Community Representative:

Affiliation(s) \_\_\_\_\_

Business Occupation: \_\_\_\_\_

Taxpayer: Own home \_\_\_\_\_ Own business \_\_\_\_\_ Own property \_\_\_\_\_ Other \_\_\_\_\_

**Public Participation at Bond Fiscal Oversight Committee Meetings**

- Members of the public may speak during the “Call to Audience” portion of the agenda. The Chairman shall be responsible for recognizing speakers and for maintaining proper order by setting such limitations as may be appropriate.
- Any person desiring to speak shall complete the “Call to Audience” form. When addressing the Bond Fiscal Oversight Committee, an individual shall state his/her full name and address before going into the subject matter.
- Individuals are encouraged to be brief, with a maximum time limit of three (3) minutes.
- Individuals attending the meeting and/or speaking before the Bond Fiscal Oversight Committee shall observe rules of propriety, decorum and good conduct, and refrain from impertinent or slanderous remarks.
- At the conclusion of the “Call to Audience”, the Chairman will ask if individual committee members wish to respond to criticism made by those who have addressed the committee, wish to ask staff to review a matter, or wish to ask that a member be put on a future agenda. No more than one member may address each criticism.

**CONTENTS OF THIS FORM ARE PUBLIC INFORMATION**

Exhibit D

Member Names	Date Appointed	Term Length	Term Expires	Email
<b>CURRENT MEMBERS</b>				
David Ashcraft	July 29, 2008	3 Years	7/29/2011	<a href="mailto:dashcraft2@cox.net">dashcraft2@cox.net</a>
Donna Calvert	February 20, 2007	4 Years	2/20/2011	<a href="mailto:calvertdm@gmail.com">calvertdm@gmail.com</a>
Keith Day	May 27, 2008	3 Years	5/27/2011	<a href="mailto:keithdaycpa@comcast.net">keithdaycpa@comcast.net</a>
Vanessa Garrison	February 20, 2007	4 Years	2/20/13	<a href="mailto:vcgarrison@gmail.com">vcgarrison@gmail.com</a>
Lisa Howells	March 24, 2009	2 Years	3/24/2011	<a href="mailto:ldhowells@gmail.com">ldhowells@gmail.com</a>
Daniel McDonald	March 24, 2009	2 Years	3/24/2011	<a href="mailto:mcdonald@cals.arizona.edu">mcdonald@cals.arizona.edu</a>
Earl Mendenhall	June 7, 2006	4 Years	6/7/13	<a href="mailto:Emendenhall3@gmail.com">Emendenhall3@gmail.com</a>
Robert Selby	March 24, 2009	2 Years	3/24/2011	<a href="mailto:R_ybles@hotmail.com">R_ybles@hotmail.com</a>
<b>PAST MEMBERS</b>				
Bill Estes	September 14, 2004			<a href="mailto:bestesjr@estesco.net">bestesjr@estesco.net</a>
Robin Hiller	September 14, 2004	2 Years	9/14/08	<a href="mailto:rhiller@voicesforeducation.org">rhiller@voicesforeducation.org</a>
Eddie Leon	September 14, 2004			<a href="mailto:EALEON@prodigy.net">EALEON@prodigy.net</a>
Jim Lovelace	October 5, 2004	4 Years	10/5/08	<a href="mailto:jlovelace@bfcocpas.com">jlovelace@bfcocpas.com</a>
Martha Rothman	September 14, 2004	4 Years	9/14/08	<a href="mailto:marthakrothman@yahoo.com">marthakrothman@yahoo.com</a>
Eugene Jones	October 5, 2004	3 Years	10/5/07	<a href="mailto:gjones8000@aol.com">gjones8000@aol.com</a>
Kevin Larson	October 5, 2004	2 Years	10/5/08	<a href="mailto:klarson@tep.com">klarson@tep.com</a>
Laura Pendleton-Miller	November 9, 2004	3 Years	11/9/07	<a href="mailto:coordcap@aol.com">coordcap@aol.com</a>

## Meeting Norms List

<p>Meeting Logistics</p> <ul style="list-style-type: none"> <li>• Meeting Time</li> <li>• Place</li> <li>• Duration</li> <li>• * Frequency</li> </ul>	
<p>Attendance</p> <ul style="list-style-type: none"> <li>• What will our attendance policy be?</li> </ul>	
<p>Promptness</p> <ul style="list-style-type: none"> <li>• What will our promptness policy be?</li> </ul>	
<p>Equal Opportunity to Participate</p> <ul style="list-style-type: none"> <li>• How will we encourage everyone's participation?</li> <li>• How can we share the workload?</li> </ul>	
<p>Assignments</p> <ul style="list-style-type: none"> <li>• What will we expect from members?</li> <li>• Are there requirements for participation?</li> </ul>	
<p>Decision Making</p> <ul style="list-style-type: none"> <li>• How will we make decisions?</li> <li>• How will we deal with conflicts?</li> <li>• How will we set priorities?</li> </ul>	

<p>Confidentiality</p> <ul style="list-style-type: none"> <li>• How will we know what is confidential?</li> <li>• What can be said after the meeting?</li> </ul>	
<p>Meeting Evaluation</p> <ul style="list-style-type: none"> <li>• How will we review our work together?</li> </ul>	
<p>Meeting Mechanics</p> <ul style="list-style-type: none"> <li>• Agenda</li> <li>• Minutes</li> <li>• Meeting Record Form</li> </ul>	<p>Comply with the open meeting law</p>
<p>Courtesy</p> <ul style="list-style-type: none"> <li>• How will we encourage listening?</li> <li>• How will we discourage interrupting?</li> <li>• How will we deal with disagreements?</li> <li>• How can we promote respect and empathy?</li> </ul>	
<p>Following our Norms</p> <ul style="list-style-type: none"> <li>• How do we handle violations to our norms?</li> </ul>	