

18. Is Your CBOC Independent?

Proposition 39

“On November 7, 2000, California voters reduced the voter approval threshold for school and community college district general obligation bonds from two-thirds (2/3) voter approval to 55% voter approval. Proposition 39 amends Article XVI, Section 18 of the California Constitution...to pay debt service on bonds issues for school construction with the approval of 55% of the votes cast.” **1** The California Legislature, as part of the Proposition 39 implementation legislation, enacted Education Code Section 15278 which establishes Citizens’ Oversight Committees.

Education Code Section 15278 Citizens’ Oversight Committee

Education Code Section 15278, Article 2 Citizens’ Oversight Committee, provides that if a bond measure authorized pursuant to Proposition 39 is approved, “... the governing board of the school district or community college district shall establish and appoint members to an **independent citizens’ oversight committee**, pursuant to Section 15282 **2**, within 60 days of the date that the governing board enters the election results on its minutes pursuant to Section 15274.” **3** (*emphasis added*)

Definition of “Independent”

Dictionary.com is helpful in the context of Education Code Section 15278 an “independent citizens’ oversight committee”. In this context Dictionary.com defines “independent” as follows:

- “not influenced or controlled by others in matters of opinion, conduct, etc.; thinking or acting for oneself.”
- “not subject to another’s authority or jurisdiction; autonomous; free”
- “not influenced by the thought or action of others.”
- “capable of acting for oneself or on one’s own.”

Is Your CBOC Independent?

An independent CBOC needs to answer each of these twelve (12) questions with a “yes.”

1. Can you prepare your own agenda?
2. Can you meet whenever you want?
3. Can you approve your own bylaws?
4. Can you establish subcommittees?
5. Do you have your own budget?
6. Do you have ability to post documents to the CBOC website?
7. Does the District provide you with all documents requested?
8. Do you have independent legal counsel who works for the CBOC?
9. Do you receive and accept the annual financial and performance audit reports?

10. Does the CBOC prepare and issue its annual report including compliance opinion?

11. Can CBOC members talk with contractors, architects, consultants, and auditors without restriction?

12. Can CBOC members visit construction sites?