

Ysleta ISD Bond Oversight Committee Charter

Adopted November 18, 2015

Purpose

The purpose of the citizen's Bond Oversight Committee Charter ("Charter") is twofold: First, it shall help ensure the original intent of the Bond Advisory Committee (BAC) that developed the YISD Bond referendum ("Bond") is considered; and that bond proposals recommended by the BAC, adopted by the Board of Trustees, and approved by voters are implemented on time with quality, transparency, and within budget. Secondly, the Charter is adopted to explain the mission, purpose, structure, membership, duties, responsibilities, and expectations.

Committee Mission

The YISD Board of Trustees, in response to the community's interest in the effective and efficient use of bond proceeds, created the Bond Oversight Committee ("Committee") as a mechanism to encourage greater accountability, transparency, public support, and confidence. The Committee is an independent citizens' Committee that is responsible to the Superintendent, Board, and general public.

The Committee's charge is to monitor all applicable Bond-funded construction projects, and help interested El Pasoans stay informed about new construction and renovation projects in the district. Specifically, the Committee is charged with:

1. Monitoring the progress of capital projects and schedules;
2. Reviewing completed purchases and bond funds expended by the Board of Trustees or district;
3. Providing advice and recommendations upon request of the Board of Trustees or district administration regarding bond implementation decisions;
4. Reporting to the Board of Trustees the committee's observations, findings, and concerns; and,
5. Making recommendations to the Board of Trustees regarding the use of any remaining, unexpended bond funds after all projects are completed.

Review of bond purchases prior to Board of Trustees approval to expend funds is not a charge of the Committee. The Committee shall function as an administrative, advisory committee and does not have the authority to direct staff members to expend funds or make requests that require excessive staff time or expense. Additionally, the Committee has no management, fiduciary, purchase approval, or policy-setting responsibilities. The Committee is established as an ad hoc advisory body of the district and is responsible to, reports to, and serves at the will of the Superintendent. Upon completion of all outstanding capital projects, the use of all bond funds, and the delivery of its final report to the Board, the BOC has concluded its duties.

Committee Structure and Membership

- a) The Committee is comprised of 30 voting members and a Chairperson who is appointed by the Committee. Formal action from the Committee requires a majority vote of the quorum present (20 members in attendance). Individual members of the Committee shall not exercise authority for the Committee as a whole and shall not act independent of the Committee.
- b) Appointments will be staggered for two-year terms.
- c) The Committee will approve meeting minutes, review and approve the reasonableness of reports from the district, and approve the issuance of status reports and other communications from the Committee.
- d) All meetings will be open to the general public.

- e) Membership on the Committee shall consist of interested persons from the following groups who can remain objective and independent, with the district's best interest at heart:
 - 1) Special preference for members with expertise or knowledge in the areas of building design/engineering, construction, construction project management, and/or finance;
 - 2) Members active in a business organization representing the business community located in the district;
 - 3) Members who are parents or guardians of a child enrolled in the district and also active in parent-teacher organizations; or
 - 4) Members of the community at-large.
- f) Committee members receive no direct or indirect compensation from the district for their services as members of the Committee.
- g) The Committee members may not have an active contract or be seeking a contract with the district or with any contractor or sub-contractors associated with the Bond programs.
- h) The Committee may not include any vendor, contractor or consultant of the district.
- i) A Committee member serves the general interest of the public as opposed to any personal interest or special interest group.
- j) If a Committee member violates the Ethics Policy contained herein, fails to attend three consecutive Committee meetings without reasonable excuse, or otherwise becomes unable to serve on the Committee, the Superintendent may declare the position on the Committee to be vacant and appoint another qualified person to the Committee.

Committee Duties and Responsibilities

The Committee shall inform the Superintendent, Board, and general public concerning the district's overall project management of all Bond Programs, including but not limited to:

- a) Review periodic reports produced by the district to verify effective and efficient use of bond proceeds and compliance with the purposes set forth in the Bond Programs as approved by the Board of Trustees. See reports issued by the district in the "District Duties and Responsibilities" section below.
- b) Ensure that Bond revenues are expended for the purpose set forth in the Bond Programs as approved by the Board of Trustees, and that any deferred proposals or plans where considered necessary are appropriate.
- c) Validate that no bond funds are used for any teacher or administrative salaries or other school operating expense, other than administrative salaries whose primary purpose is to manage the district's Bond Programs.
- d) Review efforts by the district to maximize bond revenues by balancing best value, quality, and efficiency in meeting the district's goals and priorities.
- e) Evaluate risks and related controls associated with the district's Bond Programs; and determine focus areas and strategic approach to review and communicate findings and recommendations for improvement via a periodic independent report to the Superintendent, Board, and general public.
- f) Coordinate with the Superintendent's designee to visit district facilities and grounds for which bond proceeds have been or will be expended, in accordance with any necessary access procedures.
- g) Review copies of other bond reports published by the district.
- h) Review any performance audits of the district's Bond Programs to ensure the district is taking appropriate action to remediate any deficiencies identified in such reports.
- i) Provide periodic status reports and an annual report regarding the results of its activities – in addition to any Committee findings, recommendations, and management action plans – to the Superintendent and Board of Trustees.

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- j) Perform other reasonable duties requested by the Superintendent.
- k) Disclose and sign an annual conflict of interest statement for existing conflicts and re-submit if any conflicts arise during a Committee member's tenure.
- l) Any perceived allegation of wrongdoing; potential waste, fraud, misuse or abuse; or non-compliance with local, state, federal laws/regulations, or district policies that becomes known to the Committee, shall be communicated to the Superintendent. The Superintendent shall refer such matters to the Board of Trustees, the Office of Inspector General, and outside legal counsel where appropriate.

The Committee provides counsel and input to the administration and the Board of Trustees, but it does not have management or policy-setting responsibilities. Also, the Committee does not have a fiduciary responsibility to the district or Board, nor are its members personally liable to the district or the Board.

The Committee is not responsible for:

- a) Approval of construction contracts or change orders;
- b) Appropriation of construction funds;
- c) Handling of legal matters;
- d) Approval of construction plans and schedules;
- e) Approval of the district's maintenance plan;
- f) Approval of the sale of bonds;
- g) Establishment of priorities and order of construction for the bond projects;
- h) Selection of architects, engineers, construction managers, project managers, and such other professional service firms;
- i) Approval of design for each project, including exterior materials, paint color, interior finishes, site plan, and construction means or methods;
- j) Selection of independent audit firms, performance audit consultants and such other consultants as are necessary to support the performance of the Bond Programs;
- k) Setting or approving schedules of design and construction activities;
- l) Investigations of alleged wrongdoing; potential waste, fraud, misuse or abuse; or non-compliance with local, state, federal laws/regulations, or district policies;
- m) Directing the activities of staff or consultants; or,
- n) Activities, roles or responsibilities that have been delegated to staff or consultants by the Superintendent or his designee.

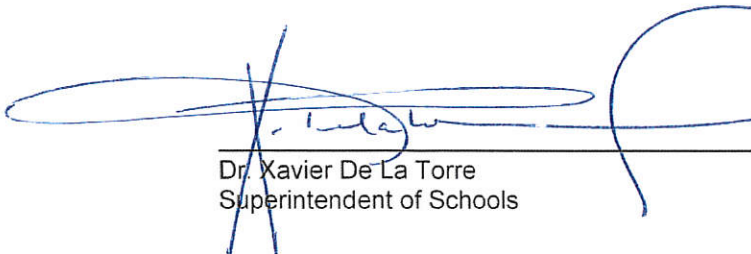
Committee Meetings

- a) The Committee shall meet at least quarterly to review the district's Bond Program status and related information, and to perform other duties as provided herein. The Superintendent, Chairperson and Vice Chairperson may convene additional meetings, if necessary.
- b) All Committee meetings shall be held within the district's geographical boundaries.
- c) Minutes will be prepared by a representative of the district and will be distributed to the Committee within 15 business days. The minutes will be voted upon for the record at the next scheduled meeting of the Committee.

District Duties and Responsibilities

- a) The Associate Superintendent of Operations shall act as the Superintendent's designee to the Committee.

- b) The Superintendent or his designee shall oversee management's action plan to respond to any written report from the Committee with findings or suggestions for improvement within 15 business days. All recommendations and management action plans from inception to date will be tracked and made available to the Committee and the Board of Trustees. The district's website and other communication avenues will also publicize the Committee's report and management's action plan for use by the general public.
- c) The district shall have a commitment to the Committee, provide open communication, and provide necessary technical and administrative assistance in a timely fashion as follows:
 - 1) Provide a meeting room, including any necessary audio/visual equipment;
 - 2) Prepare copies of documents, such as agendas, reports; and distribute those materials to the Committee in a timely manner;
 - 3) Provide quarterly summary progress reports covering Bond Programs;
 - 4) Provide access to other information to effectively perform its oversight function;
 - 5) Retain all Committee meeting records, and provide public access to such records on the district's website; and,
 - 6) Notify the public of Committee meeting times and locations.
- d) Summary progress reports will communicate and provide an explanation for the following attributes in a clear concise manner. As a part of reporting, YISD will identify projects that experience a significant impact to schedule, budget or scope of work. Detailed reports can be provided upon the Committee's request.
- e) The appropriate district staff, district consultants, and/or designees shall attend all Committee proceedings in order to provide a status report or update for their respective area of responsibility as it relates to the Bond Programs.
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Dr. Xavier De La Torre
Superintendent of Schools



Mr. Shane Haggerty
President, YISD Board of Trustees

Bond Oversight Committee Chairperson