

West Valley School District #208
Bond Oversight Committee Charter
RE: Replacement of Summitview Elementary School and Apple Valley
Elementary School
Approved as Written: June 24, 2019

Committee Name

Bond Oversight Committee (BOC)

Committee Authorization

This document is the “Charter” as referenced in the By-Laws approved as of this same date. The Charter and the By-Laws shall be read in conjunction with each other as to the rights, responsibilities and duties described in each such document.

In accordance with West Valley School District #208 Policies 4110 and 4110P, the Board of Directors of the West Valley School District commissions a citizen advisory committee, acting as an independent body (the “BOC”), to support the Board’s work by providing input and/or feedback regarding the construction and replacement of Summitview Elementary School and Apple Valley Elementary School. The construction and replacement of Summitview Elementary School and Apple Valley Elementary School and utilization and expenditure of bond revenues for the same shall be referred to herein as the “Project”. While the Board welcomes assistance from the BOC, the BOC understands that the Board retains legal authority and accountability for all aspects of running the School District including the ultimate oversight of expenditure of bond revenues and decision making regarding the Project.

Committee Purposes and Authority

In February 2019 the voters of the West Valley School District passed a bond measure allowing for the District to sell bonds and to raise capital for the replacement of Summitview Elementary School and Apple Valley Elementary School.

Accordingly, the purpose of the Bond Oversight Committee is (1) to remain engaged with the Project process from start to finish; (2) to receive and review regular information from the District or from the Project Manager, Architect, etc., about the Project , including timeline and major decision points along that timeline concerning the Project; (3) to raise questions and/or make suggestions about the Project to the Board or its designee; and (4) to inform the public concerning the expenditure of bond revenues for the Project. The BOC will actively review and regularly report to the community on the BOC’s opinion as to whether taxpayers’ money for the Project has been used appropriately and for the purposes described in the bond resolution approved by voters. However, the BOC will not be involved in the daily communications and decision making that will occur on the Project. All communications from the BOC will be through the District’s Superintendent or designee, and BOC members shall not reach out directly to the Architect, Project Manager, Contractor, subcontractors, or other parties involved in the Project except as authorized by the District’s Superintendent or designee.

The BOC is not a decision-making body. Though not directing the work, they will be kept informed about the work as it unfolds and the BOC will provide input as it deems appropriate, so long as such input does not interfere with the efficient management of the Project. The ultimate goals are that the BOC will be as informed as the members of the Board of Directors (subject to restrictions on privileged information received by the Board, Superintendent, and the District) and will endeavor to be the most well-informed non-employee citizens in the West Valley School District regarding the Project throughout the duration of the process.

In furtherance of this purpose, the Bond Oversight Committee's activities may include, but not be strictly limited to, the following:

- Review pertinent budget materials and construction timelines
- Review of pertinent reports as developed by the Project Manager and/or Architect
- Review of pertinent contracts, bids, as appropriate
- Review of the site plan and building design
- Review of the District's efforts to maximize bond revenues and the District's efforts of implementing cost-saving measures and incorporating efficiencies into school site design.
- Review of any change orders \$100,000 or greater, generated during the construction process.
- Tours of construction sites with prior permission of, and scheduling by, the Superintendent or designee.
- Attend relevant update meetings from the Architect, Project Manager, and Contractor
- Offer advice, insights, with respects to the aforementioned and provide a regular update to the Board and community at large.

The Bond Oversight Committee will not have:

- The authority to participate in the School District's actual bond sale and issuance process, or make decisions regarding the timing, terms, or structure of bond issuance.
- The authority to select contractors, consultants, or contracting method for bond projects, although they will provide feedback for these decisions.
- The authority to dictate the design of bond projects.
- Unrestricted access to construction sites or construction projects without prior permission of the School District's Superintendent or designee, who reserves the right to determine frequency and timing of such visits.
- The authority to contact School District contractors or consultants without prior permission of the Superintendent or designee.

Committee Operating Guidelines

The members of the Bond Oversight Committee will be selected by the Superintendent and will not be employees of the West Valley School District. They will reside within the District for the duration of their service on the BOC. They will serve in their capacity as unpaid volunteers. Additionally, an appointed member of the Board of Directors and the Superintendent, or his designee, shall serve as ad-hoc members of the Committee and shall serve as liaisons between the Committee and Board.

In accordance with the procedures of Policy 4110, the members of the Bond Oversight Committee will determine their own internal structure, schedule, and working protocols and present these to the Board of Directors and Superintendent for the Board's approval. All internal structure, schedule and working protocols shall not conflict with applicable law and Board policy and procedures and shall not interfere with the Superintendent's ability to efficiently manage the Project. The Board of Directors may modify such proposed internal structure, schedule, and working protocols in the Board of Director's discretion. In accordance with Policy 4110P, the committee is advisory only and the Board has not relinquished its decision-making responsibilities. Any statements made by the BOC shall not be attributable to the District, the Superintendent, or the Board.

All Bond Oversight Committee proceedings and meetings will be open to the public, and notice to the public will be provided in the same manner as the proceedings of the District's School Board.

On a quarterly basis, the Committee will prepare written reports describing program progress and will present those reports to the Board of Directors. All Committee reports received by the Board will be public record and published on the West Valley School District website.

The Committee will also issue and deliver an annual report to the Board, including an overall assessment of the Project, schedules, spending trends, and cost projections.

Minutes of the proceedings of the Bond Oversight Committee and all documents received and reports issued will be a matter of public record and be made available on the District's website.

Conflicts of Interest

A member of the Oversight Committee will not attempt to influence the District's decision about any contract or project which will benefit the member's outside employment or provide financial benefit to a family member. Nor will a committee member use his or her position on the committee to negotiate future employment with any of the firms hired to work on bond projects. If any other conflict of interest arises, a committee member will report it to the School Board and the other members of the Oversight Committee, and recuse himself or herself from related discussions or resign from the BOC. No committee member shall be employed by or have any ownership interest in any contractor, subcontractor, supplier, architect, engineer, or other consultant that is providing paid work or services with regard to the Project.

District Support of the Committee

The Board of Directors of the District will, without expending bond funds, provide the members of the Bond Oversight Committee with the technical and administrative assistance reasonably necessary for them to fulfill their purpose and to publicize their conclusions. This includes providing staff time to assist, along with providing adequate facility space for regular public meetings.

The District will provide the Bond Oversight Committee with responses to any and all of the BOC's findings, recommendations, and concerns addressed in the BOC's reports to the Board.

Duration of the Committee

The Bond Oversight Committee will become active upon the School Board's formal authorization of Board in accepting this Charter and approval of By-Laws.

The Bond Oversight Committee will remain operational throughout the duration of Project and the Committee issuing and delivering its final report within sixty (60) days following the Board's final resolution to accept the Project.

Opportunity for Review

Since this Bond Oversight Committee model is new in West Valley, the Board will invite the Oversight Committee to review this document with them approximately four months from the date that the Committee has been authorized by resolution of the Board. At that review, the Board, with input and recommendations from the Bond Oversight Committee and Superintendent, may choose to make revisions or add clarifications.