

**Flagstaff Unified School District #1**

**BOND OVERSIGHT COMMITTEE BYLAWS**

**INTRODUCTION**

The Bond Oversight Committee of Flagstaff Unified School District #1 of Coconino County ("FUSD"), in order to more clearly set forth its powers and duties, does hereby establish these Bylaws.

**ARTICLE I**  
**COMMITTEE NAME**

Section 1      The name of this Bond Oversight Committee shall be the Flagstaff Unified School District #1 Bond Oversight Committee ("BOC").

**ARTICLE II**  
**PURPOSE**

Section 1      The purpose of the BOC shall be to oversee the activities of one or more current FUSD bonds and administration of the same, which includes making recommendations to the Board for all projects and oversight of the budgets for the applicable bonds.

**ARTICLE III**  
**COMMITTEE SELECTION AND MEMBERSHIP, TERM**

Section 1      The BOC will be comprised of the following members, which shall include the following categories of membership:

- A.      An odd number of members (a minimum of 5 and up to 9) of the general public selected and appointed by the FUSD Governing Board for terms of 3 years each.
- B.      The individuals holding the following positions within FUSD:
  - 1.      Superintendent
  - 2.      Director of Operations
  - 3.      Director of Finance
  - 4.      Maintenance Team Leader
  - 5.      Director of Technology
  - 6.      Capital Project Manager
- C.      One (1) FUSD Governing Board member, with one (1) alternate Governing Board member designated to attend BOC meetings in the absence of the appointed member.

Section 2      To safeguard the integrity of the Bond projects in areas of conflict of interest and personal gains, the following will be applied:

- A.      General public members must be a resident of the district and registered to vote.

- B. The Governing Board will decide if an applicant will be appointed to serve on the BOC, except as provided in Section 1(B) above, FUSD employees and officials may not serve on the BOC.

Section 3 BOC membership shall be 3 years with staggered terms:

- A. Membership for FUSD administrators shall end automatically upon the individual leaving such administrative position and the successor to such position shall be automatically appointed to the committee. The term for an administrator shall be for the length of their position and not for a set number of years.
- B. The membership of the Governing Board member, and the alternate, may serve for only two (2) consecutive terms before another Governing Board member is to be selected. Membership shall end automatically upon the appointed Governing Board member, or alternate, no longer serving on the Governing Board.

Section 4 Membership Selection:

- A. The FUSD Governing Board shall request members of the public who are interested in serving on the BOC submit a letter of interest and application when a membership position becomes available. The Governing Board shall review the applications and appoint individuals to fill some or all open seats. The Governing Board does not have to appoint an individual to the BOC, even if there is a vacancy, if the Governing Board does not feel that any applicant is qualified.
- B. The FUSD Governing Board shall appoint, at the 1<sup>st</sup> annual meeting in January, members of the Governing Board to serve on the BOC. The Governing Board shall decide the main appointment and the alternate.

#### **ARTICLE IV**

#### **COMMITTEE REMOVAL and RESIGNATION**

- Section 1 The FUSD Governing Board may remove a member by majority vote for any of the following:
- A. Three consecutive unexcused absences from scheduled BOC meetings.
  - B. Neglect of duty.
  - C. Proven violations of the BOC Bylaws.
  - D. Conviction of a crime as provided in Arizona Revised Statutes Section 15-512.

- Section 2 A BOC member may resign at any time by submitting a written resignation to the Governing Board.

**ARTICLE V**  
**REIMBURSEMENT**

No member of the BOC shall receive a stipend for services on the BOC. The BOC shall establish and maintain a budget to underwrite the costs of BOC participation in meetings, site visits, and any necessary travel to investigate projects or equipment that may be considered under the Bonds. If sufficient funds are available and each expense is properly substantiated under the terms of the Internal Revenue Code, each member of the BOC may be reimbursed by FUSD, in the discretion of the Governing Board, for:

- A. Travel expenses, including meals and lodging, incurred for any BOC-related business, as approved prior to such travel, including mileage, at the then-current IRS rate. Mileage will not be provided for travel within the City of Flagstaff.

A BOC member seeking reimbursement shall be responsible to submit all claims for reimbursement with proper substantiation to the Assistant Superintendent, Operations.

**ARTICLE VI**  
**VOTING RIGHTS**

- Section 1 Each BOC general public member shall have one vote regarding any matter. Any member may abstain from voting on any matter. FUSD staff and Governing Board members do not vote.
- Section 2 Absentee ballots or proxy voting shall not be permitted.

**ARTICLE VII**  
**MEETINGS**

- Section 1 Meetings shall be held the first Tuesday of each month at 7:00 AM at the FUSD administrative offices or such other location within the District as designated by the BOC President. All meetings shall be open to the public and shall conform to Arizona Open Meeting Law (A.R.S. Section 38-431 *et seq.*).
- Section 2 Notice of all meetings shall be posted in accordance with Arizona law providing the following information: agenda, date, location and time.
- Section 3 The presence of a majority of voting BOC members shall constitute a quorum necessary to carry out the business of the BOC. No decision of the BOC shall be valid unless a majority of the voting BOC members present concur therein by their votes. The meeting will be cancelled if no quorum is present within fifteen (15) minutes after the scheduled time.
- Section 4 Open meeting:
  - A. All regular and special meetings of the BOC and its standing or special committees, if any, shall be open to representatives of the general public.
  - B. Any BOC member may present items for the agenda. Non-members may

request an item be included on the agenda by notifying the Superintendent, Assistant Superintendent, or President of the BOC. To be considered at a meeting, an item must be placed on the agenda prior to posting the agenda for the meeting.

- C. The agenda shall list all matters to be discussed and decided.
- D. The BOC shall elect a President in August, rotating annually, to collaborate with FUSD staff to prepare agendas and facilitate the meeting.

## **ARTICLE VIII**

### **DUE PROCESS**

- Section 1 Any member of the BOC who has been removed for any reason, excluding resignations, shall have access to due process to appeal the decision made by the Governing Board.
- Section 2 The Governing Board shall provide a written notification of the decision for removal and reason for removal, effective date, and copy of due process procedure.
- Section 3 The due process procedure shall include the following:
  - A. The individual removed from the BOC must file an appeal, if any, in writing, to the Governing Board President within five (5) working days of removal to request an appeal.
  - B. The Governing Board President shall respond to the individual within five (5) working days of receipt of appeal to clarify the decision for removal.
  - C. If not satisfied, the individual may within five (5) working days request a hearing in the case before the full Governing Board to present witness testimony on the removed member's behalf, and to introduce any written documentation.
  - D. Within five (5) working days after receiving the written request for a hearing, the Governing Board shall schedule a special hearing within thirty (30) days.
  - E. The Governing Board shall consider any information or testimony presented to them in the appeal process and shall render a final decision to the individual, within fifteen (15) working days from the date of the hearing.
  - F. Neither the Governing Board, the BOC, nor individual members of the BOC, shall be held liable for any personal or legal cost incurred by the removed individual during the due process proceeding.

## **ARTICLE IX**

### **AMENDMENTS**

These Bylaws may be amended only as follows:

- A. Any member may submit a proposed amendment to the Bylaws in writing to the President.
- B. The BOC shall vote on whether to recommend to the Governing Board to adopt the amendment to the Bylaws.
- C. At the next regular or special meeting of the Governing Board, the BOC President may present the reason(s) for the proposed amendment and the Governing Board may hold discussions, which shall be recorded in the minutes of the meeting. Plans

for further review or discussion, if any, shall be recorded in the minutes of the meeting.

- D. A majority vote of the Governing Board shall be necessary to approve any amendments to these Bylaws.

### **CERTIFICATION**

These Bylaws shall be declared adopted by the BOC when passed by a majority vote of the Governing Board at a duly-called meeting.

These Bylaws were approved at a duly called meeting of the Governing Board of Flagstaff Unified School District #1 this \_\_\_\_\_ day of \_\_\_\_\_, 2021 by a vote of \_\_\_\_\_ in favor \_\_\_\_\_ opposed

and \_\_\_\_\_ abstained.

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Authorized Representative, Governing Board  
Flagstaff Unified School District #1

IN WITNESS THEREOF:

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Bond Oversight Committee President

