

**FISCAL CRISIS and MANAGEMENT ASSISTANCE TEAM (FCMAT)
GOVERNING BOARD
BYLAWS**

Adopted March 18, 1999

Revised and Adopted March 13, 2003, March 11, 2004, March 20, 2006,
October 20, 2013, June 28, 2015, April 24, 2016

ARTICLE I

Name

This organization shall be known as the Fiscal Crisis and Management Assistance Team (FCMAT) Governing Board.

ARTICLE II

Role and Functions of the Governing Board

Section 1: General Purpose

The general purpose of the Governing Board is to provide policy direction and broad operational guidance to the County Office that has been selected to operate FCMAT. In performing this general purpose, the Governing Board will work cooperatively with the County Office to enable the County Office to perform satisfactorily its duties under its contract with the California Department of Education and to insure performance of FCMAT's statutory and contractual duties.

Section 2. Specific Duties

The specific duties of the Governing Board, as determined by statute and the contract between the State and the County Office of Education that serves as Administrative/Fiscal Agent, are to:

- A. Implement the organizational structure provided by the County Office as the operational framework for the Team
- B. Select Team members based on recommendations of the County Office
- C. Develop criteria for and prioritize requests for assistance, including requests from the SPI, in cooperation with the Team
- D. Develop standardized formats for reports
- E. Develop, in cooperation with the Team, and distribute rates for onsite personnel costs and travel costs incurred by the Team
- F. Define fiscal emergency

- G. Determine the amount of revenues, within statutory limits, to be allocated for contract services to assist school districts and county offices that have a fiscal emergency
- H. Approve the California School Information Services (CSIS) Plan/Data Directory
- I. Determine the training required to comply with the purpose of FCMAT
- J. Approve any payments to the CDE, from available funds, to reimburse the CDE for actual administrative expenses incurred in the review of the budgets and fiscal conditions of school districts and county offices
- K. Establish procedures for board members to obtain reimbursement of expenses from the members' respective agencies such as travel and per diem
- L. Perform additional tasks as assigned to the Governing Board by statute or state contract.

Section 3: Advisory Function

The Governing Board provides advice on issues brought to the Board by board members, the Administrative Agent or the Team. Items for Board review can be placed on the agenda of quarterly meetings of the Board and/or considered by the Executive Committee of the Board in order to respond to issues on a timely basis. Issues for Board/Committee advice should relate to the purposes for which FCMAT was established and should generally meet the following criteria:

- A. The issue is of significant importance to FCMAT
- B. The issue is consistent with the purpose of the organization
- C. Action on the issue will not compromise the neutrality and independence of FCMAT.

Section 4: Informational Function

The Board functions as an avenue of communication and information among school districts, county offices of education, community colleges, charter schools, the administrative agent and the Team. This function can be accomplished by written/electronic means, as well as during scheduled meetings. The purpose of this function is to insure the relevance and accuracy of information with which FCMAT is working, and to enhance the collaborative efforts of FCMAT.

Section 5: Preserving FCMAT's Independence and Objectivity

In discharging its general and specific duties, the Governing Board will insure that FCMAT is kept free from real or perceived interference or conflicts of interest that might impair its independence and objectivity.

ARTICLE III Executive Committee

An Executive Committee of the Board shall be established for the purpose of conducting the business of the Board as needed to respond to issues in a timely manner, and to review issues in preparation for regularly scheduled Board meetings. The Executive Committee shall be composed of the chair, immediate past chair, vice-chair, two district superintendents selected by the Board, Chancellor of the California Community Colleges or his or her designee serving as a member of the Board, the Administrative Agent and the chief executive officer of FCMAT.

The Executive Committee will convene as needed and determined either by the chair, the Administrative Agent, or the CEO.

ARTICLE IV Role and Functions of the Administrative and Fiscal Agent

Section 1: General Purpose

The general purpose of the County Office selected by the State as Administrative and Fiscal Agent is to provide immediate supervision of the Team and operate all aspects of FCMAT in accordance with the terms of its contract(s) with the State of California and applicable statutes.

Section 2: Specific Duties

The specific duties of the County Office, as determined by statute and its contract with the State, are to:

- A. Provide fiscal crisis intervention when requested by School Districts, County Offices of Education, the Board of Governors of the California Community Colleges or when assigned by the SPI.
- B. Provide management assistance to School Districts, County Offices of Education, Community Colleges (CC) and Charter Schools when requested or assigned
- C. Provide workshops and in-service training to School Districts, County Offices of Education, Community Colleges and Charter Schools staffs

- D. Conduct site reviews and studies, on request or assignment
- E. Serve as fiscal advisor, on assignment
- F. Assist county superintendents in performance of audits or reviews under Education Code Section 1241.5, on request
- G. Act as a resource for innovative and effective solutions to School Districts, County Offices of Education, Community Colleges and Charter Schools fiscal management and business operation problems
- H. Operate the California School Information Systems (CSIS) as directed and funded by the State
- I. Recruit, screen, and recommend Team members to the Governing Board
- J. Evaluate Team members
- K. Discharge all FCMAT personnel functions
- L. Negotiate employee and independent contractor contracts in accordance with the terms of the state contract
- M. Review and approve all external reports and submit copies to the CDE
- N. Recommend standardized format reports to the Governing Board
- O. Recommend criteria for services and service priorities to the Governing Board
- P. Assist the Governing Board in the development of rates to be charged for onsite personnel and travel costs incurred by Team members
- Q. Market Team services
- R. Provide staff support to the Governing Board
- S. Perform additional tasks as assigned to FCMAT by statute or state contract.

ARTICLE V
Composition of the Board

- Section 1(a). The Governing Board shall consist of twenty five (25) voting members who function according to statutes. The voting members shall consist of one representative from the California Department of Education, and one county and one district superintendent from each of the eleven service regions established by the California County Superintendents Educational Services Association (CCSESA), the Chancellor of the CCC or his or her designee, and one member of a community college district governing board chosen by the chancellor.
- Section 1(b). In addition to the voting members specified in subsection (a), above, there shall be one nonvoting member representing the charter schools of the state, and one nonvoting member representing the California Collaborative for Educational Excellence (CCEE), each selected by the Executive Committee, upon recommendation by the CEO, and confirmed by a majority vote of the quorum. Except for nonvoting status, the charter school member and CCEE member shall have all the rights and duties of voting board members.
- Section 2. County superintendents shall serve a two-year term, staggered so that one-half of the Directors are elected in any one year. Directors in odd numbered regions will be elected in even numbered years.
- Section 3. District superintendents' initial terms were staggered in one, two, and three-year terms. District superintendents serve three-year terms after their staggered term expires. The community college district governing board member serves a three-year term.
- Section 4. The charter school member and CCEE member serve three-year terms.
- Section 5. Each board member is encouraged to select an alternate from his/her region, or, in the case of the charter school member, from a charter school and in the case of the CCEE member, from the CCEE, to attend in his/her absence. The role of the alternate shall be to convey any information to the board on behalf of the absent regular member and to observe and report back to the regular member regarding the board meeting. The alternate shall not be considered a member of the board for any purpose including voting or establishing a quorum.

- Section 6. The board shall elect a chairperson to conduct meetings and a vice chair to conduct meetings in the chairperson's absence.
- Section 7. The chairperson and vice chair shall be county superintendents that serve a term of two years.
- Section 8. The FCMAT board shall appoint a replacement for any member who may be unable to perform his/her duties due to resignation or other inability for the remainder of his/her term. A concurrence of two-thirds (2/3) of the board will confirm this appointment.

ARTICLE VI
Nominations and Elections

- Section 1. The State Department representative and Chancellor of the CCC or his or her designee shall serve a continuing term. County superintendents shall be nominated by CCSESA and district superintendents shall be nominated by the Association of California School Administrators (ACSA) in October of each year. The community college district governing board member is chosen by the Chancellor. FCMAT will notify CCSESA, ACSA, the Chancellor, and the Executive Committee of expiring terms.
- Section 2. Elections shall be held in October. New board members will begin their terms in January of the next year.

ARTICLE VII
Meetings

- Section 1. Regular meetings shall be held on a quarterly basis.
- Section 2. Special meetings may be called when deemed necessary by the California Department of Education, Administrative Agent, FCMAT CEO, or Board Chairperson.
- Section 3. A quorum consists of thirteen (13) voting members.
- Section 4. The Administrative Agent, FCMAT CEO, and designated staff shall attend meetings of the Board of Directors.
- Section 5. Meetings shall be conducted in accordance with the Bagley-Keene Act relating to open meetings.

ARTICLE VIII

Finances

- Section 1. Allowable expenditures are the actual and necessary costs of travel, lodging and meals of the board member. Expense claims and receipts shall be submitted to the FCMAT secretary for processing.
- Section 2. Fiscal control shall be in accordance with AB 1200 and the contract limitations established by the California Department of Education.

ARTICLE IX

Dissolution

The board shall continue in existence until it is dissolved upon the effective date of the repeal of the statutory authority which created the board, or upon the effective date of any statutory amendment which so substantially alters that authority as to require the creation of a different board or governance structure.

ARTICLE X

Rules of Order

The board shall act upon majority vote of the quorum.

ARTICLE XI

Amendments

Any amendments to these Bylaws may be adopted at a regularly scheduled meeting by a two-thirds (2/3) vote of those members in attendance at the meeting at which amendments are considered for approval. Written notice shall be given to board members at least two weeks prior to the meeting.