

NATOMAS UNIFIED SCHOOL DISTRICT

Resolution No. 19-07

IN THE MATTER OF: Establishing a Citizens' Bond Oversight Committee for Measure L and Approving Form of Bylaws

The following RESOLUTION was duly passed by the Board of Trustees of the Natomas Unified School District, at a regular meeting held on the 13th of MARCH 2019, by the following roll call vote:

| | |
|---------------|-------|
| Jag Bains | _____ |
| Scott Dosick | _____ |
| Micah Grant | _____ |
| Susan Heredia | _____ |
| Lisa Kaplan | _____ |

Signed and approved by me after its passage:

Susan Heredia, President

Attest:

Jag Bains, Clerk

WHEREAS, the Board of Trustees (the "Board") of the Natomas Unified School District (the "District") previously adopted a resolution requesting Sacramento County (the "County") to call an election for general obligation bonds (the "Bond Election") to be held on November 6, 2018;

WHEREAS, notice of the Bond Election was duly given and, on November 6, 2018, the Bond Election was duly held and conducted for the purpose of voting a measure for the issuance of bonds of the District in the amount of \$172,000,000 (the "Bond Measure");

WHEREAS, based on the statement of results from the County, more than fifty-five percent of the votes cast on the Bond Measure were in favor of issuing the aforementioned bonds;

WHEREAS, section 15278 of the California Education Code provides that the governing board of a school district shall establish and appoint members to an independent citizens' oversight committee, within 60 days of the date that the governing board enters the election results on its minutes; and

WHEREAS, the Board wishes hereby to establish such independent citizens' bond oversight committee in connection with issuance of bonds under the Bond Measure and to approve bylaws (the "Bylaws") therefor;

NOW, THEREFORE, it is hereby ORDERED and DETERMINED, as follows:

Section 1. Bond Election Results. The Board has entered the results of the Bond Election results on its minutes within 60 days of the date of this Resolution.

Section 2. Authorization. The Bond Measure was authorized pursuant to paragraph (3) of subdivision (b) of Section 1 of Article XIII A of the California Constitution and subdivision (b) of Section 18 of Article XVI of the California Constitution in accordance with the requirements of the Strict Accountability for Local School Construction Bonds Act of 2000 (the "Act").

Section 3. Establishment of Committee. An independent citizens' bond oversight committee (the "Committee") is hereby established for the purposes set forth in the Act.

Section 4. Bylaws. The Committee shall operate pursuant to the Board-approved Bylaws. The Committee shall have only those responsibilities granted to them in the Act and the Bylaws. The Bylaws, as submitted herewith and attached hereto, are hereby approved.

Section 5. Other Actions. Officers of the Board and members of the Committee established hereunder are hereby authorized and directed, jointly and severally, to do any and all things and to execute and deliver any and all documents which they may deem necessary or advisable in order to give effect to and comply with the terms and intent of this Resolution. Such actions heretofore taken by such officers, officials, and staff are hereby ratified, confirmed and approved.

Section 6. Effective Date. This Resolution shall be effective upon adoption by the Board.

CITIZENS' BOND OVERSIGHT COMMITTEE
Measure L

BYLAWS

Section 1 COMMITTEE ESTABLISHED

The Natomas Unified School District (the "District") was successful at the election conducted on November 6, 2018 (the "Election"), in obtaining authorization from the District's voters to issue up to \$172,000,000 aggregate principal amount of the District's general obligation bonds, pursuant to a 55% vote. The election was conducted under Proposition 39, being chaptered as the Strict Accountability in Local School Construction Bonds Act of 2000, at section 15264 et seq. of the California Education Code ("Prop 39"). Pursuant to section 15278 of the California Education Code, the District is required to establish an Oversight Committee to satisfy the accountability requirements of Prop 39. The Board of Trustees of the District (the "Board") hereby establishes the Citizens' Bond Oversight Committee (the "Committee") which shall have the duties and rights set forth in these Bylaws. The Committee does not have independent legal capacity from the District.

Section 2 PURPOSE

The purpose of the Committee is to inform the public at least annually concerning the expenditure of bond proceeds approved by the voters by issuing a written report.

Section 3 DUTIES

To carry out its stated purpose, the Committee shall perform the following duties:

- 3.1 **Review Expenditures.** The Committee shall review Expenditure reports produced by the District to (a) ensure that bond proceeds are expended only for the purposes set forth in the ballot measure; and (b) ensure that no bond proceeds are used for any teacher or administrative salaries or other operating expenses.

- 3.2 **Annual Report.** An annual report on behalf of the Committee shall be presented ("Annual Report") at a public meeting of the Board by the Chairperson in February of each year for the prior fiscal year. The Annual Report shall include the following:
 - (a) A statement indicating whether the District is in compliance with the requirements of Article XIII A, Section 1(b)(3) of the California Constitution; and
 - (b) A summary of the Committee's proceedings and activities for the preceding year.

Section 4 AUTHORIZED ACTIVITIES

- 4.1 In order to perform the duties set forth in Section 3.0, the Committee may engage in the following authorized activities:
- (a) Receive and review copies of the District's annual independent performance audit and annual independent financial audit required by Article XIII A of the California Constitution.
 - (b) Inspect school site facilities and grounds for which bond proceeds have been or will be expended, in accordance with any access procedure established by the Assistant Superintendent of Facilities and Planning.
 - (c) Review the District's efforts to maximize bond proceeds in ways designed to: (1) reduce costs of professional fees or site acquisition; (2) incorporate efficiencies in school site design; (3) encourage joint use of core facilities; or (4) invoice cost-effective and efficient reusable facility plans.
- 4.2 Any Committee or sub-committee requests for copies or inspection of District records shall be made in writing to the Assistant Superintendent of Business Services through the Committee's or the sub-committee's chair person.

Section 5 MEMBERSHIP

- 5.1 **Number.** The Committee shall consist of a minimum of seven members, as follows:
- (a) The Board shall appoint members of the Committee.
 - (b) The Committee shall include:
 - 1. One member who is active in a business organization representing the business community located within the District;
 - 2. One member active in a senior citizen's organization;
 - 3. One member who is active in a bona fide taxpayers' organization;
 - 4. One member who is the parent or guardian of a child enrolled in the District;
 - 5. One member who is both a parent or guardian of a child enrolled in the District and active in parent-teacher organization.

5.2 **Qualification Standards**

- (a) To be a qualified member of the Committee, a person must:

1. Be at least 18 years of age and a citizen of the state in accordance with Government Code section 1020;
2. Reside within the geographic boundaries of the District;
3. Not an employee or official of the District;
4. Not be a relative of an employee or official;
5. Not be a vendor, contractor, or consultant of the District.

(b) If a member fails to meet the qualification standards set forth above at any time during the term of service, such member shall be disqualified and the position shall be declared vacant. The Board shall appoint a new person to serve the remainder of the term, in accordance with the appointment process set forth in Section 5.3 below.

- 5.3 **Appointment.** The Board shall appoint members to the Committee. Prior to appointment, the District Superintendent shall conduct a nomination process to ensure that each person nominated meets the qualification standards set forth in Section 5.2. The Superintendent shall establish a process that provides reasonable notice to Board members and specified nominating organizations. When an appointment is necessary to fill a vacancy, the Superintendent shall ensure that a nomination is received from the same organization or category as the Committee member whose position is vacant.
- 5.4 **Ethics: Conflicts of Interest.** By accepting appointment to the Committee, each member agrees to comply with Article 4 (commencing with Section 1090) and 4.7 (commencing with Section 1125) of Division 4 of Title 1 of the Government Code and the Political Reform Act (Gov. Code 81000, *et seq.*), and to complete the Form 700 as required by all “designated employees” of the District.
- 5.5 **Term.** Each member of the Committee shall serve for a term of two years and for no more than three consecutive terms, excepting the original appointees’ term, which will be either one year or two years, in order to provide continuity for the Committee.
- 5.6 **Removal.** Vacancy. The Board may remove any Committee member for cause, including failure to attend two consecutive committee meetings. Upon the removal of a member, his or her seat shall be declared vacant. The Board shall fill any vacancies on the Committee in accordance with the appointment process set forth in Section 5.3.
- 5.7 **Compensation.** The Committee members shall not be compensated for their services.

Section 6 MEETINGS OF THE COMMITTEE

- 6.1 **Regular Meetings.** The Committee shall establish a schedule for the date and time of regular meetings to be held at least quarterly to include an annual organizational meeting to be held in April. District staff shall not change a scheduled regular meeting without written approval of the Chair.
- 6.2 **Location.** All meetings shall be held at the administrative offices of the District located at 1901 Arena Blvd., Sacramento, California or other agreed upon locations.
- 6.3 **Procedures.** All meetings shall be open and public in accordance with the Ralph M. Brown Act, Government Code Section 54950, *et seq.* (the “Brown Act”). Meetings shall be conducted according to such procedural rules and norms as the Committee may adopt. A majority of the number of Committee members shall constitute a quorum for the transaction of any business except adjournment.

Section 7 District Support

- 7.1 The District shall provide to the Committee necessary technical and administrative assistance and sufficient resources to publicize the conclusions of the Committee as follows:
- (a) preparation of and posting of public notices as required by the Brown Act ensuring that all notices to the public are provided in the same manner as notices regarding meetings of the Board;
 - (b) provision of a meeting room, including any necessary audio/visual equipment;
 - (c) preparation and copies of any documentary meeting materials, such as agendas and reports;
 - (d) retention of all Committee records, and providing public access to such records, including the posting of Committee records on the Internet website maintained by the District; and
 - (e) transmittal of any Committee report or communication to the Board upon request of the Committee.
- 7.2 District staff shall maintain all Committee records, and provide public access to such records as required by Board Policy 1340 “Access to District Records.”
- 7.3 The Committee may request the Board to authorize legal counsel to advise the Committee on legal matters relating to the operation and/or subject matter of the Committee.

- 7.4 The District shall not use any bond proceeds to provide the support set forth in this Section 7.

Section 8 Officers

The officers of the Committee shall be a Chair and a Vice Chair.

- 8.1 **Election and Term of Office** Each officer shall be elected by a majority of a quorum of the members of the Committee, and shall hold such position for one year or until the resignation or removal of such officer.
- 8.2 **Resignations** Any officer may resign at any time by giving written notice to the Committee. Any such resignation shall take effect at the time specified therein and, unless otherwise specified therein, the acceptance of such resignation shall not be necessary to make it effective.
- 8.3 **Removal** Any officer may be removed by a majority vote of the members of the Committee.
- 8.4 **Vacancies** A vacancy in any office because of death, resignation, removal, disqualification or any other cause, shall be filled in the manner prescribed in these Bylaws for regular appointment to such office.
- 8.5 **Chair** The Chair shall at all times be a member of the Committee. The Chair shall preside at all meetings of the Committee. The Chair may sign and execute, in the name of the Committee, those reports and correspondences to the Board of Trustees.
- 8.6 **Vice Chair** The Vice Chair shall at all times be a member of the Committee. At the request of the Chair or in case of his or her absence or disability, the Vice Chair shall perform all duties of the Chair and, when so acting, shall have all the powers of, and be subject to all restrictions upon the Chair.

Section 9 Amendment of Bylaws

Any amendment to these Bylaws shall be approved by a two-thirds vote of the entire Committee and must be approved by the Board prior to becoming effective.

Section 10 Termination

The Committee shall automatically terminate and disband at the earlier of the date when (a) all bond proceeds are spent, or (b) all projects funded by bond proceeds are completed.

Section 11 Applicability of the California Law

The Committee was established by the District in order to comply with Section 15278 *et seq.* of the California Education Code ("Code"). Nothing in these Bylaws shall be interpreted in a manner that is inconsistent with the provisions of the Code.