

**SANTA CLARA UNIFIED SCHOOL DISTRICT**

**RESOLUTION NO. 19-12**

**A RESOLUTION OF THE BOARD OF TRUSTEES CONSOLIDATING EXISTING CITIZENS' OVERSIGHT COMMITTEES, ESTABLISHING A CITIZENS' OVERSIGHT COMMITTEE FOR MEASURE BB-2018 AS PART OF A CONSOLIDATED COMMITTEE, RESCINDING PRIOR BYLAWS AND RECEIVING PROPOSED BYLAWS AND WORK PLANS (FOR THE REMAINDER OF FISCAL YEAR 2018-19 AND FOR FISCAL YEAR 2019-20)**

**WHEREAS**, the Strict Accountability in Local School Construction Bonds Act of 2000 (the "Act"), was enacted to ensure bond expenditures are in conformity with Section 1 of Article XIII A of the California Constitution;

**WHEREAS**, the Act requires that a citizens' oversight committee be established for any bond measure that is subject to the provisions of the Act;

**WHEREAS**, four general obligation bond measures subject to the Act have been approved by voters; namely Measure J on November 2, 2004, Measure H on November 2, 2010, Measure H on November 4, 2014, and Measure BB on November 6, 2018;

**WHEREAS**, with the exception of Measure BB, the Board established and appointed citizens' oversight committees in accordance with the Act following the successful elections referred to above;

**WHEREAS**, the Board now seeks to appoint a citizens' oversight committee in accordance with the Act for Measure BB; and

**WHEREAS**, since April 2018, the members of the three existing citizens' oversight committees have been developing their concept of establishing a consolidated committee with common membership for all bond measures subject to the Act.

**NOW, THEREFORE**, be it resolved by the Board of Trustees of the Santa Clara Unified School District as follows:

**Section 1. Recitals.** The Board hereby finds and determines that the foregoing recitals are true and correct.

**Section 2. Consolidation to One Citizens' Oversight Committee.** The Board hereby consolidates all existing citizens' oversight committees into one consolidated committee (to be referred to as the "Citizens' Independent Oversight Committee") with common membership for all bond measures subject to the Act.

**Section 3. Establishment of Committee for Measure BB-2018 Bonds.** The Board hereby establishes a citizens' oversight committee for Measure BB-2018 as part of the Citizens' Independent Oversight Committee.

**Section 4.** **Membership of the Consolidated Committee.** The Board hereby appoints those individuals who, at the time of this resolution, are actively engaged in existing citizens' oversight committees for bonds issued under 2004's Measure J, 2010's Measure H, and 2014's Measure H to serve as the committee members for the Citizens' Independent Oversight Committee overseeing all bond measures subject to the Act, and listed on Addendum One.

**Section 5.** **Rescission of Past Actions Regarding Operations.** The Board hereby rescinds prior actions related to bylaws and operation of citizens' oversight committees.

**Section 6.** **Receipt of Proposed Bylaws and Work Plans.** The Board hereby receives the proposed bylaws as well as work plans for the remainder of fiscal year 2018-19 and for the fiscal year 2019-20, included as Addendum Two.

**Section 7.** **Effective Date.** This resolution shall take effect immediately upon its passage.

*[Signature Page Follows]*

**APPROVED, PASSED, AND ADOPTED** on March 7, 2019, by Santa Clara Unified School District Board of Trustees, by the following vote:

AYES \_\_\_\_\_

NOES \_\_\_\_\_

ABSENT \_\_\_\_\_

ABSTAIN \_\_\_\_\_

**SANTA CLARA UNIFIED  
SCHOOL DISTRICT**

By: \_\_\_\_\_

President of the Board of Trustees

**ATTEST:**

By: \_\_\_\_\_

Secretary of the Board of Trustees

## Addendum One

**SANTA CLARA UNIFIED SCHOOL DISTRICT**  
**CITIZENS' INDEPENDENT OVERSIGHT COMMITTEE**  
**for**  
**Measure J-2004**  
**Measure H-2010**  
**Measure H-2014**  
**Measure BB-2018**

January 29, 2019

### **Joint Citizens' Oversight Committee Members**

<i>Member</i>	<i>Affiliation</i>
• Brett McLarney (Chair)	Parent/Guardian of Child Enrolled in District
• Mary Ng Dooley (Vice Chair)	Member of a Bona-Fide Taxpayers' Association
• James van Pernis	Member of a Senior Citizens' Organization
• Charitha Perera	Representative of Business Community
• Michelle Villagomez Parent-	Parent/Guardian of Child Enrolled in District and Active in a Teacher Organization or School Site Council
• Vladimir Raykin	At Large
• Noel Matyas	At Large

## Addendum Two

### SANTA CLARA UNIFIED SCHOOL DISTRICT CITIZENS' INDEPENDENT OVERSIGHT COMMITTEE

for

**Measure J-2004**

**Measure H-2010**

**Measure H-2014**

**Measure BB-2018**

#### **BYLAWS**

**Section 1. Committee Established.** The Santa Clara Unified School District, having had successful 55% general obligation bond elections with Measure J-2004, Measure H-2010, Measure H-2014, and Measure BB-2018, has established an Independent Citizens' Oversight Committee to oversee all four measures. The District has taken this action in accord with the Strict Accountability in Local School Construction Bonds Act of 2000, Article 2, which is titled "Citizens' Oversight Committee" (Education Codes 15278-15282) which is attached and referred to herein as the "Citizens' Oversight Committee Statute".

**Section 2. Purposes.** The purposes of the Committee are set forth in the Citizens' Oversight Committee Statute.

**Section 3. Duties.** To carry out its stated purposes, the Committee shall perform the following duties:

**3.1 Inform the Public.** The Committee shall inform the public concerning the District's expenditures of bond proceeds.

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

**3.3 Annual Report.** The Committee shall inform the public (which, at the discretion of the Committee, can be accomplished by presenting to the Board, in public session) an annual written report which 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.

**3.4 Additional Activities.** The Committee may engage in the following additional activities as provided in the Citizens' Oversight Committee Statute:

- a. Receiving and reviewing copies of the annual, independent performance audit required by subparagraph (C) of paragraph (3) of subdivision (b) of Section 1 of Article XIII A of the California Constitution.
- b. Receiving and reviewing copies of the annual, independent financial audit required by subparagraph (C) of paragraph (3) of subdivision (b) of Section 1 of Article XIII A of the California Constitution.
- c. Inspecting school facilities and grounds to ensure that bond revenues are expended in compliance with the requirements of paragraph (3) of subdivision (b) of Section 1 of Article XIII A of the California Constitution.
- d. Receiving and reviewing copies of any deferred maintenance proposals or plans developed by a school district, including any reports required by Section 17584.1.
- e. Reviewing efforts by the school district to maximize bond revenues by implementing cost-saving measures (additional information provided in the Citizens' Oversight Committee Statute).

#### **Section 4. Membership.**

- 4.1 Number.** The Committee shall consist of a minimum of 7 members appointed by the Board from residents of the Santa Clara Unified School District and shall be based on criteria established by the Citizens' Oversight Committee Statute.
- 4.2 Ethics / Conflicts of Interest.** By accepting appointment to the Committee, each member shall comply with the Committee Ethics Policy as to these Bylaws. Committee members retain the right to address the Board as an individual.
- 4.3 Term.** Except as otherwise provided herein, each member shall serve a term of 2 years. No member may serve more than 3 consecutive terms.
- 4.4 Removal / Vacancy.** Any Committee member may be removed for failure to attend 2 consecutive Committee meetings without reasonable excuse or for failure to comply with the Committee Ethics Policy. Upon a member's removal, his or her seat shall be declared vacant. The Board, in accordance with the established appointment process shall fill any vacancies on the Committee.
- 4.5 Compensation.** The Committee members shall not be compensated for their services.

#### **Section 5. Meetings of the Committee.**

- 5.1 Regular Meetings.** The Committee will meet at least once a year including an annual organizational meeting, during which an annual work plan will be developed.

**5.2 Procedures.** All meetings will be open to the public. Meetings will be conducted according to such additional procedural rules as the Committee may adopt. Three Committee members participating shall constitute a quorum.

**Section 6. District Support.**

**6.1** The District shall provide to the Committee necessary technical and administrative assistance as follows:

- a.** preparation of and posting of public notices as required by Education Code 15280, ensuring that all notices to the public are provided in the same manner as notices regarding meetings of the District 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; and
- d.** retention of all Committee records, and providing public access to such records on an Internet website maintained by the District.

**6.2** District staff and/or District consultants shall attend all Committee proceedings in order to report on the status of projects and the expenditures of bond proceeds.

**6.3** No bond proceeds shall be used to provide District support to the Committee.

**Section 7. Officers.** The Committee shall elect a Chair and a Vice-Chair who shall act as Chair only when the Chair is absent, which positions shall continue for 2-year terms. No person shall serve as Chair for more than two (2) consecutive terms.

**Section 8. Amendment of Bylaws.** The Committee will, at its discretion, review the Bylaws and provide an update to the School Board.

**Section 9. Termination.** The Committee shall automatically terminate and disband when all bond proceeds are spent



[Up^](#) [Add To My Favorites](#)

### EDUCATION CODE - EDC

**TITLE 1 GENERAL EDUCATION CODE PROVISIONS [1. - 32500]** ( Title 1 enacted by Stats. 1976, Ch. 1010. )

**DIVISION 1 GENERAL EDUCATION CODE PROVISIONS [1. - 32500]** ( Division 1 enacted by Stats. 1976, Ch. 1010. )

**PART 10. SCHOOL BONDS [15100 - 17199.6]** ( Part 10 repealed and added by Stats. 1996, Ch. 277, Sec. 2. )

**CHAPTER 1.5. Strict Accountability in Local School Construction Bonds Act of 2000 [15264 - 15288]** ( Chapter 1.5 added by Stats. 2000, Ch. 44, Sec. 3. )

**ARTICLE 2. Citizens' Oversight Committee [15278 - 15282]** ( Article 2 added by Stats. 2000, Ch. 44, Sec. 3. )

**15278.** (a) If a bond measure 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 is approved, the governing board of the school district or community college shall establish and appoint members to an independent citizens' oversight committee, pursuant to Section 15282, within 60 days of the date that the governing board enters the election results on its minutes pursuant to Section 15274.

(b) The purpose of the citizens' oversight committee shall be to inform the public concerning the expenditure of bond revenues. The citizens' oversight committee shall actively review and report on the proper expenditure of taxpayers' money for school construction. The citizens' oversight committee shall advise the public as to whether a school district or community college district is in compliance with the requirements of paragraph (3) of subdivision (b) of Section 1 of Article XIII A of the California Constitution. The citizens' oversight committee shall convene to provide oversight for, but not be limited to, both of the following:

- (1) Ensuring that bond revenues are expended only for the purposes described in paragraph (3) of subdivision (b) of Section 1 of Article XIII A of the California Constitution.
- (2) Ensuring that, as prohibited by subparagraph (A) of paragraph (3) of subdivision (b) of Section 1 of Article XIII A of the California Constitution, no funds are used for any teacher or administrative salaries or other school operating expenses.
- (c) In furtherance of its purpose, the citizens' oversight committee may engage in any of the following activities:
  - (1) Receiving and reviewing copies of the annual, independent performance audit required by subparagraph (C) of paragraph (3) of subdivision (b) of Section 1 of Article XIII A of the California Constitution.
  - (2) Receiving and reviewing copies of the annual, independent financial audit required by subparagraph (C) of paragraph (3) of subdivision (b) of Section 1 of Article XIII A of the California Constitution.
  - (3) Inspecting school facilities and grounds to ensure that bond revenues are expended in compliance with the requirements of paragraph (3) of subdivision (b) of Section 1 of Article XIII A of the California Constitution.
  - (4) Receiving and reviewing copies of any deferred maintenance proposals or plans developed by a school district or community college district, including any reports required by Section 17584.1.
  - (5) Reviewing efforts by the school district or community college district to maximize bond revenues by implementing cost-saving measures, including, but not limited to, all of the following:
    - (A) Mechanisms designed to reduce the costs of professional fees.
    - (B) Mechanisms designed to reduce the costs of site preparation.



- (C) Recommendations regarding the joint use of core facilities.
- (D) Mechanisms designed to reduce costs by incorporating efficiencies in schoolsite design.
- (E) Recommendations regarding the use of cost-effective and efficient reusable facility plans.

*(Added by Stats. 2000, Ch. 44, Sec. 3. Effective January 1, 2001.)*

**15280.** (a) (1) The governing board of the district shall, without expending bond funds, provide the citizens' oversight committee with any necessary technical assistance and shall provide administrative assistance in furtherance of its purpose and sufficient resources to publicize the conclusions of the citizens' oversight committee.

(2) The governing board of the district shall provide the citizens' oversight committee with responses to any and all findings, recommendations, and concerns addressed in the annual, independent financial and performance audits required by subparagraphs (C) and (D) of paragraph (3) of subdivision (b) of Section 1 of Article XIII A of the California Constitution within three months of receiving the audits.

(b) All citizens' oversight committee proceedings shall be open to the public and notice to the public shall be provided in the same manner as the proceedings of the governing board of the district. The citizens' oversight committee shall issue regular reports on the results of its activities. A report shall be issued at least once a year. Minutes of the proceedings of the citizens' oversight committee and all documents received and reports issued shall be a matter of public record and be made available on an Internet Web site maintained by the governing board of the district.

*(Amended by Stats. 2013, Ch. 91, Sec. 1. (SB 581) Effective January 1, 2014.)*

**15282.** (a) The citizens' oversight committee shall consist of at least seven members who shall serve for a minimum term of two years without compensation and for no more than three consecutive terms. While consisting of a minimum of at least seven members, the citizens' oversight committee shall be comprised, as follows:

(1) One member shall be active in a business organization representing the business community located within the school district or community college district.

(2) One member shall be active in a senior citizens' organization.

(3) One member shall be active in a bona fide taxpayers' organization.

(4) For a school district, one member shall be the parent or guardian of a child enrolled in the school district. For a community college district, one member shall be a student who is both currently enrolled in the community college district and active in a community college group, such as student government. The community college student member may, at the discretion of the governing board of the community college district, serve up to six months after his or her graduation.

(5) For a school district, one member shall be both a parent or guardian of a child enrolled in the school district and active in a parent-teacher organization, such as the Parent Teacher Association or schoolsite council. For a community college district, one member shall be active in the support and organization of a community college or the community colleges of the district, such as a member of an advisory council or foundation.

(b) An employee or official of the school district or community college district shall not be appointed to the citizens' oversight committee. A vendor, contractor, or consultant of the school district or community college district shall not be appointed to the citizens' oversight committee. Members of the citizens' oversight committee shall, pursuant to Sections 35233 and 72533, abide by the prohibitions contained in Article 4 (commencing with Section 1090) and Article 4.7 (commencing with Section 1125) of Chapter 1 of Division 4 of Title 1 of the Government Code.

*(Amended by Stats. 2013, Ch. 76, Sec. 27. (AB 383) Effective January 1, 2014.)*

**SANTA CLARA UNIFIED SCHOOL DISTRICT**  
**CITIZENS' INDEPENDENT OVERSIGHT COMMITTEE**  
**for**  
**Measure J-2004**  
**Measure H-2010**  
**Measure H-2014**  
**Measure BB-2018**

**Annual Work Plan for Remainder of Fiscal Year 2018-19**

January 29, 2019

**Meetings (6:30pm unless otherwise noted)**

<u>Date</u>	<u>Topic(s)</u>	<u>Location</u>
Tuesday, January 29, 2019	Committee re-organization and establishment of FY 2019-20 work plan and remainder of FY 2018-19 work plan	Agnews Construction Office
Tuesday, March 12, 2019	Review of financial and performance audits for fiscal year ending June 30, 2018 Demonstration of website Report on public information efforts	Agnews Construction Office
Tuesday, May 14, 2019 (site tour @5:30pm)	Develop annual report for FY 2017-18	Agnews Construction Office
Tuesday, June 11, 2019 (if needed)	Organizational meeting Review 2019-20 work plan	Agnews Construction Office

**Site Tours**

<u>Date</u>	<u>Site</u>
Tuesday, May 14, 2019 @5:30pm	Agnews (hard soled shoes required; other protective equipment will be provided)

**SANTA CLARA UNIFIED SCHOOL DISTRICT**  
**CITIZENS' INDEPENDENT OVERSIGHT COMMITTEE**  
**for**  
**Measure J-2004**  
**Measure H-2010**  
**Measure H-2014**  
**Measure BB-2018**

**Annual Work Plan for Fiscal Year 2019-20**

January 29, 2019

**Meetings (6:30pm unless otherwise noted)**

<u>Date</u>	<u>Topic(s)</u>	<u>Location</u>
Tuesday, February 11, 2020	Review of financial and performance audits for fiscal year ending June 30, 2019	Agnews Construction Office
Tuesday, May 12, 2020	Develop annual report for FY 2018-19	Agnews Construction Office
Tuesday, June 9, 2020 (if needed)	Organizational meeting Establish work plan for FY 2020-21	Agnews Construction Office

**Site Tours**

<u>Date</u>	<u>Site</u>
Tuesday, September 10, 2019 @ 6:00pm	Cabrillo Middle School and Central Park Elementary School
Tuesday, November 12, 2019 @ 3:30pm	Agnews Site (with superintendent)