

**MT. PLEASANT ELEMENTARY SCHOOL DISTRICT
APPLICATION FOR INDEPENDENT CITIZENS' OVERSIGHT COMMITTEE FOR MEASURE H
PARCEL TAX**

The Board of Trustees of the Mt. Pleasant Elementary School District (the "District") is seeking qualified, interested individuals to serve on a committee of community leaders which will serve as the Independent Citizens' Oversight Committee ("COC") for the District's Measure H Parcel Tax.

Proposition 39 Bond Elections

On June 7, 2022, voters residing within the District passed Measure H. Measure H authorized the district to renew for seven years a parcel tax of \$95 per parcel per year. This tax, which was set to expire in 2022, was originally approved by voters in 2014 as Measure K.

Establishment of a Citizens' Oversight Committee and Responsibilities

As part of the district's commitment to accountability and transparency, the district has created an independent citizens' Oversight Committee which annually reviews the District's compliance with the terms of Measure K. The committee includes parents/guardians and community members.

Applicants should read the Amended and Restated Bylaws before completing this Application.

Appointment of Committee Members

All appointments will be made by the Board from applications submitted to the District. The Committee shall consist of at least seven (7) members appointed by the Board from a list of candidates submitting written applications, and based on criteria established by Prop 39:

- One (1) member shall have relevant financial management or school district experience.
- One (1) member active in a community business organization.
- One (1) member shall be a parent or guardian of a child enrolled in the District.
- One (1) member shall be both a parent or guardian of a child enrolled in the District and active in a parent-teacher organization
- One (1) member active in a senior citizens' organization.
- Two (2) members of the community at-large.

The Board may also appoint one (1) alternate member to the Committee. The alternate member is expected to attend all meetings and participate. The alternate member's responsibility is to temporarily substitute, with full voting powers, for any Committee member who is absent from a meeting.

Time Commitment and Term

Committee members serve without compensation for a term of two (2) years, commencing on July 1

Would You Be Interested in Serving?

If you wish to serve on this important committee, please review the Committee Amended and Restated Bylaws for more information about the committee's role and responsibilities and complete the attached application. In submitting the attached application, you represent that you have read, understand, and agree to follow the Committee Amended and Restated Bylaws. Completed applications should be sent to Mt. Pleasant Elementary School District by 4:00 PM on Friday, September 1, 2023.

**Mt. Pleasant Elementary School District
3434 Marten Ave, San Jose, CA 95148
Phone: (408) 223-3710
Email: adelarosa@mpesd.org**

**MT. PLEASANT ELEMENTARY SCHOOL DISTRICT
APPLICATION FOR PARCEL TAX OVERSIGHT COMMITTEE**

(Please Print or Type)

Name: _____

Address: _____

Home Phone: _____ Work Phone: _____

E-Mail: _____

Why do you want to serve on the Measure H, Oversight Committee?

Do you have any special area of expertise or experience that you think would be helpful to the Committee?

If you have served on another school district, city, or community committees please list and briefly describe your role:

I would be able to represent the following constituencies in the District: *(check all that apply)*

Although we are asking you to check all that apply, should we have additional openings, the positions currently open are marked with the an asterisk next to them (*).

Business Representative * – Active in a community business organization

Organization: _____

Senior Citizen Group Representative* – Active member in a senior citizens' organization

Organization: _____

Parent/Guardian of Student enrolled in the District *

Name: _____

School Student Attends: _____

Parent/Guardian of Student enrolled in the District and Active in Parent-Teacher Organization*

Name: _____

School Student Attends: School Organization: _____

Community Member with Financial Management or School District Experience

*List Experience:** _____

At-Large Community Member * – Resident of the Mt. Pleasant School District _____

Please note any additional information you feel should be considered as part of your application:

1. Do you have conflicts that would preclude your attending meetings?
2. Do you know of any reason, such as a potential conflict of interest, which would adversely affect your ability to serve on the Independent Citizens' Oversight Committee?
3. Are you willing to comply with the ethics code included in the Bylaws?
4. Have you read, understand, and agree to adhere to the Bylaws as written?

YES	NO

Signature of Applicant

All answers and statements in this document are true and complete to the best of my knowledge.

Signature _____ Date _____

**Completed applications must be received at
Mt. Pleasant Elementary School District
13434 Marten Ave, San Jose, CA 95148
Email to: adelarosa@mpesd.org**

Applications must be received by 4:00 p.m. on Friday, September 1, 2023.

If you have any questions, please call Mt. Pleasant Elementary School District at (408) 223-3710.

It is the policy of the Mt. Pleasant Elementary School District not to unlawfully discriminate on the basis of sex, sexual orientation, gender, ethnic group identification, race, ancestry, national origin, color, religion, marital status, age or mental or physical disability in the educational programs or activities which it operates.

Amended and Restated Bylaws

**BYLAWS OF THE
PARCEL TAX MEASURE OVERSIGHT COMMITTEE
OF THE MOUNT PLEASANT ELEMENTARY SCHOOL DISTRICT 1.0**

Preamble

On June 7, 2022, the voters of the Mount Pleasant Elementary School District ("District") approved Measure H, which authorized the District to levy a \$95 parcel tax for seven years ("Parcel Tax Measure"). Pursuant to Measure H, the District's Board of Trustees ("Board") is required to appoint an oversight committee ("Committee") for the Parcel Tax Measure.

2.0 Committee Purpose and Duties

2.1 Purpose

The purpose of the Committee is to inform the public concerning the expenditure and uses of revenues from the Parcel Tax Measure. The Committee's purpose is an audit function rather than an advisory function. The Committee's charge is to actively review and report on the expenditure of parcel tax proceeds and to ensure said revenue is expended in accordance with the purposes stated in the Parcel Tax Measure.

2.2 Duties

Committee members shall be expected to attend its regularly scheduled meetings, diligently review all pertinent information provided to the Committee, abide by the provisions of the Ralph M. Brown Act (the "Brown Act") (Gov. Code. § 54950), and abide by all rules of conduct established in these Bylaws. In furtherance of its purpose, the Committee will at its discretion engage in the following activities:

- A. Receive and review expenditure reports produced by the District to ensure that parcel tax revenue was expended in accordance with the purposes set forth in the ballot language as approved by the voters.
- B. Receive and renew annual training regarding the requirements of the Brown Act.
- C. Prepare and present to the Board, in open session, an annual written report ("Annual Report") which will include:
 - a. A statement indicating whether the District's parcel tax revenue expenditures for the preceding year were made in accordance with the stated purposes of the Parcel Tax Measure.
 - b. A summary of the Committee's proceedings for the preceding year.

3.0 Committee Composition

- A. The Board shall have sole discretion to select and appoint Committee members.
- B. The Committee shall consist of at least seven (7) members.

- C. The Board may also appoint one (1) alternate member to the Committee. The alternate member is expected to attend all meetings and participate. The alternate member's responsibility is to temporarily substitute, with full voting powers, for any Committee member who is absent from a meeting.

3.1 Eligibility

The Committee shall be comprised of individuals who are at least 18 years of age and live within the boundaries of the District.

3.2 Selection

Members of the Committee shall be appointed by the Board through the following process:

- A. Appropriate community groups will be solicited for applicants by the District. Committee members may also solicit and refer applicants.
- B. Candidates shall submit written applications.
- C. The Board will seek to appoint members who are representative of the voters of the District, reflect the diversity of the District community, and are active in the community. The Board will strive to appoint members who represent different schools/attendance areas as well as to appoint a combination of employees, parents, and community members.
- D. The Board may establish criteria for selection of members and will review any applications. Such criteria may include whether the applicant:
 - 1. Has any relevant financial management or school district experience.
 - 2. Is active in a community business organization.
 - 3. Is active in a senior citizens' organization.
 - 4. Is a parent or guardian of a child enrolled in the District.
 - 5. Is a parent or guardian of a child enrolled in the District and active in a parent-teacher organization.
- E. The Board, by majority vote, will appoint members to the Committee.

3.3 Term of Service

- A. Committee members serve without compensation for a term of two (2) years, commencing on July 1
- B. The terms of the Committee member shall be staggered.
- C. No member may serve more than three (3) consecutive terms, except that a member may be reappointed after a lapse of one (1) year from the date of the member's termination.

3.4 Replacing a Committee Member

- A. If a Committee position becomes vacant, the Committee Chair shall request that the Board appoint a replacement. Unless failure to act results in the inability to meet a Committee quorum, if six (6) months or less remain of the unexpired term, the Board may choose to leave that position vacant for the remainder of the term.
- B. Any Board member may request that the removal of a Committee member be placed on the agenda for the Board's next meeting and may, at that meeting, introduce a motion to remove a said member from the Committee for excessive absence or for any other egregious violation(s) of the Committee's Code of Conduct, attached to these Bylaws as Attachment A. Specific cause must be cited for removal.

- C. A replacement Committee member may be appointed by the Board if one (1) or more of the following events occurs:
 - a. The Committee member submits a written resignation to the Board, with a copy to the Chair;
 - b. The Board approves a motion to remove a member for cause, including non-attendance at meetings (ref: Section 5.9, below), violating these Bylaws, and/or violating the Committee's Code of Conduct. A motion to remove a member shall be approved by an affirmative vote of not less than two-thirds (2/3) of the members present at a Board meeting, a quorum being present. The motion and its result shall be communicated in writing to the member under consideration within one (1) week after the meeting that the motion was approved. Removal shall be effective immediately upon passing the motion.
- D. Within ninety (90) days of being notified of a Committee vacancy, the Board will appoint a new member to complete the term of the vacancy, following the process used to select the original Committee members.

4.0 Committee Officers

Officers of the Committee shall be a Chair and a Vice-Chair.

4.1 Elections

The Committee shall place into nomination and elect a Chair and a Vice-Chair.

4.2 Term of Office

Officers shall be elected for a one (1)-year term.

4.3 Duties of the Chair

- A. The Chair shall call Committee meetings (ref: Sections 5.0 and 5.1, below).
- B. The Chair shall establish the agenda for each Committee meeting in coordination with the District or its representative.
- C. The Chair shall preside over each Committee meeting, following the adopted Rules of Procedure (ref: Section 5.5, below).
- D. The Chair, or his/her Committee-approved designee, shall serve as spokesperson for the Committee in all representations of the Committee to the public and the Board (ref: Sections 6.0.A and B, below).

4.4 Duties of the Vice-Chair

The Vice-Chair shall perform each of the duties of the Chair as necessary in the absence of the Chair.

4.5 Duties of the District-Designated Secretary

Subject to review by the Chair before publishing, the District-designated Secretary shall provide oversight in preparation, recording, and distribution by District-provided support of the following documents in accordance with the Brown Act:

- A. Prepare Committee meeting agendas, in conjunction with the Chair;
- B. Compile reports, materials, and meeting packets as required by or addressed to the Committee;
- C. Prepare the minutes of Committee meetings (ref: Section 5.8, below) for approval by the Committee;
- D. Compile all written material submitted by the public during Committee meetings;
- E. Compile and disseminate to the Committee all official correspondence addressed to the Committee;
- F. Keep copies of all reports adopted or prepared by the Committee.

The District-designated Secretary shall take and record roll at the beginning of each Committee meeting to determine the existence of a quorum. If a quorum ceases to exist during a meeting, the District-designated Secretary shall immediately inform the chair.

4.6 Succession

The Vice-Chair will accede to the Chair when a vacancy occurs in that office. In the event of a vacancy in the office of Vice-Chair, the position will be filled by election, placed on the agenda at its next Committee meeting.

5.0 Meetings

All Committee meetings subject to the Brown Act will be held in a handicapped accessible facility at a District facility. The Committee shall meet at least once a year. Committee members shall be available to attend Board meetings when reports relating to parcel tax measures are presented.

5.1 Calling Meetings

Committee meetings may be scheduled on dates selected by the Committee, unless changed by action of the Committee. In addition, special meetings may be called by the Chair, or designee, or by any group of Committee members whose number represents a quorum. All Committee meetings shall be arranged through the District-appointed liaison and be noticed in accordance with the Brown Act.

5.2 Agendas

- A. Agendas for Committee meetings will be prepared by the District liaison in coordination with the Chair (ref: Section 4.3.B, above).
- B. Any member of the Committee may submit a request for placing an item on a future agenda.
- C. After roll-call and the establishment of a quorum, meetings will begin with the approval of minutes from the prior meeting.

5.3 Quorum

Actions may be undertaken at a meeting only if a quorum is present. A quorum is established when any whole number of Committee members, including any alternate member, greater than half the seated members, but no less than three, is present.

“Seated members” means the number of members appointed by the Board, less any who have resigned or been removed.

5.4 Committee Voting

Unless otherwise specified in these Bylaws (ref: Section 6.0.B), an action item on the

4842-5786-4659v2/200447-0008

agenda may be approved by a simple majority of Committee members in attendance, a quorum being present (ref: Section 5.3, above).

5.5 Rules of Procedure

Robert's Rules of Order Newly Revised (Latest Edition) shall be used by the Committee in the conduct of all Committee business, unless the Chair determines that informal proceedings would be more efficient and effective in completing the Committee's business as long as those proceedings otherwise meet the requirements of these Bylaws.

5.6 California's Open Meeting Law

All meetings of the Committee shall be open to the public and shall be noticed and conducted in compliance with the Brown Act.

5.7 Public Participation

Any member of the public present at a meeting may address the Committee, and the Committee shall comply with the standards of the District Board for public participation in meetings.

5.8 Minutes

Minutes of Committee proceedings and all documents received and reports issued shall be a matter of public record. The District shall provide administrative services to assist the Committee Chair in preparation, distribution, and posting of minutes for all Committee meetings (ref: Section 4.5, above).

5.9 Attendance

Regular attendance at Committee meetings is a fundamental obligation of every member of the Committee. Absences are disruptive to Committee activity and representation. Failure to attend two (2) consecutive meetings without an acceptable reason announced in advance shall constitute due cause for member removal (ref: Section 3.4.C, above). Members anticipating an absence should call or email the Committee Chair no later than twenty-four (24) hours before the scheduled meeting.

6.0 Committee Reports

- A. The Committee shall prepare regular reports on its activities, including the Annual Report, for each fiscal year during which proceeds of the Parcel Tax Measure are spent.
- B. All reports, written and/or oral, that represent the Committee's position must proceed from Committee review, be duly approved as to substance by an affirmative vote of not less than two-thirds (2/3) of the members of the Committee, and be faithfully articulated to the public only by the Committee Chair or an approved designee.
 - i.
- C. Any member of the Committee may speak as an individual on Parcel Tax Measure issues, but must clearly state for the record and insist that it be made known that such statements are their own personal views which do not necessarily represent those of the Committee or the District.

7.0 Amendment

The Committee may make recommendations to the Board regarding amendment of these Bylaws. Any amendment to these Bylaws shall be approved by a vote of the Board.

Attachment A

Parcel Tax Measures Oversight Committee

Code of Conduct

The following is expected of every member of the Parcel Tax Measures Oversight Committee ("Committee"):

1. Regularly attend all Committee meetings. Call or email in advance if you cannot attend.
2. Be prepared. Always read your meeting packets in advance of meetings. 3. Stay focused on the purposes of the Committee.
4. Be courteous and respectful during all Committee meetings.
5. Faithfully observe the Brown Act, the Committee Bylaws, District policies, all applicable laws and this Code of Conduct.
6. Always direct questions of District staff through the Committee Chair or their designees.
7. Do not speak for the Committee unless specifically assigned or approved to do so pursuant to the Committee's Bylaws.
8. If invited to speak to the public as a member of the Committee make clear to the requester that the member does not represent the Committee as a whole unless approved to do so pursuant to the Committee's Bylaws. The requester should be informed of the Committee's Purpose and Duties (per our Bylaws). A report of the substance of any such meeting must be provided to the Committee at its next meeting.