NEWARK UNIFIED SCHOOL DISTRICT
APPLICATION FOR CITIZENS' OVERSIGHT COMMITTEE
2024 MEASURE O

Please submit completed applications to jcroce@newarkunified.org or they may be dropped off at Newark Unified School District, 5715 Musick Ave, Newark, CA 94560 ATTN: Business Services

(Please Print or Type)

Name: _____

Home Address: _____

Home Phone: _____ Work Phone: _____

Cell Phone: _____ Email: _____

Why do you want to serve on the Measure O Citizens' Bond Oversight Committee? (200 words or less)

Do you have any special area of expertise or experience that you think would be helpful to the committee? (200 words or less)

If you have served on other school district, city or community committees please list and briefly describe your role: (200 words or less)

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

☐ **Business Representative** - Active in a business organization representing local business

Organization:_____

☐ **Senior Citizen Group Representative** - Active member in a senior citizens' organization.

Organization:_____

☐ **Taxpayer Organization Member** - Active in a bona fide taxpayers' association.

Organization:_____

☐ **Parent or Guardian of Child Enrolled in District**.

Child's Name and School:_____

Child's Name and School:_____

☐ **Parent /Guardian of Child Enrolled in District & Active in a Parent-Teacher Organization**

Child's Name and School:_____

Child's Name and School:_____

Organization:_____

☐ **At-Large Community Member** – Resident of the Newark Unified School District.

Please note any additional information you feel should be considered as part of your application: (200 words or less)

	YES	NO
1. Are you an employee of the Newark Unified School District?*	☐	☐
2. Are you a vendor, contractor, or consultant to the Newark Unified School District?*	☐	☐
3. Do you have conflicts that would preclude your attending quarterly meetings?	☐	☐
4. Do you know of any reason, such as a potential conflict of interest, which would adversely affect your ability to serve on the Citizens' Oversight Committee?*	☐	☐
5. Are you willing to comply with the ethics code included in the bylaws?	☐	☐
6. Are you at least 18 years of age?	☐	☐

*Employees, vendors, contractors, and consultants of the Newark Unified School District are prohibited by law from being members of the Citizens' Bond Oversight Committee. Employment which could result in becoming a contractor or subcontractor to the district would also be a potential conflict.

Signature of Applicant

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

Signature_____Date_____.

It is the policy of the Newark Unified 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.

General Obligations Bonds
Exhibit 7214
Citizens' Bond Oversight Committee Bylaws

1.0 Preamble

For school bonds passed pursuant to Article 13A, Section 1(b)(3) of the California Constitution, which allows a 55% majority to pass the bond, the NEWARK UNIFIED SCHOOL DISTRICT'S ("District") Governing Board ("Board") is required by section 15278 of the California Education Code to appoint an independent citizens oversight committee ("Committee"). Per section 15282 of the Education Code, the Committee must have at least Seven (7) members and represent specific segments of the community.

2.0 Purpose, and Duties

2.1 Purpose

The purpose of the Committee is to inform the public concerning the expenditure and uses of the District's bond measure ("Measure") bond revenues, which Measure was placed on the November 8, 2011, ballot. The Committee's legal charge is to actively review and report on the expenditure of taxpayer money for school construction in accordance with voter approved projects. The Committee shall convene to provide oversight of the following:

A. Ensure that bond revenues are expended only for the purpose described in Article 13A, section I, subdivision (b)(3) of the California Constitution including the construction, reconstruction, rehabilitation or replacement of school facilities, including the furnishing and equipping of school facilities, or the acquisition or lease of real property for school facilities.

B. Ensure that as prohibited by Article 13A, section I, subdivision (b)(3)(A) of the California Constitution, no bond revenues are expended for any teacher and administrative salaries or other school operating expenses.

    1. The Committee is aware that the District may use proceeds from the Measure to pay the salaries of District employees to the extent they perform administrative oversight work on construction projects authorized by the Measure.

2.2 Duties

1. The California Attorney General recently concluded that school districts may use bond proceeds from bonds passed pursuant to Article 13A, Section 1(b)(3) of the California Constitution to pay the salaries of school district employees to the extent they perform administrative oversight work on construction projects authorized by a voter approved bond measure. (California Attorney General Opinion No. 04-110, November 9, 2004.) The Attorney General's opinion applies to the District's proceeds from the Measure.

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Committee members shall be expected to attend its regularly scheduled meetings, diligently review all pertinent information provided to the Committee pursuant to state laws, 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 copies of the annual performance audits required by Article 13A, section I, subdivision (b)(3)(C) of the California Constitution.

B. Receive and review the annual financial audits required by Article 13A, section I, subdivision (b)(3)(D) of the California Constitution.

C. Inspect school facilities and grounds to ensure that bond revenues are expended in compliance with the requirements of Article 13A, section 1, subdivision (b)(3) of the California Constitution.

D. Receive and review copies of any deferred maintenance proposals or plans developed by the District, including any reports required by California Education Code Section 17584.1.

E. Review efforts by the District to maximize bond revenues by implementing cost-saving measures including, but not limited to the following:

1. Mechanisms designed to reduce the costs of professional fees;

2. Mechanisms designed to reduce the cost of site preparation;

3. Recommendations regarding the joint use of core facilities;

4. Mechanisms designed to reduce costs by incorporating efficiencies in school site design;

5. Recommendations regarding the use of cost-effective and efficient reusable facility plans.

3.0 Committee Composition

The Board shall have sole discretion to select and appoint Committee members and to determine its final size. The Committee shall consist of at least seven (7) members, including the following community representation:

A. One member shall, at the time of appointment, be active in a business organization representing the business community of the District;

B. One member shall, at the time of appointment, be active in a senior citizens organization, which may be a local, regional, statewide, or national organization;

C. One member shall, at the time of appointment, be active in a bona fide taxpayers organization, which may be a local, regional, statewide, or national organization;

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D. One member shall, at the time of appointment, be the parent or guardian of a child currently enrolled in a school of the District;

E. One member shall, at the time of appointment, be both a parent or guardian of a child currently enrolled in a school of the District and be an active member in a District parent- teacher organization, such as the PTA or a school site council.

A single individual may be appointed as a representative of more than one of the above categories, if applicable.

No employee or official of the District shall be appointed to the Committee. No vendor, contractor, or consultant of the District shall be appointed to the Committee. Members of the Committee shall, pursuant to Education Code Section 35233, abide by the prohibitions contained in Article 4 (commencing with Section 1090) and Article 4.7 (commencing with Section 1125) of Division 4 of Title 1 of the Government Code.

3.1 Eligibility

A. The Committee shall be comprised of individuals who either live or work within the boundaries of the DISTRICT.

B. No employee, official, vendor, contractor, or consultant of the District shall be appointed to the Committee.

C. Committee members shall be subject to prohibitions regarding incompatibility of office pursuant to Government Code sections 1125-1129 and financial interest in contracts pursuant to Government Code sections 1090-1098.

3.2 Term of Service

A. Committee members serve without compensation for a term of two (2) years, and for no more than Three (3) consecutive terms. In the event a member completes three (3) consecutive terms, they are eligible to serve again after a one (1) year hiatus from the Committee.

B. Appointed Committee members shall be seated in July of each even numbered year, except those appointed to replace vacancies.

C. After appointment to a two-year term, Committee members who wish to be appointed for a second two-year term shall reapply to the Board for consideration.

3.3 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,

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if six months or less remain of the unexpired two-year term, the Board may choose to leave that position vacant for the remainder of the term.

B. Any Committee member may request that the removal of another Committee member be placed on the agenda for the Committee's next meeting and may, at that meeting, introduce a motion to remove said member from the Committee for excessive absence or for any other egregious violation(s) of the Committee's Code of Conduct. Specific cause must be cited in the meeting agenda and motion for removal.

C. A replacement Committee member may be appointed by the Board if one or more of the following events occurs:

1. The Committee member submits a written resignation to the Board, with a copy to the Committee Chair;

2. The Committee 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 of the members present at a Committee meeting, a quorum being present. The motion and its result shall be communicated in writing to the member under consideration and to the Board President within one week after the meeting that the motion was approved. Removal shall be effective immediately upon passing the motion. If the motion fails, the member under consideration shall not be subject to double jeopardy.

D. Within sixty (60) 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.

E. Committee members appointed to fill vacant, unexpired terms may apply and shall be eligible for reappointment to a succeeding full two-year term.

F. A Committee member who no longer serves the group s/he was appointed to represent (e.g., ceases to be active within a taxpayers organization, or ceases to have a child enrolled in the DISTRICT, etc.) shall be allowed to complete his/her current term. However, that Committee member shall not be entitled to serve a subsequent term as a representative of that group.

4.0 Committee Officers

Officers of the Committee shall be a Chair, a Vice-Chair, and a Secretary. The Committee may choose to establish other elected positions by amending these Bylaws.

4.1 Elections

At their July meeting each year, the Committee shall place into nomination and elect a Chair, a Vice-Chair, and a Secretary. If the Committee amends these Bylaws to establish other elected positions,

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their election shall take place at the same meeting as the elections of the Chair, Vice-Chair, and the Secretary.

4.2 Term of Office

Officers shall be elected for a one-year term and shall not be term-limited except for the limit on the terms of Committee members set forth in Section 2.2 above.

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.

C. The Chair shall preside over each Committee meeting, following the adopted Rules of Procedure (ref: Section 5.5 below).

D. The Chair shall, upon willing concurrence of candidates, appoint the members of each Subcommittee that the Committee chooses to form (ref: Section 7.0, 7.1, and 7.2 below).

E. The Chair shall attend, or appoint another Committee member to attend, meetings of the Board at which Measure planning, revenue, expenditure, reporting, and related budgetary issues are on the agenda.

F. The Chair, or his/her Committee -approved designee, shall serve as spokesperson for the Committee in all representations of the Committee to the public, the Board and the media (ref: Section 6.0.A and 6.0.B below).

G. The Chair is an ex-officio member of all subcommittees.

H. The Chair may appoint a Parliamentarian to assist in complying with Robert's Rules of Order during Committee meetings (ref: Section 5.5 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 Secretary

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

    1. Committee meeting agendas;

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2. All reports, materials, and meeting packets as required by or addressed to the Committee;

3. The minutes of Committee meetings (ref: Section 5.8 below);

4. All written material submitted by the public during Committee meetings;

5. All official correspondence addressed to the Committee;

6. Reports adopted by the Committee;

7. Committee attendance records (ref: Section 5.9.B, below).

B. The 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 Secretary shall immediately inform the Chair.

4.6 Succession

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

A. The Committee shall meet at least quarterly, in March, June, September and December each year.

B. In June of even numbered years, the Committee shall hold a joint meeting with newly appointed members.

C. Committee members shall be available to attend Board meetings when performance and financial audits relating to the Measure are presented.

5.1 Calling Meetings

Committee meetings may be scheduled on a regular basis by majority vote of the Committee. In addition, special meetings may be called by the Chair or Vice Chair, or by any group of Committee members whose number represents a quorum. All Committee meetings shall be arranged through the District-appointed Secretary and be noticed in accordance with the Brown Act.

5.2 Agendas

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A. Agendas for regular Committee meetings will be prepared by its Chair (ref: Section 4.3.B above). All documents applicable to agenda items shall be distributed in advance of meetings.

B. Any member of the Committee may submit a request for placing an item on a future agenda.

C. Agendas may include a consent calendar for routine, non-controversial items. These items must be clearly identified on published agendas. Any member of the Committee or public may request at the meeting that an item be added to the consent calendar or be pulled for discussion.

D. After roll-call and the establishment of a quorum, meetings will begin with a consent calendar.

5.3 Quorum

Actions may be undertaken at a meeting only if a quorum of seated members is present.

A quorum is established when any whole number of Committee members greater than half the seated members is present. "Seated members" means the number of members set by the Board, less any who have resigned or been removed.

5.4 Committee Voting

Unless otherwise specified in these Bylaws (ref: 3.3.C.2 and 6.0.B), an action item on the agenda may be approved by a simple majority of Committee members in attendance, a quorum being present (ref: 5.3).

5.5 Rules of Procedure

Meetings shall be conducted with courtesy and decorum and in accordance with Robert's Rules of Order.

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 strict compliance with the Ralph M. Brown Act.

5.7 Public Participation

Any member of the public present at a meeting may address the Committee. The Chair may, at his/her discretion, choose in advance to place an equal time limit on all speakers.

5.8 Minutes

Minutes of Committee proceedings and all documents received and reports issued shall be a matter of public record and the District shall make them available on the Committee's page of the District's internet website for a period of one month from the date of the meeting to which the minutes relate.

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Minutes of Committee meetings shall be kept seven years from the conclusion of the work authorized by the Measure, and once they have been removed from the website will be available for inspection at the District office upon the request of a member of the public. The District shall provide secretarial services to assist the Committee Secretary in preparation, distribution, and posting of minutes for all Committee meetings (ref: Section 4.5 above). Minutes published before adoption by the Committee shall always be labeled "Unadopted Minutes."

All documents received by the Committee that are not otherwise exempt from disclosure under the California Public Records Act (Gov. Code, section 6250 et seq.) shall be posted on the Committee's page of the District's internet website for a period of one month after their dated date. All reports issued by the Committee, shall be posted for a period of one year. Once such documents have been removed from the website, they will be available for inspection at the District office upon the request of a member by members of the public at the District office upon request. The Committee Chair, in consultation with District staff, may decline to post on the Committee's page of the District's website any documents received by the Committee that are determined to be defamatory, or offensive, or outside the jurisdiction of the Committee.

5.9 Attendance

Regular attendance at Committee and applicable subcommittee meetings is a fundamental obligation of every member of the Committee. Absences are disruptive to Committee activity and representation. Failure to attend two consecutive meetings without acceptable reason announced in advance shall constitute due cause for member removal (ref: Section 3.3.C).

A. Members anticipating an absence must call or email the Committee Chair or Secretary no later than 24 hours before the scheduled meeting.

B. Committee attendance reports will be distributed annually and upon request by the Chair.

6.0 Committee Reports

A. The Committee shall prepare regular reports on its activities. A report shall be issued at least once each year. Upon completion of all projects authorized by the Measure, the Committee Secretary shall prepare or cause to be prepared a final written report summarizing its activities and conclusions.

B. The Committee's legal charge is to actively review and report on the expenditure of taxpayer money for school construction (Section 1.1, above). All such 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 of the members present at a Committee meeting, a quorum being present, and be faithfully articulated to the public only by the Committee Chair or an approved designee (ref: Section 4.3.F, above).

C. Reports of minority viewpoints will be allowed. All such reports, written and/or oral, that represent the minority position must be reviewed, be duly approved as to substance without

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prejudice by a vote of the Committee, and be faithfully articulated to the public only by a designated minority spokesperson. To avoid the need for minority reports, and to maximize the working relationships on and public confidence in the Committee, all due diligence should be pursued to resolve divisive issues during the review process, thereby attaining fullest possible Committee support for the content of public reports.

D. Any member of the Committee may speak as an individual on 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 Subcommittees

The Committee may, on majority vote, form or disband subcommittees (standing or ad hoc) to perform specific parts of its purpose and duties, such as performing audits and issuing reports. The Chair shall appoint all subcommittee members. Subcommittees shall elect their own chairs and vice-chairs. Subcommittee meetings may proceed only when a quorum is present, a quorum being defined as half-plus-one of the full number of subcommittee members. Subcommittee chairs shall be responsible for calling its meetings, preparing its agendas, noticing its members, and delivering timely reports of subcommittee actions to the Committee. Subcommittee meetings shall be conducted in accordance with the adopted Rules of Procedure (ref: Section 5.5 above).

7.1 Standing Subcommittees

A standing subcommittee undertakes ongoing duties in preparation for deliberation by the Committee. All standing subcommittees must fully comply with the Brown Act, irrespective of their number of members. Membership can include any number up to the full membership of the Committee.

7.2 Ad Hoc Subcommittees

An ad hoc subcommittee is temporary in nature. They may be formed to undertake specific, one- time duties in preparation for deliberation by the Committee. An ad hoc subcommittee shall be automatically disbanded upon acceptance of its final report to the Committee. Membership on an ad hoc subcommittee will normally be limited to less than a quorum of the Committee. If thus limited, ad hoc subcommittee meetings need not comply with Brown Act noticing.

8.0 Amendment

These Bylaws may be amended by majority vote of the Committee at any regular meeting at which said amendment is placed on the agenda and a quorum is present.

9.0 Liability Insurance

In acting within its official capacity as defined in these Bylaws, Committee members shall be covered by the District's liability insurance. In no event shall anything herein contained be construed as

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authorizing the District to insure any such officers or Committee members against any liability or expense by reason of willful malfeasance, bad faith, gross negligence or reckless disregard of the duties involved in the conduct of their office.

Bylaw NEWARK UNIFIED SCHOOL DISTRICT

adopted: January 31, 2012 Newark, California
revised: March 1, 2016
revised: October 15, 2020
revised: March 17, 2022

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