Newark Unified School District
Measure O Citizens' Bond Oversight Committee Bylaws
Adopted August 5, 2025

ARTICLE I. PREAMBLE

On November 5, 2024, voters in Newark Unified School District (the "District") approved a $205,000,000 general obligation bond measure ("Measure O") conducted under Proposition 39, chaptered as the Strict Accountability in Local Construction Bonds Act of 2000. Pursuant to Proposition 39 and Measure O, the Board of Education of the District (the "Board") is required to establish an independent citizens' oversight committee (the "Committee").

ARTICLE II. PURPOSE, AND DUTIES

2.1. Purpose

The purpose of the Committee is to inform the public concerning the expenditure and uses of Measure O bond proceeds. 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 proceeds are expended for any teacher and administrative salaries or other school operating expenses, excepting the salaries of District employees to the extent they perform administrative oversight work on construction projects authorized by Measure O, pursuant to California Attorney General Opinion 04-110.

2.2. Duties

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.

ARTICLE III. COMMITTEE COMPOSITION

The Board shall have sole discretion to select and appoint Committee members and to determine its final size, provided that the Committee shall consist of at least seven members, including:

A. One member active in a business organization representing the business community of the District;
B. One member active in a senior citizens organization, which may be a local, regional, statewide, or national organization;
C. One member active in a bona fide taxpayers' organization, which may be a local, regional, statewide, or national organization;
D. One member who is the parent or guardian of a child currently enrolled in the District;
E. One member who is both a parent or guardian of a child currently enrolled in the District and 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, provided that the Board make a good faith attempt to appoint a different member to each category.

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.

ARTICLE IV. ELIGIBILITY

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.

4.1. Terms of Service

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

B. Each committee member's term shall begin on the date of their first Committee meeting.

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

4.2. Replacement of Members

In the event a Committee position becomes vacant, the Committee Chair shall request that the Board appoint a replacement, and the Board will undertake good faith efforts to promptly select and appoint a new Committee member.

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

A. The Committee member submits a written resignation to the Board;

B. The Board approves a motion to remove a member for cause, including non-attendance at meetings, and/or violating these Bylaws, following a two-thirds vote of the Committee to remove such member. 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 action by the Board.

4.3. Vacancies

A. The Board will make good faith efforts to appoint a new member to complete the term of the vacancy, following the process used to select the original Committee members.

B. Committee members appointed to fill vacant, unexpired terms may apply and shall be eligible for reappointment to a two-year term, beginning on the date of such Committee member's first meeting.

C. A Committee member who no longer fulfills the requirements of the category they were 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.

ARTICLE V. Committee Officers

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

5.1. Elections

Annually, the Committee shall place into nomination and elect a Chair, a Vice-Chair, and a Secretary.

5.2. 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 herein.

5.3. Duties of the Chair

A. The Chair shall call Committee meetings to order.

B. The Chair shall establish the agenda for each Committee meeting.

C. The Chair shall preside over each Committee meeting, following Robert's Rules of Order.

D. The Chair shall, upon willing concurrence of candidates, appoint members of each Subcommittee that the Committee chooses to form.

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 their designee, shall serve as spokesperson for the Committee in all representations of the Committee to the public, the Board and the media.

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.

5.4. 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.

5.5. 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;
2. All reports, materials, and meeting packets as required by or addressed to the Committee;
3. The minutes of Committee meetings;
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.

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.

5.6. 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 of the next Committee meeting.

ARTICLE VI. Meetings

All Committee meetings are subject to the Brown Act will be held in a handicapped-accessible facility at a District facility.

The Committee shall meet at least quarterly.

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

6.1 Calling Meetings

Committee meetings may be scheduled on a regular basis by majority vote of the Committee, as frequently as necessary in order for the Committee to discharge its duties. 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.

6.2. Agendas

A. Agendas for regular Committee meetings will be prepared by its Chair. All documents applicable to agenda items shall be distributed in advance of meetings, in accordance with the Brown Act.

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 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.

6.3. 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 appointed by the Board, less any who have resigned or been removed.

6.4. Committee Voting

Unless otherwise specified in these Bylaws, an action item on the agenda may be approved by a simple majority of Committee members in attendance.

6.5. Rules of Procedure

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

6.6. 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.

6.7. Public Participation

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

6.8. 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.

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. 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 at least 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 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, offensive, or outside the jurisdiction of the Committee.

6.9. Attendance

Failure to attend two consecutive Committee meetings without acceptable reason, notice given in advance, shall constitute due cause for member removal.

A. Members anticipating an absence shall 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.

ARTICLE VII. Committee Reports

A. The Committee shall prepare reports at least annually. 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. 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, and be faithfully articulated to the public by the Committee Chair or an approved designee.

C. Reports of minority viewpoints shall be reviewed, duly approved as to substance without prejudice by a vote of the Committee, and be faithfully articulated to the public 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, but must clearly state for the record that such statements are their own personal views, which do not necessarily represent those of the Committee or the District.

7.1. Subcommittees

The Committee may, on majority vote, form or disband standing or ad hoc subcommittees to perform specific tasks related to the Committee’s 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 Robert's Rules of Order.

7.2. 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.

7.3. Ad Hoc Subcommittees

An ad hoc subcommittee may be formed to undertake specific, one-time duties in preparation for deliberation by the Committee and shall automatically disband upon acceptance of its final report to the Committee. If membership on an ad hoc subcommittee is limited to less than a quorum of the Committee, subcommittee meetings need not comply with the Brown Act.

ARTICLE VIII. Amendment

These Bylaws may be amended at any time by majority vote of the Board.