

BEFORE THE BOARD OF TRUSTEES OF THE
FIREBAUGH-LAS DELTAS UNIFIED SCHOOL DISTRICT

RESOLUTION NO. 16/17-24

RESOLUTION ESTABLISHING MEASURE “H” CITIZENS’ OVERSIGHT
COMMITTEE AND ADOPTING OVERSIGHT COMMITTEE BYLAWS AND
OPERATIONAL GUIDELINES

WHEREAS, the Firebaugh-Las Deltas Unified School District (the “District”), through this Board of Trustees (the “Board”), submitted to the voters of the District pursuant to Article XIII A, Section 1(b) of the California Constitution and Chapter 1.5 of Part 10 of Title 1 (commencing with section 15264) of the California Education Code, its general obligation bond proposal in the amount of Fifteen Million Dollars (\$15,000,000) for the election that was held on November 8, 2016; and

WHEREAS, the voters of the District approved, by at least a 55% vote, said bond proposal as Measure “H” on the election ballot; and

WHEREAS, Education Code section 15278 provides that if a bond measure such as Measure “H” is approved by the voters, then this Board must establish and appoint members to an independent Citizens’ Oversight Committee (“Oversight Committee”) as an additional accountability measure for the voters and taxpayers of the District; and

WHEREAS, pursuant to Education Code section 15278, subdivision (b), the purpose of the Oversight Committee is to inform the public concerning the expenditure of bond revenues; and

WHEREAS, the purposes, functions and membership requirements of the Oversight Committee are set forth more fully in Education Code sections 17278 through 17282, the provisions of which include the requirement that the Oversight Committee’s meetings be open to the public and that notice of the meetings be provided in the same manner as notice of the meetings of this Board; and

WHEREAS, other provisions of State law, including the Ralph M. Brown Act, establish certain procedures and requirements for open public meetings by local public boards and committees, including the Oversight Committee; and

WHEREAS, this Board wishes to establish the Oversight Committee and adopt bylaws and operational guidelines for the Oversight Committee.

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NOW, THEREFORE, THE BOARD OF TRUSTEES OF THE FIREBAUGH-LAS DELTAS UNIFIED SCHOOL DISTRICT HEREBY RESOLVES, DETERMINES, AND ORDERS AS FOLLOWS:

Section 1. The foregoing recitals are true and correct.

Section 2. The Measure “H” Citizens’ Oversight Committee is hereby established as required by Education Code section 15278 and following.

Section 3. The Measure “H” Citizens’ Oversight Committee shall consist of seven members to serve for terms of two years, without compensation, and for no more than three consecutive terms. The Oversight Committee shall be comprised of at least one member who is active in a business organization representing the business community located within the District; one member who is active in a senior citizens’ organization; one member who is active in a bona fide taxpayers’ organization; one member who is a parent or guardian of a child enrolled in the District; and one member who is both a parent or guardian of a child enrolled in the District and active in a parent-teacher organization, such as the PTA or Schoolsite Council. No employee or official of the District shall be appointed and no vendor, contractor, or consultant of the District shall be appointed to the Oversight Committee. District staff is directed to solicit applications for appointment to the Oversight Committee in accordance with the District’s normal policy and practice.

Section 4. The Oversight Committee shall hold four regular meetings each year, on the last Monday of the months of [April, July, October and January], unless the last Monday of the month falls on a holiday, in which case the regular meeting for that month shall be on the Monday preceding the last Monday of the month. The Board may set special or emergency committee meetings as needed, either by request from the Oversight Committee or on its own initiative. Oversight Committee meetings shall be held at 5:30 o’clock p.m. at the District Office Conference Room at 1976 Morris Kyle Drive, Firebaugh, California. The Oversight Committee may change the time and place of any meeting or subsequent meetings, provided that adequate notice is given to the public as required by law, and to District staff so that District staff may fulfill the District’s obligations pursuant to Section 5 and Section 7. All Oversight Committee meetings shall be open to the public as required by the Ralph M. Brown Act (California Government Code section 54950 and following).

Section 5. District staff and consultants are directed to provide the necessary and appropriate notices of the public meetings to be held by the Oversight Committee. In keeping with this Board’s policy and practice, public participation and input regarding issues being considered by the Oversight Committee are to be encouraged and welcomed.

Section 6. The Board hereby adopts the Bylaws and Operational Guidelines for the Measure “H” Citizens’ Oversight Committee that are attached as Exhibit “A” and incorporated by this reference.

Section 7. District staff and consultants are directed to provide the Oversight Committee with any necessary technical and administrative assistance in furtherance of its purpose and sufficient resources to publicize its conclusions. These resources shall include the ability to make the Oversight Committee’s Minutes, reports, and documents available for

public viewing on the District's Web site. Pursuant to Education Code section 15280 (a), no Measure "H" bond revenues may be expended in providing such technical or administrative support.

Section 8. District staff and consultants are directed to provide the 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.

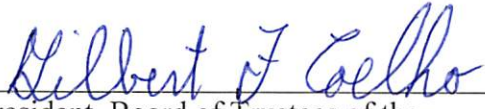
Section 9. This Resolution shall take effect immediately after its adoption.

PASSED AND ADOPTED on March 23, 2016, by the following vote:

AYES: 0

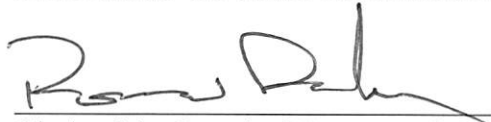
NOES: 0

ABSENT OR NOT VOTING: 0



President, Board of Trustees of the
Firebaugh-Las Deltas Unified School District

CERTIFIED TO BE A TRUE AND CORRECT COPY:



Clerk of the Board of Trustees of the
Firebaugh-Las Deltas Unified School District

EXHIBIT "A"

**BYLAWS AND OPERATIONAL GUIDELINES
FOR THE MEASURE "H" CITIZENS' OVERSIGHT COMMITTEE**

SECTION I - NAME AND LOCATION

- 1.01 The name of the committee will be the Measure "H" Citizens' Oversight Committee (hereafter the "Committee"). The Committee was established by Resolution of the Governing Board of the Firebaugh-Las Deltas Unified School District, pursuant to the passage of Measure "H" on November 8, 2016, by the electorate of the Firebaugh-Las Deltas Unified School District.
- 1.02 The office of the Committee shall be located in the District Offices of the Firebaugh-Las Deltas Unified School District, 1976 Morris Kyle Drive, Firebaugh, California.

SECTION II - PURPOSE

- 2.01 Pursuant to Education Code section 15278, the purpose of the Committee is to inform the public concerning the expenditure of Measure "H" bond revenues. The Committee shall actively review and report on the proper expenditure of Measure "H" bond revenues for school construction, and advise the public as to whether the District is in compliance with the requirements of paragraph (3) of subdivision (b) of Section 1 of Article XIII A of the California Constitution, as set forth below. The Committee shall convene to provide oversight for, but not limited to, both of the following:
 1. Ensuring that Measure "H" 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, set forth below.
 2. Ensuring that Measure "H" bond revenues are not used for any teacher or administrative salaries or other school operating expenses, except as permitted by law.

SECTION III - ACTIVITIES

- 3.01 The Committee may engage in any of the following activities in furtherance of its purpose:
 1. Receive and review copies of the annual, independent performance audit.
 2. Receive and review copies of the annual, independent financial audit.
 3. Inspect school facilities and grounds to ensure that Measure "H" bond revenues are expended in compliance with paragraph (3) of subdivision (b) of Section 1 of Article XIII A of the California Constitution, set forth below.

4. Receive and review copies of any deferred maintenance proposals or plans developed by the District.
5. Review efforts by the District to maximize Measure “H” 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.
6. The Committee shall issue a report of its activities at least once a year. Minutes of the Committee’s proceedings and all documents received and reports issued shall be made available for public viewing on the District’s Web site.

SECTION IV - MEMBERSHIP

- 4.01 The Committee shall consist of at least seven (7) members who shall be appointed by the Board to serve for a term of two years without compensation and for no more than three consecutive terms.
- 4.02 The members of the Committee shall include at least:
 1. One member who is active in a business organization representing the business community within the District.
 2. One member who is active in a senior citizens’ organization.
 3. One member who is active in a bona fide taxpayer organization.
 4. One member who is the parent or guardian of a child enrolled in the District.
 5. One member who is both the parent or guardian of a child enrolled in the District and who is active in a parent-teacher organization, such as the PTA or a schoolsite council.
- 4.03 The Committee shall not include any employee or official of the District or any vendor, consultant or contractor of the District.

- 4.04 Committee members may not hold any incompatible office or position during their term of membership, as those terms are defined in Article 4.7 of Division 4 of Title I (commencing with section 1125) of the Government Code, and shall abide by the conflict of interest prohibitions contained in Article 4 of Division 4 of Title I (commencing with section 1090) of the Government Code.

SECTION V - COMMITTEE MEETINGS

- 5.01 Regular Meetings. The Committee shall hold four regular meetings each year, on the last Monday of the months of April, July, October and January, unless the last Monday of the month falls on a holiday, in which case the regular meeting for that month shall be on the Monday preceding the last Monday of the month. The date upon which, and the hour and place at which, each such regular meeting shall be held shall be fixed by Resolution of the Board of Trustees. To the extent permitted by the Ralph M. Brown Act ("Brown Act"), such meetings may be held by teleconference.
- 5.02 Special Meetings. Special meetings of the Committee may be called in accordance with the provisions of the Brown Act, as amended or supplemented from time to time. To the extent permitted by the Brown Act, such meetings may be held by teleconference.
- 5.03 Notice. All meetings of the Committee shall be called, noticed, held and conducted subject to the provisions of the Brown Act.
- 5.04 Minutes. The Secretary of the Committee shall cause minutes of all meetings of the Committee to be kept and shall, as soon as possible after each meeting, cause a copy of the minutes to be forwarded to District staff for posting on the District's Web site.
- 5.05 Quorum. A majority of the Committee members shall constitute a quorum for the transaction of business, except that less than a quorum may adjourn from time to time.
- 5.06 Voting. Each Committee member shall be entitled to one vote. No action shall be taken by the Committee except upon the affirmative vote of the majority of those Committee members present and voting.

SECTION VI - COMMITTEE OFFICERS

- 6.01 President, Vice President, and Secretary. The officers of the Committee shall be a President, a Vice President, and a Secretary. The President and Vice President must be members of the Committee, and shall be elected to their respective positions by the members of the Committee. The Secretary shall be elected or appointed by Committee and need not be a member of the Committee.
- 6.02 Duties of the President. The duties of the President are to:
1. Preside at meetings of the Committee.
 2. Appear before the Board of Trustees and other bodies to present and discuss the official actions of the Committee.

6.03 Duties of the Vice President. The duties of the Vice President are to:

1. Preside at Committee meetings in the absence of the President.
2. Appear before the Board of Trustees and other bodies to present and discuss the official actions of the Committee in the absence of the President.

6.04 Duties of the Secretary. The duties of the Secretary are to:

1. Record and maintain minutes of all meetings of the Committee.
2. Distribute minutes of all meetings of the Committee to all Committee members, to the Board of Trustees, and to District staff for posting on the District's Web site.
3. Distribute Committee meeting agendas to all Committee members, to all other persons requesting copies of the agenda so that provisions of the Brown Act are followed, and to District staff for posting on the District's Web site.
4. Distribute all Committee reports to all Committee members, to the Board of Trustees, and to District staff for posting on the District's Web site.
5. Keep all documents officially received by the Committee in the course of its business, and to forward copies of all such documents to the District staff.
6. Prepare all necessary correspondence of the Committee.
7. Arrange and coordinate meeting locations and teleconferences of the Committee.

SECTION VII - AMENDMENTS AND SUPPLEMENTAL PROCEDURES AND GUIDELINES

7.01 These Bylaws and Operational Guidelines shall become effective upon approval of the Board of Trustees.

7.02 These Bylaws and Operational Guidelines may be amended, changed, added to, or repealed by the Board of Trustees as deemed necessary. Additional or supplemental operational guidelines or procedures may be adopted by the Committee by a majority vote of all the members of the Committee, providing such additional or supplemental operational guidelines or procedures are not in conflict with these Bylaws and Operational Guidelines, any Resolution or Ordinance of the Board of Trustees, or any state law, including but not limited to the provisions of the Brown Act and the Education Code.

APPENDIX I – EXCERPT FROM CALIFORNIA CONSTITUTION
ARTICLE 13A (TAX LIMITATION)

SECTION 1. (a) The maximum amount of any ad valorem tax on real property shall not exceed One percent (1%) of the full cash value of such property. The one percent (1%) tax to be collected by the counties and apportioned according to law to the districts within the counties.

(b) The limitation provided for in subdivision (a) shall not apply to ad valorem taxes or special assessments to pay the interest and redemption charges on any of the following:

(1) Indebtedness approved by the voters prior to July 1, 1978.

(2) Bonded indebtedness for the acquisition or improvement of real property approved on or after July 1, 1978, by two-thirds of the votes cast by the voters voting on the proposition.

(3) Bonded indebtedness incurred by a school district, community college district, or county office of education for 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, approved by 55 percent of the voters of the district or county, as appropriate, voting on the proposition on or after the effective date of the measure adding this paragraph. This paragraph shall apply only if the proposition approved by the voters and resulting in the bonded indebtedness includes all of the following accountability requirements:

(A) A requirement that the proceeds from the sale of the bonds be used only for the purposes specified in Article XIII A, Section 1(b) (3), and not for any other purpose, including teacher and administrator salaries and other school operating expenses.

(B) A list of the specific school facilities projects to be funded and certification that the school district board, community college board, or county office of education has evaluated safety, class size reduction, and information technology needs in developing that list.

(C) A requirement that the school district board, community college board, or county office of education conduct an annual, independent performance audit to ensure that the funds have been expended only on the specific projects listed.

(D) A requirement that the school district board, community college board, or county office of education conduct an annual, independent financial audit of the proceeds from the sale of the bonds until all of those proceeds have been expended for the school facilities projects.

(c) Notwithstanding any other provisions of law or of this Constitution, school districts, community college districts, and county offices of education may levy a 55 percent vote ad valorem tax pursuant to subdivision (b).