

RESOLUTION NO. 14-10-16

**RESOLUTION OF THE BOARD OF EDUCATION OF THE
NEWPORT-MESA UNIFIED SCHOOL DISTRICT
ESTABLISHING A MEASURE F CITIZENS' OVERSIGHT COMMITTEE
AND AUTHORIZING NECESSARY ACTIONS IN CONNECTION
THEREWITH**

WHEREAS, an election was duly held in the Newport-Mesa Unified School District (the "District"), County of Orange, California on November 8, 2005, at which the following proposition was submitted to the electors of the District ("Measure F"):

"To increase access to educational opportunities for all students, provide facilities to meet current state educational requirements and improve student safety by completing specific projects throughout the school district, shall Newport-Mesa Unified School District issue \$282 million in bonds, at legal interest rates, with new bonds being issued only if projected annual tax rates do not exceed those being paid today by local taxpayers, guaranteed independent annual audits, a Citizens' Oversight Committee and no funds for administrator salaries?"

WHEREAS, the proposition was approved by the electors; and

WHEREAS, pursuant to Section 18 of Article XVI and Section 1 of Article XIII A of the California Constitution, and Section 15266 of the Education Code, school districts seeking approval of general obligation bonds and the levy of an *ad valorem* tax to repay those bonds upon a minimum 55% vote of those voting on a proposition for the purpose, are required to provide certain accountability measures in the proposition; and

WHEREAS, the Board of Education did establish a Measure F Citizens Oversight Committee effected by Resolution 13-10-06 which constituted a committee to meet the requirements of the law and to provide a wide participation of up to thirty-one community representatives during the active construction phase of the Measure F building program which from 2006 to date; and

WHEREAS, the construction projects funded by the bonds issued to date have been completed or are in the final stage of being completed; and

WHEREAS, the District's eligibility for the issuance of new bonds is not envisioned for a least five years and Measure F expenditures are currently tapering off until the District is again eligible to issue new bonds; and

WHEREAS, establishing a quorum at Citizen Oversight Committee meetings has become an increasingly challenge with thirty-one members now that the program is not in an active phase; and,

WHEREAS, a continuing Citizen's Oversight Committee is required by law but may be significantly smaller in size to meet legal requirements; and

WHEREAS, in order to revise the membership of the Measure F Citizens Oversight Committee it is necessary for the Board of Education to adopt a new resolution to replace Resolution 13-10-06,

NOW, THEREFORE, the Board of Education of the Newport-Mesa Unified School District does hereby resolve, determine, and order as follows:

Section 1. **Recitals.** All of the above recitals are true and correct.

Section 2. **Establishment and Title of the Committee.** There shall be established a committee to be known as the Measure F Citizens Oversight Committee (the "Oversight Committee").

Section 3. **Term of the Oversight Committee.** The Oversight Committee shall be authorized to meet to fulfill its function until the last expenditures made from the proceeds of all Series of the bonds authorized by Measure F have been expended.

Section 4. **Purpose of the Oversight Committee.**

(i) The Committee shall ensure that expenditures of the Bonds are consistent with the stated purposes of the Measure F contained in Resolution 03-08-06 enacted by the Board of Education on August 10, 2005 and voted upon by the voters of the Newport-Mesa Unified School District on November 8, 2005.

(ii) The Oversight Committee shall advise the public as to whether the school district is in compliance with the requirements of paragraph (3) of subdivision (b) of Section 1 of Article XIII A of the California Constitution.

(iii) The Oversight Committee shall review the annual, independent financial audit of the expenditure of Bond funds.

(iv) The Oversight Committee shall review the annual, independent performance audit of the expenditure of Bond funds.

(v) The Oversight Committee shall review the planning, scheduling and budgeting of projects funded by the Bond proceeds.

(vi) The Oversight Committee shall represent the interests of the District community through participation and advice.

(vii) The Oversight Committee shall prepare and submit regular reports to the Board of Education as to all of its findings. The report shall be issued at least once a year.

Section 5. Criteria for Membership on the Oversight Committee.

- (i) In accordance with Section 15282 of the California Education Code, the Board of Education shall ensure that the Oversight Committee consists of at least seven members with required representation as follows:
 - a. One member active in a business organization.
 - b. One member active in a senior citizens organization.
 - c. One member active in a bona fide taxpayer's organization.
 - d. One member who is a parent or guardian of a student enrolled in the school district.
 - e. One member who is both a parent or guardian of a student enrolled in the school district and active in a parent-teacher organization or School Site Council.
 - f. No member meeting the requirement of Section 15282 may be an employee or official of the school district.
 - g. No member meeting the requirement of Section 15282 may be a vendor, contractor or consultant to the school district.
- (ii) Membership on the Oversight Committee shall be by appointment by the Board of Education acting in a duly scheduled regular meeting of the Board.
- (iii) All appointees must reside within the boundaries of the District.

Section 7. Voting. Each member of the Oversight Committee shall have one vote. The Oversight Committee shall strive for consensus, however, an issue shall be determined to be decided by the Oversight Committee if it received the approval of four members.

Section 8. Quorum.

- (i) A quorum shall be established if four members are in attendance at a duly noticed meeting of the committee.
- (ii) In lieu of a quorum, no business may be conducted in the name of the Oversight Committee.

Section 9. Term of Membership. Membership shall be on a calendar year basis as appointed by the Board of Education at the annual Organizational Meeting each year in December for the following calendar year.

Section 10. In the Event of a Vacancy on the Oversight Committee.

(i) In the event that a member resigns or no longer meets the eligibility criteria of Section 5 above, a replacement shall be selected by the Board of Education in accordance with the provisions of Section 5 for the unexpired term of the member vacating the appointment.

(ii) Members who have been absent for two consecutive meetings occurring at least two weeks apart during their term shall be deemed to have resigned from the Oversight Committee and a replacement shall be selected in accordance with the provisions of Section 5.

Section 11. Conflict of Interest for Members.

(i) While serving on the Oversight Committee, and for a period of three years following Oversight Committee membership, members of the Oversight Committee as individuals and any company or business in which the member has a significant interest shall be prohibited from conducting business with the District with respect to projects funded by the bonds of the Measure F program.

(ii) All members shall submit an annual statement of economic interests pursuant to the District current conflict of interest code and California Government Code Section 81008 et. seq. Failure to do so will constitute ineligibility for continued membership.

Section 12. Number of Meetings.

(i) In accordance with Section 4 above, the Oversight Committee shall meet at least quarterly to provide an Annual Report to the Board of Education.

(ii) The Annual Report shall be delivered to the Board of Education no later than May 15 of any year.

(iii) The Oversight Committee may determine to meet more often than quarterly if it determines that additional time is required to fulfill its obligations.

(iv) The Superintendent may, in consultation with the Chairperson or Co-Chairperson, call a meeting to present to the Oversight Committee an issue or question.

Section 13. Operation of the Oversight Committee.

(i) The Oversight Committee shall conduct its business in compliance with the Ralph M. Brown Open Meetings Act.

(ii) The Oversight Committee shall keep regular minutes of the business conducted at all meetings and file a copy of such with the Superintendent or his designee in a timely fashion.

(iii) The Oversight Committee shall elect a Chairperson who shall serve for the calendar year.

(iv) The Chairperson shall conduct the meetings.

(v) In the absence of the Chairperson or at the designation of the Chairperson a temporary chairperson may be designated by the Oversight Committee to conduct that meeting.

(vi) With the approval of the Oversight Committee, the Chairperson may establish sub-committees purely for the purpose of examining an issue and providing information back to the Committee.

(v) No sub-committee may be larger than half of the appointed members of the Oversight Committee.

APPROVED, PASSED AND ADOPTED on November 15, 2016 by the following vote:

AYES: 7


NOES: 0

ABSTAIN: 0

ABSENT: 0


President of the Board of Education
Newport-Mesa Unified School District

ATTEST:


Secretary of the Board of Education
Newport-Mesa Unified School District

CLERK'S CERTIFICATE

I, Vicki Snell, Clerk of the Board of Education of the Newport-Mesa Unified School District, of the County of Orange, California, hereby certify as follows:

The attached is a full, true and correct copy of a resolution duly adopted at a regular meeting of the Board of Education of the District duly and held at the regular meeting place thereof on November 15, 2016, and entered in the minutes thereof, of which meeting all of the members of the Board of Education had due notice and at which a quorum thereof was present. The resolution was adopted by the following vote:

AYES: 7

NOES: 0

ABSTAIN: 0

ABSENT: 0

An agenda of the meeting was posted at least 72 hours beforehand at 2985-A Bear Street, Costa Mesa, California, a location freely accessible to members of the public, and a brief description of the adopted resolution appeared on the agenda. A copy of the agenda is attached hereto. The resolution has not been amended, modified or rescinded since the date of its adoption, and the same is now in full force and effect.

WITNESS my hand this 15 day of November, 2016.



Clerk of the Board of Education
Newport-Mesa Unified School District