

BEFORE THE BOARD OF EDUCATION OF THE
ELK GROVE UNIFIED SCHOOL DISTRICT

RESOLUTION NO. 35, 2023-2024

RESOLUTION AMENDING MEASURE “M” CITIZENS OVERSIGHT COMMITTEE
BYLAWS AND
OPERATIONAL GUIDELINES

WHEREAS, on November 8, 2016, the qualified voters of the Elk Grove Unified School District (the “District”) approved, by at least a 55% vote, Measure “M,” a general obligation bond measure authorizing the issuance of up to \$476,000,000 in aggregate principal amount of bonds of the District; and

WHEREAS, as required by Education Code section 15278, the Board of Education of the District (the “Board”), established an independent Citizens’ Oversight Committee for Measure “M” (the “Oversight Committee”) and adopted Bylaws and Operational Guidelines (“Bylaws”) for the Oversight Committee, all pursuant to Resolution No. 76, 2016-2017, adopted on April 18, 2017; and

WHEREAS, the Board now wishes to amend certain terms and provisions pertaining to the Oversight Committee and amend the Bylaws; and

WHEREAS, the purposes, functions and membership requirements of the Oversight Committee are set forth more fully in Education Code sections 15278 through 15282, 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

NOW, THEREFORE, THE BOARD OF EDUCATION OF THE ELK GROVE UNIFIED SCHOOL DISTRICT HEREBY RESOLVES, DETERMINES, AND ORDERS AS FOLLOWS:

Section 1. The foregoing recitals are true and correct.

Section 2. The Oversight Committee shall consist of an odd number of members but no less than seven (7) members to serve for terms of four (4) years, except that the Superintendent or designee is authorized to stagger members’ terms to establish continuity and sustainability on the Oversight Committee by designating certain members to serve an initial term of two years.

Section 3. The Oversight Committee is required to meet at least once a year but is encouraged to hold four quarterly regular meetings. The Superintendent or designee is authorized to set special or emergency committee meetings as needed, either by request from the Oversight Committee or on the Superintendent’s or designee’s own initiative. Oversight Committee meetings shall be held in a location within the boundaries of the District. 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 4 and Section 6. All Oversight Committee meetings shall be open to the public, and notice to the public regarding meetings shall be provided in the same manner as the proceedings of the District Board.

Section 4. 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 5. The Bylaws for the Oversight Committee adopted pursuant to Resolution No. 76, 2016-17, on April 18, 2017, are hereby amended and replaced in their entirety with the Bylaws attached hereto as Exhibit "A" and incorporated by this reference.

Section 6. 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, subdivision (a), no Measure "M" bond revenues may be expended in providing such technical or administrative support.

Section 7. This Resolution shall take effect immediately after its adoption.

PASSED AND ADOPTED on 1/9/2024, 2024, by the following vote:

AYES: 6
NOES: 0
ABSENT: 1
ABSTAIN: 0

President, Board of Education of the
Elk Grove Unified School District

Clerk of the Board of Education of the
Elk Grove Unified School District

EXHIBIT "A"

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

SECTION I - NAME

- 1.01 The name of the committee will be the Measure "M" Citizens' Oversight Committee (hereinafter, the "Committee"). The Committee was established by Resolution of the Board of Education the Elk Grove Unified School District (hereinafter the "Board").

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 "M" bond revenues. The Committee shall actively review and report on the proper expenditure of Measure "M" 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 "M" 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 "M" 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 applicable school facilities and grounds to ensure that Measure "M" 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 “M” 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 its reports issued shall be made available for public reviewing on the District’s Web site

SECTION IV - MEMBERSHIP

- 4.01 The Committee shall consist of an odd number of but no less than seven (7) members who shall be appointed by the Board to serve for a term of four (4) years, except that the Superintendent of the District or designee is authorized to stagger members’ terms to establish continuity and sustainability on the Oversight Committee by designating certain members to serve an initial term of two years. Members shall serve 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 1 (commencing with section 1090) of the Government Code.
- 4.05 Vacancies on the Committee shall exist on the death, resignation, or upon excessive unexcused absences of any member. Excessive unexcused absences are defined as unexcused absences for two consecutive regularly scheduled meetings. Any member may resign effective upon giving written notice to the Chairperson of the Committee, the Vice-Chairperson, the Secretary, or the Committee, unless the notice specifies a later time for the effectiveness of such resignation. Vacancies on the Committee may only be filled by the Board.

SECTION V - COMMITTEE MEETINGS

- 5.01 Regular Meetings. The Committee is required to meet at least once a year but is encouraged to hold four quarterly regular meetings. To the extent permitted by the Ralph M. Brown Act ("Brown Act"), such meetings may be held by teleconference. The Superintendent or designee shall set a regular meeting schedule, may set special or emergency meetings as needed, and may change the time and place of any meeting or subsequent meetings, provided that a meeting is located within the boundaries of the District and open to the public, and provided that notice is given, all as required by law, and provided that District staff may fulfill the District's obligations to provide administrative support to the Oversight Committee.
- 5.02 Notice. All meetings of the Committee shall be open to the public pursuant to Education Code Section 15280 and notice of the meetings shall be done pursuant to the provisions of the Brown Act.
- 5.03 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.
- 5.04 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.
- 5.05 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 Education and other bodies to present and discuss the official actions of the Committee.
3. Act as the Committee's exclusive liaison between the Committee and District Administration.

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 Education 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 Education, 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 Education, 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 Education.

7.02 These Bylaws and Operational Guidelines may be amended, changed, added to, or repealed by the Board of Education 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 Education, or any state law.

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).