



# SACRAMENTO CITY UNIFIED SCHOOL DISTRICT BOARD OF EDUCATION

Agenda Item# 11.1h

**Meeting Date:** May 7, 2020

**Subject:** **Approve Resolution No. 3130: Resolution Appointing Bond Oversight Committee and Approving By-Laws and Guidelines for Conduct of the Committee**

- Information Item Only
- Approval on Consent Agenda
- Conference (for discussion only)
- Conference/First Reading
- Conference/Action
- Action
- Public Hearing

**Division:** Business Services

**Recommendation:** Approve Resolution No. 3130: Resolution Appointing Bond Oversight Committee and Approving By-Laws and Guidelines for Conduct of the Committee.

**Background/Rationale:** On March 3, 2020, District voters passed Measure H, a Proposition 39 general obligation bond election authorizing the issuance of \$750 million of general obligation bonds. Resolution No. 3130 establishes the Measure H Bond Oversight Committee (“BOC”), and appoints, as initial members, the current members of the BOC. Resolution No. 3130 adopts by-laws and guidelines for the appointment and operation of the BOC. The Administration will continue to recruit new members to add to the composition of the BOC and replace members as their terms expire.

**Financial Considerations:** None

**LCAP Goal(s):** Family and Community Engagement; Operational Excellence

**Documents Attached:**

1. Resolution No. 3130
2. Sacramento City Unified School District Bond Oversight Committee By-Laws (Revised for Bond Measure H)

<p><b>Estimated Time of Presentation:</b> n/a <b>Submitted by:</b> Rose Ramos, Chief Business Officer <b>Approved by:</b> Jorge A. Aguilar, Superintendent</p>
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**BOARD OF EDUCATION  
OF THE  
SACRAMENTO CITY UNIFIED SCHOOL DISTRICT**

**RESOLUTION NO. 3130**

**RESOLUTION APPOINTING BOND OVERSIGHT COMMITTEE AND APPROVING  
BY-LAWS AND GUIDELINES FOR CONDUCT OF THE COMMITTEE**

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WHEREAS, this Board of Education (the “Board”) of the Sacramento City Unified School District (the “District”) duly called a school bond election (the “Election”), and the Election was conducted by the Registrar of Voters of the County of Sacramento (the “County”) on March 3, 2020, on a measure authorizing the District to incur bonded indebtedness (“Measure H”); and

WHEREAS, the election was conducted pursuant to the provisions of Article XVI, Section 18(b) and Article XIII A, Section 1(b)(3), and met all of the requirements for approval by a 55% affirmative vote of the votes cast at the election; and

WHEREAS, according to the official canvass and certification of election results provided to this Board by the Registrar of Voters of the County, at least 55% of the votes cast on said proposition were in favor of issuing said bonds; and

WHEREAS, by resolution duly adopted on May 7, 2020, this Board did declare, pursuant to Education Code Section 15274 and Elections Code 15400, that Measure H was approved by the requisite vote; and

WHEREAS, Education Code Section 15278(a) requires that upon declaration of the election results, this Board shall establish and appoint members to an independent citizens’ oversight committee, all in accordance with Sections 15278 through 15282 of the Education Code; and

WHEREAS, the Superintendent of the District has publicized the need to appoint such a committee and the qualifications of the various members to be appointed thereto, has received applications from interested community members, has evaluated those applications, and has made a recommendation to this Board for initial appointment of members to the citizens’ oversight committee; and

WHEREAS, in order to assist the citizens’ oversight committee in conducting its affairs and effectively discharge its duties in accordance with the Education Code and Measure H, and to establish procedures to the extent necessary for appointment and operation of the oversight committee, this Board has determined to adopt a set of by-laws and guidelines for the committee, and a form thereof has been submitted to this meeting;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF EDUCATION OF THE SACRAMENTO CITY UNIFIED SCHOOL DISTRICT, AS FOLLOWS:

1. All of the above recitals are true.
2. The Board hereby establishes the Measure H Bond Citizens' Oversight Committee, and appoints to the Citizens' Oversight Committee the persons listed in Exhibit A to this Resolution, to the specific respective positions listed in Exhibit A, as required by Section 15282(a) of the Education Code.
3. The Board hereby adopts the By-Laws and Guidelines for the Citizens' Oversight Committee presented to this meeting.

PASSED AND ADOPTED this 7<sup>th</sup> day of May, 2020, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

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President of the Board of Education  
of the Sacramento City Unified School District

Attest:

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Secretary of the Board of Education of the  
Sacramento City Unified School District

EXHIBIT A

SACRAMENTO CITY UNIFIED SCHOOL DISTRICT  
CITIZENS OVERSIGHT COMMITTEE

INITIAL APPOINTEES

Michael Watanabe – Chair – District Parent

Lesley Taylor – District Parent

James C. Price – Active Member of Taxpayers’ Organization

Alex Visaya Jr. – Senior Citizens’ Organization Representative

Carol Davydova – Business and Community Representative

Colleen Megowan-Romanowicz – Business and Community Representative

Terrence Gladney – District Parent

Terra Bennett Brown – General Member

Brian Hill – General Member

SECRETARY'S CERTIFICATE

I, Jorge A. Aguilar, Secretary, Board of Education of the Sacramento City Unified School District, County of Sacramento, 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 regularly held at the regular meeting place thereof on May 7, 2020, 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; and at that meeting the resolution was adopted by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

An agenda of the meeting was posted at least 72 hours before said meeting at 5735 4th Avenue, Sacramento, California, a location freely accessible to members of the public, and a brief description of the resolution appeared on the agenda. A copy of the agenda is attached hereto.

I have carefully compared the same with the original minutes of the meeting on file and of record in my office. 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 \_\_\_ day of May, 2020.

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Secretary of the Board of Education  
Sacramento City Unified School District

**SACRAMENTO CITY UNIFIED SCHOOL DISTRICT  
BOND OVERSIGHT COMMITTEE BYLAWS  
(Revised for Bond Measure H)**

The following bylaws are hereby adopted by the Bond Oversight Committee following approval of Sacramento City Unified School District Board of Education Resolution No. 3130:

**Section 1. Committee Established.** Pursuant to Board of Education Resolution No. 3130, there is hereby established a citizens' oversight committee, hereinafter referred to as the Sacramento City Unified School District Bond Oversight Committee ("Bond Oversight Committee") for the purpose as set forth in section 3 below and to perform duties as set forth in section 4 below.

**Section 2. Membership.** Membership shall be as appointed by the Board of Education pursuant to the categories and as otherwise set forth in Education Code section 15282. Terms of the members shall be for a period of two years from the date of appointment pursuant to Resolution No. 3130 and they shall serve without compensation as required by section 15282(a). Members shall not serve for more than three consecutive terms or six years pursuant to 15282(a). Additional members may be appointed by the Board of Education prior to the end of any current member's term.

**Section 3. Purpose.** Pursuant to Education Code section 15278(b), the primary purpose of the newly established Bond Oversight Committee shall be to inform and advise the public and the Sacramento City Unified School District ("District") concerning the expenditure of bond revenues pursuant to bond measure H, approved on March 3, 2020, and the remaining bond revenues pursuant to bond measures Q and R (collectively, the "bond measures").

**Section 4. Duties.** Pursuant to section 15278(b), the Bond Oversight Committee shall actively review and report on the proper expenditure of taxpayers' money for school construction. The Bond Oversight Committee shall 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 described in (1) below. The Bond Oversight Committee shall convene to provide oversight for, but not be limited to, the following in compliance with section 15278:

(1) Ensuring that the revenues of the bond measures are expended only for the purposes described in paragraph (3) of subdivision (b) of Section 1 of Article XIII A of the California Constitution which limits expenditures for the construction, reconstruction, rehabilitation, or replacement of school facilities, including the furnishing and equipping of school facilities, as more specifically described in the bond measures.

(2) Ensuring that, as prohibited by subparagraph (A) of paragraph (3) of subdivision (b) of Section 1 of Article XIII A of the California Constitution, no funds are used for any teacher or administrative salaries or other school operating expenses and in compliance with California Attorney General Opinion No. 04-110, Nov. 9, 2004 (87 Ops.Cal.Atty.Gen. 157).

(3) In furtherance of its purpose as stated in section 15278, the Bond Oversight Committee may engage in any of the following activities:

(a) Receiving and reviewing copies of the annual, independent performance audit required by subparagraph (C) of paragraph (3) of subdivision (b) of Section 1 of Article XIII A of the California Constitution. Pursuant to Education Code section 15286, submission of the annual independent performance audit for the preceding fiscal year shall be made to the Bond Oversight Committee by March 31 of each year after bonds are issued and revenues received by the District.

(b) Receiving and reviewing copies of the annual, independent financial audit required by subparagraph (C) of paragraph (3) of subdivision (b) of Section 1 of Article XIII A of the California Constitution. Pursuant to Education Code section 15286, submission of the annual independent performance audit for the preceding fiscal year shall be made to the Bond Oversight Committee by March 31 of each year after bonds are issued and revenues received by the District.

(c) Inspecting school facilities and grounds to ensure that bond revenues are expended in compliance with the requirements of paragraph (3) of subdivision (b) of Section 1 of Article XIII A of the California Constitution as described in section 4(1) above.

(d) Receiving and reviewing copies of any deferred maintenance proposals or plans developed by the District, including any reports required by Education Code section 17584.1.

(e) Reviewing efforts by the District to maximize bond revenues by implementing cost-saving measures, including, but not limited to, all of the following:

- (1) Mechanisms designed to reduce the costs of professional fees.
- (2) Mechanisms designed to reduce the costs of site preparation.
- (3) Recommendations regarding the joint use of core facilities.
- (4) Mechanisms designed to reduce costs by incorporating efficiencies in schoolsite design.
- (5) Recommendations regarding the use of cost-effective and efficient reusable facility plans.

## **Section 5. Meetings of the Bond Oversight Committee.**

**Section 5.1. Meetings Open to the Public and Public Notice.** Pursuant to section 15280(b), all Bond Oversight Committee proceedings shall be open to the public. Notices to the public shall be provided pursuant to the notice requirements of the Ralph M. Brown Act (Gov. Code 54950 et seq., including 54954.2 and 54956).

**Section 5.2. Agenda Preparation.** The Chair shall prepare the meeting agenda with technical assistance as necessary as set forth in section 5.11. Any Bond Oversight Committee member may submit to the Chair, at least seven business days prior to the meeting, an agenda item that the Chair shall consider placing on the agenda for the next meeting. A majority of the Bond Oversight Committee shall have the right to add items to the meeting agenda in compliance with the Brown Act. All agenda items shall be within the subject matter jurisdiction of the Bond Oversight Committee pursuant to section 15278.

**Section 5.3. Meeting Schedule.** The Bond Oversight Committee shall establish its meeting schedule. It is recommended that the Bond Oversight Committee generally meet on a quarterly basis.

**Section 5.4. Quorum.** A quorum shall consist of a majority of the members of the Bond Oversight Committee.

**Section 5.5. Meeting Procedure.** Meetings shall be conducted, unless otherwise determined by a majority of the Bond Oversight Committee at a meeting without revision to these bylaws, guided by the most recent version of Robert's Rules of Order.

**Section 5.6. Location.** All meetings shall be held at the Serna Center, 5735 47th Avenue, Sacramento, California or such other site within the District agreed upon by the Bond Oversight Committee without cost to the District.

**Section 5.7. Reports and Minutes.** The Bond Oversight Committee shall issue regular reports on the results of its activities. A report shall be issued at least once a year from the establishment of the Bond Oversight Committee. Minutes of the proceedings of the Bond Oversight Committee and all documents received and reports issued shall be a matter of public record and shall be made available on an Internet website maintained by the District.

**Section 5.8. Removal of Members; Vacancy.** The Board of Education, upon recommendation of the Superintendent, may remove any Bond Oversight Committee member for cause, including failure to attend three consecutive Bond Oversight Committee meetings, or for failure to comply with the Bond Oversight Committee Ethics Policy described in Attachment A. A member shall no longer serve and shall be automatically disqualified pursuant to Education Code section 15282(b) if the member becomes an employee or official of the District or becomes a vendor, contractor, or consultant to the District.

**Section 5.9. Subcommittees.** The Bond Oversight Committee may form subcommittees for a specific task and for a specific period of time. Any subcommittee shall report to the Bond Oversight Committee. The Chair, or his or her designee may serve as ex-officio member on any subcommittee. Subcommittee meetings shall be noticed and open to the public pursuant to section 5.1.

**Section 5.10. Ethics; Conflicts of Interest.** By accepting appointment to the Bond Oversight Committee, each member agrees to comply with the Bond Oversight Committee Ethics Policy included as Attachment A to the Bylaws.

**Section 5.11. Technical Assistance.** Pursuant to section 15280, the Board of Education shall, without expending bond funds, provide the Bond Oversight Committee with necessary technical assistance and shall provide administrative assistance in furtherance of its purpose and sufficient resources to publicize the conclusions of the Bond Oversight Committee.



**Section 6. Officers.** The Bond Oversight Committee may elect, at any time, a Chair and a Vice Chair who shall carry out the duties and responsibilities as follows:

**Section 6.1. Duties of the Chair.** The Chair shall preside at all meetings of the Bond Oversight Committee and may sign letters, reports, or other communications on behalf of the Bond Oversight Committee. The Chair also serves as the spokesperson and representative to the Board of Education on behalf of the Bond Oversight Committee.

**Section 6.2. Duties of the Vice Chair.** The Vice-Chair shall assume the duties of the Chair in the absence of the Chair. The Vice-Chair shall also be responsible for such duties as may be assigned by the Chair.

**Section 6.3. Terms of Chair and Vice Chair.** The Chair and Vice Chair shall serve at the pleasure of the Bond Oversight Committee and may be selected or replaced at any time in the discretion of the majority of the members in a meeting at which a quorum is present and the matter is properly agendaed under the Brown Act.

**Section 7. Adoption and Amendment of Bylaws.** The Bond Oversight Committee shall adopt its own bylaws and may amend its bylaws by a majority vote of the Committee at which a quorum is present.

**Section 8. Termination of Committee.** The Bond Oversight Committee shall terminate upon completion of all duties pursuant to sections 15278 et seq. or unless superseded by a new Bond Oversight Committee formed by the Board of Education.

\* \* \* \*

The bylaws, as set forth above, were duly adopted by a majority vote of the quorum of the Bond Oversight Committee on the \_\_\_\_\_ day of \_\_\_\_\_, 2020.

Dated: \_\_\_\_\_

\_\_\_\_\_  
By:  
Its: Chair

## ATTACHMENT A

### BOND OVERSIGHT COMMITTEE ETHICS POLICY STATEMENT

This Ethics Policy Statement provides general guidelines for Bond Oversight Committee members to follow carrying out their roles. Not all ethical issues that Bond Oversight Committee members face are covered in this Statement. However, this Statement describes some of the critical areas that help define ethical and professional conduct for Bond Oversight Committee members. Bond Oversight Committee members are expected to adhere to the provisions of this Ethics Policy Statement.

#### **POLICY**

- **CONFLICT OF INTEREST.** A Bond Oversight Committee member shall not make or influence a District decision related to: (1) any contract funded by bond proceeds or (2) any construction project which will benefit the Bond Oversight Committee member's outside employment, business, or personal finances or benefit a family member, such as a spouse, child or parent. Pursuant to Education Code section 35233, Bond Oversight Committee members shall comply with Government Code sections 1090 et seq. and Government Code sections 1125 et seq.
- **OUTSIDE EMPLOYMENT.** A Bond Oversight Committee member shall not use his or her authority over a particular matter to negotiate future employment with any person or organization that relates to: (1) any contract funded by bond proceeds, or (2) any construction project. A Bond Oversight Committee member shall not make or influence a District decision related to any construction project involving the interest of a person with whom the member has an agreement concerning current or future employment, or remuneration of any kind.
- **COMMITMENT TO UPHOLD LAW.** A Bond Oversight Committee member shall uphold the federal and California Constitutions, the laws and regulations of the United States and the State of California (particularly the Education and Government Codes) and all other applicable policies of the Sacramento City Unified School District.
- **COMMITMENT TO DISTRICT.** A Bond Oversight Committee member shall place the interest of the District above any personal or business interest of the member.