

NOVATO UNIFIED SCHOOL DISTRICT

Resolution No. 18-2016/2017

***Resolution of Intent of the Board of Trustees of the
Novato Unified School District to Establish an Independent
Citizens' Oversight Committee for General Obligation Bonds Approved Pursuant to Proposition
39 and Related Law***

WHEREAS, the Novato Unified School District ("District") is a public school district organized and operated relative to the laws of the State of California ("State"); and

WHEREAS, the issuance of not to exceed \$222 Million aggregate principal amount of general obligation bonds of the District was authorized ("Bond Authorization") by approval of the District's bond measure ("Bond Measure") at an election duly called and regularly conducted within the District on November 8, 2016, ("Bond Election"), pursuant to the provisions of the Proposition 39, the California Constitution and related California law, and on December 6, 2016, the results thereof were thereafter canvassed pursuant to applicable law and entered into the District's minutes; and

WHEREAS, applicable provisions of the California Education Code require, upon certain terms and conditions, the formation and appointment of an Independent Citizens' Oversight Committee ("Committee") for certain purposes relative to general obligation bonds approved pursuant to the provisions and requirements of Proposition 39; and

WHEREAS, the Board of Trustees ("Board") of the District included within the Bond Measure additional requirements and provisions applicable to the Committee of the District; and

WHEREAS, the Board wishes to establish the Committee and authorize the development of a policy, procedure and/or bylaws and other applicable guidelines to address the form, purpose, appointment, and related matters of the Committee.

THEREFORE, the Governing Board of the Novato Unified School District hereby finds, determines, declares, orders and resolves as follows:

SECTION 1. That all of the recitals set forth above are true and correct, and the Board so finds and determines.

SECTION 2. The Board hereby authorizes the Superintendent, or the Superintendent's designee, to explore the development of a Board policy, administrative regulation and/or Committee bylaws and guidelines (collectively, "Policy and Procedure") to guide the procedures, terms and activities of the Committee and the relationship between the District and the Committee.

SECTION 3. The Board intends to establish the Committee and appoint persons to the Committee pursuant to State law, the Bond Measure provisions, this Resolution, and the Policy and Procedure, within the time period required by State law.

SECTION 4. The Committee members shall serve for a term of two (2) years without compensation, except that in the first year, the Committee shall have several members who are appointed for one year, to establish a staggering of terms for the life of the Committee. Members

of the Committee may be appointed by the Board, in its discretion, for no more than three (3) consecutive terms as specified by applicable law.

SECTION 5. The Board hereby authorizes the Superintendent, or the Superintendent's designee, to advertise for and solicit candidates for consideration of appointment to the Committee, review applications submitted to the District for Committee membership and make recommendations to the Board to assist the Board in appointing Committee members.

The Committee shall be comprised of individuals who either live or work within the boundaries of the District. In the event the number of applicants exceeds the number of spaces available, the Superintendent or a designee shall conduct interviews of interested and qualified citizens and make recommendations to the Board for appointments. The Superintendent need not interview all interested applicants. The Board shall have the authority in its sole discretion to select and appoint the Committee. While the Committee must consist of at least seven (7) members, the Board shall determine the final size of the Committee, and if relevant, any additional categories of individuals to serve on the Committee in addition to those required by law and described herein.

As required by law, Committee membership shall include the following categories:

1. One (1) member shall be active in a business organization representing the business community located within the school district;
2. One (1) member shall be active in a senior citizens' organization;
3. One (1) member shall be active in a bona fide taxpayers' organization;
4. One (1) member shall be the parent or guardian of at least one child currently enrolled in a school of the District; and
5. One (1) member shall be both a parent/guardian of at least one child currently enrolled in a school of the District and be an active member in a District parent-teacher organization, such as the PTA or school site council.

No employee or official of the District may be appointed to the Committee. Additionally, no vendor, contractor, or consultant of the District may be appointed to the Committee.

SECTION 6. The purpose of the Committee shall be to actively review and inform the public regarding the expenditure of Bond Measure proceeds and the Committee shall convene for specific purposes limited to providing oversight for such bond proceeds expenditures, including providing oversight for the following:

- (a) To ensure that Bond Measure proceeds are expended only for the purposes described in paragraph (3) of subdivision (b) of Section 1 of Article XIII A of the California Constitution; and
- (b) To ensure that no Bond Measure proceeds are used for any teacher or administrative salaries or other school operating expenses.

Consistent with the requirements of law, the Committee shall serve an audit function only, and shall not replace or impede the activity and discretionary decision making of elected Board members, District staff or advisory committees.

SECTION 7. In furtherance of its specifically enumerated purposes, the Committee may engage in any of the following activities relating solely and exclusively to the expenditure of Bond Measure proceeds:

- (a) Receive and review copies of the annual, independent financial audits performed by an independent consultant selected the District.
- (b) Receive and review copies of the annual, independent performance audits performed by an independent consultant selected by the District.
- (c) Inspect school facilities and grounds to ensure that Bond Measure revenues are expended in compliance with applicable law.
- (d) Receive and review copies of any deferred maintenance proposals or plan developed by the District.
- (e) Review efforts of District to maximize Bond Measure revenues by implementing cost-saving measures.

SECTION 8. All Committee proceedings shall be open to the public and notice to the public shall be subject to the provisions of the Ralph M. Brown Act in Government Code section 54950 et seq.

SECTION 9. All members of the Committee shall not be, or have, any conflict of interest in the matters which they review. Members of the Committee shall, pursuant to Education Code section 35233 and 72533, 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 regarding conflicts of interest and incompatible activities.

SECTION 10. The Board hereby reserves the right to amend its direction to the Committee in order to comply with changes occurring in State law or rulings and determinations made by State courts or the California Fair Political Practices Commission. The Board also delegates to the Superintendent, and/or the Superintendent's designee, to assist the Board in implementing other provisions, sections, terms, and sub-sections of this Resolution.

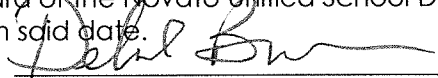
SECTION 11. The provisions and terms of this Resolution shall be effective upon adoption.

PASSED and ADOPTED this ___ day of December, 2016 by the Novato Unified School District Board of Trustees.

AYES: 6
NOES: 0
ABSTAIN: _____
ABSENT: 2

State of California,
County of Marin

I, DEBBIE BUNER, hereby certify that the foregoing is a full, true and correct copy of the resolution duly passed and adopted by the Governing Board of the Novato Unified School District at a regularly called and conducted meeting held on said date.


Secretary/Clerk of Board of Trustees