

Poway Unified School District

RESOLUTION NO. 45-2003

RESOLUTION OF THE BOARD OF EDUCATION OF THE POWAY UNIFIED SCHOOL DISTRICT ADOPTING POLICIES AND PROCEDURES RELATIVE TO CITIZENS' OVERSIGHT COMMITTEE FOR GENERAL OBLIGATION BONDS APPROVED PURSUANT TO PROPOSITION 39 AND RELATED LAW

WHEREAS, the Poway 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 voters within the State approved "The Smaller Classes, Safer Schools and Financial Accountability Act" ("Proposition 39") on November 7, 2000, authorizing school district general obligation bond elections upon certain terms and conditions; and

WHEREAS, the Poway Unified School District ("District") has, pursuant to Chapter 2 of Part 10 of the Education Code, commencing with Section 15300, formed School Facilities Improvement District No. 2002-1 of the Poway Unified School District ("Improvement District No. 2002-1" or "SFID") to include a certain portion of the territory within the District; and

WHEREAS, the issuance not to exceed \$198,000,000 aggregate principal amount of general obligation bonds of Improvement District No. 2002-1 was authorized ("Bond Authorization") at an election duly called and regularly conducted within Improvement District No. 2002-1 on November 5, 2002 (further identified as "Proposition U") ("Bond Election"), pursuant to the provisions of the "Safer Schools, Smaller Classes and Financial Accountability Act" (also known as "Proposition 39"), the California Constitution and related California law, and thereafter canvassed pursuant to applicable law; and

WHEREAS, Assembly Bill 1908 adopted Article 2 of Chapter 1.5 of Part 10 of Division 1 of Title I of the California Education Code ("Law") (which became effective following the passage of Proposition 39) which requires, upon certain terms and conditions, the formation and appointment of a Citizens' Oversight Committee for certain purposes relative to general obligation bonds approved pursuant to the provisions and requirements of Proposition 39; and

WHEREAS, within Proposition U the Board of Education ("Board") of the District has included additional requirements and provisions applicable to the Citizens' Oversight Committee of the Poway Unified School District; and

WHEREAS, the Board has determined that it is appropriate to adopt a policy and procedure to address the form, purpose, appointment, and related matters dealing with a Citizens' Oversight Committee of the District established and appointment pursuant to the Law and the Proposition U provisions ("Committee").

NOW, THEREFORE, THE BOARD OF EDUCATION OF THE POWAY UNIFIED SCHOOL DISTRICT DOES HEREBY RESOLVE, DETERMINE, AND ORDER AS FOLLOWS:

Section 1. The foregoing recitals are true and correct and are hereby incorporated by this reference.

Section 2. The Citizens' Oversight Committee Board Policy and Administrative Procedure attached hereto as Exhibit "A" are incorporated herein by this reference and are hereby adopted by this Board on behalf of the District and Improvement District No. 2002-1.

Section 3. The Board will establish the Citizens' Oversight Committee ("Oversight Committee") and appoint persons to the Oversight Committee pursuant to State law and the Proposition U provisions, and the incorporated Policy and Procedure, within the time period required by State law and as set forth in the Citizens' Oversight Committee Policy and Procedure adopted hereby.

Section 4. The Oversight Committee members shall serve for a term of two years without compensation and at the end of the first term, it is contemplated that one half (1/2) of the members' terms may be staggered. Hence, some members serving on the Oversight Committee may not serve for more than one (1) term. Members of the Oversight Committee may be appointed by the Board, in its discretion, for no more than two consecutive terms as specified by the 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 Citizens' Oversight Committee, review applications submitted to the District for Citizens' Oversight Committee membership and make recommendations to the Board to assist the Board in appointing Citizens' Oversight Committee members. The Board also delegates the Superintendent, and/or the Superintendent's designee, to assist the Board in implementing other provisions, sections, terms, and sub-sections of this Resolution and the Policy and Procedure.

Section 6. The purpose of the Oversight Committee shall be to actively review and inform the public regarding the expenditure of bond proceeds from bond measures proposed and approved by the voters pursuant to Proposition 39 and the Oversight 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 Proposition 39 bond 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, as set forth in Section I and V of the Policy and Procedure; and

(b) To ensure that no Proposition 39 bond proceeds are used for any teacher or administrative salaries or other school operating expenses.

The Committee shall also have the power to review and provide comments to the Board of Education on bond measure expenditure plans, bond measure-related staffing and consultants, and the District's Deferred Maintenance Plan provided that the Committee shall be advisory only, and shall not replace or impede the activity of elected school Board members.

Section 7. In furtherance of its specifically enumerated purposes, the Oversight Committee may engage in any of the following activities relating solely and exclusively to the expenditure of the Proposition 39 bond proceeds as set forth in the Policy and Procedure:

(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 Proposition 39 bond 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 Proposition 39 bond revenues by implementing cost-saving.

Section 8. In furtherance of its specifically enumerated purposes, the Committee shall also have the power to review and provide comments to the Board of Education on bond measure expenditure plans, bond measure-related staffing and consultants, and the District's Deferred Maintenance Plan provided that the Committee shall be advisory only, and shall not replace or impede the activity of elected school Board members.

Section 9. The Oversight Committee shall terminate as set forth in the Policy and Procedure.

Section 10. The Committee shall meet on a regular basis, at such times and places as shall be specified by the Committee. All Oversight 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 (Government Code Section 54950 *et seq.*).

Section 11. All members of the Oversight Committee shall not be, or have, any conflict of interest in the matters which they review as set forth in the Policy and Procedure.

Section 12. The Board hereby reserves the right to amend the attached Policy and Procedure for various purposes including, but not limited to, changes occurring in State law or rulings and determinations made by State courts or the California Fair Political Practices Commission.

Section 13. The provisions and terms of this resolution shall be effective upon adoption. The appointment of members to the Committee shall be made by this Board as set forth in the Policy and Procedure, attached hereto.

APPROVED, PASSED, AND ADOPTED on January 21, 2003.

BOARD OF EDUCATION OF THE POWAY
UNIFIED SCHOOL DISTRICT

By: _____
President of the Board of Education of the
Poway Unified School District

ATTEST:

By: _____
Clerk of the Board of Education of the
Poway Unified School District

STATE OF CALIFORNIA)
) ss.
COUNTY OF SAN DIEGO)

I, Andy Patapow, do hereby certify that the foregoing Resolution was adopted by the Board of Education of said District at a meeting of said Board held on January 21, 2003, and that it was so adopted by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Clerk of the Board of Education of the
Poway Unified School District

STATE OF CALIFORNIA)
) ss.
COUNTY OF SAN DIEGO)

I, Andy Patapow, do hereby certify that the foregoing is a true and correct copy of Resolution No. 45-2003 was duly adopted by the Board of Education of the Poway Unified School District at a meeting thereof on January 21, 2003.

Clerk of the Board of Education of the
Poway Unified School District

EXHIBIT "A"

**CITIZENS' OVERSIGHT COMMITTEE BOARD POLICY
AND ADMINISTRATIVE PROCEDURE**