

**BEFORE THE BOARD OF EDUCATION OF THE
SANTA CRUZ CITY SCHOOL DISTRICT**

RESOLUTION NO. 15-20-21

**RESOLUTION ESTABLISHING THE SANTA CRUZ CITY SCHOOLS EDUCATION
PARCEL TAX CITIZENS' OVERSIGHT COMMITTEE, TERMINATING THE
EXISTING PARCEL TAX OVERSIGHT COMMITTEE, AND ADOPTING BYLAWS
AND OPERATIONAL GUIDELINES FOR THE NEW COMMITTEE**

WHEREAS, the Santa Cruz City School District (the “District”), being a “Common Administration District,” is comprised of the Santa Cruz City Elementary School District (the “Elementary School District”) and the Santa Cruz City High School District (the “High School District”), which districts together share common administration and are governed by this Board of Education (this “Board”); and

WHEREAS, the Elementary School District through this Board, submitted to the voters of the Elementary School District pursuant to Article XIII A of the California Constitution, and California Government Code Sections 50075 et seq., 50079 et seq., and 53722 et seq. (collectively, the “Law”), a measure proposing to levy an education parcel tax on all non-exempt parcels in the Elementary School District (“Measure “U”), and ordered an election to be held on March 3, 2020 for such purpose; and

WHEREAS, the High School District through this Board, submitted to the voters of the High School District pursuant to the Law, a measure proposing to levy an education parcel tax on all non-exempt parcels in the High School District (“Measure “T” and, together with Measure U, the “Measures”), and ordered an election to be held on March 3, 2020 for such purpose; and

WHEREAS, both Measures were approved by the voters of the Elementary School District and the High School District, respectively, by at least two-thirds vote, as required by the Law; and

WHEREAS, prior to the approval of the Measures, the voters of the District had, at prior elections held within the District, approved Measure “J,” Measure “P,” Measure “O,” and Measure “I” (the “Prior Measures”) each Prior Measure authorizing the levy of a separate education parcel tax on parcels in the Elementary School District and the High School District; and

WHEREAS, pursuant to the Prior Measures, the Board established an independent citizen’s oversight committee (the “Prior Oversight Committee”) to inform the public concerning the expenditure and uses of revenue from the parcel taxes levied under the Prior Measures, adopted bylaws for the Prior Oversight Committee, and appointed members to serve on the Prior Oversight Committee; and

WHEREAS, the purpose and effect of Measure U was to combine, replace and renew the parcel taxes under Measure J, Measure P, and that portion of Measure O which generated funds for middle school (grades 6 through 8) educational programs; and

WHEREAS, the purpose and effect of Measure T was to combine, replace and renew the parcel taxes under Measure I, and that portion of Measure O which generated funds for high school (grades 9 through 12) educational programs; and

WHEREAS, as a result of the above, commencing with fiscal year 2020-21, parcel taxes are no longer levied under the Prior Measures; and

WHEREAS, all parcel tax proceeds collected under Measure J, Measure P, and Measure I, have been expended and, some parcel tax proceeds collected under Measure O remain unspent; and

WHEREAS, the Board is required to establish an independent Citizen's Oversight Committee (the "Oversight Committee"), and appoint members thereto, to review the expenditure of proceeds from the education parcel tax levied under the Measures and ensure such proceeds are expended for the specific purposes set forth in the Measures; and

WHEREAS, in the interest of the most efficient use of District and community resources, and to secure the benefit of a trained, experienced, and competent oversight body, it is the desire of this Board to (i) establish the Oversight Committee, (ii) dissolve the Prior Oversight Committee, (iii) appoint the membership of the Prior Oversight Committee to serve on the Oversight Committee, and (iv) adopt bylaws and operational guidelines for the Oversight Committee; and

NOW, THEREFORE, THE BOARD OF EDUCATION OF THE SANTA CRUZ CITY SCHOOL DISTRICT HEREBY RESOLVES, DETERMINES, AND ORDERS AS FOLLOWS:

Section 1. Recitals. The foregoing recitals are true and correct.

Section 2. Findings and Determinations. This Board, pursuant to documentation on file with the District and available to this Board, hereby finds and determines as follows:

- (a) All proceeds of parcel taxes authorized by Measure J, Measure P, and Measure I have been expended.
- (b) Some proceeds of parcel taxes authorized by Measure O remain unspent.
- (c) The Prior Oversight Committee has prepared annual written reports with respect to expenditures of proceeds of parcel taxes authorized by Measure J, Measure P, and Measure I, consistent with the purpose of the Prior Oversight Committee, and this Board has received all such reports.
- (e) It is appropriate to take action to dissolve the Prior Oversight Committee at this time based upon the foregoing.

Section 3. Establishment of Measure U and Measure T Oversight Committee.

The new Oversight Committee is hereby established as required by Measure U and Measure T.

Section 4. Purpose and Duties of Oversight Committee. The Oversight Committee shall review the expenditure of proceeds of the education parcel taxes levied under Measure U and Measure T to ensure such proceeds are expended for the specific purposes set forth in the each of the respective Measures. In addition, the Oversight Committee shall review the expenditure of remaining proceeds of parcel taxes previously levied under Measure O, until such time as all Measure O proceeds have been expended. The Oversight Committee shall inform the District and the public concerning the expenditures reviewed by it, and advise the public as to whether the District has complied with the commitments of the Measures, all according to the bylaws and operational guidelines hereinafter adopted.

Section 5. Dissolution of Prior Oversight Committee. Pursuant to the findings and determinations made herein, the duties and purpose of the Oversight Committee having been discharged, except with respect to unspent proceeds of parcel taxes levied under Measure O, the duty to review the expenditure of which having been passed to the Oversight Committee pursuant to Section 4 above, this Board hereby orders that the Prior Oversight Committee is dissolved effective upon the adoption of this Resolution.

Section 6. Members. The Oversight Committee shall consist of no less than five (5) and no more than seven (7) members, serving terms of four (4) years, without compensation. Oversight Committee members shall be individuals at least 18 years of age who reside or work in the boundaries of the District, and members of the committee shall include at least (at the time of their appointment) one (1) member who is active in a business organization representing the business community located within the District; one (1) member who is a member of a senior citizens' organization; one (1) member who is a parent or guardian of a child enrolled in the Elementary School District; one (1) member who is a parent or guardian of a child enrolled in the High School District; and one (1) member who is a member of the community at large. A single committee member may satisfy more than one of the foregoing categories. No employee or official of the District shall be appointed and no vendor, contractor, or consultant of the District shall be appointed to the Oversight Committee. Officers of the Oversight Committee, including a Chairperson, Vice-Chairperson, and Secretary, shall be elected by the Oversight Committee.

Section 7. Meetings of the Oversight Committee. The Oversight Committee shall hold regular quarterly meetings. This Board may set special or emergency committee meetings as needed, either by request from the Oversight Committee or on its own initiative. Oversight Committee meetings shall be held at the District Office, 133 Mission Street, Santa Cruz, California, or such other District facility as may be suitable. 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 8 hereof. All Oversight Committee meetings shall be open to the public as required by the Ralph M. Brown Act (California Government Code section 54950 and following).

Section 8. Duties of the District. The District shall provide the Oversight Committee with records of all expenditures of proceeds of parcel taxes collected by the District. District staff and consultants are directed to provide the Oversight Committee with responses to any and all questions, concerns, findings, and recommendations submitted by the Oversight Committee to the District upon a majority vote of the Oversight Committee. District staff are directed to provide the necessary and appropriate notices of the public meetings to be held by the Oversight Committee. District staff 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 website. 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 by the District.

Section 9. Bylaws. The Board hereby adopts the Bylaws and Operational Guidelines for the Oversight Committee that are attached as Exhibit “A” and incorporated by this reference.

Section 10. Appointment of Members. The Board hereby appoints members to the Oversight Committee, as set forth in Exhibit “B,” attached hereto.

Section 11. Effective Date. This Resolution shall take effect immediately after its adoption.

* * * * *

PASSED AND ADOPTED on November 4, 2020, by the following vote:

AYES: _____

NOES: _____

ABSENT OR NOT VOTING: _____

President, Board of Education of the
Santa Cruz City School District

CERTIFIED TO BE A TRUE AND CORRECT COPY:

Clerk of the Board of Education of the
Santa Cruz City School District

**BYLAWS AND OPERATIONAL GUIDELINES FOR THE
SANTA CRUZ CITY SCHOOLS EDUCATION PARCEL TAX
CITIZEN’S OVERSIGHT COMMITTEE**

PREAMBLE

In accordance with the commitments of the Santa Cruz City School District (“District”) expressed in the language of each of the parcel tax measures “Measure O” passed by the voters on November 17, 2015, “Measure U” passed by the voters on March 3, 2020, and “Measure T” passed by the voters on March 3, 2020, the District’s Board of Education (the “Board”) has established this Education Parcel Tax Citizen’s Oversight Committee (this “Committee”). The Board is the common governing board of the Santa Cruz Elementary School District (the “Elementary School District”) and the Santa Cruz High School District (the “High School District”), which districts together make up the District as a “Common Administration District.”

SECTION I. PURPOSE AND DUTIES

1.1. Purpose. The Board established the Committee to inform the public concerning the expenditure and uses of revenues from parcel tax measures passed by the voters for the purpose of supporting District programs and services. The Committee’s charge is to review and report on the expenditure of parcel tax revenues and to ensure said revenue is expended in accordance with the stated purposes of each parcel tax measure, including but not limited to:

- *Measure O:* Funding middle and high school student career technical education, STEM (science, technology, engineering and math) programs, visual and performing arts and job-training instructional programs; and after-school athletic and enrichment programs in middle and high schools to protect student safety, health and well-being.
- *Measure U:* Funding elementary and middle school science, art, and music, and after school athletic, enrichment, and academic support programs, to keep students safe, healthy, and engaged, attract and retain highly qualified teachers, provide library and counseling services, and maintain smaller class sizes.
- *Measure T:* Protecting educational quality in local high schools, funding high school career technical education, science, technology, engineering, visual and performing arts, counseling, library and athletic programs, to keep students safe and engaged.

1.2. Duties. Committee members shall be expected to attend regularly scheduled Committee meetings, review all pertinent information provided to the Committee, and abide by the provisions of the Ralph M. Brown Act (the “Brown Act”) (Gov. Code § 54950 et seq.) and all rules of conduct established in these Bylaws.

In furtherance of its purpose the Committee will engage in the following activities:

- A. Receive and review copies of all annual written reports prepared by the District’s chief fiscal officer as required by each of the parcel tax measures.

- B. Receive and review expenditure reports produced by the District to ensure that parcel tax revenue was expended in accordance with the specific purposes set forth in the ballot language of each parcel tax measure as approved by the voters.
- C. Prepare and present to the Board, in open session, an annual written report (“Annual Report”) which will include:
 - i. A statement indicating whether the District’s parcel tax revenue expenditures for the preceding year were made in accordance with the stated purposes of each parcel tax measure.
 - ii. A summary of the Committee’s proceedings for the preceding year.

SECTION II. COMMITTEE MEMBERSHIP

2.1. Appointment and Terms. The Committee shall consist of no fewer than five (5) and no greater than seven (7) members. Committee members shall be appointed by the Board to serve a term of four (4) years, without compensation, provided that the initial members of the Committee appointed by the Board concurrently with the establishment of the Committee may be appointed for two (2) year initial terms, in order to stagger the term expirations of Committee members. Following the expiration of a term, the Board may reappoint the same member for a new term, or appoint a new member or, if the remaining Committee members number five or more, leave the position vacant, at the Board’s sole discretion.

2.2. Composition. Committee members shall be comprised of, at a minimum:

- 1. One (1) member who, at the time of appointment, is active in a business organization representing the business community within the District.
- 2. One (1) member who, at the time of appointment, is a member of a senior citizens’ organization.
- 3. One (1) member who, at the time of appointment, is the parent or guardian of a child enrolled in the Santa Cruz Elementary School District.
- 4. One (1) member who, at the time of appointment, is the parent or guardian of a child enrolled in the Santa Cruz City High School District.

A single member may be appointed who satisfies more than one of the above categories. No employee or official of the District shall be appointed and no vendor, contractor, or consultant of the District shall be appointed to the Committee.

2.3. Eligibility. The Committee shall be comprised of individuals who are at least 18 years of age and who either live or work within the boundaries of the District. No employee, official, vendor, contractor, or consultant of the District shall be appointed to the Committee. 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 I (commencing with section 1090) of the Government Code.

2.4. Officers. Officers of the Committee, including a Chairperson, Vice-Chairperson, and Secretary, shall be nominated and elected by the Committee annually at the last Committee meeting of each calendar year. The Chairperson and Vice-Chairperson must be members of the Committee. The Secretary may, but need not be, a member of the Committee. Officers shall be elected for a one-year term and shall not be term-limited.

2.4.1. Duties of the Chairperson. The Committee Chairperson shall have the following duties:

- A. Call Committee meetings.
- B. Establish the agenda for each Committee meeting, in consultation with District staff and with input from the Committee.
- C. Preside over each Committee meeting, following the adopted Rules of Procedure.
- D. The Chair or his/her Committee-approved designee shall serve as spokesperson for the Committee in all representations of the Committee to the public, the Board, and the media.

2.4.2. Duties of the Vice-Chair. The Vice-Chairperson shall perform each of the duties of the Chairperson as necessary in the absence of the Chairperson.

2.4.3. Duties of the Secretary. The Secretary shall have the following duties:

- A. Record and maintain minutes of all meetings of the Committee.
- B. Distribute minutes of all meetings of the Committee to all Committee members, to the Board, and to District staff for posting on the District's website.
- C. 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 website.
- D. Distribute all Committee reports to all Committee members, to the Board, and to District staff for posting on the District's website.
- E. 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.
- F. Prepare all necessary correspondence of the Committee.
- G. Arrange and coordinate meeting locations and teleconferences of the Committee.

H. Take roll at each Committee meeting and maintain Committee member attendance records.

2.5. Vacancies. If a Committee position becomes vacant for any reason, and such vacancy results in a total of less than five (5) remaining members, the Committee Chairperson shall request that the Board fill the vacancy by appointment pursuant to Section 2.1. Unless failure to act will result in the inability to meet a Committee quorum, if six months or less remain of the unexpired four-year term, the Board may choose to leave that position vacant for the remainder of the term. Committee members appointed to fill vacant, unexpired terms may be appointed to serve for the remainder of such unexpired term, to there be reappointment to a succeeding full four-year term.

A replacement Committee member may be appointed by the Board if one of the following events occur:

A. A Committee member submits a written resignation to the Board, with a copy to the Committee Chairperson;

B. The Committee removes a member pursuant to the procedure set forth in Section 2.6 below.

2.6. Removal. A motion to remove a member for cause, including non-attendance at meetings per section 3.11 below, violating these Bylaws, or violating the District's adopted norms, shall be approved by an affirmative vote of not less than two-thirds of the members present at a Committee meeting, a quorum being present. The motion and its result shall be communicated in writing to the member under consideration and to the Board President within one week after the meeting that the motion was approved. Removal shall be effective immediately upon passing the motion. If the motion fails, the member under consideration shall not be subject to double jeopardy.

SECTION III. COMMITTEE MEETINGS

3.1. Regular Meetings. The Committee shall hold four (4) regular meetings each year, one in each calendar year quarter. The date upon which, and the hour and place at which, each such regular meeting shall be held shall be fixed by the Board. To the extent permitted by the Ralph M. Brown Act ("Brown Act"), such meetings may be held by teleconference.

3.2. Special Meetings. Special meetings of the Committee may be called by the Board, at the Board's discretion or upon request of the Chairperson, in accordance with the provisions of the Brown Act, as amended or supplemented from time to time. To the extent permitted by the Brown Act, such meetings may be held by teleconference.

3.3. Notice. All meetings of the Committee shall be called, noticed, held, and conducted subject to the provisions of the Brown Act.

3.4. 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 website. Minutes

of Committee proceedings and all documents received and reports issued shall be a matter of public record. The District shall provide secretarial/clerical services to assist the Committee Chair in preparation, distribution, and posting of minutes for all Committee meetings. Minutes published before adoption by the Committee shall always be labeled “Draft Minutes.”

- 3.5. **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.
- 3.6. **Agendas.** Agendas for regular Committee meetings will be prepared by the Chairperson, in consultation with District staff and with input from the committee. All documents applicable to agenda items shall be distributed in advance of meetings. Any member of the Committee may submit a request for placing an item on a future agenda. Agendas may include a consent calendar for routine, non-controversial items. These items must be clearly identified on published agendas. Any member of the Committee or public may request at the meeting that an item be added to the consent calendar or be pulled for discussion. Agendas shall include that the Committee will take public comment at the beginning of the meeting. After roll-call and the establishment of a quorum, meetings will begin with a consent calendar if appropriate.
- 3.8. **Committee Voting.** Each Committee member shall be entitled to one (1) vote. No action shall be taken by the Committee except upon the affirmative vote of the majority of those Committee members present and voting. An agenda item may be approved by a simple majority of Committee members in attendance, a quorum being present. Members must be present to vote.
- 3.8. **Rules of Procedure.** Meetings shall be conducted with courtesy and decorum and in accordance with Robert’s Rules of Order.
- 3.9. **California’s Open Meeting Law.** All meetings of the Committee shall be open to the public and shall be noticed and conducted in strict compliance with the Brown Act.
- 3.10. **Public Participation.** Any member of the public present at a meeting may address the Committee during the period designated for public comment. The Chairperson may, at his/her discretion, choose in advance to place an equal time limit on all speakers.
- 3.11. **Attendance.** Regular attendance at Committee meetings is a fundamental obligation of every member of the Committee. Absences are disruptive to Committee activity and representation. Failure to attend two consecutive meetings without acceptable reason announced in advance shall constitute due cause for member removal. Members anticipating an absence must call or email the Chairperson or Secretary no later than 24 hours before the scheduled meeting. Committee attendance reports shall be kept and maintained by the Secretary.

SECTION IV. COMMITTEE REPORTS

- 4.1. **Annual Reports.** The Committee shall prepare a written report annually, detailing the Committee’s findings with respect to the expenditure of parcel tax proceeds. The annual report shall be duly approved as to substance by an affirmative vote of not less than two-

thirds of the members present at a Committee meeting, a quorum being present, and be faithfully articulated to the public only by the Committee Chairperson or an approved designee. The annual report shall also be submitted to the District and the Board.

4.2. Minority Reports. Reports of minority viewpoints will be allowed. All such reports, written and/or oral, that represent the minority's position must be reviewed, be duly approved as to substance without prejudice by a vote of the Committee, and be faithfully articulated to the public only by a designated minority spokesperson. To avoid the need for minority reports, and to maximize the working relationships on and public confidence in the Committee, all due diligence should be pursued to resolve divisive issues during the review process, thereby attaining fullest possible Committee support for the content of public reports.

4.3. Individual Member Viewpoints. Any member of the Committee may speak as an individual on parcel tax issues but must clearly state for the record that such statements are their own personal views which do not necessarily represent those of the Committee or the District.

SECTION V. AMENDMENTS

5.1. Effective Upon Board Approval. These Bylaws and Operational Guidelines shall be effective upon approval of the Board.

5.2. Amendments. These Bylaws and Operational Guidelines may be amended, changed, added to, or repealed by the Board 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, or any state law, including but not limited to the provisions of the Brown Act and the Education Code.

EXHIBIT B – COMMITTEE MEMBER APPOINTMENTS

Rob Darrow, Community at Large Representative

Matt Farrell, Senior Organization Representative

Linnaea Holgers, Business Community Representative

Carol McKee, Elementary Parent Representative

Isabelle Tuncer, Secondary Parent Representative