

OAKLAND UNIFIED SCHOOL DISTRICT
Office of the Board of Education
June 25, 2008

To: Board of Education

From: Measure "B" Independent Citizens' School Facilities Bond Oversight Committee
Dr. John Cooke, Chair

Subject: Amending the Bylaws of the Oakland Unified School District Measure B
Independent Citizens' School Facilities Bond Oversight Committee to Reduce the
Number of Committee Members from 11 to 9.

ACTION REQUESTED

Approval of Resolution 0708-0231 – Amending Section Four (4) of the Bylaws of the Oakland Unified School District Measure "B" Independent Citizens' School Facilities Bond Oversight Committee in accordance with applicable law.

SUMMARY

The Oakland Unified School District Measure "B" Independent Citizens' School Facilities Bond Oversight Committee recommends that the Board of Education amend the Bylaws to change the number of Committee members from 11 to 9 to facilitate more productive Committee operations by affording the Committee the opportunity to conduct Committee business with a quorum of five rather than six Committee members, while preserving the statutorily required composition of the Committee membership.

DISCUSSION

Pursuant to Section 19 of the Bylaws of the Oakland Unified School District Measure "B" Independent Citizens' School Facilities Bond Oversight Committee, the Committee may make recommendations to the Governing Board regarding amendment of the Bylaws and subject to any provision of applicable law. The Bylaws may be altered, or repealed by the Governing Board.

Currently, Section 4 of the Bylaws provides that the Committee is comprised of 11 members. The Committee has recommended that the Board amend Section 4 of the Bylaws to reduce the number of members from 11 to 9. As amended, Section 4 would state as follows:

Amending the Bylaws of the Oakland Unified School District Measure B Independent Citizens' School Facilities Bond Oversight Committee in accordance with applicable law.

Section 4. MEMBERS

This Committee shall be composed of nine (9) members, inclusive of those members specified by Education Section 15282, appointed by the Governing Board. All members shall be voting members. The members shall at the first regular meeting and at the first regular meeting twelve (12) months inclusive, thereafter, elect a Chairperson, Vice-Chairperson, and a Secretary. No Committee member shall be an employee or official of the District. No Committee member shall be, or shall be employed by, a vendor, contractor, or consultant of the District.

BACKGROUND

The voters of Oakland have authorized School Facilities Bond Measure B pursuant to Article 13A, section (b) (3) and Article 16 (b) of the California Constitution and Education Code section 15278, which permit the authorization and issuance of bonds by a 55% vote of the electorate. The District established and appointed an Independent Citizens' School Facilities Bond Oversight Committee or "Committee" as required by law. The guidelines for the implementation, composition, and purpose of the Independent Citizens' School Facilities Bond Oversight Committee are set forth in Education Code sections 15278 and 15282.

RECOMMENDATION

Approval of Resolution 0708-0231 – Amending Section Four (4) of the Bylaws of the Oakland Unified School District Measure "B" Independent Citizens' School Facilities Bond Oversight Committee in accordance with applicable law.

FUNDING SOURCE:

Not applicable.

ATTACHMENTS:

Approval of Resolution 0708-0231 – Amending Section Four (4) of the Bylaws of the Oakland Unified School District Measure "B" Independent Citizens' School Facilities Bond Oversight Committee

JC:TEW:ER:st

**RESOLUTION
OF THE BOARD OF EDUCATION
OF THE OAKLAND UNIFIED SCHOOL DISTRICT
NO. 0708-0231**

**AMENDING SECTION 4 OF BYLAWS OF THE
OAKLAND UNIFIED SCHOOL DISTRICT MEASURE "B"
INDEPENDENT CITIZENS' SCHOOL FACILITIES BOND OVERSIGHT COMMITTEE**

WHEREAS, on June 6, 2006 the voters of the City of Oakland approved School Facilities Bond Measure B to provide financing to repair and modernize elementary, middle and high schools, including renovating classrooms, restrooms and other facilities to meet current safety standards, and repairing electrical, plumbing and other building systems, and to build libraries, classrooms, and science and computer labs, in accordance with the District's Facilities Master Plan; and

WHEREAS, in accordance with the language of Measure "B," and the requirements of Education Code Sections 15278 and 15282, the Governing Board established the Measure "B" Citizens' School Facilities Bond Oversight Committee ("Committee"), pursuant to Resolution No. 0607-0031 for the purpose of monitoring and informing the public concerning the expenditure of school facilities bond revenues; and

WHEREAS, after careful consideration, the Committee has recommended that the Board of Education amend Section 4 of the Committee Bylaws to reduce the number of Committee members from eleven (11) to nine (9) to facilitate more productive Committee operations by affording the Committee the opportunity to conduct Committee business with a quorum of five rather than six Committee members while preserving the statutorily required composition of the Committee membership; and

WHEREAS, the Governing Board has reviewed the attached Amendment No. 1 to the Committee Bylaws and find it to be appropriate for adoption,

NOW, THEREFORE, BE IT RESOLVED, the Governing Board hereby authorizes and adopts Amendment No. 1 to the Bylaws of the Oakland Unified School District Measure "B" Independent Citizens' School Facilities Bond Oversight Committee, amending Section 4 of said Bylaws, as stated below:

Section 4. MEMBERS

This Committee shall be composed of nine (9) members, inclusive of those members specified by Education Code Section 15282, appointed by the Governing Board. All members shall be voting members. The members shall at the first regular meeting and at the first regular meeting twelve (12) months inclusive, thereafter, elect a Chairperson, Vice-Chairperson, and a Secretary. No Committee member shall be an employee or official of the District. No Committee member shall be, or shall be employed by, a Vendor, contractor or consultant of the District.

BE IT FURTHER RESOLVED, that all other sections of said Committee Bylaws shall remain in full force and effect.

PASSED by the following vote:

AYES:

NAYS:

ABSTAINED:

ABSENT:

I hereby certify that the foregoing is a full, true, and correct copy of a Resolution passed by the Board of Education at a joint Regular Meeting of the State Administrator and the Board of Education of the Oakland Unified School District, held on June 25, 2008.

Edgar Rakestraw, Jr.
Secretary, Governing Board
Oakland Unified School District

Attachment: Amendment No. 1 to Bylaws (Proposed) of the Oakland Unified School District Measure "B" Independent Citizens' School Facilities Bond Oversight Committee

JC:TEW:MB:ER:ST

LEGISLATIVE FILE

File #: 08-1229

Introduced Date: 5/20/08

Enactment No. _____

Enactment Date _____

By _____

**AMENDMENT NO. 1
TO THE BYLAWS OF
THE OAKLAND UNIFIED SCHOOL DISTRICT
MEASURE “B” INDEPENDENT CITIZENS’ SCHOOL
FACILITIES BOND OVERSIGHT COMMITTEE**

WHEREAS, the Oakland Unified School District Measure “B” Independent Citizens’ School Facilities Bond Oversight Committee (“Committee”) is required by the terms of its Bylaws to have eleven (11) members appointed by the Governing Board and the Committee has found that a membership of eleven detracts from the efficiency of the Committee by requiring a quorum of six persons in order to conduct Committee business; and

WHEREAS, the applicable law requires that the Committee consist of at least seven (7) members who shall be comprised of the following categories of members:

- One member active in a business organization representing the business community located within the District;
- One member active in a senior citizens organization;
- One member active in a bona fide taxpayers’ organization;
- One member the parent, or guardian of a child enrolled in the District;
- One member, both a parent or guardian of a child enrolled in the District and active in a parent-teacher organization; and

WHEREAS the Committee has considered this matter carefully and concluded that a membership of nine would facilitate more productive Committee operations by affording the Committee the opportunity to conduct Committee business with a quorum of five rather than six Committee members while preserving the statutorily required composition of the Committee membership; and

WHEREAS, pursuant to Section 19 of the Bylaws of the Oakland Unified School District Measure “B” Independent Citizens’ School Facilities Bond Oversight Committee, the Committee may make recommendations to the Governing Board regarding amendment of the Bylaws and subject to any provision of applicable law, the Bylaws may be altered, or repealed by the Governing Board.

NOW, THEREFORE, the Committee respectfully submits to the Governing Board, the Committee’s recommendation that section 4 of the Bylaws be amended to state as follows:

**AMENDMENT NO. 1
TO THE BYLAWS OF
THE OAKLAND UNIFIED SCHOOL DISTRICT MEASURE "B"
INDEPENDENT CITIZENS' SCHOOL FACILITIES BOND OVERSIGHT
COMMITTEE**

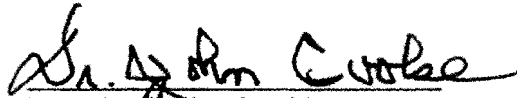
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Section 4. MEMBERS

This Committee shall be composed of nine (9) members, inclusive of those members specified by Education Section 15282, appointed by the Governing Board¹. All members shall be voting members. The members shall at the first regular meeting and at the first regular meeting twelve (12) months inclusive, thereafter, elect a Chairperson, Vice-Chairperson, and a Secretary. No Committee member shall be an employee or official of the district. No Committee member shall be, or shall be employed by, a vendor, contractor or consultant of the District.

All other provisions of the Bylaws shall remain in effect as written.

Dated: May, 20th 2008



Dr. John ~~Cooke~~ President
Oakland Unified School District, Measure "B"
Independent Citizens' School Facilities Bond
Oversight Committee