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REF. OUR FILE

*A PROFESSIONAL CORPORATION

PERRIS UNION HIGH SCHOOL DISTRICT CITIZENS' OVERSIGHT COMMITTEE

ORGANIZATIONAL MATTERS FOR CONSIDERATION BY CITIZENS OVERSIGHT COMMITTEE

Citizens' Oversight Committee Officers.

The Citizens' Oversight Committee ("COC") consists of seven initially appointed members and having as its principal purpose the responsibility to inform the public concerning the expenditure of Measure Z bond revenues by the Perris Union High School District ("District").

The COC will be considered a public body and is obligated by State law to conduct its meetings in conformance of the requirements of the Ralph M. Brown Act (California's local public agency open meeting law).

The statutes providing for the creation of Citizens' Oversight Committees resulting from successful General Obligation Bond elections conducted under the provisions of Proposition 39 and related legislation do not specifically mandate that a COC must have any particular officer or officers. However, in conducting its business and arranging for parliamentary procedures to be considered by the COC members, we would offer the following suggestions for establishing offices of the COC:

A. President/Chairperson/Chief Executive Officer. The person appointed to this office would call to order and chair meetings of the COC and generally conduct proceedings before the COC. The COC may also wish to designate this person as the principal source of contact for questions between individual COC members and members of District staff. This person may also have authority to determine a quorum of the COC (see discussion below), call for special meetings under the Ralph M. Brown Act, adjourn and continue COC meetings and to appoint members of subcommittees of the COC (as may be applicable).

The exact title used (President/Chairperson/Chief Executive Officer) would be determined by the COC members through a majority vote. If this office is established, the COC should also designate/elect the COC member that will initially hold this office.

We suggest that the COC establish such an office, provide for the title of such office, designate what power or authority they wish to give to such officer and to elect one of their members as the initial officer to hold this position. They may also wish to designate the term of such office in so doing (see discussion regarding Terms of Office below).

B. Vice President/Vice Chair. This person would perform the functions of the President/Chairperson/Chief Executive Officer in such other officer's absence.

The designation of this office, and appointment of a person to fill this office, is optional, however, we suggest that the COC consider designating such an office and appointing one of their member to fill such an office to cover potential absences of the President/Chairperson/Chief Executive Officer office.

C. Clerk/Secretary. This office would be the chief administrative officer of the COC and would be responsible for executing documents and minutes on behalf of the COC and authenticating other documents and records provided or furnished by the COC to various other parties. The person holding this office may be either a member of the COC or may be a member of District staff, as the COC may determine or direct.

We suggest that the COC consider creating such an office and designating either one of their members, or a District staff member, to hold this office and fulfil such duties.

Terms of Office. Under the provisions of California law, COC members are appointed for initial two-year terms and may serve no more than two consecutive two-year terms (a maximum of four consecutive years). In voting to establish the above-referenced offices, the COC should also consider the term of each such office. As a functional matter, two years would be the normal maximum for holding of such office since there may be changes in the membership of the COC at the end of the first two-year term. The COC could also determine to provide or each of the offices to be held for a one-year period of time. We suggest that the COC consider and make decisions on the initial and future terms of offices for COC members as referenced above.

Establishment of a Quorum. The COC initially consists of seven members. For most public agencies and public bodies, governing law specifies the number of their members which must be present at a single time and place in order to constitute a quorum of such body. California law does not specify a minimum or maximum number in order to constitute a quorum of the COC. Under prevailing California law, the presence of the majority of the number of the public body would

constitute a quorum (i.e. for a body of seven, four members would be required for a quorum). Whether or not a quorum of the public body is present is important for purposes of conducting decisions of the public body and also for purposes of the applicability of the open meeting law requirements of the Brown Act.

We suggest that the COC establish the number of members which must be present at time and place in order to constitute a quorum of the COC. In keeping with California law, the number of members present would normally be five in order to constitute a quorum. However, the COC may elect to establish a higher number required to constitute a quorum of the COC should they desire to do so.

Other Organizational Matters. Other matters which the COC may wish to discuss and make decisions on would include the following:

- A. Agenda Form. The COC will be presented information by the District and District staff concerning the issuance and sale of the Measure Z Bonds and the expenditure of bond proceeds. Other items presented to the COC may include the approval of minutes, briefings on bond funded projects and consultant presentations. The COC may choose to direct how it wishes the agendas required by the Brown Act to be formatted and the general order of presentation of matters and materials.
- B. Approval and Posting of Minutes. Under the requirements of State law, the COC is required to keep minutes of its meetings and to post those minutes on the internet website maintained by the District for COC information. The COC should determine and direct whether the minutes of its meetings will be posted on the website in draft form (prior to COC approval) or posted after approval by the COC.

The foregoing information has been prepared by Bowie, Arneson, Wiles & Giannone as an overview of the subjects discussed and should not be construed as individual legal advice. The applicability of the legal matters discussed may differ substantially in individual situations. In the event that you perceive that you are in a conflict situation, you should consult with appropriate legal counsel.