

**BERRYESSA UNION SCHOOL DISTRICT
RESOLUTION NO. 13-24**

**RESOLUTION OF THE BOARD OF TRUSTEES OF BERRYESSA UNION SCHOOL
DISTRICT ORDERING AN ELECTION AND ESTABLISHING SPECIFICATIONS OF
THE ELECTION ORDER**

WHEREAS, the Board of Trustees (the "Board") has determined that neighborhood schools within the Berryessa Union School District (the "District") need to be upgraded, repaired, improved and better equipped to enable the District to maintain and enhance the education of all students in the District; and

Whereas, the District believes that by keeping our schools strong, we help maintain high property values in our Berryessa community; and

WHEREAS, the Board is committed to maintaining a quality education, having all schools safe from fire, earthquakes and other hazards and protected by emergency safety systems; and

WHEREAS, the Board has determined that there is a need to upgrade computers and other learning technology so that students are prepared to excel in the 21st Century economy; and

WHEREAS, the Board determines that it is important to keep our schools up-to-date, clean, and well maintained; and

WHEREAS, the State of California (the "State") is unable to provide the District with enough money for the District to adequately maintain its educational facilities notwithstanding ongoing efforts to obtain such monies; and

WHEREAS, in the considered judgment of the Board, mindful of the unparalleled opportunity that currently low construction costs and historically low interest rates afford, it is in the best interests of the District residents to provide additional facility and site improvement funding to meet such needs now by means of a general obligation bond, for the evidence gathered indicates that if these needs are not addressed now, they will only become more pressing and more costly; and

WHEREAS, Proposition 46, approved by the voters of the State on June 3, 1986 ("Proposition 46"), amended Section 1(b) of Article XIII A of the California Constitution by adding a provision that exempts from the 1% of full cash value limitation, those ad valorem taxes used to pay for debt service on any bonded indebtedness for the acquisition or improvement of real property approved on or after July 1, 1978, by two-thirds of the votes cast by voters voting on the proposition; and

WHEREAS, on November 7, 2000, the voters of California approved the Smaller Classes, Safer Schools and Financial Accountability Act ("Proposition 39") which reduced the voter threshold for ad valorem tax levies used to pay for debt service on bonded indebtedness to 55% of the votes cast on a school district general obligation bond; and

WHEREAS, concurrent with the passage of Proposition 39, Chapter 1.5, Part 10, Division 1, Title 1 (commencing with Section 15264) of the Education Code (the "Act") became operative and established requirements associated with the implementation of Proposition 39; and

WHEREAS, the Board desires to make certain findings herein to be applicable to this election order and to establish certain performance audits, standards of financial accountability and citizen oversight that are contained in Proposition 39 and the Act; and

WHEREAS, the Board desires to authorize the submission of a proposition to the District's voters at an election to authorize the issuance of bonds to pay for certain necessary improvements and enhancements to District educational facilities; and

WHEREAS, the Board hereby determines that, in accordance with Opinion No. 04-110 of the Attorney General of the State of California, the restrictions in Proposition 39 which prohibit any bond money from being wasted or used for inappropriate administrative salaries or other operating expenses of the District shall be enforced strictly by the District's Citizens' Oversight Committee; and

WHEREAS, pursuant to Education Code Section 15270, based upon a projection of assessed property valuation, the Board has determined that, if approved by voters, the tax rate levied to meet the debt service requirements of the bonds proposed to be issued will not exceed the Proposition 39 limits per year per \$100,000 of assessed valuation of taxable property; and

WHEREAS, Section 9400 *et seq.* of the Elections Code of the State of California (the "Elections Code") requires that a tax rate statement be contained in all official materials relating to the election, including any ballot pamphlet prepared, sponsored, or distributed by the District; and

WHEREAS, the Board desires to authorize the filing of a ballot argument in favor of the proposition to be submitted to the voters at the election; and

WHEREAS, pursuant to the California Elections Code, it is appropriate for the Board to request consolidation of the election with any and all other elections to be held on Tuesday, November 4, 2014, and to request the Santa Clara County Registrar of Voters to perform certain election services for the District.

NOW THEREFORE, THE BOARD OF TRUSTEES OF THE BERRYESSA UNION SCHOOL DISTRICT DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:

Section 1. That the Board, pursuant to Education Code Sections 15100 *et seq.*, 15264 *et seq.*, and Government Code Section 53506, hereby requests the Santa Clara County Registrar of Voters to conduct an election under the provisions of Proposition 39 and the Act and submit to the electors of the District the question of whether bonds of the District in the aggregate principal amount of \$77,000,000 (the "Bonds") shall be authorized and sold for the purpose of raising money for the projects described in Exhibits "A" and "B" hereto. Both exhibits are directed to be printed in the voter pamphlet.

Section 2. That the date of the election shall be November 4, 2014.

Section 3. That the purpose of the election shall be for the voters in the District to vote on a proposition, a copy of which is attached hereto and marked Exhibit "A", incorporated by reference herein, and containing the question of whether the District shall issue the Bonds to pay for improvements to the extent permitted by such proposition. In compliance with Proposition 39 and the Act, the ballot propositions in Exhibit "A" and "B" are subject to the following requirements and determinations:

(a) the proceeds of the sale of the Bonds shall be used only for the purposes set forth in the ballot measure and not for any other purpose, including teacher or administrator salaries or other school operating expenses;

(b) that the Board, in establishing the projects set forth in Exhibit "B", evaluated the safety, class size reduction, classroom, educational, and information technology needs of the District as well as the importance of the projects to student achievement and high quality instruction;

(c) that the Board shall cause an annual, independent performance audit to be conducted to ensure that the Bond monies get spent only for the projects identified in Exhibit "B" hereto;

(d) that the Board shall cause an annual, independent financial audit of the proceeds from the sale of Bonds to be conducted until all of the Bond proceeds have been expended;

(e) that the Board shall appoint a Citizens' Oversight Committee in compliance with Education Code Section 15278 no later than 60 days after the Board enters the election results in its minutes pursuant to Education Code Section 15274; and

(f) that the tax levy authorized to secure the Bonds of this election shall not exceed the Proposition 39 limits per \$100,000 of taxable property in the District when assessed valuation is projected by the District to increase in accordance with Article XIII A of the California Constitution.

Section 4. That the authority for ordering the election is contained in Education Code Sections 15100 *et seq.*, 15264 *et seq.*, and Government Code Section 53506.

Section 5. That the authority for the specifications of this election order is contained in Sections 5322 of the Education Code.

Section 6. That the Santa Clara County Registrar of Voters and the Santa Clara County Board of Supervisors are hereby requested to consolidate the election ordered hereby with any and all other elections to be held on November 4, 2014, within the District.

Section 7. That the Secretary of the Board is hereby directed to deliver a certified copy of this Resolution to the Santa Clara County Registrar of Voters no later than August 8, 2014.

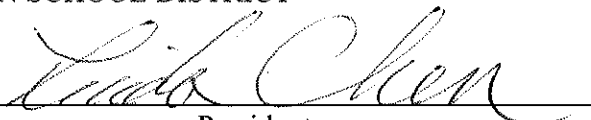
Section 8. That any Bonds issued pursuant to Section 15264 *et seq.* of the Education Code hereto shall have a maturity not exceeding twenty-five (25) years, and Bonds issued pursuant to Section 53506 of the Government Code shall have a maturity not exceeding forty (40) years. The maximum rate of interest on any Bond shall not exceed the maximum rate allowed by Education Code Sections 15140 to 15143, as modified by Government Code Section 53531.

Section 9. That the Board requests the governing body of any such other political subdivision, or any officer otherwise authorized by law, to partially or completely consolidate such election and to further provide that the canvass of the returns of the election be made by any body or official authorized by law to canvass such returns, and that the Board consents to such consolidation. The Board further authorizes the submission of a tax rate statement and primary and rebuttal arguments, as appropriate, to be filed with the Santa Clara County Registrar of Voters by the established deadlines.


Section 10. Pursuant to Section 5303 of the Education Code and Section 10002 of the Elections Code, the Board of Supervisors of Santa Clara County is requested to permit the Registrar of Voters to render all services specified by Section 10418 of the Elections Code relating to the election, for which services the District agrees to reimburse Santa Clara County, such services to include the publication of a Formal Notice of School Bond Election and the mailing of the sample ballot and tax rate statement (described in Section 9401 of the Elections Code) pursuant to the terms of Section 5363 of the Education Code and Section 12112 of the Elections Code.

ADOPTED, SIGNED AND APPROVED this 17th day of June, 2014.

BOARD OF TRUSTEES OF THE BERRYESSA
UNION SCHOOL DISTRICT

By 
President

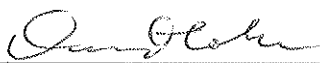
Attest:


Secretary

STATE OF CALIFORNIA)
)ss
SANTA CLARA COUNTY)

I, David Cohen, Clerk of the Board, do hereby certify that the foregoing is a true and correct copy of Resolution No. 13-24 which was duly adopted by the Board of Trustees of the Berryessa Union School District at the meeting thereof, held at its regular place of meeting on the on the 17th day of June, 2014, and that it was so adopted by the following vote:

Thelma Boac <u>Aye</u>	Linda Chen <u>Aye</u>	Richard Claspill <u>Aye</u>
David Cohen <u>Aye</u>	Khoa Nguyen <u>Aye</u>	



David Cohen, Clerk – Board of Trustees
Berryessa Union School District
Santa Clara County, California

EXHIBIT A

“To improve schools and continue providing quality education for local students by upgrading school safety, including earthquake, fire and emergency systems, keeping schools clean and well-maintained, updating classroom learning technology, maximizing energy efficiency to save money, and renovating, acquiring, constructing, and equipping classrooms, sites and facilities, shall Berryessa Union School District issue \$77 million in bonds at legal rates with citizen oversight, annual audits, no funds for administrators’ salaries and all funds staying in local schools?”

Bonds – Yes

Bonds – No

EXHIBIT B

FULL TEXT BALLOT PROPOSITION OF THE BERRYESSA UNION SCHOOL DISTRICT BOND MEASURE ELECTION NOVEMBER, 2014

The following is the full proposition presented to the voters by the Berryessa Union School District.

“To improve schools and continue providing quality education for local students by upgrading school safety, including earthquake, fire and emergency systems, keeping schools clean and well-maintained, updating classroom learning technology, maximizing energy efficiency to save money, and renovating, acquiring, constructing, and equipping classrooms, sites and facilities, shall Berryessa Union School District issue \$77 million in bonds at legal rates with citizen oversight, annual audits, no funds for administrators’ salaries and all funds staying in local schools?”

PROJECT LIST

The Board of Trustees of the Berryessa Union School District evaluated the District’s urgent and critical facility repair needs, including safety issues, enrollment trends, the desire to preserve neighborhood schools, class size, and computer and information technology, in developing the scope of projects to be funded. The District conducted a facilities evaluation and received public input and review in developing this Project List, and has prepared a Facility Needs Assessment which was presented to the Board and which is incorporated herein and on file in the Office of the Superintendent. Teachers, staff, community members and the Board have prioritized the key health and safety needs so that the most critical facility needs are addressed. The Board believes that if these needs are not addressed now, the problems will only become more pressing. **Therefore, in approving this Project List, the Board of Trustees determines that:**

- (i) all bond money must stay exclusively in our local community, under local control and cannot be taken away by the State; and**
- (ii) in repairing schools, priority must be given to the basics, such as maintaining and repairing aging classrooms, science labs and school buildings, and replacing inefficient electrical, heating and cooling systems to maximize energy efficiency and save money; and**
- (iii) priority should also be given to school and student safety by removing potentially hazardous materials from old school structures and improving school earthquake, fire safety and security systems; and**
- (iv) schools must be clean, safe and well-maintained learning environments; and**
- (v) schools must have up-to-date classroom learning technology and provide teacher training for new technology; and**
- (vi) the District must establish an independent citizens’ oversight committee and require annual independent audits to make sure all money is spent as authorized, and not for administrators’ salaries, benefits or pensions.**

The Project List includes the following types of projects at the following school sites:

Brooktree Elementary School
Cherrywood Elementary School
Laneview Elementary School
Majestic Way Elementary School
Morrill Middle School
Noble Elementary School
Northwood Elementary School

Piedmont Middle School
Ruskin Elementary School
Sierramont Middle School
Summerdale Elementary School
Toyon Elementary School
Vinci Park Elementary School

Essential School Repair and Upgrade Projects

Goals and Benefits: Since neighborhood schools are between 39 and 64 years old, schools need essential repairs to maintain a safe and modern learning environment, such as maintaining and repairing aging classrooms, science labs and other school buildings, improving fire, earthquake and other emergency safety systems, and providing up-to-date classroom technology:

- Increase water efficiency by replacing or repairing failing water, sewer and plumbing systems.
- Make schools safe by removing hazardous materials, such as asbestos and lead paint where applicable.
- **Maintain and repair aging classrooms, science labs and school buildings.**
- Upgrade and/or improve electrical service capacity to relieve overloaded electrical systems so that it can handle modern instructional technology.
- Replace older windows, ceilings, heating, ventilation, air conditioning and lighting systems with building code compliant, energy efficient systems which will save money on operating costs; remove dry rot.
- Upgrade classrooms, science labs, libraries, multi-purpose rooms, computers and other learning technology, and enhance the educational environment so that our students are prepared to excel in the 21st Century economy.
- Upgrade aging school restrooms.

Student Health, Safety and Security Projects

Goals and Purposes: Since good, safe, clean, well-maintained and up-to-date schools help protect and improve local property values, schools and school sites will benefit from a variety of health and safety projects, such as:

- Upgrades for earthquake safety and bring all schools up to current standards and codes.
- Upgrade fire alarm systems, improve fire safety equipment and fire exit doors to make students safer in the event of an emergency.
- Improve and upgrade school access for students, teachers and staff with disabilities to meet current requirements.
- Install, replace and upgrade security fencing, classroom door locks.

- Upgrade emergency communication systems to improve student safety.
- Enhance student safety by improving traffic flow and student drop-off areas.
- Upgrade existing security systems.

Energy Efficiency and Cost Saving Projects

Goals and Purposes: To reduce maintenance and operating costs returning more money to the classroom to protect academic programs, schools will benefit from a variety of projects, such as:

- Replace old and inefficient windows, lighting, heating, ventilation and irrigation systems to save money and use the savings to support instructional programs. Upgrades for earthquake safety and bring all schools up to current standards and codes.
- Install energy efficient systems to save money and return the savings to the classroom.
- Improve insulation and weather proofing to reduce costs.

Instructional Technology Upgrade Projects For Effective Student Learning and Teacher Training

Goals and Purposes: To upgrade classroom learning and computer technology to allow our teachers and students to use up-to-date teaching methods so that our students are prepared to excel in the 21st century economy:

- Provide and maintain up-to-date technology, data and communication equipment.
- Upgrade and expand wireless systems, telecommunications, Internet and network connections.
- Replace or upgrade outdated electrical systems and technology infrastructure.
- Provide technology to implement new rigorous national academic standards called the “Common Core.”
- Upgrade electrical capacity to improve computer technology and Internet access.

* * *

The listed projects will be completed as needed. Each project is assumed to include its share of furniture, equipment, architectural, engineering, and similar planning costs, program management, staff training expenses and a customary contingency, and escalation for unforeseen design and construction costs. In addition to the listed projects stated above, the Project List also includes the payment of the costs of preparation of all facility planning, facility assessment reviews, environmental studies, construction documentation, inspection and permit fees, and temporary housing of dislocated District activities caused by bond projects. The upgrading of technology infrastructure includes, but is not limited to, computers, LCD projectors, portable interface devices, servers, hand-held mobile devices, switches, routers, modules, sound projection systems, phone system integration, document archiving, cabling infrastructure, wireless technology systems, laser printers, digital white boards, document projectors, upgrade voice-over-IP, call manager and network

security/firewall, and other miscellaneous equipment. The construction and repair of school facilities includes the installation of signage, clocks, bells and fencing; repair and replace heating and ventilation systems; repair and maintain worn-out and aging roofs; upgrade or construct support facilities, including administrative, physical education and maintenance yards and shade shelters; repair and replace fire alarms, emergency communications and security systems; demolish and construct various forms of storage and support spaces; upgrade classrooms; repair, upgrade and install interior and exterior lighting systems; upgrade school site parking and student drop-off areas, utilities, and grounds, kitchens, playground equipment, hard court and rubberized surfaces, libraries, multi-use buildings, and District support offices and facilities, athletic and play fields and turf; acquire land; replace deteriorated walkways, upgrade bathrooms, drinking fountains, paint and floor coverings and door frames. The Project List also includes the refinancing of any outstanding lease obligations or the bridge loans taken to initiate voter approved projects. The allocation of bond proceeds may be affected by the District's receipt of State matching funds and the final costs of each project. In the absence of State matching funds, which the District will aggressively pursue to reduce the District's share of the costs of the projects, the District may not be able to complete some of the projects listed above. The budget for each project is an estimate and may be affected by factors beyond the District's control. The final cost of each project will be determined as plans are finalized, construction bids are awarded and projects are completed. Based on the final costs of each project, certain of the projects described above may be delayed or may not be completed. Demolition of existing facilities and reconstruction of facilities scheduled for repair and upgrade may occur, if the Board determines that such an approach would be more cost-effective in creating enhanced and operationally efficient campuses. Necessary site preparation/restoration and landscaping, may occur in connection with new construction, renovation or remodeling, or installation or removal of relocatable classrooms, including ingress and egress, removing, replacing, or installing irrigation, utility lines, trees and landscaping, redirecting fire access, and acquiring any necessary easements, licenses, or rights of way to the property. Bond proceeds shall be expended only for the specific purposes identified herein. Proceeds of the bonds may be used to pay or reimburse the District for the cost of District staff when performing work on or necessary and incidental to the bond projects. The District shall create an account into which proceeds of the bonds shall be deposited and comply with the reporting requirements of Government Code § 53410.

FISCAL ACCOUNTABILITY: IN ACCORDANCE WITH EDUCATION CODE SECTION 15272, THE BOARD OF TRUSTEES WILL APPOINT A CITIZENS' OVERSIGHT COMMITTEE AND CONDUCT ANNUAL INDEPENDENT AUDITS TO ASSURE THAT FUNDS ARE SPENT ONLY ON DISTRICT PROJECTS AND FOR NO OTHER PURPOSE. THE EXPENDITURE OF BOND MONEY ON THESE PROJECTS IS SUBJECT TO STRINGENT FINANCIAL ACCOUNTABILITY REQUIREMENTS. BY LAW, PERFORMANCE AND FINANCIAL AUDITS WILL BE PERFORMED ANNUALLY, AND ALL BOND EXPENDITURES WILL BE MONITORED BY AN INDEPENDENT CITIZENS' OVERSIGHT COMMITTEE TO ENSURE THAT FUNDS ARE SPENT AS PROMISED AND SPECIFIED. THE CITIZENS' OVERSIGHT COMMITTEE MUST INCLUDE, AMONG OTHERS, REPRESENTATION OF A BONA FIDE TAXPAYERS ASSOCIATION, A BUSINESS ORGANIZATION AND A SENIOR CITIZENS ORGANIZATION. NO DISTRICT EMPLOYEES OR VENDORS ARE ALLOWED TO SERVE ON THE CITIZENS' OVERSIGHT COMMITTEE.

NO ADMINISTRATOR SALARIES: PROCEEDS FROM THE SALE OF THE BONDS AUTHORIZED BY THIS PROPOSITION SHALL BE USED ONLY FOR THE ACQUISITION, CONSTRUCTION, RECONSTRUCTION, REHABILITATION, OR REPLACEMENT OF SCHOOL FACILITIES, INCLUDING THE FURNISHING AND EQUIPPING OF SCHOOL FACILITIES, AND NOT FOR ANY OTHER PURPOSE, INCLUDING TEACHER AND SCHOOL ADMINISTRATOR SALARIES AND OTHER OPERATING EXPENSES.