

RESOLUTION NO. 1653

**RESOLUTION OF THE BOARD OF EDUCATION
SAN RAFAEL CITY ELEMENTARY SCHOOL DISTRICT
ORDERING AN ELECTION AND ESTABLISHING
SPECIFICATIONS OF THE ELECTION ORDER**

WHEREAS, the Board of Education (the “Board”) of the San Rafael City Elementary School District (the “District”) is committed to maintaining the quality of education for all students in our local schools by providing a foundation in math, science and technology; and

WHEREAS, the Board has determined that local neighborhood schools need upgraded science, mathematics, career preparation labs and core academic classrooms, including music and art classrooms, to ensure our students will have access to up-to-date instructional technology and be prepared for college; and

WHEREAS, the Board believes that it is critical to replace aging portable classrooms and repair or replace aging roofs, both to meet modern safety standards and provide up-to-date technology infrastructure to support instructional technology; and

WHEREAS, any Proposition 39 local bond measure proposed by the District is legally required to include mandatory taxpayer protections, including an Independent Oversight Committee and mandatory audits to ensure funds are spent as promised, that none of the money can be spent on administrators’ salaries or pensions; and

WHEREAS, in making basic repairs to aging schools, every dollar received from a local measure must only benefit local schools, be controlled locally, and cannot be taken away by the State; 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, 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; and

WHEREAS, the Board and District has solicited extensive stakeholder and community input on school priorities from parents, teachers, staff, the community and civic leaders; and

WHEREAS, such a measure will help provide funds that cannot be taken away by the State and will be used to upgrade aging schools, meet current safety codes, repair and replace electrical, plumbing, roofing, lighting, heating and air conditioning and provide new classrooms to accommodate a growing enrollment; 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 3, 2015, and to request the Marin County Registrar of Voters to perform certain election services for the District;

NOW THEREFORE, THE BOARD OF EDUCATION OF THE SAN RAFAEL CITY ELEMENTARY 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 Marin 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 \$108,225,000 (the “Bonds”) shall be issued 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 3, 2015.

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 Exhibits “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 student safety, class size reduction, and the educational and information technology needs of the District;

(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 Marin County Registrar of Voters and the Marin County Board of Supervisors are hereby requested to consolidate the election ordered hereby with any and all other elections to be held on November 3, 2015 within the District.

Section 7. That the Secretary of the Board is hereby directed to deliver a certified copy of this Resolution to the Marin County Registrar of Voters no later than August 7, 2015.

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 Marin 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 Marin 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 Marin 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 27th of July, 2015.

BOARD OF EDUCATION OF THE SAN RAFAEL CITY
ELEMENTARY SCHOOL DISTRICT

By _____
President

Attest:

Secretary

STATE OF CALIFORNIA)
)ss
MARIN COUNTY)

I, Dr. Michael Watenpaugh, do hereby certify that the foregoing is a true and correct copy of Resolution No. 1653, which was duly adopted by the Board of Education of the San Rafael City Elementary School District at the meeting thereof held on the 27th of July 2015, and that it was so adopted by the following vote:

AYES:
NOES:
ABSENT:
ABSTENTIONS:

Dr. Michael Watenpaugh
Secretary of the Board of Education

EXHIBIT A

“To upgrade and repair schools with local funding that cannot be taken by the State, shall San Rafael City Elementary School District update, renovate/construct science, technology, engineering, math/core academic classrooms, replace aging electrical, plumbing/HVAC systems, make classrooms accessible for students with disabilities, repair, construct, acquire/equip classrooms, sites and facilities by issuing \$108,225,000 of bonds at legal rates, with citizen oversight, no money for administrators’ salaries, benefits or pensions, and all funds used for San Rafael schools?”

Bonds- Yes

Bonds- No

EXHIBIT B

FULL TEXT BALLOT PROPOSITION OF THE SAN RAFAEL CITY ELEMENTARY SCHOOL DISTRICT BOND MEASURE ELECTION NOVEMBER 3, 2015

The following is the full proposition presented to the voters by the San Rafael City Elementary School District.

“To upgrade and repair schools with local funding that cannot be taken by the State, shall San Rafael City Elementary School District update, renovate/construct science, technology, engineering, math/core academic classrooms, replace aging electrical, plumbing/HVAC systems, make classrooms accessible for students with disabilities, repair, construct, acquire/equip classrooms, sites and facilities by issuing \$108,225,000 of bonds at legal rates, with citizen oversight, no money for administrators’ salaries, benefits or pensions, and all funds used for San Rafael schools?”

PROJECT LIST

The Board of Education of the San Rafael City Elementary School District is committed to safe local schools with upgraded classrooms, science, mathematics and career/college preparation labs and up-to-date technology systems to keep pace with current learning standards. To that end, the Board evaluated the District’s urgent and critical facility needs, including student safety, class size reduction, computer and information technology in developing the scope of projects to be funded in a fiscally responsible manner. The District conducted a facilities evaluation and received public input through school site meetings, community presentations, opinion leader input, and interactive materials engaging hundreds of community constituents. Teachers, staff, parents, community members and the Board have prioritized the key health and safety needs so that the most critical facility needs are addressed. The Board concluded that if these needs are not addressed now, the problems will only become more pressing and expensive to address. **Therefore, in approving this Project List, the Board of Education determines that the District:**

- (i) **Must maintain the quality of local education by providing hands-on science labs and science classrooms;**
- (ii) **Must update, renovate and construct science, technology, engineering, math and core academic classrooms, including dedicated classrooms for music and art.**
- (iii) **Must upgrade electrical wiring and replace and replace aging roofs to meet current safety codes.**
- (iv) **Must add classrooms to reduce overcrowding;**
- (v) **Must adhere to specific fiscal accountability safeguards such as:**
 - (a) **All expenditures must be subject to annual independent financial audits.**

(b) ALL FUNDS MUST BE SUBJECT TO LOCAL CONTROL AND CANNOT BE TAKEN AWAY BY THE STATE.

(c) No funds can be used for administrators' salaries and pensions.

(d) AN INDEPENDENT CITIZENS' OVERSIGHT COMMITTEE MUST BE APPOINTED TO ENSURE THAT ALL FUNDS ARE SPENT ONLY AS AUTHORIZED.

The Project List includes the following types of upgrades and improvements at all of the District's schools:

- Bahia Vista Elementary School
- Coleman Elementary School
- Glenwood Elementary School
- Laurel Dell Elementary School
- San Pedro Elementary School
- Short Elementary School
- Sun Valley Elementary School
- Davidson Middle School
- Venetia Valley K-8 School
- Old Gallinas Elementary School

**Classroom Renovation, Repair, Upgrade and Expansion Projects
With Locally Controlled Funds that Cannot Be Taken By the State**

Goal and Purpose: Since providing classrooms, science labs, and equipment needed for career and college preparation classes is critical so students are prepared for college and high-paying careers and jobs of the future, local schools will benefit from projects, including:

- Upgrade and construct classrooms and science labs to keep pace with technology and reduce overcrowding.
- **Update, renovate and construct science, technology, engineering, math and core academic classrooms.**
- Repair or replace old, deteriorated roofs, electrical and plumbing systems to meet current safety codes.
- Repair and renovate outdated classrooms and school buildings.
- Add electrical service capacity to relieve overloaded electrical systems so that they can handle modern instructional technology.
- Provide dedicated classrooms for music and art.

Safety, Security and Energy Efficiency School Projects

Goal and Purpose: Whether or not you have school-age children, protecting the quality of our schools, the quality of life in our community and the value of our homes is a wise investment. This measure will upgrade security lighting, and campus security systems for improved student safety. Schools will benefit from a variety of energy efficiency projects, such as:

- Replace aging, outdated portables with modern classrooms that meet current health, safety and academic standards.
- Improve older schools so that they meet the same safety and academic standards as newer schools.
- Upgrade schools to make them accessible to students with disabilities.
- Upgrade and install new security systems, such as outdoor lighting, cameras, alarms, gates and classroom door locks.
- Replace old, outdated and insufficient electrical, plumbing and HVAC systems.
- Improve pick-up and drop-off zones and parking lots at school sites to improve student safety and traffic flow, and minimize traffic and parking near neighborhood school sites.
- Replace old and inefficient windows, lighting, irrigation, heating and ventilation systems which waste money and use the savings to protect the quality of instruction in core subjects like reading, math, science and technology.
- Install energy efficient systems to save money and return the savings to classrooms.

District-Wide Instructional Technology, Academic Programs and College Preparation Projects To Prepare Students for the Future

Goal and Purpose: To ensure all students have equal access to up-to-date classrooms, libraries and college and career education programs and to upgrade classroom computers and computer technology to allow our teachers and students to use up-to-date teaching methods and enhance instruction in core academic subjects like science, technology , engineering and math (STEM) and permit students to compete for good jobs of the future and be prepared for college:

- Install and maintain network infrastructure to keep technology up-to-date.
- Upgrade instructional technology in the classroom for improved student learning.
- Provide and maintain up-to-date technology, data and communication equipment.
- Upgrade and expand wireless systems, telecommunications, Internet and network connections.
- Update science and math lab technology to help students prepare for careers and good-paying jobs.
- Upgrade libraries.

* * *

The listed projects set forth above and below 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, projectors, portable interface devices, servers, switches, routers, modules, interactive white boards, sound projection systems, printers, document projectors, upgrade voice-over-IP, phone systems, call manager and network security and firewalls, wireless networks, computer labs, fiber optic cabling, phone system and other miscellaneous equipment. The construction/repair of school facilities includes the expansion, upgrade and replacement of school site parking, aging portable classrooms, improvement of campus accessibility, upgrade utilities and grounds, physical education facilities and playground equipment, hard court surfaces, shade structures, libraries, District-wide and school site administration and support facilities; enhance signage, fire sensors; replace damaged and unsafe gym bleachers, upgrade hydration stations; provide music, art, and performing arts classrooms, upgrade electrical wiring, tracks, gym flooring, lockers, athletic and play fields turf may be upgraded for safety and operational efficiency, and may include synthetic turf, construct new facilities and classrooms, renovate and paint interior and exterior building surfaces to extend their useful life; improve ceilings, walls, flooring, security, safety and communication systems and equipment, window and floor coverings (including tiles and carpeting), upgrade or construct kitchens/cafeterias and acquire kitchen equipment; and upgrade irrigation systems. The allocation of bond proceeds may be affected by the final costs of each project. 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. Relocation or 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. Relocation expenses caused by the sale or reuse of school facilities or property may also be funded with bond proceeds. 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 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 Section 53410.

FISCAL ACCOUNTABILITY: IN ACCORDANCE WITH EDUCATION CODE SECTION 15272, THE BOARD OF EDUCATION 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.