

RESOLUTION NO. 18-08-02

RESOLUTION OF THE BOARD OF TRUSTEES OF BONSA
LL UNIFIED SCHOOL DISTRICT ORDERING AN ELECTION, AND
ESTABLISHING SPECIFICATIONS OF THE ELECTION ORDER

WHEREAS, the Board of Trustees (the “Board”) recognizes that our schools are vital community assets and is committed to providing classrooms to accommodate the growing student population in the Bonsall Unified School District (the “District”) by building a new high school and increasing student safety; and

WHEREAS, the Board desires that all of the District’s campuses and classrooms be safe and secure so that students are protected by up to date facilities and systems; and

WHEREAS, the Board has determined that school facilities within the District are insufficient to accommodate the growing student population and that the school facilities need to be upgraded to meet current safety codes; and

WHEREAS, whether or not residents within the District have school-age children, protecting the value of our homes, the quality of our schools and the quality of life in our community is a wise investment; and

WHEREAS, the State of California (the “State”) is not providing the District with enough money for the District to adequately maintain its educational facilities and academic programs; and

WHEREAS, the Board has concluded that the District’s only remedy to avoid the undermining of its educational programs is securing local funding; and

WHEREAS, the Board has received information regarding the possibility of a local bond measure and its bonding capacity; and

WHEREAS, a local measure will help provide funds that cannot be taken away by the State to build a high school to prepare students for college and good jobs; and

WHEREAS, such measure will include mandatory taxpayer protections, including an independent citizens’ oversight committee, mandatory audits to ensure funds are spent as promised and that no money is used for administrators’ salaries or pensions; and

WHEREAS, the District will promote fair and open competition for all District construction projects so that all contractors and workers, whether union or non-union, are treated equally in the bidding and awarding of District contracts; and

WHEREAS, the Board and District has solicited stakeholder and community input on school priorities from parents, teachers, staff, the community and civic leaders; 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 Education Code Section 15264) (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 strictly monitored by the District’s Citizens’ Oversight Committee; and

WHEREAS, in order to maximize community benefit and efficiently apply taxpayer dollars, the District intends to demonstrate a good faith effort to pursue all practical opportunities to expand community joint use facilities in every new or expanded construction project to be financed from the proceeds of the Bonds (as defined below) with a goal to maximize the use of facilities to the broader community without adversely impacting operations or finances;

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, Elections Code Section 9400 *et seq.* 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 tax rate statement and a ballot argument in favor of the proposition to be submitted to the voters at the election; and

WHEREAS, pursuant to the 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 6, 2018, and to request the San Diego County Registrar of Voters to perform certain election services for the District.

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

That the Board, pursuant to Education Code Sections 15100 *et seq.*, 15264 *et seq.*, and Government Code Section 53506, hereby requests the San Diego 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 \$38,000,000 (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. The District's Superintendent, or designee, is hereby authorized and directed to make any changes to the text of the measure, or to the abbreviated form of the measure, as may be convenient or necessary to comply with the intent of this Resolution, the requirements of elections officials, and requirements of law.

That the date of the election shall be November 6, 2018.

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 policies of the Board and the Act, the ballot propositions in Exhibits “A” and “B” are subject to the following requirements and determinations:

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;

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;

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;

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

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

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.

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

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

That the San Diego County Registrar of Voters and the San Diego County Board of Supervisors are hereby requested to consolidate the election ordered hereby with any and all other elections to be held on November 6, 2018 within the District. As provided in Elections Code Section 10403, the District acknowledges that the consolidation election will be conducted in the manner described in Elections Code Section 10418.

That the Secretary of the Board is hereby directed to deliver a certified copy of this Resolution to the San Diego County Registrar of Voters no later than August 10, 2018.

That Bonds may be issued pursuant to Education Code Section 15264 *et seq.* or Government Code Section 53506. 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.

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 San Diego County Registrar of Voters by the established deadlines.

Pursuant to Education Code Section 5303 and Elections Code Section 10002, the Board of Supervisors of San Diego County is requested to permit the Registrar of Voters to render all services specified by Elections Code Section 10418 relating to the election, for which services the District agrees to reimburse San Diego 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 Elections Code Section 9401) pursuant to the terms of Education Code Section 5363 and Elections Code Section 12112.

ADOPTED, SIGNED AND APPROVED this _____ day of July, 2018.

BOARD OF TRUSTEES OF THE BONSALL
UNIFIED SCHOOL DISTRICT

By _____
President

Attest:

Secretary

STATE OF CALIFORNIA)
) ss
SAN DIEGO COUNTY)

I, _____, do hereby certify that the foregoing is a true and correct copy of Resolution No. ____, which was duly adopted by the Board of Trustees of the Bonsall Unified School District at the meeting thereof held on the ___ day of July, 2018, and that it was so adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

By _____
Secretary

EXHIBIT A

“To improve the quality of education; improve safety and security on all campuses; construct a new high school to reduce student overcrowding; renovate/replace track and field structures and facilities; shall Bonsall Unified School District issue \$38,000,000 of bonds with interest rates below legal limits, with annual audits, independent citizens’ oversight, NO money for salaries and all money staying local?”

Bonds – Yes

Bonds – No

EXHIBIT B

FULL TEXT BALLOT PROPOSITION OF THE BONSCALL UNIFIED SCHOOL DISTRICT BOND MEASURE ELECTION NOVEMBER 6, 2018

The following is the full proposition presented to the voters by the Bonsall Unified School District.

“To improve the quality of education; improve safety and security on all campuses; construct a new high school to reduce student overcrowding; renovate/replace track and field structures and facilities; shall Bonsall Unified School District issue \$38,000,000 of bonds with interest rates below legal limits, with annual audits, independent citizens’ oversight, NO money for salaries and all money staying local?”

PROJECT LIST

The Board of Trustees of the Bonsall Unified School District is committed to improving the quality of education by providing students and teachers with safe and secure facilities and infrastructure needed to prepare students for 21st Century academic standards and jobs. To that end, the Board evaluated the District’s urgent and critical facility needs, including safety issues, class size and enrollment trends, in developing the scope of projects to be funded. The District conducted a facilities evaluation and received public input in developing this Project List. Teachers, staff, community members and the Board have prioritized **the construction and security** of facilities as important matters to be addressed. Therefore, in approving this Project List, the **Board of Trustees determines that the District must:**

- (i) **Construct a new high school to accommodate approximately 500 students; and**
- (ii) **Install and/or upgrade security at district school sites to improve safety to current standards and changing needs; and**
- (iii) **Renovate or replace athletic track and fields at district school sites.**

The Project List includes the following types of upgrades and improvements at District schools and sites:

Scope of Projects. Projects which are described below include all related and incidental costs, including their share of the costs of the bond issuance and costs of design, engineering, architect and other professional services, inspections, site preparation, utilities, and other planning, legal, accounting and similar costs, independent annual financial and performance audits, a customary contingency, and other costs incidental to and necessary for completion of the listed projects.

Approval of the District’s bond measure does not guarantee that all of the identified projects within this Project List will be funded beyond what can be completed with local funds generated by the bond measure. The District plans to pursue funds from the State of California, if available, to complete certain of the identified facilities projects.

Whenever specific items are included in the following list, they are presented to provide examples and are not intended to limit the generality of the broader description of authorized projects. The order in which particular projects are listed is not intended to indicate priority for funding or completion.

NEW HIGH SCHOOL

A majority of the proceeds of the Bonds will be used to construct and equip a new high school for approximately 500 students including but not limited to:

- Classrooms for student learning including English, Math, History/Civics, and Science
- Career Technical Education classrooms
- Library/technology labs
- Gymnasium, playfields, and physical education facilities and a fitness center for student and community use
- Cafeteria
- Multi-purpose room
- Reception/Administration areas

SECURITY UPGRADE OF EXISTING FACILITIES

Proceeds of the Bonds will be used to repair, renovate and equip schools and facilities (as listed below) throughout the District. The exact size, configuration and location of each project will be determined by the Board of Trustees based on the needs of the District.

District facilities include:

Bonsall Elementary School
Bonsall West Elementary School
Sullivan Middle School
Vivian Banks Charter School
And other District facilities

Security upgrades, renovations, constructions and equipment acquisitions shall include but not be limited to:

- Install and upgrade fencing and gates to achieve a single point of entry for increased security
- Upgrade alarm systems as necessary to meet current and continually changing new standards
- Install and upgrade security systems including access control systems and security cameras

IMPROVEMENTS TO TRACK & FIELD STRUCTURES AND FACILITIES

Proceeds of the Bonds will be used to improve and upgrade track and field structures and facilities throughout the District.

* * *

Each project is assumed to include its share of furniture, equipment, architectural, engineering, and similar planning costs, program/project management, staff training expenses and a customary contingency for unforeseen design and construction costs. The allocation of bond proceeds may be affected by the District's receipt of State matching funds and 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 and construction documents are finalized, construction bids are received, construction contracts are awarded and projects are 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 more enhanced and operationally efficient campuses. Based on the final costs of each project, certain of the projects described above may be delayed or may not be completed. Necessary site preparation/restoration may occur and interim housing may be required in connection with new construction, reconstruction or remodeling, or installation or removal of relocatable

classrooms, including ingress and egress, removing, replacing, or installing irrigation, utility lines, trees and landscaping, relocating fire access roads, 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 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.