

## **CENTRAL UNION HIGH SCHOOL DISTRICT**

### **Resolution No. 03082016-31**

#### **RESOLUTION OF THE BOARD OF TRUSTEES OF THE CENTRAL UNION HIGH SCHOOL DISTRICT ORDERING AN ELECTION ON THE QUESTION OF WHETHER THE SCHOOL DISTRICT SHOULD INCUR GENERAL OBLIGATION BONDED INDEBTEDNESS, ESTABLISHING SPECIFICATIONS OF THE ELECTION ORDER AND REQUESTING CONSOLIDATION WITH OTHER ELECTIONS OCCURRING IN THE SCHOOL DISTRICT ON JUNE 7, 2016**

WHEREAS, the Central Union High School District ("School District"), a California public school district organized and operating pursuant to the laws of the State of California ("State"), has some classrooms and buildings that were built as long as 100 year ago or more; and

WHEREAS, the School District desires to maintain quality education by retaining quality teachers and keeping schools safe and clean by generating local funds to upgrade and improve all neighborhood high schools by ensuring all schools and classrooms meet California earthquake standards; repairing classrooms/leaky roofs; upgrading school security/fire proofing systems including safety doors, smoke alarms and detectors; updating science, math/computer labs; upgrading deteriorating plumbing/drainage systems, bathrooms/physical education/athletic facilities, removing asbestos and lead paint; repairing, constructing, equipping/acquiring educational facilities to prepare students for college and careers, all as further described herein, to serve the students within the School District as further described herein (the "School Facilities Projects"); and

WHEREAS, the Board of Trustees of the School District ("Board") intends to fund such School Facilities Projects by means of the issuance of general obligation bonds of the School District ("Bonds"), together with ongoing General Fund contributions, funding from the State of California (the "State"), developer fees and redevelopment pass-thru funds; and

WHEREAS, the Board is authorized by Section 15266 of the Education Code of the State (the "Education Code") to pursue the authorization of bonded indebtedness and the issuance of bonds pursuant to paragraph (3) of subdivision (b) of Section 1 of Article XIII A of the California Constitution and subdivision (b) of Section 18 of Article XVI of the California Constitution by ordering, by a two-thirds vote of the members thereof, an election on the question of whether the School District shall incur bonded indebtedness in the form of general obligation bonds pursuant to subdivision (b) of Section 18 of Article XVI of the California Constitution at a general election and, if 55 percent of the voters of the School District voting on the proposition of incurring such bonded indebtedness vote in favor thereof, to incur bonded indebtedness and issue and sell bonds for the construction, reconstruction, rehabilitation or replacement of school facilities, including the furnishing and equipping of school facilities, or the acquisition or lease of real property for school facilities; and

WHEREAS, approving a local bond measure may qualify the School District for additional state matching funds to make additional necessary local school improvements; and

WHEREAS, under existing law of the State, June 7, 2016, is a statewide general election date; and

WHEREAS, in the judgment of the Board, it is advisable to order the Registrar of Voters ("County Registrar") of the County of Imperial (the "County") to conduct an election within the School District on the question of whether the Bonds shall be issued and sold for the purpose as set forth below.

NOW, THEREFORE, THE BOARD OF TRUSTEES OF THE CENTRAL UNION HIGH SCHOOL DISTRICT DOES HEREBY RESOLVE, DETERMINE AND ORDER THAT:

**Section 1. Call of Election.** The Board, pursuant to Education Code Sections 15100 and 15264 and following, Section 1 (b)(3) of Article XII IA of the California Constitution and Section 18(b) of Article XVI of the California Constitution, orders an election and submits to the voters of the School District the question of whether the School District shall incur bonded indebtedness and issue general obligation bonds of the School District in an aggregate principal amount not to exceed Thirty Million Dollars (\$30,000,000) for the purpose of constructing, reconstructing, rehabilitating and replacing school facilities and further including the furnishing and equipping of such school facilities, as authorized by paragraph (3) of subdivision (b) of Section 1 of Article XIII A of the California Constitution and subdivision (b) of Section 18 of Article XVI of the California Constitution, and paying costs incidental thereto.

**Section 2. Election Date.** The date of the election shall be June 7, 2016.

**Section 3. Purpose of Election; Ballot Proposition.** The purpose of the election shall be for the voters of the School District to vote on a proposition or measure, a copy of which is attached hereto as Exhibit "A", presenting the question of whether the School District shall incur indebtedness and issue general obligation bonds for the purposes specified in Section 1 hereof, subject to the accountability requirements of paragraph (3) of subdivision (b) of Section 1 of Article XIII A of the California Constitution and Section 15272 of the Education Code. As required by Section 13247 of the Elections Code, the abbreviated statement of the measure to be submitted to the voters as it will appear on the ballot is attached hereto as Exhibit "B." The Superintendent, or his designee, is authorized to make any changes in the text of the measure included in Exhibit "A" hereto or in the text of the measure included in Exhibit "B" hereto which may be necessary to satisfy the requirements of paragraph (3) of subdivision (b) of Section 1 of Article XIII A of the California Constitution or subdivision (b) of Section 18 of Article XVI of the California Constitution or the County Registrar.

**Section 4. Authority for Election.** The authority for ordering the election is contained in Sections 15100 and 15266 of the Education Code, Section 1(b)(3) of Article XIII A of the California Constitution and Section 18(b) of Article XVI of the California Constitution as amended pursuant to the provisions of Proposition 39.

The authority for the specification of the election order is contained in Section 5322 of the California Education Code.

**Section 5. Order of Election.** This resolution constitutes the order of the School District to the County Registrar to call and conduct an election within the boundaries of the School District on July 7, 2016, which is a statewide primary election date, subject to the terms, provisions and requirements set forth herein.

**Section 6. School Facilities Projects.** As required by subparagraph (B) of paragraph (3) of subdivision (b) of Section 1 of Article XIII A of the California Constitution, the Board of Trustees hereby certifies that it has evaluated safety, class size reduction and information technology needs in developing a list of specific School Facilities Projects to be funded with the proceeds from the sale of the bonds which is attached hereto in the full ballot measure set forth in Attachment "1" to Exhibit "A" hereto. The School Facilities Projects list in the form attached hereto in Attachment "1" to Exhibit "A" is hereby approved and adopted as the list of specific school facilities projects to be funded with the proceeds of the sale of the bonds.

**Section 7. Delivery of Resolution.** The Clerk of the Board is directed to send, or cause to be sent, a certified copy of this resolution to the County Registrar and a certified copy of this Resolution to the Clerk of the Board of Supervisors of the County ("Clerk of the Board of Supervisors") not later than March 11, 2016. The Clerk of the Board shall also transmit a copy of this resolution to the Superintendent of Schools of the County as soon after the adoption hereof as may be practical.

**Section 8. Consolidation of Election.** Pursuant to Education Code Section 5342 and Part 3 (commencing with Section 10400) of Division 10 of the Elections Code, the County Registrar and the Board of Supervisors of the County ("Board of Supervisors") are hereby requested to take any and all actions necessary to consolidate the election ordered hereby with any and all other elections to be held on June 7, 2016, within the boundaries of the School District, and to take all other actions necessary to call and conduct the election specified herein. The County Registrar, the Clerk of the Board of Supervisors and the Board of Supervisors are hereby also requested to take all other actions necessary to conduct the election called and ordered hereby.

**Section 9. Proposition to be Voted on; Bond Measure Statement; School Bond Election Notice.** Based upon the requirements of the California Constitution and state law, the Proposition to be voted on by the voters in the School District in such election shall be as set forth in Exhibit "A" attached hereto and incorporated herein by this reference. An abbreviated Bond Measure Statement, to comply with Elections Code Section 13247, is attached hereto as Exhibit "B" and incorporated herein by this reference.

**Section 10. Terms of Bonds.** The Board determines that if 55 percent of the votes cast in the election are in favor of the proposed bonded indebtedness, the amount of the bonds to be issued will not exceed Thirty Million Dollars (\$30,000,000), the maximum interest rate on the bonds will not exceed the maximum interest rate permitted by the applicable laws of the State of California and the maximum number of years which the bonds or any series thereof

will run or be outstanding will be 25 years if the Bonds are issued pursuant to Section 15100 of the Education Code, and 40 years if the Bonds are issued pursuant to Section 53506 of the Government Code; provided, however, the Board does not intend to issue bonds pursuant to such section for a term exceeding 30 years.

**Section 11. Matching State Funds; Sample Ballot.** Pursuant to Section 15122.5 of the Education Code, the following words shall appear in the sample ballot: "Approval of Measure \_\_\_ does not guarantee that the proposed projects in the Central Union High School District that are the subject of bonds under Measure \_\_\_ will be funded beyond the local revenues generated by Measure \_\_\_. The school district's proposal for the projects may assume the receipt of matching state funds, which could be subject to appropriation by the legislature or approval of a statewide bond measure."

**Section 12. Citizens' Oversight Committee.** If the Bonds are approved pursuant to the requirements of the California Constitution and applicable California law, the Board of the School District shall establish and appoint members to an independent citizens' oversight committee in accordance with the requirements of Article 2 of Chapter 1.5 of Part 10 of the California Education Code. The appointment(s) shall be made either at a regularly scheduled meeting of the Board, or at a special meeting of the Board, the time, place and date of which shall have been announced at a regularly scheduled meeting of the Board. At the time of making any such appointment(s), information concerning the qualifications of the oversight committee candidates to be considered by the Board (subject to redaction of personal information, such as addresses, phone numbers and e-mail addresses) shall be available to members of the public. The members of the citizens' oversight committee shall, where possible, include construction, finance or other qualified professionals in its membership. The citizens' oversight committee shall, as part of its activities, review and, as appropriate, provide comments to the Board on bond measure expenditure plans, bond measure-related staffing and consultants, and the School District's deferred maintenance plans. The citizens' oversight committee shall be advisory only, and shall not replace or impede the activities or decisions of the School District's Board.

Pursuant to Education Code Section 15272 and as included in Exhibit "A" attached hereto, the Board hereby directs that the County Registrar cause to be printed in or on the ballot materials for the election the following statement:

"If this Bond measure is approved, the Central Union High School District Board of Trustees will appoint a citizens' oversight committee and conduct annual independent audits to assure that bond funds are spent only on school and classroom improvements and for no other purposes."

**Section 13. Findings, Determinations and Covenants of the Board.** As required by Article XIII, Section 15278 of the Elections Code and Section 53410 of the Government Code, the Board hereby finds, determines, directs and covenants as follows:

- (a) The purpose of the Bonds to be authorized pursuant to the Election is to finance the School Facilities Projects as described herein.

(b) At the time the Bonds are authorized by the Board for issuance and sale, the Board shall provide, in such issuance resolution or other bond issuance documents, that the proceeds of the Bonds shall be used only for the purpose(s) set forth in the ballot proposition.

(c) At the time the Bonds are authorized by the Board for issuance and sale, the Board shall provide in such issuance resolution or other bond issuance documents for the creation of one or more funds or accounts (which may include subaccounts) into which the proceeds of the Bonds, or each series of Bonds as the case may be, shall be deposited. The Bonds may be issued in one or more series consistent with applicable law, including the provisions and restrictions of this Section 13 which shall apply to each such series of the Bonds.

(d) The Superintendent of the School District (the "Superintendent") shall have the responsibility (once the Bonds are authorized and issued) to provide to the Board, no less often than annually, a written report which shall contain at least the following information:

(i) The amount of the Bond proceeds received and expended within the identified period of time. If no Bonds have been issued and sold, the report may simply note such situation; and

(ii) In the event that Bonds have been issued and sold, and proceeds therefore received, the report shall include the status of the acquisition, construction or financing of the School Facilities Projects with the proceeds of such Bonds or series of Bonds.

The report required by this Section 13(d) may be combined with other periodic reports which include the same information, including, but not limited to, periodic reports made to the California Debt and Investment Advisory Commission, continuing disclosure reports, annual audit reports or other reports made in connection with the Bonds or any series thereof.

The requirements of this Section 13(d) shall apply only until all Bonds, or each series of Bonds, are redeemed or defeased, but if the Bonds or any series of Bonds are refunded, such provisions shall apply until all such refunding Bonds are redeemed or defeased.

(e) The Board shall conduct, or cause to be conducted, an annual independent performance audit to ensure that the proceeds of the Bonds have been expended only on the School Facilities Projects.

(f) The Board shall conduct, or cause to be conducted, an annual independent financial audit of the proceeds of the Bonds until all such proceeds have been expended for the School Facilities Projects.

Section 14. **Ballot Arguments.** Any or all of the members of this Board are authorized to act as an author of any ballot argument prepared in connection with the election, including a rebuttal argument.

Section 15. **Tax Rate Statement.** The Superintendent, President of the Board, and their designees, are hereby authorized to execute and deliver any Tax Rate Statement (prepared or provided pursuant to Elections Code Sections 9400-9404) or any other document and to perform all other acts necessary to place the Bond measure called hereby on the ballot.

Section 16. **Deferred Maintenance.** The Board hereby states that, in connection with the bond measure described and ordered herein, that the School District has on file plans and policies to address issues of deferred maintenance of School District properties and facilities, with a goal thereof to eliminate deferred maintenance of School District properties and facilities using available funds, including, but not limited to state funding to reduce deferred maintenance of School District properties and facilities. Pursuant to the provisions of applicable state law, the independent citizens' oversight committee referred to above, will have the authority to receive, review and comment upon the School District's deferred maintenance plans and programs.

Section 17. **Services of County Registrar.** Pursuant to Section 5303 of the Education Code and Section 10002 of the Elections Code, the Board of Supervisors is requested to permit the County Registrar to render all services specified by Section 10418 of the Elections Code relating to the election, for which services the School District agrees to reimburse the County in full upon presentation of a bill and the mailing of the sample ballot and the tax rate statement (described in Section 9401 of the Elections Code).

Section 18. **California Environmental Quality Act.** The adoption of this resolution is not a "project" for purposes of the California Environmental Quality Act, Division 13 (commencing with Section 21000) of the Public Resources Code ("CEQA") but that each of the School Facilities Projects specified in Attachment "1" to Exhibit "A" will be accomplished in accordance with the requirements of CEQA. The Clerk of the Board is directed to complete, execute and file, or arrange for filing of, a Notice of Exemption in such regard.

## **EXHIBIT "A"**

### **CENTRAL UNION HIGH SCHOOL DISTRICT CLASSROOM REPAIR/SCHOOL SAFETY MEASURE**

### **FULL TEXT OF BOND MEASURE OF THE CENTRAL UNION HIGH SCHOOL DISTRICT**

### **BOND MEASURE ELECTION JUNE 7, 2016**

The following is the full text of the bond measure to be presented to the voters of the Central Union High School District (the "School District"):

"To upgrade neighborhood high schools and retain/attract teachers by updating classrooms, science, technology, engineering/math labs; meeting California earthquake standards; ensuring drinking water safety; upgrading leaky roofs/deteriorating bathrooms/physical education and athletic facilities; repairing, constructing, equipping/acquiring educational facilities to prepare students for college/careers, shall Central Union High School District issue \$30,000,000 in bonds, at legal rates, requiring audits, citizens' oversight, no money for administrators' salaries/all funds used locally?"

#### **BOND AUTHORIZATION**

By approval of this measure by at least 55 percent of the registered voters voting on the measure, the Central Union High School District shall be authorized to issue and sell bonds of up to \$30,000,000 aggregated principal at interest rates not to exceed the maximum interest rate permitted by applicable laws of the State of California (the "State") and the maximum number of years which the bonds of any series thereof will run or be outstanding will be 25 years if bonds are issued pursuant to Section 15100 of the Education Code of the State, and 40 years if bonds are issued pursuant to Section 53506 of the Government Code of the State; provided, however, the Board does not intend to issue bonds pursuant to such section for a term exceeding 30 years.

#### **SCHOOL FACILITIES PROJECT LIST**

The School Facilities Project List attached as Attachment "1" hereto shall be considered a part of this bond measure and shall be reproduced in any official document required to contain the full text of this bond measure.

Approval of this bond measure does not guarantee that the proposed school facilities projects identified in Attachment "1" (the "School Facilities Projects") will be funded beyond the local revenues generated by the issuance of bonds authorized by the passage of this bond measure. If state matching funds become available, such funds will be used for and applied to the funding of the School Facilities Projects. The School District's proposal for the School Facilities Projects assumes the receipt of eligible State matching funds, which could be subject to appropriation by the State legislature or approval of a statewide bond measure.

#### **ACCOUNTABILITY REQUIREMENTS**

The provisions in this section are specifically included in this proposition in order that the voters and taxpayers in the School District may be assured that their money will be spent wisely to address

specific facilities needs of the School District all in compliance with the requirements of Article XIII A, Section 1(b)(3), of the California Constitution and the Strict Accountability in Local School Construction Bonds Act of 2000 (codified at Education Code Sections 15264 and following.)

**Independent Citizens' Oversight Committee.** The Board shall establish an Independent Citizens' Oversight Committee pursuant to Education Code Section 15278 and following to ensure bond proceeds are expended only on the School Facilities Projects identified in Attachment "1". The citizen's oversight committee shall be established within 60 days of the date when the results of the election appear in the minutes of the Board.

The appointment(s) to the citizen's oversight committee shall be made either at a regularly scheduled meeting of the Board, or at a special meeting of the Board, the time, place and date of which shall have been announced at a regularly scheduled meeting of the Board. At the time of making any such appointment(s), information concerning the qualifications of the citizen's oversight committee candidates to be considered by the Board (subject to redaction of personal information, such as addresses, phone numbers and e-mail addresses) shall be available to members of the public. The members of the citizens' oversight committee shall, where possible, include construction, finance or other qualified professionals in its membership. The citizen's oversight committee shall, as part of its activities, review and, as appropriate, provide comments to the Board on bond measure expenditure plans, bond measure-related staffing and consultants, and the School District's deferred maintenance plans. The citizens' oversight committee shall be advisory only, and shall not replace or impede the activities or decisions of the Board.

**Performance Audits.** The Board shall conduct an annual, independent performance audit to ensure that the bond proceeds have been expended only on the School Facilities Projects listed in Attachment "1".

**Financial Audits.** The Board shall conduct an annual independent financial audit of the bond proceeds until all of those proceeds have been spent for the School Facilities Projects listed in Attachment "1".

**Special Bond Proceeds Account; Annual Report to Board.** Upon approval of this proposition and the sale of any bonds approved, the Board shall take actions necessary to establish an account in which proceeds of the sale of bonds will be deposited. As long as any proceeds of the bonds remain unexpended, the Superintendent of the District shall cause a report to be filed with the Board annually stating (1) the amount of bond proceeds received and expended in that year, and (2) the status of any School Facilities Project funded or to be funded from bond proceeds. The report may relate to the calendar year, fiscal year, or other appropriate annual period as the Superintendent shall determine and may be incorporated in the annual budget, audit, or another appropriate routine report to the Board.

**Limitation on the Use of the Proceeds of the Bonds.** Proceeds from the sale of bonds authorized by this measure shall be used only for the design, demolition, construction, acquisition, repair, renovation, rehabilitation or replacement of school facilities, including the furnishing and equipping of school facilities, as identified herein, and not for any other purpose, including teacher and administrator salaries and other operating expenses.



## **APPENDIX "1"**

### **SCHOOL FACILITIES PROJECT LIST**

The general obligation bond funds of the Central Union High School District ("School District") would be used to complete the School Facilities Projects identified below to include, but are not limited to; the planning, design, engineering, project management and construction costs and associated fees for such School Facilities Projects on existing campuses.

Each project includes the expenses of furnishing and equipping, architectural, engineering, design and planning costs, program/project management expenses (including project management performed by District personnel) and a customary contingency for unforeseen design and construction costs. Each bond project described below includes all work incidental to such projects, including but not limited to, demolition, rental or construction of storage facilities and other space on an interim basis and interim classrooms for students and school functions or other storage for classroom materials displaced during construction, addressing unforeseen conditions revealed by construction/modernization and other necessary improvements required to comply with existing building codes, including the Field Act and access requirements of the Americans with Disabilities Act, installation of irrigation and utility lines, governmental fees and permit costs, and all costs relating to the issuance of the bonds authorized hereunder and the costs of preparing the performance and financial audits required by this measure. Some projects may be undertaken as joint use projects in cooperation with other local public or non-profit agencies.

The order in which school facilities projects are listed above does not suggest an order of priority. Project priorities will be determined by the District Board. The District is unable to anticipate all unforeseen circumstances, which may prevent some of the projects listed above from being undertaken or completed.

The School Facilities Projects authorized to be funded from the proceeds of the bonds may be completed at each of the following school sites and facilities where such projects are determined to be necessary:

- Central High School;
- Desert Oasis High School;
- Phoenix Rising High School; and
- Southwest High School.

Such School Facilities Projects will include, but not be limited to, the following:

- Repairing or replacing aging classrooms;
- Remove and replace aging and unsafe portable classrooms;
- Repairing or replacing deteriorating or leaky roofs;
- Upgrading school security and fire and earthquake safety;

- Removing asbestos and lead paint from school facilities;
- Updating science, math and computer labs;
- Upgrading deteriorating plumbing and bathrooms;
- Replacing deteriorating sewer and gas lines;
- Upgrading physical education and athletic facilities;
- Repair or upgrade HVAC systems;
- Repairing, updating, constructing, equipping and acquiring educational facilities and technology to prepare students for careers and college.

**EXHIBIT "B"**

**BALLOT MEASURE  
(ABBREVIATED STATEMENT)**

“To upgrade neighborhood high schools and retain/attract teachers by updating classrooms, science, technology, engineering/math labs; meeting California earthquake standards; ensuring drinking water safety; upgrading leaky roofs/deteriorating bathrooms/physical education and athletic facilities; repairing, constructing, equipping/acquiring educational facilities to prepare students for college/careers, shall Central Union High School District issue \$30,000,000 in bonds, at legal rates, requiring audits, citizens' oversight, no money for administrators' salaries/all funds used locally?”

Section 19. **Effective Date.** This resolution shall take effect on and after its adoption.

PASSED AND ADOPTED by said Board of Trustees on 03/08/2016 by the following vote:

AYES: 5 MEMBERS:

NOES: 0 MEMBERS:

ABSENT: 0 MEMBER:

STATE OF CALIFORNIA )  
COUNTY OF IMPERIAL ) SS

I, Renato Montano, Secretary of the Board of Trustees, do hereby certify that the foregoing is a full, true, and correct copy of a resolution duly passed and adopted by said Board at a regularly called and conducted meeting held on said date.

Secretary of the Board of Trustees

