

Lucia Mar Unified School District Board of Education

**RESOLUTION NO. A-1516-28**

**RESOLUTION OF THE BOARD OF EDUCATION OF LUCIA MAR  
UNIFIED SCHOOL DISTRICT ORDERING AN ELECTION, AND  
ESTABLISHING SPECIFICATIONS OF THE ELECTION ORDER**

WHEREAS, the Board of Education (the "Board") is committed to maintaining the quality of education in local public schools by upgrading aging classrooms, science labs and computer systems to keep pace with technology at all schools; and

WHEREAS, the Board has determined that schools within the Lucia Mar Unified School District (the "District") need to be upgraded, repaired, expanded, improved and better equipped, in a fiscally prudent manner, and student safety improved by removing hazardous materials like asbestos and lead paint; and

WHEREAS, the Board believes it is in the best interest of the District to continue to address facility improvements now before they become more pressing and more costly, and provide classrooms, labs and career technical education courses so students are prepared for college and good-paying jobs in fields like health science, engineering, technology, robotics and the skilled trades; and

WHEREAS, whether or not Lucia Mar residents 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; 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 that the State cannot take away; 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 upgrade aging schools, protect student safety and help the District to qualify for millions of dollars of State matching funds; and

WHEREAS, such measure will include mandatory taxpayer protections, including an independent citizens' oversight committee and mandatory audits to ensure funds are spent as promised; 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, 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 8, 2016, and to request the San Luis Obispo County Registrar of Voters to perform certain election services for the District.

NOW THEREFORE, THE BOARD OF EDUCATION OF THE LUCIA MAR UNIFIED 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 San Luis Obispo 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 \$170,000,000 (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.

Section 2. That the date of the election shall be November 8, 2016.

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 policies of the Board 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 safety, class size reduction, classroom, educational and information technology needs of the District as well as the importance of the projects to improve student learning in core subjects like reading, math, science and technology;

(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 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 Education Code Section 5322.

Section 6. That the San Luis Obispo County Registrar of Voters and the San Luis Obispo County Board of Supervisors are hereby requested to consolidate the election ordered hereby with any and all other elections to be held on November 8, 2016 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.

Section 7. That the Secretary of the Board is hereby directed to deliver a certified copy of this Resolution to the San Luis Obispo County Registrar of Voters no later than July 27, 2016.

Section 8. 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.

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 San Luis Obispo County Registrar of Voters by the established deadlines.

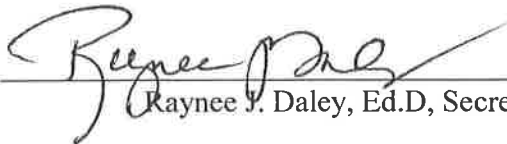
Section 10. Pursuant to Education Code Section 5303 and Elections Code Section 10002, the Board of Supervisors of San Luis Obispo County is requested to permit the Registrar of Voters to render all services specified by Elections Code Section 10418 relating to the election, for which services the District agrees to reimburse San Luis Obispo 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 14<sup>th</sup> day of June, 2016.

BOARD OF EDUCATION OF THE LUCIA MAR  
UNIFIED SCHOOL DISTRICT

By   
Chad Robertson, President

Attest:

  
Raynee J. Daley, Ed.D, Secretary

Resolution A-1516-28

STATE OF CALIFORNIA            )  
  ) ss  
SAN LUIS OBISPO COUNTY        )

I, Dr. Raynee J. Daley, do hereby certify that the foregoing is a true and correct copy of Resolution No. A-1516-28, which was duly adopted by the Board of Education of the Lucia Mar Unified School District at the meeting thereof held on the 14<sup>th</sup> day of June, 2016, and that it was so adopted on motion of board member Millis, seconded by board member Meagher, and by the following vote:

AYES: Mr. Dahl, Mrs. Martin, Mrs. Meagher, Mr. Millis, Mr. Robertson, Ms. Santos, Mr. Stewart

NOES: None

ABSENT: None

ABSTENTIONS: None

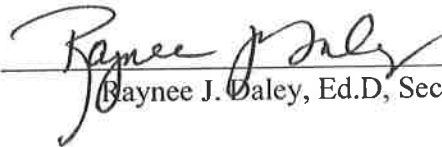
By  \_\_\_\_\_  
Raynee J. Daley, Ed.D, Secretary

EXHIBIT A

“To repair and modernize aging classrooms and facilities with funding that cannot be taken by the State, repair deteriorating roofs, plumbing/ electrical systems, improve student safety and campus security, construct, acquire, repair classrooms, sites, facilities/ equipment, upgrade classrooms/ science labs/ career/ vocational facilities and computer systems to keep pace with technology, shall Lucia Mar Unified School District issue \$170,000,000 in bonds at legal rates, with independent audits, citizen oversight, no money for administrator salaries, and all money staying local?”

Bonds – Yes

Bonds – No

## EXHIBIT B

### FULL TEXT BALLOT PROPOSITION OF THE LUCIA MAR UNIFIED SCHOOL DISTRICT BOND MEASURE ELECTION NOVEMBER 8, 2016

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

“To repair and modernize aging classrooms and facilities with funding that cannot be taken by the State, repair deteriorating roofs, plumbing/ electrical systems, improve student safety and campus security, construct, acquire, repair classrooms, sites, facilities/ equipment, upgrade classrooms/ science labs/ career/ vocational facilities and computer systems to keep pace with technology, shall Lucia Mar Unified School District issue \$170,000,000 in bonds at legal rates, with independent audits, citizen oversight, no money for administrator salaries, and all money staying local?”

#### PROJECT LIST

The Board of Education of the Lucia Mar Unified School District is committed to maintaining the quality of education in local schools with safe, secure, upgraded classrooms and labs for career and technology education to keep pace with 21<sup>st</sup> century technologies and learning standards. To that end, the Board evaluated the District’s urgent and critical facility needs, including safety issues, class size, computer and information technology, enrollment trends and prepared a Facilities Master Plan, 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 key health and safety needs so that the most critical facility needs are addressed. **The Board concluded that protecting the quality of our schools, the quality of life in our community, and the value of our homes is a wise investment.** Therefore, in approving this Project List, the Board of Education determines that the District must:

- (i) **Retain all funds to support local students and ensure that money cannot be taken away by the State; and**
- (ii) **Upgrade classrooms, science labs, computer systems to keep pace with technology; and**
- (iii) **Repair or replace deteriorating roofs, plumbing and electrical systems; and**
- (iv) **Upgrade facilities to support student achievement in core subjects like math, science, engineering and technology; and**
- (v) **Qualify for State matching funds; and**
- (vi) **Adhere to specific fiscal accountability safeguards such as:**
  - (a) **All expenditures must be subject to annual independent financial audits.**
  - (b) **No funds can be used for administrators’ salaries and pensions.**
  - (c) **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 District schools and sites:

**LOCAL SCHOOL FUNDING TO KEEP PACE WITH TECHNOLOGY:**  
**Basic School Repair and Upgrade Projects**

**Goals and Purposes:** All money raised by the measure will stay local to support Lucia Mar schools and students. It cannot be taken away by the State or used for other purposes.

Since most of our schools were built more than 50-years ago, they need basic repairs and improvements so that these schools can serve our community well for decades to come.

This measure will provide classrooms and labs for career technical education courses so students are prepared for college and good paying jobs in fields like health sciences, engineering, technology, and skilled trades.

- Upgrade and construct classrooms, science labs, career-training facilities and computer systems to keep pace with technology.
- Repair or replace deteriorating roofs, plumbing and electrical systems where needed.
- Remove hazardous asbestos and lead paint.
- Repair or replace outdated classrooms and school buildings with safe, modern facilities.
- Upgrade facilities to support achievement in math, science, engineering and the arts.
- Improve heating, air conditioning, insulation, doors and windows to increase energy efficiency and save money.

**SAFETY AND STUDENT ACHIEVEMENT:**  
**Projects That Improve Student Safety**

**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 campus security systems for improved student safety.

- Replace aging, outdated portables that are expensive to repair with modern permanent classrooms.
- Upgrade fire alarm systems to automatic systems, repair fire safety equipment, add smoke detectors/ sprinklers and fire safety doors to make students safe in the event of an emergency.
- Remove hazardous materials like asbestos and lead paint from older school sites.
- Improve access to school facilities for students with disabilities.
- Improve student safety and campus security systems, including security, lighting, and security cameras, fencing and classroom door locks.
- Upgrade emergency communication systems to improve student safety.



- Provide classrooms and labs for career technical education courses so students are prepared for college and good paying jobs in fields like health, sciences, engineering, technology and skilled trades.

**COLLEGE AND CAREER PREPARATION:**  
**District-Wide Instructional Technology Projects**

**Goal and Purpose:** If we want our students to succeed in college and careers, they must be skilled in the use of today's technologies and have a solid background in math, science, engineering and technology. This measure will update instructional technology in the classroom for improved student learning in core subjects like reading, math, science and technology.

- Update instructional technology in the classroom for improved student learning in core subjects like reading, science, technology, engineering and math (STEM).
- Upgrade classrooms and labs for career and technical education classes and computer systems to keep pace with technology.
- Upgrade computer systems to keep pace with technology; upgrade classroom and library technology and teaching equipment to enhance instruction.

**FISCAL ACCOUNTABILITY**

**This bond measure has strict accountability requirements including:**

1. All money will benefit local schools and CANNOT BE TAKEN BY THE STATE.
2. NO MONEY can be used for ADMINISTRATOR SALARIES.
3. Require CITIZENS' OVERSIGHT and yearly reports to the community to keep the District accountable for how the funds are spent.
4. 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 or administrator salaries, pensions and other operating expenses.
5. FISCAL ACCOUNTABILITY. 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.

\* \* \*

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/project management, staff training expenses and a customary contingency for unforeseen design and construction costs. In addition to the listed projects stated above, the Project List also includes the acquisition of a variety of instructional, maintenance and operational equipment, including the reduction or retirement of outstanding lease obligations and interim funding incurred to advance fund projects from the Project List; installation of signage and fencing; payment of the costs of preparation of all facility planning, facility studies, assessment reviews, facility master plan preparation and updates, environmental studies (including environmental investigation, remediation and monitoring), design and construction documentation, and temporary housing of dislocated District activities caused by construction projects. In addition to the projects listed above, the repair and renovation of each of the existing school facilities may include, but not be limited to, some or all of the following: renovate student and staff restrooms; repair and replace heating and ventilation systems; upgrade of facilities for energy efficiencies; repair and replace worn-out and deteriorated roofs, windows, walls, doors and drinking fountains; improve school facilities for disability access; install wiring and electrical systems to safely accommodate computers, technology and other electrical devices and needs; upgrade or construct support facilities, physical education (including playground equipment, tracks, bleachers, gyms (for student and community use), stadiums and locker rooms) and visual and performing arts facilities; repair and replace gas, water and sewer systems and lines, fire alarms, emergency communications and security systems; resurface or replace hard courts, asphalt, turf and irrigation systems; expand parking and drop-off areas; interior and exterior painting and floor covering; demolition; construct various forms of storage and support spaces and classrooms; repair, upgrade and install interior and exterior lighting systems; improve playgrounds, athletic fields and play apparatus; replace outdated security fences and security systems (including access control systems), provide indoor space for assemblies or for rainy day lunch; install shade structures; upgrade career training and adult education facilities. The upgrading of technology infrastructure includes, but is not limited to, Wi-Fi and other wireless technology systems, firewalls and computer security systems, phone systems, bells, alarms, cameras and other A/V systems, instructional technology such as projection systems digital whiteboards, document cameras and other classroom computer equipment and other miscellaneous equipment. The allocation of bond proceeds will 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. Some projects throughout the District may be undertaken as joint use projects in cooperation with other local public or non-profit agencies. 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. 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 more enhanced and operationally efficient campuses. Necessary site preparation/restoration 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, relocating fire access roads, and acquiring any necessary easements, licenses, or rights of way to the property. 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 bond projects. Bond proceeds shall only be expended for the specific purposes identified

herein. 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.

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.

