

RESOLUTION NO. 140

A-77

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

JUN 24 11:16
COUNTY CLERK

WHEREAS, the Board of Trustees (the "Board") has determined that certain properties and equipment within the Lompoc Unified School District (the "District"), within Santa Barbara County ("Santa Barbara County") need to be repaired, acquired, constructed, improved, and equipped to enable the District to enhance the educational opportunities of the students in the District; and

WHEREAS, notwithstanding ongoing efforts to obtain sufficient facility money from the State of California (the "State"), the State has been unable to provide the District with enough money necessary for the District to adequately repair its schools to provide an optimal learning environment for all its students; and

WHEREAS, in the judgment of the Board, it is advisable to provide additional facility funding for such needs by means of a general obligation bond; 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 which exempts from the 1% of full cash value limitation, those *ad valorem* taxes used to pay for debt service of 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, as of its effective date, reduced the voter threshold for *ad valorem* tax levies used to pay for debt service or 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 which are contained in Proposition 39 and the Act; and

WHEREAS, the Board hereby determines that the restrictions in Proposition 39 which prohibit any bond money from being wasted or used for administrative salaries or other operating expenses of the District be strictly enforced by the 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 \$60 per year per \$100,000 of assessed valuation of taxable property; and

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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, including any ballot pamphlet prepared, sponsored or distributed by the District, relating to the election; 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;

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 5, 2002, and to request the Santa Barbara County Registrar of Voters to perform certain election services for the District;

NOW THEREFORE, THE BOARD OF THE LOMPOC 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 Santa Barbara 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 not to exceed \$38,000,000 (the "Bonds") shall be issued and sold for the purpose of raising money for the purposes described in Exhibits A and B hereto.

Section 2. That the date of the election shall be November 5, 2002.

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" and incorporated by reference herein, 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 proposition in Exhibit "A" is subject to the following requirements and determinations:

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

(b) that the Board, in establishing the projects set forth in Exhibit "B", evaluated the safety, class size reduction and information technology needs of the District;

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

(d) that the Board will 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 will cause the appointment of 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 Elections Code Section 15274; and

(f) that the tax levy authorized to secure the bonds of this election shall not exceed \$60 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 County Registrar of Voters and the Santa Barbara County Board of Supervisors are hereby requested to consolidate the election ordered hereby with any and all other elections to be held on November 5, 2002 within the District.

Section 7. That the Secretary of the Board is hereby directed to send a certified copy of this Resolution to the Santa Barbara County Registrar of Voters no later than July 24, 2002.

Section 8. That the maturity of 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 of 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 be made by any body or official authorized by law to canvass the returns of the election and that the Board consents to such consolidation.

Section 10. Pursuant to Section 5303 of the Education Code and Section 10002 of the Elections Code, the Board of Supervisors of Santa Barbara County is requested to permit the Registrar of Voters to render all services specified by Section 10418 of the Elections Code relating to the election, for which services the District agrees to reimburse Santa Barbara 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.

EXHIBIT A

“To improve health and safety conditions by repairing, renovating, and equipping Lompoc schools, including student restrooms, repairing/replacing inadequate/unsafe electrical, heating systems, leaking roofs, windows, plumbing/sewer systems, deteriorating buildings, temporary classrooms, eliminating asbestos, mold and mildew, upgrading for fire and earthquake safety, constructing and acquiring classrooms, and to qualify for State matching funds, shall Lompoc Unified School District issue \$38,000,000 of bonds, at legal rates, with bond expenditures subject to independent citizen’s oversight and annual audits?”

Bonds - Yes

Bonds – No

EXHIBIT B

FULL TEXT BALLOT PROPOSITION OF THE LOMPOC UNIFIED SCHOOL DISTRICT BOND MEASURE ELECTION NOVEMBER 5, 2002

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

“To improve health and safety conditions by repairing, renovating, and equipping Lompoc schools, including student restrooms, repairing/replacing inadequate/unsafe electrical, heating systems, leaking roofs, windows, plumbing/sewer systems, deteriorating buildings, temporary classrooms, eliminating asbestos, mold and mildew, upgrading for fire and earthquake safety, constructing and acquiring classrooms, and to qualify for State matching funds, shall Lompoc Unified School District issue \$38,000,000 of bonds, at legal rates, with bond expenditures subject to independent citizen’s oversight and annual audits?”

The Board of Trustees of the Lompoc Unified School District has evaluated safety, class size reduction, and information technology needs in developing the scope of school facility projects to be funded, as outlined in the District’s Facilities Repair and Renovation Plan, approved by the Board on July 23, 2002, and as shall be amended from time to time, and on file in the District Superintendent’s Office including the following projects:

REPAIR AND RENOVATION OF EXISTING SCHOOL FACILITIES PROJECT LIST

Project costs for repair and renovation of existing school facilities may include, but are not limited to, some or all of the following: renovation of student restrooms; repair and replacement of heating and ventilation systems; repair and replacement of worn-out roofs, windows, walls and doors; installation of electrical system wiring to safely accommodate computers, technology and other electrical devices; repair and replacement of plumbing, sewer, and water pipes, fixtures and systems; repair and replacement of fire alarms, emergency communications and security systems; replacement of portable classrooms; demolition; seismic upgrades; asbestos and mold abatement; and, improved access for disabled persons.

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| <p>Buena Vista Elementary School</p> <ul style="list-style-type: none"> • <i>Renovate student restrooms</i> • <i>Repair/replace roofing</i> • <i>Repair/replace heating, ventilation, electrical, plumbing systems</i> • <i>Repair/renovate classrooms, buildings, windows, walls/doors</i> • <i>Upgrade emergency/security/technology systems</i> • <i>Seismic repairs, hazardous materials abatement, disabled access projects</i> | <p>Crestview Elementary School</p> <ul style="list-style-type: none"> • <i>Renovate student restrooms</i> • <i>Repair/replace roofing</i> • <i>Repair/replace heating, ventilation, electrical, plumbing systems</i> • <i>Repair/renovate classrooms, buildings, windows, walls/doors</i> • <i>Upgrade emergency/security/technology systems</i> • <i>Seismic repairs, hazardous materials abatement, disabled access projects</i> |
| <p>Fillmore Elementary School</p> <ul style="list-style-type: none"> • <i>Renovate student restrooms</i> • <i>Repair/replace roofing</i> • <i>Repair/replace heating, ventilation, electrical, plumbing systems</i> • <i>Repair/renovate classrooms, buildings, windows, walls/doors</i> • <i>Upgrade emergency/security/technology systems</i> • <i>Seismic repairs, hazardous materials abatement, disabled access projects</i> | <p>Hapgood Elementary School</p> <ul style="list-style-type: none"> • <i>Renovate student restrooms</i> • <i>Repair/replace roofing</i> • <i>Repair/replace heating, ventilation, electrical, plumbing systems</i> • <i>Repair/renovate classrooms, buildings, windows, walls/doors</i> • <i>Upgrade emergency/security/technology systems</i> • <i>Seismic repairs, hazardous materials abatement, disabled access projects</i> |
| <p>La Canada Elementary School</p> <ul style="list-style-type: none"> • <i>Renovate student restrooms</i> • <i>Repair/replace roofing</i> • <i>Repair/replace heating, ventilation, electrical, plumbing systems</i> • <i>Repair/renovate classrooms, buildings, windows, walls/doors</i> • <i>Upgrade emergency/security/technology systems</i> • <i>Seismic repairs, hazardous materials abatement, disabled access projects</i> | <p>La Honda Elementary School</p> <ul style="list-style-type: none"> • <i>Renovate student restrooms</i> • <i>Repair/replace roofing</i> • <i>Repair/replace heating, ventilation, electrical, plumbing systems</i> • <i>Repair/renovate classrooms, buildings, windows, walls/doors</i> • <i>Upgrade emergency/security/technology systems</i> • <i>Seismic repairs, hazardous materials abatement, disabled access projects</i> |

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| <p>Los Berros Elementary School</p> <ul style="list-style-type: none"> • <i>Renovate student restrooms</i> • <i>Repair/replace roofing</i> • <i>Repair/replace heating, ventilation, electrical, plumbing systems</i> • <i>Repair/renovate classrooms, buildings, windows, walls/doors</i> • <i>Upgrade emergency/security/technology systems</i> • <i>Seismic repairs, hazardous materials abatement, disabled access projects</i> | <p>Los Padres Elementary School</p> <ul style="list-style-type: none"> • <i>Renovate student restrooms</i> • <i>Repair/replace roofing</i> • <i>Repair/replace heating, ventilation, electrical, plumbing systems</i> • <i>Repair/renovate classrooms, buildings, windows, walls/doors</i> • <i>Upgrade emergency/security/technology systems</i> • <i>Seismic repairs, hazardous materials abatement, disabled access projects</i> |
| <p>Miguelito Elementary School</p> <ul style="list-style-type: none"> • <i>Renovate student restrooms</i> • <i>Repair/replace roofing</i> • <i>Repair/replace heating, ventilation, electrical, plumbing systems</i> • <i>Repair/renovate classrooms, buildings, windows, walls/doors</i> • <i>Upgrade emergency/security/technology systems</i> • <i>Seismic repairs, hazardous materials abatement, disabled access projects</i> | <p>Clarence Ruth Elementary School</p> <ul style="list-style-type: none"> • <i>Renovate student restrooms</i> • <i>Repair/replace roofing</i> • <i>Repair/replace heating, ventilation, electrical, plumbing systems</i> • <i>Repair/renovate classrooms, buildings, windows, walls/doors</i> • <i>Upgrade emergency/security/technology systems</i> • <i>Seismic repairs, hazardous materials abatement, disabled access projects</i> |
| <p>Lompoc Valley Middle School</p> <ul style="list-style-type: none"> • <i>Renovate student restrooms</i> • <i>Repair/replace roofing</i> • <i>Repair/replace heating, ventilation, electrical, plumbing systems</i> • <i>Repair/renovate classrooms, buildings, windows, walls/doors</i> • <i>Upgrade emergency/security/technology systems</i> • <i>Seismic repairs, hazardous materials abatement, disabled access projects</i> | <p>Vandenberg Middle School</p> <ul style="list-style-type: none"> • <i>Renovate student restrooms</i> • <i>Repair/replace roofing</i> • <i>Repair/replace heating, ventilation, electrical, plumbing systems</i> • <i>Repair/renovate classrooms, buildings, windows, walls/doors</i> • <i>Upgrade emergency/security/technology systems</i> • <i>Seismic repairs, hazardous materials abatement, disabled access projects</i> |

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| <p>El Camino Middle School</p> <ul style="list-style-type: none"> • <i>Renovate student restrooms</i> • <i>Repair/replace roofing</i> • <i>Repair/replace heating, ventilation, electrical, plumbing systems</i> • <i>Repair/renovate classrooms, buildings, windows, walls/doors</i> • <i>Upgrade emergency/security/technology systems</i> • <i>Seismic repairs, hazardous materials abatement, disabled access projects</i> | <p>Cabrillo High School</p> <ul style="list-style-type: none"> • <i>Renovate student restrooms</i> • <i>Repair/replace roofing</i> • <i>Repair/replace heating, ventilation, electrical, plumbing systems</i> • <i>Repair/renovate classrooms, buildings, windows, walls/doors</i> • <i>Upgrade emergency/security/technology systems</i> • <i>Seismic repairs, hazardous materials abatement, disabled access projects</i> |
| <p>Lompoc High School</p> <ul style="list-style-type: none"> • <i>Renovate student restrooms</i> • <i>Repair/replace roofing not yet completed</i> • <i>Repair/replace heating, ventilation, electrical, plumbing systems</i> • <i>Repair/renovate classrooms, buildings, windows, walls/doors</i> • <i>Upgrade emergency/security/technology systems</i> • <i>Seismic repairs, hazardous materials abatement, disabled access projects</i> | <p>Maple High School</p> <ul style="list-style-type: none"> • <i>Renovate student restrooms</i> • <i>Repair/replace roofing</i> • <i>Repair/replace heating, ventilation, electrical, plumbing systems</i> • <i>Repair/renovate classrooms, buildings, windows, walls/doors</i> • <i>Upgrade emergency/security/technology systems</i> • <i>Seismic repairs, hazardous materials abatement, disabled access projects</i> |
| <p>La Mesa Elementary School</p> <ul style="list-style-type: none"> • <i>Repair/renovate classrooms and school buildings/replacement of roof /mechanical systems required to maintain school building integrity</i> | <ul style="list-style-type: none"> • <i>Replacement of portable classrooms as needed</i> |

Listed repairs, renovation projects and upgrades will be completed as needed at a particular site. Each project is assumed to include its share of costs of the election and bond issuance, architectural, engineering, and similar planning costs, construction management, and a customary contingency for unforeseen design and construction costs. The final cost of each project will be determined as plans are finalized, construction bids are awarded, and projects are completed. The allocation of bond proceeds, as well as the timely completion of the projects, will be affected by the District's receipt of State matching funds and the final costs of each project. The District will aggressively pursue all eligible State funding and any other types of funding available in order to maximize total funding for the projects identified in the Facilities Repair and Renovation Plan. The budget for each project is an estimate and may be affected by factors beyond the District's control. The timing of projects will be established by the Board of Trustees after review by the Citizens Oversight Committee.

No Administrator Salaries. Proceeds from the sale of bonds authorized by this proposition shall be used only for the repair, renovation, 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 not for any other purpose, including teacher and administrator salaries and other operating expenses.

Bond Expenditure and Citizen Oversight. The expenditure of bond money on these projects are subject to tough financial accountability requirements. 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 timing of projects will be established by the Board of Trustees after review by the Citizens Oversight Committee.