

RESOLUTION NO. 20

RESOLUTION OF THE BOARD OF TRUSTEES OF ORCUTT  
UNION SCHOOL DISTRICT ORDERING AN ELECTION, AND  
ESTABLISHING SPECIFICATIONS OF THE ELECTION ORDER

WHEREAS, the Board of Trustees (the "Board") is committed to maintaining the quality of education in local public schools by upgrading aging classrooms and updating learning technology at all schools; and

WHEREAS, the Board has determined that schools within the Orcutt Union School District (the "District") need to be upgraded, repaired, expanded, improved and better equipped, in a fiscally prudent manner, to ensure that our schools are safe and up-to-date; and

WHEREAS, whether or not our residents have school-age children, good schools help maintain high property values and make our community a desirable place to live; and

WHEREAS, 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 or be used for other purposes; 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; 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 Santa Barbara County Registrar of Voters to perform certain election services for the District.

NOW THEREFORE, THE BOARD OF TRUSTEES OF THE ORCUTT UNION 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 of \$60,000,000 (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 Santa Barbara 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 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 Santa Barbara County Registrar of Voters no later than June 29, 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.

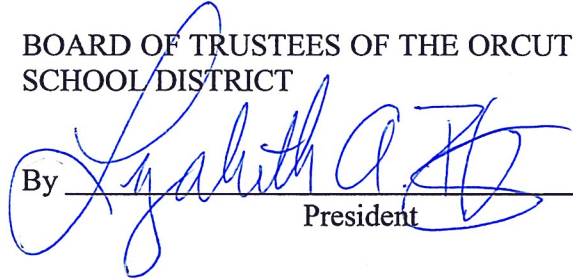
Section 9. That the Board requests the governing body of any such other political subdivision, or any officer otherwise authorized by law, to partially or completely consolidate such election and to further provide that the canvass of the returns of the election be made by any body or official authorized 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 Santa Barbara 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 Santa Barbara 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 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 Elections Code Section 9401) pursuant to the terms of Education Code Section 5363 and Elections Code Section 12112.

ADOPTED, SIGNED AND APPROVED this 23rd day of June, 2016.

BOARD OF TRUSTEES OF THE ORCUTT UNION  
SCHOOL DISTRICT

By  \_\_\_\_\_  
President

Attest:

 \_\_\_\_\_  
Secretary

STATE OF CALIFORNIA            )  
  )ss  
SANTA BARBARA COUNTY        )

I, Dr. Deborah Blow, do hereby certify that the foregoing is a true and correct copy of Resolution No. 20, which was duly adopted by the Board of Trustees of the Orcutt Union School District at the meeting thereof held on the 23rd day of June, 2016, and that it was so adopted by the following vote:

AYES:                            5  
NOES:                            0  
ABSENT:                         0  
ABSTENTIONS:                 0

By Deborah L. Blow  
Secretary

EXHIBIT A

“To repair/ upgrade Orcutt/ Los Alamos elementary/ secondary schools, including deteriorated roofs, plumbing, and electrical systems, improve student safety/ security and disabled access, keep schools well-maintained, acquire, renovate, construct classrooms/ facilities/ equipment and technology infrastructure to support programs in science, math, reading and arts, replace aging portables with modern classrooms, shall Orcutt Union School District issue \$60 million in bonds at legal rates, with citizens’ oversight, annual audits, no funds for administrators, and all funds benefiting localschools?”

Bonds – Yes

Bonds – No

## EXHIBIT B

### FULL TEXT BALLOT PROPOSITION OF THE ORCUTT UNION SCHOOL DISTRICT BOND MEASURE ELECTION NOVEMBER 8, 2016

The following is the full proposition presented to the voters by the Orcutt Union School District.

“To repair/ upgrade Orcutt/ Los Alamos elementary/ secondary schools, including deteriorated roofs, plumbing, and electrical systems, improve student safety/ security and disabled access, keep schools well-maintained, acquire, renovate, construct classrooms/ facilities/ equipment and technology infrastructure to support programs in science, math, reading and arts, replace aging portables with modern classrooms, shall Orcutt Union School District issue \$60 million in bonds at legal rates, with citizens’ oversight, annual audits, no funds for administrators, and all funds benefiting local schools?”

#### PROJECT LIST

The Board of Trustees of the Orcutt Union School District is committed to maintaining the quality of education in local schools with safe, clean and well maintained classrooms and science labs so that our students are prepared to excel in the 21<sup>st</sup> Century. To that end, the Board evaluated the District’s urgent and critical facility needs, including safety issues, class size reduction, computer and information technology, and 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 by making essential repairs and upgrades to our 55 to 70-year old schools, we would contribute to making our community a desirable place to live and the community strong.** Therefore, in approving this Project List, the Board of Trustees determines that the District must:

- (i) **Ensure that all funds are used to support local students and used for educational purposes only, with no money spent on administrators’ salaries; and**
- (ii) **Repair deteriorated roofs, plumbing and electrical systems; and**
- (iii) **Bring school facilities up to current fire, safety, and disability access codes; and**
- (iv) **Provide updated science labs and additional classrooms to support educational programs; and**
- (v) **Adhere to clear system of accountability, such as:**
  - (a) **All expenditures must be subject to annual independent financial audits.**
  - (b) **An independent citizens’ oversight committee must be appointed to ensure that all funds are spent properly.**
  - (c) **No funds can be spent on administrators’ salaries.**

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

## **LOCAL FUNDING TO MAKE BASIC SCHOOL REPAIRS:**

**Goals and Purposes:** All money raised by the measure will stay local to ensure our schools remain safe and up-to-date. No funds can be taken away by the State and all funds must be used only for educational purposes.

Since all of our schools were built more than 55-years ago they need essential repairs and upgrades to ensure that our schools are safe and up-to-date.

- **Repair deteriorating roofs, windows, replace old and inefficient heating, cooling, plumbing systems and upgrade restrooms, security systems to ensure that old schools are safe and up-to-date.**
- Maximize energy efficiency and water conservation.
- Replace aging classrooms.
- Upgrade and repair aging classrooms.
- **Bring school facilities up to current fire, safety, and disability access codes.**

## **SCHOOL SAFETY AND LEARNING TECHNOLOGY PROJECTS:**

**Goal and Purpose:** Whether or not you have school-age children, protecting the quality of our schools, the quality of life in our community, and the value of our homes is a wise investment. This measure will upgrade the learning technology infrastructure and provide career technical training so that our students are prepared to excel in the 21<sup>st</sup> Century.

- **Keep schools safe, clean and well-maintained.**
- Update technology infrastructure.
- **Add classrooms to avoid overcrowding.**
- Update science labs.
- **Improve traffic safety at school drop-off locations.**
- Ensure all classrooms have reliable Internet access.
- Improve school site safety for students, teachers and staff.

## **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 or administration
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, 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, and 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: installation of signage and fencing; renovate student and staff restrooms; upgrade libraries for 21<sup>st</sup> Century learning; repair and replace heating and ventilation systems; upgrade facilities for energy efficiencies, including energy management systems; repair and replace worn-out and deteriorated roofs, windows, floors, walls, doors and drinking fountains; improve school facilities for disability access; install shade structures, wiring and electrical systems and power upgrades to safely accommodate computers, technology and other electrical devices and needs; upgrade or construct classrooms, labs, support facilities, including administrative, physical education (including playground equipment), and performing arts facilities; modernize and equip classrooms at Orcutt Academy Charter school so students are college and career ready; repair and replace gas, water and sewer systems and lines, fire alarms, phone systems, emergency communications, security systems, CCTV security, doors and locks; resurface, repair or replace hard courts, asphalt, and irrigation systems and campus landscaping; expand or modify parking lots and drop-off areas, including parking lot barriers and vehicle/ pedestrian fencing and gates; 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; install unitary surfacing in existing playgrounds; and replace outdated security fences and security cameras (including access control systems). The upgrading of technology infrastructure includes, but is not limited to, switches, routers, modules, new data system including IDF racks and wireless access points, upgrade voice-over-IP, call manager and network security/firewall, wireless technology systems, infrastructure upgrades and other miscellaneous equipment. 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.**