

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
ACTION AGENDA SUMMARY

DEPT: Board of Supervisors

BOARD AGENDA# *A-8

Urgent _____ Routine X

AGENDA DATE April 24, 2001

CEO Concurs with Recommendation YES X NO _____
(Information Attached)

4/5 Vote Required YES _____ NO X

SUBJECT:

APPROVAL OF REQUEST TO CONDUCT A SPECIAL MAILED BALLOT ELECTION
ON JULY 17, 2001 FROM THE EMPIRE UNION SCHOOL DISTRICT FOR
CONSIDERATION OF CHANGES IN COMMUNITY FACILITIES DISTRICT NO. 1987-1

STAFF RECOMMENDATIONS:

1. APPROVE REQUEST TO CONDUCT A SPECIAL MAILED BALLOT ELECTION
ON JULY 17, 2001 FROM THE EMPIRE UNION SCHOOL DISTRICT FOR
CONSIDERATION OF CHANGES IN COMMUNITY FACILITIES DISTRICT NO.
1987-1

FISCAL IMPACT:

NONE

BOARD ACTION AS FOLLOWS:

No. 2001-282

On motion of Supervisor Simon, Seconded by Supervisor Mayfield
and approved by the following vote,

Ayes: Supervisors: Mayfield, Simon, Caruso, and Chair Paul

Noes: Supervisors: None

Excused or Absent: Supervisors: Blom

Abstaining: Supervisor: None

1) X Approved as recommended

2) _____ Denied

3) _____ Approved as amended

Motion:

**EMPIRE UNION SCHOOL DISTRICT
BOARD OF TRUSTEES
RESOLUTION #166-040501**

**A RESOLUTION CALLING FOR A SPECIAL MAILED BALLOT
ELECTION TO BE CONDUCTED ON JULY 17, 2001, TO
CONSIDER CERTAIN PROPOSED CHANGES IN COMMUNITY
FACILITIES DISTRICT NO. 1987-1 AND REQUESTING THE
REGISTRAR OF VOTERS OF THE COUNTY OF STANISLAUS
TO CONDUCT SAID ELECTION**

WHEREAS, in 1987 this Board of Trustees (the "Board of Trustees") of the Empire Union School District (the "District") conducted proceedings in accordance with the Community Facilities Act of 1982, Chapter 2.5 of Division 2 of Title 5 of the California Government Code, commencing with Section 53311 (the "Act"), to form the "Community Facilities District No. 1987-1, Empire Union School District, Stanislaus County, California" ("CFD 1987-1"), for purposes of financing the acquisition of school sites and the improvement of specified school sites and buildings through the construction, renovation, expansion, modernization, and equipping thereof, together with related improvements and other capital construction or renovation projects deemed necessary by the Board of Trustees;

WHEREAS, this Board of Trustees conducted an election on November 3, 1987, within CFD 1987-1 at which at least two-thirds of the electors approved the formation of the district, the levy of a special tax for authorized facilities, and the issuance of bonds for said purposes;

WHEREAS, this Board of Trustees conducted an election on November 3, 1998, within CFD 1987-1 at which at least two-thirds of the electors approved change proceedings amending the list of school facilities to be financed in CFD 1987-1, with no change in the special tax previously authorized;

WHEREAS, this Board of Trustees, by its Resolution No. 144-030101, adopted on March 1, 2001 (the "Resolution of Consideration"), determined that the public convenience and necessity require (1) certain changes to be made to the authorized facilities to include additional school facilities within CFD 1987-1; (2) an increase in the authorized maximum amount of bonded indebtedness to finance the authorized facilities, including the newly added school facilities; (3) the extension of the authorized term of any issue of bonds; and (4) an increase in the appropriations limit of CFD 1987-1 (collectively, the "Changes"), with no change in the authorized special tax, and proposed to conduct an election within CFD 1987-1 to obtain approval of the proposed Changes;

WHEREAS, pursuant to said Resolution of Consideration and the Act, this Board of Trustees duly called, gave notice of, and conducted a public hearing regarding the proposed Changes and election, at which were invited testimony and protests of any registered voter and landowner in CFD 1987-1 concerning said Changes, and at which the Board of Trustees did not receive written protests sufficient to require amendment or suspension of these proceedings;

WHEREAS, this Board of Trustees is authorized by Sections 53326 and 53338 of the Act to conduct the election within and for CFD 1987-1 and deems it necessary and desirable to permit the electors of CFD 1987-1 to consider authorizing the Changes;

WHEREAS, pursuant to Section 53326 of the Act, the Board of Trustees may authorize the election to be conducted by all-mailed ballots;

WHEREAS, Section 53326 of the Act provides that in the event the election is called fewer than 125 days prior to the election, the consent of the election official is required;

WHEREAS, Section 10002 of the Elections Code provides that this Board of Trustees may request the Board of Supervisors of the County of Stanislaus to permit the Registrar of Voters to render specified services relating to the conduct of the election on a reimbursable basis, and Section 5303 of the Education Code provides that the county Registrar of Voters shall perform the duties incident to the preparation for and holding of all school district elections;

NOW, THEREFORE, this Board of Trustees of the Empire Union School District **RESOLVES**:

1. The recitals hereto are true and correct, and this Board of Trustees so finds and determines.

2. This Board of Trustees hereby calls and orders, and there shall be conducted, a special mailed ballot election on July 17, 2001 in Community Facilities District No. 1987-1 of the District at which there shall be submitted to the voters of the District, as the qualified electors of Community Facilities District No. 1987-1, the following measure:

“Without increasing the existing voter-approved special tax for school facilities, shall the Board of Trustees of the Empire Union School District be authorized, through its Community Facilities District No. 1987-1, to (1) amend the list of school facilities authorized to be constructed and improved; (2) increase the authorized maximum amount of bonded indebtedness by \$15,000,000; (3) permit bonds to mature through fiscal year 2031-2032; and (4) increase the appropriations limit of Community Facilities District No. 1987-1 to \$5,500,000?”

3. The election shall be conducted as a registered-voter all-mailed ballot election pursuant to Sections 53326 and 53327 of the Act.

4. The concurrence of the Registrar of Voters of the County of Stanislaus to conduct said election fewer than 125 days following adoption of this order is hereby requested, and the Board of Supervisors of the County of Stanislaus is hereby requested pursuant to Sections 53326 and 53327 of the Act to authorize and direct the Registrar of Voters of the County of Stanislaus to conduct said election on behalf of the District in accordance with this order and all applicable laws.

5. The Registrar of Voters is requested to print the abbreviation of the measure as contained in Section 2 hereof on the ballots, and to include in the voter information pamphlets to be mailed to the qualified electors of CFD 1987-1, the full text of the measure,

consisting of (1) the abbreviation of the measure as contained in Section 2 hereof and (2) Exhibit A hereto, entitled, "The Project", which contains the proposed amended list of authorized facilities. The Registrar of Voters is also requested to print an impartial analysis of the measure and arguments and rebuttal arguments (if any) for and against the measure in the voter information pamphlets and to prepare election materials and provide other election services in the manner provided by law for conducting school district elections, including, as necessary:

- Voter indexes
- Verification of signatures
- Publication of required election notices
- Printing of measures and arguments
- Printing and mailing of sample and official ballots
- Mailing of voter information pamphlets (including all information required to be included therein)
- Conduct of election
- Canvass of votes cast
- Certification of results
- All other services necessary and proper for the conduct of the election


6. The District is hereby authorized to pay the reasonable costs charged by the Registrar of Voters of the County of Stanislaus for conducting the election, and to deposit such amount in advance of the election as may be required by the Registrar of Voters.

7. If two-thirds of the votes cast in the election are in favor of the measure, this Board of Trustees shall adopt a resolution of change pursuant to Section 53338 of the Act.

8. The Clerk of this Board of Trustees is hereby directed to deliver a certified copy of this resolution to the Registrar of Voters of the County of Stanislaus and to the Clerk of the Board of Supervisors of the County of Stanislaus.

PASSED AND ADOPTED by the Board of Trustees of the Empire Union School District this 5th day of April, 2001, by the following vote:

AYES: 5 NOES: 0 ABSENT: 0 ABSTAIN: 0



President of the Board of Trustees,
Empire Union School District

ATTEST:



Clerk of the Board of Trustees

CLERK'S CERTIFICATE

I, Patricia Shafer, Clerk of the Board of Trustees of the Empire Union School District, do hereby certify as follows:

The foregoing resolution is a full, true and correct copy of a resolution duly adopted at a regular meeting of the Board of Trustees of said School District duly and regularly held at the regular meeting place thereof on the 5th day of April, 2001, of which meeting all of the members of said Council had due notice and at which a majority thereof were present, and that at said meeting said resolution was adopted by the following vote:

AYES:	5
NOES:	0
ABSENT:	0
ABSTAIN:	0

An agenda for said meeting was posted at least seventy-two (72) hours before said meeting at the regular meeting place of the Board of Trustees of the Empire Union School District, 116 North McClure Road, Modesto, CA 95357, a location freely accessible to members of the public, and a brief description of said resolution appeared on said agenda.

I have carefully compared the foregoing with the original minutes of said meeting on file and of record in my office, and the foregoing is a full, true and correct copy of the original resolution adopted at said meeting and entered in said minutes.

Said resolution has not been amended, modified or rescinded since the date of its adoption and the same is now in full force and effect.

Dated: April 5, 2001.



Clerk of the Board of Trustees,
Empire Union School District

EXHIBIT A

THE PROJECT

The Project consists of the construction, remodeling, renovation, equipping and acquisition of school and classroom facilities, including without limitation all land acquisition, landscaping, playgrounds, technology and telecommunications (including cabling, hardware, software, installation and start-up and conversion costs), fire safety systems, on- and off-site utilities and other ancillary or appurtenant improvements as determined by the District; all for the following facilities:

1. Empire Elementary School
2. Sipherd Elementary School
3. Capistrano Elementary School
4. Teel Middle School
5. Hughes Elementary School
6. Stroud Elementary School
7. Glick Middle School
8. District Administrative Offices

The Project also includes all expenses incidental to the projects described above, including expenses incidental to the financing (including special tax bonds, leases or other financing mechanisms) and the expenses of the Mello-Roos proceedings.