

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

DEPT: Board of Supervisors

BOARD AGENDA# *A-4c

Urgent _____ Routine X

AGENDA DATE July 31, 2001

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

4/5 Vote Required YES _____ NO X

SUBJECT:

APPROVAL TO CONSOLIDATE WITH THE GENERAL ELECTION ON NOVEMBER 6, 2001 THE MODESTO CITY ELEMENTARY SCHOOL DISTRICT BOND ELECTION AND THE MODESTO CITY HIGH SCHOOL DISTRICT BOND ELECTION

STAFF RECOMMENDATIONS:

1. APPROVE CONSOLIDATING WITH THE GENERAL ELECTION ON NOVEMBER 6, 2001 THE MODESTO CITY ELEMENTARY SCHOOL DISTRICT BOND ELECTION AND THE MODESTO CITY HIGH SCHOOL DISTRICT BOND ELECTION

FISCAL IMPACT:

NONE

No. 2001-549

On motion of Supervisor Blom, Seconded by Supervisor Caruso

and approved by the following vote,

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

Noes: Supervisors: None

Excused or Absent: Supervisors: Simon

Abstaining: Supervisor: None

1) X Approved as recommended

2) _____ Denied

3) _____ Approved as amended

MOTION:

Christine Ferraro

RESOLUTION 01/02-06

BOARD OF SUPERVISORS

RESOLUTION OF THE BOARD OF EDUCATION OF THE MODESTO CITY
ELEMENTARY SCHOOL DISTRICT ORDERING AN ELECTION, AND
ESTABLISHING SPECIFICATIONS OF THE ELECTION ORDER

WHEREAS, the Board has determined that certain properties and facilities within the District, need to be acquired, constructed, equipped, improved, and furnished to enable the District to enhance the educational opportunities of the students in the District; and

WHEREAS, in the judgment of the Board, it is advisable to provide the funding for a portion of such needs by means of a general obligation bond; and

WHEREAS, Proposition 46, approved by the voters of the State of California 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, will reduce 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 local school district general obligation bond; 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 A.B. 1908 which implements Proposition 39; and

WHEREAS, in the judgment of the Board, it is advisable to order the County of Stanislaus Registrar of Voters to call an election under the provisions of Proposition 39 on the question of whether bonds shall be issued and sold for purposes set forth below.

NOW THEREFORE, THE BOARD OF EDUCATION OF THE MODESTO CITY ELEMENTARY SCHOOL DISTRICT DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:

Section 1. That the Board, pursuant to Education Code Section 15100 and Government Code Section 53606, hereby orders the call of an election under the provisions of Proposition 39 and the submission to the electors of the District the question of whether bonds of the District in the aggregate principal amount not to exceed \$17,000,000 (the "Bonds") shall be issued and sold to raise money for the purposes and projects described in Exhibits A and B hereto.

Section 2. That the date of the election shall be November 6, 2001.

Section 3. That the purpose of the election shall be (i) 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

school facilities to the extent permitted by such proposition, and (ii) for the furnishing and equipping of the school facilities described in Exhibit B. In compliance with Proposition 39 and A.B. 1908, 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 monies get expended for the school 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 Citizen's Oversight Committee in compliance with Education Code Section 15278 no later than immediately following the successful bond election; and

(f) that the tax levy authorized to secure the bonds of this election shall not exceed \$30 per \$100,000 of taxable property in the District.

Section 4. That the authority for ordering the election is contained in Education Code Section 15100 and Government Code Section 53606.

Section 5. That the authority for the specifications of this election order is contained in Section 5322 of the Education Code.

Section 6. That this Resolution shall stand as the order to the County of Stanislaus Registrar of Voters to call an election within the boundaries of the District on November 6, 2001.

Section 7. That the Secretary of the Board is hereby directed to send a certified copy of this Resolution to the County of Stanislaus Registrar of Voters for receipt no later than August 8, 2001.

Section 8. That the maturity of any bonds issued pursuant to Section 15100 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.

Section 9. That pursuant to Education Code Section 17032, the Board hereby encumbers the proceeds of the sale of the Bonds to pay for the acquisition, site improvement, construction and reconstruction to the extent permitted by the proposition set forth in Exhibit A.

Section 10. 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 11. Pursuant to Section 5303 of the Education Code and Section 10002 of the Elections Code, the Board of Supervisors of County of Stanislaus 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 the 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.

ADOPTED, SIGNED AND APPROVED this 16th day of July, 2001.

BOARD OF EDUCATION OF THE MODESTO
CITY ELEMENTARY SCHOOL DISTRICT

By *Cindy Marks*
Cindy Marks, President

Attest:

James C. Enochs
James C. Enochs, Secretary

STATE OF CALIFORNIA)
)ss
COUNTY OF STANISLAUS)

I, James C. Enochs, do hereby certify that the foregoing is a true and correct copy of Resolution No. 01/02-06, which was duly adopted by the Board of Education of the Modesto City Elementary School District at meeting thereof held on the 16th day of July, 2001, and that it was so adopted by the following vote:

AYES: Chin, Cordova, Johnson, Lopez, Marks, Nyegaard
NOES: None
ABSENT: None
ABSTENTIONS: None

By James C. Enochs
Secretary
James C. Enochs

REGISTERED AND
2001 JUL 24 PM 12:40
CLERK

EXHIBIT A

“To repair older school classrooms and buildings, construct, acquire, and furnish school facilities, add classrooms, science and computer labs, libraries, cafeterias, upgrade electrical wiring for technology and heating and cooling systems, and repair deteriorating restrooms, shall the Modesto City Elementary School District issue \$17 million of bonds at legal interest rates, appoint a citizens oversight committee, and perform annual financial and performance audits, with no proceeds used for teacher or administrator salaries or other school operating expenses?”

Bonds - Yes

Bonds - No

EXHIBIT B
 FULL TEXT BALLOT PROPOSITION
 MODESTO CITY ELEMENTARY SCHOOL DISTRICT
 BOND MEASURE ELECTION NOVEMBER 6, 2001

The following is the full proposition presented to the voters by the Modesto City Elementary School District.

“To repair older school classrooms and buildings, construct, acquire, and furnish school facilities, add classrooms, science and computer labs, libraries, cafeterias, upgrade electrical wiring for technology and heating and cooling systems, and repair deteriorating restrooms, shall the Modesto City Elementary School District issue \$17 million of bonds at legal interest rates, appoint a citizens oversight committee, and perform annual financial and performance audits, with no proceeds used for teacher or administrator salaries or other school operating expenses?”

The Board of Education of Modesto City Elementary School District has evaluated safety, class size reduction, and information technology needs in developing the list of school facilities projects to be funded, as included in the District’s School Facilities Fee Plan, approved by the Board on March 31, 2000, as shall be amended from time to time, including but not limited to the following projects at the estimated costs shown:

(A)	Renovation of existing facilities and construction of new facilities at Bret Harte Elementary School	\$7,300,000
(B)	Replace 60-year old cafeteria buildings at Roosevelt and La Loma Schools	\$3,500,000
(C)	Upgrade electrical and heating and cooling systems at Mark Twain and La Loma Schools.....	\$1,900,000
(D)	Upgrade electrical capacity at Roosevelt School.....	\$350,000
(E)	Construct food preparation facilities in existing cafeterias at Lakewood and Rose Avenue Schools.....	\$800,000
(F)	Renovate science labs at Mark Twain, Roosevelt, and La Loma Schools	\$300,000
(G)	Construct cafeteria at Enslin School	\$600,000
(H)	Expand library at Beard School	\$350,000
(I)	Expand library at Fremont School.....	\$300,000
(j)	Purchase and construct classrooms and facilities for class size reduction.....	\$1,600,000
	Total:	<u>\$17,000,000</u>

2001 JUL 25 A 10: 26

RESOLUTION OF THE BOARD OF EDUCATION OF THE MODESTO CITY
HIGH SCHOOL DISTRICT ORDERING AN ELECTION, AND ESTABLISHING
SPECIFICATIONS OF THE ELECTION ORDER

WHEREAS, the Board has determined that certain properties and facilities within the District, need to be acquired, constructed, equipped, improved, and furnished to enable the District to enhance the educational opportunities of the students in the District; and

WHEREAS, in the judgment of the Board, it is advisable to provide the funding for a portion of such needs by means of a general obligation bond; and

WHEREAS, Proposition 46, approved by the voters of the State of California 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, will reduce 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 local school district general obligation bond; 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 A.B. 1908 which implements Proposition 39; and

WHEREAS, in the judgment of the Board, it is advisable to order the County of Stanislaus Registrar of Voters to call an election under the provisions of Proposition 39 on the question of whether bonds shall be issued and sold for purposes set forth below.

NOW THEREFORE, THE BOARD OF EDUCATION OF THE MODESTO CITY HIGH SCHOOL DISTRICT DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:

Section 1. That the Board, pursuant to Education Code Section 15100 and Government Code Section 53606, hereby orders the call of an election under the provisions of Proposition 39 and the submission to the electors of the District the question of whether bonds of the District in the aggregate principal amount not to exceed \$65,000,000 (the "Bonds") shall be issued and sold to raise money for the purposes and projects described in Exhibits A and B hereto.

Section 2. That the date of the election shall be November 6, 2001.

Section 3. That the purpose of the election shall be (i) 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

school facilities to the extent permitted by such proposition, and (ii) for the furnishing and equipping of the school facilities described in Exhibit B. In compliance with Proposition 39 and A.B. 1908, 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 monies get expended for the school 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 Citizen's Oversight Committee in compliance with Education Code Section 15278 no later than immediately following the successful bond election; and

(f) that the tax levy authorized to secure the bonds of this election shall not exceed \$30 per \$100,000 of taxable property in the District.

Section 4. That the authority for ordering the election is contained in Education Code Section 15100 and Government Code Section 53606.

Section 5. That the authority for the specifications of this election order is contained in Section 5322 of the Education Code.

Section 6. That this Resolution shall stand as the order to the County of Stanislaus Registrar of Voters to call an election within the boundaries of the District on November 6, 2001.

Section 7. That the Secretary of the Board is hereby directed to send a certified copy of this Resolution to the County of Stanislaus Registrar of Voters for receipt no later than August 8, 2001.

Section 8. That the maturity of any bonds issued pursuant to Section 15100 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.

Section 9. That pursuant to Education Code Section 17032, the Board hereby encumbers the proceeds of the sale of the Bonds to pay for the acquisition, site improvement, construction and reconstruction to the extent permitted by the proposition set forth in Exhibit A.

Section 10. 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 11. Pursuant to Section 5303 of the Education Code and Section 10002 of the Elections Code, the Board of Supervisors of County of Stanislaus 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 the 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.

ADOPTED, SIGNED AND APPROVED this 16th day of July, 2001.

BOARD OF EDUCATION OF THE MODESTO
CITY HIGH SCHOOL DISTRICT

By Cindy Marks
Cindy Marks, President

Attest:

James C. Enochs
James C. Enochs, Secretary

REGISTRATION AND
2001 JUL 24 PM 12:40
CLERK

STATE OF CALIFORNIA)
)ss
COUNTY OF STANISLAUS)

I, James C. Enochs, do hereby certify that the foregoing is a true and correct copy of Resolution No. 01/02-07, which was duly adopted by the Board of Education of the Modesto City High School District at meeting thereof held on the 16th day of July, 2001, and that it was so adopted by the following vote:

- AYES: Chin, Cordova, Johnson, Loepz, Marks, Nyegaard
- NOES: None
- ABSENT: None
- ABSTENTIONS: None

By James C. Enochs
James C. Enochs, Secretary

EXHIBIT A

“To repair older school classrooms and buildings, construct, acquire, and furnish school facilities, acquire sites, add classrooms, science and computer labs, libraries, upgrade heating and cooling systems and electrical wiring for technology, repair roofs and deteriorating restrooms, shall the Modesto City High School District issue \$65 million of bonds at legal interest rates, appoint a citizens oversight committee, and perform annual financial and performance audits, with no proceeds used for teacher or administrator salaries or other school operating expenses?”

Bonds - Yes

Bonds - No

EXHIBIT B

FULL TEXT BALLOT PROPOSITION

MODESTO CITY HIGH SCHOOL DISTRICT
BOND MEASURE ELECTION NOVEMBER 6, 2001

The following is the full proposition presented to the voters by the Modesto City High School District.

“To repair older school classrooms and buildings, construct, acquire, and furnish school facilities, acquire sites, add classrooms, science and computer labs, libraries, upgrade heating and cooling systems and electrical wiring for technology, repair roofs and deteriorating restrooms, shall the Modesto City High School District issue \$65 million of bonds at legal interest rates, appoint a citizens oversight committee, and perform annual financial and performance audits, with no proceeds used for teacher or administrator salaries or other school operating expenses?”

The Board of Education of Modesto City High School District has evaluated safety, class size reduction, and information technology needs in developing the list of school facilities projects to be funded, as included in the District’s School Facilities Fee Plan, approved by the Board on March 31, 2000, as shall be amended from time to time, including but not limited to the following projects at the estimated costs shown:

- (A) The District’s share of the cost to acquire land, construct and furnish a new comprehensive high school in the Salida area.....\$29,500,000
- (B) The District’s cost to acquire land, construct and furnish a new comprehensive high school in the northeast Modesto (Village One) area\$29,500,000

The construction of both of the new high schools is dependent on the receipt of sufficient State matching funds. In the event that the District does not receive enough State money, the bond proceeds may be allocated to the completion of only one of the proposed high schools. If sufficient State matching funds are received and to the extent that there are surplus bond monies after completing the funding of the two high schools, it is the District’s intent to fund the following additional projects:

- (C) Expand, renovate, and construct a library at Davis High School\$2,000,000
- (D) Heating and cooling systems and electrical upgrades at Downey, Modesto, and Davis High Schools, and Elliott Alternative Education Center\$4,000,000