

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

DEPT: Board of Supervisors

BOARD AGENDA # *A-5b

Urgent Routine

AGENDA DATE July 15, 2008

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval to Consolidate with the Presidential General Election to be Held on November 4, 2008 the Newman-Crows Landing Unified School District Election for the Issuance of School Bonds

STAFF RECOMMENDATIONS:

Approve the Newman-Crows Landing Unified School District's request to consolidate their Election for the Issuance of School Bonds with the Presidential General Election to be held on November 4, 2008.

FISCAL IMPACT:

There is no fiscal impact associated with this item.

BOARD ACTION AS FOLLOWS:

No. 2008-524

On motion of Supervisor Monteith, Seconded by Supervisor O'Brien

and approved by the following vote,

Ayes: Supervisors: O'Brien, Grover, Monteith, DeMartini and Chairman Mayfield

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) X Approved as recommended

2) _____ Denied

3) _____ Approved as amended

4) _____ Other:

MOTION:



ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.



NEWMAN-
CROWS LANDING
UNIFIED SCHOOL DISTRICT

BOARD OF SUPERVISORS

2008 JUL -9 P 2: 28

District Office • 890 Main Street, Newman, CA 95360 • Tel 209 • 862-2933 • Fax 209 • 862-0113

ORESTIMBA HIGH
SCHOOL
707 Hardin Road
Newman, CA 95360
Tel 209 • 862-2916
Fax 209 • 862-0259

YOLO MIDDLE
SCHOOL
901 Hoyer Road
Newman, CA 95360
Tel 209 • 862-2984
Fax 209 • 862-3734

VON RENNER ELEMENTARY
SCHOOL
1388 Patchett Drive
Newman, CA 95360
Tel 209 • 862-2868
Fax 209 • 862-3639

HUNT ELEMENTARY
SCHOOL
907 "R" Street
Newman, CA 95360
Tel 209 • 862-1020
Fax 209 • 862-0579

BONITA ELEMENTARY
SCHOOL
425 Fink Road
Crows Landing, CA 95313
Tel 209 • 837-4401
Fax 209 • 837-0431

WEST SIDE VALLEY HIGH
SCHOOL
908 Main Street
Newman, CA 95360
Tel 209 • 862-2412
Fax 209 • 862-4723

ALTERNATIVE EDUCATION
Adult Education
Independent Study
New Beginnings
Community Day School
Foothill Community Day School
890 Main Street
Newman, CA 95360
Tel 209 • 862-2309
Fax 209 • 862-2316

July 8, 2008

Enclosed is our district's resolution ordering an election to authorize the issuance of school bonds (for the November ballot).

Please contact our office should you require further information. Thank you.

Sincerely,

Susan Cope
Executive Assistant

**RESOLUTION OF THE BOARD OF TRUSTEES OF THE NEWMAN-CROWS
LANDING UNIFIED SCHOOL DISTRICT ORDERING AN ELECTION TO AUTHORIZE
THE ISSUANCE OF SCHOOL BONDS, ESTABLISHING SPECIFICATIONS OF THE
ELECTION ORDER, AND REQUESTING CONSOLIDATION WITH OTHER
ELECTIONS OCCURRING ON NOVEMBER 4, 2008**

WHEREAS, in the judgment of the Board of Trustees (the "Board") of the Newman-Crows Landing Unified School District (the "District"), it is advisable to call an election to submit to the electors of the District the question whether bonds of the District shall be issued and sold for the purpose of raising money for the acquisition and improvement of real property, and the furnishing and equipping of school facilities; and

WHEREAS, as a result of the approval of Proposition 39 on November 7, 2000, Article XIII A, Section 1, paragraph (b), of the California Constitution ("Article XIII A") provides an exception to the limit on ad valorem property taxes on real property for bonded indebtedness incurred by a school district approved by 55 percent of the voters of the district voting on the proposition; and

WHEREAS, the Board is specifically authorized, upon approval by a two-thirds vote of the Board, to pursue the authorization and issuance of bonds by a 55 percent vote of the electorate on the question whether bonds of the District shall be issued and sold for specified purposes, pursuant to Education Code Section 15264 *et seq.* (the "Act"); and

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 4, 2008, and to request the Registrar of Voters to perform certain election services for the District;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Trustees of the Newman-Crows Landing Unified School District the following:

Section 1. Call for Election. The Board hereby orders an election and submits to the electors of the District the question of whether general obligation bonds of the District shall be issued and sold in the maximum principal amount of \$25,000,000 for the purpose of raising money to finance school facilities and property of the District, and paying costs incident thereto, as set forth more fully in the ballot proposition approved pursuant to Section 3. This Resolution constitutes the order of the District to call such election.

Section 2. Election Date. The date of the election shall be November 4, 2008, and the election shall be held solely within the boundaries of the District.

Section 3. Purpose of Election; Ballot Proposition. The purpose of the election shall be for the voters in the District to vote on a proposition, a full copy of which is attached hereto and marked Exhibit A, containing the question of whether the District shall issue the Bonds for the purpose stated therein, together with the accountability requirements of Article XIII A and Government Code Section

53410 and the requirements of Section 15272 of the Act. As required by Elections Code Section 13247, the abbreviated form of the measure to appear on the ballot is attached hereto and marked as Exhibit B. The Superintendent or his designee is hereby authorized and directed to make any changes to the text of the proposition or this resolution as required to conform to any requirements of Article XIII A, the Act, or the election officials.

Section 4. Authority for Election. The authority for ordering the election is contained in Section 15264 *et. seq.* of the Education Code and Section I, paragraph (b), subsection (3), of Article XIII A. The authority for the specification of this election order is contained in Section 5322 of the Education Code.

Section 5. School Facilities Projects. As required by Article XIII A, the Board hereby certifies that it has evaluated safety, class size reduction, enrollment growth, and information technology needs in developing the list of school facilities projects set forth on Exhibit A.

Section 6. Covenants of the Board upon Approval of the Bonds by the Electorate. As required by Article XIII, Section 15278 of the Act, and Government Code Section 53410, in the event 55 percent of the voters voting in the District approve of the Bonds, the Board shall:

1. conduct an annual, independent performance audit to ensure that the funds have been expended only on the projects listed in Exhibit A;
2. conduct an annual, independent financial audit of the proceeds from the sale of the Bonds until all of those proceeds have been expended for the school facilities projects listed in Exhibit A;
3. establish and appoint members to an independent citizens' oversight committee in accordance with Sections 15278, 15280, and 15282 of the Act;
4. apply the bond proceeds only to the specific purposes stated in the ballot proposition;
5. cause creation of accounts into which bond proceeds shall be deposited; and
6. cause the preparation of an annual report pursuant to Government Code Sections 53410 and 53411.

Section 7. Delivery of this Resolution. The Clerk of the Board is hereby directed to send a copy of this Resolution to the Stanislaus County Superintendent of Schools, the Stanislaus County Registrar of Voters (the "County Registrar") and the Clerk of the Board of Supervisors of Stanislaus County.

Section 8. Consolidation of Election. The County Registrar and the County Board of Supervisors are hereby requested to consolidate the election ordered hereby with any and all other elections to be held on November 4, 2008, within the District.

Section 9. Ballot Arguments; Tax Rate Statement. Any and all members of this Board are hereby authorized to act as an author of any ballot argument prepared in connection with the election, including a rebuttal argument. The Superintendent, President of the Board, or their designees, are hereby authorized to execute any Tax Rate Statement or other document and to perform all acts necessary to place the bond measure on the ballot.

Section 10. Agreement Approved. The Superintendent is authorized and directed to execute the agreement on file with Jones Hall, A Professional Law Corporation, which firm is appointed hereby to perform bond counsel services in regard to the Bonds and with KNN Public Finance, as Financial Advisor.

Section 11. Elections Code. Pursuant to Section 5303 of the Education Code and Section 10002 of the Elections Code, the Board of Supervisors of Stanislaus 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 Stanislaus County in full upon presentation of a bill, such services to include the publication of a formal Notice of School Bond Election attached hereto as Exhibit C and the mailing of the sample ballot and tax rate statement (described in Section 9401 of the Elections Code).

Section 12. Effective Date. This resolution shall take effect on and after its adoption.

PASSED AND ADOPTED by the Board of Trustees of the Newman-Crows Landing Unified School District the 23rd day of June, 2008.

Signed:



Clerk to the Board of Trustees
Newman-Crows Landing Unified School District

CLERK'S CERTIFICATE

I, RoseLee Hurst, Clerk of the Board of Trustees of the NEWMAN-CROWS LANDING UNIFIED SCHOOL DISTRICT, hereby certify that the foregoing is a full, true, and correct copy of Resolution #07-08/26 adopted at a regular meeting place thereof on the 23rd day of June, 2008, of which meeting all the members of said Board of Trustees 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

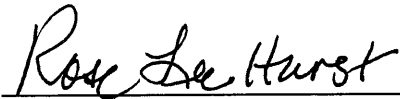
NOES: 0

ABSENT: 0

An agenda of said meeting was posted at least 72 hours before said meeting at Newman, California, a location freely accessible to members of the public, and a brief general description of said resolution appeared on said agenda.

I further certify that I have carefully compared the same with the original minutes of said meeting on file and of record in my office; that the foregoing resolution is a full, true and correct copy of the original resolution adopted at said board meeting and entered in said minutes; and that 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: June 23, 2008



Clerk of the Board of Trustees of the
NEWMAN-CROWS LANDING UNIFIED
SCHOOL DISTRICT

EXHIBIT A

BALLOT MEASURE FULL TEXT OF MEASURE

This proposition may be known and referred to as the Newman-Crows Landing Unified School District Measure ____.

FINDINGS

The Newman-Crows Landing Unified School District (the 'District'), which serves the communities of Newman and Crows Landing and portions of Stanislaus County, is becoming a recognized leader in providing top quality education to Stanislaus County students.

The achievements have been accrued by the District as a result of the visionary leadership from the Board of Trustees of the District (the 'Board'), as well as from staff members, parents, and members of the District communities. The District has benefited from a community that supports its educational institutions by establishing high standards for academic achievement while at the same time providing the means required to meet and even to surpass those expectations.

In order to provide our local students with the same classrooms and school facilities as other California school districts, major repairs, upgrades, and classroom construction are necessary to ensure these buildings will remain functional for future generations.

The Board has approved a facilities plan and identified significant repairs, upgrades, and classroom construction needs due to increased enrollment that are more than the District is able to fund from currently available sources or annual revenues.

The District has successfully sought, and continues to seek, all available outside sources of funding to improve our school buildings, including local, state, and federal grants and state bond funds. Historically, the state requires that local school districts provide local funds as a condition of receipt of state matching funds.

It is necessary to seek voter approval of a bond measure in order to provide the local funding for identified school facility repairs, modernization projects, and growth needs to address student enrollment.

BOND AUTHORIZATION

By approval of this proposition by at least 55 percent of the registered voters voting on the proposition, the district shall be authorized to issue and sell bonds of up to \$25,000,000 in principal at interest rates below the legal limit, to provide financing for the specific school facilities projects listed in the Bond Project List attached hereto as Exhibit A-1, subject to all the accountability requirements specified below.

BOND PROJECT LIST

The Bond Project List attached to this resolution as Exhibit A-1 shall be considered a part of the ballot proposition and shall be reproduced in any official document required to contain the full statement of the bond proposition.

Approval of this Bond Measure (the 'Measure') does not guarantee that the proposed project or projects in the District that are the subject of bonds under the Measure will be funded beyond the local revenues generated by the Measure. If state matching funds become available, they will be used for and applied to the Bond Project List as per Exhibit A-1. The District's proposal for the project or projects assumes the receipt of matching state funds, which could be subject to appropriations by the Legislature or approval of a statewide bond measure.

ACCOUNTABILITY REQUIREMENTS

The provisions in this section are specifically included in this proposition in order that the voters and taxpayers in the District may be assured that their money will be spent wisely to address specific facilities needs of the District all in compliance with the requirements of Article XIIA, Section 1(b)(3), of the State Constitution and the Strict Accountability in Local School Construction Bonds Act of 2000 (codified at Education Code Sections 15246 and following.)

Evaluation of Needs. The Board, after a lengthy process involving staff members, parents, students, and community members throughout the District, has prepared an updated facilities plan in order to evaluate and address all of the facilities needs of the District and determine which projects to finance from a local bond at this time. The Board hereby certifies that it has evaluated safety, class size reduction, enrollment growth, and information technology needs in developing the Bond Project List contained in Exhibit A-1.

Independent Citizens' Oversight Committee. The Board shall establish an Independent Citizens' Oversight Committee pursuant to Education Code Section 15278 and following to ensure bond proceeds are expended only on the school facilities projects listed in Exhibit A-1. The committee shall be established within 60 days of the date when the results of the election appear in the minutes of the Board.

Performance Audits. The Board shall conduct an annual, independent performance audit to ensure that the bond proceeds have been expended only on the school facilities projects listed in Exhibit A-1.

Financial Audits. The Board shall conduct an annual, independent financial audit of the bond proceeds until all of those proceeds have been spent for the school facilities projects listed in Exhibit A-1.

Special Bond Proceeds Account: Annual Report to Board. Upon approval of this proposition and the sale of any bonds approved, the Board shall take actions necessary to establish an account in which proceeds of the sale of the bonds will be deposited. As long as any proceeds of the bonds remain unexpended, the Superintendent of the District shall cause a report to be filed with the Board annually, stating (1) the amount of bond proceeds received and expended in that year, and (2) the status of any project funded or to be funded from bond proceeds. The report may relate to the calendar year, fiscal year, or other appropriate annual period as the Superintendent shall determine and may be incorporated in the annual budget, audit, or another appropriate routine report to the Board.

FURTHER SPECIFICATIONS

No Administrator Salaries. Proceeds from the sale of bonds authorized by this proposition shall be used only for the construction, reconstruction and/or rehabilitation of school facilities including the furnishing and equipping of school facilities or acquisition or lease of real

property for school facilities and not for any other purpose, including teacher and administrator salaries and other school operating expenses.

The proceeds of the bonds will be deposited into a Building Fund to be held by the Stanislaus County Treasurer, as required by the California Education Code.

EXHIBIT A-1

BOND PROJECT LIST

The District intends to complete the following projects, using a combination of funding sources. It is anticipated that bond proceeds will contribute \$25 million to said total cost. Other anticipated sources include state matching funds and other available funds.

Scope of Projects. Bond proceeds will be expended to modernize, replace, renovate, construct, equip, furnish and otherwise improve the following facilities of the District located at the high school site, elementary school sites and district office. The specific school facilities projects which are described below include all related and incidental costs, including costs of design, engineering, architect and other professional services, site preparation, utilities, landscaping, incidental costs, and construction management (including construction management by District personnel). The District may alter any of the specific projects which are described below as required by conditions which arise during the course of design and construction.

An independent taxpayers' oversight committee will be selected to ensure that proceeds from the bond will only go towards the items listed below.

1. Improve student safety by repairing and modernizing outdated electrical and plumbing systems and other aging District infrastructure;
2. Repair deteriorating roofs on select school facilities;
3. Replace deteriorating temporary classrooms at the high school; and
4. Ease student overcrowding, by building a new elementary school and making necessary lease payments to pay off outstanding debt being used to complete construction.

EXHIBIT B

**BALLOT MEASURE
(ABBREVIATED FORM)**

Measure ____

To improve student safety by repairing and renovating electrical and plumbing systems, aging roofs, and other aging District infrastructure, and to ease student overcrowding by building a new elementary school, new classrooms at the high school to replace deteriorating temporary classrooms and paying off an outstanding loan to complete construction, shall the Newman-Crows Landing Unified School District be authorized to issue \$25 million of bonds at interest rates below the legal limit?

EXHIBIT C

SCHOOL BOND ELECTION NOTICE

NOTICE IS HEREBY GIVEN to the qualified electors of the Newman-Crows Landing Unified School District (the "District") located in the County of Stanislaus, State of California, that in accordance with applicable law, an election will be held on Tuesday, the 4th day of November, 2008, in the District, at which election there will be submitted to the voters the question of issuing and selling bonds of said District in the amount of not to exceed \$25 Million Dollars (\$25,000,000) in accordance with the actions relating thereto taken by the Board of Trustees of the District.

All of the purposes enumerated herein are hereby united and shall be voted upon as one single proposition.

The bonds proposed to be issued and sold shall bear interest at a rate not exceeding twelve percent (12%) per annum.

The number of years the whole or any part of the bonds are to run shall not exceed the statutory maximum, which is twenty-five (25) years in the case of bonds issued under the authority of the Education Code and forty (40) years in the case of bonds issued under the authority of the Government Code, from the date of the bonds or the date of any series thereof.

Each qualified elector of the District shall be entitled to vote only in the District election precinct of which he/she is a resident.

The electors in the District shall vote on the following measure on November 4, 2008:

To improve student safety by repairing and renovating electrical and plumbing systems, aging roofs, and other aging District infrastructure, and to ease student overcrowding by building a new elementary school, new classrooms at the high school to replace deteriorating temporary classrooms and paying off an outstanding loan to complete construction, shall the Newman-Crows Landing Unified School District be authorized to issue \$25 million of bonds at interest rates below the legal limit?

Dated this _____ day of _____, 2008.

STANISLAUS COUNTY REGISTRAR OF
VOTERS:

By: _____