

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

DEPT: Board of Supervisors

BOARD AGENDA # *A-4a

Urgent

Routine

AGENDA DATE August 19, 2008

CEO Concurs with Recommendation YES NO

4/5 Vote Required YES NO

(Information Attached)

SUBJECT:

Approval to Consolidate with the Presidential General Election to be Held on November 4, 2008 the Ceres Unified School District Bond Election

STAFF RECOMMENDATIONS:

Approve the Ceres 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. 2008-582

On motion of Supervisor DeMartini, Seconded by Supervisor Grover

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.

REGISTRATION AND
ELECTIONS DIV.
2000 AUG -6 PM 1:07
STANISLAUS COUNTY
CLERK-RECORDER

RESOLUTION NO. 03-08/09

**RESOLUTION OF THE BOARD OF TRUSTEES OF THE
CERES UNIFIED SCHOOL DISTRICT
ORDERING A SCHOOL BOND ELECTION,
ESTABLISHING SPECIFICATIONS OF THE ELECTION ORDER,
AND REQUESTING CONSOLIDATION WITH OTHER ELECTIONS**

WHEREAS, the Board of Trustees (“Board”) of the Ceres Unified School District (the “District”) believes the District must instill in students at an early age the self-esteem, discipline, and focus needed in order to learn, thus deterring inclinations to join gangs and use drugs;

WHEREAS, the Board believes student academic achievement and self-esteem improve when students receive individual attention;

WHEREAS, the Board believes that, by creating smaller learning environments, teachers can better offer the individual attention students need;

WHEREAS, State information shows that there are far more students attending the District’s elementary, junior high, and high schools than the schools were originally designed to accommodate;

WHEREAS, the Board believes increasing career and vocational education classes in subjects such as agriculture, manufacturing, healthcare, and technology skills training ensures that all District students have access to well-paying jobs when they graduate from high school;

WHEREAS, the Board believes building new schools and upgrading science labs, classrooms, school libraries, computers, and arts/music classrooms at all school sites where needed are top priorities in addressing the educational issues confronting the District;

WHEREAS, the District must address aging infrastructure at its schools, including replacing and upgrading old restrooms and plumbing;

WHEREAS, passage of a local bond measure to address the issues of school safety, classroom upgrades, repairs, and improvements, and overcrowding will assist the District in continuing to recruit and retain excellent teachers; implement school improvements with the highest level of fiscal accountability; and qualify for millions in state matching grants that would otherwise go to school districts in other regions.

WHEREAS, the Board is generally authorized to order elections within the District and to designate the specifications thereof, pursuant to Education Code sections 5304 and 5322;

WHEREAS, the Board is specifically authorized to order elections pursuant to Education Code sections 15264 *et seq.* for the purpose of submitting to the electors the question of whether bonds of the District (“Bonds”) shall be issued and sold for specified purposes;

WHEREAS, the Board deems it necessary and advisable to submit a bond measure to the electors that, if approved by the requisite number of electors voting on the measure, would permit the District to issue Bonds;

WHEREAS, as required by Education Code section 15266, the date selected for the bond election is the date of a general election;

WHEREAS, it is desirable that the election to determine whether Bonds shall be issued and sold be consolidated with such other election or elections as may be held on the same day in the same territory or in territory that is in part the same.

NOW, THEREFORE, the Board of Trustees of the Ceres Unified School District does hereby resolve, determine, and order as follows:

Section 1. Election Order; Ballot Measure. Pursuant to Education Code sections 5304, 5322 and 15264 *et seq.*, and Article XVI, Section 18(b), of the California Constitution, an election shall be held within the boundaries of the Ceres Unified School District on Tuesday, November 4, 2008, submitting to the voters of the District the question of whether Bonds of the District in the amount of \$60,000,000 shall be issued and sold for the purposes described below, including acquiring, constructing, renovating, furnishing, and equipping school facilities and grounds, as specifically set forth in Exhibit A attached hereto.

Section 2. Specifications of the Election Order. The foregoing specifications of the election order are made pursuant to Education Code section 5322.

Section 3. Consolidation with Other Elections. Pursuant to Education Code sections 5342, 15266, and 15121 and Part 3 (commencing with Section 10400) of Division 10 of the Elections Code, the County is requested to order consolidation of the school bond election with the other elections to be held on the same day in the same territory or in territory that is in part the same.

Section 4. County Registrar of Voters to Conduct Election; Election Costs. Pursuant to Education Code section 5303, the Stanislaus County Registrar of Voters is hereby requested to take all steps to prepare for and hold the election within the boundaries of the District in accordance with law and these specifications. Pursuant to Education Code section 5421, the cost of the election shall be borne by the District.

Section 5. Full Text of the Measure. The District hereby requests the Registrar of Voters to publish the full text of the measure, referred to as the "THE CERES UNIFIED SCHOOL DISTRICT STUDENT SAFETY, VOCATIONAL EDUCATION, CLASSROOM REPAIR MEASURE," which is set forth in Exhibit A, in the ballot pamphlet materials as appropriate.

Section 6. Abbreviated Statement of the Bond Measure. Pursuant to the requirements of Elections Code section 13247, the statement of the measure shall be abbreviated to no more than seventy-five words on the ballot as follows:

STUDENT SAFETY; VOCATIONAL EDUCATION; CLASSROOM REPAIR MEASURE. To recruit excellent teachers, instill discipline, keep kids from gangs, qualify for state matching grants by: repairing/expanding vocational education classrooms; upgrading security cameras, fencing, door locks; improving technology/labs/energy efficiency; repairing aging bathrooms; improving safety at drop-off zones; and acquiring real property/building schools/classrooms; shall Ceres Unified School District issue \$60 million in bonds at legal interest rates, with citizens' oversight, annual audits and NO money for administrators' salaries?

The District hereby requests the Registrar of Voters to designate the measure on the ballot by a letter printed on the left margin of the square containing the abbreviated statement of the measure as provided in Elections Code section 13116.

Section 7. Tax Rate Statement. The Board hereby approves the form of the tax rate statement attached hereto as Exhibit B and incorporated herein by reference and authorizes the Superintendent, in consultation with the District's financial advisor, to complete it in accordance with the requirements of Elections Code section 9401.

Section 8. Delivery of Specifications of the Election Order and Tax Rate Statement. The Superintendent is hereby directed to deliver, not later than Friday, August 8, 2008, or such earlier deadline as may be established by the Registrar of Voters, a copy of this resolution and the tax rate statement to the Registrar of Voters (in accordance with the requirements of Education Code section 5322 and Elections Code section 9401, respectively) and a copy of this resolution to the Board of Supervisors of Stanislaus County (in accordance with the requirements of Elections Code section 10403).

Section 9. General Authorization with Respect to the Bond Election. The members of the Board, the Superintendent, and the other officers of the District, and each of them individually, are hereby authorized and directed to do any and all things and to execute, deliver, and perform any and all agreements and documents that they deem necessary or advisable in order to effectuate the purposes of this Resolution, including, without limitation, to prepare and submit for inclusion in the voter information pamphlet an argument in favor of passage of the bond measure. All actions heretofore taken by the officers and agents of the District that are in conformity with the purposes and intent of this Resolution are hereby ratified, confirmed, and approved in all respects.

Section 10. Canvass of Returns. The Board of Supervisors of Stanislaus County is authorized to canvass the returns of the election pursuant to Elections Code section 10411.

Section 11. Vote Required. Pursuant to Section 18(b) of Article XVI and Section 1(b)(3) of Article XIII A of the California Constitution, the bond measure shall become effective only upon the affirmative vote of fifty-five percent (55%) of those voters voting on the measure.

Section 12. Use of Bond Proceeds, Facilities Specifications and Audit Requirements. Pursuant to Section 1(b)(3) of Article XIII A of the California Constitution, the following accountability requirements are hereby included in the bond measure:

(a) **Use of Bond Proceeds.** Proceeds from the sale of Bonds may be used only for the purposes specified in Article XIII A, section 1(b)(3), of the California Constitution.

(b) **Specification of Facilities.** The specific school facilities projects to be funded are listed in Exhibit A. The Board hereby certifies that it evaluated safety, class size reduction, and information technology needs in developing the list.

(c) **Performance Audit.** The Board shall conduct an annual, independent performance audit to ensure that Bond funds have been expended only on the specific projects listed.

(d) **Financial Audit.** The Board shall conduct an annual, independent financial audit of the proceeds from the sale of Bonds until all of the proceeds have been expended for the school facilities projects.

Section 13. Government Code Accountability Requirements. Pursuant to Government Code sections 53410 and 53411, the District hereby finds or directs that:

(a) the purpose of the Bonds is to fund the specific facility needs as listed in Exhibit A;

(b) the Bond proceeds shall only be used on the specific projects listed in Exhibit A;

(c) all proceeds of Bonds shall be placed in a separate account; and

(d) the chief business official of the District shall file an annual report or reports (which may be incorporated into other regularly prepared reports) with the Board containing the amount of funds collected and expended as well as the status of the projects listed in Exhibit A.

Section 14. Encumbrance of Bond Funds. For the purpose of making bond funds unavailable as rent within the meaning of Education Code section 17032, the Board hereby encumbers all funds to be generated by the sale of Bonds in order to pay for the acquisition, construction, modernization, or repair of the school facilities and equipment authorized by the bond measure.

Section 15. Official Intent to Reimburse Expenditures. (a) The District intends to undertake the acquisition, construction, renovation, furnishing and equipping of school facilities and grounds as described in Exhibit A (the "Improvements"). The District intends to use the proceeds of its general obligation bonds described in this resolution to finance the Improvements. The District expects to pay certain capital expenditures (the "Reimbursement Expenditures") in connection with the Improvements prior to the issuance by it of the indebtedness for the purpose of financing the costs of the Improvements on a long-term basis. The District reasonably expects that debt obligations in an amount not expected to exceed \$60,000,000 will be issued by it for the purpose of financing the cost of the Improvements on a long-term basis and that certain of the

proceeds of such debt obligations will be used to reimburse the District for the Reimbursement Expenditures.

(b) The Board hereby declares the District's official intent to use the proceeds of the proposed indebtedness to reimburse the District for the Reimbursement Expenditures. The foregoing statement is a declaration of official intent that is made under and only for the purpose of establishing compliance with the requirements of Treasury Regulations section 1.150-2.

Section 16. **Effective Date.** This resolution shall take effect immediately upon its adoption.

[Remainder of Page Intentionally Left Blank]

This Resolution of the Board of Trustees of the Ceres Unified School District Ordering a School Bond Election, Establishing Specifications of the Election Order, and Requesting Consolidation With Other Elections is:

APPROVED, PASSED, AND ADOPTED on July 31, 2008, by the affirmative vote of at least two-thirds of the members of the Board, to wit:

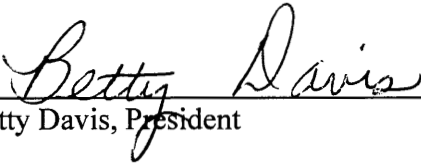
AYES: 7 - Welsh, Lane, Guerrero, Ingwerson, Kinard, Romo, Davis

NOES: 0

ABSTAIN: 0

ABSENT: 0

Signed and approved by me after its passage:


Betty Davis, President

Attest:

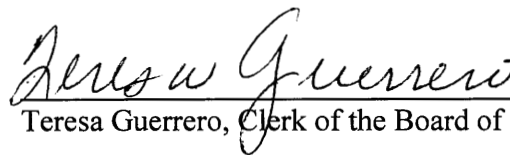

Teresa Guerrero, Clerk of the Board of Trustees

EXHIBIT A

Full Text of the Measure

**THE CERES UNIFIED SCHOOL DISTRICT STUDENT SAFETY, VOCATIONAL
EDUCATION, CLASSROOM REPAIR MEASURE**

Upon the passage of Measure _____, the Ceres Unified School District shall be authorized to issue bonds in the aggregate amount of \$60,000,000, bearing interest at rates not exceeding the statutory limit, for the purpose of funding the following school facilities projects:

Construction and Renovation Projects to Address Student Safety and Well Being, Vocational Training and Instructional Environment:	
Career Technical Education Facilities at Ceres High School	
<ul style="list-style-type: none">• Renovate, upgrade and repair the existing industrial arts buildings at Ceres High School to support the career technical instructional program at Ceres High School.• Planning and designing necessary for such repair, improvement and renovation projects, including costs related to construction services, architectural design, engineering, site inspection and testing services and plan review fees.	<ul style="list-style-type: none">• Associated onsite development and other improvements made necessary by such repair, improvement and renovation projects.• Acquisition and installation of furnishings and equipment related to the career technical instructional program at Ceres High School.
New Junior High School	
Acquisition and construction of a new junior high school and related facilities, designed to house approximately 700 to 800 students, including:	
<ul style="list-style-type: none">• Acquisition of site and right-of-way easements made necessary by construction of such facilities.• Construction of classrooms, school support/counseling offices, cafeteria, multipurpose instructional/assembly facility, gymnasium and athletic facilities, school grounds, library, computer labs and restrooms.• Associated onsite and offsite development and other improvements made necessary by construction of such facilities.	<ul style="list-style-type: none">• Planning, designing, and constructing the school and related facilities, including costs related to construction services, architectural design, engineering, site inspection and testing services and plan review fees.• Acquisition and installation of furnishings and equipment related to the newly constructed facilities.

<p>Renovation, repair, and improvement projects at Caswell Elementary School, Don Pedro Elementary School, Carroll Fowler Elementary School, Virginia Parks Elementary School, Sam Vaughn Elementary School, Westport Elementary School, Walter White Elementary School, Mae Hensley Junior High School, Ceres High School and Argus Continuation High School.</p>	
<p>New classrooms and instructional facilities at Robert Adkison Elementary School, Berryhill School, Caswell Elementary School, Don Pedro Elementary School, Carroll Fowler Elementary School, Joel Hidahl Elementary School, La Rosa Elementary School, Virginia Parks Elementary School, Sinclear Elementary School, Sam Vaughn Elementary School, Westport Elementary School, Walter White Elementary School, Mae Hensley Junior High School, Central Valley High School, Ceres High School and Argus Continuation High School.</p>	
<ul style="list-style-type: none"> • Replace aging portable classroom buildings, and furnish and equip such buildings. • Construct new classrooms and instructional facilities at existing sites, and furnish and equip such buildings. • Install security improvements, including exterior lighting, fencing, alarm systems, windows, cameras, public address systems and fire alarms. • Repair, renovate or improve site restroom facilities. • Renovate, upgrade and repair existing classroom and instructional facilities. • Improve, re-configure, expand or construct walkways, parking/student drop-off areas, and campus ingress and egress. • Repair, upgrade or reconfigure site grounds and facilities to accommodate the above projects. 	<ul style="list-style-type: none"> • Construct access improvements for disabled persons, as required by state and federal law. • Install energy efficiency upgrades, including more efficient lighting, heating and cooling units, windows and other improvements designed to improve energy efficiency. • Associated onsite development and other improvements made necessary by such repair, improvement and renovation projects. • Planning and designing necessary for such repair, improvement and renovation projects, including costs related to construction services, architectural design, engineering, site inspection and testing services and plan review fees. • Acquisition and installation of furnishings and equipment related to the above projects.
<p>The intent of these bonds is to be used for the District's share, including any necessary costs above those that would be matched by the State of California, of eligible projects under the State of California's State Facility Program or successor program or to provide facilities to a Charter School making a Proposition 39 request for facilities.</p>	

The District Board of Trustees certifies that it has evaluated safety, class size reduction, and information technology needs in developing this list.

The bond proceeds will be used only for the purposes specified in Article XIII A, section 1(b)(3) of the California Constitution, and not for any other purposes, including teacher and administrator salaries and other school operating expenses. More specifically, the bond proceeds will only be expended to replace, renovate, construct, and equip any of the above-stated facilities of the District. The projects that have been described include all related and incidental costs, including design, engineering, architecture, construction management, inspection fees, and other professional services, as well as utilities, site preparation, landscaping, and other incidental costs. The District may alter any of the specific projects that have been listed or their costs as required by conditions that arise during the course of design, construction, and/or renovation.

Approval of the District's bond measure does not guarantee that the projects that are the subject of the measure will be funded beyond the local revenues generated by the bond measure. The District's proposed projects may assume the receipt of state funds, which could be subject to appropriation by the Legislature or approval of a statewide bond measure.

The District Board of Trustees will conduct an annual independent performance audit to ensure that the bond funds have been expended only on the specific projects authorized. The District Board of Trustees will also conduct an annual, independent financial audit of the bond proceeds until all of those proceeds have been expended for the above-stated school facilities projects.

The District will deposit the proceeds of the bonds in a separate account. The District's chief business official shall issue an annual report to the Board of Trustees, which shall contain the amount of funds collected and expended as well as the status of the above-stated school facilities projects.

Additionally, the District Board of Trustees will appoint a citizens' oversight committee (the "Committee") having a minimum of seven (7) members and including at least one member active in a business organization representing the business community located within the District, one member active in a senior citizens' organization, one member active in a bona fide taxpayers' organization, one member the parent or guardian of a child enrolled in the District, and one member both a parent or guardian of a child enrolled in the District and active in a parent-teacher organization.

EXHIBIT B

**TAX RATE STATEMENT
CERES UNIFIED SCHOOL DISTRICT**

Dated July 31, 2008

An election will be held in the Ceres Unified School District on November 4, 2008, on the question of issuing bonds in the principal amount of \$60,000,000 to improve student safety and the quality of education at every school by repairing, updating, constructing, furnishing and equipping school facilities, including technology, job training, science and health facilities, roofs, electrical, plumbing and heating systems, and become eligible for millions in state matching funds as described in the measure. If the bonds are authorized and sold, debt service thereon will be paid from taxes levied on taxable property in the District. The following information regarding tax rates is given to comply with Elections Code sections 9400-9404.

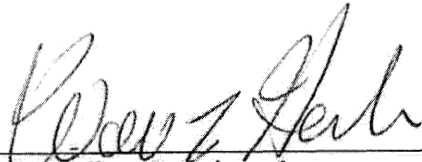
If approved by voters, the District expects to issue its bonds in series over two or more years. Taxes for debt service payments would be levied in fiscal year 2008-09 and annually thereafter through 2049-2050. Based on estimated assessed valuations available at the time of filing of this statement:

1. The best estimate of the tax rate that would be required to be levied to fund this bond issue during the first fiscal year after the sale of the first series of bonds is 60¢ per \$100 (\$60 per \$100,000) of assessed valuation in fiscal year 2008-09.
2. The best estimate of the tax rate that would be required to be levied to fund this bond issue during the first fiscal year after the sale of the last series of bonds is 60¢ per \$100 (\$60 per \$100,000) of assessed valuation in fiscal year 2010-11.
3. The best estimate of the highest tax rate that would be required to be levied to fund this bond issue is 60¢ per \$100 (\$60 per \$100,000) of assessed valuation in all years of the levy.

Voters should note that the estimated tax rates are based on the *assessed value* of taxable property on the County's official tax rolls, *not* on the property's market value. Property owners should consult their own property tax bills and tax advisors to determine their property's assessed value and any applicable tax exemptions.

Attention of all voters is directed to the fact that the foregoing estimated tax rate information is partly based on assumptions and projections, which are not binding on the District. The actual tax rates and the years in which they will apply may vary from those presented above, because of variations from the assumed timing of bond sales, the amount of bonds sold and market interest rates at the time of each sale, and actual assessed valuations over the term of repayment of the bonds. The dates of sale and the amount of bonds sold at any given time will be determined by the District based on the need for construction funds and other factors. The actual interest rates at which the bonds will be sold will depend on the bond market at the time of each sale. Actual future assessed valuation will depend upon the amount and value of taxable property within the District as determined by the County Assessor in the annual assessment and the equalization process.

IN WITNESS WHEREOF the District has caused this Tax Rate Statement to be executed by its authorized officer as of the date first written above.



Walt Hanline, Superintendent
Ceres Unified School District