

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

DEPT: Board of Supervisors

BOARD AGENDA # *A-7

Urgent

Routine

AGENDA DATE August 15, 2006

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval to Consolidate the Oakdale Joint Unified School District Bonds Election with the Gubernatorial General Election on Tuesday, November 7, 2006

STAFF RECOMMENDATIONS:

Consolidate the Oakdale Joint Unified School District Bonds Election with the Gubernatorial General Election on Tuesday, November 7, 2006.

FISCAL IMPACT:

There is no fiscal impact associated with this item.

BOARD ACTION AS FOLLOWS:

No. 2006-644

On motion of Supervisor Mayfield, Seconded by Supervisor Grover

and approved by the following vote,

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

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

RESOLUTION #06-07-01

2006 AUG 10 AM 8:06
STANISLAUS COUNTY
CLERK-RECORDER

RESOLUTION OF THE BOARD OF TRUSTEES OF THE OAKDALE JOINT 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 7, 2006

WHEREAS, in the judgment of the Board of Trustees (the "Board") of the Oakdale Joint 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 7, 2006, and to request the Registrar of Voters in each County (each, a "County") in which territory of the District is located (being Stanislaus County and San Joaquin County) to perform certain election services for the District;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Trustees of the Oakdale Joint 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 \$37,500,000 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 7, 2006, 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 as required to conform to any requirements of Article XIII A, the Act, or the either County.

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 County Superintendent of Schools of both Counties, the County Registrar of Voters of both Counties (the "County Registrars") and the County Clerk of the Board of Supervisors of both Counties.

Section 8. Consolidation of Election. The County Registrars and the County Boards of Supervisors are hereby requested to consolidate the election ordered hereby with any and all other elections to be held on November 7, 2006, 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.

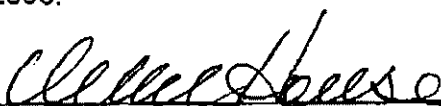
Section 10. Elections Code. Pursuant to Section 5303 of the Education Code and Section 10002 of the Elections Code, the Board of Supervisors of Orange County, is requested to permit the Registrar of Voters to render all services specified by Section 10418 of the Elections Code relating to the election, for which services the District agrees to reimburse Orange 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). The Registrar of Voters is hereby requested to print the Full Text of Measure attached hereto as Exhibit A and A-1 in the sample ballot booklet.

Section 11. Agreements. 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 the agreement with Dale Scott & Co. as Financial Advisor.

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

PASSED AND ADOPTED by the Board of Trustees of the Oakdale Joint Unified School District the 10th day of July, 2006.

Signed:


Clerk of the Board of Trustees
Oakdale Joint Unified School District

CLERK'S CERTIFICATE

I, Michael House, Clerk of the Board of Trustees of the OAKDALE JOINT UNIFIED SCHOOL DISTRICT, hereby certify that the foregoing is a full, true, and correct copy of Resolution #06-07-01 adopted at a regular meeting place thereof on the 10th day of July, 2006, 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:	<u>5</u>
NOES:	<u>0</u>
ABSENT:	<u>0</u>

An agenda of said meeting was posted at least 72 hours before said meeting at Oakdale, 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: July 10, 2006



 Clerk of the Board of Trustees of the
 OAKDALE JOINT UNIFIED
 SCHOOL DISTRICT

EXHIBIT A
BALLOT MEASURE
FULL TEXT OF MEASURE

This proposition may be known and referred to as the Oakdale Joint Unified School District or Measure ____.

FINDINGS

The Oakdale Joint Unified School District (the "District"), which serves the community of Oakdale and portions of Stanislaus and San Joaquin Counties, is becoming a recognized leader in providing top quality education to Stanislaus and San Joaquin 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.

The District has a mixture of newer and older facilities. Portions of Oakdale High School and Magnolia Elementary School have been serving students and the community for more than fifty-eight (58) and sixty-seven (67) years respectively.

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 \$37,500,000 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 XIII, 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 \$37,500,000 to said total cost. Other anticipated sources include state matching funds and other available funds. Bond proceeds will be expended to modernize, replace, renovate, construct, equip, furnish and otherwise improve the facilities of the District located at the following locations:

Cloverland Elementary School Built 1954	Oakdale Junior High School Built 1978
Fair Oaks Elementary School Built 1960	Oakdale High School Built 1948
Magnolia Elementary School Built 1939	

Such projects shall include, but shall not be limited to:

- Modernize and expand the existing Career Technical Building (Vocational Education Facility) at Oakdale High School to reduce student overcrowding
- Make health and safety improvements including upgrades to restrooms, classrooms and school facilities to comply with Americans with Disabilities Act (ADA) standards
- Construct a K-6 school with a 600 student capacity to reduce student overcrowding
- Construct permanent classrooms to replace outdated 25 year old temporary, portable classrooms
- Construct an athletic swimming facility at Oakdale High School for student and community use
- Construct multi-purpose classrooms at Cloverland and Fair Oaks Elementary Schools for student and community use
- Upgrade and improve outdated and aging classrooms
- Replace and upgrade heating, ventilation, and air conditioning (HVAC) systems
- Repair and replace outdated and leaky roofs
- Upgrade window systems to improve energy efficiency
- Upgrade and repair older classroom and school facility interiors and exteriors including floor coverings, doors and door hardware, and new paint
- Upgrade electrical and data systems to improve student access to computers and modern technology
- Modernize, expand, and upgrade student support facilities to improve space efficiency
- Conduct necessary site preparation/restoration in connection with new construction, renovation or remodeling, or installation or removal of relocatable classrooms
- Address unforeseen conditions revealed by construction/modernization (e.g., plumbing or gas line breaks, dry rot, seismic, structural, etc.)
- Furnish and equip schools as needed to the extent permitted by law

EXHIBIT B

**BALLOT MEASURE
(ABBREVIATED FORM)**

"To improve the quality of education, shall the Oakdale Joint Unified School District construct, acquire, renovate and repair classrooms and school facilities including vocational and multi-purpose classrooms, and a new elementary school; improve student safety and handicap accessibility; improve student access to computers and modern technology; and become eligible for State matching funds by issuing \$37.5 million in bonds within legal interest rates with annual audits, spending reviewed by an independent citizens' oversight committee, and no money for administrator salaries?"

Oakdale Joint Unified School District
Tax Rate Statement for
Bond Measure __ Election to be held November 7, 2006

REGISTRATION AND
ELECTIONS DIV

2006 AUG 10 AM 8:06

An election will be held in Oakdale Joint Unified School District (the "District") on November 7, 2006 to authorize the sale of \$37,500,000 in general obligation bonds. The following information is submitted in compliance with Sections 24009 and 24010 of the California Elections Code.

1. The best estimate of the tax rate that would be required to fund this bond issue during the first fiscal year after the sale of the first series of bonds, based on estimated assessed valuations available at the time of filing of this statement, is \$.03260 per \$100 (\$32.60 per \$100,000) of assessed valuation in fiscal year 2007-08.
2. The best estimate of the tax rate that would be required to fund this bond issue during the first fiscal year after the sale of the last series of bonds, based on estimated assessed valuations available at the time of filing of this statement, is \$.03260 per \$100 (\$32.60 per \$100,000) of assessed valuation in fiscal year 2011-12.
3. The best estimate of the highest tax rate that would be required to fund this bond issue, based on estimated assessed valuations available at the time of filing this statement, is \$.03260 per \$100 (\$32.60 per \$100,000) of assessed valuation.

These estimates are based on projections derived from information obtained from official sources. The actual tax rates and the years in which they will apply may vary depending on the timing of bond sales, the amount of bonds sold at each sale and actual increases in assessed valuations. The timing of the bond sales and the amount of bonds sold at any given time will be determined by the needs of the District. Actual assessed valuations will depend upon the amount and value of taxable property within the District as determined in the assessment and the equalization process.

Dated: August 9, 2006



Tim Hern
Assistant Superintendent, Business
Oakdale Joint Unified School District