

FEB 24 2014

MARK CHURCH, Chief Elections Officer  
By: \_\_\_\_\_  
DEPUTY CLERK

**RESOLUTION NO. 13-12**

**RESOLUTION OF THE BOARD OF TRUSTEES OF THE  
BAYSHORE ELEMENTARY SCHOOL DISTRICT ORDERING AN  
ELECTION TO AUTHORIZE THE ISSUANCE OF SCHOOL  
GENERAL OBLIGATION BONDS, ESTABLISHING  
SPECIFICATIONS OF THE ELECTION ORDER, AND  
REQUESTING CONSOLIDATION WITH OTHER ELECTIONS  
OCCURRING ON JUNE 3, 2014**

**WHEREAS**, in the judgment of the Board of Trustees (the "Board") of the Bayshore Elementary School District (the "District"), it is advisable to call an election to submit to the electors of the District the question of whether bonds of the District shall be issued and sold for the purpose of raising money for the construction, reconstruction, rehabilitation, replacement, acquisition, furnishing and equipping of school facilities, including the acquisition or lease of real property for school facilities; and

**WHEREAS**, the Board is authorized, upon a two-thirds vote of the Board, to pursue the authorization and issuance of bonds by a 55% vote of the electorate of the District on the question whether bonds of the District shall be issued and sold for specified purposes, pursuant to Article XIII A Section 1 paragraph (b) of the California Constitution ("Article XIII A"), Article XVI Section 18 paragraph (b) of the California Constitution ("Article XVI") and under California Education Code Section 15264 *et seq.* (the "Act", and together with Article XIII A and Article XVI, the "Law"); and

**WHEREAS**, under the Act, the election may be ordered at a primary or general election, a regularly scheduled local election at which all of the electors of the District are entitled to vote, or a statewide special election; and

**WHEREAS**, the Board desires to call an election in the District on June 3, 2014, which is the date of the statewide direct primary election, pursuant to the Law, and, pursuant to Education Code Section 15121 and Elections Code Section 10403, to request consolidation with any and all other elections held in the District on such date, and to request the San Mateo County Registrar of Voters to perform election services for the District;

**NOW, THEREFORE, THE BOARD OF TRUSTEES OF THE BAYSHORE ELEMENTARY SCHOOL DISTRICT DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:**

**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 \$6.0 million for the purposes described in the ballot measure approved under Section 3 and attached hereto as Appendix A (Full Text) and Appendix B (Abbreviated Text), and paying costs incident thereto. This Resolution constitutes the order of the District to call such election and shall constitute the "specifications of the election order" pursuant to Education Code Section 5322.

**Section 2. Election Date.** The date of the election shall be June 3, 2014, and such bond election shall be held solely within the boundaries of the District. The boundaries of the District have not changed since the District's last election.

**Section 3. Purpose of Election; Ballot Measure.** The purpose of the election shall be for the voters in the District to vote on a measure, a full copy of which is attached hereto as Appendix A and marked "Exhibit A – Ballot Measure – Full Text of Measure" (the "Full Text of the Measure"), containing the question of whether the District shall issue the Bonds for the purposes stated therein, together with the accountability requirements of Article XIII A and the requirements of Section 15272 of the Act. The Full Text of the Measure, which commences with the heading "FULL TEXT OF MEASURE" and includes all of the text thereafter on Exhibit A, shall be printed in the voter information pamphlet provided to voters, with such measure designation as is assigned to the measure. As required by Elections Code Section 13247, the abbreviated form of the measure to appear on the ballot is attached hereto as Appendix B and is marked as "Exhibit B – Ballot Measure – Abbreviated Form." The Superintendent is hereby authorized and directed to make any changes to the text of the measure (full text and/or abbreviated measure) as required to conform to any requirements of Article XIII A, the Act or the San Mateo County Registrar of Voters.

**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 and information technology needs in developing the list of school facilities projects set forth in Appendix A.

**Section 6. Covenants of the Board upon Approval of the Bonds by the Electorate; Accountability Measures.** As required by Article XIII A, 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:

- (a) conduct an annual, independent performance audit to ensure that the funds have been expended only on the projects listed in Exhibit A;
- (b) 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;
- (c) establish and appoint members to an independent citizens' oversight committee in accordance with Sections 15278, 15280, and 15282 of the Act;
- (d) apply the Bond proceeds only to the specific purposes stated in the ballot proposition;
- (e) cause creation of accounts into which bond proceeds shall be deposited; and

- (f) 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 (1) the San Mateo County Superintendent of Schools, (2) the San Mateo County Registrar of Voters (the "County Registrar") and (3) the San Mateo County Clerk of the Board of Supervisors. Pursuant to Education Code Section 5322, the Resolution shall be received by the County Registrar no later than 88 days prior to the election date, unless otherwise permitted by law.

The County Registrar is hereby requested to print the full text of the ballot measure in the ballot materials as it appears on Appendix A hereto and to publish and post any required notices of election and related deadlines with respect thereto. The Superintendent is hereby authorized to respond to any requests of the County Registrar to facilitate the placement of this measure on the ballot.

**Section 8. Consolidation of Election; Request to Provide Services.** The County Registrar and the San Mateo County Board of Supervisors are hereby requested to consolidate the election ordered hereby with any and all other elections to be held on June 3, 2014 within the District. Pursuant to Section 5303 of the Education Code and Section 10002 of the Elections Code, the Board of Supervisors of San Mateo County is requested to permit the County Registrar to render all services specified by Section 10418 of the Elections Code relating to the election, for which services the District agrees to reimburse San Mateo County in full from District general funds upon presentation of a bill from the County, such services to include any expenses related to the giving of notice of election, and the mailing of the sample ballot and tax rate statement (described in Section 9401 of the Elections Code).

**Section 9. Ballot Arguments; Tax Rate Statement.** As provided in Elections Code Section 9501, 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 President of the Board, the Superintendent or any designee of the foregoing, 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. Maturity Limit of Bonds.** The Bonds may be issued in series by the District from time to time, and each series of Bonds shall have a final maturity which does not exceed any limitations imposed by law. The Bonds shall be issued under the Act, under the provisions of Section 53506 *et seq.* of the California Government Code, or under any other provision of law authorizing the issuance of general obligation bonds by school districts.

**Section 11. Engagement of Professional Services.** The firm of Isom Advisors, a Division of Urban Futures Incorporated, has previously been appointed as the District's financial advisor in connection with the Bonds. The Superintendent is authorized and directed to execute an agreement with the law firm of Jones Hall, A Professional Law Corporation, which firm is hereby appointed to perform legal services in connection with the Bonds, as bond counsel and disclosure counsel, in the form on file with the Superintendent.

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

\*\*\*\*\*

The foregoing Resolution was adopted by the Board of Trustees of the Bayshore Elementary School District of San Mateo County, being the Board authorized by law to make the designations therein contained by the following vote, on February 11, 2014.


Adopted by the following votes: *[2/3 Board vote required for adoption]*

AYES: 4

NOES: 0

ABSENT: 1

ABSTAIN: 0

  
\_\_\_\_\_  
President of the Board

Attest:

  
\_\_\_\_\_  
Secretary of the Board

## APPENDIX A

### BALLOT MEASURE

#### FULL TEXT OF MEASURE

##### INTRODUCTION

"To improve the quality of education; replace outdated heating, ventilation and air-conditioning systems; repair deteriorating plumbing systems; modernize classrooms, restrooms and school facilities; repair or replace leaky roofs; upgrade inadequate electrical systems; and improve student access to computers and modern technology; shall the Bayshore Elementary School District issue \$6 million of bonds at legal interest rates, have an independent citizens' oversight committee and have NO money used for administrative salaries or be taken by the state?"

##### BOND AUTHORIZATION

By approval of this measure by at least 55 percent of the registered voters voting on the measure, the District will be authorized to issue and sell bonds of up to \$6.0 million in aggregated principal at interest rates not to exceed the legal limit and to provide financing for the specific school facilities projects listed in the Bond Project List described below, subject to all the accountability requirements specified below.

##### ACCOUNTABILITY REQUIREMENTS

The provisions in this section are specifically included in this measure in order that the voters and taxpayers in the District may be assured that their money will be spent wisely. Expenditures to address specific facilities needs of the District will be in compliance with the requirements of Article XIII A, 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 15264 and following.)

**Evaluation of Needs.** The School Board has identified detailed facilities needs of the District and has determined which projects to finance from a local bond at this time. The School Board hereby certifies that it has evaluated safety, class size reduction, enrollment growth, and information technology needs in developing the Bond Project List shown below.

**Independent Citizens' Oversight Committee.** The School Board shall establish an Independent Citizens' Oversight Committee, under Education Code Sections 15278 and following, to ensure bond proceeds are expended only on the school facilities projects listed below. The committee will be established within 60 days of the date when the results of the election appear in the minutes of the School Board.

**Performance Audits.** The School Board shall conduct an annual, independent performance audit to ensure that the bond proceeds have been expended only on the school facilities projects listed below.

**Financial Audits.** The School 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 below.

**Government Code Accountability Requirements.** As required by Section 53410 of the Government Code, (1) the specific purpose of the bonds is set forth in this Full Text of the Measure, (2) the proceeds from the sale of the bonds will be used only for the purposes specified in this Measure, and not for any other purpose, (3) the proceeds of the bonds, when and if issued, will be deposited into a building fund to be held by the San Mateo County Treasurer, as required by the California Education Code, and (4) the Superintendent of the District shall cause an annual report to be filed with the Board of Trustees of the District not later than January 1 of each year, which report shall contain pertinent information regarding the amount of funds collected and expended, as well as the status of the projects listed in this Measure, as required by Sections 53410 and 53411 of the Government Code.

### **NO TEACHER OR ADMINISTRATOR SALARIES**

Proceeds from the sale of bonds authorized by this measure shall be used only for the acquisition, construction, reconstruction, rehabilitation, and/or replacement of school facilities, including the furnishing and equipping of school facilities and/or the 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.

### **STATE MATCHING FUNDS**

The following statement is included in this measure pursuant to Education Code Section 15122.5: Approval of this measure does not guarantee that the proposed project or projects that are the subject of bonds under this measure will be funded beyond the local revenues generated by this measure. The School District's proposal for the project or projects may assume the receipt of matching state funds, which could be subject to appropriation by the Legislature or approval of a statewide bond measure.

### **BOND PROJECT LIST**

The Bond Project List shown below is a part of the ballot measure and must be reproduced in any official document required to contain the full statement of the bond measure.

**Scope of Projects.** Bond proceeds will be expended on the acquisition, construction, reconstruction, rehabilitation, and/or replacement of school facilities of the Bayshore Elementary School District, including the furnishing and equipping of such school facilities and/or the acquisition or lease of real property by the Bayshore Elementary School District to be used for school facilities. Whenever specific items are included in the following list, they are presented to provide an example and are not intended to limit the generality of the broader description of the types of authorized projects.

**School Facility Projects.** The specific school facilities projects to be funded include the following:

- Replace older heating, ventilation, and air conditioning systems with building code compliant, energy efficient systems

- Repair/replace deteriorating plumbing and sewer systems
- Modernize, renovate and expand outdated classrooms, restrooms and school facilities, including replacing deteriorating floors, ceilings, walls, lighting, wiring and plumbing and furnishing and equipping classrooms and related facilities to provide a modern learning environment
- Repair or replace leaky or outdated roofs
- Upgrade inadequate electrical systems
- Improve technology infrastructure and provide for student access to computers and modern technology, including computer labs and equipment
- Renovate and upgrade multi-purpose room and indoor/outdoor physical education facilities, including improving and resurfacing outdoor facilities
- Provide ongoing 21<sup>st</sup> century technology needs
- Improve student safety, including upgrading fire alarm and security systems, communication systems upgrades, seismic improvements and installing fencing and lighting
- Seismic retrofitting and upgrades to school facilities to ensure structural safety of schools
- Renovate, repair, expand and/or upgrade the interior and/or exterior of existing classrooms and other school facilities, including infrastructure improvements, new paint, doors, hardware, cabinetry, carpet/tile, curtains/blinds, partitions and exhaust fans, cafeteria and kitchen facilities and equipment and improvements to landscaping and outdoor learning environments
- Improve parking/student drop-off and pick-up areas, including paving, curbside improvements, signage, lighting, fencing and other safety improvements
- Replace temporary portables with permanent classrooms
- Make facility improvements to increase the District's energy efficiency, including installing insulation to roofs and walls and replacing outdated and inefficient lighting and windows
- Make Federal and State-mandated Americans with Disabilities Act (ADA) accessibility upgrades including site access, parking and access to playfields and playgrounds
- Abate and remove hazardous materials identified prior to or during construction

Each project includes the expenses of furnishing and equipping, architectural, engineering, and similar design and planning costs, program/project management expenses (including project management performed by District personnel) and a customary contingency for unforeseen design and construction costs. In the event a project has been financed on an interim basis, the bond project includes the payment of such interim financing. Each bond project includes all work necessary and incidental to the specific projects described above, including but not limited to, demolition of existing structures, rental or construction of storage facilities and other space on an interim basis and interim classrooms for students and school functions or other storage for classroom materials displaced during construction, addressing unforeseen conditions revealed by

construction/modernization and other necessary improvements required to comply with existing building codes, including the Field Act, and access requirements of the Americans with Disabilities Act. Some projects may be undertaken as joint use projects in cooperation with other local public or non-profit agencies.

The order in which school facilities projects are listed above does not suggest an order of priority. Project priorities will be determined by the District Board. The District is unable to anticipate all unforeseen circumstances which may prevent some of the projects listed above from being undertaken or completed.



APPENDIX B

BALLOT MEASURE  
ABBREVIATED FORM\*

73 words

"To improve the quality of education; replace outdated heating, ventilation and air-conditioning systems; repair deteriorating plumbing systems; modernize classrooms, restrooms and school facilities; repair or replace leaky roofs; upgrade inadequate electrical systems; and improve student access to computers and modern technology; shall the Bayshore Elementary School District issue \$6 million of bonds at legal interest rates, have an independent citizens' oversight committee and have NO money used for administrative salaries or be taken by the state?"

9  
9  
7  
8  
5  
5  
11  
%

Bonds—Yes

Bonds—No

FILED IN THE OFFICE OF THE  
CHIEF ELECTIONS OFFICER  
OF SAN MATEO COUNTY, CALIF.

FEB 24 2014

MARK THURCH Chief Elections Officer

By

DEPUTY CLERK

\*75 words or less.

## Tax Rate Statement

An election will be held in the Bayshore Elementary School District (the "District") on June 3, 2014 to authorize the sale of \$6,000,000 in general obligation bonds. The following information is submitted in compliance with Sections 9400-9404 of the California Elections Code.

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 \$.0300 per \$100 (\$30.00 per \$100,000) of assessed valuation in fiscal year 2014-15.

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 \$.0300 per \$100 (\$30.00 per \$100,000) of assessed valuation in fiscal year 2017-18.

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 \$.0300 per \$100 (\$30.00 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: 2/12/14

  
Audra Pittman

Superintendent

Bayshore Elementary School District