

RESOLUTION NO. 16-01

**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 NOVEMBER 8, 2016**

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

JUL 22 2016

By **MARK CHURCH**, Chief Elections Officer
DEPUTY CLERK

WHEREAS, the Bayshore Elementary School District (the "District") is committed to providing quality education to its students; and

WHEREAS, in order to complete the construction of a new school facility and all related improvements, furnishings and equipment to provide present and future District students with the education they deserve in a safe and modern environment, the District Board of Trustees (the "Board") has determined that it is necessary to identify a local source of funding; and

WHEREAS, in the judgment of the Board, 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, replacement, acquisition, furnishing and equipping of 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 November 8, 2016, 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 \$7.0 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 November 8, 2016, 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 and to make any modifications to the ballot measure to conform to requests of the County Registrar or the Law.

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 November 8, 2016 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 the Tax Rate Statement in substantially the form on file with the Superintendent, and any other document relating to the calling of the election herein 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 firms of Isom Advisors, a Division of Urban Futures Incorporated and Jones Hall, A Professional Law Corporation, have previously been appointed as the District's financial advisor and bond counsel and disclosure counsel, respectively. Said appointments are hereby confirmed in connection with the proceedings called under this Resolution and, if the measure is successful, in connection with the issuance of Bonds.

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 July 12, 2016.

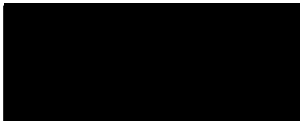
Adopted by the following votes: *[requires 4 'yes' votes]*

AYES: 4

NOES: 0

ABSENT: 1

ABSTAIN: —



President of the Board

Attest:



Clerk of the Board

APPENDIX A
BALLOT MEASURE
FULL TEXT OF MEASURE

INTRODUCTION

“To improve the quality of education at local schools with funding that cannot be taken by the state; finish construction of a new school; improve student access to modern technology; construct classrooms, restrooms and school facilities that meet all health, safety and handicapped accessibility (ADA) requirements; shall the Bayshore Elementary School District issue \$7,000,000 of bonds at legal interest rates, with annual audits, independent citizens’ oversight and NO money used for administrative salaries?”

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 \$7.0 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 furnishing and equipping. 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 Project List. The items presented on the following list provide are the types of projects to be financed with bond proceeds. Specific examples included on this list are not intended to limit the generality of the broader types of projects described and authorized by this measure. The types of projects authorized are:

- Finish construction of a school serving transitional kindergarten through grade eight

- Increase student access to modern technology including providing necessary infrastructure, hardware, software, computers, devices and other modern instructional equipment
- Ensure health, safety and handicapped accessibility (ADA) compliance
- Construct/improve outdoor learning areas and landscaping
- Upgrade/install school site parking, utilities and grounds
- Upgrade/install wiring systems to meet current electrical and accessibility codes and increased capacity
- Construct a multi-purpose room
- Construct/install Federal and State-mandated Occupational Safety & Health Administration (OSHA) safety upgrades including playground equipment replacement
- Construct/install Federal and State-mandated Americans with Disabilities Act (ADA) accessibility upgrades including but not limited to site access, parking access, staff and student restroom access, relocation of certain existing electrical devices and drinking fountain and playground equipment accessibility
- Abate and remove hazardous materials identified prior or during construction
- Repair, replace and/or upgrade paved surfaces, turf, and other grounds to eliminate safety hazards and improve outside instructional areas
- Necessary site acquisition and preparation/restoration in connection with new construction, renovation or remodeling, or installation or removal of relocatable classrooms, including ingress and egress, removing, replacing, or installing irrigation, utility lines (such as gas lines, water lines, electrical lines, sewer lines, and communication lines), trees and landscaping, relocating fire access roads, and acquiring any interests in real property including necessary easements, licenses, or rights of way to the property

Each of the bond projects described in this Bond Project List include the costs of furnishing and equipping such facilities, and all costs incidental but directly related to the specific projects described above. Examples of such costs include, but are not limited to: costs of design, engineering, architect and other professional services, inspections, site preparation, utilities, landscaping, construction management and other planning and permitting, legal, accounting and similar costs; independent annual financial and performance audits; a customary construction contingency; demolition and disposal of existing structures; rental or construction of storage facilities and other space on an interim basis for materials and other equipment and furnishings displaced during construction; interim classrooms and facilities for students, administrators, and school functions, including modular facilities; addressing unforeseen conditions revealed by construction/modernization and other necessary improvements required to comply with existing building codes, including the Field Act; access requirements of the Americans with Disabilities Act; costs of the election; bond issuance costs; and project administration during the duration of such projects, as permitted by law.

The scope and nature of any of the specific projects described above may be altered by the District as required by unforeseen conditions that may arise during the course of design and construction. Demolition of existing facilities and reconstruction of

facilities scheduled identified for repair and upgrade are authorized, if the Board determines that such an approach would be more cost-effective in creating more enhanced and operationally efficient campuses. As such, this bond measure authorizes land acquisition, relocation and reconstruction, and costs relating thereto, for said reasons or based on other considerations deemed in the best interest of the District by the Board of Trustees. In addition, any project included on the project list may be undertaken as a joint use project with other public agencies or nonprofit organizations and bond funds may be used to fund the local share for any such eligible joint use projects.

Approval of the District's bond measure does not guarantee that all of the identified projects within this Bond Project List will be funded beyond what can be completed with local funds generated by the bond measure. The District plans to pursue funds from the State of California, if available, to complete certain of the identified facilities projects.

The order in which school facilities projects are listed in the Project List does not suggest an order of priority. Project priorities will be determined by the Board of Trustees. 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***

“To improve the quality of education at local schools with funding that cannot be taken by the state; finish construction of a new school; improve student access to modern technology; construct classrooms, restrooms and school facilities that meet all health, safety and handicapped accessibility (ADA) requirements; shall the Bayshore Elementary School District issue \$7,000,000 of bonds at legal interest rates, with annual audits, independent citizens’ oversight and NO money used for administrative salaries?”

Bonds—Yes

Bonds—No

**75 words or less.*

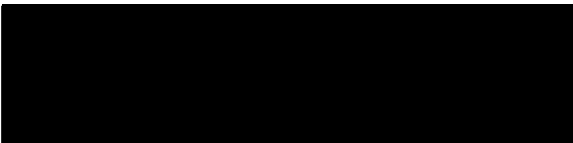
Tax Rate Statement

An election will be held in the Bayshore Elementary School District (the "District") on November 8, 2016 to authorize the sale of up to \$7,000,000 in general obligation bonds. The following information is submitted in compliance with Sections 9400-9404 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 \$.03000 per \$100 (\$30.00 per \$100,000) of assessed valuation in fiscal year 2017-18.
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 \$.03000 per \$100 (\$30.00 per \$100,000) of assessed valuation in fiscal year 2019-20.
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 \$.03000 per \$100 (\$30.00 per \$100,000) of assessed valuation. This vote is projected to apply in each fiscal year that the bonds are outstanding.
4. The best estimate from official sources of the total debt service, including the principal and interest, that would be required to be repaid if all the bonds are issued and sold will be approximately \$14,600,000.

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: 7/14/16



Audra Pittman
Superintendent
Bayshore Elementary School District