

JUL 03 2024

**RESOLUTION NO. 23-24-20**

**RESOLUTION OF THE BOARD OF TRUSTEES OF THE  
MILLBRAE ELEMENTARY SCHOOL DISTRICT  
ORDERING A SCHOOL BOND ELECTION ON NOVEMBER 5, 2024 AND  
AUTHORIZING NECESSARY ACTIONS IN CONNECTION THEREWITH**

MARK CHURCHILL  
By [REDACTED]  
DEPUTY CLERK

WHEREAS, Millbrae School District is fully committed to its longstanding tradition of delivering an excellent education for local students; and

WHEREAS; our local schools are award winning and serve over 2,100 students from TK-8<sup>th</sup> grade with admission of providing each student a strong academic foundation; and

WHEREAS, the District conducted a Facilities Master Plan to capture the current state of school facilities and provide a list of improvements needed at each school site; and

WHEREAS, while our students continue to succeed, the findings of the Master Plan made it clear that repairs and upgrades are needed across all Millbrae schools; and

WHEREAS, identified repair needs would provide teachers with the tools they need to help students succeed and ensure all students have equal access to modern, high-quality educational facilities

WHEREAS, updates and repairs to heating and ventilation systems and aging roofs are needed to make these systems efficient, sustainable and keep our children safe and healthy; and

WHEREAS, in the past, the State funded 40 percent of school construction, but now leaves this entire responsibility to local communities; and

WHEREAS, if approved by voters, funding from this measure could be used to make classroom and school repairs to help protect the quality of academic instruction in core subjects like math, science, reading and writing; update science, technology, engineering and math labs at every school; repair and replace leaking roofs; provide teachers with instructional tools to prepare students for high school and college; update classroom computers and technology; rebuild the outdated, windowless Lomita Park Elementary School to ensure all students have a safe and up-to-date learning environment; and

WHEREAS, a bond measure includes strict fiscal accountability requirements, including citizens' oversight, independent audits, a detailed project list and a requirement that all funds only support Millbrae schools and cannot be taken by the state; and

WHEREAS, whether or not you have school-aged children, improving local schools is a community investment, increasing quality of life and local property values; and

WHEREAS, the Board of Trustees ("Board") of the Millbrae Elementary School District ("District"), San Mateo County, California is authorized to order elections within the District and to designate the specifications thereof, pursuant to Sections 5304 and 5322 of the California Education Code ("Education Code"); and

WHEREAS, the Board is specifically authorized to order elections for the purpose of submitting to the electors the question of whether bonds of the District shall be issued and

sold for the purpose of raising money for the purposes hereinafter specified, pursuant to Section 15100 *et seq.* of the Education Code; and

WHEREAS, pursuant to section 18 of Article XVI and section 1 of Article XIII A of the California Constitution (also known as "Proposition 39"), and Section 15266 of the Education Code, school districts may seek approval of general obligation bonds and levy an *ad valorem* tax to repay those bonds upon a fifty-five percent (55%) vote of those voting on a proposition for that purpose, provided certain accountability measures are included in the proposition; and

WHEREAS, the Board deems it necessary and advisable to submit such a bond proposition to the electors to be approved by fifty-five percent (55%) of the votes cast; and

WHEREAS, such a bond election must be conducted concurrent with a statewide primary election, general election or special election, or at a regularly scheduled local election, as required by Section 15266 of the Education Code, and on November 5, 2024, a general election is scheduled to occur throughout the District; and

WHEREAS, pursuant to Section 15270 of the Education Code, if the measure is approved by the voters, bonds may only be issued if the tax rate levied to meet the debt service requirements would not exceed thirty dollars (\$30) per year per one hundred thousand dollars (\$100,000) of taxable property when assessed valuation is projected by the District to increase in accordance with Article XIII A of the California Constitution; and

WHEREAS, the estimated tax rates, duration of tax collection, and total estimated amount of debt service, is described in the Tax Rate Statement contained in **Exhibit C** hereto; and

WHEREAS, Section 9400 *et seq.* of the California Elections Code requires that a tax rate statement be contained in all official materials, including any ballot pamphlet prepared, sponsored or distributed by the District, relating to the election; and

WHEREAS, in the judgment of the Board, it is advisable to request that the San Mateo County Registrar of Voters ("County Registrar") act as the election official and call an election and submit to the registered voters of the District the full ballot proposition as detailed herein, in coordination with each other as necessary; and

WHEREAS, the Board now desires to authorize the filing of a ballot argument in favor of the proposition to be submitted to the voters at the election.

NOW, THEREFORE, be it resolved, determined and ordered by the Board of Trustees of the Millbrae Elementary School District as follows:

**Section 1. Specifications of Election Order.** Pursuant to Sections 5304, 5322, 15100 *et seq.*, and Section 15266 of the Education Code, an election shall be held within the District on November 5, 2024, for the purpose of submitting to the registered voters of the District the full ballot proposition contained in **Exhibit B** ("Full Ballot Text"), which Full Ballot Text is hereby approved. The County Registrar shall provide for the performance of its duties in accordance with Education Code section 5303 and in accordance with any and all other laws and regulations applicable to such elections.

**Section 2. Abbreviation of Proposition/Ballot Label.** Pursuant to Sections 13119 and 13247 of the California Elections Code and Section 15122 of the Education Code, the Board

hereby directs the County Registrar to use the abbreviation of the Full Ballot Text ("Ballot Label") that is attached hereto as **Exhibit A**. The Ballot Label shall function merely as an abbreviation of the Full Ballot Text and does not stand alone as a complete and binding statement of the measure, nor is it possible for the Ballot Label to contain all of the project and financial information a voter might wish to consider in casting a vote. Voters are urged to review the Full Ballot Text and the Tax Rate Statement to obtain a complete understanding of the measure, including all of the financial projections and estimates upon which the measure is based.

*Section 3. Voter Pamphlet.* The County Registrar is hereby requested to reprint the Full Ballot Text in its entirety in the voter information pamphlet to be distributed to voters pursuant to Section 13307 of the Elections Code. In the event the Full Ballot Text is not reprinted in the voter information pamphlet in its entirety, the County Registrar is hereby requested to print, immediately below the impartial analysis of the bond proposition, in no less than 10-point boldface type, a legend substantially as follows:

"The above statement is an impartial analysis of Measure \_\_\_\_\_. If you desire a copy of the measure, please call the San Mateo County Registrar of Voters at \_\_\_\_\_ and a copy will be mailed at no cost to you."

*Section 4. Accountability Measures.* Pursuant to legal requirements, and as specified in the Full Ballot Text, the Board certifies that the District:

- (a) Has evaluated the facilities needs of the District and has evaluated safety, class size reduction and information technology needs in developing the Bond Project List contained in the Full Ballot Text;
- (b) Will establish an independent Citizens' Bond Oversight Committee to ensure that bond proceeds are expended only for the school facilities projects described in the Bond Project List, in accordance with Education Code section 15278 et seq.;
- (c) Will conduct or cause to be conducted an annual, independent performance audit to ensure that the bond proceeds have been expended only on the school facilities projects described in the Bond Project List;
- (d) Will conduct or cause to be conducted an annual independent financial audit of the bond proceeds until all of those proceeds have been spent for the school facilities projects described in the Bond Project List; and
- (e) Shall take all actions to establish an account in which proceeds of the sale of the bonds will be deposited, and to cause a report to be filed with the Board no later than each January 1 identifying proceeds received and expended in the past fiscal year and the status of any project funded or to be funded with bond proceeds. The first report shall be due no later than January 1 of the first year after which bonds have been issued and proceeds spent.

*Section 5. Required Vote.* Pursuant to Section 18 of Article XVI and Section 1 of Article XIII A of the State Constitution, the above proposition shall become effective upon the affirmative vote of at least fifty-five percent (55%) of those voters voting on the proposition.

*Section 6. Request to County Officers to Conduct Election; Cost of Election.* The County Registrar is hereby requested, pursuant to section 5322 of the California Education Code, to take all steps to call and hold the election in accordance with law and these specifications. The District will reimburse the Registrar and the County for costs associated with the election as required by law.

*Section 7. Consolidation of Election and Canvass of Vote.*

(a) Pursuant to Section 15266(a) of the Education Code, the election shall be consolidated with the election on November 5, 2024.

(b) The Board of Supervisors of San Mateo County is authorized and requested to canvass the returns of the election, as necessary, pursuant to Section 10411 of the California Elections Code.

*Section 8. Delivery of Order of Election to County Officers.* The Clerk of the Board is hereby directed to deliver or cause to be delivered, no later than **August 9, 2024**, (which date is 88 days prior to the date set for the election), one copy of this Resolution to the County Registrar with the completed Tax Rate Statement (in substantially the form attached hereto as **Exhibit C**), completed and signed by the Superintendent or his designee, and shall file a copy of this Resolution with the Clerk of the Board of Supervisors of San Mateo County.

*Section 9. Ballot Arguments.* The members of the Board are hereby authorized to prepare and file with the County Registrar a ballot argument in favor of the proposition contained in Section 1 hereof, within the time established by the County Registrar.

*Section 10. Intention to Reimburse.* The District may incur costs associated with bond-funded projects described in **Exhibit B** hereto prior to the issuance of bonds. For purposes of establishing compliance with the requirements of Section 1.150-2 of the regulations of the U.S. Treasury Department, the Board hereby declares its official intent to use proceeds of the bond to reimburse itself for lawful expenditures on capital projects described on the Bond Project List, up to a maximum principal amount of \$9,500,000.

*Section 11. Further Authorization.* The members of this Board, the Superintendent, and all other officers of the District are hereby authorized and directed, individually and collectively, to do any and all things that they deem necessary or advisable in order to effectuate the purposes of this Resolution, including modification of the Full Ballot Text, the ballot measure summary or Tax Rate Statement if he or she determines such modifications are necessary and in the District's best interests. Any such modifications shall be ratified thereafter by the Board.

*Section 12. Effective Date.* This Resolution shall take effect upon its adoption.

PASSED AND ADOPTED this 25<sup>th</sup> day of June, 2024, by the following vote:

AYES: 5

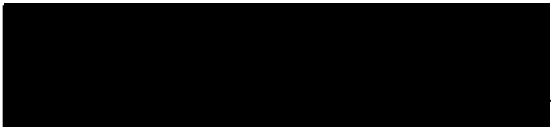
NAYS: 0

ABSTAIN: 0

ABSENT: 0



President of the Board of Trustees of the  
Millbrae Elementary School District



Millbrae Elementary School District

**EXHIBIT A**

**BALLOT LABEL**

To improve all local elementary/middle schools by upgrading math, reading and writing classrooms; updating science, technology, and engineering labs; repairing leaking roofs; providing teachers with instructional tools to prepare students for future success; and rebuilding aging school facilities, shall Millbrae Elementary School District's measure be adopted authorizing \$95,000,000 in bonds at legal rates, levying \$30 per \$100,000 assessed value, \$6,000,000 annually, while bonds are outstanding, with citizen oversight, audits, no funds for administrators, and funds staying local? <sup>13</sup><sub>10</sub> <sup>27</sup><sub>35</sub> <sup>43</sup><sub>52</sub> <sup>66</sup><sub>7</sub>

Bonds - Yes \_\_\_\_\_

Bonds - No \_\_\_\_\_

75

## **EXHIBIT B**

### **MILLBRAE ELEMENTARY SCHOOL DISTRICT BOND PROPOSITION FULL BALLOT TEXT**

By approval of this measure by at least fifty-five percent (55%) of the registered voters voting thereon, the Millbrae Elementary School District shall be authorized to issue and sell bonds of up to \$95 million in aggregate principal amount to provide financing for the specific school facilities projects listed below in the Project List, subject to all of the accountability safeguards specified herein.

#### **KEY FINDINGS**

Millbrae School District is fully committed to its longstanding tradition of delivering an excellent education for local students. Our local schools are award winning and serve over 2,100 students from TK-8th grade with a mission of providing each student a strong academic foundation.

The District conducted a Facilities Master Plan to capture the current state of school facilities and provide a list of improvements needed at each school site. While our students continue to succeed, the plan identified a specific list of repairs and upgrades needed across all Millbrae schools. Updates and repairs to heating and ventilation systems and aging roofs are needed to make these systems efficient, sustainable and keep our children safe and healthy.

The Board recognizes in the past, the State funded 40 percent of school construction, but now leaves this entire responsibility to local communities. Currently, there are no resources available to improve or update Millbrae elementary and middle schools. Additional funding would allow the District to repair aging schools and ensure student safety.

Moneys raised under this Measure shall be authorized to be used only for the following purposes in accordance with priorities established by the Board and to the extent of available funds:

- Make classroom and school repairs to help protect the quality of academic instruction in core subjects like math, science, reading and writing
- Update science, technology, engineering and math labs at every school
- Repair and replace leaking roofs
- Provide teachers with instructional tools to prepare students for high school and college
- Update classroom computers and technology
- Rebuild the outdated, windowless Lomita Park Elementary School to ensure all students have a safe and up-to-date learning environment

#### **ACCOUNTABILITY MEASURES**

The provisions in this section are included in this proposition in order that the voters and taxpayers of the District may be assured that their money will be spent to address specific facilities needs of the District, all 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 Section 15264 *et seq.* of the California Education Code).

Evaluation of Needs. The Board of Trustees has evaluated the facilities needs of the District, and has identified projects to finance from a local bond measure at this time. The Board of Trustees hereby certifies that it has evaluated safety, class size reduction and information technology needs in developing the Bond Project List.

Independent Citizens' Oversight Committee. The Board of Trustees shall establish an independent Citizens' Oversight Committee in accordance with Education Code sections 15278-15282 and applicable Board policy, to ensure bond proceeds are expended only for the school facilities projects listed in the Project List. An existing Citizens' Oversight Committee may be empowered by the Board of Trustees to oversee the expenditure of bond proceeds from this measure. The committee shall be so empowered, or a new committee established, within sixty (60) days of the date when the Board of Trustees enters the results of the election in its official minutes.

Annual Performance Audit. The Board of Trustees shall conduct or cause to be conducted an annual, independent performance audit to ensure that the bond proceeds have been expended only on the school facilities projects described in the Bond Project List.

Annual Financial Audit. The Board of Trustees shall conduct or cause to be conducted an annual, independent financial audit of the bond proceeds until all of those proceeds have been spent for the school facilities projects described in the Bond Project List.

Special Bond Proceeds Account; Annual Report to Board. Upon approval of this measure and the sale of any bonds approved, the Board of Trustees shall take actions necessary to establish an account in which proceeds of the sale of bonds will be deposited. As long as any proceeds of the bonds remain unexpended, the Superintendent shall cause a report to be filed with the Board of Trustees no later than January 1 of each year, commencing on the first January 1 after bonds have been issued and proceeds spent, stating (1) the amount of bond proceeds received and expended in the past fiscal year, and (2) the status of any project funded or to be funded from bond proceeds. The report may be incorporated into the annual budget, annual financial report, or other appropriate routine report to the Board.

Single Purpose. All of the purposes enumerated in this proposition shall be united and voted upon as one single proposition, pursuant to Section 15100 of the California Education Code, and all the enumerated purposes shall constitute the specific single purpose of the bonds and proceeds of the bonds shall be spent only for such purpose.

Other Terms of the Bonds. The bonds may be issued and sold in several series, and in accordance with a financing plan determined by the Board of Trustees pursuant to requirements of law. When sold, the bonds shall bear interest at an annual rate not exceeding the statutory maximum and with a maximum term not exceeding the statutory maximum, provided that the average useful life of bonds sold will not exceed one hundred twenty percent (120%) of the average life of the projects being financed or as otherwise provided by federal tax law. Bond funds may be used to reimburse the District for Bond Project list expenditures incurred prior to the election and bond issuance, in accordance with federal tax law.



## PROJECT LIST

### **I. PROJECTS TO SUPPORT CORE ACADEMIC INSTRUCTION INCLUDING READING, WRITING, SCIENCE, TECHNOLOGY, ENGINEERING, AND MATH PROGRAMS**

- Reconfigure, replace, construct/reconstruct, or modernize sites and educational facilities to allow for the efficient provision of core academic instruction and accommodate growing student enrollment, including demolition and replacement of aging school(s)
- Construct, renovate, furnish, and equip labs and maker spaces to support STEAM (science, technology, engineering, art, and math) instruction
- Acquire and upgrade software, computers, and other equipment, to support an innovative 21st-century learning environment
- Acquire, upgrade and repair technology and communication infrastructure including, without limitation, cabling and wireless infrastructure, network hardware and software, and other shared access equipment such as digital whiteboards, document cameras, projectors, and printers
- Remove and replace aging portable classrooms with new permanent classrooms
- Construct and update classrooms for art and music
- Create, configure, or modernize libraries, media centers, and other spaces to include innovation/collaboration space with expanded technology infrastructure

### **II. PROJECTS TO IMPROVE THE QUALITY OF DISTRICT SCHOOLS, REBUILD AGING SCHOOL FACILITIES, AND PREPARE STUDENTS FOR FUTURE SUCCESS**

- Complete health and safety improvements required to comply with current student safety standards and codes
- Upgrade access for students with disabilities and perform Americans with Disabilities Act (ADA) compliance upgrades
- Upgrade and repair electrical infrastructure
- Upgrade utility/sewer/water/storm drain and gas lines and plumbing infrastructure;
- Repair/replace heating, ventilation & air conditioning (HVAC) systems
- Replace or repair leaky roofs
- Install or acquire energy equipment and systems to improve energy efficiency and implement sustainability and best/green energy practices
- Renovate school or classroom interiors, including fixtures, furniture, flooring, paint, ceilings, and lighting
- Upgrade school or site exteriors, including walls, paint, lighting, windows, skylights, and doors
- Upgrade or construct restrooms

- Upgrade or construct locker rooms
- Renovate and upgrade fields and play areas
- Make upgrades to improve control of access to schools including installation of gates and signage
- Upgrade fire alarms
- Install door and window hardware, locks and/or safety treatments
- Install and update security systems and cameras
- Repair, replace and or/upgrade paved surfaces, including parking lots, playgrounds, and walkways
- Abate hazardous materials such as asbestos and lead paint
- Improve the safety of student pick-up and drop-off zones, including circulation improvements to reduce traffic congestion and improve traffic flow; add, expand, or replace accessible parking areas for persons with disabilities

**EXHIBIT C**

**TAX RATE STATEMENT**

An election will be held within the boundaries of Millbrae Elementary School District (the "District") on November 5, 2024 to authorize the sale of up to \$95 million in bonds to finance facilities as described in the proposition. If the bonds are approved, the District expects to sell the bonds in multiple series. Principal and interest on the bonds will be payable from the proceeds of tax levies made upon the taxable property located within the District. The following information is provided in compliance with Sections 9400 to 9404, inclusive, of the California Elections Code.

1. The best estimate from official sources of the average annual tax rate that would be required to be levied to fund this bond issue over the entire duration of the bond debt service, based on assessed valuations available at the time of the election or a projection based on experience within the same jurisdiction or other demonstrable factors, is estimated to be \$30 per \$100,000 of assessed valuation. The final fiscal year in which the tax is anticipated to be collected is 2056-57.
2. The best estimate from official sources of the highest tax rate that would be required to be levied to fund this bond issue, and an estimate of the year in which that rate will apply, based on assessed valuations available at the time of filing this statement or a projection based on experience within the same jurisdiction or other demonstrable factors, is estimated to be \$30 per \$100,000 of assessed valuation in fiscal year 2025-26.
3. 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 \$191 million.

Voters should note that the estimated tax rate is based on the ASSESSED VALUE of taxable property on the San Mateo County official tax rolls, not on the property's market value. Property owners should consult their own property tax bills to determine their property's assessed value and any applicable tax exemptions.

Attention of all voters is directed to the fact that the foregoing information is based upon the District's projections and estimates only, which are not binding upon the District. The actual tax rates, debt service and the years in which they will apply may vary from those presently estimated, due to variations from these estimates in the 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 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.

Signed:

  
Lisa Hickey, Superintendent

Dated:

June 25, 2024