

**PIEDMONT CITY UNIFIED SCHOOL DISTRICT
Piedmont, California 94611**

RESOLUTION NO. 12-2005-06

**RESOLUTION ORDERING AN ELECTION TO AUTHORIZE THE
ISSUANCE OF SCHOOL BONDS, ESTABLISHING SPECIFICATIONS
OF THE ELECTION ORDER, AND REQUESTING CONSOLIDATION
WITH ANY OTHER ELECTIONS OCCURRING ON MARCH 7, 2006**

WHEREAS, in the judgment of the Board of Education (the "Board") of the Piedmont City Unified School District (the "District"), it is advisable to call an election to submit to the electors of the District the question of whether the bonds of the District shall be issued and sold to raise money for the reconstruction, rehabilitation, or replacement of certain of the District's existing school buildings and 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 that has been approved by 55% of the voters of the District voting on the proposition; and

WHEREAS, pursuant to California Education Code section 15264 *et seq.* (the "Act"), this Board is specifically authorized, upon approval by 2/3 of the Board, to submit to the electorate of the District the question of whether bonds of the District shall be issued and sold for specified purposes, upon a 55% vote of the electorate in favor on the question, pursuant to paragraph (3) of said subdivision (b) of Section 1 of Article XIII A and subdivision (b) of Section 18 of Article XVI of the California Constitution; and

WHEREAS, pursuant to California Election Code section 10403 *et seq.*, it is appropriate for the Board to request consolidation of the election with any and all other elections to be held on Tuesday, March 7, 2006, and to request the Alameda County Registrar of Voters to perform certain election services for the District.

NOW, THEREFORE, THE BOARD OF EDUCATION OF THE PIEDMONT CITY UNIFIED SCHOOL DISTRICT HEREBY RESOLVES, DETERMINES, AND ORDERS AS FOLLOWS:

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 principal amount not to exceed \$56,000,000 to raise money for the reconstruction, rehabilitation, or replacement of certain of the District's existing school buildings and facilities, and paying costs incident thereto, as set forth

more fully in a ballot proposition approved pursuant to Section 3 below. This Resolution constitutes the order of the District to call such election.

2. **Election Date.** The date of the election shall be March 7, 2006, and the election shall be held solely within the boundaries of the District.

3. **Purpose of Election; Ballot Proposition.** The purpose of the election shall be for the voters of the District to vote on a proposition, a full copy of which is attached hereto as **Exhibit A**, 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. As required by California Elections Code section 13247, the abbreviated form of the measure to appear on the ballot is attached hereto as **Exhibit B**. The District's Superintendent (or designee) is hereby authorized and directed to make any changes to the text of this Resolution, the proposition, or its abbreviated form, as required to comply with the intent of this Resolution, the requirements of elections officials, and requirements of law.

4. **Authority for Election.** The authority for ordering the election is contained in California Education Code section 15264 *et seq.* and Article XIII A, Section 1, paragraph (b), subsection (3) of the California Constitution. The authority for the specification of this election order is contained in California Education Code section 5322.

5. **Accountability Measures.** Pursuant to Government Code section 53410 *et seq.* the ballot proposition to be submitted to the voters of the District hereunder provides accountability measures that include, but are not limited to, all of the following:

- (a) A statement indicating the specific purposes of the bond;
- (b) A requirement that the proceeds be applied only to the specific purposes identified pursuant to subdivision (a);
- (c) The creation of an account into which the proceeds shall be deposited;
- (d) An annual report to the Board by the District's chief fiscal officer pursuant to Government Code section 53411 containing (i) the amount of funds collected and expended; and (ii) the status of any project required or authorized to be funded by the bonds.

6. **School Facilities Projects.** A list of the specific school facilities projects to be funded from the proceeds of the bonds is set forth in Exhibit A. As required by Article XIII A, the Board hereby certifies that it has evaluated safety, class-size reduction, and information technology needs of the District in developing the list of school facilities projects set forth in Exhibit A.

7. **Covenants of the Board Upon Approval of the Bonds by the Electorate.** As required by Article XIII A and Section 15270 of the Act, if 55% of the voters of the District voting on the measure approve of the bonds, then the Board shall:

- (a) Use the bond proceeds only for the purposes of the reconstruction, rehabilitation, or replacement of certain of the District's existing school buildings and facilities, including the furnishing and equipping of school facilities, as specifically set forth in Exhibit A, and paying costs incident thereto, and not for any other purpose, including teacher and administrator salaries and other school operating expenses;
- (b) Conduct an annual, independent performance audit to ensure that the bond proceeds have been expended only on the projects listed in Exhibit A;
- (c) Conduct an annual, independent financial audit of the proceeds from the sale of the Bonds until all of those proceeds have been expended for school facilities projects listed in Exhibit A; and
- (d) Establish and appoint members to an independent citizens' oversight committee in accordance with sections 15278, 15280, and 15282 of the Act.

8. **Delivery of this Resolution.** The District's Superintendent is hereby authorized and directed to send or hand deliver a signed copy of this Resolution to the Alameda County Superintendent of Schools and the Alameda County Registrar of Voters by no later than December 9, 2005.

9. **Ballot Arguments; Tax Rate Statement.** Each member of this Board is 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.

10. **Consolidation of Election; Election services.** The Alameda County Registrar of Voters and the Alameda County Board of Supervisors are hereby requested to consolidate the election ordered hereby with any and all other elections to be held on March 7, 2006 within the District. Pursuant to section 5303 of the Education Code and section 10002 of the Elections Code, the Board of Supervisors is requested to permit the County Registrar of Voters, or other appropriate officials of the County of Alameda, to render all services necessary in connection with the bond election including, but not limited to, publication of a Formal Notice of School Bond Election

pursuant to Education Code 5363 and related law, the mailing of the sample ballot and tax rate statement (described in section 9401 of the Elections Code), the opportunity to submit ballot arguments in connection with the bond election, the canvassing and certification of the returns of the election, and other ballot requirements pursuant to Elections Code section 15123, for which services the District agrees to reimburse the County as required by law.

11. **Effective Date.** This Resolution shall take effect immediately upon its adoption.

* * * * *

PASSED AND ADOPTED by the following called vote of the Piedmont City Unified School District Board of Education on this 6th day of December, 2005:

- AYES: Lindenmayer, Monach, Graff, Caplane, Geddeis
- NOES: None
- ABSTAIN: None
- ABSENT: None

BOARD OF EDUCATION OF THE PIEDMONT CITY UNIFIED SCHOOL DISTRICT

By: _____
Board President

ATTEST:

By: _____
Constance Hubbard
Secretary of the
Board of Education

STATE OF CALIFORNIA)
)
ALAMEDA COUNTY) ss.

I, Constance Hubbard, do hereby certify that the foregoing is a true and correct copy of Resolution No. 12-2005-06, which was duly adopted by the Board of Education of the Piedmont City Unified School District at its meeting thereof held on December 6, 2005, and that it was so adopted by the following vote:

AYES: Lindenmayer, Monach, Graff, Caplane, Geddeis

NOES: None

ABSTAIN: None

ABSENT: None

By _____
Constance Hubbard, Superintendent
Piedmont City Unified School District
County of Alameda, California

EXHIBIT A

FULL TEXT OF BOND MEASURE for PIEDMONT CITY UNIFIED SCHOOL DISTRICT

PIEDMONT CITY UNIFIED SCHOOL DISTRICT SCHOOL SEISMIC RISK REDUCTION SAFETY AND ACCESS PROGRAM MEASURE

INTRODUCTION

To repair, reconstruct, or replace Piedmont public school buildings to reduce dangers from earthquakes and to meet state and federal recommended seismic safety standards, provide safe classrooms and facilities and to improve the likelihood of Piedmont schools qualifying for state matching funds, shall the Piedmont City Unified School District issue a maximum of \$56 million in bonds, with interest rates within legal limits, and appoint a Citizen's Oversight Committee to guarantee all money raised in our community benefits local children?

The Piedmont City Unified School District operates 3 elementary schools, 1 middle school, a traditional high school, and an alternative high school serving 2,600 students. Each of these school campuses contains a mixture of old and new buildings and facilities. For the safety of the District's students, parents, visitors, teachers, and staff, the Board of Education commissioned a comprehensive study of the seismic safety and accessibility of the District's school buildings and facilities. This professional study has determined that many of the District's school buildings and facilities are at risk of damage or collapse in the event of an earthquake, and many do not meet modern requirements for handicapped accessibility. As a result of this study, the Board of Education is proposing a series of projects designed to bring these school buildings and facilities up to current state and federal earthquake safety standards and meet modern handicapped accessibility requirements, in order to better protect and serve the District's students, parents, visitors, teachers, and staff.

SCHOOL FACILITIES PROJECTS TO BE FUNDED FROM BOND PROCEEDS

The following list includes both projects that can be completed using the bond proceeds, along with State matching funds and other building funds the District is projected to receive, and projects that are planned and needed but whose construction is contingent on the amount of bond funds available, plus the amount of State matching and other building funds the District may receive in the future, which is a function of the State building program rules, passage of State bonds, and the growth rate of the District. The completion of specific projects is also contingent on final project costs.

Projects to be Addressed in Approximate Priority Order

- First group to be addressed. These are the structures that are used the most by students and the community and have been designated a collapse hazard. Sequence will depend on many factors, including time required for plan development and Division of State Architect approval, student placement during work and cost of project.
 - Havens Elementary School buildings - rehabilitation, reconstruction, or replacement;
 - Piedmont High School '30's/Library buildings - rehabilitation, reconstruction, or replacement;
 - Piedmont High School Student Center - rehabilitation, reconstruction, or replacement;
 - Wildwood Elementary School auditorium - rehabilitation or reconstruction.

- Second Group to be addressed:
 - Beach Elementary School's '30's vintage classroom buildings and auditorium – rehabilitation or reconstruction;
 - Wildwood Elementary School's '30's vintage classroom portion of buildings not addressed as part of auditorium - rehabilitation or reconstruction;
 - Alan Harvey Theater at Piedmont High School – rehabilitation, reconstruction, or replacement;
 - Ellen Driscoll Auditorium at Havens Elementary School - rehabilitation, reconstruction, or replacement.

- Third group to be addressed:
 - Piedmont Middle School – improve handicapped accessibility of buildings and campus;
 - Piedmont High School - improve handicapped accessibility of buildings and campus;
 - Piedmont High School – rehabilitation, reconstruction, or replacement of maintenance yard facilities.

Unless otherwise specified, the specific work to be done for each project will address both seismic safety and ADA handicapped accessibility issues. Modifications in the project definition and sequence to be made based on revenue eligibility from the State and cost of prior projects.

The Board of Education hereby certifies that it has evaluated the safety, class-size reduction, and information technology needs of the District in developing this list of school facilities projects.

ACCOUNTABILITY MEASURES

If the bonds are approved, the Board of Education will implement the following accountability measures in accordance with State law:

- (a) Use the proceeds from the sale of the bonds only for the purposes of construction, reconstruction, rehabilitation, or replacement of school facilities, including the furnishing and equipping of school facilities, as specifically set forth in this Exhibit A, and paying costs incident thereto, but not for any other purpose, including board member, administrator, teacher, or staff salaries or benefits or other school operating expenses;
- (b) Conduct an annual, independent performance audit to ensure that the bond proceeds have been expended only on the projects listed in this Exhibit A;
- (c) Conduct an annual, independent financial audit of the proceeds from the sale of the bonds until all of those proceeds have been expended for school facilities projects listed in this Exhibit A;
- (d) Establish and appoint members to an independent citizens' oversight committee made up of local residents representing the local business community, senior citizens' organizations, taxpayers' organizations, parents of District students, and members of the District's Parent-Teacher organization and School Site Councils, to ensure the bonds are used only for the projects listed in this Exhibit A;
- (e) Create an account into which the bond proceeds shall be deposited; and
- (f) Provide for an annual report to the Board by the District's chief fiscal officer pursuant to Government Code section 53411 containing (i) the amount of bond funds collected and expended; and (ii) the status of any project required or authorized to be funded by the bonds.

STATE MATCHING FUNDS

California Education Code section 15122.5 requires the following statement to be included in this sample ballot:

"Approval of this bond measure does not guarantee that the proposed projects in the Piedmont City Unified School District that are the subject of bonds under this measure will be funded beyond the local revenues generated by this bond measure. The school district's proposal for certain of the projects assumes the receipt of matching state funds, which are subject to appropriation by the Legislature or approval of a statewide bond measure."

EXHIBIT B

**BOND MEASURE
for
PIEDMONT CITY UNIFIED SCHOOL DISTRICT
(Abbreviated Form)***

<p>PIEDMONT CITY UNIFIED SCHOOL DISTRICT SCHOOL SEISMIC RISK REDUCTION SAFETY AND ACCESS PROGRAM MEASURE</p> <p>“To repair, reconstruct, or replace Piedmont public school buildings to reduce dangers from earthquakes and to meet state and federal seismic safety standards, provide safe classrooms and facilities and to improve the likelihood of Piedmont schools qualifying for state matching funds, shall the Piedmont City Unified School District issue a maximum of \$56 million in bonds, with interest rates within legal limits, and appoint a Citizen’s Oversight Committee to guarantee all money raised in our community benefits local children?”</p>	<p>BONDS - YES</p>
	<p>BONDS - NO</p>

* Limited to 75 words pursuant to California Elections Code section 13247.