

San Bernardino City Unified School District

CERTIFICATION OF MINUTES

The Board met in regular session on the 4th day of November 2003, at the usual meeting place thereof. The meeting was called to order at 5:30 p.m.

Members present: Brown, Dupre, Parra, Savage, Tillman, Valdez, Yeager

Members absent: None

The adoption of the following resolution and order was moved by Member Tillman, seconded by Member Parra, and a vote being taken, the said resolution and order was adopted by the following votes of members present at that time.

AYES: Brown, Dupre, Parra, Savage, Tillman, Valdez, Yeager

NOES: None

**RESOLUTION OF THE BOARD OF EDUCATION OF THE
SAN BERNARDINO CITY UNIFIED SCHOOL DISTRICT
ORDERING AN ELECTION, AND ESTABLISHING
SPECIFICATIONS OF THE ELECTION ORDER**

WHEREAS, the Board of Education (the "Board") has determined that certain properties and equipment within the San Bernardino City Unified School District (the "District"), within San Bernardino County ("San Bernardino County") need to be repaired, acquired, constructed, upgraded and equipped to enable the District to enhance the educational opportunities of the students in the District; and

WHEREAS, notwithstanding ongoing efforts to obtain sufficient facility money from the State of California (the "State"), the State has been unable to provide the District with enough money for the District to adequately repair its schools to provide an optimal learning environment for all students; and

WHEREAS, in the judgment of the Board, it is advisable to provide additional facility funding for such needs by means of a general obligation bond; and

WHEREAS, Proposition 46, approved by the voters of the State on June 3, 1986 ("Proposition 46"), amended Section 1(b) of Article XIII A of the California Constitution by adding a provision which exempts from the 1% of full cash value limitation, those ad valorem taxes used to pay for debt service of any bonded indebtedness for the acquisition or improvement of real property approved on or after July 1, 1978, by two-thirds of the votes cast by voters voting on the proposition; and

WHEREAS, on November 7, 2000 the voters of California approved the Smaller Classes, Safer Schools and Financial Accountability Act ("Proposition 39") which, as of its effective date, reduced the voter threshold for ad valorem tax levies used to pay for debt service or bonded indebtedness to 55% of the votes cast on a school district general obligation bond; and

WHEREAS, concurrent with the passage of Proposition 39, Chapter 1.5, Part 10, Division 1, Title 1 (commencing with Section 15264) of the Education Code (the "Act") became operative and established requirements associated with the implementation of Proposition 39; and

WHEREAS, the Board desires to make certain findings herein to be applicable to this election order and to establish certain performance audits, standards of financial accountability and citizen oversight which are contained in Proposition 39 and the Act; and

WHEREAS, the Board hereby determines that the restrictions in Proposition 39 which prohibit any bond money from being wasted or used for administrative salaries or other operating expenses of the District be strictly enforced by the Citizens' Oversight Committee; and

WHEREAS, pursuant to Education Code Section 15270, based upon a projection of assessed property valuation, the Board has determined that, if approved by voters, the tax rate levied to meet the debt service requirements of the bonds proposed to be issued will not exceed the Proposition 39 limit per \$100,000 of assessed valuation of taxable property; and

WHEREAS, Section 9400 *et seq.* of the Elections Code of the State of California (the "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, 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; 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, March 2, 2004, and to request the San Bernardino County Registrar of Voters to perform certain election services for the District;

NOW THEREFORE, THE BOARD OF EDUCATION OF THE SAN BERNARDINO CITY UNIFIED SCHOOL DISTRICT DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:

Section 1. That the Board, pursuant to Education Code Sections 15100 *et seq.*, 15264 *et seq.*, and Government Code Section 53506, hereby requests the San Bernardino County Registrar of Voters to conduct an election under the provisions of Proposition 39 and the Act and submit to the electors of the District the question of whether bonds of the District in the aggregate principal amount not to exceed \$140,000,000 (the "Bonds") shall be issued and sold for the purpose of raising money for the purposes described in Exhibits A and B hereto. Both exhibits are directed to be printed in the voter pamphlet.

Section 2. That the date of the election shall be March 2, 2004.

Section 3. That the purpose of the election shall be for the voters in the District to vote on a proposition, a copy of which is attached hereto and marked Exhibit "A" and incorporated by reference herein, containing the question of whether the District shall issue the Bonds to pay for improvements to the extent permitted by such proposition. In compliance with

Proposition 39 and the Act, the ballot proposition in Exhibit "A" is subject to the following requirements and determinations:

(a) the proceeds of the sale of the Bonds shall only be used for the purposes set forth in the ballot measure and not for any other purpose, including teacher and administrator salaries and other school operating expense;

(b) that the Board, in establishing the projects set forth in Exhibit "B", evaluated the safety, class size reduction and information technology needs of the District;

(c) that the Board will cause to be conducted an annual, independent performance audit to ensure that the Bond moneys get expended for the projects identified in Exhibit "B" hereto;

(d) that the Board will cause an annual, independent financial audit of the proceeds from the sale of Bonds to be conducted until all of the Bond proceeds have been expended;

(e) that the Board will cause the appointment of a Citizens' Oversight Committee in compliance with Education Code Section 15278 no later than 60 days after the Board enters the election results in its minutes pursuant to Elections Code Section 15274; and

(f) that the tax levy authorized to secure the Bonds of this election shall not exceed the Proposition 39 limit per \$100,000 of taxable property in the District when assessed valuation is projected by the District to increase in accordance with Article XIII A of the California Constitution.

Section 4. That the authority for ordering the election is contained in Education Code Sections 15100 *et seq.*, 15264 *et seq.*, and Government Code Section 53506.

Section 5. That the authority for the specifications of this election order is contained in Sections 5322 of the Education Code.

Section 6. That the San Bernardino County Registrar of Voters and the San Bernardino County Board of Supervisors are hereby requested to consolidate the election ordered hereby with any and all other elections to be held on March 2, 2004, within the District.

Section 7. That the Secretary of the Board is hereby directed to send a certified copy of this Resolution to the San Bernardino County Registrar of Voters no later than December 4, 2003.

Section 8. That the maturity of any Bonds issued pursuant to Section 15264 *et seq.* of the Education Code hereto shall have a maturity not exceeding twenty-five (25) years, and Bonds issued pursuant to Section 53506 of the Government Code shall have a maturity of not exceeding forty (40) years. The maximum rate of interest on any Bond shall not exceed the maximum rate allowed by Education Code Sections 15140 to 15143, as modified by Government Code Section 53531.

Section 9. That the Board requests the governing body of any such other political subdivision, or any officer otherwise authorized by law, to partially or completely consolidate

such election and to further provide that the canvass be made by any body or official authorized by law to canvass the returns of the election, and that the Board consents to such consolidation.

Section 10. Pursuant to Section 5303 of the Education Code and Section 10002 of the Elections Code, the Board of Supervisors of San Bernardino 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 San Bernardino County, such services to include the printing of the Full Text Ballot Proposition in the voter pamphlet, the publication of a Formal Notice of School Bond Election and the mailing of the sample ballot and tax rate statement (described in Section 9401 of the Elections Code) pursuant to the terms of Section 5363 of the Education Code and Section 12112 of the Elections Code.

EXHIBIT A

“San Bernardino School Safety, Overcrowding/Repair Measure. To improve student safety, repair local schools and relieve overcrowding by:

- Installing/repairing fire safety equipment;
- Fixing leaky roofs/decaying walls;
- Removing asbestos;
- Upgrading bathrooms, plumbing, sewers/electrical wiring for computer technology;
- Building new schools;
- Improving disabled access;
- Repairing, expanding, constructing, acquiring/equipping classrooms, labs, sites, libraries

shall San Bernardino City Unified School District issue \$140,000,000 in bonds, at legal rates, with **guaranteed annual audits**, citizen’s oversight, and no money for administrators salaries?”

Bonds - Yes

Bonds – No

EXHIBIT B

FULL TEXT BALLOT PROPOSITION OF THE SAN BERNARDINO CITY UNIFIED SCHOOL DISTRICT BOND MEASURE ELECTION MARCH 2, 2004

The following is the full proposition presented to the voters by the San Bernardino City Unified School District.

“San Bernardino School Safety, Overcrowding/Repair Measure. To improve student safety, repair local schools and relieve overcrowding by:

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PROJECTS

The Board of Education of the San Bernardino City Unified School District evaluated the District’s urgent and critical facility needs, including safety issues, infrastructure systems such as electrical, plumbing, heating and cooling, enrollment growth, energy cost reduction, information and computer technology, and the impact of aging facilities, in developing the scope of projects set forth below (the “School Facilities Need Plan”). In developing the scope of projects the faculty, staff and community representatives have prioritized the key educational, health and safety needs so the most critical needs of the District are addressed. The District conducted facilities evaluations and received public input and review in developing the scope of projects to be funded. The input to the Board concluded that if these needs were not addressed now, the problems would only get worse. **In preparing the Facilities Need Plan the Board of Education made three important determinations:**

(i) Severe overcrowding at our neighborhood schools must be addressed. More schools, classrooms and labs are needed due to the thousands of new students entering local schools each year;

(ii) While it is critical to reduce overcrowding, another priority of the District must be to upgrade old, deteriorating and rundown schools to make our classrooms safe for learning; and

(iii) It will be less expensive to upgrade and repair aging classrooms and facilities now than in the future. If we don’t do something now, the problems will only get worse and the repairs will be even more expensive to complete.

REPAIR, UPGRADE, AND/OR REPLACE OBSOLETE AND AGING CLASSROOMS, SCHOOLS, SCIENCE LABS, BATHROOMS, SITES AND UTILITIES—All schools will benefit from repair and upgrade projects, such as:

- Repairing leaky roofs;
- Repairing and upgrading bathrooms;
- Replacing outdated plumbing and sewer systems;
- Installing and repairing fire safety equipment including alarms and fire safety doors;
- Making schools accessible to the disabled;
- Removing dangerous asbestos;
- Repairing decaying walls, doors and inefficient windows;
- Upgrading electrical systems and providing access to computer technology networks and the Internet;
- Refinancing existing lease obligations to reduce payments and save money;
- Replacing and installing lunch shelters;
- Repairing and replacing heating, cooling and ventilation systems;
- Purchasing equipment such as desks, tables and science lab instructional equipment;
- Providing earthquake retrofitting;

- Upgrading ventilation systems to improve air quality;
- Repairing aging classrooms and science labs;
- Repairing and upgrading physical education classrooms, gyms and fields;
- Installing energy efficient lighting systems that conserve electricity and save on costly utility bills;
- Replacing rundown portables with permanent classrooms;
- Replacing worn-out floor tiles and carpeting;
- Installing safety fencing around schools and other security measures.

The repair and upgrade projects are planned for the following schools:

Ramona-Alessandro	Lankershim	Arrowview
Anderson	Lincoln	Curtis
Arrowhead	Lytle Creek	Del Vallejo
Barton	Marshall	Golden Valley
Belvedere	Monterey	King
Bradley	Mt. Vernon	Richardson
Burbank	Muscoy	Serrano
California	Newmark	Shandin Hills
Carmack	North Park	Arroyo Valley
Cole	North Verdemont	Cajon
Cypress	Bonnie Oehl	Middle College
Davidson	Palm Avenue	Pacific High School
Del Rosa	Parkside	San Andreas
Emmerton	Riley	San Bernardino
Fairfax	Rio Vista	San Gorgonio
Harmon	E. Neal Roberts	Sierra
Highland-Pacific	Roosevelt	Alternative Learning Center
Hillside	Thompson	Boys and Girls Club Academy
Hunt	Urbita	PAL Academy
Inghram	Vermont	San Andreas Community Day
Kendall	Warm Springs	STAR at Anderson Community Day
Kimbark	Wilson	YWCA Academy

NEW CLASSROOMS TO REDUCE OVERCROWDING

The District has the need to construct new elementary schools, middle schools and high schools in order to respond to the significant growth in student enrollment. These new classrooms and facilities will be built from a combination of local bond money and State matching funds. The number of new schools to be constructed will depend on the amount and timing of State monies.

Listed building, repair, and rehabilitation projects and upgrades will be completed as needed. Each project is planned to include its share of furniture, equipment, architectural, engineering,

and similar planning costs, construction management, and a customary contingency for unforeseen design and construction costs. Project costs for the construction of new schools and the upgrading and expansion of existing school facilities include site acquisition, site preparation, infrastructure and related improvements; construction or lease of temporary or permanent

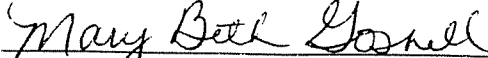
classrooms, administration, support and/or ancillary facilities; expansion and improvement of school parking and student drop-off areas; and prepayment of interim District financings for the upgrading, improvement and expansion to the existing school facilities and projects. The proposed new high schools are planned to be comprehensive high schools. The allocation of bond proceeds will be affected by the District's receipt of State bond funds and the final costs of each project. The budget for each project is an estimate and may be affected by factors beyond the District's control. Projects will be prioritized by the Board as bond and State monies become available. The final cost of each project will be determined as plans are finalized, construction bids are awarded, and projects are completed.

FISCAL ACCOUNTABILITY. THE EXPENDITURE OF BOND MONEY ON THESE PROJECTS IS SUBJECT TO STRINGENT FINANCIAL ACCOUNTABILITY REQUIREMENTS. BY LAW, PERFORMANCE AND FINANCIAL AUDITS WILL BE PERFORMED ANNUALLY, AND ALL BOND EXPENDITURES WILL BE MONITORED BY AN INDEPENDENT CITIZENS' OVERSIGHT COMMITTEE TO ENSURE THAT FUNDS ARE SPENT AS PROMISED AND SPECIFIED. THE CITIZENS' OVERSIGHT COMMITTEE MUST INCLUDE, AMONG OTHERS, REPRESENTATION OF A BONA FIDE TAXPAYERS ASSOCIATION, A BUSINESS ORGANIZATION AND A SENIOR CITIZENS ORGANIZATION. NO DISTRICT EMPLOYEES OR VENDORS ARE ALLOWED TO SERVE ON THE CITIZENS' OVERSIGHT COMMITTEE.

NO ADMINISTRATOR SALARIES. PROCEEDS FROM THE SALE OF THE BONDS AUTHORIZED BY THIS PROPOSITION SHALL BE USED ONLY FOR THE ACQUISITION, CONSTRUCTION, RECONSTRUCTION, REHABILITATION, OR REPLACEMENT OF SCHOOL FACILITIES, INCLUDING THE FURNISHING AND EQUIPPING OF SCHOOL FACILITIES, AND NOT FOR ANY OTHER PURPOSE, INCLUDING TEACHER AND ADMINISTRATOR SALARIES AND OTHER OPERATING EXPENSES. BY LAW, ALL FUNDS CAN ONLY BE SPENT ON REPAIR AND IMPROVEMENT PROJECTS.

I, MARY BETH GOSNELL, Assistant Secretary of the Governing Board of the San Bernardino City Unified School District hereby certify that the foregoing is a true and correct copy of a resolution duly made, adopted, and entered in the Board minutes of the Governing Board of the San Bernardino City Unified School District on the 4th day of November 2003.

Dated: November 5, 2003


Assistant Secretary of the Board of Education
Agenda Item 2.2