

**RESOLUTION NO. 07-22-12**

**RESOLUTION OF THE BOARD OF EDUCATION OF THE TUSTIN UNIFIED SCHOOL DISTRICT ORDERING AN ELECTION TO AUTHORIZE THE ISSUANCE OF SCHOOL BONDS IN SCHOOL FACILITIES IMPROVEMENT DISTRICT NO. 2012-1, ESTABLISHING SPECIFICATIONS OF THE ELECTION ORDER, AND REQUESTING CONSOLIDATION WITH OTHER ELECTIONS OCCURRING ON NOVEMBER 6, 2012**

**WHEREAS**, Chapter 2 (commencing with section 15300) of Part 10 of Division 1 of Title 1 of the California Education Code (the "**Law**") authorizes school districts to form school facilities improvement districts consisting of a portion of the territory within the school district and permits the conduct of a bond election and the issuance of general obligation bonds for a school facilities improvement district following voter approval;

**WHEREAS**, on July 30, 2012, the Board of Education (the "**Board**") of Tustin Unified School District (the "**District**") adopted a "Resolution Ordering Formation of School Facilities Improvement District No. 2012-1 of the Tustin Unified School District," pursuant to which the Board ordered the formation of School Facilities Improvement District No. 2012-1 of the Tustin Unified School District (the "**Improvement District**");

**WHEREAS**, Section 15340 of the Law provides that the Board may provide for and call a special bond election within the Improvement District pursuant to Chapter 1 (commencing with Section 15100) of the Education Code and, if applicable, Chapter 1.5 (commencing with Section 15264) of the Education Code for the approval of a proposition of whether an indebtedness of the Improvement District shall be incurred through the issuance of bonds for the Improvement District;

**WHEREAS**, pursuant to the Law, such bonds would be deemed to be bonds of the District issued for the benefit of the land within the Improvement District;

**WHEREAS**, in the judgment of the Board, it is advisable to call an election to submit to the electors of the Improvement District the question whether bonds of the District shall be issued and sold on behalf of the Improvement District for the purpose of raising money for the acquisition and improvement of real property, and the furnishing and equipping of school facilities in the Improvement District; 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 approved by fifty-five percent (55%) of the voters of the Improvement District voting on the proposition; and

**WHEREAS**, the Board is specifically authorized, upon approval by a two-thirds vote of the Board, to pursue the authorization and issuance of bonds by a fifty-five percent (55%) vote of the electorate on the question whether bonds shall be issued and sold for specified purposes, pursuant to Education Code Section 15264 *et seq.* (the "**Act**"); 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,

November 6, 2012, and to request the Registrar of Voters in Orange County ("County") to perform certain election services for the District; and

NOW, THEREFORE, THE BOARD OF EDUCATION OF THE TUSTIN UNIFIED 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 Improvement District the question of whether general obligation bonds of the District shall be issued and sold on behalf of the Improvement District in the maximum principal amount of \$135,000,000 for the purpose of financing the acquisition and improvement of real property, and the furnishing and equipping of school facilities in the Improvement District, and paying costs incident thereto, as set forth more fully in the ballot proposition approved pursuant to Section 3. This Resolution constitutes the order of the District to call such election.

**Section 2. Election Date.** The date of the election shall be November 6, 2012, and the election shall be held solely within the boundaries of the Improvement District.

**Section 3. Purpose of Election; Ballot Proposition.** The purpose of the election shall be for the voters in the Improvement District to vote on a proposition, a full copy of which is attached hereto and marked Exhibit "A", containing the question of whether the District shall issue the Bonds for the purpose stated therein, together with the accountability requirements of Article XIII A and Government Code Section 53410 and the requirements of Section 15272 of the Act. As required by Elections Code Section 13247, the abbreviated form of the measure to appear on the ballot is attached hereto and marked as Exhibit "B". The Superintendent, President of the Board or their designees are hereby authorized and directed to make any changes to the text of the proposition or this resolution as required to conform to any requirements of Article XIII A, the Act or the requirements of the County.

**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 reduction, enrollment growth and information technology needs in developing the list of school facilities projects set forth on Exhibit A.

**Section 6. Covenants of the Board upon Approval of the Bonds by the Electorate.** As required by Article XIII A, Section 15278 of the Act, and Government Code Section 53410 in the event fifty-five percent (55%) of the voters voting in the District approve of the Bonds, the Board shall:

(1) conduct an annual, independent performance audit to ensure that the funds have been expended only on the projects listed in Exhibit A;

(2) 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; and

(3) establish and appoint members to an independent citizens' oversight committee in accordance with Sections 15278, 15280 and 15282 of the Act.

(4) apply the bond proceeds only to the specific purposes stated in the ballot proposition.

(5) cause creation of accounts into which bond proceeds shall be deposited.

(6) 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 the County Superintendent of Schools of the County, the Registrar of Voters of the County (the "County Registrar") and the County Clerk of the Board of Supervisors of the County. The County Registrar is hereby requested to print the Full Text of Measure set forth on Exhibit A hereto, in the ballot materials.

**Section 8. Consolidation of Election.** The County Registrar and the County Board of Supervisors are hereby requested to consolidate the election ordered hereby with any and all other elections to be held on November 6, 2012, within the District.

**Section 9. Ballot Arguments; Tax Rate Statement.** 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 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.

**Section 10. Election and Bond Services.** Pursuant to Section 5303 of the Education Code and Section 10002 of the Elections Code, the Board of Supervisors of the 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 the County in full upon presentation of a bill, such services to include 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).

**Section 11. Effective Date.** This resolution shall take effect on and after its adoption.

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PASSED AND ADOPTED this 30<sup>th</sup> day of July, 2012 by the following vote:

AYES:

NOES:

ABSENT:

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President of the Board of Education  
Tustin Unified School District

ATTEST:

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Clerk of the Board of Education  
Tustin Unified School District,

I, \_\_\_\_\_, Clerk of the Board of Education of Tustin Unified School District, California, do hereby certify that the foregoing is a full, true and correct copy of the Resolution passed and adopted by said Board of Education at a meeting on the \_\_\_th day of July, 2012, and that the minutes of said Board of Education shows that \_\_\_\_\_(\_\_\_\_) members of said Board voted for and \_\_\_\_\_(\_\_\_\_) members of said Board voted against the adoption of said Resolution and the said Resolution is now spread upon the minutes of said Board.

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Clerk of the Board of Education  
Tustin Unified School District

## EXHIBIT A

### FULL TEXT BALLOT PROPOSITION OF THE TUSTIN UNIFIED SCHOOL DISTRICT BOND MEASURE ELECTION NOVEMBER 6, 2012

The following is the full proposition presented to the voters by the TUSTIN UNIFIED School District.

To better prepare students for college and high-demand jobs, improve students' technology skills for today's higher standards, retain quality teachers, improve instruction and career training in science, math and skilled trades, and maintain high-quality education; shall Tustin Unified School District upgrade classrooms, science labs, equipment, instructional technology and infrastructure by issuing \$135 million in bonds at legal rates, with independent citizen oversight, no funds for administrator compensation, all funds benefiting neighborhood schools?

#### PROJECT LIST

The Board of Trustees of the TUSTIN UNIFIED School District evaluated the District's urgent and essential facility and equipment needs, including safety issues, class size reduction, and computer and information technology, to determine the most critical educational requirements of preparing our students to compete successfully in the 21st Century. In developing the projects to be funded, the Board received input from teachers, staff and community members and prioritized the advancement of instructional technology as the most critical District need, since without such upgrades our students will fall behind others in the State and nation that are given access to new learning tools. The Board concluded that if these needs are not addressed now, the problems will only become more pressing and expensive. Therefore, in approving this Project List, the Board of Trustees determines that:

- (i) To best prepare our students with 21st Century skills, the District must place emphasis on math, science, engineering and career technology education in the classroom.
- (ii) To attract and retain quality teachers at our local schools the teachers and students must have the access to new learning tools..
- (iii) To achieve our goals, the District must provide every neighborhood school with up-to-date technology
- (iv) THE DISTRICT MUST ADHERE TO SPECIFIC ACCOUNTABILITY SAFEGUARDS, SUCH AS:
  - (a) Sacramento must be prohibited from taking any of the funds raised.
  - (b) All expenditures must be subject to annual independent financial audits.
  - (c) No funds can be used for teacher and administrators' salaries (as determined by the California Attorney General) and pensions.
  - (d) All funds must be used locally.
  - (e) An independent citizen oversight committee must be appointed to ensure that all funds are spent only as authorized.

The Project List includes the following types of projects at the local schools listed below and any future school(s) built and/or established within the TUSTIN UNIFIED SCHOOL DISTRICT attendance boundary:

Arroyo Elementary School  
Benson Elementary School  
Beswick Elementary School  
Estock Elementary School  
Guin Foss Elementary School  
Heideman Elementary School  
Heritage School  
Hicks Canyon Elementary School  
Ladera Elementary School  
Lambert Elementary School  
Loma Vista Elementary School  
Myford Elementary School  
Nelson Elementary School  
Orchard Hills School  
Peters Canyon Elementary School  
Red Hill Elementary School  
Thorman Elementary School  
Tustin Memorial Elementary School  
Tustin Ranch Elementary School  
Veeh Elementary School  
Columbus Tustin Middle School  
Currie Middle School  
Hewes Middle School  
Pioneer Middle School  
Utt Middle School  
Beckman High School  
Foothill High School  
Hillview High School  
Tustin High School

Districtwide Instructional Technology and Wiring Projects to maintain a high standard of student achievement

**Goal and Purpose:** To upgrade classroom computers and educational technology in order to ensure our schools have the technology needed to prepare our students for success at work and in life. To support the mastery of subjects like reading, writing, math, science, the arts, and foster innovation in our classrooms. To provide our teachers and students educational technology that can enhance teaching and learning through: Creativity, Innovation, Critical Thinking, Problem Solving, Communication and Collaboration. To provide the support systems necessary to ensure student mastery of 21st century standards, assessments, curriculum and instruction that will best prepare our students to compete successfully for college and career opportunities:

- Provide and maintain up-to-date technology, data and communication equipment.
- Upgrade and expand wireless systems, telecommunications, Internet and network connections.
- Upgrade and replace district technology improving efficiency and reducing operational costs.
- Upgrade and replace computers, hardware and software systems, classroom and library technology and teaching equipment to enhance instruction.
- Keep our technology up-to-date and allow our students to learn the skills necessary for a 21st Century economy.

- Upgrade middle school science and secondary career technical educational classrooms and instructional technology to meet university and industry-standard specifications better preparing our students for college and career opportunities.
- Provide additional electrical, network and telephone service capacity to relieve overloaded systems so that it can handle modern instructional technology.
- Provide online and virtual classroom learning curriculum and instruction.

\* \* \*

The listed projects will be completed as needed. Project expenditures described above may be undertaken at any and all District schools and facilities. Each project is assumed to include its share of furniture, equipment, architectural, engineering, and similar planning costs, program/project management, staff training expenses and a customary contingency for unforeseen design and construction costs. In addition to the listed projects stated above, the Project List also include: the acquisition of a variety of instructional, maintenance and operational equipment. The upgrading of technology infrastructure includes, but is not limited to, LCD projectors, portable interface devices, servers, switches, routers, modules, sound projection systems, laser printers, digital white boards, document projectors, upgrade voice-over-IP, mobile iPad/tablet devices, interactive whiteboard displays, mobile computer labs, call manager and network security/firewall, wireless technology systems and other miscellaneous equipment and software, as well as computer server rooms, technology office space, centralize high speed data connections between school sites. The budget for each project is an estimate and may be affected by factors beyond the District's control. The final cost of each project will be determined as plans and construction documents are finalized, construction bids are received, contracts are awarded and projects are completed. Based on the final costs of each project, certain of the projects described above may be delayed or may not be completed. Proceeds of the bonds may be used to pay or reimburse the District for the cost of District staff when performing work on or necessary and incidental to bond projects. Bond proceeds shall only be expended for the specific purposes identified herein.

The District shall create an account into which proceeds of the bonds shall be deposited and comply with the reporting requirements of Government Code §53410.

**Fiscal accountability:** In accordance with education code section 15272, the Board of Education will appoint a citizens' oversight committee and conduct annual independent audits to assure that funds are spent only on district projects and for no other purpose. 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 school administrator salaries and other operating expenses, including pensions.

## **EXHIBIT B**

### **BALLOT MEASURE**

To better prepare students for college and high-demand jobs, improve students' technology skills for today's higher standards, retain quality teachers, improve instruction and career training in science, math and skilled trades, and maintain high-quality education; shall Tustin Unified School District upgrade classrooms, science labs, equipment, instructional technology and infrastructure by issuing \$135 million in bonds at legal rates, with independent citizen oversight, no funds for administrator compensation, all funds benefiting neighborhood schools?