

RESOLUTION NO. 2013-14.15

**RESOLUTION OF THE BOARD OF TRUSTEES OF THE
COLUSA UNIFIED SCHOOL DISTRICT
ORDERING A SCHOOL BOND ELECTION,
ESTABLISHING SPECIFICATIONS OF THE ELECTION ORDER,
AND REQUESTING CONSOLIDATION WITH OTHER ELECTIONS**

WHEREAS, the Colusa Unified School District (the "District") Board of Trustees (the "Board") is authorized to order elections within the District and to designate the specifications thereof, pursuant to Education Code sections 5304 and 5322;

WHEREAS, the Board is further authorized to order elections, pursuant to Education Code sections 15264 *et seq.*, for the purpose of submitting to the electors the question of whether District bonds ("Bonds") shall be issued and sold for specified purposes;

WHEREAS, the Board deems it necessary and advisable to submit a bond measure to the electors that, if approved by the requisite number of electors voting on the measure, would permit the District to issue the Bonds; and

WHEREAS, it is desirable that the election to determine whether the Bonds shall be issued and sold be consolidated with such other election or elections as may be held on the same day in the same territory or in territory that is in part the same.

NOW, THEREFORE, the Board does hereby resolve, determine, and order as follows:

Section 1. Election Order; Ballot Measure. Pursuant to Education Code sections 5304, 5322 and 15264 *et seq.* and article XVI, section 18(b) of the California Constitution, an election shall be held within the boundaries of the District on November 4, 2014, submitting to the voters of the District the question of whether Bonds of the District, in the amount of \$5,900,000 shall be issued and sold for the purposes of improving the quality of education in local schools and protecting the safety of the students of the District. Specifically, Bond proceeds shall be utilized for the purposes authorized by the Constitution and laws of the State of California, all as identified in the full text of the ballot measure, set forth in **Exhibit A** attached hereto and incorporated herein by reference, under the heading "School Facilities Projects to Be Funded with Proceeds of Bonds" (the "Bond Projects"). The Bonds proposed to be issued and sold shall bear interest at a rate not exceeding the statutory limit, and may be issued and sold up to the maximum number of years consistent with the underlying statutory authority for the issuance and sale of the Bonds.

Section 2. Use of Bond Proceeds; Certification of Evaluations; Audit Requirements.

(a) **Use of Bond Proceeds.** Proceeds from the sale of the Bonds may be used only for the purposes specified in article XIII A, section 1(b)(3), of the California Constitution.

(b) **Certification of Evaluations.** The Board hereby certifies that it evaluated safety, class size reduction, and information technology needs in developing the list of the Bond Projects.

(c) Completion of Facilities. Passage of the District's bond measure does not guarantee that all Bond Projects listed in **Exhibit A** will be completed. In addition, certain Bond Projects may require state matching funds. State matching funds may be subject to appropriation by the Legislature or approval of a statewide bond measure.

(d) Performance Audit. The Board shall conduct an annual, independent performance audit to ensure that the Bond funds have been expended only on the specific Bond Projects listed.

(e) Financial Audit. The Board shall conduct an annual, independent financial audit of the proceeds from the sale of the Bonds until all of the proceeds have been expended for the Bond Projects.

Section 3. Accountability Requirements. The District hereby finds or directs that:

(a) Purpose. The purpose of the Bonds is to fund the Bond Projects, as listed in **Exhibit A**;

(b) Proceeds. The bond proceeds shall only be used on the Bond Projects; and

(c) Accounts. All proceeds of the Bonds shall be accounted for separately.

Section 4. Vote Required. Pursuant to section 18(b) of article XVI and section 1 of article XIII A of the California Constitution, the bond measure shall become effective only upon the affirmative vote of fifty-five percent (55%) of those voters voting on the measure.

Section 5. County Registrar of Voters to Conduct Election. Pursuant to Education Code section 5303, the Colusa County (the "County") Registrar of Voters is hereby requested to take all steps to prepare for and hold the election within the boundaries of the District in accordance with law and these specifications.

Section 6. Consolidation with Other Elections. Pursuant to sections 5342, 15121, and 15266 of the Education Code and part 3 (commencing with section 10400) of division 10 of the Elections Code, the County Board of Supervisors is requested to order consolidation by the County Registrar of Voters of the school bond election with the other elections to be held on the same day in the same territory or in territory that is in part the same. Pursuant to section 10403 of the Elections Code, the Board hereby acknowledges that the consolidated election will be held and conducted in the manner prescribed by section 10418 of the Elections Code.

Section 7. Canvass of Returns. The County Board of Supervisors is authorized to canvass the returns of the election pursuant to section 10411 of the Elections Code.

Section 8. Services of Registrar of Voters. Pursuant to section 5303 of the Education Code and section 10002 of the Elections Code, the County Board of Supervisors is requested to permit the County Registrar of Voters to render all services incident to the preparation for and holding of the election, for which services the District agrees to reimburse the County with such services to include the publication of a 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 the Elections Code.

Section 9. Brief Statement of the Bond Measure. A brief statement of the bond measure is included in **Exhibit A** under the heading “Brief Statement of the Measure.” The District hereby requests the County Registrar of Voters to publish the brief statement of the bond measure, as appropriate, and to designate the measure on the ballot by a letter printed on the left margin of the square containing the brief statement of the measure as provided in section 13116 of the Elections Code.

Section 10. Full Text of the Measure. The District hereby requests the Registrar of Voters to publish the full text of the measure which is set forth in **Exhibit A**, attached hereto and incorporated herein by reference, in the ballot materials as appropriate.

Section 11. Specifications of the Election Order. The foregoing specifications of the election order are made pursuant to section 5322 of the Education Code.

Section 12. Delivery of Specifications of the Election Order. The District's Superintendent is hereby directed to deliver not later than July 3, 2014, a certified copy of this Resolution and the tax rate statement to the County Registrar of Voters and a copy of this Resolution to the County Board of Supervisors.

Section 13. General Authorization with Respect to the Bond Election. The members of the District's Board, the Superintendent and the other officers of the District are hereby authorized and directed, individually and collectively, to do any and all things, to execute, deliver, and perform any and all agreements and documents they deem necessary or advisable in order to effectuate the purposes of this Resolution, including, without limitation, to prepare and submit for inclusion in the voter information pamphlet a tax rate statement and an argument in favor of passage of the ballot measure. All actions heretofore taken by the officers and agents of the District that are in conformity with the purposes and intent of this Resolution are hereby ratified, confirmed, and approved in all respects.

Section 14. Encumbrance of Bond Funds. For the purpose of making bond funds unavailable as rent within the meaning of Education Code section 17032, the Board hereby encumbers all funds to be generated by the sale of the bonds in order to pay for the acquisition and construction of the Bond Projects authorized by the ballot measure.

Section 15. State Matching Funds. Certain of the Bond Projects may require state matching funds for the completion of any phase thereof. Approval of the District's bond measure does not guarantee that the proposed Bond Projects will be funded beyond the local revenues generated by the measure. The District's proposal for the Bond Projects may assume receipt of matching state funds, which could be subject to appropriation by the Legislature or approval of a statewide bond measure.

Section 16. Citizens' Oversight Committee. It is the intent of the Board that a citizens' oversight committee be appointed to ensure that the proceeds of the Bonds are spent only for the specific purposes and projects identified in this Resolution. The membership requirements and

procedures for such committee shall be established by the Board in accordance with the requirements of law.

Section 17. Official Intent to Reimburse Expenditures. The District intends to undertake the acquisition, construction, renovation, furnishing, and equipping of the Bond Projects as described in **Exhibit A**. The District intends to use the proceeds of its general obligation bonds described in this Resolution to finance the Bond Projects. The District may pay certain capital expenditures (the "Reimbursement Expenditures") in connection with the Bond Projects prior to the issuance of the Bonds. The District reasonably expects that Bonds in an amount not expected to exceed \$5,900,000 will be issued by it for the purpose of financing the Bond Projects on a long-term basis and that certain of the proceeds of such debt obligations may be used to reimburse the District for the Reimbursement Expenditures.

The Board hereby declares the District's official intent to use a portion of the proceeds of the Bonds to reimburse the District for the Reimbursement Expenditures. The foregoing statement is a declaration of official intent that is made under and only for the purpose of establishing compliance with the requirements of Treasury Regulations section 1.150-2.

Section 18. Tax Rate Statement. The Board hereby approves the form of the tax rate statement attached hereto as **Exhibit B** and incorporated herein by reference. The District hereby requests the County Registrar of Voters to publish the tax rate statement contained in **Exhibit B**.

Section 19. Effective Date. This Resolution shall take effect immediately upon its adoption.

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This Resolution of the Board of Trustees of the Colusa Unified School District Ordering a School Bond Election, Establishing Specifications of the Election Order, and Requesting Consolidation with Other Elections is **approved, passed, and adopted** on June 17, 2014, by the Colusa Unified School District Board of Trustees by the following vote:

AYES: Yerxa, Forry, Bressler
NOES: 0
ABSENT: Bransford, Griffith-Garcia
ABSTAIN: 0



President of the Board of Trustees

ATTEST:



Secretary of the Board of Trustees

EXHIBIT A

FULL TEXT OF THE MEASURE

Upon the passage of Measure A, the Colusa Unified School District (the "District") shall be authorized to issue bonds in the aggregate amount of \$5,900,000, bearing interest at rates not exceeding the statutory limit, for the purpose of funding the school facilities projects listed below under the heading "School Facilities Projects to Be Funded with Proceeds of Bonds" (the "Bond Project List").

Proposition 39 Bond Accountability Measures

At its June 17, 2014 meeting, the Board of Trustees (the "Board") certified that it evaluated safety, class size reduction, and information technology needs in developing the Bond Project List set forth below. The proceeds of the Bonds shall be used only for the projects identified in the Bond Project List, and not for any other purpose (i.e., teacher and administrative salaries and other school operating expenses).

The proceeds of the bonds will be accounted for separately. The Board is bound to conduct financial and performance audits annually to account for the bond funds and to assure that funds have only been expended on the specific projects authorized. The District shall prepare and deliver an annual report to the Board containing the amount of funds collected and expended as well as the status of school facilities projects authorized to be funded by proceeds of the bonds.

The Board will appoint a citizens' oversight committee (the "Citizens' Oversight Committee") having a minimum of seven members and including at least one member active in a business organization representing the business community located within the District, one member active in a senior citizens' organization, one member active in a bona fide taxpayers' organization, one member who is the parent or guardian of a child enrolled in the District, and one member who is both a parent or guardian of a child enrolled in the District and active in a parent-teacher organization.

School Facilities Projects to Be Funded with Proceeds of Bonds

Install/update/replace/repair fire, intruder, and life safety systems as required by current codes. These systems could include, but are not be limited to: Ansul (kitchen fire suppression) systems; panic door hardware; fire detection and suppression systems; upgrade existing spaces for fire safety.

Install security/surveillance systems and fencing. Replace/repair systems necessary for enhanced student, staff, and/or public safety. Install updated entry systems to control access.

Replace/repair public address, intercom, clock and bell systems.

Abate and remove hazardous materials identified prior or during construction.

Install/update/replace/repair American Disability Act systems as required by current codes. These systems could include, but are not be limited to: installation or repair of accessibility ramps to portable classrooms, handrails, signage, curb ramps, accessible doors and door hardware, accessible restrooms - both student and staff, accessible drinking fountains, site asphalt and/or concrete for path of travel and parking.

Other improvements required to comply with existing building codes, including the Field Act, and access requirements of the Americans with Disabilities Act.

Replace/repair/install heating, ventilation, and air conditioning systems with new energy efficient systems. Install energy management systems, to promote energy efficiency and cost reduction.

Upgrade electrical systems to current standards.

Replace/repair interior and exterior lighting systems and controls.

Replace/repair water and sewer systems. Upgrade student and staff restrooms to current health and hygiene standards.

Replace/repair roof and roof drainage systems at primary and high school. Replace areas damaged due to dry rot.

Replace flooring in middle school gym.

Replace old/worn carpet and tile in selected areas.

Science classroom upgrades including new flooring, lab furniture and equipment, water and gas supply lines, safety and work stations.

Library and other classroom upgrades including new flooring, fixtures, technology upgrades, furniture and equipment.

Install/repair/ replace technology infrastructure components related to the district computer network and supporting wireless network access.

Repair/replace vocational agriculture barn / sheds.

Replace furniture fixtures and equipment necessary to improve math, science, reading and writing skills.

Necessary site preparation/restoration in connection with new construction, renovation or remodeling, or installation or removal of re-locatable 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.

All work necessary and incidental to specific projects described above, including demolition of existing structures.

Address unforeseen conditions revealed by construction/modernization (such as plumbing or gas line breaks, dry rot, seismic, structural, etc.)

Rental or construction of storage facilities and other space on an interim basis, as needed to accommodate construction materials, equipment, and personnel.

Before bond projects are initiated, the Citizens' Oversight Committee will confirm that the specific projects, budgets and expenditures are feasible and efficient. The costs of the entire Bond Project List exceeds the amount of bonds authorized by Measure _____. Approval of the District's Measure _____ does not guarantee that the proposed school facilities projects in the District that are the subject of bonds under Measure _____ will be funded beyond the local revenues generated by Measure _____. The District's proposal for the school facilities projects may assume receipt of matching state funds, which could be subject to appropriation by the Legislature or approval of a statewide bond measure. The allocation of bond proceeds may also be affected by the final costs of each project. In the absence of state matching funds, which the District will pursue to reduce the District's share of the costs of the projects, the District may not be able to complete some of the projects identified in Measure _____.

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 are finalized, construction bids 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. Demolition of existing facilities and reconstruction of facilities scheduled for repair and upgrade may occur. Necessary relocation assistance, site preparation/restoration and landscaping, may occur in connection with new construction, renovation or remodeling, or installation or removal of portable classrooms, including ingress and egress, removing, replacing, or installing irrigation, utility lines, trees and landscaping, redirecting fire access, and acquiring any necessary easements, licenses, or rights of way to the property.

Brief Statement of the Measure

The ballot measure shall read as follows:

MEASURE A : "To improve Colusa students' math, science, reading, and writing skills, by repairing leaky roofs, deteriorating restrooms, plumbing, heating, wiring; providing modern computer technology; renovating outdated classrooms, libraries, agricultural/vocational facilities, science and computer labs; improving fire alarms and school safety; removing asbestos/hazardous materials; acquiring, renovating, constructing, equipping accessible classrooms, sites and facilities; shall Colusa Unified School District issue \$5,900,000 in bonds at legal rates, using independent citizen oversight, no money for administrators, all funds benefitting local schools?"

BONDS-YES

BONDS-NO

EXHIBIT B

TAX RATE STATEMENT

An election will be held in the Colusa Unified School District (the "District") on November 4, 2014, to authorize the sale of up to \$5.9 million in bonds for the District to continue improving the quality of education in local schools and protecting the safety of the students of the District. Specifically, bond proceeds shall be utilized for the purposes of acquisition, construction, renovation, furnishing, and equipping of school facilities, and equipment.

If the bonds are authorized and sold, debt service thereon will be payable from the proceeds of tax levies made upon the taxable property in the District. The following information is provided in compliance with sections 9400-9404 of the Elections Code of the State of California. It is anticipated that the District will sell the bonds in two series:

1. The best estimate of the tax which would be required to be levied to fund this bond issue during the first fiscal year after the sale of the bonds, based on estimated assessed valuations available at the time of filing of this statement, is 47.61¢ per \$100 (\$47.61 per \$100,000) of assessed valuation in fiscal year 2015–2016.

2. The best estimate of the tax which would be required to be levied to fund this bond issue during the first fiscal year after the last sale of the bonds, based on estimated assessed valuations available at the time of filing of this statement, is 47.97¢ per \$100 (\$47.97 per \$100,000) of assessed valuation in fiscal year 2017–2018.

3. The best estimate of the highest tax rate which would be required to be levied to fund this bond issue, based on estimated assessed valuations available at the time of filing of this statement, is 47.97¢ per \$100 (\$47.97 per \$100,000) of assessed valuation in fiscal years 2017–2018, and 2035–2036.

4. The best estimate of the average tax rate which would be required to be levied to fund this bond issue during the life of the bonds, based on estimated assessed valuations available at the time of filing of this statement, is 47.55¢ per \$100 (\$47.55 per \$100,000) of assessed valuation.

Voters should note that the estimated tax rates are based on the *ASSESSED VALUE* of taxable property on the County's 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 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 the need for construction funds and other factors, including the legal limitations on bonds approved by a 55% vote. 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.

Dated: June 17, 2014


Dwayne Newman, Superintendent
Colusa Unified School District

CERTIFICATION

I, Dwayne Newman, Secretary of the Board of Trustees of the Colusa Unified School District, Colusa County, California, do hereby certify that the foregoing is a full, true, and correct copy of a resolution duly approved and adopted by the Board of Trustees of the District at a meeting held on June 17, 2014, of which meeting all the members of the Board of Trustees had due notice and at which a majority thereof were present, and that at the meeting the resolution was adopted by the following vote:

AYES: Yerxa, Forry, Bressler

NOES: 0

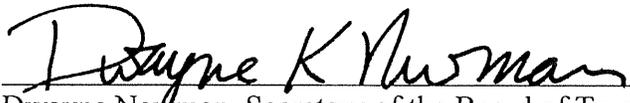
ABSENT: Bransford, Griffith-Garcia

ABSTAIN: 0

An agenda for the meeting was provided in advance of the meeting, as required by law, to all members of the Board of Trustees and to all media outlets that have requested notification. Further the agenda was posted in advance of the meeting, as required by law, at the District at 745 Tenth Street, Colusa, CA 95932, a location freely accessible to members of the public, and a brief description of the resolution appeared on the agenda.

I have carefully compared the foregoing resolution with the original minutes of the meeting on file and of record in my office, and the foregoing is a full, true, and correct copy of the original resolution adopted at the meeting and entered in the minutes.

Dated: June 17, 2014



Dwayne Newman, Secretary of the Board of Trustees
Colusa Unified School District