

RESOLUTION NO. 15:19-20

RESOLUTION OF THE BOARD OF EDUCATION OF THE SADDLEBACK VALLEY UNIFIED SCHOOL DISTRICT ORDERING A SCHOOL BOND ELECTION, ESTABLISHING SPECIFICATIONS FOR AN ELECTION ORDER, REQUESTING CONSOLIDATION WITH OTHER ELECTIONS OCCURRING ON MARCH 3, 2020, AND TAKING RELATED ACTIONS

WHEREAS, Saddleback Valley Unified School District (“District” or “School District”) is committed to providing an innovative educational program that nurtures academic growth in a safe, modern learning environment; and

WHEREAS, thanks to our supportive community and dedicated parents, teachers and staff, student achievement is among the top in the state; and

WHEREAS, many of the District’s schools were built more than 40 years ago and need to be repaired and upgraded; and

WHEREAS, in order for our students to succeed in college and careers, they must be skilled in the use of today’s technologies and have a solid background in science, math, engineering and technology; and

WHEREAS, over the past two years, the District has been working with parents, community and staff stakeholders to update the Facilities Master Plan to identify the improvements needed to provide our students with safe and up-to-date learning environments; and

WHEREAS, the District has identified improvements aiming to enhance school safety and security, and upgrade classrooms and labs to meet Next Generation instructional standards; and

WHEREAS, basic repairs are needed at some aging facilities, including repairing or replacing leaky roofs, outdated plumbing, sewer lines and electrical systems; and

WHEREAS, creation of flexible, multi-use classrooms will support hands-on science instruction and learning-by-doing; and

WHEREAS, upgrades to school security systems including security cameras, emergency communications systems, smoke detectors, fire alarms and sprinklers are needed to help ensure student safety; and

WHEREAS, passage of a school facilities improvement bond measure will provide locally controlled funding that cannot be taken away by the State and must stay here in our local communities to improve local schools; and

WHEREAS, a school facilities improvement bond measure will require strict fiscal accountability requirements, including a citizens' oversight committee, mandatory annual audits and a prohibition against any funds being used for administrators' salaries, pensions or benefits; and

WHEREAS, passage of a local school facilities improvement bond measure will help the District qualify for state matching funds that otherwise may be lost to other school districts; and

WHEREAS, the Saddleback Valley Unified School District ("District"), a California public school district organized and operating pursuant to the laws of the State of California ("State"), desires to construct and acquire school facilities, make improvements to certain existing facilities, rehabilitate, modernize or replace certain existing school facilities, or the acquisition or lease of real property for school facilities purposes, which may include the furnishing and equipping of school facilities, all as further described herein, for school facilities to serve the students within the District as further described in Exhibit "A" attached hereto and incorporated herein by this reference ("School Facilities"); and

WHEREAS, Section 1(a) of Article XIII A of the California Constitution enacted in 1978, subject to exceptions, limits ad valorem taxes on real property to one percent (1%) of the full cash value of such property; and

WHEREAS, Proposition 46, approved by the voters of the State in 1986 added a provision to Section 1(b) of Article XIII A to exempt from such one percent (1%) of full cash value limitation, those ad valorem taxes used to pay debt service of any bonded indebtedness for the acquisition or improvement of real property approved on or after July 1, 1978, by two-thirds (2/3) of the votes cast by the voters voting on the proposition for bonded indebtedness; and

WHEREAS, the Smaller Classes, Safer Schools and Financial Accountability Act ("Proposition 39") was adopted by the voters within the State in 2000, added Section 1(b)(3) of Article XIII A of the California Constitution and amended Section 18(b) of Article XVI of the California Constitution, to allow a public school district, upon approval by a two-thirds vote of its Governing Board, to incur bonded indebtedness approved in an election conducted after such date for the construction, reconstruction, rehabilitation, or replacement of school facilities, including the furnishing and equipping of school facilities or the acquisition or lease of facilities or real property for school facilities, in consideration of safety, class size reduction and information technology needs, to be approved by fifty-five percent (55%) of the voters of such school district provided that certain findings, determinations, certifications and requirements are applicable to such a bond election and the proposition for such bonded indebtedness includes specified accountability requirements all as set forth in Proposition 39, as adopted, and related State legislation are satisfied ("Proposition 39 Accountability Requirements"); and

WHEREAS, the Board of Education of the District ("Board") has reviewed and considered various information, factors and data concerning the status, condition and facilities needs of each of the District's schools and school sites, including, but not limited to, the District's Facilities Master Plan 2019 and reports, estimates of the costs of school facilities in order to meet the educational needs of the District's current and future students, availability of other funding sources, community input and related matters and information; and

WHEREAS, the District's Facilities Master Plan 2019 provided guidance for the development of the School Facilities Project List (Attachment "1" to Exhibit "A"); and

WHEREAS, under existing State law, March 3, 2020, is a Statewide General Election Date; and

WHEREAS, in the judgment of the Board it is advisable to order the Orange County Registrar of Voters ("County Registrar") to conduct an election within the District on the question of whether bonds ("Bonds") shall be issued and sold for the purposes described herein and subject to the Proposition 39 Accountability Requirements; and

WHEREAS, under Section 10403 *et seq.* of the California Elections Code ("Elections Code"), it is appropriate for the Board to request consolidation of such election with any and all other elections to be held within the boundaries of the District on Tuesday, March 3, 2020.

NOW, THEREFORE, THE BOARD OF EDUCATION OF THE SADDLEBACK VALLEY UNIFIED SCHOOL DISTRICT DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:

Section 1. The foregoing recitals are true and correct and are incorporated herein by this reference.

Section 2. The Board, pursuant to California Education Code ("Education Code") Sections 15264 *et seq.*, Section 1(b)(3) of Article XIII A of the California Constitution, Section 18(b) of Article XVI of the California Constitution and, to the extent applicable, Education Code Sections 15100 *et seq.*, hereby orders and calls an election to submit to the electors of the District the question of whether Bonds will be issued and sold for the purpose of raising money to finance the School Facilities listed in Exhibit "A" ("Election"), which is also on file at the District office, and for paying costs incident thereto, which Election will occur on a Statewide General Election Date. The amount of the Bond authorization shall be \$495,000,000 as further set forth in the exhibits hereto.

Section 3. The date of the Election shall be March 3, 2020.

Section 4. The purpose of the Election shall be for the voters in the District to vote on a proposition as set forth in Section 11 hereof ("Proposition" or "Bond Measure"), containing the question of whether the District shall issue the Bonds for the purposes stated therein, including the Proposition 39 Accountability Requirements, and subject to the terms and conditions set forth in this Resolution.

Section 5. That the authority for ordering the Election is contained in Education Code Sections 15264 *et seq.*, Section 1(b)(3) of Article XIII A of the California Constitution and Section 18(b) of Article XVI of the California Constitution as amended pursuant to the provisions of Proposition 39 and, to the extent applicable, Education Code Sections 15100 *et seq.*

Section 6. This Resolution constitutes the order of the District to the County Registrar to call and conduct the Election ("Election Order") within the boundaries of the District on March 3, 2020, which is a Statewide General Election Date, subject to the terms, provisions and requirements set forth herein.

Section 7. The authority for the specification of the Election Order is contained in Education Code Section 5322.

Section 8. The Clerk of the Board is directed to send, or cause to be sent, a certified copy of this Resolution to the County Registrar and a certified copy of this Resolution to the Orange County Clerk of the Board of Supervisors ("County Clerk"). The Clerk of the Board shall also transmit, or cause to be transmitted, a copy of this Resolution to the Orange County Superintendent of Schools.

Section 9. Pursuant to Education Code Section 5342 and Part 3 (commencing with Section 10400) of Division 10 of the Elections Code, the County Registrar and the Orange County Board of Supervisors ("County Board") are hereby requested to take any and all actions necessary to consolidate the Election ordered hereby with any and all other elections to be held on March 3, 2020, within the boundaries of the District, and to take all other actions necessary to call and conduct the Election specified herein. The County Registrar, the County Clerk and the County Board are hereby also requested to take all other actions necessary to conduct the Election called and ordered hereby.

Section 10. Pursuant to Section 5303 of the Education Code and Section 10002 of the Elections Code, the County Board is requested to permit the County Registrar to render all services specified by Section 10418 of the Elections Code relating to the Election, for which services the District agrees to reimburse Orange County ("County") in full upon presentation of a bill from the County, such services to include the publication of the Notice of School Bond Election and the mailing of the sample ballot and Tax Rate Statement (as described herein).

Section 11. Based upon the requirements of the California Constitution and State law, the Proposition to be voted on by the voters in the District in such Election shall be as set forth in Exhibit "A" attached hereto and incorporated herein by this reference. The full text of the Proposition, which commences with the heading "TEXT OF BOND MEASURE" and includes all of the text thereafter on Exhibit "A," (including Attachment "1") shall be printed in the voter information pamphlet (voter information guide) provided to voters, with such measure designation as is assigned to the Proposition by the County elections official.

Section 12. A Ballot Measure Statement, to comply with Education Code Section 5322 and Elections Code Section 13247, and other applicable law, is attached hereto as Exhibit "B" and incorporated herein by this reference. The Superintendent, Assistant Superintendent, Facilities, Operations & Technology and District legal counsel are hereby authorized to communicate with, and provide directions to, the County Registrar as to the form of the Ballot Measure Statement to be used.

Section 13. Notice of such Election (Bond Measure) shall be provided by the County Registrar as provided for under State law.

Section 14. If the Bonds are approved pursuant to the requirements of the California Constitution and applicable State law, the Board shall establish and appoint members to an independent citizens' oversight committee in accordance with the requirements of Article 2 of Chapter 1.5 of Part 10 of the Education Code.

Section 15. Pursuant to Education Code Section 15272, and as included in Exhibit "A" attached hereto, the Board hereby directs that the County Registrar cause to be printed in or on the ballot materials for the Election the following statement:

"If this bond measure is approved, the Saddleback Valley Unified School District Board of Education will appoint a citizens' oversight committee and conduct annual independent audits to assure that bond funds are spent only on school and classroom improvements and for no other purposes."

Section 16. The Board certifies that the proceeds from the sale of the Bonds will be used only for the purposes specified in Article XIII A, Section 1(b)(3) as further specified in Exhibit "A," and not for any other purpose, including teacher and administrator salaries and other school operating expenses. Further, as required by Article XIII A, the Board hereby certifies that it has evaluated safety, class size and information technology needs in developing the list of School Facilities projects set forth in Exhibit "A."

Section 17. As required by Article XIII A, Education Code Section 15278 and California Government Code ("Government Code") Section 53410, in the event fifty-five percent (55%) (or more) of the voters voting in the District approve of the Bonds, the Board shall:

- (a) conduct annual, independent performance audits to ensure that the funds have been expended only on the School Facilities set out in Exhibit "A";
- (b) conduct annual, independent financial audits of the proceeds from the sale of the Bonds until all of those proceeds have been expended for the School Facilities set out in Exhibit "A"; and
- (c) apply the Bond proceeds only to the specific purposes stated in the Proposition.

Section 18. In accordance with Education Code Section 15268, the Bonds will only be issued if the tax rate levied to meet the requirements of Section 18 of Article XVI of the California Constitution will not exceed sixty dollars (\$60) per year per one hundred thousand dollars (\$100,000) of taxable property for the Bonds authorized in this Election when assessed valuation is projected by the District to increase in accordance with Article XIII A of the California Constitution.

Section 19. To the extent applicable, the Board finds that in connection with the calling of the Election and in accordance with Education Code Section 15100(c), the District has obtained reasonable and informed projections of assessed property valuations that take into consideration projections of assessed property valuations within the boundaries of the District as made by the County Assessor.

Section 20. Pursuant to Government Code Sections 53410 and 53411 and other provisions of State law, the Board hereby finds, determines and directs as follows:

- (a) The purpose of the Bonds to be authorized pursuant to the Election is to finance the School Facilities as described herein.

(b) The Board hereby directs that at the time the Bonds are authorized by the Board for issuance and sale, the Board shall provide, in such issuance resolution or other Bond issuance documents, that the proceeds of the Bonds shall be used only for the purpose set forth in Section 20(a), above.

(c) The Board hereby directs that at the time the Bonds are authorized by the Board for issuance and sale, the Board shall provide in such issuance resolution or other Bond issuance documents for the creation of one or more funds or accounts (which may include subaccounts) into which the proceeds of the Bonds, or each series of Bonds, as the case may be, shall be deposited. The Bonds may be issued in one or more series consistent with applicable law, including the provisions and restrictions of this Section 20, which shall apply to each such series of the Bonds.

(d) The District's Superintendent, or the District's Assistant Superintendent, Facilities, Operations & Technology (as shall be applicable), shall have the responsibility (once the Bonds are authorized and issued) to provide to the Board, no less often than annually, a written report which shall contain at least the following information:

- (i) The amount of the Bond proceeds received and expended within the identified period of time. If no Bonds have been issued and sold, the report may simply note such situation;
- (ii) In the event that Bonds have been issued and sold, and proceeds therefore received, the report shall include the status of the acquisition, construction or financing of the School Facilities with the proceeds of such Bonds or series of Bonds; and
- (iii) In the event that taxes have been levied in a fiscal year to pay principal and interest on the Bonds, the amount of principal and interest due on the Bonds in the corresponding calendar or fiscal year.

The report required by this Section 20(d) may be combined with other periodic reports which include the same information, including, but not limited to, periodic reports made to the California Debt and Investment Advisory Commission or continuing disclosure reports or other reports made in connection with the Bonds, or any series thereof.

The requirements of this Section 20(d) shall apply only until all Bonds, or each series of Bonds, are redeemed or defeased, but if the Bonds or any series of Bonds are refunded, such provisions shall apply until all such refunding Bonds are redeemed or defeased.

Section 21. The Bonds may be issued in one or more series by the District from time to time, and each series of Bonds shall mature not more than the applicable legal limit from the date of issuance thereof. The Bonds shall be issued under the Education Code, under the provisions of Section 53506 of the Government Code, or under any other provision of law authorizing the issuance of general obligation bonds by school districts.

Section 22. In its capacity as stewards of public funds, the Board will develop and implement a fiscally responsible, accountable and transparent bond program, conducted in accordance with the following principles of the Orange County Taxpayers Association:

(a) There is a clear need to build and/or modernize facilities, as documented by the Facilities Condition Assessments. The Bond Project List describes specifically how bond funds will be spent.

(b) Bond funds will not be used to pay for computers, vehicles, technology devices, or other equipment that will become obsolete while the related bond debt is outstanding.

(c) The District will maintain a reserve of at least 2-3% of its operating funds for routine facility maintenance.

(d) The District intends to set aside a fund (from sources other than bond funds) for deferred maintenance of District facilities, including bond-funded construction projects.

(e) The District will use the services of an independent registered municipal advisor for each issue of bonds.

(f) Bonds will be issued via competitive sale if the District's credit rating is at least in the "A" category, and by a selected underwriter for a negotiated sale via a request for proposals (RFP) proposals if the District's credit rating is below the "A" category.

(g) While the District does not plan to enter into a Project Labor Agreement, if the District determines in the future to enter into a Project Labor Agreement, it will conform such agreement to the current criteria of the Orange County Taxpayer's Association.

(h) The District will adopt a "no pay to play" policy consistent with the guidelines of the Orange County Taxpayers Association, requiring disclosure of contributions in excess of \$500 in favor of a District bond measure or candidate campaign, or to a District foundation supporting such a campaign, by persons who obtain bond funded contracts.

Section 23. Any or all of the members of this Board are authorized to act as an author of any ballot argument prepared in connection with the Election, including a rebuttal argument.

Section 24. The Superintendent, Assistant Superintendent, Facilities, Operations & Technology, President of the Board, and their respective designees, are hereby authorized to execute and deliver any Tax Rate Statement (prepared or provided pursuant to Elections Code Sections 9400 – 9404) or any other document and to perform all other acts or actions necessary to place the Bond Measure called hereby on the ballot and to conduct the Election ordered herein. This shall include, but shall not be limited to, payment to the County for costs or expenses incurred by the County in calling and conducting the Election for the Proposition as directed herein. Such costs may, to the extent legally permissible, be recovered as a cost of issuance of the Bonds if so authorized by the electors.

Section 25. The Superintendent, the Assistant Superintendent, Facilities, Operations & Technology, the President of the Board, and/or their respective designee(s), are hereby authorized and directed to make any changes to the text of the Proposition or the Ballot Measure Statement referenced in Section 12 hereof and set forth in Exhibits "A" and "B," as applicable as required to conform to any requirements of Section 1(b) of Article XIII A of the California Constitution, Proposition 39, State law or the County Registrar.

Section 26. The adoption of this Resolution, and the call and conducting of the Election, is not a “project” for purposes the California Environmental Quality Act, Division 13 (commencing with Section 21000) of the Public Resources Code (“CEQA”) but that each of the projects specified in Exhibit “A” will be accomplished in accordance with the applicable requirements of CEQA. The Clerk of the Board is authorized and directed to complete, execute and file, or arrange for filing of, a Notice of Exemption in such regard.


Section 27. The Superintendent, the Assistant Superintendent, Business Services, President of the Board, Clerk of the Board and/or their respective designee(s), District staff and District consultants are hereby authorized and directed, jointly and severally, to do any and all things and to execute and deliver any and all documents which they may deem necessary or advisable in order to give effect to and comply with the directives, terms and intent of this Resolution. Such actions heretofore taken by such officers, officials, consultants and staff are hereby ratified, confirmed and approved.


Section 28. This Resolution shall take effect upon its adoption.

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ADOPTED, SIGNED AND APPROVED this 14th day of November, 2019.

BOARD OF EDUCATION OF THE
SADDLEBACK VALLEY UNIFIED SCHOOL
DISTRICT

By: 
President of the Board of Education of the
Saddleback Valley Unified School District

By: 
Clerk of the Board of Education of the
Saddleback Valley Unified School District

REGISTRAR OF VOTERS
COUNTY OF SADDLEBACK
19 NOV 22 P 3:56

STATE OF CALIFORNIA)
) ss.
COUNTY OF ORANGE)

I, Amanda Morrell, Clerk, Board of Education of the Saddleback Valley Unified School District, do hereby certify that the foregoing Resolution was duly adopted by the Board of Education of the Saddleback Valley Unified School District at a meeting thereof held on the 14th day of November, 2019, at which meeting a quorum of such Board was present and acting throughout and for which notice and an agenda was prepared and posted as required by law, and that such Resolution was so adopted by the following vote:

AYES: S. Swartz; E. Wong; A. Morrell; G. Kunath; B. Schulman
NOES: 0
ABSTAIN: 0
ABSENT: 0



Clerk, Board of Education of the Saddleback Valley
Unified School District

REGISTRATION OF VOTERS
19 NOV 22 P3:56

STATE OF CALIFORNIA)
) ss.
COUNTY OF ORANGE)

I, Amanda Morrell, Clerk of the Board of Education of the Saddleback Valley Unified School District, do hereby certify that the foregoing is a full, true and correct copy of Resolution No. 15:19-20 of such Board and that the same has not been amended, rescinded or repealed.

Dated this 14th day of November, 2019.



Clerk, Board of Education of the Saddleback Valley Unified School District

REGISTRAR OF VOTING
COUNTY OF ORANGE

19 NOV 22 P 3:56