

**RESOLUTION OF THE BOARD OF TRUSTEES OF THE
ANAHEIM UNION HIGH SCHOOL DISTRICT**

**ORDERING AN ELECTION, AND ESTABLISHING
SPECIFICATIONS OF THE ELECTION ORDER**

RESOLUTION NO. 2019/20-B-08

October 10, 2019

WHEREAS, the Board of Trustees (the "Board") of the Anaheim Union High School District (the "District") is committed to improving the quality of education in its schools, by acquiring, constructing, repairing, furnishing and equipping classrooms and laboratories, upgrading basic infrastructure and utilities, enhancing safety and security, and upgrading schools to provide for 21st century learning; and

WHEREAS, the District has identified the needs of its schools in a comprehensive Facilities Master Plan, incorporating comments from District staff, students, parents and community members; and

WHEREAS, the Board has received information regarding the possibility of a local bond measure and its ability to improve the District's facilities; 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 that exempts from the 1 percent of full cash value limitation, those ad valorem taxes used to pay for debt service on 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 reduced the voter threshold for ad valorem tax levies used to pay for debt service on bonded indebtedness to 55 percent 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 that are contained in Proposition 39 and the Act; and

WHEREAS, the Board desires to authorize the submission of a proposition to the District's voters at an election to authorize the issuance of bonds to pay for certain necessary repairs, upgrades, and enhancements to District facilities; and

WHEREAS, the Board hereby determines that, in accordance with Opinion No. 04-110 of the Attorney General of the State of California, the restrictions in Proposition 39 which prohibit any bond money from being used for administrative salaries or other operating expenses of the District shall be enforced by a Citizens' Oversight Committee to be appointed by the Board in accordance with the Act; and

WHEREAS, the Board has previously appointed a Citizens Oversight Committee for prior authorizations under Proposition 39 and intends to expand the responsibilities of such Committee to include the proposition to be submitted to voters at the March 3, 2020 election in accordance with this election order; 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 of \$30 per year 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") in effect as of the date hereof requires that a tax rate statement be contained in all official materials relating to the election, including any ballot pamphlet prepared, sponsored, or distributed by the District; and

WHEREAS, Senate Bill 268 has been adopted by the Legislature and is awaiting a signature or veto by the Governor and if signed would repeal Elections Code Section 9400 and enact provisions in the Elections Code which would affect the ballot and the tax rate statement required with respect to the proposition to be submitted to voters of the District; and

WHEREAS, the Board 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 3, 2020, and to request the Orange County Registrar of Voters to perform certain election services for the District.

NOW THEREFORE, THE BOARD OF TRUSTEES OF THE ANAHEIM UNION HIGH 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 Orange 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 of up to \$398 million (the "Bonds") shall be issued and sold for the purpose of raising money for the projects described in the exhibits to this resolution. The Board hereby approves alternative forms of the propositions to be placed on the ballot and printed in the voter pamphlet as described below and authorizes the Superintendent to advise the Registrar of Voters as to which forms are to be printed on the ballot and in the voter pamphlet. In the event that Senate Bill 268 has not become a law to take effect on January 1, 2020 by the date that this Resolution is submitted to the Registrar of Voters, then Exhibits A and B shall be the propositions presented to the voters and both such exhibits are directed to be printed in the voter pamphlet. In the event that Senate Bill 268 has become a law to take effect on January 1, 2020 by the date that this Resolution is

submitted to the Registrar of Voters, then Exhibits C and D shall be the propositions presented to the voters and both such exhibits are directed to be printed in the voter pamphlet. The Board hereby adopts each of the findings set forth in Exhibits B and D.

Section 2. That the date of the election shall be March 3, 2020.

Section 3. That the purpose of the election shall be for the voters in the District to vote on a proposition, which shall either be in the form attached hereto and marked Exhibit A and B or in the form attached hereto and marked as Exhibit C or D, as determined in accordance with Section 1 above, and containing the question of whether the District shall issue the Bonds to pay for the acquisition, construction, improvement, furnishing and equipping of school facilities to the extent permitted by such propositions. In compliance with Proposition 39 and the Act, the ballot propositions to be submitted to the voters in accordance with this resolution are subject to the following requirements and determinations:

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

(b) that the Board, in establishing the projects set forth in Exhibit B and Exhibit D, evaluated student safety, class size reduction, and the educational and information technology needs of the District, as well as the importance of the projects to student achievement and high quality instruction;

(c) that the Board shall cause an annual, independent performance audit to be conducted to ensure that the Bond monies are spent only for the projects identified in Exhibit B or Exhibit D, as applicable;

(d) that the Board shall 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 shall appoint 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 Education Code Section 15274;

(f) that the tax levy authorized to secure the Bonds of this election shall not exceed the Proposition 39 limit of \$30 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 or in accordance with the provisions set forth in Senate Bill 268 if enacted;

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

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 Orange County Registrar of Voters and the Orange County Board of Supervisors are hereby requested to consolidate the election ordered hereby with any and all other elections to be held on March 3, 2020, within the District.

Section 7. That the Secretary of the Board is hereby directed to deliver a certified copy of this Resolution to the Orange County Registrar of Voters no later than December 2, 2019.

Section 8. 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 of the returns of the election be made by any body or official authorized by law to canvass such returns, and that the Board consents to such consolidation.

Section 9. Pursuant to Section 5303 of the Education Code and Section 10002 of the Elections Code, the Board of Supervisors of Orange 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 of Orange. Such services will include requesting the impartial analysis of the proposition from County Counsel in accordance with Elections Code Section 9500, the publication of a Formal Notice of School Bond Election and the mailing of the sample ballot and tax rate statement as required by the Elections Code and pursuant to the terms of Section 5363 of the Education Code and Section 12112 of the Elections Code.

Section 10. That any and all members of this Board and the Superintendent 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, Assistant Superintendent, Business Services and Support, or their designees, are hereby authorized to execute any tax rate statement or other document required with respect to the election and to perform all acts necessary or required by the Registrar of Voters, including, but not limited to, reducing the word count in the ballot proposition to be placed on the ballot.

ADOPTED, SIGNED AND APPROVED this 10th day of October 2019.

BOARD OF TRUSTEES OF THE ANAHEIM UNION
HIGH SCHOOL DISTRICT

By _____
Brian O'Neal
President of the Board of Trustees
Anaheim Union High School District

Attest:

Michael B. Matsuda
Secretary to the Board of Trustees Anaheim
Union High School District

STATE OF CALIFORNIA)
)ss
ORANGE COUNTY)

I, Michael B. Matsuda, do hereby certify that the foregoing is a true and correct copy of Resolution No. 2019/20-B-08, which was duly adopted by the Board of Trustees of the Anaheim Union High School District at the meeting thereof held on the 10th day of October 2019 and that it was so adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

By _____
Michael B. Matsuda
Secretary to the Board of Trustees
Anaheim Union High School District

EXHIBIT A

Anaheim Union High School District Repair, Construction and Safety Improvements Measure.

"Shall the measure to repair, construct and equip neighborhood schools, classrooms, career, science, computer and technology labs and educational facilities, and make school safety, fire, and drinking water improvements by authorizing the Anaheim Union High School District to issue \$398,000,000 in bonds, with interest rates within the legal limit, and a levy estimated at 3¢ per \$100 of assessed valuation averaging \$22,000,000 annually while bonds are outstanding, with citizens oversight and independent audits as required by law, be adopted?"

Bonds Yes

Bonds No

EXHIBIT B

FULL TEXT BALLOT PROPOSITION
OF THE ANAHEIM UNION HIGH SCHOOL DISTRICT
BOND MEASURE ELECTION MARCH 3, 2020

The following is the full proposition presented to the voters by the Anaheim Union High School District.

Anaheim Union High School District Repair, Construction and Safety Improvements Measure.

"Shall the measure to repair, construct and equip neighborhood schools, classrooms, career, science, computer and technology labs and educational facilities, and make school safety, fire, and drinking water improvements by authorizing the Anaheim Union High School District to issue \$398,000,000 in bonds, with interest rates within the legal limit, and a levy estimated at 3¢ per \$100 of assessed valuation averaging \$22,000,000 annually while bonds are outstanding, with citizens oversight and independent audits as required by law, be adopted?"

PROJECT LIST FOR THE CLASSROOM AND SCHOOL SAFETY BOND MEASURE

The following are the types of projects that are eligible to be financed with proceeds of the bonds:

Repair and Construct Classrooms and Buildings, including roofs, walls, windows, doors and hardware, floors, ceilings, and accessibility for disabled students.

Basic Infrastructure and Utilities, including site and building plumbing, sewer, gas, electrical, water, storm drainage, HVAC systems, energy efficiency systems and controls, solar energy systems, restrooms, and the prepayment of any financing, lease or power purchase agreement related to such improvements.

Safety and Security Improvements, including fire safety systems, security systems, camera systems, emergency communication systems, lighting, school entry and access areas, locks, parking and transportation areas, fencing, signage, wayfinding and earthquake retrofitting and improvements.

Removal of Hazardous Materials, such as asbestos, lead and contaminated soils.

Classroom Improvements for Instruction, including furniture, equipment and audio-visual systems to allow for student collaboration, teamwork, and expanded learning methods.

Classroom and Building Construction for education including career and technical education, science, technology, engineering, math and visual and performing arts.

Physical Education Facility Repairs and Construction, including restrooms, locker rooms, showers, gymnasiums, stadiums, multipurpose rooms, and constructing and reconditioning fields and facilities.

Outdoor Learning Quads and Courts, for outdoor education and student collaboration. Landscape and Hardscape Improvements and Repairs, including irrigation and storm water retention systems.

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Food Service Improvements, including constructing and upgrading facilities and equipment to serve meals to students, and shelters for students to eat lunch.

Student and Staff Support Facilities, including libraries, student union, student services, and administration facilities and interim housing during construction.

Property Acquisition, for the purpose of expanding overcrowded school sites.

The following sites are planned to receive some of the improvements described above:

- Anaheim High School
- Ball Junior High School
- Brookhurst Junior High School
- Cypress High School
- Dale Junior High School/Polaris High School
- District Campus
- Hope School / Gilbert West
- Katella High School
- Kennedy High School
- Lexington Junior High School
- Loara High School
- Magnolia High School
- Orangeview Junior High School
- Oxford Academy
- Savanna High School
- South Junior High School
- Sycamore Junior High School
- Gilbert High School (Trident Education Center)
- Walker Junior High School
- Western High School
- Potential New Sites

* * *

In preparing the list of projects, the District has evaluated safety, class size reduction, and informational technology needs.

In addition to the sites listed above, the District may acquire, renovate, upgrade, construct, furnish and equip facilities at other locations.

Each project is assumed to include its share of architectural, engineering, and similar planning costs, program management, project or construction management, a contingency for unforeseen circumstances, offsite/utility connection costs, and interim housing. Projects also may include the payment of the costs of preparation of all facility planning, facility assessment reviews, environmental studies, construction documentation, plan check, inspection and permit fees, and the acquisition of improvements on the project list that previously have been financed, or will be financed in the future, through temporary financing, leases or power-purchase agreements. Also included are the costs of demolition and reconstruction of existing facilities currently scheduled for modernization, if the Board of Trustees determines that such an approach would be a more cost effective solution.

The District is eligible to receive State matching funds and intends to pursue State funding. In the absence of such funding, improvements at each school may be affected and the District may not be able to undertake some of the projects listed above.

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 projects described above may be delayed or may not be undertaken.

Bond proceeds shall be expended only for the specific purposes identified herein. 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 the bond projects. 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 § 15272, the Board of Trustees will establish a citizens' oversight committee and will conduct annual independent audits to assure that funds are spent only on the list of projects authorized above 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 shall include at least seven members, with the following relationships: one member active in a business organization, one member active in a senior citizens' organization, one member active in a bona fide taxpayers' organization, one member who is a parent or guardian of a student, one member who is both a parent or guardian of a student and active in a parent-teacher organization. District employees, vendors, contractors and consultants may not 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. No funds will be used toward teacher or administrator salaries or other operating expenses.

EXHIBIT C

Anaheim Union High School District Repair, Construction and Safety Improvements Measure.

“Shall the Anaheim Union High School District measure to acquire, construct, repair, equip and furnish neighborhood schools, classrooms, career, science, computer, technology labs/facilities and other educational facilities; make fire, drinking water and school safety improvements; remove asbestos/lead paint; repair roofs; replace gas lines; and authorize \$398,000,000 in bonds to be issued with interest rates within legal limits, a citizens oversight committee and independent audits as required by law, be adopted? See voter guide for tax rate information.”

Bonds Yes

Bonds No

EXHIBIT D

FULL TEXT BALLOT PROPOSITION OF THE ANAHEIM UNION HIGH SCHOOL DISTRICT BOND MEASURE ELECTION MARCH 3, 2020

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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. No funds will be used toward teacher or administrator salaries or other operating expenses.