

RESOLUTION NO. 1465.3/12

RESOLUTION OF THE BOARD OF TRUSTEES OF MOUNTAIN VIEW WHISMAN SCHOOL DISTRICT ORDERING AN ELECTION, AND ESTABLISHING SPECIFICATIONS OF THE ELECTION ORDER

WHEREAS, the Board of Trustees (the “Board”) has determined that neighborhood schools within the Mountain View Whisman School District (the “District”) need to be upgraded, repaired, improved and better equipped to enable the District to maintain and enhance the education of all students in the District; and

WHEREAS, the Board is committed to have all schools safe from asbestos, lead and other hazards, brought up to current earthquake safety standards and equipped with effective emergency safety systems; and

WHEREAS, the State of California (the “State”) is unable to provide the District with enough money for the District to adequately maintain its educational facilities notwithstanding ongoing efforts to obtain such monies; and

WHEREAS, in the considered judgment of the Board, mindful of the unparalleled opportunity that currently low construction costs and historically low interest rates afford, it is in the best interests of the District residents to provide additional facility and site improvement funding to meet such needs now by means of a general obligation bond, for the evidence gathered indicates that if these needs are not addressed now, they will only become more pressing and more costly; 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% 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 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 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 improvements and enhancements to District educational 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 wasted or used for inappropriate administrative salaries or other operating expenses of the District shall be enforced strictly by the District's 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 limits 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") 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, 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, June 5, 2012, and to request the Santa Clara County Registrar of Voters to perform certain election services for the District;

NOW THEREFORE, THE BOARD OF THE MOUNTAIN VIEW WHISMAN 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 Santa Clara 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 \$198 million (the "Bonds") shall be issued and sold for the purpose of raising money for the projects 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 June 5, 2012.

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," incorporated by reference herein, and 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 propositions in Exhibits "A" and "B" are subject to the following requirements and determinations:

(a) 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,” evaluated the safety, class size reduction, classroom, 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 get spent only for the projects identified in Exhibit “B,” hereto;

(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 Elections Code Section 15274; and

(f) that the tax levy authorized to secure the Bonds of this election shall not exceed the Proposition 39 limits 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 Santa Clara County Registrar of Voters and the Santa Clara County Board of Supervisors are hereby requested to consolidate the election ordered hereby with any and all other elections to be held on June 5, 2012, within the District.

Section 7. That the Secretary of the Board is hereby directed to deliver a certified copy of this Resolution to the Santa Clara County Registrar of Voters no later than March 9, 2012.

Section 8. That 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 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 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 10. Pursuant to Section 5303 of the Education Code and Section 10002 of the Elections Code, the Board of Supervisors of Santa Clara 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 Santa Clara County, 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) pursuant to the terms of Section 5363 of the Education Code and Section 12112 of the Elections Code.

ADOPTED, SIGNED AND APPROVED this 1<sup>st</sup> day of March, 2012.

BOARD OF TRUSTEES OF THE MOUNTAIN  
VIEW WHISMAN SCHOOL DISTRICT

By \_\_\_\_\_  
President

Attest:

\_\_\_\_\_  
Secretary

STATE OF CALIFORNIA    )  
                                          )ss  
SANTA CLARA COUNTY    )

I, Craig Goldman, do hereby certify that the foregoing is a true and correct copy of Resolution No. 1465.3/12, which was duly adopted by the Board of Trustees of the Mountain View Whisman School District at the meeting thereof held on the 1<sup>st</sup> day of March, 2012, and that it was so adopted by the following vote:

AYES: Mr. Bailey, Mr. Olson, Mr. Palmer, Mrs. Walter, Ms. Wheeler

NOES: 0

ABSENT: 0

ABSTENTIONS: 0

By \_\_\_\_\_  
Secretary

EXHIBIT A

“To protect quality education in Mountain View, provide safe and modern classrooms, and make schools operate more efficiently, shall the Mountain View Whisman School District remove hazardous lead/asbestos materials, improve earthquake safety, upgrade fire alarms/security, replace outdated and inefficient plumbing/electrical/heating/ventilation, update computers/technology, and upgrade, acquire, construct schools, sites, facilities and equipment by issuing \$198 million in bonds at legal rates, with independent oversight and all funds spent on local elementary and middle schools?”

Bonds – Yes

Bonds – No

## EXHIBIT B

### FULL TEXT BALLOT PROPOSITION OF THE MOUNTAIN VIEW WHISMAN SCHOOL DISTRICT BOND MEASURE ELECTION JUNE 5, 2012

The following is the full proposition presented to the voters by the Mountain View Whisman School District.

“To protect quality education in Mountain View, provide safe and modern classrooms, and make schools operate more efficiently, shall the Mountain View Whisman School District remove hazardous lead/asbestos materials, improve earthquake safety, upgrade fire alarms/security, replace outdated and inefficient plumbing/electrical/heating/ventilation, update computers/technology, and upgrade, acquire, construct schools, sites, facilities and equipment by issuing \$198 million in bonds at legal rates, with independent oversight and all funds spent on local elementary and middle schools?”

#### PROJECT LIST

The Board of Trustees of the Mountain View Whisman School District evaluated the District’s urgent and critical facility needs, including safety issues, enrollment trends, the desire to preserve neighborhood schools, class size, and computer and information technology, in developing the scope of projects to be funded. The District conducted a facilities evaluation and received public input and review in developing this Project List, and has prepared a Student Facilities Plan which was approved by the Board on May 6, 2010 and which is incorporated herein and on file in the Office of the Superintendent. Teachers, staff, community members and the Board have prioritized the key health and safety needs so that the most critical facility needs are addressed. The Board concluded that if these needs are not addressed now, the problems will only become more pressing. **Therefore, in approving this Project List, the Board of Trustees determines that:**

- (i) all bond money shall stay exclusively in our local community and cannot be taken away by the State; and**
- (ii) all of its schools must be healthy and safe from earthquake risks, fire dangers and hazardous materials, such as asbestos, lead paint and mold; and**
- (iii) in repairing aging schools, priority shall be given to basic repairs, such as bathrooms, plumbing, and sewer lines which have aging pipes that leak and back-up; and**
- (iv) all of its schools should be safe learning environments; and**
- (v) all of its schools should have the classrooms, science labs, libraries and technology for every student to learn and prepare for high school; and**
- (vi) the District must install and upgrade fire detection systems, security and emergency response systems at every school so that all students, staff and facilities are safe, as well as make repairs in compliance with energy saving and sustainability standards; and**
- (vii) the District must reduce operating costs through energy efficiency and upgrades and utilize the savings to preserve valuable student programs; and**

- (viii) **with ongoing State budget cuts, utilize operational savings to support Mountain View Whisman elementary and middle schools, classrooms and instructional programs.**

The Project List is on file at the District Office of the Superintendent and includes the following types of projects:

### **Core School Renovation, Repair and Improvement Projects**

**Goal and Purpose:** To maintain safe, comparable neighborhood schools, schools will benefit from the renovation, repair and improvement of outdated school buildings, including bathrooms, plumbing and sewer lines, science labs, classrooms, computer learning centers and school libraries and equipment, allowing all children to have the facilities and resources they need to learn and stay up-to-date with advances in technology and education:

- Replace existing water, sewer and plumbing systems to meet current codes, including the elimination of lead-containing fixtures.
- **Additional electrical service capacity to relieve overloaded electrical systems so that they can handle modern instructional technology.**
- Upgrade aging school restrooms by replacing pipes that leak and back-up.
- Replace old and inefficient windows, ceilings, heating, ventilation, air conditioning and lighting systems with building code compliant, energy efficient systems which will save money on operating costs.
- Provide students with improved, up-to-date computers and computer labs.
- Upgrade and equip classrooms, science labs, multipurpose rooms, physical education facilities, kitchens, auditoriums, libraries, visual and performing arts classrooms and educational support spaces.
- Provide adequate space in school libraries for book collections and for media centers to prepare children for the world of the future.
- Ensure accessibility for all students, staff and community members by upgrading classrooms, science labs and other school facilities.
- Replace outdated portable classrooms and construct new classrooms and facilities that comply with current safety and education standards.
- Repair aging schools.

### **School Health and Safety, Earthquake Safety and Energy Efficiency School Projects**

**Goal and Purpose:** Since strong, safe and up-to-date schools help protect and improve local property values and reduce maintenance and operating costs, thus returning more money to the classroom, schools and school sites will benefit from a variety of health and safety projects, such as:

- **Make schools safe by removing asbestos, lead paint, mold and hazardous materials.**



- Upgrade fire alarm systems to automatic systems, repair fire safety equipment, and add sprinklers and fire safety doors to make students safe in the event of an emergency.
- Upgrade schools to meet handicap accessibility requirements.
- **Replace old and inefficient windows, lighting, irrigation, heating and ventilation systems which waste money and use the savings to help prevent cuts to instructional programs.**
- Inspect for and repair gas pipe leaks to enhance student and teacher safety.
- Replace and upgrade existing signage, bells and clocks.
- Replace and upgrade security systems and fencing to reduce break-ins, vandalism, and ensure student safety.
- Upgrade emergency communication systems to improve student safety.
- Relocate or improve student drop-off areas, including a separate area for buses, to ensure student safety and reduce the impact of school traffic on local neighborhoods.
- **Strengthen and repair schools and classrooms vulnerable to serious damage in a major earthquake, as required by State law.**

#### **District-Wide Wiring and Instructional Technology For Effective Learning Environment Projects**

**Goal and Purpose: To upgrade classroom computers and technology to allow our teachers and students to use up-to-date teaching methods and have access to current learning and research tools:**

- Provide and maintain up-to-date technology, data and communication equipment.
- Upgrade and expand wireless systems, telecommunications, Internet and network connections.
- Replace and expand computers, hardware and software systems.
- Upgrade and replace classroom furniture, equipment and instructional aids.
- Improve media and audio/visual equipment.

#### **School Infrastructure Improvement and Expansion Projects**

**Goal and Purpose: To improve educational programs, ensure safe schools, modernize buildings and prevent overcrowding at neighborhood schools, some schools require the construction and expansion of additional earthquake-safe and accessible facilities, such as:**

- Complete accessibility upgrades as mandated by the Division of the State Architect (DSA).
- Provide facilities for shared community use beyond school hours.
- Upgrade or replace outdated and undersized multi-purpose rooms, educational support facilities, and classrooms.
- Construct and expand permanent classrooms and school buildings, which will reduce dependency on outdated portable classrooms.

- Upgrade and construct shade structures to protect students during lunch and other outdoor activities.

\* \* \*

The listed projects will be completed as needed. Each project is assumed to include its share of furniture, equipment, architectural, engineering, and similar planning costs, program management, staff training expenses and a customary contingency, and escalation for unforeseen design and construction costs. In addition to the listed projects stated above, the Project List also includes the payment of the costs of preparation of all facility planning, facility assessment reviews, environmental studies, construction documentation, inspection and permit fees, and temporary housing of dislocated District activities caused by bond projects. The upgrading of technology infrastructure includes, but is not limited to, computers, projectors, portable interface devices, servers, switches, routers, modules, sound projection systems, printers, digital white boards, document projectors, upgrade voice-over-IP, call manager and network security/firewall, and other miscellaneous equipment and software. The repair of school facilities includes the, maintenance and transportation warehouse and yard, upgrading school site parking, utilities, and grounds, playground equipment, hard court surfaces, shade structures for student assembly and protecting students from sun and inclement weather during lunch, libraries and District support facilities, athletic and play fields and turf may be upgraded for safety and operational efficiency, and construction of performance facilities and auditoria. The Project List also includes the refinancing of any outstanding lease obligations, bridge loans taken to initiate voter approved projects, or the outstanding bonds of the former Whisman School District, as well as the demolition and reconstruction of closed schools and the construction of a new District administration facility. Some projects may be undertaken as joint-use facilities with other local public agencies or non-profit organizations. The allocation of bond proceeds may be affected by the District's receipt of State matching funds and the final costs of each project. Depending on project costs and the availability of funds, the District may not be able to complete 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 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, if the Board determines that such an approach would be more cost-effective in creating enhanced and operationally efficient campuses. Necessary site preparation/restoration and landscaping, may occur in connection with new construction, renovation or remodeling, or installation or removal of relocatable 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.

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 SECTION 15272, THE BOARD OF TRUSTEES 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.