

# Oxnard Union High School District

## *Oxnard, California*

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### MINUTES FOR THE SPECIAL BOARD MEETING

#### July 29, 2009

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- CALL TO ORDER** The special meeting of the Board of Trustees of the Oxnard Union High School District was called to order by Vice President Valles at 4:00 p.m., July 29 2009, in the District Office Board Room, 220 South K Street, Oxnard, California.
- Trustees present:**  
Vice President Robert Q. Valles, Clerk Socorro López Hanson (arrived at 4:15 p.m.), Trustees Ken Benefield and Dick Jáquez.
- Trustee absent:**  
President Steve W. Stocks
- Administration present:**  
Interim Superintendent Dr. Bob Carter; Assistant Superintendents Dr. Rocky Valles, Human Resources; Martha Mutz, Educational Services; and Randy Winton, Business Services; Directors Walt Dunlop, Compensatory Education, Angelita Dalan, Fiscal Services; and Nancy R. Serros, Executive Assistant to the Board of Trustees.
- PLEDGE OF ALLEGIANCE** Director of Compensatory Education Walt Dunlop led the pledge of allegiance to the flag.
- ADOPTION OF AGENDA** Trustee Jáquez moved to approve the July 29, 2009 agenda; seconded by Trustee Benefield; motion carried unanimously.
- AUDIENCE TO ADDRESS THE BOARD OF TRUSTEES** No public comments were made.
- BOARD STUDY SESSION:** Administrative Staff discussed budget and facility related matters with the Board.
- FACILITIES RELATED:** Interim Superintendent Carter thanked Trustees for approving this time to meet for the study session. The objective of the meeting is that Trustees have a better understanding of the budget based on what has happened over the last few weeks and a sense of what the administration is communicating to Trustees. He encouraged Trustees to call, e-mail, or drop in to ask questions. Dr. Carter commended and thanked those involved behind the scenes.
- Dr. Carter stated he met with each of the city managers from Oxnard, Port Hueneme, and Camarillo in order to prepare for the study session to get a fix on what each city is doing. He was informed by Camarillo City Manager Jerry Bankston that there isn't going to be much development in Camarillo for the next five to 10 years. Dr. Carter opined he does not see a need for a new Camarillo High School for a number of years; he suggested that the ACHS site be brought up to speed with schools like PHS and OHS in regard to all the amenities and capacity. Those amenities will be discussed on August 26. Dr. Carter suggested other properties to consider for a new high school would be Victoria and Wooley and the Ormond Beach area. As ACHS is being taken care of, the next area of need would then be in south Oxnard. He stated the recommendations on the list are prioritized and it would be up to Trustees as to how they wish to proceed.

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#### FACILITIES RELATED: (continued)

Vice President Valles called for comments from Trustees:

- Mr. Jáquez suggested getting some *buy-in* from PTA, Boosters, etc. to help with the funding.
- Mr. Benefield was pleased to see that ACHS is the number one priority.
- Mr. Valles stated he had been approached by citizens of Camarillo concerned about the high school, and stated the projects are more doable in Camarillo because of the partnership with that city.

The Board was in consensus that administration proceed with the prepping of the August 26<sup>th</sup> meeting.

Dr. Carter stated there are still many *unknowns*, but updates will be provided from now until August 26; hopefully, by that time things will clear up.

#### BUDGET RELATED:

Via a PowerPoint presentation Assistant Superintendent Winton provided an overview of the 2009-2010 Budget. Trustees shared concerns and asked questions during the presentation.

- The Unrestricted General Fund has revenue of \$84,130,432, expenditures of \$84,128,268; and operating surplus of \$2,164.
- The district will discuss with Oxnard Federation of Teachers/SE the \$12,057,204 unresolved budget hits that required "fixes".
- The district identified \$12,840,683 in Federal ARRA money, State Categorical program flexibility transfers, and local expenditure reductions could "fix" hits.
- There is a large balance in the insurance fund of \$3 million.
- Federal money will most likely not be there in the 2010-11 school year.
- Indications for enrollment are that it will be lower than last year; the district budgeted for flat enrollment. A question was asked if incoming graduating elementary school students could be tracked, and if they did not enroll in high school, find out why those students did not enroll. It was explained that through CSIS, the schools do have the names of those students that do not enroll.
- A June 30, 2010 General Fund Balance, projected is \$11,247,687 with a three percent reserve of \$3,662,555. There is an unobligated reserve slightly more than the three percent.
- Certificated portion of the Unit Share Includable Revenue is \$67,498,098 (67 percent); Unit Share expenses are \$74,216,014; and Unit Share surplus (**deficit**) is \$6,717,916.
- American Recovery and Reinvestment Act (ARRA) funds are \$9,997,640 for 2008-09 and \$1,348,212 for 2009-10, for a total of \$11,345,852 – this is one-time money used to back-fill.
- State categorical programs in each Tier were discussed. Tier 1 had no reductions and no flexibility options; Tier 2 had a combined 19.4 percent reduction, but still no flexibility; and Tier 3 has complete flexibility for the district to use the funds as the district wishes.
- A District Budget Planning and Control diagram showing how budget systems work was explained. The diagram shows how internal control and external factors are handled by district staff.

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**BUDGET RELATED:**  
(continued)

- A list of items that have a negative or positive effect on the budget were discussed, i.e., enrollment, maximize benefit of state and federal recession provisions, staffing, and review methods used by other districts and OUHSD to manage recession.
- Trustees asked that expulsions be handled uniformly across the district and students provided an opportunity to seek intervention. This in turn would help the declining enrollment.
- Trustees asked that the grading system be reviewed for teachers who issue an excessive number of "Ds" and "Fs". Students become discouraged and drop-out when they realize they are low on credits and will meet graduation requirements.
- There are several new flexibility options available in the July 2009 Budget Deal and tools to work with to offset potential hits.

In closing, Dr. Carter listed the next steps for staff to follow. Continue to refine budget projections, update staffing sheets, update enrollment projections, initiate discussion with Board and OFT, periodic Board budget updates, prepare for August 26 Board Study Session, and final results of food service audit and district response.

Dr. Carter reported the imminent domain process on the property located on Victoria and Wooley continues to move forward, all entities have been identified and the process has been *kicked-up*.

Trustee López Hanson asked for clarification on Tier 3 money, and if the students served through categorical programs would lose educational services due to the lack of funding. Mr. Winton provided further information on Tier 3 and Dr. Carter emphatically stated no, the students would continue to be serviced.

Trustee Jáquez asked that student schedules be completed before the start of the school year to avoid conflicts on the first day of school.

**CONSENT CALENDAR:**

Trustee Benefield moved to approve the consent calendar; seconded by Trustee Jáquez; motion carried unanimously.

Approval of Resolution No. 09-34, Resolution of the Board of Trustees of the Oxnard Union High School District Authorizing Filing an Application for Qualified School Construction Bond Allocation with the California Department of Education, and Approving Related Matters and Official Actions

It is the recommendation of District Administration that the Board of Trustees approve Resolution No. 09-34, Resolution of the Board of Trustees of the Oxnard Union High School District Authorizing Filing an Application for Qualified School Construction Bond Allocation with the California Department of Education, and Approving Related Matters and Official Actions, as presented.

*Adopted*

**Oxnard Union High School District**  
**Oxnard, California**

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**ADJOURNMENT:** There being to further items of discussion on the agenda, Vice President Valles adjourned the meeting at 6:00 p.m.

**BOARD OF TRUSTEES**



Socorro López Hanson, Clerk



Bob Carter, Ed.D., Secretary

Approved as read  
(or approved as corrected)  
September 9, 2009

*Board meetings are recorded by video tape pursuant to Government Code Section 54953.5(b).  
Copies of these video tapes are available by request to this office at (805) 385-2527.*

ns: 08/28/09



# Oxnard Union High School District

## RESOLUTION NO. 09-34

### RESOLUTION OF THE BOARD OF TRUSTEES OF THE OXNARD UNION HIGH SCHOOL DISTRICT AUTHORIZING FILING AN APPLICATION FOR QUALIFIED SCHOOL CONSTRUCTION BOND ALLOCATION WITH THE CALIFORNIA DEPARTMENT OF EDUCATION, AND APPROVING RELATED MATTERS AND OFFICIAL ACTIONS

**WHEREAS**, the Recovery and Reinvestment Act of 2009 added Section 54F to the Internal Revenue Code of 1986, authorizing the issuance of qualified school construction bonds ("QSCBs"), in a principal amount of \$11 billion for calendar year 2009; and

**WHEREAS**, the total allocation provided to the State of California for calendar year 2009 is \$773,525,000, excluding allocations which have been specifically provided to certain designated large local educational agencies; and

**WHEREAS**, the statewide allocation of QSCBs for California is being administered by the California Department of Education (the "Department of Education"), and applications for such allocation have recently been made available for that purpose by the Department of Education; and

**WHEREAS**, such application for QSCBs will be received by the Department of Education starting July 15, 2009 with a \$25,000,000 cap per district; and

**WHEREAS**, the Oxnard Union High School District (the "District") is in need of additional school construction funding at no additional cost to taxpayers; and

**WHEREAS**, the District seeks to lower the borrowing cost associated with funding its school construction projects; and

**WHEREAS**, the financial advisory firm of Dale Scott & Company has developed a program for repaying QSCBs through the issuance of general obligation bonds which have been previously authorized by the voters of the District, without additional cost to the District or its taxpayers;

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Trustees of the Oxnard Union High School District as follows:

**Section 1. Authorization to File QSCBs Application.** The Board of Trustees hereby authorizes the filing of an application with the Department of Education for allocation to issue QSCBs in calendar year 2009, in the principal amount of not to exceed \$25,000,000. The Superintendent is hereby authorized and directed to cause the Qualified School Construction Bond 2009 Application in the form attached hereto and by this reference incorporated herein (the "Application"), and all supporting documentation, to be completed and filed with the Department of Education not later than the deadline specified by the Department of Education for filing such application. The Board of Trustees hereby certifies that the District will comply with certifications 1 through 6 of the Application, as set forth more fully herein.

**Section 2. Designation and Construction of Projects.** All of the proceeds received by the District from the issuance of QSCBs shall be applied for the purpose of financing (a) the construction, rehabilitation or repair of public school facilities, (b) the acquisition of land on which public school facilities will be constructed with the proceeds of the QSCBs, or (c) equipment related to the project(s) to be constructed or rehabilitated with the proceeds of the QSCBs. Such public school facilities, land and equipment shall be limited to those described in the specific list of projects for which general obligation bonds of the District have previously been authorized. As required by applicable law, all laborers and mechanics employed by contractors or subcontractors on projects funded by the QSCBs shall be paid wages and fringe benefits at rates not less than those prevailing on similar projects in the locality. Within six months of the issuance of the QSCBs, the District must have entered into contract(s) for the use of proceeds at least equal to 10% of issuance. Additionally, 100% of the proceeds of the QSCBs are to be used for a qualified purpose and must be spent within three years of the date of issuance of the QSCBs.

**Section 3. Authorization of General Obligation Bonds; Approval of Judicial Validation Proceedings.** The Board of Trustees hereby declares its intention that the QSCBs shall be issued on behalf of the District by a joint powers authority, provided that the bonds issued by such joint powers authority shall be payable from general obligation bonds issued by the District (the "General Obligation Bonds"). Following the approval of the Application, the Superintendent shall cause to be prepared and presented to the Board of Trustees a resolution authorizing the sale of General Obligation Bonds in accordance with the applicable laws of the State of California. The Board of Trustees hereby authorizes the issuance of the General Obligation Bonds in a principal amount which, together with interest thereon at a rate not exceeding the rate that such bonds would bear if sold on a conventional basis (that is, not as QSCBs), is sufficient to provide for repayment of the QSCBs which are issued by the joint powers authority. The principal amount of such General Obligation Bonds may be less than the principal amount of the QSCBs for which the District receives an allocation from the Department of Education. The Board of Trustees hereby authorizes the filing of an action to determine the validity of the General Obligation Bonds and related matters in the Superior Court of the county in which the District is located, under the provisions of Sections 860 et seq. of the Code of Civil Procedure of the State of California. The firm of Jones Hall, A Professional Law Corporation, as bond counsel to the District, is hereby directed to prepare and cause to be filed all proceedings required for the judicial validation of the General Obligation Bonds and related matters.

**Section 4. Prohibition on Financial Conflicts of Interest.** The District shall assure that all applicable State of California and local law requirements governing conflicts of interest are satisfied with respect to the issuance of the QSCBs, and if additional conflict of interest rules are imposed by Internal Revenue Service regulation, such additional rules will be satisfied with respect to the issuance of the QSCBs.

**Section 5. Filings with Department of Education.** Within 15 days of issuing the QSCBs, the District will submit a copy of IRS Form 8038 to the Department of Education. In addition, at the conclusion of the project(s), the District shall submit a completion report to the Department of Education.

**Section 6. Unused Allocation.** In the event that the District does not issue the QSCBs in the full amount of the authorization by December 31, 2009, the District hereby declares that any and all unused portion of the authorization, without further action by the Board of Trustees, shall revert to the State of California (CDE), to be allocated or reallocated as determined by the Department of Education in its sole discretion.

**Section 7. Engagement of Professional Services.** The Board of Trustees hereby approves the engagement of the firm of Dale Scott & Company Inc. to act as financial advisor to the District and the firm of Jones Hall, A Professional Law Corporation, to serve as bond counsel to the District, in connection with the issuance of the QSCBs and any related general obligation bonds. All fees and expenses payable to such firms shall be contingent upon the approval to issue the QSCBs by the Department of Education and the issuance and sale of the QSCBs and general obligation bonds by the District. The Superintendent is hereby authorized and directed to execute the agreement between each of said firms and the District, in the form on file with the Superintendent or to amend any prior agreements with said firms.

**Section 8. Official Actions.** The Superintendent, the Assistant Superintendent of Business Services, and all other officers of the District, are hereby authorized and directed for and in the name and on behalf of the District to do any and all things and take any and all actions relating to the execution and delivery of any and all certificates, requisitions, agreements and other documents, which they, or any of them, may deem necessary or advisable in order to consummate any of the matters approved by this Resolution.

**Section 9. Effective Date of Resolution.** This Resolution will take effect from and after the date of its passage and adoption.

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