

NOTICE
REGULAR MEETING OF THE GOVERNING BOARD
TRACY UNIFIED SCHOOL DISTRICT

DATE: TUESDAY, April 12, 2011

**PLACE: DISTRICT EDUCATION CENTER
BOARD ROOM
1875 WEST LOWELL AVENUE
TRACY, CALIFORNIA**

**TIME: 5:30 PM Closed Session
7:00 PM Open Session**

A G E N D A

1. Call to Order

2. Roll Call – Establish Quorum

Board: J. Costa, G. Crandall, W. Gouveia, T. Guzman, G. Silva, B. Swenson, J. Vaughn.
Staff: J. Franco, C. Goodall, S. Harrison and B. Etcheverry.

3. Closed Session: Opportunity to Address the Board Regarding Closed Session Items which follow. Closed session is limited to consideration of items specifically authorized under the Government Code and/or the Education Codes.

3.1 Educational Services:

3.1.1 Findings of Facts: FF#10-11/97, 98, 99, 100, 101, 102, 103, 107, 108, 113, 116, 118, 120

3.1.2 Application for Reinstatement AR#10-11/43, 44, 45

Action: Motion___; Second___. **Vote:** Yes ___; No ___; Absent ___; Abstain ___.

3.1.3 Waiver of Expulsion WE#10-11/9

Action: Motion___; Second___. **Vote:** Yes ___; No ___; Absent ___; Abstain ___.

3.1.4 Early Graduation – WHS #10320721

Action: Motion___; Second___. **Vote:** Yes ___; No ___; Absent ___; Abstain ___.

3.1.5 PE Exemption- KHS #10217139, 10318933

Action: Motion___; Second___. **Vote:** Yes ___; No ___; Absent ___; Abstain ___.

3.2 Human Resources:

3.2.1 Approve the Non Re-Election of Probationary Certificated Employee #UC-719, Pursuant to Education Code Section 44929.1(b)

Action: Motion___; Second___. **Vote:** Yes ___; No ___; Absent ___; Abstain ___.

3.2.2 Amend Leave of Absence Request for Classified Employee #UCL-149, Pursuant to Article XXIII

Action: Motion___; Second___. **Vote:** Yes ___; No ___; Absent ___; Abstain ___.

3.2.3 Consider Public Employee/Employment/Discipline/Dismissal/Release

Action: Motion___; Second___. **Vote:** Yes ___; No ___; Absent ___; Abstain ___.

3.2.4 Conference with Labor Negotiator

Agency Negotiator: Sheila Harrison

Assistant Superintendent of Educational Services & Human Resources

Employee Organization: CSEA, TEA

4. Adjourn to Open Session

5. Call to Order and Pledge of Allegiance

6. Closed Session Issues:

6a Action on Findings of Facts: FF#10-

11/97,98,99,100,101,102,103,107,108,113,116,118,120

Action: Motion___; Second___. **Vote:** Yes ___; No ___; Absent___; Abstain___.

6b Report Out on Application for Reinstatement AR#10-11/43, 44, 45

Action: Vote: Yes ___; No___; Absent___; Abstain___

6c Report Out of Action Taken on Waiver of Expulsion WE#10-11/ 9

Action: Vote: Yes ___; No___; Absent___; Abstain___

6d Report Out on Early Graduation – WHS #10320721

Action: Vote: Yes ___; No___; Absent___; Abstain___

6e Report Out on PE Exemption- KHS #10217139, 10318933

Action: Vote: Yes ___; No___; Absent___; Abstain___

6f Report Out of Action Taken on Approve the Non Re-Election of Probationary Certificated Employee #UC-719, Pursuant to Education Code Section 44929.1(b)

Action: Vote: Yes ___; No___; Absent___; Abstain___

6g Report Out of Action Taken on Amend Leave of Absence Request for Classified Employee #UCL-149, Pursuant to Article XXIII

Action: Vote: Yes ___; No___; Absent___; Abstain___

7. Approve Regular Minutes of March 22, 2011.

Action: Motion___; Second___. **Vote:** Yes ___; No ___; Absent___; Abstain___.

1-6

8. Student Representative Reports: Middle School Reps: Williams Middle School; George Kelly School; West High: Brooke Gard; Tracy High: Taylor Bobbit; Stein High: Jason Nasiri; Kimball High: Aloukika Shah

9. Recognition & Presentations: An opportunity to honor students, employees and community members for outstanding achievement:

9.1 Recognize and Congratulate Kimball and Tracy High School Speech Team Winners

9.2 Recognize and Congratulate THS Mock Trial Team and Crystal Kamada of the WHS Mock Trial Team for Winning County Competitions

9.3 Recognize the Outstanding Employees of the Spring Term for the 2010-11 School Year

9.4 Tracy High School Website Presentation.

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10. Hearing of Delegations: Anyone wishing to address the Governing Board on a non-agenda item may be heard at this time. Presentations shall be held to a reasonable length, normally not to exceed five (5) minutes. If formal action is required, the item will be placed on a future agenda and action will be taken at a future date. If information or a report is requested, the request for it must also be submitted in writing to the superintendent. (Please complete a speaker's card at the secretary's desk).

This is a period in which members of the public may address the Board on any subject within the Board's jurisdiction that is not on the agenda. The Brown Act does not allow the Board to take action or discuss items which are not on the agenda. This is because other members of the public have not been notified through the agenda that the subject of the statement would be discussed at this Board meeting.

The Board may ask for the item to be placed on a future agenda, direct the speaker to a person who can help, or provide the speaker with the correct procedure to follow to address his/her problem. All speakers have a constitutional right to free speech. As a protective measure, we would like to remind you that if you say something which might give another person the right to pursue legal recourse against you. There is a record of this meeting. This does not mean you cannot criticize employees of the District. However, we would suggest that you do it without using names. We would also suggest that you use the personnel complaint procedures. The board can only hear and address complaints which have been processed in line with the policy. You may obtain copies of the policy from Human Resources, and staff will assist you.

Pg. No.

- 11. Information & Discussion Items:** An opportunity to present information or reports concerning items that may be considered by Trustees at a future meeting.

11.1 Administrative & Business Services:

- 11.1.1** Receive Report on the Tracy Unified School District Budget

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12. PUBLIC HEARING:

12.1 Human Resources:

- 12.1.1** Receive Public Comments Regarding Negotiations with the California School Employees Association and the Tracy Unified School District

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- 13. Consent Items:** Actions proposed for consent are consistent with the approved practices of the district and are deemed routine in nature. Trustees receive board agenda background information in advance of scheduled meetings and are prepared to vote with knowledge on the consent items.

Action: Motion__ ; Second__ . **Vote:** Yes__ ; No__ ; Absent__ ; Abstain__

13.1 Administrative & Business Services:

- 13.1.1** Accept the Generous Donations from the Various Individuals, Businesses and School Site Parent Teacher Associations Listed Herein with Thanks and Appreciation from the Staff and Students of the Tracy Unified School District **10-11**
- 13.1.2** Ratify Measure E Related Expenditures and Notice of Completions Which Meet the Criteria for Placement on the Consent Agenda **12-13**
- 13.1.3** Ratify Measure S Related Expenditures and Notice of Completions Which Meet the Criteria for Placement on the Consent Agenda **14-16**
- 13.1.4** Approve Assembly Vendors and Site Assembly Utilization Calendars **17-21**

13.2 Educational Services:

- 13.2.1** Ratify Overnight Travel for Art Freiler School Science Olympiad Team to Attend the NorCal Science Olympiad State Finals in Fresno, CA on April 8-9, 2011 **22**
- 13.2.2** Ratify Overnight Travel for West High School Cheer Team to Attend the USA Nationals Competition on March 24-27, 2011, in Anaheim, California **23**
- 13.2.3** Approve All Out of State Travel for Kirk Brown for the 2011-2012 School Year **24-25**
- 13.2.4** Approve Overnight Travel for Kimball High School (KHS) Future Business Leaders of America (FBLA) to Attend the State Leadership Conference at the Marriott Hotel in Santa Clara, CA on April 14-17, 2011 **26**

13.3	Human Resources:	Pg. No.
13.3.1	Approve Classified, Certificated and/or Management Employment	27
13.3.2	Accept Resignations/Retirements/Leaves of Absence for Classified, Certificated, and/or Management Employment	28
14.	Action Items: Action items are considered and voted on individually. Trustees receive background information and staff recommendations for each item recommended for action in advance of scheduled meetings and are prepared to vote with knowledge on the action items.	
14.1	Administrative & Business Services:	
14.1.1	Adopt Resolution No. 10-28 in Support of SCA 5	29-30
Action:	Motion___; Second___. Vote: Yes ___; No ___; Absent ___; Abstain ___.	
14.1.2	Adopt Resolution No. 10-30 of the Board of Trustees of the Tracy Joint Unified School District Authorizing the Issuance of Not to Exceed \$18,000,000 Aggregate Principal Amount of Bonds of the School Facilities Improvement District No. 3 of the Tracy Joint Unified School District, Election of 2008, Series 2011A, Authorizing the Execution and Delivery of a Paying Agent Agreement, a Bond Purchase Agreement and a Commitment Letter and Other Matters Related Thereto (Separate Cover Item)	31-38
Action:	Motion___; Second___. Vote: Yes ___; No ___; Absent ___; Abstain ___.	
14.1.3	Adopt Resolution No. 10-31 of the Board of Trustees of the Tracy Joint Unified School District Authorizing the Issuance and Sale of Not to Exceed \$7,000,000 Aggregate Principal Amount of Bonds of School Facilities Improvement District No. 3 of the Tracy Joint Unified School District By a Negotiated Sale Pursuant to One or More Bond Purchase Agreements, Prescribing the Terms of Sale, Approving the Form of and Authorizing the Execution and Delivery of One or More Bond Purchase Agreements and One or More Continuing Disclosure Certificates, Approving the Form of and Authorizing the Distribution of an Official Statement for the Bonds, And Authorizing the Execution of Necessary Documents and Certificates and Related Actions (Separate Cover Item)	39-60
Action:	Motion___; Second___. Vote: Yes ___; No ___; Absent ___; Abstain ___.	
Call to Order:	Public Meeting of the Tracy School Facilities Financing Authority Board: J. Costa, G. Crandall, W. Gouveia, T. Guzman, G. Silva, B. Swenson, J. Vaughn.	60a
14.1.4	Adopt Resolution No. 11-01 Adopting the By-Laws Of the Tracy School Facilities Financing Authority; Confirming the Chair, Vice Chair, Executive Director, Secretary, and Treasurer and Controller, Respectively, of the Authority; and Adopting A Conflict of Interest Code	61-72
Action:	Motion___; Second___. Vote: Yes ___; No ___; Absent ___; Abstain ___.	
14.1.5	Adopt Resolution No. 11-02 of the Board of Directors of the Tracy School Facilities Financing Authority Authorizing The Issuance of Tracy School Facilities Financing Authority General Obligation Revenue Bonds (Federally Taxable/Qualified School Construction Bonds), Series A, in an Aggregate Principal Amount of not to Exceed \$19,770,000, Authorizing the Execution and Delivery of an Indenture, a Bond Purchase Agreement and a Commitment Letter and Other Matters Related Thereto (Separate Cover Item)	74-81
Action:	Motion___; Second___. Vote: Yes ___; No ___; Absent ___; Abstain ___.	

**Adjourn Public Meeting of the Tracy School Facilities Financing Authority
Reopen Public Meeting of the Tracy Unified School District**

Pg. No.

14.2 Educational Services: None.

14.3 Human Resources:

14.3.1 Approve Student Teaching Agreement with Northern Arizona University 82-86

Action: Motion___; Second___ **Vote:** Yes ___; No ___; Absent___; Abstain___.

14.3.2 Receive the District's Initial Bargaining Proposal for a Successor Master Agreement for the California School Employees Association 87-88

Action: Motion___; Second___ **Vote:** Yes ___; No ___; Absent___; Abstain___.

14.3.3 Adopt Resolution No. 10-29, Authorizing the Elimination of Certain Classified and Classified Confidential Management Employee Positions Due to Lack of Work/Lack of Funds 89-93

Action: Motion___; Second___ **Vote:** Yes ___; No ___; Absent___; Abstain___.

15. Board Reports: An opportunity for board members to discuss items of particular importance or interest in the district.

16. Superintendent's Report: An opportunity for the superintendent to share matters of special interest or importance which are not on the board agenda and/or special presentations of district programs or activities.

17. Board Meeting Calendar:

17.1 May 10, 2011

17.2 May 24, 2011

17.3 June 14, 2011

17.4 June 28, 2011

18. Upcoming Events:

18.1 April 22 – 29, 2011

No School, Spring Recess

18.2 May 25, 2011

Graduation: Stein High 11:30 a.m.

18.3 May 27, 2011

Last Day of School

18.4 May 28, 2011

Graduation: West High 8:00 a.m.

Tracy High 10:30 a.m.

18.5 August 15, 2011

First day of School 2011-12

If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability. To make this request, please telephone the Superintendent's Office at 209/830-3201. If any person with a disability needs a disability-related modification or accommodation, including auxiliary aids or services, he/she should also contact the Superintendent's Office at least 24 hours prior to the meeting.

**Minutes of
Regular Meeting of the Governing Board
For Tracy Unified School District
Held on Tuesday, March 22, 2011**

- 5:30 PM:** President Gouveia called the meeting to order and adjourned to closed session.
- Roll Call:** Board: J. Costa, G. Crandall, W. Gouveia, T. Guzman, G. Silva, B. Swenson, J. Vaughn.
Staff: J. Franco, S. Harrison, C. Goodall, B. Etcheverry
- 7:08 PM:** President Gouveia called the Tracy Unified School District Board of Education to order and led those present in the Pledge of Allegiance.
- Closed Session:** **6a** Action on Findings of Facts: FF#10-11/73, 80, 81, 89, 91, 92, 93, 94, 95, 96, 100
Action: Guzman, Swenson. **Vote:** Yes-7; No-0.
6b Report Out on Application for Reinstatement AR#10-11/42
Action: **Vote:** As amended. Yes-7; No-0.
6c Report Out of Action Taken on Waiver of Expulsion WE#10-11/8
Action: **Vote:** Yes-7; No-0.
6d Report Out of Action Taken on Discharge Classified Employee #UCL-148
Action: **Vote:** Yes-7; No-0.
- Employees Present:** C. Minter, J. Cardoza, B. Meyer, L. Fracolli, E. Lobaugh, J. Frase, N. Kettner, R. Call, R. Davis, T. Brown, D. Ensor, G. Garner, G. Krebs, R. Moehnke, K. Alcorn, J. Anderson, C. Garske-Jones, M. Thorburn, V. Headley, L. Sanchez, B. Maslyar,
- Press:** D. Rizzo – Tracy Press
- Visitors Present:** S. Ornellas, H. & D. Green, L. & J Guzman, A. Shah, M. Rich, K. Sims, J. Gurerrero, A. Khinda, T. Trew, L. Magallon, B. Oseguera, R. Fuller, B. Gard, T. Bobbitt,
- Minutes:** **Approve Special Minutes of March 1, 2011.**
Action: Vaughn, Guzman. **Vote:** Yes-7; No-0.
Approve Special Minutes of March 2, 2011.
Action: Crandall, Silva. **Vote:** Yes-6; No-0; Abstain-1(Costa).
Approve Regular Minutes of March 8, 2011.
Action: Guzman, Vaughn. **Vote:** Yes-7; No-0.
- Student Rep Reports:** Middle School Reps:
Freiler Principal, Laurie Fracolli, introduced students Anmol Khinda, Hannah Green, and Jonah Gurerrero. Assistant Principal, Mr. Lobaugh, read quotes from

second grade students which included some of these comments: a fun playground; all teachers are nice; they read us stories, but not when you get older; on Wednesdays you get pizza; volcano science experiment; it is a very fun school and we learn a lot before the next grade; and thanking Mr. Freiler for making this school so fun. In Kindergarten they can ride a bike, paint rocks and explode volcanos. ASB is active with fundraisers and holiday grams. March madness was held last week and each day there was a different theme. The school won \$10,000 from PG&E to be used on the school garden. Students also got to participate in Kimball High's Beauty and the Beast play. They recently held their first ever walk-a-thon. Their Science Olympiad team will be going to the state competition in Clovis. Students recited Martin Luther King's "I Have a Dream" speech.

Poet Principal, Bill Maslyar, and students Tahnee Trew, Luis Magallon, Briana Oseguera, and Rebecca Fuller, presented a power point which showed various activities going on at Poet, such as: Dads and Donuts, tutoring, parent club, fall fundraiser for supplies for the classrooms, talent show, anti-bullying assembly, math and science night, relay for life, club live which meets after school, smoothies, drama club, homework club, elective classes and organized dances. They also held elections for student officers and are preparing for STAR tests. Poet also has a spelling bee, a Halloween walk-a-thon, science camp, accelerated reader, recycling, red ribbon week, and a dance group called "Core Movers".

High School Reps:

West High: Brooke Gard reported that they held their Slam Jam in January. The Winter Ball was successful with the theme of "Passport to Paris". Farmers market was planned for February 25 and they had very good sales and great food. Freshman orientation was held on March 28th. Prom will be held on April 2nd and Spring Fling will be during the week of April 11-15. Students are busy with elections and interviews this week. The wrestling team was named TCAL champions and spring sports are starting up. On May 20th the seniors will be going to Disneyland and April 6th is Senior Breakfast which will be catered by Black Bear Restaurant. Students are busy working on Senior Beach Day and seniors are starting to accept their colleges.

Tracy High: Taylor Bobbitt reported that they had been planning events including Hoopla and Mr. & Mrs. Bulldog. The winners are voted on by the senior class. They held a "Smart Cookie Rally" which is an academic rally to congratulate students for doing a good job. They held a Freshman rally with games and the president gave a speech. During teacher appreciation week the students provided donuts, coffee and thank you cards in their mailboxes. Each leadership student was assigned a teacher and granted a wish. Every teacher received a key chain gift. Yesterday, they held a blood drive and collected 59 pints. Freshman orientation was successful and now elections are underway for ASB and class officers. Prom will be held on April 16th with a theme of "Night in Wonderland". They are also planning the Senior Breakfast, Beach Day, Multicultural Day and Spring Fever Week. They congratulated the Academic Decathlon Team and Mock Trial for their wins and the Science Olympiad Team for their medals. On April 8th they will hold a dance for the senior class and special education students.

Stein High: Jason Nasiri was not able to attend tonight.

Kimball High: Aloukika Shah reported that the month flew by and students have many achievements and goals. She is glad to be surrounded by students that embody pride. The Sophomores have completed CAHSEE testing and students are getting ready for STAR testing next week. She congratulated Kimball's first Mock Trial Team who received a runner's up position. The FBLA recently competed on March 7th and medaled in 7 different positions. On February 28th Rotary Club held their speech competition and she won and will be competing on April 9th. Kimball recently held a Black History Month Program which had gospel, jazz and blues music. On Valentine's Day they decorated doors with hearts and clovers on St. Patrick's Day. They had a mocha morning with bagels and donuts for the teachers. The Junior class will put on prom night which will be in San Ramon. Buses will transport students to and from the event and they will have a chocolate fountain and character pictures drawn. Kimball will have a "Mr. Kimball Pageant" for Junior boys. The PTSA held a fundraiser at Barnes and Noble which was very successful. Students Enjoyed participating in the play "Beauty and the Beast. In sports, golf, baseball and swimming are all doing well and the softball team just beat Liberty Ranch.

Recognition & Presentations:

9.1 Recognize and Congratulate Tracy High School's California All-State Band and Choir Students and Tracy High School's Nelson Zane Music Award Winners

Assistant Superintendent of Educational Services and Human Resources, Dr. Sheila Harrison, congratulated Tracy High students in all-state band and choir and the Nelson Zane Music award winners. Dr. Franco and Trustee Gouveia presented certificates to the students and to Mr. Meyer.

District Visual and Performing Arts Coordinator, Bill Meyer, thanked the Board and administration for their ongoing support of the arts. It is witnessed by the art displayed in this building, the new black box theater being built at West High and Kimball High's performance of *Beauty and the Beast*. The San Joaquin County Honor Band performed in January and had an overwhelming number of students from Tracy Unified. A few weeks ago, the Board voted to support arts in education month which included the art show, drama festival and music festival. Drama is tomorrow night and Thursday night is the music festival. Seven students who are members of the Tracy High orchestra performed "Yesterday" and "Hard Days' Night".

9.2 Bohn School Site Update on Achievements & Activities

Bohn Principal, Tammy Christensen was unable to attend tonight and will be put on a future Agenda.

9.3 West High School Site Update on Achievements & Activities

Principal, Jeff Frase, presented a short video of the school and invited the board to come and visit. Assistant Principals, Troy Brown, Roland Davis and Karen Alcorn presented their website. They showed some information on the new

website and information on their old website. They are starting to transfer their old website to the new template website. They hope to have it all transferred by Christmas.

The West High Robotics Club advisor, Randy Moehnke, presented some of the students and their robots. They have attended 5 tournaments this year and will be going to Florida for competition in April. They also presented a video on West High Robotic Club.

Hearing of Delegations

None.

Information & Discussion Items:

11.1 Administrative Services:
11.1.1 None.

Public Hearing:

12.1 None.

Consent Items:

Action Vaughn, Crandall. Vote: Yes-7; No-0.

13.1 Administrative & Business Services:

13.1.1 Accept the Generous Donations from the Various Individuals, Businesses and School Site Parent Teacher Associations Listed Herein with Thanks and Appreciation from the Staff and Students of the Tracy Unified School District

13.1.2 Approve Monthly Budget Adjustment Report-February, 2011

13.1.3 Approve Revolving Cash Fund Reports for February, 2011

13.1.4 Approve Payroll Reports For February, 2011

13.1.5 Approve Accounts Payable Warrants Report for February, 2011 (Separate Cover Item)

13.1.6 Approve Assembly Vendors and Site Assembly Utilization Calendars

13.1.7 Ratify Measure E Related Expenditures and Notice of Completions Which Meet the Criteria for Placement on the Consent Agenda

13.1.8 Ratify Measure S Related Expenditures and Notice of Completions Which Meet the Criteria for Placement on the Consent Agenda

13.1.9 Ratify Routine Expenditures and Notice of Completions Which Meet the Criteria for Placement on the Consent Agenda

13.2 Educational Services:

13.2.1 Approve Overnight Travel for West High School Track Team to Attend the Arcadia Invitational Meet in Arcadia, California, on April 7-10, 2011

13.2.2 Approve Overnight Travel for Tracy High School Varsity Dance Team to Participate in the USA West Coast Nationals Competition in Anaheim, California, on March 24-27, 2011

13.2.3 Approve Overnight Travel for Kimball High School (KHS) Health Occupations Students of America (HOSA) to Participate in the State Leadership Conference in Sacramento, California, on April 7-10, 2011

13.2.4 Approve Overnight Travel for the West High School SkillsUSA and Advisor to Attend the State Competitions in San Diego, CA on April 28 – May 1, 2011

- 13.2.5 Approve Overnight Travel for Tracy High School Science Olympiad Team to Attend the NorCal Science Olympiad State Finals in Clovis, CA on April 8 – 9, 2011
- 13.2.6 Approve Overnight Travel for Kimball High School (KHS) Leadership to Attend the California Association of Student Leaders (CASL) Camp in San Jose, CA on April 2 – 4, 2011
- 13.2.7 Approve Overnight Travel for Kimball High School Leadership to Attend the California Association of Directors of Activities (CADA) Leadership Camp on July 16 – 19, 2011
- 13.3 **Human Resources:**
 - 13.3.1 Approve Classified, Certificated and/or Management Employment
 - 13.3.2 Accept Resignations/Retirements/Leaves of Absence for Classified, Certificated, and/or Management Employment

Action Items:

- 14.1 **Administrative & Business Services:**
 - 14.1.1 Consider Claim No. 6-1011 TUSD
Action: Denied. Crandall, Guzman. **Vote:** Yes-7; No-0.
 - 14.1.2 Consider Claim No. 7-1011 TUSD
Action: Denied. Swenson, Guzman. **Vote:** Yes-7; No-0.
 - 14.1.3 Authorize the Associate Superintendent for Business Services to Seek Bids for Food and Non-Food Items for the 2011/2012 School Year
Action: Guzman, Vaughn. **Vote:** Yes-7; No-0.
 - 14.1.4 Approve the City of Tracy Public Agency Offsite Improvement Agreement for Monte Vista Middle School – in substantial final form
Action: As amended (Approved in substantial final form). Crandall, Vaughn. **Vote:** Yes-7; No-0.
 - 14.1.5 Adopt Resolution No. 10-25 Authorizing the Execution and Delivery of a Joint Exercise of Powers Agreement with the California Municipal Finance Authority
Action: Crandall, Silva. **Vote:** Yes-7; No-0.
 - 14.1.6 Adopt Resolution No. 10-26 Requesting Authorization from the Board of Supervisors of the County of San Joaquin for the District to Issue and Sell Bonds of School Facilities Improvement District No. 3 of the Tracy Joint Unified School District on Its Own Behalf at a Private or Negotiated Sale Without the Further Action of the Board of Supervisors of the County
Action: Silva, Guzman. **Vote:** Yes-7; No-0.
 - 14.1.7 Approve Use of the Education Jobs and Medicaid Assistance Act (PL 111-226), the Federal Jobs Bill
Action: Crandall, Swenson. **Vote:** Yes-7; No-0.
- 14.2 **Educational Services:**
 - 14.2.1 Adopt Resolution No. 10-24 of the Board of Trustees of the Tracy Unified School District Adopting a Declaration of Sole Source Products
Action: Guzman, Silva. **Vote:** Yes-7; No-0.
- 14.3 **Human Resources:**

14.3.1 Acknowledge Receipt of CSEA's Sunshine Proposal for the 2011-2012 School Year

Action: Vaughn, Guzman. **Vote:** Yes-7; No-0.

Board Reports:

Trustee Silva attended the home field advantage booster club meeting for West High. They are putting on fundraiser on April 16th. Tickets are \$5.00 for Breakfast with the Eastern Bunny. Trustee Swenson attended the Tracy high Basketball awards night and helped hand out awards at their dessert night. Trustee Guzman attended the TLC meeting. They currently have 15 sports teams and 26 coaches. They were champions in their league for soccer and basketball. They hold a Kindergarten lottery with over 300 entries only 15 were selected. They are adding a new fourth grade classroom. He would like to send his thoughts and prayers to the family of Kenny Perez, who passed away last night. Trustee Vaughn passed. Trustee Costa passed. Trustee Crandall will be leaving Thursday for Disneyland. His daughters are competing with the West High Dance Team and Cheer Team. Good luck to them. Trustee Gouveia wants everyone to keep working together as a unit and to work towards solutions as we face the economic challenges from the state.

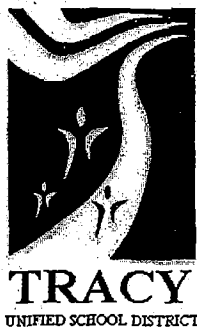
Superintendent Report:

Dr. Franco hopes that the tax measures get on the ballot. The Board must feel proud to see the results of their work. Behind every student there are a lot of various people in support of them. He thanked all of the donators which include: KHS athletic booster donated \$200.79 to wrestling, \$1502.21 to boys' basketball, and \$844.99 to girls' basketball; County Superintendent of Schools, Friday Night Live, donated \$1600; Michael Andrade donated \$1000 for the Ag Science Program; ADS Wines donated \$500 to Tracy High boys' basketball; Harris Corporation donated \$3,900 worth of computer equipment to Hirsch; and \$500 from the Lions Club for Tracy High and West High FFA. Last Friday he attended UC Davis to watch Tracy High Senior, Naraj Patel present his research paper for IB and Biotech at the Junior Science and Humanities Symposia, (Western Regional Semi-finals. It was very well done. Several of our schools participated in the Science Olympiad.

8:56 p.m.

Clerk

Date



HUMAN RESOURCES MEMORANDUM

TO: Dr. James Franco, Superintendent
FROM: ~~Dr. James Franco~~ Dr. Sheila Harrison, Assistant Superintendent for Educational Services and Human Resources
DATE: April 1, 2011
SUBJECT: Recognize the Outstanding Employees of the Spring Term for the 2010-11 School Year

BACKGROUND: Three times each school year, nominations for outstanding employees are solicited from staff. A selection committee composed of two administrators, one classified/confidential representative, one certificated representative and one classified representative review the nominations and make the selections. This is the 27th year the District has been recognizing outstanding employees.

RATIONALE: The employees who are recognized by the School Board have their picture displayed in the District Education Center and are recognized at their school sites in various ways. At the end of the year, the nominations of the three employees who have received recognition as Outstanding Employees of the Term in each category are reviewed and one employee in each category is selected as Outstanding Employee of the Year.

This agenda item meets Strategic Goal #7 - Develop and utilize partnership that contribute to the achievement of District Goals.

FUNDING: N/A

RECOMMENDATION: Recognize Jeremy Walton (K-5), Louis Carvalho (6-8), and Emily Williams (9-12) as Outstanding Classified Employees; Deborah Coker (K-5), Nicole Adkins (6-8), and Fred Graff (9-12) as Outstanding Certificated Employees; and Paul Hall as Outstanding Certificated Management Employee for the Spring Term of the 2010-2011 school year.

Prepared by: Dr. Sheila Harrison, Assistant Superintendent for Educational Services and Human Resources



BUSINESS SERVICES MEMORANDUM

TO: Dr. James Franco, Superintendent
FROM: Dr. Casey Goodall, Associate Superintendent for Business
DATE: April 5, 2011
SUBJECT: Receive Report on the Tracy Unified School District Budget

BACKGROUND: On January 10th Governor Brown proposed the California State Budget for 2011-12. Because the State of California is the greatest source of funds for Tracy Unified School District operations, the Governor's January budget proposal is a key source of information for planning. The Governor's budget proposal was dependent on \$12.5 billion of cuts to agencies other than K-12 education, and by generating \$12 billion of revenues by extending three existing taxes for five years. While the proposed budget reductions have been enacted, the timeline has expired to place the tax initiative before the voters in June.

The Governor proposed to maintain level funding for K-12 education so long as the tax measure was placed on the ballot and approved by the electorate. Since the initiative is no longer an option, Tracy Unified School District now anticipates implementing the budget reduction plan adopted by the School Board on March 2, 2011.

Even given the assumptions stated above, there is a great deal of uncertainty about the budget for the 2011-12 school year. There are reports that the Governor is exploring other options. There are also reports that the legislature may be forced to suspend Proposition 98 and reduce funding to K-12 education at a much more severe level than is currently planned.

RATIONALE: Staff members are monitoring the ever-changing budget scenarios, and will provide a report on any new information available since the last School Board meeting.

FUNDING: There is no cost to hearing this report, but the California State Budget is the greatest source of funds available to the district and will impact budget planning.

RECOMMENDATION: Receive Report on the Tracy Unified School District Budget.

Prepared by: Casey J. Goodall, Associate Superintendent for Business Services



HUMAN RESOURCES MEMORANDUM

TO: Dr. James Franco, Superintendent
FROM: ~~Dr. James Franco~~ Dr. Sheila Harrison, Assistant Superintendent for Educational Services and Human Resources
DATE: April 1, 2011
SUBJECT: Receive Public Comments Regarding Negotiations with the California School Employees Association and the Tracy Unified School District

BACKGROUND: The current three-year master agreement between the California School Employees Association (CSEA) and the Tracy Unified School District (TUSD) expires June 30, 2011. CSEA submitted its initial bargaining proposal for a successor master agreement at the regularly scheduled board meeting on March 22, 2011. The District submitted its initial bargaining proposal for a successor master agreement at the April 12, 2011 board meeting.

RATIONALE: This item is intended to provide an opportunity for the public to comment as provided in Government Code 3547 regarding negotiations.

FUNDING: N/A

RECOMMENDATION: Receive Public Comments Regarding Negotiations with the California School Employees Association and the Tracy Unified School District

Prepared by: Dr. Sheila Harrison, Assistant Superintendent for Educational Services and Human Resources



BUSINESS SERVICES MEMORANDUM

TO: Dr. James C. Franco, Superintendent
FROM: Dr. Casey Goodall, Associate Superintendent for Business Services
DATE: April 1, 2011
SUBJECT: **Accept the Generous Donations From the Various Individuals, Businesses, and School Site Parent Teacher Associations Listed Herein With Thanks and Appreciation From the Staff and Students of the Tracy Unified School District.**

BACKGROUND: In order to assist the various school sites and departments in the District with the continued effort to enhance the educational, technological, health, and environmental needs of our students and staff, the following funds, materials, and/or equipment are to be considered for acceptance as donations:

1. Tracy Unified School District/Kimball High School: From: Verizon Wireless. The donation is in the amount of \$750.00 (check #0235428). This donation is a cash donation for John Kimball High School.
2. Tracy Unified School District/North School: From: Boys & Girls Club of Tracy, Inc. The donation is in the amount of \$605.58 (check #8240). This donation is for the express purchase of purchasing a HP6000F computer.
3. Tracy Unified School District/Tracy High School ASB: From: Tracy High School Athletic Booster Club. The donation is in the amount of \$3,500.00 (check #1450). This donation is for uniforms for Tracy High School Girls Track.
4. Tracy Unified School District/Tracy High School ASB: From: Johnson Family Trust. The donation is in the amount of \$1,000.00 (check #2012). This donation is for the Tracy High School AG Science program.
5. Tracy Unified School District/Tracy High School ASB: From: Tracy Rotary Club #3254. The donation is in the amount of \$500.00 (check #1665). This donation is for the Tracy High School Academic Decathlon Club.
6. Tracy Unified School District/Kimball High School ASB: From: Kimball High Athletic Booster Club. The donation is in the amount of \$944.00 (check #1148). This donation is broken down as follows: KHS Softball - \$110.00; KHS Football - \$414.00; KHS Dance Team - \$160.00; KHS Volleyball - \$100.00; KHS Cheer Team - \$35.00; KHS Soccer - \$100.00; KHS Wrestling - \$25.00.

7. Tracy Unified School District/George Kelly School: From: Rhonda Crook. The donation is in the amount of \$1,500.00 (check #9063). This donation will be used for the purchase of smart boards for George Kelly School.
8. Tracy Unified School District/West High School: From: Home Field Advantage WHS Athletic Booster Club. The donation is in an undisclosed amount. This donation is a gift of wind screens for placement on the West High School tennis courts.
9. Tracy Unified School District/Tracy High School ASB: From: SJCOE Educational Foundation. The donation is in the amount of \$1,304.44 (check #2658). This donation is from the Knights of Columbus Fundraiser for the Tracy High School Special Olympics.

RATIONALE: Acceptance is recommended in order to meet the District's strategic goals and to enhance and benefit the educational experiences of the students of the Tracy Unified School District.

This agenda item meets Strategic Goal #2 – Create a quality and effective learning environment for all students.

FUNDING: Sites and departments of the District will incur responsibilities and costs associated with (some) of the donations which include, but are not limited to, supplies, repairs, maintenance of equipment, disposal/recycling. All items accepted by the Board of Trustees of the Tracy Unified School District are directed to the District's warehouse through the Materials Management Department for inclusion on the inventory list, marking for distribution and identification prior to site or department use or placement. All items needing inspection prior to installation or use are scheduled through the Materials Management and Operations and/or the Facilities Developments and budgeted accordingly. All technology items are reviewed and approved by the Director of Information Services and Educational Technology, prior to Board presentation.

RECOMMENDATION: Accept the generous donations from the various individuals, businesses, and school site parent teacher associations listed herein with thanks and appreciation from the staff and students of the Tracy Unified School District.

Prepared by: Dr. Casey Goodall, Associate Superintendent for Business Services.



TRACY
UNIFIED SCHOOL DISTRICT

BUSINESS SERVICES MEMORANDUM

TO: Dr. James C. Franco, Superintendent
FROM: Dr. Casey Goodall, Associate Superintendent for Business Services
DATE: April 1, 2011
SUBJECT: Ratify Measure E Related Expenditures and Notice of Completions Which Meet the Criteria for Placement on the Consent Agenda

BACKGROUND: To be valid or to constitute an enforceable obligation against the district, education code 17604 requires that all contracts must be approved and/or ratified by the board of trustees. This requirement is met in several different ways, depending on the value of the requisition, the types of services or materials being procured, and the advance notice staff has in procuring the services or materials. Routine requisitions less than \$5,000 are ratified on the consent calendar when the board approves the warrants list. Except when specific exceptions are detailed in board policies and procedures, requisitions greater than \$15,000 are submitted as action items for board pre-approval. Also, Special Services and advice in financial, accounting, engineering, legal or administrative matters pursuant to Government Code 63060 meet the requirements.

Routine requisitions between \$5,000 and \$15,000, and requisitions greater than \$15,000 which meet specific criteria, may be ratified on the consent calendar by board approval of a summary list, more detailed than the warrants listing. This may also include ratification of "Notice of Completion" of construction projects.

RATIONALE: The attached summary of these requisitions with related support documentation details financial obligations greater than \$5,000 but which meet the criteria to be ratified in this format. The summary is organized alphabetically so that the project's back-up material is identified with the same letter in the lower left hand corner.

FUNDING: Per attached summary of requisitions.

RECOMMENDATION: Ratify Measure E Related Expenditures and Notice of Completions Which Meet the Criteria for Placement on the Consent Agenda

Prepared by: Dr. Casey Goodall, Associate Superintendent for Business Services.

**BUSINESS SERVICES
FACILITIES DEVELOPMENT DEPARTMENT
MEASURE E BOND
SUMMARY OF SERVICES**

A. Vendor: NWN Corporation (formally Western Blue)
Site: Tracy High School – Modernization/Reconstruction
Item: Quote
Services: Liebert UPS Project; provide UPS equipment and MPH rack mounted PDU for the rest of the IDF racks at Tracy High School.
Cost: \$6,251.25
Project Funding: Measure E Bond Funds and State School Building Fund (SSBF)

B. Vendor: NWN Corporation (formally Western Blue)
Site: West High School – Performing Arts Classroom Building Project
Item: Quote
Services: Liebert UPS Project; provide UPS equipment and MPH rack mounted PDU for IDF racks at West High School.
Cost: \$2,083.75
Project Funding: Measure E Bond Funds and SSBF



BUSINESS SERVICES MEMORANDUM

TO: Dr. James C. Franco, Superintendent
FROM: Dr. Casey Goodall, Associate Superintendent for Business Services
DATE: April 1, 2011
SUBJECT: Ratify Measure S Related Expenditures and Notice of Completions Which Meet the Criteria for Placement on the Consent Agenda

BACK GROUND: To be valid or to constitute an enforceable obligation against the district, education code 17604 requires that all contracts must be approved and/or ratified by the board of trustees. This requirement is met in several different ways, depending on the value of the requisition, the types of services or materials being procured, and the advance notice staff has in procuring the services or materials. Routine requisitions less than \$5,000 are ratified on the consent calendar when the board approves the warrants list. Except when specific exceptions are detailed in board policies and procedures, requisitions greater than \$15,000 are submitted as action items for board pre-approval. Also, Special Services and advice in financial, accounting, engineering, legal or administrative matters pursuant to Government Code 63060 meet the requirements.

Routine requisitions between \$5,000 and \$15,000, and requisitions greater than \$15,000 which meet specific criteria, may be ratified on the consent calendar by board approval of a summary list, more detailed than the warrants listing. This may also include ratification of "Notice of Completion" of construction projects.

RATIONALE: The attached summary of these requisitions with related support documentation details financial obligations greater than \$5,000 but which meet the criteria to be ratified in this format. The summary is organized alphabetically so that the project's back-up material is identified with the same letter in the lower left hand corner.

FUNDING: Per attached summary of requisitions.

RECOMMENDATION: Ratify Measure S Related Expenditures and Notice of Completions Which Meet the Criteria for Placement on the Consent Agenda

Prepared by: Dr. Casey Goodall, Associate Superintendent for Business Services.

**BUSINESS SERVICES
FACILITIES DEVELOPMENT DEPARTMENT
MEASURE S BOND
SUMMARY OF SERVICES**

A. Vendor: Decotech
Site: Institute for Global Commerce & Government (IGCG)
Item: Quote-Ratify
Services: Extron Polevault Project; VoiceLift System in MPR.
Cost: \$983.10
Project Funding: Measure S Bond Funds and State School Building Fund (SSBF)

B. Vendor: Decotech
Site: Kelly Elementary
Item: Quote
Services: Extron Polevault Project; Installation of the Polevault AV System in Library.
Cost: \$8,026.34
Project Funding: Measure S Bond Funds and SSBF

C. Vendor: Decotech
Site: West High School
Item: Quote
Services: Extron Polevault Project; Installation of the Polevault AV System in Library.
Cost: \$8,369.99
Project Funding: Measure S Bond Funds and SSBF

D. Vendor: Decotech
Site: Poet-Christian Elementary
Item: Quote
Services: Extron Polevault Project; Installation of the Polevault AV System in Library.
Cost: \$8,415.66
Project Funding: Measure S Bond Funds and SSBF

E. Vendor: Decotech
Site: Freiler Elementary
Item: Quote
Services: Extron Polevault Project; Installation of the Polevault AV System in Library.
Cost: \$8,263.41
Project Funding: Measure S Bond Funds and SSBF

F. Vendor: NWN Corporation (formally Western Blue)
Site: Various Sites - Technology
Item: Quote
Services: Liebert UPS Project; provide UPS equipment and MPH rack mounted PDU for IDF racks at Central, North and South/West Park.
Cost: \$37,507.48
Project Funding: Measure S Bond Funds

G. Vendor:	PG&E
Site:	Monte Vista Middle School Modernization
Item:	Advance Fee - Ratify
Services:	PG&E required an advance against the cost of its engineering review, design work and cost development prior to proceeding with the work.
Cost:	\$2,000.00
Project Funding:	Measure S Bond Funds and SSBF



BUSINESS SERVICES MEMORANDUM

TO: James Franco, Superintendent
FROM: C. Goodall, Assistant Superintendent for Business
DATE: March 31, 2011
SUBJECT: Approve Assembly Vendors and Site Assembly Utilization Calendars

BACKGROUND: To be valid or to constitute an enforceable obligation against the district, education code 17604 requires that all contracts must be approved and/or ratified by the board of trustees. This requirement is met in several different ways, depending on the value of the requisition, the types of services or materials being procured, and the advance notice staff has in procuring the services or materials.

RATIONALE: School site assemblies require pre-approval to ensure three different documents are in place: an approved contract; a certificate of insurance; an endorsement letter naming the district an additional insured. In addition, all assemblies are reviewed to ensure the content is appropriate for student audiences, and that conflicts do not occur with other school site or district events.

To that end, the attached list of vendors has met all of the criteria to provide assemblies at TUSD sites, and their presentation has been deemed appropriate for TUSD students. Additionally, the attached calendar of events has been reviewed to ensure the date and time of the event does not conflict with other site or district events.

This list will be updated monthly and presented to the board for approval.

FUNDING: Per attached summary of requisitions.

RECOMMENDATIONS: Approve Assembly Vendors and Site Assembly Utilization Calendars

PREPARED BY: Cindy Everhart, Facility Use Secretary

Board Approved	Vendor	Insurance Expires
*FLAMES ARE PROHIBITED INDOORS ON DISTRICT PROPERTY - SEE BELOW		
4/28/09	Color Me Mine, Angie Long , 834.8910, tracy@colormemine.com, www.tracy.colormemine.com	4/4/2011
2/12/08	Toucan Jam, Sue Lomolino - www.toucanjam.net, 832-0331, sue@theothercheek.com	4/25/2011
11/9/10	Arts Echo Children's Theater Center - Arithmetickle. Ben Bendor 800-341-3585. www.arithmetickle.com	4/25/2011
9/28/10	Bebe Conrad, Benny & Bebe's Magic Circus, www.magiccircus.com, info@magiccircus.com, (415) 457-4FUN (4386)	4/25/2011
2/12/08	Sparkles the Clown, Terry Donaldson - 835-8383, www.sparklesdelight.com	5/1/2011
2/12/08	Ravioli the Clown - Denis Martinez - 835.3535, www.raviolitheclown.com	5/1/2011
8/28/07	Horizon Intertainment - Teen Truth Anti Bully JC Pohl 818 755 8800 , jc@teentruthlive.com	5/18/2011
12/14/10	David Greenberg - Author - 360-560-7766. fax # 503-842-1290. authilus@teleport.com.www.authorsillustrators.com/greenberg/greenberg.htm	6/18/2011
3/8/11	Andrew Trosien, DDS. 2850 Tracy Boulevard #300 Tracy, CA 95376 833-1240	7/1/2011
10/9/07	Prismatic Magic - Christopher Volpe -973-283-9006 chris@prismaticmagic.com, frank@prismaticmagic.com	7/16/2011
1/25/11	Magic of Dexter - Brian Poindexter - dexter@magicofdexter.com. www.magicofdexter.com. No animals or fire.	8/15/2011
11/13/07	Bureau of Lectures & Ancient Artifacts John Tacha or Terry Lyman 800.255.0084, (FIRE SHOW NOT ALLOWED) www.assemblyline.com/index.html bureau@assemblyline.com	8/20/2011
8/28/07	Theater for Children, B Street Theater Programs, Lea Ladd, 916.443.5391 x112	8/28/2011

Board Approved	Vendor	Insurance Expires
1/25/11	Sorren Bennick Productions - Power of One Anti-Bullying Program 1-866-816-5808, To view a video clip of the show, go to www.sorenbennick.com ; enter the Power of One section, click on the Principals Only field, and use the password: "impact" and the username: "impact".	9/18/2011
3/8/11	Peacemakers - Paul Hall - phall@tUSD.net or Kevin James - kev4jam@sbcglobal.net	11/1/2012
10/9/07	Mad Science, Danielle Mae Lee, danielle@madsciencesacto.com , 916-736-2924, Elena Michel elena@madsciencesacto.com (Fire & Ice Show not allowed)	12/1/2011
1/25/11	Kaiser Permanente - Dean Starnes, dean.starnes@kp.org , 510-987-2223, www.Kp.org/etp/ncal , Programs "Community Troupe", PEACE Signs "The Best Me", "Nightmare on Puberty ST." and "Secrets".	1/1/2012
11/9/10	Pacific Dental Services/Tracy Smiles/My Kids Dentist & Orthodontist-Meghan Stephens - 836-5441- stephensm@pacificdentalservices.com , Cammy Harvey - harveyc@pacificdentalservices.com . www.tracysmilesdental.com . 2600 S. Tracy Blvd. Ste. 160 & 170	1/1/2012
10/23/07	Lawrence Hall of Science, 510-642-1700, pfsreq@berkeley.edu , www.lawrencehallofscience.org	Indemnification approved, Tier 1
10/9/07	McDonalds Tammi Beck 916-962-1982	NO Charge, Tier 1
10/9/07	NASA Karin Costa 650-604-6077	NO Charge, Tier 1
10/9/07	Otto the Auto Wendy Sanchez 415-565-2676 wendy_sanchez@csaa.com	NO Charge, Tier 1
10/9/07	Sandia Labs Joel Lipkan - jlipkin@comcast.net	NO Charge, Tier 1
2/10/09	JOE FOSS Institute, 480.348.0316, www.jfiweb.org	NO Charge, Tier 1
4/28/09	District 5 Dairy Princess, 639-1715	NO Charge, Tier 1
5/26/09	Get Real Behind The Wheel, Safe Driving Assembly targeted to 8th, 9th & 10th graders. Ken Ucci 209.601.6523. www.getrealbehindthewheel.org	NO Charge, Tier 1
5/26/09	Cowboys & Kids Reach Assembly, Penny Conway, www.reachkids.com , reachme@theriver.com	NO Charge, Tier 1
2/23/10	Boys Scouts - Civil War History presentation Preston Gilliam, 209-830-1870 or pgilliam@pacbell.net	NO Charge, Tier 1

Board Approved	Vendor	Insurance Expires
	Adding for Board Approval:	
	The Keith Show - keith@comedyjuggling.com, 415-863-1308, www.keithshow.com	4/25/2011
	Marquis Entertainment - DJ (209) 951-1982, www.marquisentdjs.com, enmar3@yahoo.com	7/1/2011
	Explorit Science Center - 530-756-0191, explorit@explorit.org, www.explorit.org	7/21/2011
	LMG Attractions-DJ Services - Dave Tillman - 275-0226, www.lmgattractions.com/, yaddadave@hotmail.com	8/1/2011
	John Searle - Stage Workshops, johnsearles1@aol.com, www.johnsearlesfights.com/index.shtml	8/31/2011
*Section 308.3 Open Flame. A person shall not utilize or allow to be utilized, an open flame in connection with a public meeting or gathering for purposes of deliberation, worship, entertainment, amusement, instruction, education, recreation, awaiting transportation or similar purpose in Group A or E occupancies in accordance with Appendix Chapter 1, Section 105.6.		
Please remind your staff that candles, incense, cigarettes, or any item with an open flame are not permitted anywhere on school property. Per the Tracy Fire Inspector, failure to comply with this requirement can result in personal and/or District fines ranging from \$250 – 1,000.		
FOOD VENDORS:		
OUTDOORS ONLY - Make sure barbeques are 10 feet away from any building or structure. Place drip pans or tarps under barbeques to avoid spillage on pavement. Do not dump grease, oil, briquettes or barbeques anywhere on TUSD property or in garbage cans or dumpster. If accident spill occurs you are to provide an oil absorbent and clean properly		
8/10/10	Shorter's Rib Pit & Catering 839-2290, 16 E. 9th Street, Tracy,	4/9/2011
5/11/19	Chevy's 839-2241, www.chevys.com	5/9/2011
1/11/11	Tracy Breakfast Lions- Dennis Smith 627-8068, 835-5077, copsonline@comcast.net	9/1/2011
10/13/09	Famous Dave's BBQ Catering: 866-408-7427 fax 833-9043 www.famousdaves.com	10/1/2011
12/8/09	Texas Roadhouse- Tim Lund, 830-1133, store_tracy@texasroadhouse.com,	12/1/2011
*Section 308.3 Open Flame. A person shall not utilize or allow to be utilized, an open flame in connection with a public meeting or gathering for purposes of deliberation, worship, entertainment, amusement, instruction, education, recreation, awaiting transportation or similar purpose in Group A or E occupancies in accordance with Appendix Chapter 1, Section 105.6.		

Board Approved	Vendor	Insurance Expires
Please remind your staff that candles, incense, cigarettes, or any item with an open flame are not permitted anywhere on school property. Per the Tracy Fire Inspector, failure to comply with this requirement can result in personal and/or District fines ranging from \$250 – \$1,000.		



EDUCATIONAL SERVICES MEMORANDUM

TO: Dr. James Franco, Superintendent
FROM: Dr. Sheila Harrison, Assistant Superintendent of Educational Services and Human Resources
DATE: April 1, 2011
SUBJECT: Ratify Overnight Travel for Art Freiler School Science Olympiad Team to Attend the NorCal Science Olympiad State Finals in Fresno, CA on April 8 – 9, 2011.

BACKGROUND: The Art Freiler Science Olympiad Team earned the right to compete at the NorCal Science Olympiad State Finals on April 8 - 9, 2011, by placing third at the regional competition. The students appreciated the knowledge gained competing at the state level. Maralee Thorburn, Science Olympiad Advisor, and Russ Thorburn, Science Olympiad Assistant Advisor, accompanied fifteen (15) students as chaperones to the State Finals in Fresno. The chaperones and team stayed at the Comfort Suites Hotel in Fresno, CA during the competition. The Team traveled to Fresno on Friday, April 8 and returned home on the evening of Saturday, April 9, 2011. Parents provided transportation for their own children, to and from the event. This Board Agenda needs to be ratified as the Science Olympiad team qualified for the State Finals after the last Board Meeting (3/22/11). This Tournament begins on April 8, 2011 prior to the April 12, 2011 Board Meeting.

RATIONALE: The Art Freiler School Science Olympiad Team worked very hard to place third at the regional competition. This ranking required the team compete as contenders at the State Finals on April 9, 2011. This prestigious competition gave the Team a great opportunity to represent Art Freiler and the community of Tracy as they demonstrated their teamwork, knowledge and abilities in all areas of science. This meets Strategic Goal #1: Provide a variety of learning opportunities through standards based curriculum and assessment and research based instruction that ensures that all students meet or exceed grade level standards and results in closing the achievement gap.

FUNDING: There was no cost to the District. The estimated cost for lodging was \$900.00. The estimated cost for meals was \$200.00. The San Joaquin County Office of Education will reimburse \$350.00 for meals and lodging. All other funding for this trip was paid through a combination of fundraising opportunities and personal funding for the students who elected to participate in this competition.

RECOMMENDATION: Ratify Overnight Travel for Art Freiler School Science Olympiad Team to Attend the NorCal Science Olympiad State Finals in Fresno, CA on April 8 - 9, 2011.

Prepared by: Laurie Fracolli, Principal, Art Freiler School



EDUCATIONAL SERVICES MEMORANDUM

TO: Dr. James Franco, Superintendent
FROM: ~~W~~ Dr. Sheila Harrison, Assistant Superintendent Educational Services and Human Resources
DATE: March 30, 2011
SUBJECT: Ratify Overnight Travel for West High School Cheer Team to Attend the USA Nationals Competition on March 24 – 27, 2011 in Anaheim, California

BACKGROUND: The USA Nationals Competition is a two day annual event that encourages teams to develop and present their best routines in a fun and challenging environment. Teams from all around California, Arizona, and Nevada participate in this event. Students stayed at the Best Western Hotel in Anaheim, Ca. The team left on Thursday, March 24 and returned on Sunday, March 27, 2011. Students were required to obtain teacher clearance for their absence and all work that was missed. Time was provided to complete their homework each evening. There were 5 students who attended the competition, chaperoned by Coach Michael Campos. The students were transported to and from the event by their parents. It is necessary to ratify this agenda due to the late submission of the request by the Coach.

RATIONALE: The cheer team had an opportunity to spend quality time together as a team. They competed against other cheer teams from all over California, Arizona, and Nevada. The cheer team recently qualified to attend this national event by placing high scores at two regional competitions. The WHS Cheer Team attended proudly as they represented their school and community at the USA Nationals Competition. This meets Strategic Goal #1 - Provide a variety of learning opportunities through standards based curriculum and assessment and research based instruction that ensures that all students meet or exceed grade level standards and results in closing the achievement gap and Strategic Goal #7 - Develop and utilize partnerships that contribute to the achievement of District Goals.

FUNDING: No cost to the District or West High School. The cost of \$55.00/student for registration and event fees were paid individually by each participating student. Students and their parents were individually responsible for their hotel room and meals.

RECOMMENDATION: Ratify Overnight Travel for West High School Cheer Team to Attend the USA Nationals Competition on March 24 – 27, 2011 in Anaheim, California

PREPARED BY: Jeff Frase, Principal - West High School



TRACY
UNIFIED SCHOOL DISTRICT

EDUCATIONAL SERVICES MEMORANDUM

TO: Dr. James Franco, Superintendent
FROM: *JS* Dr. Sheila Harrison, Assistant Superintendent for Educational Services and Human Resources
DATE: March 28, 2011
SUBJECT: Approve all Out of State Travel for Kirk Brown for the 2011-2012 School Year

BACKGROUND: Kirk Brown of Tracy High Science Department, travels yearly to numerous conferences in order to provide training and in-service in the areas of Biotechnology for Bio-Rad Labs. He has been helping develop model curriculum and implementation strategies for classrooms across the United States and Internationally. Bio-Rad will reimburse his costs. Listed and attached on separate pages are the dates and functions recommended for approval.

RATIONALE: Kirk has been working with Bio-Rad Laboratories to develop and implement current biotechnology into the science classroom. He helps instruct teachers and professors at these meetings and as a consequence his class has received support with equipment, supplies and an on-going partnership with Bio-Rad Laboratories. This aligns with Strategic Goal #6: Provide training and staff development opportunities that are designed to improve knowledge and skills of all employees and Strategic Goal #7: Develop and utilize partnerships that contribute to the achievement of District Goals.

FUNDING: There will be no cost to the District. Bio-Rad will reimburse substitute costs.

RECOMMENDATION: Approve all Out of State Travel for Kirk Brown for the 2011-2012 School Year

Prepared by: Mr. Jason Noll, Tracy High School Principal

Tracy High School
Kirk Brown's Travel Schedule
2011-2012 for Board Approval

<u>Date</u>	<u>Function</u>	<u>Funding</u>
11/17-18/2011 (Thurs and Fri)	STAT-CAST Conf Dallas, TX	Bio-Rad
12/8-9/2011 (Thurs and Fri)	National Science Teachers Conf Seattle, WA	Bio-Rad
3/28-30/2012 (Wed, Thurs, Fri)	National Science Teachers Conf Indianapolis, IN	Bio-Rad



EDUCATIONAL SERVICES MEMORANDUM

TO: Dr. James C. Franco, Superintendent
FROM: *[Signature]* Dr. Sheila Harrison, Assistant Superintendent of Educational Services & Human Resources
DATE: March 30, 2011
SUBJECT: **Approve Overnight Travel for Kimball High School (KHS) Future Business Leaders of America (FBLA) to Attend the State Leadership Conference at the Marriott Hotel in Santa Clara, CA on April 14-17, 2011.**

BACKGROUND: The Kimball High School (KHS) Future Business Leaders of America (FBLA) has been invited to attend the 2011 FBLA State Leadership Conference at the Marriott Hotel in Santa Clara, CA on April 14-17, 2011. Four (4) students and Mr. Alford, FBLA Advisor, will attend this event. In the event Mr. Alford cannot attend, Mrs. Klo will attend in his stead. They will travel to Santa Clara on the afternoon of Thursday, April 14 and return on Sunday, April 17, 2011. Each participating student will be transported to and from the event by their parents. Supervision will be provided by the advisor and the California State FBLA staff.

RATIONALE: The KHS FBLA has been invited to attend the 2011 FBLA State Leadership Conference at the Marriott Hotel in Santa Clara, CA. The KHS students attending the conference placed high enough in the Regional Competitions to qualify to compete at the state level. KHS is extremely proud of our competitors. As part of the commitment to improve and grow as future business leaders, our students will be given the opportunity to learn from colleagues at the state level. Over twenty (20) individual workshops will be available for the students to attend. These workshops will provide insight and knowledge into organizational-building activities as well career development and networking opportunities. This meets Strategic Goal #1: Provide a variety of learning opportunities through standards based curriculum and assessment and research based instruction that ensures all students meet or exceed grade level standards and results in closing the achievement gap and Strategic Goal #7: Develop and utilize partnerships that contribute to the achievement of District Goals.

FUNDING: There will be no cost to the District. The total cost will be \$1,484.82. This includes registration fees, lodging, meals, and a substitute teacher for one day (Friday, April 15). Funding for this trip will be paid out of the FBLA ASB Account.

RECOMMENDATION: Approve Overnight Travel for Kimball High School (KHS) Future Business Leaders of America (FBLA) to Attend the State Leadership Conference at the Marriott Hotel in Santa Clara, CA on April 14-17, 2011.

Prepared by: Cheryl Domenichelli, Principal, Kimball High School.



TRACY
UNIFIED SCHOOL DISTRICT

HUMAN RESOURCES MEMORANDUM

TO: Dr. James Franco, Superintendent
FROM: ~~Dr. James Franco~~ Dr. Sheila Harrison, Assistant Superintendent of Educational Services & Human Resources
DATE: April 1, 2011
SUBJECT: Approve Classified, Certificated, and/or Management Employment

BACKGROUND:

Barnett, Dorvez

CLASSIFIED

Utility Person II (Replacement)
Stein Continuation High School
Range 35, Step C - \$17.74 per hour
8 hours per day
Funding: Pupil Retention Block

RECOMMENDATION: Approve Classified, Certificated and/or Management Employment

Prepared by: Dr. Sheila Harrison, Assistant Superintendent of Educational Services & Human Resources



TRACY
UNIFIED SCHOOL DISTRICT

HUMAN RESOURCES MEMORANDUM

TO: Dr. James Franco, Superintendent
FROM: ~~Dr. James Franco~~ Dr. Sheila Harrison, Assistant Superintendent of Educational Services
& Human Resources
DATE: April 1, 2011
SUBJECT: Accept Resignations/Retirements/Leave of Absence for Classified,
Certificated, and/or Management Employment

BACKGROUND:

NAME/TITLE

SITE

CERTIFICATED RETIREMENT

EFFECTIVE
DATE

Errecart, Pamela
2nd Grade GATE

S/W Park

05/27/11

BACKGROUND:

NAME/TITLE

SITE

CLASSIFIED RESIGNATION

EFFECTIVE
DATE

REASON

Beckelman, Margaret
Utility Person II

Kimball H.S. 03/31/2011

Personal

RECOMMENDATION: Accept Resignations/Retirements/Leave of Absence for Classified,
Certificated, and/or Management Employment

Prepared by: Dr. Sheila Harrison, Assistant Superintendent of Educational Services & Human
Resources



ADMINISTRATIVE SERVICES MEMORANDUM

TO: Board of Education
FROM: Dr. James C. Franco, Superintendent
DATE: April 6, 2011
SUBJECT: Adopt Resolution No. 10-28 In Support of SCA 5

BACKGROUND: The future of funding for California's K-14 education system does not look promising. American Recovery and Reinvestment Act (ARRA) funds are drying up, the revenue from the one-time tax increases as part of the Budget Act of 2009 have expired, and California was not picked as one of the recipients of Race to the Top funds. In light of all of this, it is imperative that we do what we can to alleviate the financial stress that our schools are experiencing.

RATIONALE: Senator S. Joseph Simitian has authored Senate Constitutional Amendment 5, which would allow school districts, community college districts and county offices of education to pass a parcel tax with a 55 percent majority vote rather than the currently required two-thirds. Getting a two-thirds vote in both houses of the Legislature to put SCA 5 on the ballot is a daunting challenge. The Tracy Unified School District supports SCA 5 by passing this resolution.

FUNDING: N/A.

RECOMMENDATION: Adopt Resolution No. 10-28 In Support of SCA 5.

Prepared by: Dr. James C. Franco, Superintendent



**TRACY UNIFIED SCHOOL DISTRICT
RESOLUTION NO. 10-28
Resolution in Support of SCA 5**

WHEREAS, Senate Constitutional Amended 5 (Simitian), which reduces the two-thirds vote requirement on parcel taxes, will be acted on by the California State Legislature; and

WHEREAS, reductions in the state General Fund revenue have led to reduced school funding; and

WHEREAS, parcel tax revenue can provide a stable, predictable source of school revenue; and

WHEREAS, passage of SCA 5 will empower local voters to invest in their schools based on the needs of their communities by requiring a tough, but fair 55 percent vote to pass local parcel taxes, while protecting taxpayers and homeowners with accountability provisions that will ensure that funds generated from parcel taxes are not wasted or mismanaged; and

WHEREAS, revenue from parcel taxes can be spent according to local priorities and are not subject to state control ; and

WHEREAS, the two-thirds vote requirements results in minority rule by requiring two "yes" votes to cancel out one no vote; and

WHEREAS, passage of SCA 5 will allow local voters to decide to make investments in their neighborhood schools in addition to state funding;

NOW, THEREFORE BE IT RESOLVED, that the governing board of the Tracy Unified School District strongly urges the California State Legislature to support and adopt SCA 5.

PASSED AND ADOPTED this 12th day of April, 2011, by the Board of Trustees of the Tracy Unified School District by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

**President
Board of Trustees
Tracy Unified School District**

**Clerk
Board of Trustees
Tracy Unified School District**



BUSINESS SERVICES MEMORANDUM

TO: Dr. James C. Franco, Superintendent
FROM: Dr. Casey Goodall, Associate Superintendent for Business
DATE: April 6, 2011
SUBJECT: Adopt Resolution No. 10-30 A Resolution of the Board of Trustees of the Tracy Joint Unified School District Authorizing the Issuance of Not to Exceed \$18,000,000 Aggregate Principal Amount of Bonds of the School Facilities Improvement District No. 3 of the Tracy Joint Unified School District, Election of 2008, Series 2011A, Authorizing the Execution and Delivery of a Paying Agent Agreement, A Bond Purchase Agreement and a Commitment Letter and Other Matters Related Thereto

BACKGROUND: On June 24, 2008, the Board of Trustees adopted a resolution ordering an election requesting voters authorize the issuance of school facilities improvement district bonds on the ballot held on Tuesday, November 4, 2008 election. The Proposition 39 measure was for the purpose of raising money for the specified school facilities benefiting School Facilities Improvement District No. 3 of the Tracy Joint Unified School District and required a 55% approval from voters. The bond measure received voter approval in excess of the 55% required and the District adopted a resolution certifying the results of the election to the County Board of Supervisors and that all election proceedings were accomplished according to law.

RATIONALE: In March 2009, the District sold the first series of the SFID No. 3 bonds, for \$12 million. On January 11, 2011, the Board approved the Facilities Utilization Committee recommendation to sell up to \$26 million of bonds in order to move ahead with Measure S projects; and, on March 8, 2011, the Board heard a presentation by financial consultants, KNN Public Finance, on the financing plan for the issuance of an additional series of bonds to finance Measure S projects.

The newly created JPA Authority, the "Tracy School Facilities Financing Authority" (TSFFA) will purchase this Series of bonds, the Series 2011A Bonds. In order to provide the required funds to purchase the Series 2011A Bonds, the TSFFA will issue General Obligation Revenue Bonds (Federally Taxable/Qualified School Construction Bonds) in the aggregate principal amount of not to exceed \$19,771,000. This structure essentially allows the district and taxpayer to share the Federal subsidy in the form of lowered interest costs to the taxpayer and provide additional project funding.

FUNDING: The bonds are to be repaid from taxes to be levied on property within the school facilities improvement district authorized by the voters.

RECOMMENDATIONS: Adopt Resolution No. 10-30 A Resolution of the Board of Trustees of the Tracy Joint Unified School District Authorizing the Issuance of Not to Exceed \$18,000,000 Aggregate Principal Amount of Bonds of the School Facilities Improvement District No. 3 of the

Tracy Joint Unified School District, Election of 2008, Series 2011A, Authorizing the Execution and Delivery of a Paying Agent Agreement, A Bond Purchase Agreement and a Commitment Letter and Other Matters Related Thereto

Prepared by: Bonny Carter, Director of Facilities and Planning



RESOLUTION NO. 10-30

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TRACY JOINT UNIFIED SCHOOL DISTRICT AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$18,000,000 AGGREGATE PRINCIPAL AMOUNT OF BONDS OF THE SCHOOL FACILITIES IMPROVEMENT DISTRICT NO. 3 OF THE TRACY JOINT UNIFIED SCHOOL DISTRICT, ELECTION OF 2008, SERIES 2011A, AUTHORIZING THE EXECUTION AND DELIVERY OF A PAYING AGENT AGREEMENT, A BOND PURCHASE AGREEMENT AND A COMMITMENT LETTER AND OTHER MATTERS RELATED THERETO

WHEREAS, the Board of Trustees (the "Board of Trustees") of the Tracy Joint Unified School District (the "District"), located in the counties of San Joaquin and Alameda, California, has formed School Facilities Improvement District No. 3 of the Tracy Joint Unified School District (the "SFID"), located wholly within in the County of San Joaquin (the "County");

WHEREAS, the Board of Trustees duly called an election, and such election was regularly held, on behalf of the SFID, on November 4, 2008, at which the following proposition (as abbreviated pursuant to Section 13247 of the California Elections Code) was submitted to the electors of the SFID:

"To renovate and modernize the community's oldest elementary and middle schools, upgrade classrooms, replace aging roofs, old heating, electrical, plumbing, cooling and ventilation systems with energy efficient systems, and improve security and technology systems at all schools, increasing student access to computers, shall School Facilities Improvement District No. 3 of the Tracy Joint Unified School District be authorized to issue \$43,100,000 in bonds, at legal interest rates, with all expenditures monitored by an Independent Citizens' Oversight Committee?"

WHEREAS, at least 55% of the votes cast on said proposition were in favor of issuing said bonds;

WHEREAS, a portion of said authorized bonds in the aggregate principal amount of \$12,000,000, have heretofore been issued and sold;

WHEREAS, the Board of Trustees of the District has deemed it necessary and desirable that an additional portion of said authorized bonds in an aggregate principal amount of not to exceed \$18,000,000 be issued, which portion of said bonds is to be designated "Bonds of the School Facilities Improvement District No. 3 of the Tracy Joint Unified School District, Election of 2008, Series 2011A" (the "Series 2011A Bonds");

WHEREAS, in order to provide for the authentication and delivery of the Series 2011A Bonds, to establish and declare the terms and conditions upon which the Series 2011A Bonds are to be issued and to provide for the payment of the principal thereof and interest and premium, if any, thereon, the District proposes to enter into a Paying Agent Agreement with The Bank of New York Mellon Trust Company, N.A., as paying agent (the "Paying Agent") (such Paying Agent Agreement, in the form presented to this meeting, with such changes, insertions and omissions as are made pursuant to this Resolution, being referred to herein as the "Paying Agent Agreement");

WHEREAS, the Tracy School Facilities Financing Authority (the "Authority") has presented the District with a proposal, in the form of a Bond Purchase Agreement, to purchase the Series 2011A Bonds from the District (such Bond Purchase Agreement, in the form presented to this meeting, with such changes, insertions and omissions as are made pursuant to this Resolution, being referred to herein as the "Bond Purchase Agreement");

WHEREAS, in order to provide the funds required to purchase the Series 2011A Bonds and to provide additional funds to the District to pay a portion of the costs of such school facilities, the Authority proposes to issue the Tracy School Facilities Financing Authority General Obligation Revenue Bonds (Federally Taxable/Qualified School Construction Bonds), Series A (the "Authority Bonds"), in the aggregate principal amount of not to exceed \$19,771,000;

WHEREAS, JP Morgan Chase Bank, N.A. (the "Purchaser") has presented the Authority and the District with a proposal, in the form of a Commitment Letter, to purchase the Authority Bonds from the Authority (such Commitment Letter, in the form presented to this meeting, with such changes, insertions and omissions as are made pursuant to this Resolution, being referred to herein as the "Commitment Letter");

WHEREAS, the American Recovery and Reinvestment Act of 2009 (the "Recovery Act") added Section 54F to the Internal Revenue Code of 1986 (the "Code"), which authorizes a debt instrument known as "qualified school construction bonds" ("Qualified School Construction Bonds"), which are federally taxable bonds with federal subsidies for which the federal government subsidizes the interest cost (up to a set rate) through the allowance of direct subsidy payments;

WHEREAS, the Recovery Act limits the dollar volume of Qualified School Construction Bonds for 2010 to \$11 billion, of which the State of California was allocated \$720,058,000;

WHEREAS, the District has applied to the California Department of Education for an allotment of such 2010 Qualified School Construction Bond volume cap and has received such allotment in an amount equal to \$19,771,700 (the "Allotment");

WHEREAS, the District desires that the Allotment be assigned and transferred to the Authority in order that the Authority Bonds may be designated as Qualified School Construction Bonds, thereby providing the Authority with the means to provide additional funds to the District to pay the costs of school facilities;

WHEREAS, the District desires that the Auditor-Controller of the County annually establish tax rates on taxable property within the SFID for repayment of the Series 2011A Bonds, pursuant to Sections 29100-29103 of the California Government Code, that the Board of Supervisors of the County annually approve the levy of such tax, and that the Treasurer-Tax Collector (the "Treasurer") of the County annually collect such tax and apply the proceeds thereof to the payment of principal of and interest on the Series 2011A Bonds when due, all pursuant to Sections 15250 and 15251 of the California Education Code (the "Education Code");

WHEREAS, there have been prepared and submitted to this meeting forms of:

- (a) the Paying Agent Agreement;
- (b) the Bond Purchase Agreement; and
- (c) the Commitment Letter; and

WHEREAS, the District desires to proceed to issue and sell the Series 2011A Bonds and to authorize the execution of such documents and the performance of such acts as may be necessary or desirable to effect the offering, sale and issuance of the Series 2011A Bonds;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Trustees of the Tracy Joint Unified School District as follows:

Section 1. The above recitals are true and correct, and the Board of Trustees so finds and determines.

Section 2. Subject to the provisions of Section 3 hereof, the issuance of the Series 2011A Bonds, in the aggregate principal amount of not to exceed \$18,000,000 on the terms and conditions set forth in, and subject to the limitations specified in, the Paying Agent Agreement, is hereby authorized and approved. The Series 2011A Bonds shall be dated, shall bear interest at the rates, shall mature on the dates, shall be subject to call and redemption, shall be issued in the form and shall be as otherwise provided in the Paying Agent Agreement, as the same shall be completed as provided in this Resolution.

Section 3. The Paying Agent Agreement, in substantially the form submitted to this meeting and made a part hereof as though set forth herein, be and the same is hereby approved. The President of the Board of Trustees, or such other member of the Board of Trustees as the President may designate, the Superintendent of the District and the Associate Superintendent of Business Services of the District, or such other officer or employee of the District as the

Superintendent may designate (the "Authorized Officers"), are, and each of them is, hereby authorized, and any one of the Authorized Officers is hereby directed, for and in the name of the District, to execute and deliver the Paying Agent Agreement in the form submitted to this meeting, with such changes, insertions and omissions as the Authorized Officer executing the same may require or approve, such requirement or approval to be conclusively evidenced by the execution of the Paying Agent Agreement by such Authorized Officer; provided, however, that such changes, insertions and omissions (a) shall not authorize an aggregate principal amount of Series 2011A Bonds in excess of \$18,000,000, (b) shall not result in a final maturity date of the Series 2011A Bonds later than the maximum maturity date permitted for Qualified School Construction Bonds on the date of sale of the Series 2011A Bonds, and (c) shall not result in a true interest cost for the Series 2011A Bonds in excess of 8.00%.

Section 4. Because of the need for flexibility in timing the sale of the Series 2011A Bonds in order to achieve maximum interest cost savings, the Board of Trustees hereby determines to sell the Series 2011A Bonds on a negotiated sale. The Bond Purchase Agreement, in substantially the form submitted to this meeting and made a part hereof as though set forth in full herein, be and the same is hereby approved. The Authorized Officers are, and each of them is, hereby authorized, and any one of the Authorized Officers is hereby directed, for and in the name of the District, to execute and deliver the Bond Purchase Agreement in the form presented to this meeting, with such changes, insertions and omissions as the Authorized Officer executing the same may require or approve, such requirement or approval to be conclusively evidenced by the execution of the Bond Purchase Agreement by such Authorized Officer; provided, however, that such changes, insertions and omissions shall not result in a purchase price of the Series 2011A Bonds of less than 100% of the aggregate principal amount of the Series 2011A Bonds.

Section 5. The Commitment Letter, in substantially the form submitted to this meeting and made a part hereof as though set forth herein, be and the same is hereby approved. The Authorized Officers are, and each of them is, hereby authorized, and any one of the Authorized Officers is hereby directed, for and in the name of the District, to execute and deliver the Commitment Letter in the form submitted to this meeting, with such changes, insertions and omissions as the Authorized Officer executing the same may require or approve, such requirement or approval to be conclusively evidenced by the execution of the Commitment Letter by such Authorized Officer; provided, however, that such changes, insertions and omissions shall not result in a purchase price of the Authority Bonds of less than 100% of the aggregate principal amount of the Authority Bonds.

Section 6. The Board of Trustees hereby determines that it is in the best interests of the District that the Allotment be assigned and transferred to the Authority so that the Authority Bonds may be designated as Qualified School Construction Bonds, thereby providing the Authority with the means to provide additional funds to the District to pay the costs of school facilities. The Authorized Officers are, and each of them is, hereby authorized and directed to execute and deliver, for and on behalf of the District, any and all documents and instruments and to do and cause to be done any and all acts and things necessary or advisable in order to effectuate such assignment and transfer of the Allotment and to cause the Authority Bonds to be designated as Qualified School Construction Bonds, including making the applicable formal election required by the Code to issue the Authority Bonds as Qualified School Construction Bonds.

Section 7. The Superintendent of the District, or such other officer or employee of the District as the Superintendent of the District may designate, is hereby authorized and directed to report to the Auditor-Controller of the County the final terms of sale of the Series 2011A Bonds, and to file with the Auditor-Controller and with the Treasurer of the County a copy of the Bond Purchase Agreement and this Resolution, and the schedule of amortization of the principal of and payment on the Series 2011A Bonds, and to file with the Treasurer of the County a proposed schedule of draws on the improvement fund of the SFID, and this Resolution shall serve as the notice required to be given by Section 15140(c) of the Education Code and as the District's request to the Auditor-Controller of the County and the Board of Supervisors of the County to propose and adopt in each year a tax rate applicable to all taxable property of the SFID for payment of the Series 2011A Bonds, pursuant to law; and to the other officers of the County to levy and collect said taxes for the payment of the Series 2011A Bonds, to pay in a timely manner to the Paying Agent on behalf of the Owners of the Series 2011A Bonds the principal, interest, and premium, if any, due on the Series 2011A Bonds in each year, and to create in the County treasury to the credit of the District an improvement fund of the SFID and an interest and sinking fund of the SFID pursuant to Section 15357 of the Education Code.

Section 8. The officers and employees of the District are, and each of them hereby is, authorized and directed to execute and deliver, for and on behalf of the District, any and all documents and instruments and to do and cause to be done any and all acts and things necessary or advisable in order to consummate the transactions contemplated by this Resolution and otherwise to carry out, give effect to and comply with the terms and intent of this Resolution.

Section 9. All actions heretofore taken by the officers and employees of the District with respect to the issuance and sale of the Series 2011A Bonds, or in connection with or related to any of the agreements or documents referred to herein, are hereby approved, confirmed and ratified.

Section 10. This Resolution shall take effect immediately upon its adoption.

APPROVED AND ADOPTED by the Board of Trustees of the Tracy Joint Unified School District on April 12, 2011.

President of the Board of Trustees

ATTEST:

Clerk of the Board of Trustees

CLERK'S CERTIFICATE

I, _____, Clerk of the Board of Trustees of the Tracy Joint Unified School District, hereby certify that the foregoing is a full, true and correct copy of a resolution duly adopted at a regular meeting of the Board of Trustees of said District duly and regularly held at the regular meeting place thereof on April 12, 2011, of which meeting all of the members of said Board of Trustees had due notice and at which a majority thereof were present; and that at said meeting said resolution was adopted by the following vote:

AYES:

NOES:

ABSENT OR NOT VOTING:

An agenda of said meeting was posted at least 72 hours before said meeting at 1875 West Lowell Avenue, Tracy, California, a location freely accessible to members of the public, and a brief general description of said resolution appeared on said agenda.

I further certify that I have carefully compared the same with the original minutes of said meeting on file and of record in my office; the foregoing resolution is a full, true and correct copy of the original resolution adopted at said meeting and entered in said minutes; and that said resolution has not been amended, modified or rescinded since the date of its adoption, and the same is now in full force and effect.

Dated: _____, 2011

Clerk of the Board of Trustees of the Tracy
Joint Unified School District



BUSINESS SERVICES MEMORANDUM

TO: Dr. James C. Franco, Superintendent
FROM: Dr. Casey Goodall, Associate Superintendent for Business
DATE: April 5, 2011
SUBJECT: Adopt Resolution No. 10-31 Resolution of the Board of Trustees of the Tracy Joint Unified School District Authorizing the Issuance and Sale of Not to Exceed \$7,000,000 Aggregate Principal Amount of Bonds of School Facilities Improvement District No. 3 of the Tracy Joint Unified School District By a Negotiated Sale Pursuant to One or More Bond Purchase Agreements, Prescribing the Terms of Sale, Approving the Form of and Authorizing the Execution and Delivery of One or More Bond Purchase Agreements and One or More Continuing Disclosure Certificates, Approving the Form of and Authorizing the Distribution of an Official Statement for the Bonds, and Authorizing the Execution of Necessary Documents and Certificates and Related Actions

BACKGROUND: On June 24, 2008, the Board of Trustees adopted a resolution ordering an election requesting voters authorize the issuance of school facilities improvement district bonds on the ballot held on Tuesday, November 4, 2008 election. The Proposition 39 measure was for the purpose of raising money for the specified school facilities benefiting School Facilities Improvement District No. 3 of the Tracy Joint Unified School District and required a 55% approval from voters. The bond measure received voter approval in excess of the 55% required and the District adopted a resolution certifying the results of the election to the County Board of Supervisors and that all election proceedings were accomplished according to law.

RATIONALE: In March 2009, the District sold the first series of the SFID No. 3 bonds, for \$12 million. On January 11, 2011, the Board approved the Facilities Utilization Committee recommendation to sell up to \$26 million of bonds in order to move ahead with Measure S projects; and, on March 8, 2011, the Board heard a presentation by financial consultants, KNN Public Finance, on the financing plan for the issuance of an additional series of bonds to finance Measure S projects.

The original SFID No. 3 authorization is for \$43.1 million and \$31.1 million remains unissued at this time. The up to \$7 million authorized by this resolution in conjunction with the up to \$18 million authorized by resolution No. 10-30 will provide up to \$25 million in bond funding; the remaining balance of approximately \$6 million will be issued at a future date.

FUNDING: The bonds are to be repaid from taxes to be levied on property within the school facilities improvement district authorized by the voters.

RECOMMENDATIONS: Adopt Resolution No. 10-31 Resolution of the Board of Trustees of the Tracy Joint Unified School District Authorizing the Issuance and Sale of Not to Exceed

\$7,000,000 Aggregate Principal Amount of Bonds of School Facilities Improvement District No. 3 of the Tracy Joint Unified School District By a Negotiated Sale Pursuant to One or More Bond Purchase Agreements, Prescribing the Terms of Sale, Approving the Form of and Authorizing the Execution and Delivery of One or More Bond Purchase Agreements and One or More Continuing Disclosure Certificates, Approving the Form of and Authorizing the Distribution of an Official Statement for the Bonds, and Authorizing the Execution of Necessary Documents and Certificates and Related Actions

Prepared by: Bonny Carter, Director of Facilities and Planning



RESOLUTION NO. 10-31

RESOLUTION OF THE BOARD OF TRUSTEES OF THE TRACY JOINT UNIFIED SCHOOL DISTRICT AUTHORIZING THE ISSUANCE AND SALE OF NOT TO EXCEED \$7,000,000 AGGREGATE PRINCIPAL AMOUNT OF BONDS OF SCHOOL FACILITIES IMPROVEMENT DISTRICT NO. 3 OF THE TRACY JOINT UNIFIED SCHOOL DISTRICT BY A NEGOTIATED SALE PURSUANT TO ONE OR MORE BOND PURCHASE AGREEMENTS, PRESCRIBING THE TERMS OF SALE, APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION AND DELIVERY OF ONE OR MORE BOND PURCHASE AGREEMENTS AND ONE OR MORE CONTINUING DISCLOSURE CERTIFICATES, APPROVING THE FORM OF AND AUTHORIZING THE DISTRIBUTION OF AN OFFICIAL STATEMENT FOR THE BONDS, AND AUTHORIZING THE EXECUTION OF NECESSARY DOCUMENTS AND CERTIFICATES AND RELATED ACTIONS

WHEREAS, the Board of Trustees (the "Board of Trustees") of the Tracy Joint Unified School District (the "District"), located in the counties of San Joaquin and Alameda, California, has formed School Facilities Improvement District No. 3 of the Tracy Joint Unified School District (the "SFID"), located wholly within in the County of San Joaquin (the "County");

WHEREAS, the Board of Trustees duly called an election, and such election was regularly held, on behalf of the SFID, on November 4, 2008, at which the following proposition (as abbreviated pursuant to Section 13247 of the California Elections Code) was submitted to the electors of the SFID (the "Bond Measure"):

"To renovate and modernize the community's oldest elementary and middle schools, upgrade classrooms, replace aging roofs, old heating, electrical, plumbing, cooling and ventilation systems with energy efficient systems, and improve security and technology systems at all schools, increasing student access to computers, shall School Facilities Improvement District No. 3 of the Tracy Joint Unified School District be authorized to issue \$43,100,000 in bonds, at legal interest rates, with all expenditures monitored by an Independent Citizens' Oversight Committee?"

WHEREAS, at least 55% of the votes cast on the proposition were in favor of issuing the bonds;

WHEREAS, on May 5, 2009, pursuant to a resolution of the Board of Supervisors (the "Board of Supervisors") of the County adopted on February 24, 2009, at the request of the District pursuant to a resolution of the Board of Trustees of the District adopted on February 10, 2009, a series of said bonds designated the "Bonds of the School Facilities Improvement District No. 3 of the Tracy Joint Unified School District, Election of 2008, Series 2009" in an aggregate principal amount of \$12,000,000 was issued and sold;

WHEREAS, Sections 53506 and following of the California Government Code (the "Government Code"), including Section 53508.7 thereof, provide that a school district may issue and sell bonds on its own behalf at a private or negotiated sale pursuant to Sections 15140 and 15146 of the California Education Code (the "Education Code");

WHEREAS, Section 15140(b) of the Education Code provides that the board of supervisors of a county may authorize a school district in the county to issue and sell its own bonds without the further action of the board of supervisors or officers of the county if said school district has not received a qualified or negative certification in its most recent interim report;

WHEREAS, the District has not received a qualified or negative certification in its most current interim report;

WHEREAS, the Board of Trustees of the District deems it necessary and desirable to authorize and consummate the sale of a portion of the bonds, in one or more series or subseries, designated the "Bonds of the School Facilities Improvement District No. 3 of the Tracy Joint Unified School District, Election of 2008, Series 2011B" (the "Series 2011B Bonds"), with such additional or other series or subseries designations as may be approved as herein provided, in an aggregate principal amount not exceeding \$7,000,000, according to the terms and in the manner hereinafter set forth;

WHEREAS, the Series 2011B Bonds shall be issued and sold by the District on its own behalf at a negotiated sale pursuant to authorization obtained from the Board of Supervisors of the County;

WHEREAS, the Board of Trustees of the District has deemed it necessary and desirable that, simultaneously with the issuance of the Series 2011B Bonds, an additional portion of said authorized bonds in an aggregate principal amount of not to exceed \$18,000,000 be separately issued, which portion of said bonds is to be designated "Bonds of the School Facilities Improvement District No. 3 of the Tracy Joint Unified School District, Election of 2008, Series 2011A";

WHEREAS, the Board of Trustees has determined that securing the timely payment of the principal of and interest on the Series 2011B Bonds by obtaining a municipal bond insurance policy with respect thereto could be economically advantageous to the District;

WHEREAS, a form of Bond Purchase Agreement (each Bond Purchase Agreement, in the form presented to this meeting, with such changes, insertions and omissions as are made pursuant to this Resolution, being referred to herein as a "Bond Purchase Agreement") to purchase the Series 2011B Bonds proposed to be entered into with Stone & Youngberg LLC, as underwriter (the "Underwriter"), has been prepared;

WHEREAS, Rule 15c2-12 promulgated under the Securities Exchange Act of 1934 ("Rule 15c2-12") requires that, in order to be able to purchase or sell the Series 2011B Bonds, the Underwriter must have reasonably determined that the issuer or other obligated person has undertaken in a written agreement or contract for the benefit of the holders of the Series 2011B Bonds to provide disclosure of certain financial information and certain material events on an ongoing basis;

WHEREAS, in order to cause such requirement to be satisfied, the District desires to execute and deliver one or more Continuing Disclosure Certificates (each such Continuing Disclosure Certificate, in the form presented to this meeting, with such changes, insertions and omissions as are made pursuant to this Resolution, being referred to herein as a "Continuing Disclosure Certificate"), a form of which has been prepared;

WHEREAS, the Preliminary Official Statement to be distributed in connection with the public offering of the Series 2011B Bonds (such Preliminary Official Statement, in the form presented to this meeting, with such changes, insertions and omissions as are made pursuant to this Resolution, being referred to herein as the "Preliminary Official Statement") has been prepared;

WHEREAS, the Board of Trustees has been presented with the form of each document referred to herein relating to the financing contemplated hereby, and the Board of Trustees has examined each document and desires to approve, authorize and direct the execution of such documents and the consummation of such financing;

WHEREAS, the District desires that the Auditor-Controller of the County annually establish tax rates on taxable property within the SFID for repayment of the Series 2011B Bonds, pursuant to Sections 29100-29103 of the Government Code, that the Board of Supervisors of the County annually approve the levy of such tax, and that the Treasurer-Tax Collector of the County annually collect such tax and apply the proceeds thereof to the payment of principal of and interest on the Series 2011B Bonds when due, all pursuant to Sections 15250 and 15251 of the Education Code; and

WHEREAS, all acts, conditions and things required by the Constitution and laws of the State to exist, to have happened and to have been performed precedent to and in connection with the consummation of the actions authorized hereby do exist, have happened and have been performed in regular and due time, form and manner as required by law, and the District is now duly authorized and empowered, pursuant to each and every requirement of law, to consummate such actions for the purpose, in the manner and upon the terms herein provided;

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Tracy Joint Unified School District, as follows:

Section 1. Recitals. All of the above recitals are true and correct and the Board of Trustees so finds.

Section 2. Definitions. Unless the context clearly otherwise requires, the terms defined in this Section shall, for all purposes of this Resolution, have the meanings specified herein, to be equally applicable to both the singular and plural forms of any of the terms herein defined.

“Auditor-Controller” means the Auditor-Controller of the County or any authorized deputy thereof.

“Authorized Officers” means the President of the Board of Trustees, or such other member of the Board of Trustees as the President may designate, the Superintendent of the District and the Associate Superintendent of Business Services of the District, or such other officer or employee of the District as the Superintendent may designate.

“Board of Supervisors” means the Board of Supervisors of the County.

“Board of Trustees” means the Board of Trustees of the District.

“Bond Purchase Agreement” means the applicable Bond Purchase Agreement relating to the sale of all or a portion of the Series 2011B Bonds by and between the District and the Underwriter in accordance with the provisions hereof.

“Capital Appreciation Bonds” means the Series 2011B Bonds accreting interest semiannually to the maturity date thereof payable in accordance with Section 5(e) hereof.

“Cede & Co.” means Cede & Co., the nominee of DTC, and any successor nominee of DTC with respect to the Series 2011B Bonds.

“Code” means the Internal Revenue Code of 1986.

“Continuing Disclosure Certificate” means the applicable Continuing Disclosure Certificate executed and delivered by the District relating to all or a portion of the Series 2011B Bonds.

“Conversion Date” means the date a Convertible Capital Appreciation Bond converts to a bond bearing interest payable semiannually on a current basis.

“Convertible Capital Appreciation Bonds” means those Series 2011B Bonds accreting interest semiannually to the Conversion Date thereof and bearing interest payable semiannually on a current basis from and after the Conversion Date thereof, all in accordance with Section 5(f) hereof.

“County” means the County of San Joaquin.

“Current Interest Bonds” means those Series 2011B Bonds bearing interest payable semiannually on a current basis in accordance with Section 5(d) hereof.

“District” means the Tracy Joint Unified School District.

“DTC” means The Depository Trust Company, a limited-purpose trust company organized under the laws of the State of New York, and its successors as securities depository for the Series 2011B Bonds, including any such successor thereto appointed pursuant to Section 9 hereof.

“Interest Date” means February 1 and August 1 of each year (a) commencing on February 1, 2012, with respect to the Current Interest Bonds and, for purposes of compounding interest on the Capital Appreciation Bonds and, to their Conversion Dates, Convertible Capital Appreciation Bonds, commencing on August 1, 2011, or such other dates as may be set forth in the applicable Bond Purchase Agreement, and (b) with respect to Convertible Capital Appreciation Bonds, from and after their Conversion Date, commencing on the February 1 or August 1 immediately following such Conversion Date, or such other dates as may be set forth in the applicable Bond Purchase Agreement.

“Official Statement” means the Official Statement of the District relating to the Series 2011B Bonds.

“Opinion of Bond Counsel” means an opinion of counsel of nationally recognized standing in the field of law relating to municipal bonds.

“Owner” means, with respect to any Series 2011B Bond, the person whose name appears on the Registration Books as the registered Owner thereof.

“Paying Agent” means The Bank of New York Mellon Trust Company, N.A., or any bank, trust company, national banking association or other financial institution appointed as Paying Agent to act as authenticating agent, bond registrar, transfer agent and paying agent for the Series 2011B Bonds in accordance with Section 8 hereof.

“Preliminary Official Statement” means the Preliminary Official Statement of the District relating to the Series 2011B Bonds.

“Record Date” means, with respect to any Interest Date for the Series 2011B Bonds, the 15th day of the calendar month immediately preceding such Interest Date, whether or not such day is a business day, or such other date or dates as may be set forth in the applicable Bond Purchase Agreement.

“Registration Books” means the books for the registration and transfer of the Series 2011B Bonds maintained by the Paying Agent in accordance with Section 8(d) hereof.

“Series 2011B Bonds” means the bonds authorized and issued pursuant to this Resolution, in one or more series or subseries, designated the “Bonds of the School Facilities Improvement District No. 3 of the Tracy Joint Unified School District, Election of 2008, Series

2011B,” with such additional or other series or subseries designations as may be approved as herein provided

“**SFID**” means the School Facilities Improvement District No. 3 of the Tracy Joint Unified School District.

“**State**” means the State of California.

“**Tax Certificate**” means the Tax Certificate(s) with respect to the Series 2011B Bonds, executed by the District, dated the date of issuance of such Series 2011B Bonds.

“**Treasurer**” means Treasurer-Tax Collector of the County or any authorized deputy thereof.

“**Underwriter**” means Stone & Youngberg LLC, as underwriter.

Section 3. Authorization and Designation of Bonds. The Series 2011B Bonds described herein are being issued pursuant to the authority of Article 4.5 of Chapter 3, of Part 1 of Division 2 of Title 5 of the Government Code, and other applicable provisions of law, including applicable provisions of the Education Code. The Board of Trustees hereby authorizes the issuance and sale of not to exceed \$7,000,000 aggregate principal amount of Series 2011B Bonds. The Series 2011B Bonds may be issued in one or more series or subseries and shall be designated “Bonds of the School Facilities Improvement District No. 3 of the Tracy Joint Unified School District, Election of 2008, Series 2011B,” with appropriate additional or other series or subseries designations as approved by an Authorized Officer. The Series 2011B Bonds may be issued as Current Interest Bonds, Capital Appreciation Bonds and/or Convertible Capital Appreciation Bonds, or any combination thereof, all as provided in Section 5 hereof. The proceeds of the Series 2011B Bonds, exclusive of any premium and accrued interest received, shall be applied to finance projects authorized to be financed under the Bond Measure.

Section 4. Form of Bonds; Execution. (b) *Form of Series 2011B Bonds.* The Series 2011B Bonds shall be issued in fully registered form without coupons. The Current Interest Bonds, the Capital Appreciation Bonds and the Convertible Capital Appreciation Bonds, and the certificate of authentication and registration and the forms of assignment to appear on each of them, shall be in substantially the forms attached hereto as Exhibit A, Exhibit B and Exhibit C, respectively, with necessary or appropriate variations, omissions and insertions as permitted or required by this Resolution.

(c) *Execution of Bonds.* The Series 2011B Bonds shall be signed by the manual or facsimile signatures of the President of the Board of Trustees, and countersigned by the manual or facsimile signature of the Clerk of the Board of Trustees. The Series 2011B Bonds shall be authenticated by a manual signature of a duly authorized signatory of the Paying Agent.

(d) *Valid Authentication.* Only such of the Series 2011B Bonds as shall bear thereon a certificate of authentication and registration as described in subsection (a) of this Section, executed by the Paying Agent, shall be valid or obligatory for any purpose or entitled to the benefits of this Resolution, and such certificate of authentication and registration shall be

conclusive evidence that the Series 2011B Bonds so authenticated have been duly authenticated and delivered hereunder and are entitled to the benefits of this Resolution.

(e) *Identifying Number.* The Paying Agent shall assign each Series 2011B Bond authenticated and registered by it a distinctive letter, or number, or letter and number, and shall maintain a record thereof at its principal office, which record shall be available to the District and the County for inspection.

Section 5. Terms of Bonds. (b) *Date of Series 2011B Bonds.* The Current Interest Bonds shall be dated the date of their delivery, or such other date as shall be set forth in the applicable Bond Purchase Agreement. The Capital Appreciation Bonds shall be dated the date of their delivery, or such other date as shall be set forth in the applicable Bond Purchase Agreement. The Convertible Capital Appreciation Bonds shall be dated the date of their delivery, or such other date as shall be set forth in the applicable Bond Purchase Agreement.

(c) *Denominations.* The Current Interest Bonds shall be issued in denominations of \$5,000 principal amount or any integral multiple thereof. The Capital Appreciation Bonds shall be issued in denominations of \$5,000 accreted value at maturity ("maturity value") or any integral multiple thereof, except that the first numbered Capital Appreciation Bond may be issued in a denomination such that the maturity value of such Capital Appreciation Bond shall not be an integral multiple of \$5,000. The Convertible Capital Appreciation Bonds shall be issued in denominations of \$5,000 accreted value at their Conversion Date or any integral multiple thereof.

(d) *Maturity.* The Current Interest Bonds shall mature on the date or dates, in each of the years, in the principal amounts and in the aggregate principal amount as shall be set forth in the applicable Bond Purchase Agreement. No Current Interest Bond shall mature later than the date which is 40 years from the date of the Current Interest Bonds, to be determined as provided in subsection (a) of this Section. No Current Interest Bond shall have principal maturing on more than one principal maturity date. The Bond Purchase Agreement may provide that no Current Interest Bonds shall be issued.

The Capital Appreciation Bonds shall mature on the date or dates, in each of the years, and in such maturity values as shall be set forth in the applicable Bond Purchase Agreement. No Capital Appreciation Bond shall mature later than the date which is 40 years from the date of the Capital Appreciation Bonds, to be determined as provided in subsection (a) of this Section. No Capital Appreciation Bond shall have principal maturing on more than one principal maturity date. The Bond Purchase Agreement may provide that no Capital Appreciation Bonds shall be issued.

The Convertible Capital Appreciation Bonds shall have Conversion Dates of and mature on the date or dates, in each of the years, in the accreted amounts and in the stated values at their Conversion Date as shall be set forth in the applicable Bond Purchase Agreement. No Convertible Capital Appreciation Bond shall mature later than the date which is 40 years from the date of the Convertible Capital Appreciation Bonds, to be determined as provided in subsection (a) of this Section. No Convertible Capital Appreciation Bond shall have principal

maturing on more than one principal maturity date. The Bond Purchase Agreement may provide that no Convertible Capital Appreciation Bonds shall be issued.

The Current Interest Bonds, the Capital Appreciation Bonds and the Convertible Capital Appreciation Bonds may mature in the same year or years as any other Current Interest Bonds, Capital Appreciation Bonds or Convertible Capital Appreciation Bonds, without limitation. The aggregate principal amount of the Series 2011B Bonds issued as Current Interest Bonds, Capital Appreciation Bonds or Convertible Capital Appreciation Bonds shall not exceed \$7,000,000.

(e) *Interest; Current Interest Bonds.* The Current Interest Bonds shall bear interest at an interest rate not to exceed 12.00% per annum, payable on the Interest Dates in each year computed on the basis of a 360-day year of twelve 30-day months. Each Current Interest Bond shall bear interest from the Interest Date next preceding the date of authentication thereof, unless it is authenticated after the close of business on a Record Date and on or prior to the succeeding Interest Date, in which event it shall bear interest from such Interest Date, or unless it is authenticated on or before the Record Date preceding the first Interest Date, in which event it shall bear interest from its dated date; provided, however, that if, at the time of authentication of any Current Interest Bond, interest is in default on any outstanding Current Interest Bonds, such Current Interest Bond shall bear interest from the Interest Date to which interest has previously been paid or made available for payment on the outstanding Current Interest Bonds.

(f) *Interest; Capital Appreciation Bonds.* The Capital Appreciation Bonds shall not bear current interest; each Capital Appreciation Bond shall accrete in value daily over the term to its maturity (on the basis of a 360-day year consisting of twelve 30-day months), from its initial principal (denominational) amount on the date of issuance thereof to its stated maturity value at maturity thereof, on the basis of a constant interest rate (which shall not exceed 12.00% per annum) compounded semiannually on each Interest Date (with straight-line interpolations between Interest Dates). The accreted value per \$5,000 maturity value of the Capital Appreciation Bonds on each Interest Date shall be given for reference in a table of accreted values to appear in the Capital Appreciation Bonds; provided, however, that the accreted value determined in accordance with this Section shall prevail over any different accreted value given in such table. Interest on the Capital Appreciation Bonds shall be payable only upon maturity or prior redemption thereof.

(g) *Interest; Convertible Capital Appreciation Bonds.* The Convertible Capital Appreciation Bonds shall not bear current interest prior to their respective Conversion Dates; each Convertible Capital Appreciation Bond shall accrete in value daily from its initial principal (denominational) amount on the date of issuance thereof to its stated value at the Conversion Date thereof (on the basis of a 360-day year consisting of twelve 30-day months), on the basis of a constant interest rate (which shall not exceed 12.00% per annum) compounded semiannually on each Interest Date (with straight-line interpolations between Interest Dates). From and after the respective Conversion Date of a Convertible Capital Appreciation Bond, such Convertible Capital Appreciation Bonds shall bear current interest on the accreted value thereof at an interest rate not to exceed 12.00% per annum, computed on the basis of a 360-day year of twelve 30-day months, payable on the Interest Dates in each year following its Conversion Date. Following the Conversion Date with respect thereto, each Convertible Capital Appreciation Bond shall bear interest from the Interest Date next preceding the date of authentication thereof, unless it is

authenticated after the close of business on a Record Date and on or prior to the succeeding Interest Date, in which event it shall bear interest from such Interest Date, or unless it is authenticated on or before the Record Date preceding the first Interest Date following its Conversion Date, in which event it shall bear interest from its Conversion Date; provided, however, that if, at the time of authentication of any Convertible Capital Appreciation Bond, interest is in default on any outstanding Convertible Capital Appreciation Bonds, such Convertible Capital Appreciation Bond shall bear interest from the Interest Date to which interest has previously been paid or made available for payment on the outstanding Convertible Capital Appreciation Bonds.

Section 6. Payment of Bonds. (b) *Request for Tax Levy.* The money for the payment of principal, redemption premium, if any, and interest on the Series 2011B Bonds shall be raised by taxation upon all taxable property in the SFID and provision shall be made for the levy and collection of such taxes in the manner provided by law and for such payment out of the interest and sinking fund of the SFID. The Board of Supervisors and officers of the County are obligated by statute to provide for the levy and collection of property taxes in each year sufficient to pay all principal and interest coming due on the Series 2011B Bonds in such year, and to pay from such taxes all amounts due on the Series 2011B Bonds. The District hereby requests the Board of Supervisors to annually levy a tax upon all taxable property in the SFID sufficient to redeem the Series 2011B Bonds, and to pay the principal, redemption premium, if any, and interest thereon as and when the same become due.

(c) *Principal.* The principal of the Current Interest Bonds and the accreted value of the Capital Appreciation Bonds and the Convertible Capital Appreciation Bonds shall be payable in lawful money of the United States of America to the Owner thereof, upon the surrender thereof at the principal corporate trust office of the Paying Agent.

(d) *Interest; Record Date.* The interest on the Current Interest Bonds and the Convertible Capital Appreciation Bonds after the Conversion Date shall be payable on each Interest Date in lawful money of the United States of America to the Owner thereof as of the Record Date preceding such Interest Date, such interest to be paid by check or draft mailed on such Interest Date (if a business day, or on the next business day if the Interest Date does not fall on a business day) to such Owner at such Owner's address as it appears on the Registration Books or at such address as the Owner may have filed with the Paying Agent for that purpose except that the payment shall be made by wire transfer of immediately available funds to any Owner of at least \$1,000,000 of outstanding Current Interest Bonds or Convertible Capital Appreciation Bonds after the Conversion Date who shall have requested in writing such method of payment of interest prior to the close of business on the Record Date immediately preceding any Interest Date.

(e) *Interest and Sinking Fund.* Principal and interest due on the Series 2011B Bonds shall be paid from the interest and sinking fund of the SFID as provided in Section 15146 of the Education Code.

(f) *Obligation of the District.* No part of any fund or account of the County is pledged or obligated to the payment of the Series 2011B Bonds.

(g) *Insurance.* The payment of principal of and interest on all or a portion of the Series 2011B Bonds may be secured by a municipal bond insurance policy as shall be described in the applicable Bond Purchase Agreement. Each Bond Purchase Agreement executed with respect to the Series 2011B Bonds may provide that no municipal bond insurance policy shall be obtained. The Authorized Officers are each hereby authorized and directed to qualify the District for municipal bond insurance for the Series 2011B Bonds and authorize that such insurance be obtained if the present value cost of such insurance is less than the present value of the estimated interest savings with respect to the Series 2011B Bonds. The Authorized Officers are each hereby authorized and directed, for and in the name and on behalf of the District, to execute and deliver a contract or contracts for such insurance if such contract is deemed by the Authorized Officer executing the same to be in the best interests of the District, such determination to be conclusively evidenced by such Authorized Officer's execution and delivery of such contract.

Section 7. Redemption Provisions. (b) *Optional Redemption.* The Series 2011B Bonds may be subject to redemption, at the option of the District, on the dates and terms as shall be designated in the applicable Bond Purchase Agreement. The applicable Bond Purchase Agreement may provide that the Series 2011B Bonds shall not be subject to optional redemption, and may provide separate and distinct redemption provisions for the Current Interest Bonds, the Capital Appreciation Bonds and the Convertible Capital Appreciation Bonds.

(c) *Selection.* If less than all of the Series 2011B Bonds (Current Interest Bonds, Capital Appreciation Bonds or Convertible Capital Appreciation Bonds), if any, are subject to such redemption and are called for redemption, such Series 2011B Bonds shall be redeemed in inverse order of maturities or as otherwise directed by the District (or as otherwise set forth in the applicable Bond Purchase Agreement), and if less than all of the Series 2011B Bonds of any given maturity are called for redemption, the portions of such Series 2011B Bonds of a given maturity to be redeemed shall be determined by lot (or as otherwise set forth in the applicable Bond Purchase Agreement).

(d) *Mandatory Sinking Fund Redemption.* The Series 2011B Bonds, if any, which are designated in a Bond Purchase Agreement as term bonds shall also be subject to redemption prior to their stated maturity dates, without a redemption premium, in part by lot (or as otherwise set forth in the applicable Bond Purchase Agreement), from mandatory sinking fund payments in the amounts and in accordance with the terms to be specified in such Bond Purchase Agreement. Unless otherwise provided in the applicable Bond Purchase Agreement, the principal amount of each mandatory sinking fund payment of any maturity shall be reduced proportionately or as otherwise directed by the District by the amount of any Series 2011B Bonds of that maturity redeemed in accordance with subsection (a) of this Section prior to the mandatory sinking fund payment date. The applicable Bond Purchase Agreement may provide that the Series 2011B Bonds shall not be subject to mandatory sinking fund redemption. The Auditor-Controller is hereby authorized to create such sinking funds or accounts for the term Series 2011B Bonds as shall be necessary to accomplish the purposes of this Section.

(e) *Notice of Redemption.* Notice of any redemption of the Series 2011B Bonds shall be mailed by the Paying Agent, postage prepaid, not less than 30 nor more than 60 days prior to the redemption date (i) by first class mail to the County and the respective Owners thereof at the

addresses appearing on the Registration Books, and (ii) as may be further required in accordance with the applicable Continuing Disclosure Certificate.

Each notice of redemption shall state (i) the date of such notice; (ii) the name of the Series 2011B Bonds and the date of issue of the Series 2011B Bonds; (iii) the redemption date; (iv) the redemption price; (v) the series of Series 2011B Bonds and the dates of maturity or maturities of Series 2011B Bonds to be redeemed; (vi) if less than all of the Series 2011B Bonds of a series of any maturity are to be redeemed, the distinctive numbers of the Series 2011B Bonds of each maturity of such series to be redeemed; (vii) in the case of Series 2011B Bonds of a series redeemed in part only, the respective portions of the principal amount of the Series 2011B Bonds of each maturity of such series to be redeemed; (viii) the CUSIP number, if any, of each maturity of Series 2011B Bonds of a series to be redeemed; (ix) a statement that such Series 2011B Bonds must be surrendered by the Owners at the principal corporate trust office of the Paying Agent, or at such other place or places designated by the Paying Agent; (x) notice that further interest on such Series 2011B Bonds will not accrue after the designated redemption date; and (xi) in the case of a conditional notice, that such notice is conditioned upon certain circumstances and the manner of rescinding such conditional notice.

(f) *Effect of Notice.* A certificate of the Paying Agent that notice of redemption has been given to Owners as herein provided shall be conclusive as against all parties. Neither the failure to receive the notice of redemption as provided in this Section, nor any defect in such notice shall affect the sufficiency of the proceedings for the redemption of the Series 2011B Bonds or the cessation of interest on the date fixed for redemption.

When notice of redemption has been given substantially as provided for herein, and when the redemption price of the Series 2011B Bonds called for redemption is set aside for the purpose as described in subsection (g) of this Section, the Series 2011B Bonds designated for redemption shall become due and payable on the specified redemption date and interest shall cease to accrue thereon as of the redemption date, and upon presentation and surrender of such Series 2011B Bonds at the place specified in the notice of redemption, such Series 2011B Bonds shall be redeemed and paid at the redemption price thereof out of the money provided therefor. The Owners of such Series 2011B Bonds so called for redemption after such redemption date shall be entitled to payment thereof only from the interest and sinking fund of the SFID or the trust fund established for such purpose. All Series 2011B Bonds redeemed shall be cancelled forthwith by the Paying Agent and shall not be reissued.

(g) *Right to Rescind Notice.* The District may rescind any optional redemption and notice thereof for any reason on any date prior to the date fixed for redemption by causing written notice of the rescission to be given to the owners of the Series 2011B Bonds so called for redemption. Any optional redemption and notice thereof shall be rescinded if for any reason on the date fixed for redemption moneys are not available in the interest and sinking fund or otherwise held in trust for such purpose in an amount sufficient to pay in full on said date the principal of, interest, and any premium due on the Series 2011B Bonds called for redemption. Notice of rescission of redemption shall be given in the same manner in which notice of redemption was originally given. The actual receipt by the owner of any Series 2011B Bond of notice of such rescission shall not be a condition precedent to rescission, and failure to receive such notice or any defect in such notice shall not affect the validity of the rescission.

(h) *Funds for Redemption.* Prior to or on the redemption date of any Series 2011B Bonds there shall be available in the interest and sinking fund of the SFID, or held in trust for such purpose as provided by law, monies for the purpose and sufficient to redeem, at the redemption prices as in this Resolution provided, the Series 2011B Bonds designated in the notice of redemption. Such monies shall be applied on or after the redemption date solely for payment of principal of, interest and premium, if any, on the Series 2011B Bonds to be redeemed upon presentation and surrender of such Series 2011B Bonds, provided that all monies in the interest and sinking fund of the SFID shall be used for the purposes established and permitted by law. Any interest due on or prior to the redemption date shall be paid from the interest and sinking fund of the SFID, unless otherwise provided to be paid from such monies held in trust. If, after all of the Series 2011B Bonds have been redeemed and cancelled or paid and cancelled, there are monies remaining in the interest and sinking fund of the SFID or otherwise held in trust for the payment of redemption price of the Series 2011B Bonds, the monies shall be held in or returned or transferred to the interest and sinking fund of the SFID for payment of any outstanding bonds of the SFID payable from such fund; provided, however, that if the monies are part of the proceeds of bonds of the SFID, the monies shall be transferred to the fund created for the payment of principal of and interest on such bonds. If no such bonds of the SFID are at such time outstanding, the monies shall be transferred to the general fund of the District as provided and permitted by law.

(i) *Defeasance of Bonds.* If at any time the District shall pay or cause to be paid or there shall otherwise be paid to the Owners of any or all of the outstanding Series 2011B Bonds all or any part of the principal, interest and premium, if any, on the Series 2011B Bonds at the times and in the manner provided herein and in the Series 2011B Bonds, or as provided in the following paragraph, or as otherwise provided by law consistent herewith, then such Owners shall cease to be entitled to the obligation of the District as provided in Section 6 hereof, and such obligation and all agreements and covenants of the District and of the County to such Owners hereunder and under the Series 2011B Bonds shall thereupon be satisfied and discharged and shall terminate, except only that the District shall remain liable for payment of all principal, interest and premium, if any, represented by the Series 2011B Bonds, but only out of monies on deposit in the interest and sinking fund of the SFID or otherwise held in trust for such payment; and provided further, however, that the provisions of subsection (i) of this Section shall apply in all events.

For purposes of this Section, the District may pay and discharge any or all of the Series 2011B Bonds by depositing in trust with the Paying Agent or an escrow agent, selected by the District, at or before maturity, money or non-callable direct obligations of the United States of America (including zero interest bearing State and Local Government Series) or other non-callable obligations the payment of the principal of and interest on which is guaranteed by a pledge of the full faith and credit of the United States of America, in an amount which will, together with the interest to accrue thereon and available monies then on deposit in the interest and sinking fund of the SFID, be fully sufficient to pay and discharge the indebtedness on such Series 2011B Bonds (including all principal, interest and redemption premiums) at or before their respective maturity dates.

(j) *Unclaimed Monies.* Any money held in any fund created pursuant to this Resolution, or by the Paying Agent or an escrow agent in trust, for the payment of the principal or accreted

value of, redemption premium, if any, or interest on the Series 2011B Bonds and remaining unclaimed for two years after the principal or accreted value of all of the Series 2011B Bonds has become due and payable (whether by maturity or upon prior redemption) shall be transferred to the interest and sinking fund of the SFID for payment of any outstanding bonds of the SFID payable from the fund; or, if no such bonds of the District are at such time outstanding, the monies shall be transferred to the general fund of the District as provided and permitted by law.

Section 8. Paying Agent. (b) *Appointment; Payment of Fees and Expenses.* This Board of Trustees does hereby consent to and confirm the appointment of The Bank of New York Mellon Trust Company, N.A., to act as the initial paying agent for the Series 2011B Bonds. All fees and expenses of the paying agent shall be the sole responsibility of the District, and to the extent not paid from the proceeds of sale of the Series 2011B Bonds, or from the interest and sinking fund of the SFID, insofar as permitted by law, including specifically by Section 15232 of the Education Code, such fees and expenses shall be paid by the District.

(c) *Resignation, Removal and Replacement of Paying Agent.* The Paying Agent initially appointed or any successor Paying Agent may resign from service as Paying Agent and may be removed at any time by the District as provided in the Paying Agent's service agreement. If at any time the Paying Agent shall resign or be removed, the District shall appoint a successor Paying Agent, which shall be any bank, trust company, national banking association or other financial institution doing business in and having a corporate trust office in California, with at least \$100,000,000 in net assets.

(d) *Principal Corporate Trust Office.* The initial Paying Agent, and any successor Paying Agent, shall designate each place or places where it will conduct the functions of transfer, registration, exchange, payment, and surrender of the Bonds, and any reference herein to the "principal corporate trust office" of the Paying Agent shall mean the office so designated for a particular purpose. If no office is so designated for a particular purpose, such functions shall be conducted at the office of The Bank of New York Mellon Trust Company, N.A. in Los Angeles, California, or the principal corporate trust office of any successor Paying Agent.

(e) *Registration Books.* The Paying Agent shall keep or cause to be kept at its principal corporate trust office sufficient books for the registration and transfer of the Series 2011B Bonds, which shall at all times be open to inspection by the District and the County, and, upon presentation for such purpose, the Paying Agent shall, under such reasonable regulations as it may prescribe, register or transfer or cause to be registered or transferred on the Registration Books, Series 2011B Bonds as provided in Sections 9 and 10 hereof. The Paying Agent shall keep accurate records of all funds administered by it and of all Series 2011B Bonds paid and discharged by it. Such records shall be provided, upon reasonable request, to the District in a format mutually agreeable to the Paying Agent and the District.

Section 9. Transfer Under Book-Entry System; Discontinuation of Book-Entry System. (b) Unless otherwise specified in the applicable Bond Purchase Agreement, DTC is hereby appointed depository for each series of the Series 2011B Bonds and the Series 2011B Bonds shall be issued in book-entry form only, and shall be initially registered in the name of "Cede & Co.," as nominee of DTC. One bond certificate shall be issued for each maturity of each series or subseries of the Current Interest Bonds, the Capital Appreciation Bonds and the

Convertible Capital Appreciation Bonds; provided, however, that if different CUSIP numbers are assigned to Series 2011B Bonds of a series or subseries maturing in a single year or, if Series 2011B Bonds of the same series or subseries maturing in a single year are issued with different interest rates, additional bond certificates shall be prepared for each such maturity. Registered ownership of such Series 2011B Bonds of each such maturity, or any portion thereof, may not thereafter be transferred except as provided in this Section or Section 10 hereof:

(i) To any successor of DTC, or its nominee, or to any substitute depository designated pursuant to clause (ii) of this Section (a "substitute depository"); provided, however that any successor of DTC, as nominee of DTC or substitute depository, shall be qualified under any applicable laws to provide the services proposed to be provided by it;

(ii) To any substitute depository not objected to by the District, upon (1) the resignation of DTC or its successor (or any substitute depository or its successor) from its functions as depository, or (2) a determination by the District to substitute another depository for DTC (or its successor) because DTC or its successor (or any substitute depository or its successor) is no longer able to carry out its functions as depository; provided, that any such substitute depository shall be qualified under any applicable laws to provide the services proposed to be provided by it; or

(iii) To any person as provided below, upon (1) the resignation of DTC or its successor (or substitute depository or its successor) from its functions as depository; provided that no substitute depository which is not objected to by the District can be obtained, or (2) a determination by the District that it is in the best interests of the District to remove DTC or its successor (or any substitute depository or its successor) from its functions as depository.

(c) In the case of any transfer pursuant to clause (i) or clause (ii) of subsection (a) of this Section, upon receipt of the outstanding Series 2011B Bonds by the Paying Agent, together with a written request of the District to the Paying Agent, a new Series 2011B Bond for each maturity shall be executed and delivered (in the case of Current Interest Bonds, in the aggregate principal amount of such Current Interest Bonds then outstanding, in the case of Capital Appreciation Bonds, in the aggregate maturity value of such Capital Appreciation Bonds then outstanding, and in the case of Convertible Capital Appreciation Bonds, in the aggregate accreted value at the Conversion Date of such Convertible Capital Appreciation Bonds then outstanding), registered in the name of such successor or such substitute depository, or their nominees, as the case may be, all as specified in such written request of the District. In the case of any transfer pursuant to clause (iii) of subsection (a) of this Section, upon receipt of the outstanding Series 2011B Bonds by the Paying Agent together with a written request of the District to the Paying Agent, new Series 2011B Bonds shall be executed and delivered in such denominations, numbered in the manner determined by the Paying Agent, and registered in the names of such persons, as are requested in such written request of the District, subject to the limitations of Section 5 hereof and the receipt of such a written request of the District, and thereafter, the Series 2011B Bonds shall be transferred pursuant to the provisions set forth in Section 10 hereof; provided, however, that the Paying Agent shall not be required to deliver such new Series 2011B Bonds within a period of less than 60 days after the receipt of any such written request of the District.

(d) In the case of partial redemption or an advance refunding of the Series 2011B Bonds evidencing all or a portion of the principal amount then outstanding, DTC shall make an appropriate notation on the Series 2011B Bonds indicating the date and amounts of such reduction in principal.

(e) The District and the Paying Agent shall be entitled to treat the person in whose name any Series 2011B Bond is registered as the owner thereof, notwithstanding any notice to the contrary received by the District or the Paying Agent; and the District and the Paying Agent shall have no responsibility for transmitting payments to, communicating with, notifying, or otherwise dealing with any beneficial owners of the Series 2011B Bonds, and neither the District nor the Paying Agent shall have any responsibility or obligation, legal or otherwise, to the beneficial owners or to any other party, including DTC or its successor (or substitute depository or its successor), except for the Owner of any Series 2011B Bonds.

(f) So long as the outstanding Series 2011B Bonds are registered in the name of Cede & Co. or its registered assigns, the District and the Paying Agent shall cooperate with Cede & Co., as sole registered Owner, or its registered assigns in effecting payment of the principal of and interest on the Series 2011B Bonds by arranging for payment in such manner that funds for such payments are properly identified and are made immediately available on the date they are due.

Section 10. Transfer and Exchange. (b) *Transfer.* Following the termination or removal of DTC or successor depository pursuant to Section 9 hereof, any Series 2011B Bond may, in accordance with its terms, be transferred, upon the Registration Books, by the Owner thereof, in person or by the duly authorized attorney of such Owner, upon surrender of such Series 2011B Bond to the Paying Agent for cancellation, accompanied by delivery of a duly executed written instrument of transfer in a form approved by the Paying Agent.

Whenever any Series 2011B Bond or Series 2011B Bonds shall be surrendered for transfer, the designated District officials shall execute and the Paying Agent shall authenticate and deliver, as provided in Section 4 hereof, a new Series 2011B Bond or Series 2011B Bonds, of the same maturity, Interest Date and interest rate (in the case of Current Interest Bonds, for a like aggregate principal amount, in the case of Capital Appreciation Bonds, for a like aggregate maturity value, and in the case of Convertible Capital Appreciation Bonds, for a like aggregate accreted value at the Conversion Date). The Paying Agent may require the payment by any Owner of Series 2011B Bonds requesting any such transfer of any tax or other governmental charge required to be paid with respect to such transfer.

No transfer of any Series 2011B Bond shall be required to be made by the Paying Agent (i) during the period established by the Paying Agent for selection of the Series 2011B Bonds for redemption, and (ii) after any Series 2011B Bond has been selected for redemption.

(c) *Exchange.* The Series 2011B Bonds may be exchanged for Series 2011B Bonds of other authorized denominations of the same maturity and Interest Date, by the Owner thereof, in person or by the duly authorized attorney of such Owner, upon surrender of such Series 2011B Bond to the Paying Agent for cancellation, accompanied by delivery of a duly executed request for exchange in a form approved by the Paying Agent.

Whenever any Series 2011B Bond or Series 2011B Bonds shall be surrendered for exchange, the designated District officials shall execute and the Paying Agent shall authenticate and deliver, as provided in Section 4 hereof, a new Series 2011B Bond or Series 2011B Bonds of the same maturity and interest payment mode and interest rate (in the case of Current Interest Bonds, for a like aggregate principal amount, in the case of Capital Appreciation Bonds, for a like aggregate maturity value, and in the case of Convertible Capital Appreciation Bonds, for a like aggregate accreted value at the Conversion Date). The Paying Agent may require the payment by the Owner requesting such exchange of any tax or other governmental charge required to be paid with respect to such exchange.

No exchange of any Series 2011B Bonds shall be required to be made by the Paying Agent (i) during the period established by the Paying Agent for selection of the Series 2011B Bonds for redemption, and (ii) after any Series 2011B Bond has been selected for redemption.

Section 11. Bond Purchase Agreement; Sale of Bonds. The form of Bond Purchase Agreement, in substantially the form submitted to this meeting and made a part hereof as though set forth herein, is hereby approved, and the Authorized Officers are each hereby authorized and directed, for and in the name and on behalf of the District, to execute and deliver one or more Bond Purchase Agreements in substantially said form, with such changes, insertions and omissions therein as the Authorized Officer executing the same may require or approve, such approval to be conclusively evidenced by the execution and delivery thereof; provided, however, that (a) the true interest cost for Series 2011B Bonds shall not be in excess of 8.00%, (b) the interest rate on the Current Interest Bonds and, from and after their Conversion Dates, the Convertible Capital Appreciation Bonds, shall not exceed 12.00% per annum, (c) the Capital Appreciation Bonds and, to their Conversion Dates, the Convertible Capital Appreciation Bond, shall accrete in value at a compounded interest rate not to exceed 12.00% per annum, (d) the Underwriter's discount for the sale of Series 2011B Bonds shall not exceed 0.65% of the principal amount of such Series 2011B Bonds exclusive of any costs of issuance the Underwriter contracts to pay, and (e) the Series 2011B Bonds shall otherwise conform to the limitations specified herein.

The Bond Purchase Agreement shall recite the aggregate principal amount of the Series 2011B Bonds, and with respect to the Current Interest Bonds, shall recite the date thereof, the maturity dates, principal amounts and annual rates of interest of each maturity thereof, the initial and semiannual Interest Dates thereof, and the terms of optional and mandatory sinking fund redemption thereof, if any, with respect to the Capital Appreciation Bonds, shall recite the date thereof, the initial principal amounts, maturity dates, and maturity values of each maturity thereof, the initial and semiannual Interest Dates thereof, and the terms of optional and mandatory sinking fund redemption thereof, if any, and with respect to the Convertible Capital Appreciation Bonds, shall recite the date thereof, the initial principal amounts, Conversion Dates, maturity dates, and stated value at the Conversion Date of each maturity thereof, the initial and semiannual Interest Dates thereof, and the terms of optional and mandatory sinking fund redemption thereof, if any.

The Board of Trustees hereby finds and determines that the sale of the Series 2011B Bonds at negotiated sale as contemplated herein and by the applicable Bond Purchase Agreement will provide more flexibility in the timing of the sale, and ability to implement the sale in a

shorter time period, an increased ability to structure the Series 2011B Bonds to fit the needs of particular purchasers, and greater opportunity for the Underwriter to pre-market the Series 2011B Bonds to potential purchasers prior to the sale, all of which will contribute to the District's goal of achieving the lowest overall cost of funds. Estimates of the costs associated with the issuance of the Series 2011B Bonds, including any such costs which the Underwriter may agree to pay pursuant to the applicable Bond Purchase Agreement, are set forth on Exhibit D attached hereto and incorporated herein.

In accordance with Section 15146(g) of the Education Code, to the extent not contracted to be paid by the Underwriter, the Authorized Officers are each hereby authorized to cause to be deposited in a costs of issuance account, which may be held by The Bank of New York Mellon Trust Company, N.A., as cost of issuance administrator, proceeds of sale of the Series 2011B Bonds (exclusive of any premium or accrued interest received) in an amount not exceeding 2.00% of the principal amount of the Series 2011B Bonds sold, as shall be set forth in the applicable Bond Purchase Agreement, for the purposes of paying the costs associated with the issuance of the Series 2011B Bonds not contracted to be paid by the Underwriter, if any.

In accordance with subsection (h) and (i) of Section 15146 of the Education Code, the Authorized Officers are each hereby authorized to cause to be deposited in the interest and sinking fund of the SFID proceeds of sale of the Series 2011B Bonds (in addition to any premium or accrued interest received) to fund (i) an annual reserve permitted by Section 15250 of the Education Code, and/or (ii) capitalized interest in an amount not exceeding the interest scheduled to become due on the Series 2011B Bonds for a period of two years from the date of issuance of the Series 2011B Bonds, as shall be set forth in the applicable Bond Purchase Agreement, if any such a deposit is deemed by the Authorized Officer executing the same to be in the best interests of the District.

Section 12. Continuing Disclosure Certificate. The Continuing Disclosure Certificate, in substantially the form submitted to this meeting and made a part hereof as though set forth herein, is hereby approved, and the Authorized Officers are each hereby authorized and directed, for and in the name and on behalf of the District, to execute and deliver one or more Continuing Disclosure Certificates in substantially said form, as is necessary to cause the requirements of Rule 15c2-12 to be satisfied, with such changes, insertions and omissions as the Authorized Officer executing the same may require or approve, such determination, requirement or approval to be conclusively evidenced by the execution of the applicable Continuing Disclosure Certificate by such Authorized Officer.

Section 13. Preliminary Official Statement. The Preliminary Official Statement to be distributed in connection with the public offering of the Series 2011B Bonds, in substantially the form submitted to this meeting and made a part hereof as though set forth herein, with such changes, insertions and omissions as may be approved by an Authorized Officer, is hereby approved, and the use of such Preliminary Official Statement in connection with the offering and sale of the Series 2011B Bonds is hereby authorized and approved. The Authorized Officers are each hereby authorized to certify on behalf of the District that such Preliminary Official Statement is deemed final as of its date, within the meaning of Rule 15c2 12 (except for the omission of certain final pricing, rating and related information as permitted by Rule 15c2-12).

Section 14. Official Statement. The preparation and delivery of an Official Statement with respect to the Series 2011B Bonds, and its use by the Underwriter in connection with the offering and sale of the Series 2011B Bonds, is hereby authorized and approved. Such Official Statement shall be in substantially the form of the Preliminary Official Statement distributed in connection with the public offering of the Series 2011B Bonds with such changes, insertions and omissions as may be approved by an Authorized Officer, such approval to be conclusively evidenced by the execution and delivery thereof. The Authorized Officers are each hereby authorized and directed, for and in the name of and on behalf of the District, to execute the final Official Statement with respect to the Series 2011B Bonds and any amendment or supplement thereto and thereupon to cause such final Official Statement and any such amendment or supplement to be delivered to the Underwriter.

Section 15. Investment of Proceeds. (b) All funds held in the interest and sinking fund of the SFID shall be invested at the discretion of the Treasurer of the County. Except as provided in subsection (b) of this Section, proceeds of the Series 2011B Bonds held improvement fund of the SFID shall be invested at the sole discretion of the Treasurer of the County pursuant to State law, including Government Code Section 53601 *et. seq.*, as the same may be amended or supplemented from time to time, and the investment policy of the County.

(c) To the extent permitted by law and upon approval of the Treasurer (i) at the written request of an Authorized Officer, each of whom is hereby expressly authorized to make such request, all or any portion of the improvement fund of the SFID may be invested on behalf of the District in the Local Agency Investment Fund in the treasury of the State, and (ii) at the written request of an Authorized Officer, each of whom is hereby expressly authorized to make such request, all or any portion of the improvement fund of the SFID may be invested on behalf of the District, in investment agreements, including guaranteed investment contracts, float contracts or other investment products (collectively, "Investment Agreements"), which comply with the requirements of each rating agency then rating the Series 2011B Bonds necessary in order to maintain the then-current rating on the Series 2011B Bonds. Pursuant to Section 5922 of the Government Code, the Board of Trustees hereby finds and determines that the Investment Agreements will reduce the amount and duration of interest rate risk with respect to amounts invested pursuant to the Investment Agreements and are designed to reduce the amount or duration of payment, rate, spread or similar risk or result in a lower cost of borrowing when used in combination with the Series 2011B Bonds or enhance the relationship between risk and return with respect to investments of proceeds of the Series 2011B Bonds and funds held to pay the Series 2011B Bonds.

Section 16. Tax Covenants. (b) The District shall not take any action, or fail to take any action, if such action or failure to take such action would adversely affect the exclusion from gross income of the interest payable on Series 2011B Bonds under Section 103 of the Code. Without limiting the generality of the foregoing, the District hereby covenants that it will comply with the requirements of the Tax Certificate. The provisions of this subsection (a) shall survive payment in full or defeasance of the Series 2011B Bonds.

(c) In the event that at any time the District is of the opinion that for purposes of this Section it is necessary or helpful to restrict or limit the yield on the investment of any monies held by the Treasurer of the County on behalf of the District, in accordance with this Resolution

or pursuant to law, the District shall so request of the Treasurer in writing, and the District shall make its best efforts to ensure that the Treasurer shall take such action as may be necessary in accordance with such instructions.

(d) Notwithstanding any provision of this Section, if the District shall provide to the Treasurer of the County an Opinion of Bond Counsel that any specified action required under this Section is no longer required or that some further or different action is required to maintain the exclusion from federal income tax of interest on the Series 2011B Bonds under Section 103 of the Code, the Treasurer may conclusively rely on such Opinion of Bond Counsel in complying with the requirements of this Section and of the Tax Certificate, and the covenants hereunder shall be deemed to be modified to that extent.

Section 17. Professional Services. Orrick, Herrington & Sutcliffe LLP shall serve as bond counsel to the District and as disclosure counsel to the District for the Series 2011B Bonds. Stone & Youngberg LLC shall serve as underwriter for the Series 2011B Bonds. KNN Public Finance, A Division of Zions First National Bank, shall serve as financial advisor for the Series 2011B Bonds.

Section 18. Delegation of Authority. The Authorized Officers are hereby authorized and directed, jointly and severally, to do any and all things which they may deem necessary or advisable in order to consummate the transactions herein authorized and otherwise to carry out, give effect to and comply with the terms and intent of this Resolution, including, without limitation negotiating the terms of the insurance policy, if any, referred to herein.

Section 19. Approval of Actions. All actions heretofore taken by the officers, employees and agents of the District with respect to the transactions set forth above are hereby approved, confirmed and ratified.

Section 20. Filing with County. The Superintendent, or such other officer or employee of the District as the Superintendent may designate, is hereby authorized and directed to report to the Auditor-Controller of the County the final terms of sale of the Series 2011B Bonds, and to file with the Auditor-Controller and with the Treasurer of the County a copy of each executed Bond Purchase Agreement and this Resolution, and the schedule of amortization of the principal of and payment on the Series 2011B Bonds, and to file with the Treasurer of the County a proposed schedule of draws on the improvement fund of the SFID, and this Resolution shall serve as the notice required to be given by Section 15140(c) of the Education Code and as the District's request to the Auditor-Controller of the County and the Board of Supervisors of the County to propose and adopt in each year a tax rate applicable to all taxable property of the SFID for payment of the Series 2011B Bonds, pursuant to law; and to the other officers of the County to levy and collect said taxes for the payment of the Series 2011B Bonds, to pay in a timely manner to the Paying Agent on behalf of the Owners of the Series 2011B Bonds the principal, interest, and premium, if any, due on the Series 2011B Bonds in each year, and to create in the County treasury to the credit of the District an improvement fund of the SFID and an interest and sinking fund of the SFID pursuant to Section 15357 of the Education Code.

Section 21. Indemnification of County. The District shall indemnify and hold harmless, to the extent permitted by law, the County and its officers and employees ("Indemnified Parties"), against any and all losses, claims, damages or liabilities, joint or several, to which such Indemnified Parties may become subject because of action or inaction related to the adoption of any resolution by the Board of Supervisors of the County authorizing the District to issue and sell the Series 2011B Bonds without the further action of the Board of Supervisors pursuant to Sections 15140 and 15146 of the Education Code, as permitted by Section 53508.7 of the Government Code. The District shall also reimburse any such Indemnified Parties for any legal or other expenses incurred in connection with investigating or defending any such claims or actions.

Section 22. Effective Date. This Resolution shall take effect from and after its date of adoption.

PASSED AND ADOPTED this day, April 12, 2011.

President of the Board of Trustees of the Tracy
Joint Unified School District

ATTEST:

Clerk of the Board of Trustees of the
Tracy Joint Unified School District

TRACY SCHOOL FACILITIES FINANCING AUTHORITY

PUBLIC MEETING

April 12, 2011

7:00 P.M.

(or as soon thereafter as is practical)

Tracy Joint Unified School District – Education Center
1875 W. Lowell Ave.
Tracy, CA 95376

1. CALL TO ORDER

2. ROLL CALL - Establish Quorum

3. DISCUSSION/ACTION –

1. Adopt Resolution No. 11-01 Adopting the By-Laws of the Tracy School Facilities Financing Authority; Confirming the Chair, Vice-Chair, Executive Director, Secretary, and Treasurer and Controller, Respectively, of the Authority; and Adopting a Conflict of Interest Code

2. Adopt Resolution No. 11-02 A Resolution of the Board of Directors of the Tracy School Facilities Financing Authority Authorizing the Issuance of Tracy School Facilities Financing Authority General Obligation Revenue Bonds (Federally Taxable/Qualified School Construction Bonds), Series A, in an Aggregate Principal Amount of Not to Exceed \$19,771,000, Authorizing the Execution and Delivery of an Indenture, a Bond Purchase Agreement and a Commitment Letter and Other Matters Related Thereto

4. ADJOURNMENT

Pursuant to the Americans with Disabilities Act, persons with a disability who require a disability-related modification or accommodation in order to participate in a meeting, including auxiliary aids or services, may request such modification or accommodation from Casey Goodall at (209) 830-3230 (telephone) or (209) 830-3224 (facsimile). Notification 48 hours prior to the meeting will enable the District to make reasonable arrangements to assure accessibility to the meeting.

The Board reserves the right to take action on all items
on the Agenda including "Discussion" items



BUSINESS SERVICES MEMORANDUM

TO: Dr. James C. Franco, Superintendent
FROM: Dr. Casey Goodall, Associate Superintendent for Business Services
DATE: April 6, 2011
SUBJECT: Adopt Resolution No. 11-01 Adopting the By-Laws of the Tracy School Facilities Financing Authority; Confirming the Chair, Vice-Chair, Executive Director, Secretary, and Treasurer and Controller, Respectively, of the Authority; and Adopting a Conflict of Interest Code

BACKGROUND: On March 8, 2011, the TUSD Board of Education heard a presentation regarding the financing plan for the issuance of an additional series of bonds to finance Measure S projects. The financing plan calls for the formation of an agency under the Joint Powers Act by and between the California Municipal Finance Authority ("CMFA") and Tracy Joint Unified School District to be known as the Tracy School Facilities Financing Authority (the "Authority").

At the March 22, 2011 Board of Education meeting, the Board approved Resolution No. 10-25, which authorized the execution and delivery of a Joint Exercise of Powers Agreement (the "Agreement") which creates and establishes the "Authority". The purpose of the Agreement is to establish a public entity for the exercise of additional powers given to a joint powers entity under the Joint Powers Act; including, but not limited to, the issuance of Bonds for the purpose of aiding in the financing and refinancing of public capital improvements for the benefit of the District.

RATIONALE: On April 1, 2011, the Tracy Unified School District and the California Municipal Finance Authority entered into a Joint Exercise of Powers Agreement which creates and establishes the Tracy School Facilities Financing Authority (TSFFA).

Resolution No. 11-01 establishes the by-laws of the TSFFA and adopts a conflict of interest code for the authority.

FUNDING: No funding implications are associated with the adoption of by-laws.

RECOMMENDATION: Adopt Resolution No. 11-01 Adopting the By-Laws of the Tracy School Facilities Financing Authority; Confirming the Chair, Vice-Chair, Executive Director, Secretary, and Treasurer and Controller, Respectively, of the Authority; and Adopting a Conflict of Interest Code

Prepared by: Bonny Carter, Director of Facilities

Tracy School Facilities Financing Authority

Resolution No. TSFFA 11-01

RESOLUTION ADOPTING THE BY-LAWS OF THE TRACY SCHOOL FACILITIES FINANCING AUTHORITY; CONFIRMING THE CHAIR, VICE CHAIR, EXECUTIVE DIRECTOR, SECRETARY, AND TREASURER AND CONTROLLER, RESPECTIVELY, OF THE AUTHORITY; AND ADOPTING A CONFLICT OF INTEREST CODE

WHEREAS, the Tracy Joint Unified School District (the "District") and the California Municipal Finance Authority ("CMFA") have entered into the Joint Exercise of Powers Agreement, dated as of April 1, 2011 (the "Agreement"), by and between the District and CMFA, which Agreement creates and establishes the Tracy School Facilities Financing Authority (the "Authority");

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Tracy School Facilities Financing Authority, as follows:

Section 1. The By-Laws submitted to this meeting and made a part hereof as though set forth herein (the "By-Laws") are adopted as the By-Laws of the Authority.

Section 2. Pursuant to Section 7 of the By-Laws, the President of the Board of Trustees of the District shall be Chair of the Authority.

Section 3. Pursuant to Section 8 of the By-Laws, the Vice President of the Board of Trustees of the District shall be Vice-Chair of the Authority.

Section 4. Pursuant to Section 9 of the By-Laws, the Superintendent of the District shall be the Executive Director of the Authority.

Section 5. Pursuant to Section 10 of the By-Laws, the Clerk of the Board of Trustees of the District shall be Secretary of the Authority.

Section 6. Pursuant to Sections 11 and 12 of the By-Laws, the person who is acting as the Associate Superintendent of Business Services of the District, or who acts in the capacity of the chief business officer of the District under another official title, shall be Treasurer and Controller of the Authority.

Section 7. Whenever an officer of the District is designated an officer of the Authority, the assistants and deputies of such officer from time to time shall also be, *ex officio*, officers of the Authority; and whenever a power is granted to, or a duty imposed upon, such officer, the power may be exercised, or the duty performed, by such assistant or deputy.

Section 8. Pursuant to Section 5 of the By-Laws, the Conflict of Interest Code of the District (with respect to the members of the Board of Trustees), on file with the Secretary of the Authority, is hereby adopted as the Conflict of Interest Code of the Authority.

Section 9. The Board hereby determines that an audit shall be caused to be performed by the Treasurer and Controller of the Authority as required by Section 6505 of the Government Code of the State of California. Such audit shall be filed with the Secretary of the Authority.

Section 10. This resolution shall take effect from and after its adoption.

PASSED AND ADOPTED this day, April 12, 2011, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED:

Chair of the Tracy School Facilities
Financing Authority

ATTEST:

Secretary of the Tracy School Facilities
Financing Authority

SECRETARY'S CERTIFICATE

I, _____, Secretary of the Board of Directors of the Tracy School Facilities Financing Authority, hereby certify as follows:

The attached is a full, true and correct copy of a resolution duly adopted at a regular meeting of this Board of Directors of the Authority duly and regularly held at the regular meeting place thereof on April 12, 2011, and entered in the minutes thereof, of which meeting all of the members of this Board of Directors had due notice and at which a quorum thereof was present; and at the meeting the resolution was adopted by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

An agenda of the meeting was posted at least 72 hours before the meeting at 1875 West Lowell Avenue, Tracy, California, a location freely accessible to members of the public, and a brief description of the resolution appeared on the agenda. A copy of the agenda is attached hereto.

I have carefully compared the same with the original minutes of the meeting on file and of record in my office. The resolution has not been amended, modified or rescinded since the date of its adoption, and the same is now in full force and effect.

WITNESS my hand this _____ day of _____, 2011.

Secretary of the Board of Directors of the
Tracy School Facilities Financing Authority

**BY-LAWS
OF THE
TRACY SCHOOL FACILITIES FINANCING AUTHORITY**

Adopted April 12, 2011

ARTICLE I - THE AUTHORITY

Section 1. **Name.** The official name of the Authority shall be the "Tracy School Facilities Financing Authority". The Authority was created pursuant to the Joint Exercise of Powers Agreement, dated as of April 1, 2011 (the "Agreement"), between the Tracy Joint Unified School District (the "District") and California Municipal Finance Authority ("CMFA").

Section 2. **Authority Board Members.** The Authority shall be administered by a governing Board of Directors (the "Board") whose members shall be, at all times, the members of the Board of Trustees of the District. The term of office as a member of the Board shall terminate when such member of the Board shall cease to be a member of the Board of Trustees of the District, and the successor to such member of the Board of Trustees of the District shall become a member of the Board.

All official actions of the Authority shall be taken by resolution approved by a majority vote of the Authority Board. The voting members of the Authority shall be the members of the Board of Directors. No other officer of the Authority shall vote as a member of the Board.

Section 3. **Office.** The business office of the Authority shall be the Administration Office of the District at 1875 West Lowell Avenue, Tracy, California 95376-4095 or at such other place as may be designated by the Board.

Section 4. **Compensation.** Board members may receive their actual and necessary expenses, including traveling expenses incurred in the discharge of their duties, but only when authorized by the Authority and if there are unencumbered funds available for such purpose.

Section 5. **Conflicts of Interest.** The Authority shall adopt the Conflicts of Interest Code of the District as its Conflicts of Interest Code.

ARTICLE II - OFFICERS

Section 6. **Officers.** The Officers of the Authority shall be the Chair, Vice-Chair, Executive Director, Secretary, and Treasurer and Controller.

Section 7. **Chair.** The Chair of the Authority shall be the member who is the President of the Board of Trustees of the District. The term of office shall be the same as the term of the President of the Board of Trustees of the District. The Chair shall preside at all meetings of the Authority, and shall submit such information and recommendations to the Board as he or she may consider proper concerning the business, policies and affairs of the Authority.

Section 8. **Vice-Chair.** The Vice-Chair shall be the member who is the Vice President of the Board of Trustees of the District. The term of office shall be the same as the term of the Vice President of the Board of Trustees of the District. The Vice-Chair shall perform the duties of the Chair in the absence or incapacity of the Chair. In case of the resignation or death of the Chair, the Vice-Chair shall perform such duties as are imposed on the Chair, until such time as a new Chair is selected or appointed.

Section 9. **Executive Director.** The Executive Director shall be the person who is the Superintendent of the District. The Executive Director of the Authority shall be responsible for execution and supervision of the affairs of the Authority. Except as otherwise authorized by resolution of the Board, the Executive Director or the Executive Director's designee shall sign all contracts, deeds and other instruments executed by the Authority.

Section 10. Secretary. The Secretary shall be the person who is the Clerk to the Board of Trustees of the District and shall serve at the pleasure of the Authority. The Secretary shall keep the records of the Authority, shall act as Secretary at the meetings of the Authority and record all votes, and shall keep a record of the proceedings of the Authority in a journal of proceedings to be kept for such purpose, and shall perform all duties incident to the office.

Section 11. Treasurer. The Associate Superintendent of Business Services of the District, if such title exists (or if not, such other officer of the District as shall be acting in the capacity of the chief business officer thereof), is hereby designated as Treasurer of the Authority. Subject to the applicable provisions of any trust agreement, indenture or resolution providing for a trustee or other fiscal agent, the Treasurer is designated as the depository of the Authority to have custody of all the money of the Authority, from whatever source, and, as such, shall have the powers, duties and responsibilities specified in Section 6505.5 of the Act.

Section 12. Controller. The Associate Superintendent of Business Services of the District, if such title exists (or if not, such other officer of the District as shall be acting in the capacity of the chief business officer thereof), is hereby designated as Controller of the Authority, and, as such, shall have the powers, duties and responsibilities specified in Section 6505.5 of the Act. The Controller shall draw checks or warrants to pay demands against the Authority when the demands have been approved by the Authority.

Section 13. Confirmation of Officers. Confirmation of officers shall be the first order of business at the first meeting of the Authority, regular or special, held in each calendar year.

Section 14. Authority to Bind Authority. No member, officer, agent or employee of the Authority, without prior specific or general authority by a vote of the Board, shall have any power or authority to bind the Authority by any contract, to pledge its credit, or to render it liable for any purpose in any amount.

ARTICLE III - EMPLOYEES AND AGENTS

Section 15. Appointment of Employees and Agents. The Authority may from time to time request from the District or CMFA the services of such personnel, counsel or agents, permanent or temporary, as may be necessary to carry out the business and affairs of the Authority. The Board may in addition employ temporary professional and technical personnel on such terms and at such rates of compensation as the Board may determine, for the performance of Authority business and affairs, provided that adequate sources of funds are identified for the payment of such temporary professional and technical services.

ARTICLE IV - MEETINGS

Section 16. Regular Meetings. Regular meetings shall be held at the business office of the Authority, or at such other place as the Chair may designate, on dates and at a time as fixed in the Agreement or as otherwise fixed by Resolution of the Authority. If at any time any regular meeting falls on a legal holiday, such regular meeting shall be held on the next business day at the same time. Regular meetings shall be conducted, agendas prepared, notice thereof given, and actions taken, subject to all of the same open meeting provisions of the Ralph M. Brown Act to which the Board of Trustees of the District is subject.

Section 17. Special Meetings. A special meeting may be called at any time by the Chair or upon the request of two of the members of the Board by delivering written notice to

each member and to each person or entity entitled by law to receive such notices. Notices to the Board shall be sufficient if delivered to the Secretary. Special meetings shall be conducted, agendas prepared, notice thereof given, and actions taken, subject to all of the same open meeting provisions of the Ralph M. Brown Act to which the Board of Trustees of the District is subject.

Section 18. Closed Sessions. Nothing contained in these By-Laws shall be construed to prevent the Board from holding closed sessions during a regular or special meeting concerning any matter permitted by law to be considered in a closed session.

Section 19. Public Hearings. All public hearings held by the Board shall be held during regular or special meetings of the Board.

Section 20. Adjourning Meetings and Continuing Public Hearings to Other Times or Places. The Board may adjourn any meeting to a time and place specified in the order of adjournment. Less than a quorum may so adjourn from time to time. If all Board members are absent from any regular meeting or adjourned, regular meeting the Secretary or Acting Secretary of the Authority may declare the meeting adjourned to a stated time and place and shall cause a written notice of the adjournment to be given in the same manner as provided for special meetings. A copy of the order or notice of adjournment shall be conspicuously posted on or near the door of the place where the meeting was held within 24 hours after the time of the adjournment. When a regular or adjourned regular meeting is adjourned as provided in this section, the resulting adjourned regular meeting is a regular meeting for all purposes. When an order of adjournment of any meeting fails to state the hour at which the adjourned meeting is to be held, it shall be held at the hour specified for regular meetings.

Any public hearing being held, or any hearing noticed or ordered to be held at any meeting may by order or notice of continuance be continued or recontinued to any subsequent meeting in the same manner and to the same extent set forth herein for the adjournment of the meetings; provided, that if the hearing is continued to a time less than 24 hours after the time specified in the order or notice of hearing, a copy of the order or notice of continuance shall be posted immediately following the meeting at which the order or declaration of continuance was adopted or made.

Section 21. Meetings to be Open and Public. All meetings of the Board to take action or to deliberate concerning Authority business and its conduct shall be open and public. All persons shall be permitted to attend any such meetings except as otherwise provided or permitted by law and Section 18 of these By-Laws.

Section 22. Quorum. A majority of the members of the Board shall constitute a quorum for the purpose of conducting its business and exercising its powers and for all other official purposes, except that less than a quorum may adjourn from time to time until a quorum is obtained.

Section 23. Order of Business. At the regular meetings of the Authority, the following shall be the general order of business:

1. Roll Call
2. Approval of Minutes
3. Reports
4. Unfinished Business
5. New Business

6. Matters Not Appearing on the Agenda

7. Adjournment

Section 24. Parliamentary Procedure. The rules of parliamentary procedure set forth in Robert's Rules of Order shall govern all meetings of the Authority, except as otherwise herein provided.

ARTICLE V - AMENDMENTS

Section 25. Amendments to By-Laws. These by-laws may be amended by the Board at any regular or special meeting by majority vote, provided that a description of the proposed amendment to any particular section is included in the notice of such meeting.

These By-Laws of the Tracy School Facilities Financing Authority have been duly approved and adopted by the Board of Directors of the Authority.

Dated: _____, 2011.

Attest: _____
Secretary of the Board of Directors of the
Tracy School Facilities Financing Authority



BUSINESS SERVICES MEMORANDUM

TO: Dr. James C. Franco, Superintendent
FROM: Dr. Casey Goodall, Associate Superintendent for Business
DATE: April 6, 2011
SUBJECT: Adopt Resolution No. 11-02 A Resolution of the Board of Directors of the Tracy School Facilities Financing Authority Authorizing the Issuance of Tracy School Facilities Financing Authority General Obligation Revenue Bonds (Federally Taxable/Qualified School Construction Bonds), Series A, in an Aggregate Principal Amount of Not to Exceed \$19,771,000, Authorizing the Execution and Delivery of an Indenture, a Bond Purchase Agreement and a Commitment Letter and Other Matters Related Thereto

BACKGROUND: On March 8, 2011, the TUSD Board of Education heard a presentation regarding the financing plan for the issuance of an additional series of bonds to finance Measure S projects. The financing plan calls for the formation of an agency under the Joint Powers Act by and between the California Municipal Finance Authority ("CMFA") and Tracy Joint Unified School District to be known as the Tracy School Facilities Financing Authority (the "Authority").

At the March 22, 2011 Board of Education meeting, the Board approved Resolution No. 10-25, which authorized the execution and delivery of a Joint Exercise of Powers Agreement (the "Agreement") which creates and establishes the "Authority". The purpose of the Agreement is to establish a public entity for the exercise of additional powers given to a joint powers entity under the Joint Powers Act; including, but not limited to, the issuance of Bonds for the purpose of aiding in the financing and refinancing of public capital improvements for the benefit of the District.

RATIONALE: In order to move forward with Measure S projects, the Tracy Joint Unified School District desires to issue bonds of the SFID No. 3, Series 2011A, in a principal amount not to exceed \$18 million. In order to assist the District with this financing, the TSFFA desires to purchase the District bonds and to provide additional funding for project costs. It is therefore necessary for the TSFFA to issue TSFFA General Obligation Revenue Bonds (Federally Taxable/Qualified School Construction Bonds) in an amount not to exceed \$19,771,000. The School District applied for and received an allotment of the State's Qualified School Construction Bonds. This allotment will be assigned and transferred to TSFFA, thereby providing the Authority with the means to provide additional funding to pay for project costs.

FUNDING: The bonds are to be repaid from taxes to be levied on property within the school facilities improvement district authorized by the voters and by Federal subsidy payments.

RECOMMENDATIONS: Adopt Resolution No. 11-02 A Resolution of the Board of Directors of the Tracy School Facilities Financing Authority Authorizing the Issuance of Tracy School Facilities

Financing Authority General Obligation Revenue Bonds (Federally Taxable/Qualified School Construction Bonds), Series A, in an Aggregate Principal Amount of Not to Exceed \$19,771,000, Authorizing the Execution and Delivery of an Indenture, a Bond Purchase Agreement and a Commitment Letter and Other Matters Related Thereto

Prepared by: Bonny Carter, Director of Facilities and Planning

Tracy School Facilities Financing Authority

Resolution No. TSFFA 11-02

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE TRACY SCHOOL FACILITIES FINANCING AUTHORITY AUTHORIZING THE ISSUANCE OF TRACY SCHOOL FACILITIES FINANCING AUTHORITY GENERAL OBLIGATION REVENUE BONDS (FEDERALLY TAXABLE/QUALIFIED SCHOOL CONSTRUCTION BONDS), SERIES A, IN AN AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED \$19,771,000, AUTHORIZING THE EXECUTION AND DELIVERY OF AN INDENTURE, A BOND PURCHASE AGREEMENT AND A COMMITMENT LETTER AND OTHER MATTERS RELATED THERETO

WHEREAS, the Tracy School Facilities Financing Authority (the "Authority") is authorized pursuant to the Marks-Roos Local Bond Pooling Act of 1985 to purchase, with the proceeds of bonds of the Authority, bonds of school districts of the State of California in order to assist such school districts in financing or refinancing public capital improvements;

WHEREAS, the Tracy Joint Unified School District (the "District") is a school district organized and existing under the laws of the State of California;

WHEREAS, the Board of Trustees of the District has, pursuant to the California Education Code, formed School Facilities Improvement District No. 3 of the Tracy Joint Unified School District (the "SFID");

WHEREAS, the electors within the SFID have authorized the District to issue bonds of the SFID to finance certain school facilities;

WHEREAS, in order to provide funds to finance certain of such school facilities, the District is issuing the Bonds of the School Facilities Improvement District No. 3 of the Tracy Joint Unified School District, Election of 2008, Series 2011A (the "District Bonds"), in the aggregate principal amount of not to exceed \$18,000,000;

WHEREAS, in order to assist the District in financing such school facilities, the Authority desires to purchase the District Bonds and to provide additional funds to the District to pay a portion of the costs of such school facilities;

WHEREAS, in order to provide the funds required to purchase the District Bonds and to provide additional funds to the District to pay a portion of the costs of such school facilities, the Authority desires to provide for the issuance of the Tracy School Facilities Financing Authority General Obligation Revenue Bonds (Federally Taxable/Qualified School Construction Bonds),

Series A (the "Authority Bonds"), in the aggregate principal amount of not to exceed \$19,771,000;

WHEREAS, in order to provide for the authentication and delivery of the Authority Bonds, to establish and declare the terms and conditions upon which the Authority Bonds are to be issued and secured and to secure the payment of the principal thereof, premium, if any, and interest thereon, the Authority proposes to enter into an Indenture with The Bank of New York Mellon Trust Company, as Trustee (such Indenture, in the form presented to this meeting, with such changes, insertions and omissions as are made pursuant to this Resolution, being referred to herein as the "Indenture");

WHEREAS, the Authority proposes to purchase the District Bonds pursuant to a Bond Purchase Agreement between the Authority and the District (such Bond Purchase Agreement, in the form presented to this meeting, with such changes, insertions and omissions as are made pursuant to this Resolution, being referred to herein as the "Bond Purchase Agreement");

WHEREAS, JP Morgan Chase Bank, N.A. (the "Purchaser") has presented the Authority and the District with a proposal, in the form of a Commitment Letter, to purchase the Authority Bonds from the Authority (such Commitment Letter, in the form presented to this meeting, with such changes, insertions and omissions as are made pursuant to this Resolution, being referred to herein as the "Commitment Letter");

WHEREAS, the American Recovery and Reinvestment Act of 2009 (the "Recovery Act") added Section 54F to the Internal Revenue Code of 1986 (the "Code"), which authorizes a debt instrument known as "qualified school construction bonds" ("Qualified School Construction Bonds"), which are federally taxable bonds with federal subsidies for which the federal government subsidizes the interest cost (up to a set rate) through the allowance of direct subsidy payments;

WHEREAS, the Recovery Act limits the dollar volume of Qualified School Construction Bonds for 2010 to \$11 billion, of which the State of California was allocated \$720,058,000;

WHEREAS, the District has applied to the California Department of Education for an allotment of a portion of the State's Qualified School Construction Bond volume allocation and has received such allotment in an amount equal to \$19,771,700 (the "Allotment");

WHEREAS, the District has proposed that the Allotment be assigned and transferred to the Authority in order that the Authority Bonds may be designated as Qualified School Construction Bonds, thereby providing the Authority with the means to provide additional funds to the District to pay the costs of school facilities;

WHEREAS, the Authority desires that the Allotment be assigned and transferred by the District to the Authority and that the Authority Bonds be designated as Qualified School Construction Bonds;

WHEREAS, there have been prepared and submitted to this meeting forms of:

(a) the Indenture;

(b) the Bond Purchase Agreement; and

(c) the Commitment Letter; and

WHEREAS, the Authority desires to proceed to issue and sell the Authority Bonds and to authorize the execution of such documents and the performance of such acts as may be necessary or desirable to effect the offering, sale and issuance of the Authority Bonds;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Directors of the Tracy School Facilities Financing Authority, as follows:

Section 1. All of the recitals herein contained are true and correct and the Board of Directors of the Authority (the "Board of Directors") so finds and determines.

Section 2. The Board of Directors hereby finds and determines that the purchase of the District Bonds by the Authority will result in significant public benefits, namely, savings in the effective interest rates on the District Bonds.

Section 3. Subject to the provisions of Section 4 hereof, the issuance of the Authority Bonds, in the aggregate principal amount of not to exceed \$19,771,000 on the terms and conditions set forth in, and subject to the limitations specified in, the Indenture, is hereby authorized and approved. The Authority Bonds shall be dated, shall bear interest at the rates, shall mature on the dates, shall be subject to call and redemption, shall be issued in the form and shall be as otherwise provided in the Indenture, as the same shall be completed as provided in this Resolution.

Section 4. The Indenture, in substantially the form submitted to this meeting and made a part hereof as though set forth herein, be and the same is hereby approved. The Chair of the Authority, the Vice Chair of the Authority, the Executive Director of the Authority, the Treasurer and Controller of the Authority and the Secretary of the Authority, and such other officers of the Authority as the Chair of the Authority or the Executive Director of the Authority may designate (the "Authorized Officers") are, and each of them is, hereby authorized, and any one of the Authorized Officers is hereby directed, for and in the name of the Authority, to execute and deliver the Indenture in the form submitted to this meeting, with such changes, insertions and omissions as the Authorized Officer executing the same may require or approve, such requirement or approval to be conclusively evidenced by the execution of the Indenture by such Authorized Officer; provided, however, that such changes, insertions and omissions shall not authorize an aggregate principal amount of Authority Bonds in excess of \$19,771,000, shall not result in a final maturity date of the Authority Bonds later than the maximum maturity date permitted for Qualified School Construction Bonds on the date of sale of the Authority Bonds and shall not result in a true interest cost for the Authority Bonds in excess of 8.00%.

Section 5. The Bond Purchase Agreement, in substantially the form submitted to this meeting and made a part hereof as though set forth herein, be and the same is hereby approved. The Authorized Officers are, and each of them is, hereby authorized, and any one of the Authorized Officers is hereby directed, for and in the name of the Authority, to execute and deliver the Bond Purchase Agreement in the form submitted to this meeting, with such changes, insertions and omissions as the Authorized Officer executing the same may require or approve,

such requirement or approval to be conclusively evidenced by the execution of the Bond Purchase Agreement by such Authorized Officer; provided, however, that such changes, insertions and omissions shall not result in the purchase price to be paid for the District Bonds being greater than 105% of the principal amount thereof.

Section 6. The Commitment Letter, in substantially the form submitted to this meeting and made a part hereof as though set forth herein, be and the same is hereby approved. The Authorized Officers are, and each of them is, hereby authorized, and any one of the Authorized Officers is hereby directed, for and in the name of the Authority, to execute and deliver the Commitment Letter in the form submitted to this meeting, with such changes, insertions and omissions as the Authorized Officer executing the same may require or approve, such requirement or approval to be conclusively evidenced by the execution of the Commitment Letter by such Authorized Officer; provided, however, that such changes, insertions and omissions shall not result in a purchase price of the Authority Bonds of less than 100% of the aggregate principal amount of the Authority Bonds.

Section 7. The Board of Directors hereby determines that it is in the best interests of the Authority (a) that the Allotment be assigned and transferred by the District to the Authority so that the Authority Bonds may be designated as Qualified School Construction Bonds, thereby providing the Authority with the means to provide additional funds to the District to pay the costs of school facilities, and (b) that the Authority Bonds be designated as Qualified School Construction Bonds. The Authorized Officers are, and each of them is, hereby authorized and directed to execute and deliver, for and on behalf of the Authority, any and all documents and instruments and to do and cause to be done any and all acts and things necessary or advisable in order to effectuate such assignment and transfer of the Allotment and to cause the Authority Bonds to be designated as Qualified School Construction Bonds, including making the applicable formal election required by the Code to issue the Authority Bonds as Qualified School Construction Bonds.

Section 8. The officers of the Authority are, and each of them is, hereby authorized and directed, for and in the name of the Authority, to do any and all things and to execute and deliver any and all documents and certificates which they or any of them deem necessary or advisable in order to consummate the transactions contemplated by this Resolution and otherwise to carry out, give effect to and comply with the terms and intent of this Resolution.

Section 9. All actions heretofore taken by the officers and agents of the Authority with respect to the transactions set forth above are hereby approved, confirmed and ratified.

Section 10. This Resolution shall take effect immediately upon its adoption.

APPROVED AND ADOPTED by the Board of Directors of the Tracy School Facilities
Financing Authority on April 12, 2011.

Chair of the Board of Directors

ATTEST:

Secretary

SECRETARY'S CERTIFICATE

I, _____, Secretary of the Tracy School Facilities Financing Authority, hereby certify that the foregoing is a full, true and correct copy of a resolution duly adopted at a regular meeting of the Board of Directors of said Authority duly and regularly held on April 12, 2011, of which meeting all of the members of said Board had due notice and at which a majority thereof were present; and that at said meeting said resolution was adopted by the following vote:

AYES:

NOES:

ABSENT OR NOT VOTING:

An agenda of said meeting was posted at least 72 hours before said meeting at 1875 West Lowell Avenue, Tracy, California, a location freely accessible to members of the public, and a brief general description of said resolution appeared on said agenda.

I further certify that I have carefully compared the same with the original minutes of said meeting on file and of record in my office; that the foregoing resolution is a full, true and correct copy of the original resolution adopted at said meeting and entered in said minutes; and that said resolution has not been amended, modified or rescinded since the date of its adoption, and the same is now in full force and effect.

Dated: _____, 2011

Secretary of the Tracy School Facilities
Financing Authority



HUMAN RESOURCES MEMORANDUM

TO: Dr. James Franco-Superintendent
FROM: *SH* Dr. Sheila Harrison-Assistant Superintendent of
Educational Services and Human Resources
DATE: March 30, 2011
SUBJECT: Approve Student Teaching Agreement with Northern Arizona
University

BACKGROUND: The District has encouraged teacher preparation programs to place students in our schools to fulfill their teaching experience requirement. This contract will remain in effect from July 1, 2011 through June 30, 2012.

RATIONALE: Students will be placed with permanent status teachers within our schools who are willing to serve as Master Teachers with the approval of the site principal.

FUNDING: No cost to the District.

RECOMMENDATION: Approve Student Teaching Agreement with Northern Arizona University.

Prepared by: Dr. Sheila Harrison, Assistant Superintendent of Educational Services and Human Resources.

STUDENT TEACHING AGREEMENT
(formerly known as Directed Teaching)

This agreement entered into this 13th day of April, 2011, by and between the Arizona Board of Regents for and on behalf of Northern Arizona University (hereinafter referred to as the "University") and the Tracy Unified School District (hereinafter referred to as the "District") in the state of California.

WITNESSETH

Whereas, the governing board of any District is authorized to enter into agreements with any university or college accredited as a teacher education institution, to provide teaching experience through student teaching to students enrolled in teacher education curricula of such institution; and

Whereas, any such agreement may provide for the payment in money or in services for the services rendered by the District in an amount not to exceed the actual cost to the District of the services rendered by the District:

Now, therefore, it is mutually agreed between the parties hereto as follows:

SPECIAL PROVISIONS

TERM: The term of this Agreement shall be from July 1, 2011 to June 30, 2012 and each year thereafter, not to exceed a period of five years, until the Agreement is terminated by either party.

SERVICES: Not to exceed _____ Student Teaching Assignments per semester.

RATE AND AMOUNT: \$360.00 Master Teacher Stipend per semester of full-time student teaching, consisting of six (6) units.

Student supervisor shall be paid \$500.00 plus mileage at \$0.445 /mile and shall meet with the student teacher five (5) times throughout the semester.

GENERAL TERMS

1. The District shall provide teaching experience through student teaching to schools and classes of the District, not to exceed the number of student teaching assignments set forth in the special provisions. Such student teaching shall be provided in such schools or classes of the District, and under the direct supervision and instruction of such employees of the District, as the District and the University through their duly authorized representatives may agree upon.
2. The District may, for good cause, refuse to accept for student teaching any student of the University assigned to student teaching in the District. The University shall terminate the assignment of any student of the University to student teaching in the District.

3. "Student teaching" as used herein and elsewhere in this Agreement means active participation in the duties and function of classroom teaching under the direct supervision and instructions of employees of the District who hold valid clear teaching credentials issued by the State of _____, authorizing them to serve as classroom teachers in the schools and classes in which the student teaching is provided, and that they have completed a minimum of three (3) years successful teaching experience.
4. The University shall pay the District for the Performance by the District of all services required to be performed by the District under this agreement at the aforesaid rates for each session of full-time student teaching or part-time student teaching provided by the District pursuant to this agreement.
5. "Session of student teaching" as used herein and elsewhere in this Agreement is considered to be a full day of student teaching daily for five (5) days a week for a minimum of eight (8) weeks for elementary credential candidates (for this the elementary credential candidate receives six (6) semester units of practice teaching credit) and three periods a day for five (5) days a week for a minimum of eight (8) weeks for secondary credential candidates (for this the secondary credential candidate receives six (6) semester units of practice teaching credit). The credential candidate must complete two sessions for a minimum total of sixteen (16) weeks.
6. An assignment of a student of the University to student teaching in classes of schools of the District shall be for one (1) or two (2) sessions as mutually agreed between the University and the District.
7. The assignment of a student of the University to student teaching in the District shall be deemed to be effective for the purposes of this Agreement as of the date the student presents to the proper authorities of the District the assignment papers or other document provided by the University effecting such assignment, but not earlier than the date of such assignment as shown on such card or other document.
8. In the event the assignment of a student of the University student teaching is terminated by the University for any reason after the student has been in student teaching and has been at the assignment for a minimum of two (2) weeks, the District shall receive payment for one assignment on account of each student as though there had been no termination of the assignment. Said payment to exceed no more than six (6) units per session of terminated assignment.
9. Notwithstanding any other provisions of this agreement, the University shall not be obligated by this Agreement to pay the District any amount in excess of the total sum set forth in the section on special provisions.

10. Insurance Requirements

- A. Northern Arizona University shall maintain adequate insurance (through the State's Risk Management Division, which is a self-insurance program) to cover any liability arising from the acts and omissions of Northern Arizona University students participating in this professional internship program. The University shall not be responsible for maintaining insurance coverage for liability arising from the acts and omissions of School District employees or agents.

School District shall maintain adequate insurance (which may include a bona fide self-insurance program) to cover any liability arising from the acts and omissions of School District employees or agents. School District shall not be responsible for maintaining insurance coverage for liability arising from the acts and omissions of Northern Arizona University students.

- B. The students involved in this program are not covered by the University's Worker's Compensation policy and are made aware of such prior to placement.

11. The parties agree to comply with Arizona Executive Order 99-4, prohibiting discrimination in employment by government contractors, to the extent applicable to this contract.
12. The parties agree that this contract may be cancelled for conflict of interest in accordance with A.R.S. 38-511.
13. All contract claims and controversies arising under this contract shall be resolved pursuant to Arizona Board of Regents procurement procedures, section 3-809, in particular section 3-809(C).
14. This contract may be cancelled without any further obligation on the part of the Arizona Board of Regents and Northern Arizona University in the event that sufficient appropriated funding is unavailable to assure full performance of its terms. The District shall be notified in writing of such non-appropriation at the earliest opportunity.
15. All books, accounts, reports, files and other records relating to this contract shall be subject at all reasonable times to inspection and audit by the Arizona Board of Regents, Northern Arizona University or the Auditor General of the State of Arizona, or their agents for five (5) years after completion of this contract. Such records shall be produced at Northern Arizona University, or such other location as designated by Northern Arizona University, upon reasonable notice to the District.

16. Notice to NAU: College of Education
Office of Student Services
P.O. Box 5774
Flagstaff, AZ 86011
- Notice to _____ School District:


Execution of this Agreement is hereby requested.

School District

The Arizona Board of Regents
for and on behalf of
Northern Arizona University

By _____

By



Liz Grobsmith, Ph.D.

Its _____

Its Provost and Vice President for Academic Affairs

CERTIFICATION

I, the duly appointed and acting Clerk or Secretary of the Governing Board of the _____
_____ School District, hereby certify that the following is true and exact
copy of a portion of the minutes of a regular meeting of said Board held on _____.

"It was moved, seconded and carried that the attached contract with Northern Arizona University
whereby students may be assigned to the schools in the school district for student teaching, be a
approved; and the Secretary to the Board is hereby authorized to execute the same."

Signed _____

Secretary Clerk to the Governing Board



HUMAN RESOURCES MEMORANDUM

TO: Dr. James Franco, Superintendent
FROM: ~~Dr.~~ Dr. Sheila Harrison, Assistant Superintendent for Educational Services and Human Resources
DATE: April 1, 2011
SUBJECT: Receive the District's Initial Bargaining Proposal for the California School Employees Association for a Successor Master Agreement

BACKGROUND: The current three-year master agreement between the California School Employees Association (CSEA) and the Tracy Unified School District expires June 30, 2011. CSEA submitted its proposal for a successor master agreement at the regularly scheduled board meeting on March 22, 2011.

RATIONALE: Pursuant to the current Master Agreement between TUSD and CSEA of 2008-2009, 2009-2010, 2010-2011, the District must also submit its initial proposal for a successor master agreement within 30 days after receipt of the Association's proposal. The CSEA is requesting to meet and negotiate with the District for the Articles shown on the attached proposal. The District chooses to open the following Articles:

Article VIII, Pay and Allowances
Article XI, Hours and Overtime

This agenda item meets Strategic Goal #7: Develop and utilize partnerships that contribute to the achievement of District Goals.

FUNDING: N/A

RECOMMENDATION: Receive the District's Initial Bargaining Proposal for the California School Employees Association for a Successor Master Agreement

Prepared by: Dr. Sheila Harrison, Assistant Superintendent for Educational Services and Human Resources

CALIFORNIA SCHOOL EMPLOYEES ASSOCIATION
AND ITS TRACY CHAPTER #98

SUNSHINE PROPOSAL
2011/2012

CSEA Chapter #98 proposes to negotiate the following Articles in successor negotiations:

- Article 12. Transfers and Promotions
- Article 20. Extended Sick Leave
- Article 21. Industrial Accident/Illness Leave
- Article 31. Safety
- Article 32. Layoffs
- Article 35. Professional Growth
along with Pay and Allowances



TRACY
UNIFIED SCHOOL DISTRICT

HUMAN RESOURCES MEMORANDUM

TO: Dr. James Franco, Superintendent
FROM: ~~Dr. James Franco~~ Dr. Sheila Harrison, Assistant Superintendent of Educational Services & Human Resources
DATE: April 1, 2011
SUBJECT: Adopt Resolution 10-29, Authorizing the Elimination of Certain Classified and Classified Confidential/Management Employee Positions Due to Lack of Work/Lack of Funds.

BACKGROUND: Pursuant to Education Code section 45117, the District administration is making a recommendation that will require the Governing Board of the Tracy Unified School District to eliminate certain Classified and Classified Confidential/Management Employee Positions based on the recently adopted budget reduction process. In some cases positions similar to those being eliminated will be created with either reduced work year or reduced work days or both. These similar positions being created may not in all cases be filled by the same person currently holding the similar positions due to the complicated bumping process that will take place pursuant to the Collective Bargaining Agreement with CSEA.

RATIONALE: Elimination of certain Classified and Classified Confidential/Management Employee Positions are needed due to lack of work/lack of funds pursuant with the latest Governing Board decisions related to the budget reduction process.

RECOMMENDATION: Approve Resolution 10-29, Authorizing the Elimination of Certain Classified and Classified Confidential/Management Employee Positions due to Lack of Work/Lack of Funds.

Prepared by: Dr. Sheila Harrison, Assistant Superintendent of Educational Services & Human Resources



**TRACY UNIFIED SCHOOL DISTRICT
RESOLUTION NO. 10-29**

**RESOLUTION FOR A REDUCTION IN CLASSIFIED AND CLASSIFIED
CONFIDENTIAL/MANAGEMENT STAFF DUE TO
LACK OF WORK/LACK OF FUNDS**

WHEREAS, Education Code §45117, Board Policy and the collective Bargaining agreement between the Tracy Unified School District and the California School Employees Association permit the Governing Board to reduce the number of classified and classified confidential/management positions for lack of work or lack of funds:

WHEREAS, the Governing Board of the Tracy Unified School District has determined that it shall be necessary to reduce the following positions in the District not later than June 30, 2011 due to lack of work/lack of funds:

- a. Eliminate one (1) 8 hour/225 work days Director of Risk Management, Environmental Compliance Management/Administrator position
- b. Eliminate one (1) 8 hour/225 work days District Truancy Officer Classified/Confidential position and create one (1) 8 hour/190 work days District Truancy Officer Classified/Confidential position
- c. Eliminate one (1) 8 hour/225 work days Communication Specialist Management/Administrator position and create one (1) 8 hour/190 work days Communication Specialist Management/Administrator position
- d. Eliminate three (3) 8 hour/220 work days School Site Business Manager Classified/Confidential positions and create three (3) 8 hour/190 work days School Site Business Manager Classified/Confidential positions
- e. Eliminate one (1) 2 hour/10 month Clerk Typist II position

- f. Eliminate one (1) 4 hour/12 month Clerk Typist II position
- g. Eliminate one (1) 6 hour/12 month Clerk Typist II position
- h. Eliminate one (1) 5.5 hour/10 month Clerk Typist I position
- i. Eliminate two (2) 8 hour/10 month Clerk Typist I positions
- j. Eliminate one (1) 4 hour/10 month Clerk Typist II position
- k. Eliminate one (1) 2 hour/10 month Clerk Typist I position
- l. Eliminate two (2) 8 hour/10 month Clerk Typist II positions
- m. Eliminate one (1) 8 hour/12 month Clerk Typist II position
- n. Eliminate one (1) 4 hour/10 month Adult Education Instructional Paraprofessional II position
- o. Eliminate one (1) 8 hour/10 month Tracy Adult School Evening Secretary position
- p. Eliminate five (5) 7 hour/10 month Para Educator II positions
- q. Eliminate two (2) 3 hour/10 month Para Educator II positions
- r. Eliminate two (2) 6 hour/10 month Pre-School Instructor positions
- s. Eliminate one (1) 8 hour/10 month Site Supervisor Early Child Care and Development Center position
- t. Eliminate one (1) 8 hour/12 month Purchasing Clerk position
- u. Eliminate six (6) 7 hour/10 month K-8 Library Technician positions and create six (6) 20 hours per week/10 month K-8 Library Technician positions
- v. Eliminate four (4) 6 hour/10 month K-8 Library Technician positions and create four (4) 20 hours per week/10 month K-8 Library Technician positions
- w. Eliminate two (2) 5 hour/10 month K-8 Library Technician positions and create two (2) 20 hours per week/10 month K-8 Library Technician positions
- x. Eliminate one (1) 7 hour/10 month High School Library Technician position and create one (1) 20 hours per week/10 month High School Library Technician position
- y. Eliminate two (2) 5 hour/10 month High School Library Technician positions and create two (2) 20 hours per week/10 month High School Library Technician positions

- z. Eliminate two (2) 19 hours per week/10 month Para Educator I positions and create two (2) 15 hours per week/10 month Para Educator I positions
- aa. Eliminate three (3) 4 hour/10 month Para Educator I positions and create three (3) 3 hour/10 month Para Educator I positions
- bb. Eliminate two (2) 12 hours per week/10 month Para Educator I positions
- cc. Eliminate one (1) 6 hour/10 month Computer Software Technician position and create one (1) 5 hour/10 month Computer Software Technician
- dd. Eliminate three (3) 3 hour/10 month Kindergarten Para Educator I positions
- ee. Eliminate one (1) 7 hour/10 month Para Educator II position and create (1) 6 hour/10 month Para Educator II position

NOW, THEREFORE, BE IT RESOLVED, that as of the close of the business day on June 30, 2011, the above referenced ~~classified~~ and classified confidential positions shall be eliminated.

BE IT FURTHER RESOLVED, that the Superintendent, or Superintendent's designee, is authorized and directed to give notice to the affected classified and ~~classified~~ confidential employees pursuant to District rules and regulations and applicable provisions of Education Code not later than forty-five (45) days prior to the effective day of layoff as set forth above.

ADOPTED by the Governing Board of Tracy Unified School District on April 12, 2011, by the following vote:

AYES:

NOES:

ABSENT:

President
Board of Trustees
Tracy Unified School District

Attested:

I certify that the foregoing resolution was adopted by the Board of Trustees of the Tracy Unified School District, County of San Joaquin, on the date shown above.

Clerk
Board of Trustees
Tracy Unified School District

DRAFT

