

RESOLUTION NO. 11-35

**RESOLUTION OF THE BOARD OF TRUSTEES OF THE OXNARD SCHOOL DISTRICT
ORDERING AN ELECTION TO AUTHORIZE THE ISSUANCE OF SCHOOL BONDS,
ESTABLISHING SPECIFICATIONS OF THE ELECTION ORDER AND REQUESTING
CONSOLIDATION WITH OTHER ELECTIONS OCCURRING ON NOVEMBER 6, 2012**

WHEREAS, the Oxnard School District ("District"), a public school district organized and operating pursuant to the laws of the State of California, desires to acquire, construct and improve schools and school facilities, including improving student access to computers and technology, building a multipurpose facility for school and community use, and providing repairs and renewable energy improvements to reduce operating costs and put more money in the classroom, all as further described in this Resolution and the exhibits hereto ("School Facilities"), to better serve the District's students, improve school safety and possibly become eligible for additional state funding; and

WHEREAS, the District may be able to qualify for state or federal matching moneys if it is able to contribute to the cost of upgrading its schools and constructing new classrooms; and

WHEREAS, in the judgment of the Board of Trustees (the "Board") of the District it is advisable to call an election to submit to the electors of the District the question of whether Bonds of the District shall be issued and sold for the purpose of raising money for the acquisition and/or improvement of real property and the improvement, modernization, construction, upgrading, furnishing and equipping of School Facilities; and

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

WHEREAS, as a result of the approval of the Smaller Classes, Safer Schools and Financial Accountability Act ("Proposition 39"), adopted by the voters within the State on November 7, 2000, Article XIII A, Section 1(b) provides an exception to the limit on *ad valorem* property taxes on real property for bonded indebtedness incurred by a school district that has been approved by fifty-five percent (55%) of the voters in the District voting on the measure; and

WHEREAS, pursuant to California Education Code Section 15264 *et seq.* (the "Act"), the Board is specifically authorized, upon approval by two-thirds (2/3) vote of the Board, to pursue the authorization and issuance of Bonds by a fifty-five percent (55%) vote of the electorate in the District on the question of whether Bonds of the District shall be issued and sold for specified purposes provided that certain findings, determinations, certifications and requirements are applicable to such a Bond election and the proposition for such bonded indebtedness includes specified accountability requirements all as set forth in Proposition 39, and related State legislation ("Proposition 39 Accountability Requirements"); and

WHEREAS, Section 9400 *et seq.* of the Elections Code of the State (the "Elections Code") requires that a tax rate statement be contained in all official materials, including any ballot pamphlet prepared, sponsored or distributed by the District, relating to the election; and

WHEREAS, the Board now desires to authorize the filing of a ballot argument in favor of the proposition to be submitted to the voters at the election; and

WHEREAS, pursuant to the Election Code Section 10403 *et seq.*, it is appropriate for the Board to request consolidation of the election with any and all other elections to be held on Tuesday, November 6, 2012, and to request the Ventura County Registrar of Voters to conduct an election within the District on the question of whether Bonds shall be issued and sold for the purpose set forth in this Resolution and subject to the Proposition 39 Accountability Requirements.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERD by the Board of Trustees of the Oxnard School District the following:

1. Call for Election. The Board hereby orders an election and submits to the electors of the District the question of whether general obligation bonds of the District shall be issued and sold in the aggregate principal amount not to exceed \$2,000,000 for the purpose of raising money to finance School Facilities and property of the District, and for paying costs incidental thereto, as set forth more fully in a ballot measure approved pursuant to Section 3 below. This Resolution constitutes the order of the District to call such election.

2. Election Date; Geographical Area. The date of the election shall be November 6, 2012. The election shall be held solely within the boundaries of the Oxnard School District.

3. Purpose of Election; Ballot Measure. The purpose of the election shall be for the voters in the District to vote on a measure, a full copy of which is attached hereto and marked as Exhibit A, containing the question of whether the District shall issue the Bonds for the purposes stated therein, together with the accountability requirements of Article XIII A and California Government Code Section 53410 and the requirements of Section 15272 of the Act. As required by California Education Code Section 5322 and California Elections Code Section 13247, the abbreviated form of the measure to appear on the ballot is attached hereto as Exhibit B and does not exceed 75 words. The District's Superintendent or the President of the Board, and/or their designee(s) are hereby authorized and directed to make any changes to the text of the measure or its abbreviated form as required to conform to the intent of this Resolution, any requirements of Section 1(b) of Article, XIII A, Proposition 39, the Act, the requirements of the County Registrar of Voters and requirements of California law.

4. Authority for Election. The authority for ordering the election is contained in California Education Code Section 15264 *et seq.* and in Article XIII A, Section 1, paragraph (b), subsection (3). The authority for the specification of this election order is contained in California Education Code Section 5322.

5. School Facilities Projects. A list of the specific School Facilities projects to be funded from the proceeds of the Bonds is set forth in Exhibit A. As required by Article XIII A, the Board hereby certifies that it has evaluated safety, class-size reduction, enrollment growth and information technology needs of the District in developing the list of School Facilities projects set forth in Exhibit A.

6. Maximum Tax Levy. If fifty-five percent (55%) of the votes cast in the election are in favor of the proposed Bonded indebtedness, as provided by Section 18 of Article XVI of the California Constitution, and Bonds are sold pursuant to such authorization, the Bonds will only be sold if the tax rate

levy anticipated to be required for the repayment thereof is projected not exceed the limits established pursuant to law.

7. Covenants of the Board Upon Approval of the Bonds by the Electorate. As required by Article XIII, Section 15278 of the Act, and California Government Code Section 53410, in the event fifty-five percent (55%) of the voters in the District voting on the measure approve of the Bonds, the Board shall:

- (a) Use the Bond proceeds only for the purposes set forth in Exhibit A;
- (b) Cause to be conducted an annual, independent performance audit to ensure that the Bond proceeds have been expended only on the projects listed in Exhibit A;
- (c) Cause to be conducted an annual, independent financial audit of the proceeds from the sale of the Bonds until all of those proceeds have been expended for school facilities projects listed in Exhibit A;
- (d) No later than 60 days after the Board enters the election results in its minutes pursuant to Section 15278 of the Act, cause to be established and cause the appointment of members to an independent citizens' oversight committee in accordance with sections 15278, 15280 and 15282 of the Act;
- (e) Apply the Bond proceeds only to the specific purposes stated in the ballot measure;
- (f) Insure that the tax levy authorized to secure the Bonds of this election will not exceed the Proposition 39 limit when assessed valuation is projected by the District to increase in accordance with Article XIII A;
- (g) Cause the creation of accounts into which Bond proceeds shall be deposited; and
- (h) Cause the preparation of an annual report pursuant to Government Code Sections 53410 and 53411.

8. Ballot Arguments; Tax Rate Statement. Any and all members of this Board are hereby authorized to act as an author of any ballot argument prepared in connection with the election, including a rebuttal argument. The District's Superintendent, President of the Board, or their designees, are hereby authorized to execute any Tax Rate Statement or other document and to perform all acts necessary to place the Bond measure on the ballot.

9. Consolidation of Election. The Ventura County Registrar of Voters and the Ventura County Board of Supervisors are hereby requested to consolidate the election ordered hereby with any and all other elections to be held on November 6, 2012.

10. Election Services. Pursuant to California Education Code Section 5303 and Elections Code Section 10002, the Board of Supervisors of Ventura County is requested to permit the County Registrar of Voters, or other appropriate officials of Ventura County, to render all services necessary in connection with the Bond election including, but not limited to, the services specified by Elections Code Section 10418, publication of a Notice of School Bond Election, attached hereto as Exhibit C, in a newspaper of

general circulation within the District, as provided pursuant to California Education Code Section 5363 and related law, the mailing of the sample ballot and tax rate statement (described in Elections Code Section 9401), the opportunity to submit ballot arguments in connection with the Bond election, the canvassing and certification of the returns of the election, and other ballot requirements pursuant to Elections Code Section 15123, for which services the District agrees to reimburse Ventura County in full upon presentation of an invoice, as required by law.

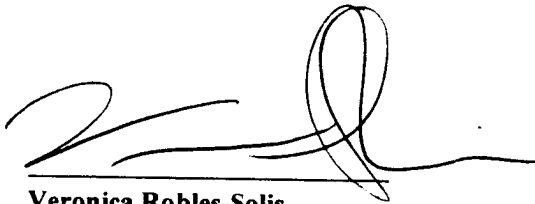
11. Delivery of this Resolution. The Clerk of this Board is hereby authorized and directed to send or hand deliver a copy of this Resolution to the Superintendent of Schools of Ventura County, the Ventura County Registrar of Voters and the Clerk of the Board of Supervisors of Ventura County.

12. Effective Date. This Resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED by the Board of Trustees of the Oxnard School District this the 27th day of June, 2012.

**BOARD OF TRUSTEES OF THE
OXNARD SCHOOL DISTRICT**

By:



**Veronica Robles-Solis
President**

ATTEST:

By:



**Ana Del Rio-Barba
Clerk of the Board of Trustees**

BOARD CERTIFICATE

I, Ana Del Rio-Barba, Clerk of the Board of Trustees of the OXNARD SCHOOL DISTRICT, do hereby certify that the foregoing is a full, true, and correct copy of Resolution No. 11-35 adopted at a regular meeting place thereof on the 27th day of June, 2012, of which meeting all 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 not less than a 2/3 vote, as follows:

AYES: 5
NOES: 0
ABSENT: 0
ABSTENTIONS: 0

An agenda of said meeting was posted at least 72 hours before said meeting at 1051 South "A" Street, Oxnard, California 93030, 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 board 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 not in full force and effect.

Dated: June 27, 2012



Ana Del Rio-Barba
Clerk of the Board of Trustees of the
Oxnard School District

EXHIBIT A

**BALLOT MEASURE
(FULL TEXT)**

This measure may be known and referred to as the "Oxnard School District General Obligation Bond of 2012, or Measure ____"

FINDINGS

[insert language]

BOND AUTHORIZATION

By approval of this measure by at least fifty-five percent (55%) of the registered voters voting on the measure, the District shall be authorized to issue and sell Bonds in an amount not to exceed Ninety Million Dollars (\$90,000,000) in aggregated principal, with interest at or below the legal limit. The Bond proceeds shall be used to provide financing for the specific school facilities projects listed in the Bond Project List attached hereto as Exhibit A-1, subject to the accountability requirements specified below.

TAX RATE

The Board hereby states its intention to structure each Bond sale of this authorization so that the combined tax rate for general obligation Bonds of the District does not exceed the Proposition 39 limit per \$100,000 of taxable value within the District, when assessed valuation is projected to increase in accordance with Article XIII A of the California Constitution.

BOND PROJECT LIST

The Bond Project List attached to this resolution as Exhibit A-1 shall be considered a part of the ballot proposition and shall be reproduced in any official document required to contain the full statement of the Bond proposition.

Approval of this Bond Measure (the "Measure") does not guarantee that the proposed projects identified in Exhibit A-1 that are the subject of bonds under the Measure will be funded beyond the local revenues generated by the Measure. The District's capital needs exceed the amount of Bonds the voters are being asked to authorize. The District will seek funds from other sources to advance the project list as far as possible. If matching funds from the State or any other source become available, they will be used for and applied to the Bond Project List as per Exhibit A-1.

ACCOUNTABILITY REQUIREMENTS

The provisions in this section are specifically included in this Measure in order that the voters and taxpayers in the District may be assured that their money will be spent wisely to address specific facilities needs of the District, all in compliance with the requirements of Article XIII A, Section 1(b)(3), of the State Constitution and the Strict Accountability in Local School Construction Bonds Act of 2000

(codified at Education Code Sections 15264 *et seq.*), which was adopted following the passage of Proposition 39.

Evaluation of Needs. The Board of Trustees has prepared an updated facilities plan in order to identify all current and anticipated facilities needs of the District and determine which projects to finance from a local Bond and other sources at this time. The Board of Trustees hereby certifies that it has evaluated safety, class size reduction, enrollment growth, and information technology needs in developing the Bond Project List contained in Exhibit A-1.

Independent Citizens' Oversight Committee. The Board of Trustees shall establish an Independent citizens' Bond Oversight Committee pursuant to the provisions of the Education Code commencing with section 15278, and following to ensure bond proceeds are expended only on the school facilities and on the projects listed in Exhibit A-1. The Independent Citizens' Bond Oversight Committee shall be established within 60 days of the date when the results of the election appear in the minutes of the Board of Trustees. The District shall, without expending Bond funds, provide the Independent Citizens' Bond Oversight Committee with any necessary technical and administrative support in furtherance of its purpose, and sufficient resources to publicize the conclusions of the committee.

Performance Audits. The Board of Trustees shall cause to be conducted an annual, independent performance audit to ensure that the Bond proceeds have been expended only on the school facilities projects listed in Exhibit A-1.

Financial Audits. The Board of Trustees shall cause to be conducted an annual, independent financial audit of the Bond proceeds until all of those proceeds have been spent for the school facilities projects listed in Exhibit A-1.

Special Bond Proceeds Account: Annual Report to Board of Trustees. Upon approval of this Measure and a subsequent sale of authorized Bonds, the Board of Trustees shall take actions necessary to establish an account in which proceeds of the sale of Bonds will be deposited. As long as any proceeds of the Bonds remain unexpended, the Superintendent shall cause a report to be filed with the Board of Trustees annually, stating (1) the amount of Bond proceeds received and expended in that year, and (2) the status of any project funded or to be funded from Bond proceeds. The report may relate to the calendar year, fiscal year, or other appropriate annual period as the Superintendent shall determine and may be incorporated in the annual budget, audit, or another appropriate routine report to the Board of Trustees.

FURTHER SPECIFICATIONS

No Administrator Salaries. Proceeds from the sale of Bonds authorized by this proposition shall be used only for the construction, reconstruction and/or rehabilitation of school facilities including the furnishing and equipping of school facilities or acquisition or lease of real property for school facilities and construction management by district personnel and not for any other purpose, including teacher and administrator salaries and other school operating expenses.

The proceeds of the Bonds will be deposited into a fund to be held by the Ventura County Treasurer, as required by the California Education Code.

EXHIBIT A-1

BOND PROJECT LIST

The Governing Board of Oxnard School District has evaluated the District's need to acquire, construct, and equip new facilities and to repair, equip and renovate its existing facilities to meet the educational needs of its citizens. These projects will provide the Oxnard community with additional permanent school facilities.

SCHOOL PROJECTS

As required by the California Constitution, the proceeds from the sale of the bonds will be used only for the construction, reconstruction, rehabilitation or replacement of school facilities, including the furnishing and equipping of school facilities, or the acquisition or lease of real property for school facilities, and not for any other purpose, including teacher and employee salaries and other school operating expenses. The Governing Board of Oxnard School District hereby certifies that it has evaluated the safety, class-size reduction, and information technology needs of the District in developing this list of school facilities projects:

District Wide

- Upgrade electrical and network infrastructure to support student and classroom technology throughout the District
- Upgrade, repair, and replace aging HVAC and utilities systems in order to reduce operating costs throughout the District
- Acquire land, construct classrooms and support facilities for the construction or expansion of existing and future school sites and perform necessary site preparation or restoration in connection with new construction, renovation or remodeling
- Construct, modernize, or reconfigure classrooms and support facilities to extend the kindergarten academic day
- Upgrade technology infrastructure including electrical wiring, wireless antennas, connectivity improvements, and necessary network infrastructure improvements throughout the District
- Establish a technology endowment and to fund student and classroom technology including programmed replacements over time throughout the District
- Establish a deferred maintenance endowment to fund deferred maintenance projects, including repairs pursuant to Ed. Code 17582 et. Seq
- Construct, modernize, and reconfigure classrooms and support facilities to support future grade reconfigurations of existing facilities

- Provide utility and energy system improvements, including photovoltaic systems
- Furnish and equip school facilities
- Address unforeseen conditions revealed by construction/modernization (e.g., plumbing or gas line breaks, dry rot, seismic, structural, etc.)
- Perform necessary site preparation/restoration in connection with new construction, renovation or remodeling

Existing 7-8 Facilities

Frank Intermediate, Haydock Intermediate, and Fremont Intermediate

- Remove portable classrooms and construct, modernize, or reconfigure permanent classrooms
- Construct, modernize, and reconfigure new and existing library/media centers, multipurpose rooms and cafeterias
- Upgrade fields and landscaping and install new equipment and hard courts

Haydock Intermediate and Fremont Intermediate

- Construct, modernize, or reconfigure special education classrooms, science labs, gyms, athletic and support facilities, parking lots and drop-off areas and lunch areas/shelters

Existing Elementary Facilities

Brekke Elementary, Chavez Elementary, Curren Elementary, Driffill Elementary, Elm Elementary, Harrington Elementary, Kamala Elementary, Lemonwood Elementary, Marina West Elementary, McAuliffe Elementary, McKinna Elementary, Ramona Elementary, Ritche Elementary, Rose Avenue Elementary, Sierra Linda Elementary

- Remove portable classrooms and construct, modernize, or reconfigure permanent classrooms
- Construct, modernize, or reconfigure new and existing multipurpose rooms and cafeterias
- Construct new lunch shelters and improve outdoor lunch areas
- Upgrade fields and landscaping and install new play equipment and hard courts

Brekke Elementary, Curren Elementary, Elm Elementary, Harrington Elementary, Kamala Elementary, Lemonwood Elementary, Marina West Elementary, McAuliffe Elementary, McKinna Elementary, Ramona Elementary, Ritche Elementary, Rose Avenue Elementary, Sierra Linda Elementary

- Construct, modernize, and reconfigure new and existing library/media centers

Brekke Elementary, Curren Elementary, Driffill Elementary, Harrington Elementary, Kamala Elementary, Lemonwood Elementary, Marina West Elementary, McAuliffe Elementary, McKinna Elementary, Ramona Elementary, Ritchen Elementary, Rose Avenue Elementary

- Construct, modernize, and reconfigure flex labs and science labs

Chavez Elementary, Curren Elementary, Elm Elementary, Harrington Elementary, Kamala Elementary, Lemonwood Elementary, Marina West Elementary, McKinna Elementary, Ramona Elementary, Rose Avenue Elementary, Sierra Linda Elementary

- Reconfigure and expand parking lots, drop-off areas

Curren Elementary, Driffill Elementary, Lemonwood Elementary, McAuliffe Elementary, Rose Avenue Elementary

- Construct, modernize, and reconfigure athletic changing rooms to provide adequate facilities for physical education

Brekke Elementary, Chavez Elementary, Curren Elementary, Elm Elementary, Lemonwood Elementary, McAuliffe Elementary, Ritchen Elementary

- Construct, modernize, and reconfigure special education classrooms

Proceeds of the Bonds may be used to fund design, engineering and program management costs, as well as to make lease payments for leases, or to purchase authorized leased facilities. Such proceeds may also be used to fund the cost of issuing the bonds, election costs, and the cost of obtaining and disseminating information, as authorized under State law.

EXHIBIT B
BALLOT MEASURE
(ABBREVIATED FORM)

“To replace portable classrooms, relieve student overcrowding by building and equipping new classrooms and educational facilities and repairing and equipping existing classrooms and educational facilities throughout the District, shall Oxnard School District be authorized to issue up to Ninety Million Dollars \$90,000,000.00 in bonds at the lowest possible legal interest rates so long as spending is annually reviewed by an independent citizens’ oversight committee, annual audits are conducted and no money is used for employee salaries?”

BONDS – YES

BONDS - NO

EXHIBIT C

SCHOOL BOND ELECTION NOTICE

NOTICE IS HEREBY GIVEN to the qualified voters of Oxnard School District (the "District") located in Ventura County, State of California, that in accordance with applicable law, an election will be held on Tuesday, the 6th day of November, 2012, within the District, at which election there will be submitted to the voters the question of issuing and selling Bonds of said District in the amount of not to exceed Ninety Million Dollars (\$90,000,000) in accordance with the actions relating thereto taken by the Board of Trustees of the District.

All of the purposes enumerated herein are hereby united and shall be voted upon as one single measure.

The Bonds proposed to be issued and sold shall bear interest at a rate not to exceed applicable legal limits on a per annum basis.

The number of years the whole or any part of the Bonds are to run shall not exceed the statutory maximum at the time, which is currently twenty-five (25) years in the case of Bonds issued under the authority of the Education Code and forty (40) years in the case of Bonds issued under the authority of the Government Code, from the date of the Bonds or the date of any series thereof.

Each qualified elector of the District shall be entitled to vote only in the District election precinct of which he/she is a resident. The voters in the District shall vote on the following measure on November 6, 2012:

"To replace portable classrooms, relieve student overcrowding by building and equipping new classrooms and educational facilities and repairing and equipping existing classrooms and educational facilities throughout the District, shall Oxnard School District be authorized to issue up to Ninety Million Dollars \$90,000,000.00 in bonds at the lowest possible legal interest rates so long as spending is annually reviewed by an independent citizens' oversight committee, annual audits are conducted and no money is used for employee salaries?"

Bonds – Yes

Bonds – No

Dated this _____ day of _____, 2012.

VENTURA COUNTY REGISTRAR OF
VOTERS:

By: _____

OXNARD SCHOOL DISTRICT
Tax Rate Statement For
Bond Measure ___ Election To Be Held November 6, 2012

An election will be held in Oxnard School District (the "District") on November 6, 2012 to authorize the sale of Ninety Million Dollars (\$90,000,000.00) in general obligation bonds. The following information is submitted in compliance with Section 9400-9404 of the California Elections Code.

1. The best estimate of the tax rate that would be required to fund this bond issue during the first fiscal year after the sale of the first series of bonds, based on estimated assessed valuations available at the time of filing of this statement, is \$0.0300 per \$100.00 (\$30.00 per \$100,000.00) of assessed valuation in fiscal year 2013-2014.
2. The best estimate of the tax rate that would be required to fund this bond issue during the first fiscal year after the sale of the last series of bonds, based on estimated assessed valuations available at the time of filing of this statement, is \$0.03000 per \$100.00 (\$30.00 per \$100,000.00) of assessed valuation in fiscal year 2015-2016.
3. The best estimate of the highest tax rate that would be required to fund this bond issue, based on estimated assessed valuations available at the time of filing of this statement, is \$0.03000 per \$100.00 (\$30.00 per \$100,000.00) of assessed valuation.

These estimates are based on projections derived from information obtained from official sources. The actual tax rates and the years in which they will apply may vary depending on the timing of bond sales, the amount of bonds sold at each sale and actual increases in assessed valuations. The timing of the bond sales and the amount of bonds sold at any given time will be determined by the needs of the District. Actual assessed valuations will depend upon the amount and value of taxable property within the District as determined in the assessment and the equalization process.

Dated: _____

Lisa Cline
Assistant Superintendent of Business
Oxnard School District