

CHULA VISTA ELEMENTARY SCHOOL DISTRICT

# AGENDA

REGULAR MEETING – October 19, 2022

CLOSED SESSION – 4 P.M.

OPEN SESSION – 6 P.M.

## BOARD OF EDUCATION

KATE BISHOP • LESLIE RAY BUNKER •

CESAR T. FERNANDEZ • FRANCISCO TAMAYO • LUCY UGARTE

EDUARDO REYES, Ed.D.

SECRETARY/SUPERINTENDENT



### THIS MEETING IS BEING RECORDED

In accordance with the Brown Act, all public Board meeting recordings are available for review for 30 days following the meeting, after which they are recycled. Audio recordings are available on the District website at [www.cvesd.org](http://www.cvesd.org).

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### IF YOU WISH TO ADDRESS THE BOARD OF EDUCATION

Persons wishing to address the Board of Education on any agenda item may attend in person and should complete a "Request to Be Heard" card and submit it to the Recording Secretary before the start of the meeting or call 619-679-9001 prior to the start of the meeting. No action or discussion shall be undertaken on any item not appearing on the posted agenda, except the Board of Education or District staff may briefly respond to statements made or questions posed by persons exercising their public testimony rights under Government Code Section 54954.3. Speakers must limit remarks to three minutes (generally, statements of 390 words may be spoken out loud within three minutes) and speak in a respectful and professional manner. The Board shall limit the total time for public input on each topic to 20 minutes. With Board consent, the President may increase or decrease the time allowed for public presentation depending on the subject and the number of persons wishing to be heard. The meeting will also be livestreamed. For access to the livestream, please [click here](#) (English) and [click here](#) (Spanish) or on the links at the bottom of this page.

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### AGENDA AND DISTRIBUTION OF WRITINGS TO MEMBERS OF THE PUBLIC

In compliance with Government Code Section 54957.5, nonexempt writings that are distributed to a majority or all of the Board of Education in advance of a meeting may be reviewed on our website by clicking on the following link:

[http://cvesd.org/board\\_of\\_education/board\\_meetings](http://cvesd.org/board_of_education/board_meetings).

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### EQUAL OPPORTUNITY EMPLOYER

The Chula Vista Elementary School District prohibits discrimination, harassment, intimidation and bullying based on race, color, ancestry, nationality, national origin, immigration status, ethnic group identification, ethnicity, age, religion, marital status, pregnancy, parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, gender expression, or genetic information; the perception of one or more of such characteristics, or association with a person or group with one or more of these actual or perceived characteristics in any program, practice or activity it conducts. The Chula Vista Elementary School District is committed to providing equal educational, contracting, and employment opportunity to all in strict compliance with all applicable State and Federal laws and regulations. Any individual who believes they have been a victim of unlawful discrimination in employment, contracting or in an education program or activity may file a formal complaint.

To watch the livestream of the Regular Board Meeting click on the link below or cut and paste it into your browser:

[https://teams.microsoft.com/l/meetup-join/19%3ameeting\\_NGRIMjA1NmQzTQ5Zi00MwOxLWJmN2YtMG0MmRkZTRiMil1%40thread.v2/0?context=%7B%22Tid%22%3A%22e87a6e0c-c08e-46b2-bb73-45dd072baa33%22%2C%22Oid%22%3A%22af92a27c-ab25-47cd-bce4-2b08102509e6%22%2C%22IsBroadcastMeeting%22%3Atrue%2C%22role%22%3A%22a%22%7D&btype=a&role=a](https://teams.microsoft.com/l/meetup-join/19%3ameeting_NGRIMjA1NmQzTQ5Zi00MwOxLWJmN2YtMG0MmRkZTRiMil1%40thread.v2/0?context=%7B%22Tid%22%3A%22e87a6e0c-c08e-46b2-bb73-45dd072baa33%22%2C%22Oid%22%3A%22af92a27c-ab25-47cd-bce4-2b08102509e6%22%2C%22IsBroadcastMeeting%22%3Atrue%2C%22role%22%3A%22a%22%7D&btype=a&role=a)

To watch the livestream of the Regular Board Meeting in Spanish click on the link below or cut and paste it into your browser:

[https://teams.microsoft.com/l/meetup-join/19%3ameeting\\_N2UyZWE4ZjUyTOWMS00NDNlTg5YzQzGM1MWM0OWE5NGU5%40thread.v2/0?context=%7B%22Tid%22%3A%22e87a6e0c-c08e-46b2-bb73-45dd072baa33%22%2C%22Oid%22%3A%22af92a27c-ab25-47cd-bce4-2b08102509e6%22%2C%22IsBroadcastMeeting%22%3Atrue%2C%22role%22%3A%22a%22%7D&btype=a&role=a](https://teams.microsoft.com/l/meetup-join/19%3ameeting_N2UyZWE4ZjUyTOWMS00NDNlTg5YzQzGM1MWM0OWE5NGU5%40thread.v2/0?context=%7B%22Tid%22%3A%22e87a6e0c-c08e-46b2-bb73-45dd072baa33%22%2C%22Oid%22%3A%22af92a27c-ab25-47cd-bce4-2b08102509e6%22%2C%22IsBroadcastMeeting%22%3Atrue%2C%22role%22%3A%22a%22%7D&btype=a&role=a)

**CHULA VISTA ELEMENTARY SCHOOL DISTRICT**

84 EAST "J" STREET • CHULA VISTA, CALIFORNIA 91910 • (619) 425-9600  
EACH CHILD IS AN INDIVIDUAL OF GREAT WORTH

**AGENDA**  
**BOARD OF EDUCATION**

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Regular Meeting – October 19, 2022

Closed Session – 4 P.M.

Open Session – 6 P.M.

Dr. Lowell J. Billings Board Room, Education Service and Support Center  
Streamed Online

**ORDER OF BUSINESS**

**1. OPENING PROCEDURES**

*Opening  
Procedures*

A. Call to Order

B. Roll Call

Members Present:

Members Absent:

Others Present:

C. Pledge of Allegiance

**2. APPROVE AGENDA (Action)**

*Approve Agenda*

*Motion: \_\_\_\_\_, Second: \_\_\_\_\_, Vote: \_\_\_\_\_*

**3. ORAL COMMUNICATIONS ON CLOSED SESSION ITEMS**

*Oral  
Communications  
on Closed Session  
Items*

The Oral Communications section provides the public with an opportunity to address the Board on closed session items only. Persons wishing to be heard may attend in person and should complete a "Request to Be Heard" card and submit it to the Recording Secretary before the start of the meeting or call 619-679-9001 prior to the start of the meeting. Speakers are requested to limit their remarks to three minutes and speak in a respectful and professional manner. The Board shall limit the total time for public input on each topic to 20 minutes. With Board consent, the President may increase or decrease the time allowed for public comments depending on the number of persons wishing to be heard. No Board action can be taken.

**4. ADJOURN TO CLOSED SESSION***Closed Session*

Government Code Sections 3549.1(d) and 54957.6: Collective Bargaining/Employee Negotiations; Agency Negotiators: Fagen Friedman & Fulfroost, LLP and Adams Silva & McNally LLP; Employee Organizations: Chula Vista Classified Employees Organization (CVCEO); Chula Vista Educators (CVE); Nonrepresented Employees

Government Code Section 54957: Public Employee Discipline/Dismissal/Release

Government Code Section 54956.9(d)(1): Conference with Legal Counsel – Existing Litigation in Office of Administrative Hearings, Case No. 2022060056 for Student No. 307622

Government Code Section 54956.9(d)(1): Conference with Legal Counsel – Existing Litigation in Office of Administrative Hearings, Case No. 2022040518 for Student No. 273288

Education Code Section 35146: Consider Waiver of Student Expulsion Hearing and Stipulated Suspended Expulsion Agreement Student No. 843338

**5. RECONVENE TO OPEN SESSION***Reconvene to Open Session*

A. Call to Order

B. Roll Call

Members Present:

Members Absent:

Others Present:

C. Pledge of Allegiance

**6. APPROVE AGENDA (Action)***Approve Agenda*

*Motion:*\_\_\_\_\_, *Second:*\_\_\_\_\_, *Vote:*\_\_\_\_\_

**7. SPECIAL RECOGNITION, AWARDS, AND HONORS***Special Recognition/  
Awards, Honors*

A. Presentation of Newly Hired and Promoted Employees

B. Recognition of Schools with the Highest Attendance and Most Improved Attendance for the Month of September

C. Recognition of 2022 Positive Behavior Intervention and Support Award Recipient

**8. COMMUNICATIONS TO THE BOARD OF EDUCATION***Communications  
to the Board*

- A. Chula Vista Classified Employees Organization
- B. Chula Vista Educators
- C. Administrators Association Chula Vista

**9. ORAL COMMUNICATIONS***Oral  
Communications*

The Oral Communications section provides the public with an opportunity to address the Board on non-agenda items. Persons wishing to be heard may attend in person and should complete a "Request to Be Heard" card and submit it to the Recording Secretary before the start of the meeting or call 619-679-9001 prior to the start of the meeting. Speakers are requested to limit their remarks to three minutes and speak in a respectful and professional manner. The Board shall limit the total time for public input on each topic to 20 minutes. With Board consent, the President may increase or decrease the time allowed for public comments depending on the number of persons wishing to be heard. No Board action can be taken.

**10. ORAL PRESENTATIONS AND WRITTEN REPORTS***Oral Presentations/  
Written Reports*

- A. District Safety/Health Update
- B. Report on District Impact Teacher Efforts

**11. APPROVE CONSENT CALENDAR (Action)***Consent Calendar*

The following items listed under Consent Calendar are considered by the Board in one action. There will be no discussion on these items prior to the time the Board votes on the motion unless members of the Board, staff, or public request specific items to be discussed and/or removed from the Consent Calendar.

*Motion:*\_\_\_\_\_, *Second:*\_\_\_\_\_, *Vote:*\_\_\_\_\_

- A. Adopt Board of Education Meeting Minutes: Regular Meeting September 14, 2022
- B. Approve and/or Ratify Human Resources Items A Through N
- C. Ratify Memorandum of Understanding with Sweetwater Union High School District on Behalf of Arroyo Vista, Chula Vista Learning Community, `Discovery, Mae L. Feaster, and Mueller Charter Schools for Participation in Middle School Sports League for the 2022-23 School Year

- D. Approve Employee Benefits Consulting Amendment 1 to the Agreement with Marsh & McLennan, Agency LLC, Effective April 1, 2022
- E. Review and Accept Quarterly Report to the San Diego County Office of Education on Williams Complaints for the Period of July Through September 2022
- F. Ratify Agreement Between Chula Vista Elementary School District and Scripps Health for Obstetrics/Mean Corpuscular Hemoglobin Services for the Period of September 1, 2022, Through June 30, 2023
- G. Ratify Memorandum of Understanding with Covina-Valley Unified School District and Chula Vista Elementary School District to Provide Geographic Technical Assistance Facilitator for the California Early Childhood Special Education Network for the Period of September 30, 2022, Through June 30, 2024
- H. Ratify Agreement with K12 Insight for Customer Service and Sustained Stakeholder Engagement Solutions in the Amount of \$59,250, for the Period of September 1, 2022, Through August 31, 2025
- I. Ratify Memorandum of Understanding with Centro de Salud de la Comunidad de San Ysidro, Inc., dba San Ysidro Health, for School-Based Dental Services for the 2022-23 School Year
- J. Ratify Memorandum of Understanding between South Bay Community Services Corporation and Chula Vista Elementary School District to Provide Support Services to the Local Community for the Period of July 1, 2022, Through June 30, 2023
- K. Approve Memorandum of Understanding with the San Diego County Superintendent of Schools for a Multilingual California Project Led by the California Association for Bilingual Education for the Period of October 28, 2022, Through May 30, 2023
- L. Ratify Memorandum of Understanding Between Cesar Chavez Service Clubs and Chula Vista Elementary School District for Leadership Development Programs for the 2022-23 and 2023-24 School Years
- M. Adopt Resolution Requesting Temporary Transfer of Funds for Fiscal Year 2022-23
- N. Approve Report on Annual Community Facilities Districts Activity for Fiscal Year 2021-22

- O. Approve Annual Report on Statutory Fees and Mitigation Payments for Fiscal Year 2021-22, and Five-Year Report for Fiscal Years 2017-18 Through 2021-22
- P. (1) Waive Minor Irregularity in Low Bid and Reject Protest of Low Bid for Prime Bid Package No. 8 Roofing and Sheetmetal for the Construction of New School No. 48 at Otay Ranch Village 2, Site 2;
- (2) Reject All Bids for Prime Bid Package No. 7 for the Construction of New School No. 48 at Otay Ranch Village 2, Site 2, and Direct Staff to Re-advertise and Rebid a Modified Prime Bid Package No. 7; and
- 3) Approve Award of Contracts for Prime Bid Package Nos. 1 Through 6 and 8 Through 16 to Various Contractors in the Total Amount of \$52,304,774.50 for the Construction of New School No. 48 at Otay Ranch Village 2, Site 2, Contingent on Close of Escrow on Site 2
- Q. (1) Approve Retention Release for Bid Packages Nos. 6 and 10 for Otay Ranch Village 3 Elementary School (Fahari L. Jeffers Elementary School) to Multiple Prime Contractors;
- (2) Approve Change Order for Multiple Prime Contractors for a Decrease in the Amount of <\$54,951>; and
- (3) Approve Notice of Completion for Bid Package Nos. 6 and 10
- R. Approve Award of Bid No. 22/23-1 Transportation Service to HopSkipDrive for the Period of November 14, 2022, Through November 13, 2023
- S. Approve Agreement with Viejas Band of Kumeyaay Indians for Cultural Resource Monitoring during Construction of New Elementary School in Otay Ranch Village 2
- T. Accept Donation
- U. Ratify Purchase Orders, Warrants, and Checks Written/Issued Through September 30, 2022
- V. Approve and/or Ratify Inservice/Travel Requests

## 12. PUBLIC HEARINGS

## *Public Hearings*

The Public Hearings section provides the public with an opportunity to address the Board on specific items. Persons wishing to address the Board on any public hearing items must complete a "Request to Be Heard" card and submit it to the Recording Secretary before the start of

the meeting or call 619-679-9001 prior to the start of the meeting. Speakers are requested to limit their remarks to three minutes and speak in a respectful and professional manner. The Board shall limit the total time for input on each public hearing item to 20 minutes. With Board consent, the President may increase or decrease the time allowed for public comments on each public hearing item depending on the topic and the number of persons wishing to be heard.

A. (1) Conduct Public Hearing; and

(2) Adopt Resolution Regarding Short-Term Classified Employees to Perform Specified Service between October 24, 2022, and June 30, 2023

Motion: \_\_\_\_\_, Second: \_\_\_\_\_, Vote: \_\_\_\_\_

B. (1) Conduct Public Hearing on a General Waiver Request to Provide a Reduced-Day Extended School Year Program from June 7 Through June 28, 2023; and

(2) Authorize Application for the General Waiver Request

Motion: \_\_\_\_\_, Second: \_\_\_\_\_, Vote: \_\_\_\_\_

### 13. ADMINISTRATIVE ACTION ITEMS

*Administrative  
Action Items*

A. Adopt Resolution Authorizing the Execution and Delivery of the Chula Vista Elementary School District 2022 Refunding Certificates of Participation, Series A, in an Aggregate Principal Amount Not to Exceed \$20,000,000, Authorizing the Distribution of an Official Statement in Connection Therewith, and Authorizing the Execution of Various Documents and Related Actions

Motion: \_\_\_\_\_, Second: \_\_\_\_\_, Vote: \_\_\_\_\_

B. Adopt Resolution Authorizing the Issuance of Chula Vista Elementary School District (San Diego County, California) 2022 General Obligation Refunding Bonds, Series A, in a Principal Amount Not to Exceed \$8,500,000, and Approving Certain Other Matters Related Thereto

Motion: \_\_\_\_\_, Second: \_\_\_\_\_, Vote: \_\_\_\_\_

### 14. FIRST AND SECOND READINGS, BOARD POLICIES, ADMINISTRATIVE REGULATIONS, AND BOARD BYLAWS

*First and Second  
Readings*

A. First Reading/Revise: Board Bylaw E (B) 9270, Conflict of Interest

Motion: \_\_\_\_\_, Second: \_\_\_\_\_, Vote: \_\_\_\_\_

B. First Reading/Revise: Proposed revisions to Board Policy 3290, Gifts, Grants, and Bequest

Motion: \_\_\_\_\_, Second: \_\_\_\_\_, Vote: \_\_\_\_\_

- C. First Reading/Revise: Proposed Revisions to Instructional Programs and Reclassification Criteria Addressed in Board Policy and Administrative Regulation 6174, Instruction, Education for English Learners

*Motion:*\_\_\_\_\_, *Second:*\_\_\_\_\_, *Vote:*\_\_\_\_\_

**15. GENERAL INFORMATION ITEMS/REPORTS**

*Information  
Items/Reports*

- A. Report Calendar to Board of Education

**16. RECESS TO CHULA VISTA ELEMENTARY SCHOOL DISTRICT  
PUBLIC FACILITIES FINANCING CORPORATION**

*Public Facilities  
Financing  
Corporation*

**CHULA VISTA ELEMENTARY SCHOOL DISTRICT  
PUBLIC FACILITIES FINANCING CORPORATION**

**AGENDA**

**BOARD OF DIRECTORS MEETING**

**1. OPENING PROCEDURES**

*Opening  
Procedures*

- A. Call to Order

- B. Roll Call

Members Present:

Members Absent:

Others Present:

**2. ADMINISTRATIVE ACTION ITEM**

*Administrative  
Action Item*

- A. Adopt Resolution of the Board of Directors of the Chula Vista Elementary School District Public Facilities Financing Corporation Authorizing the Execution by the Corporation of Various Documents with Respect to the Chula Vista Elementary School District 2022 Refunding Certificates of Participation, Series A in an Aggregate Principal Amount Not to Exceed \$20,000,000 and Authorizing Related Action Therewith

*Motion:*\_\_\_\_\_, *Second:*\_\_\_\_\_, *Vote:*\_\_\_\_\_

**3. ADJOURNMENT OF CHULA VISTA ELEMENTARY SCHOOL  
DISTRICT PUBLIC FACILITIES FINANCING CORPORATION  
MEETING**

*Adjournment*

**17. RECONVENE TO CHULA VISTA ELEMENTARY SCHOOL DISTRICT BOARD OF EDUCATION MEETING** *Board of Education Meeting*

**18. BOARD COMMUNICATIONS** *Board Communications*

**19. SUPERINTENDENT'S COMMUNICATION** *Supt's Communication*

**20. ADJOURN TO CLOSED SESSION** *Closed Session*

Government Code Section 54957: Public Employee Employment:

Title:

- Assistant Superintendent of Student Services
- Executive Director of Curriculum and Instruction Services and Support

**21. RECONVENE TO OPEN SESSION** *Reconvene to Open Session*

A. Call to Order

B. Roll Call

Members Present:

Members Absent:

Others Present:

**22. ADJOURNMENT** *Adjournment*

THE NEXT REGULAR MEETING OF THE BOARD OF EDUCATION OF THE CHULA VISTA ELEMENTARY SCHOOL DISTRICT IS SCHEDULED ON WEDNESDAY, NOVEMBER 9, 2022, AT 4 P.M. CLOSED SESSION AND 6 P.M. OPEN SESSION

CHULA VISTA ELEMENTARY SCHOOL DISTRICT

GOVERNING BOARD AGENDA ITEM

Prepared by: Instructional Services  
and Support

**ITEM TITLE:**

Recognition of Schools with the Highest Attendance and Most Improved Attendance for the Month of September

\_\_\_\_\_ **Action**

\_\_\_\_\_ **X** **Information**

**BACKGROUND INFORMATION:**

The Chula Vista Elementary School District (District) recognizes attendance as an important factor in every child's academic success. District staff is committed to working with parents and site personnel to ensure students are participating in the available instructional model every day and for the duration of the instructional period.

**ADDITIONAL DATA:**

The District is recognizing the schools with the highest attendance and most improved attendance for the month of September.

| Highest Attendance                     | Most Improved Attendance                       |
|----------------------------------------|------------------------------------------------|
| Olympic View<br>94.82% Attendance Rate | Burton C. Tiffany<br>2.51% Attendance Increase |

**FISCAL IMPACT/FUNDING SOURCE:**

None.

**STAFF RECOMMENDATION:**

On behalf of the Board of Education, the President will present Certificates of Recognition to Principal Lisa Lines who will accept on behalf of Olympic View and Principal Dr. Crystal Sutton who will accept on behalf of Burton C. Tiffany.

CHULA VISTA ELEMENTARY SCHOOL DISTRICT  
GOVERNING BOARD AGENDA ITEM

Prepared by: Instructional Services  
and Support

**ITEM TITLE:**

Recognition of 2022 Positive Behavior Intervention and Support Award Recipient

\_\_\_\_\_ **Action**

\_\_\_\_\_ **X** \_\_\_\_\_ **Information**

**BACKGROUND INFORMATION:**

The District wishes to announce that fourteen sites received Positive Behavior Intervention and Support (PBIS) recognition from the California PBIS Coalition in 2022.

This was an exceptionally difficult year to meet the requirements due to the transition back to in-person learning, increase in social-emotional learning and behavioral needs, and COVID-19 tracing, among other things. This is the first time we had schools receive Gold recognition.

**Gold Recognition**

Castle Park  
EastLake  
Myrtle S. Finney  
Harborside  
Thurgood Marshall  
Lilian J. Rice  
Loma Verde

**Silver Recognition**

Discovery Charter  
J. Calvin Lauderbach  
Saburo Muraoka  
Greg Rogers

**Bronze Recognition**

Ella B. Allen  
Heritage  
Los Altos

The requirements to receive recognition are a bit more challenging than in the past. The main data point is the score on the Tiered Fidelity Inventory which is a tool that measures the fidelity of implementation of the core features of PBIS across all three Tiers: Tier I (schoolwide), Tier II (targeted interventions and supports for some students), and Tier III (intensive interventions and supports).

**ADDITIONAL DATA:**

Additional information is available for review in the Office of the Senior Director of Student, Family, Community, and Instruction Services and Support.

**FISCAL IMPACT/FUNDING SOURCE:**

None.

**STAFF RECOMMENDATION:**

On behalf of the Board of Education, the President will acknowledge the fourteen school sites with a Certificate of Recognition.

CHULA VISTA ELEMENTARY SCHOOL DISTRICT

GOVERNING BOARD AGENDA ITEM

Prepared by: Human Resources  
Services and Support

**ITEM TITLE:**

District Safety/Health Update

\_\_\_\_\_ **Action**

\_\_\_\_\_ **X** \_\_\_\_\_ **Information**

**BACKGROUND INFORMATION:**

At the August 25, 2021 Board meeting, it was approved to form a District-level Safety Committee, with representation from certificated, classified, and non-represented employees, as well as parents, to advise on the creation and implementation of District safety and health measures, and to oversee site level committees.

Also, all school sites will create a site Safety Committee, with representation from certificated, classified, and non-represented employees, as well as parents, to address site specific safety concerns and help implement District safety measures.

**ADDITIONAL DATA:**

Tonight, District staff members will provide an update on the District Safety Committee. The District will also share details related to mental health and physical health programs.

**FISCAL IMPACT/FUNDING SOURCE:**

None.

**STAFF RECOMMENDATION:**

This is an information item.

CHULA VISTA ELEMENTARY SCHOOL DISTRICT

GOVERNING BOARD AGENDA ITEM

Prepared by: Instructional Services  
and Support

**ITEM TITLE:**

Report on District Impact Teacher Support Efforts

\_\_\_\_\_ **Action**

\_\_\_\_\_ **X** \_\_\_\_\_ **Information**

**BACKGROUND INFORMATION:**

We are currently in year two of the District impact teacher support program. Utilizing Elementary and Secondary School Emergency Relief III Learning Loss funds, each site has hired a full-time impact teacher to provide literacy intervention to students in Grades 3-6. In the top 12 unduplicated sites, an additional impact teacher was hired this year in order for more students to be supported.

**ADDITIONAL DATA:**

Each impact teacher supports 55 students from a specific tiered system of support in Grades 3-6, who did not meet grade level end-of-year expectations on Achieve3000® LevelSet in Grade 3, and California Assessment of Student Performance and Progress in Grades 4-6. These students are provided targeted intervention multiple days each week to develop and reinforce language and literacy skills. Impact teachers collaborate with classroom teachers to ensure the time spent coincides and enhances classroom instruction for improved student achievement.

Tonight, District staff will provide an overview of the impact teacher support efforts for the 2022-23 school year.

**FISCAL IMPACT/FUNDING SOURCE:**

None.

**STAFF RECOMMENDATION:**

This is an information item.

# CHULA VISTA ELEMENTARY SCHOOL DISTRICT

REVISED

84 EAST "J" STREET • CHULA VISTA, CALIFORNIA 91910 • (619) 425-9600  
EACH CHILD IS AN INDIVIDUAL OF GREAT WORTH

## MINUTES BOARD OF EDUCATION

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Regular Meeting – September 14, 2022

Closed Session – 4 P.M.

Open Session – 6 P.M.

Dr. Lowell J. Billings Board Room, Education Service and Support Center  
Streamed Online

### ORDER OF BUSINESS

#### 1. OPENING PROCEDURES

*Opening  
Procedures*

A. Call to Order

President Ugarte called the meeting to order at 4:04 P.M.

B. Roll Call

Members Present:

Ms. Lucy Ugarte, President

Ms. Leslie Bunker, Vice President

Mr. Francisco Tamayo, Clerk

Ms. Kate Bishop, Member

Mr. Cesar T. Fernandez, Member

Members Absent:

None

Others Present:

Dr. Eduardo Reyes, Superintendent

Mr. Oscar Esquivel, Deputy Superintendent

Mr. Jason Romero, Asst. Supt. Human Resources

Dr. Matthew Tessier, Asst. Supt., Innovation and Instruction

Ms. Giovanna Castro, Communications Officer

Ms. Araceli Guzman, Supt. and Board of Education Administrative  
Manager

Ms. Paloma Romo, Secretary II (Office of the Superintendent)

C. Pledge of Allegiance

President Ugarte asked Clerk Tamayo to lead the Pledge of  
Allegiance

## **2. APPROVE AGENDA (Action)**

*Approve Agenda*

*Motion: BISHOP, Second: BUNKER, Vote: UNANIMOUS*

## **3. ORAL COMMUNICATIONS ON CLOSED SESSION ITEMS**

*Oral  
Communications  
on Closed Session  
Items*

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No speakers.

## **4. ADJOURN TO CLOSED SESSION**

*Closed Session*

President Ugarte adjourned to closed session at 4:08 P.M. in accordance with the following:

Government Code Sections 3549.1(d) and 54957.6: Collective Bargaining/Employee Negotiations; Agency Negotiators: Fagen Friedman & Fulfroost, LLP and Adams Silva & McNally LLP; Employee Organizations: Chula Vista Classified Employees Organization (CVCEO); Chula Vista Educators (CVE); Nonrepresented Employees

Government Code Section 54956.9(d)(1): Conference with Legal Counsel – Existing Litigation in Office of Administrative Hearings, Case No. 2022050500 for Student No. 453679

Government Code Section 54956.9(d)(1): Conference with Legal Counsel – Existing Litigation in Office of Administrative Hearings, Case No. 2022070205 for Student No. 912888

Government Code Section 54956.9(d): Conference with Legal Counsel – Existing Litigation in Superior Court, Sacramento County, Case No. 37-2017-80002701-CU-WM-GDS

## 5. RECONVENE TO OPEN SESSION

*Reconvene to  
Open Session*

President Ugarte reconvened to open session at 6:01 P.M. with all Board Members present.

Clerk Tamayo announced that in closed session, the Board:

Government Code Section 54956.9(d)(1): Conference with Legal Counsel – Existing Litigation in Office of Administrative Hearings, Case No. 2022050500 for Student No. 453679

Approved.

*Motion: BISHOP, Second: FERNANDEZ*

*Vote: Ayes: BISHOP, BUNKER, FERNANDEZ, TAMAYO, UGARTE*

*Absent: NONE, Noes: NONE, Abstain: NONE*

Government Code Section 54956.9(d)(1): Conference with Legal Counsel – Existing Litigation in Office of Administrative Hearings, Case No. 2022070205 for Student No. 912888

Approved.

*Motion: FERNANDEZ, Second: TAMAYO*

*Vote: Ayes: BISHOP, BUNKER, FERNANDEZ, TAMAYO, UGARTE*

*Absent: NONE, Noes: NONE, Abstain: NONE*

Government Code Section 54956.9(d): Conference with Legal Counsel – Existing Litigation in Superior Court, Sacramento County, Case No. 37-2017-80002701-CU-WM-GDS

*No action was taken.*

President Ugarte requested a break at 6:03 P.M. and meeting reconvened at 6:04 P.M.

### A. Call to Order

President Ugarte called the meeting to order at 6:04 P.M. with all Board Members present.

### B. Roll Call

Members Present:

Ms. Lucy Ugarte, President

Ms. Leslie Bunker, Vice President

Mr. Francisco Tamayo, Clerk

Ms. Kate Bishop, Member

Mr. Cesar T. Fernandez, Member

Members Absent:  
None

Others Present:

Dr. Eduardo Reyes, Superintendent  
Mr. Oscar Esquivel, Deputy Superintendent  
Mr. Jason Romero, Asst. Supt. Human Resources  
Dr. Matthew Tessier, Asst. Supt., Innovation and Instruction  
Ms. Giovanna Castro, Communications Officer  
Ms. Araceli Guzman, Supt. and Board of Education Administrative Manager  
Ms. Paloma Romo, Secretary II (Office of the Superintendent)

C. Pledge of Allegiance

President Ugarte asked Member Fernandez to lead the Pledge of Allegiance.

**6. APPROVE AGENDA (Action)**

*Approve Agenda*

*Motion: TAMAYO, Second: BISHOP, Vote: UNANIMOUS*

**7. SPECIAL RECOGNITION, AWARDS, AND HONORS**

*Special Recognition/  
Awards, Honors*

A. Presentation of Newly Hired and Promoted Employees

Assistant Superintendent of Human Resources Mr. Jason Romero announced the following promotions:

Catherin Alilin, Human Resources Coordinator/COVID Coordinator

Margarita Duarte, Student Attendant

Heather Hass, Library Technology Technician

Jeanette Hernandez, Instructional Assistant-Special Education

Erika Munoz, Coordinator of Early Childhood Education Services

Maria Rubio, Child Nutrition Services III

Maria Samaniego, Library Technology Technician

Marian Santos-Ebriega, Child Nutrition Services III

Mr. Romero announced that CVESD works diligently to prioritize classified staff on professional development opportunities. Just a few months ago, the District had embarked on a grant writing offer with National University giving priority to classified employees pursuing an educational career in the most needed areas of instruction, dual

immersion, special education, and VAPA. On Monday, the District was notified that it was awarded a \$6.1 million grant, giving priority to classified employees pursuing an educational career. The District will ensure that 100 of its classified employees will get this opportunity.

Member Bishop asked about the details of the grant. Mr. Romero stated it is geared toward tuition. The 'residency' will be composed of the classified employee spending one year in the classroom with a master teacher. The master teacher will be compensated for being the mentor, and the classified employee will continue to be compensated for their regular job. A bonus to this program is that we train our future educators to our standards while they continue to serve our community.

Dr. Reyes recognized and commended Ms. Theresa Villanueva for her 21-years of service to CVESD. Mr. Esquivel shared his appreciation for her work and devotion and wished her well on her retirement. Board Members each thanked Ms. Villanueva for her service.

Dr. Reyes brought attention to the beautiful artwork on the wall in the room from our students at Rice, Finney, Wolf, Lauderbach, and Montgomery. They put a lot of work and heart into the artwork.

B. Recognition of Chula Vista American Little League 10U All-Star Team for Winning the 2022 California District 42 Little League Tournament

Mr. Fernandez stated that the league was chartered in 1958 and has served the community for 64 years. It is located next door to Hilltop Middle School.

It is important to recognize students who excel both in the classroom and on the field. These students are the best of their peers and age bracket. They competed in several tournaments from June to August.

The athletes accomplished the following:

Won 2022 District 42 Little League Championship which encompasses all little leagues in Chula Vista.

Won 2022 Section 7 Little League Tournament, which includes districts spread throughout San Diego County.

Placed Second in over 400 teams throughout Southern California.

Below is a list of the team:

Evan Bortscheller, #24, Clearview  
Anthony Burgos, #11, Saint Pius  
Manny Dorado, #8, Cook

Samuel Feria, #1, Halecrest  
Roman Flores, #50, Halecrest  
Sonny Garcia, #1, Hilltop  
Lance Gomez, #55, Halecrest  
Logan Hinojos, #10, Hilltop  
Jacob Loya, #13, Halecrest  
Isreal Mejia, #7, Discovery  
Luke Moreno, #30, CVLCC  
Dominik Paredes, #3, Halecrest  
Javier Rios, #9, Halecrest  
Titan Smith, #5, Discovery

Appreciation was also extended to the team manager Sergio Feria, and coaches Hugo Contreras, Vincent Moreno, and Juan Carlos Rios.

Board Members had the opportunity to comment and congratulate the student athletes.

C. Recognition of the Bonita Optimist Club for the Bonita Optimist Book Grant Awarded to Ten Chula Vista Elementary School District Schools

Dr. Tessier shared that 10 schools participated in the Bonita Optimist Student Appreciation program: Allen, Castle Park, Cook, Discovery, Halecrest, Harborside, Hilltop, Rice, Sunnyside, and Valle Lindo. They were invited to apply for a one-time library book grant, and were awarded \$700 each, for a grand total of \$7000. The funds are to purchase new library books for the participating schools.

Bonita Optimist President Kevin Nash and Bonita Optimist Member Ann Stevens were recognized and accepted the Certificate of Recognition on behalf of the Bonita Optimist Club. Ms. Stevens stated that the club has existed for over 45 years, and that all fundraising is geared toward student programs. Because of the impact of the pandemic, a grant was offered to schools to use the money to enhance the schools. Students were very appreciative of the opportunity and even wrote thank you notes to the Club.

Board Members had the opportunity to comment and thanked the Bonita Optimist Club for their partnership and support.

President Ugarte requested a three-minute break at 6:42 P.M. and meeting reconvened at 6:45 P.M.

## 8. COMMUNICATIONS TO THE BOARD OF EDUCATION

*Communications  
to the Board*

### A. Chula Vista Classified Employees Organization

President Angela Reed expressed excitement about the National University grant with CVESD and the opportunity for classified staff.

She shared her concerns of classified staff inappropriately assigned to take roles of certificated staff. They are not trained or credentialed to fulfill these assignments. She gave a few examples of the assignments.

An additional concern is the working conditions of paraprofessionals exposed to maladaptive behavior. They need specialized training to help support students with these behaviors.

These are urgent needs that require prompt attention.

### B. Chula Vista Educators

President Rosi Martinez acknowledged the effects of the decisions of leadership, Dr. Reyes, and the Board with students' needs being prioritized and supports being put in place: a counselor at each site to provide mental health support; an impact teacher at every site to provide academic support. Dr. Reyes has provided an additional impact teacher to the highest needs schools which reflects his understanding and willingness to provide what is needed to support students and teachers.

CVE and the District have worked collaboratively to support the social and emotional component of MTSS. Ms. Martinez reiterated her appreciation to the Board for its support, and Superintendent Dr. Reyes for his full support and ensuring that programs came to fruition. The work is not yet fully executed, though we have strong team to support these services. She acknowledged Lisa Forehand and Rochelle Carroll.

We still need trained staff to help support students with extreme behaviors. Currently, we have teachers supporting these students without the appropriate training while still maintaining a high amount of rigor in their classrooms. The added expectations are affecting teachers. She expressed her appreciation for their dedication, the ongoing support from all other staff in providing services to children, and wished them a well-deserved fall break.

## 9. ORAL COMMUNICATIONS

### *Oral Communications*

The Oral Communications section provides the public with an opportunity to address the Board on non-agenda items. Persons wishing to be heard may attend in person and should complete a “Request to Be Heard” card and submit it to the Recording Secretary before the start of the meeting or call 619-679-9001 prior to the start of the meeting. Speakers are requested to limit their remarks to three minutes and speak in a respectful and professional manner. The Board shall limit the total time for public input on each topic to 20 minutes. With Board consent, the President may increase or decrease the time allowed for public comments depending on the number of persons wishing to be heard. No Board action can be taken.

- Mike Rodriguez regarding school safety practices and active shooter training.
- Armando Farias regarding proficiency for English Language Learners not meeting standards in literacy and math.
- Martin Corona spoke about son being bullied at school.
- Delia Dominguez Cervantes addressed Board Member Bishop regarding her inappropriate comments about parents during their discussion on curriculum.
- Rebecca Lemons regarding son at Halecrest Elementary being intimidated by staff.
- Marie addressed Board Member Bishop regarding her negative comments about parents, and her reluctance to salute the flag.

## 10. ORAL PRESENTATIONS AND WRITTEN REPORTS

### *Oral Presentations/ Written Reports*

### A. District Safety Efforts/COVID-19 Update

Mr. Jason Romero presented information on Safety Committees. Committees have been formed at each site, and first quarter meetings have been held. Safety committees are composed of administrators, teachers, classified staff, Emergency Preparedness and Safety Manager Jose Cortez, Benefits and Risk Management Manager Jennifer Venyak, Senior Director of Human Resources Jorge Mora, and Assistant Superintendent of Human Resources Jason Romero.

Safety committee discussions/recommendations included:

- Cleaning MOU is no longer required as per CAL OSHA. COVID updates show that cases have declined and there is data to support these results.
- Perimeter checks with areas of concern, i.e., perimeters, fences, work orders. Working with Director of Maintenance and Facilities and Safety Manager to ensure protocols are in place, and repairs are top priority.
- Visitor check-ins. Lack of front office coverage occurs, particularly during lunch schedule shifts. Front doors will be locked, and signs will be placed during the brief periods of staff shortages.
- Rainy day (or heat) schedules being considered for high heat days of over 95 degrees by having students stay indoors.
- Supporting staff on addressing students with violent behaviors. Prioritizing student and staff safety and training during student outbursts.

As for the COVID update, effective September 17<sup>th</sup>, the State Public Health Officer Order rescinded the requirement of weekly testing for unvaccinated staff and volunteers. Though there are new variants, BA5 remains dormant, and cases are declining. Additionally, ages 12 and up are eligible for the new omicron-specific booster.

- Delia Dominguez Cervantes addressed school safety measures, a discrepancy on the August Board meeting minutes, and teacher pay and curriculum for teacher substitutes.

Board Members had the opportunity to comment.

Member Bishop requested information on student restrictions on the playground during recess, heat level temperature designated as unsafe, and funding for radios (walkie-talkies). Clarification provided stated that there are no COVID restrictions in place for playground activity, heat levels for safety measures are still being reviewed, and funding for radios was a federal grant by the Department of Justice.

Member Fernandez inquired about hiring consultants with expertise in school safety. Mr. Romero shared that the Sobel Group has been considered to provide an independent review of every single school site by conducting safety checks, i.e., checking unsecured areas, ingress/digress during evacuation, and reviewing all safety areas and protocols.

Clerk Tamayo expressed his appreciation for follow through on placing school safety as a top priority and inquired about the security cameras and COVID testing. Ms. Romero stated that cameras will be synced with Chula Vista and San Diego Police Departments. This

has been a top priority for safety. He also stated that there's been a lot of debate on masking and testing, but consensus that testing and it does work. Weekly testing is highly encouraged and continues to be offered at the sites, and for school events such as sixth grade camp.

President Ugarte acknowledged Dr. Reyes and his team for the emphasis, follow through, immediate communication notification and updates to the Board, staff, and parents on safety concerns, and top priority placed on safety efforts.

#### B. Harborside Elementary School and Safety Update

Mr. Romero provided an update on safety at Harborside. The topic, work, and efforts date back to January 2022, prior to receiving communication and concerns by the parents, staff, community, and media. One of the biggest joint efforts with the City and community has been to ensure the closure of the park for safety concerns.

Harborside will be the first school to get security cameras. Paid security guards have been on site from 6 am to 6 pm on school days. The recruitment of a new principal was prioritized and thoroughly thought out, and as a result, selected a former Harborside student with a vested interest in the well-being of the school.

In conjunction with South Bay Community Services, improving student attendance is also a focus for the school's success. Community partnerships have been solicited to help take the community to the next level, in particular the local Sprouts Market. They donated 100 tickets to Disneyland for students who have never attended.

Dr. Reyes added that for several months, he has met and been in communication with the City Councilmembers, Mayor, and local authorities to address the health and safety concerns at the park that has been a recurring concern for years but has become unsustainable. He also stated that the City has protocols they need to follow, and because the park is a City property, it was action that they needed to take. These efforts resulted in the closure of the park on August 31. Furthermore, the City will involve stakeholders for input on the next steps for the property.

- Delia Dominguez Cervantes regarding her involvement with a group of parents at Harborside and shared their input on addressing the safety at the park and school.

Board Members had the opportunity to comment.

Member Fernandez shared his first school visit as a Board Member was Harborside because of the safety concerns. He added that he too has been in communication with the City, and he expressed appreciation to District personnel for their involvement in addressing these concerns.

Clerk Tamayo affirmed that the passion for student safety is there. His discussions with the City have been ongoing for at least a year. The process has been slow, but we are getting help from councilmembers. Just like we advocate for our students, we also need to see how we can provide alternate solutions for the property and the City.

Member Bunker shared sentiments and emphasized her appreciation to staff for their support and involvement on addressing this issue.

President Ugarte reaffirmed that Dr. Reyes acted immediately on addressing this issue as soon as he was appointed Superintendent. As a result, he called for Community Forums, and action was taken. This issue has not been ignored. The safety of students has been and continues to be the number one priority. Additionally, parents and staff are notified immediately when safety concerns arise at the schools.

#### C. Report on District Social Workers/Counselor Support Efforts

Dr. Matthew Tessier and Senior Director of Student, Family Community, and Instruction Lisa Forehand and her team presented on District Social Worker and Counselor Efforts prioritizing on student social and emotional wellbeing as stipulated in LCAP Goal #2. There are a multitude of services from District social workers and counselors. Added emphasis was placed on the requirement of obtaining written parental consent for a child to be served. Parents have the right to opt in or opt out. Ultimately, no student is seen without parental consent.

Currently, there are eight District social workers (licensed clinicians), eight interns, and 30 school site-based counselors.

Social Workers are licensed clinicians providing a variety of intensive counseling and case management services to the most vulnerable student population. A list their daily tasks was presented, and a list of student supports.

The top 10 unduplicated sites are each provided with a fulltime school counselor. The remaining are assigned a school counselor 2.5 days per week. A list of their scope of work was shared.

- Delia Dominguez Cervantes discussed parental consent for services being offered/provided to students

Board Members had the opportunity to comment and ask questions.

Board Member Bishop asked for clarification on how the caseload/case management is established, if services and support are provided throughout the year, and how do social workers interact with outside agencies for added support. She also requested clarification on counselor interns. The District social worker explained the breakdown of caseload numbers, that services are ongoing depending on the child's needs, protected services are provided to families, and there is a lot of collaboration and communication amongst all the parties involved, including with partnerships. MTSS Director Elizabeth Gianulis confirmed that there are counselor interns and explained the requirements/qualifications and training provided.

Board Member Fernandez commended and acknowledged the counselors and social workers for their commitment and support.

Clerk Tamayo expressed appreciation for the support provided to students. He asked how much of a challenge it is to recruit counselors and social workers. Mr. Romero explained that currently there is a hiring shortage in all areas of education. Fortunately, partnering with local universities so that we have a network of counseling connections help in providing internships and valuable opportunities for interested and qualified candidates.

Vice President Bunker and President Ugarte commended the support of social workers and counselors focusing on students with greatest need, and highlighted that parents are required to provide written consent for their child to receive these services.

#### **11. APPROVE CONSENT CALENDAR (Action)**

*Consent Calendar*

The following items listed under Consent Calendar are considered by the Board in one action. There will be no discussion on these items prior to the time the Board votes on the motion unless members of the Board, staff, or public request specific items to be discussed and/or removed from the Consent Calendar.

*Motion: TAMAYO, Second: BISHOP*

*Vote: BISHOP, BUNKER, FERNANDEZ, TAMAYO, UGARTE*

Items pulled by the public: 11A, and 11C.K. Item 11B was pulled by Member Bishop.

A. Adopt Board of Education Meeting Minutes: Regular Meeting August 10, 2022

- Delia Dominguez Cervantes discussed the achievement gap, and resources for teachers

Present Ugarte stated that comments on 11.A. were noted, but in reviewing the minutes of the meeting it is confirmed that they accurately reflect what was said.

*Motion: BISHOP, Second: FERNANDEZ,*

*Vote: Ayes: BISHOP, BUNKER, FERNANDEZ, TAMAYO, UGARTE*

*Noes: NONE, Abstain: NONE*

B. Adopt Resolution Acknowledging and Establishing the Second Monday of October as Indigenous Peoples' Day **2022-23.024**

Board Member Bishop said it was important to take this time to read the importance of the resolution and not hide in Consent. She read the resolution out loud in its entirety.

*Motion: TAMAYO, Second: BISHOP*

*Vote: Ayes: BISHOP, BUNKER, FERNANDEZ, TAMAYO, UGARTE*

*Noes: NONE, Abstain: NONE*

C. Approve and/or Ratify Human Resources Items A Through O **2022-23.025**

- Ariana Rodriguez questioned the reclassification of range change for classified employees effective July 1, 2021, as a result of reallocation.

Mr. Romero explained that the reallocation process is initiated by the CVCEO, and compensation is compared at 10 local districts. Recommendations are then brought to the District based on meeting the 50% threshold. If it is under 50%, based on the data, positions in that category are brought forward for approval.

Additionally, reallocation as related to job duties are specific. What is reviewed is wage averages. The results of the reallocation study are available to employees to review either with their union or in human resources.

*Motion: FERNANDEZ, Second: BUNKER*

*Vote: Ayes: BISHOP, BUNKER, FERNANDEZ, TAMAYO, UGARTE*

*Noes: NONE, Abstain: NONE*

D. Approve Revision to Management Salary Schedules

- E. Approve the 2022-23 Consolidated Application
- F. Ratify Second Amendment to Memorandum of Agreement with the YMCA of San Diego County for the After-School Education and Safety Program for the 2021-22 School Year
- G. Adopt Resolution Endorsing the 2022 RED RIBBON CAMPAIGN **2022-23.026**
- H. Ratify Agreement with San Diego Interagency Related to Providing Educational Support to Students in Foster Care for the Period of August 1, 2021, Through June 30, 2026
- I. Ratify Memorandum of Understanding with South Bay Community Services to Provide Mental Health Support to Students for the Period of July 1, 2022, Through June 30, 2023
- J. Ratify Memorandum of Understanding with South Bay Community Services to Provide Children's Mental Health Program to Students for the Period of July 1, 2022, Through June 30, 2027
- K. Ratify Contract for Management and Implementation of a Community Development Block Grant Between Chula Vista Elementary School District, as the Fiscal Agency for the Chula Vista Community Collaborative, and the City of Chula Vista for the 2022-23 School Year
- L. Ratify Nonpublic, Nonsectarian Individual Services Agreement with ACES Academy for Student No. 307621 for the 2022-23 School Year
- M. Approve Renewal of Agreement with the Living Coast Discovery Center Foundation for Environment and Coastal Resource Preservation Educational Programs, for the Period of September 15, 2022, Through June 30, 2025
- N. Adopt Resolution Establishing Appropriations Limits for Fiscal Years 2021-22 and 2022-23 Pursuant to Article XIII B (Gann Amendment) of the California State Constitution **2022-23.032**
- O. Approve Agreement with the California Environmental Protection Agency, Department of Toxic Substances Control for School Cleanup Agreement at Otay Ranch Village 2, Site 2 School Site in the Amount of \$51,404, from September 15, 2022, Through Completion of the Cleanup

- P. Adopt Resolution Authorizing the Chula Vista Elementary School District to Accept San Diego County Air Pollution Control District Funds for School Bus Replacement and Execute Two Grant Agreements with the Air Pollution Control District **2022-23.033**
- Q. Approve Amendment to Bid No. 21/22-3 Network Hardware Equipment with GigaKOM to Purchase Cisco 9300 Network Equipment Switches in the Amount of \$49,261.40, for the Period of September 15, 2022, Through March 31, 2023
- R. Adopt Resolution Authorizing Utilization of Glendale Unified School District Bid No. P-13 18/19 for Apple Computer Products, Services, and Related Items with Apple, Inc., for the Period of October 16, 2022, Through October 15, 2023 **2022-23.034**
- S. Adopt Resolution Authorizing Utilization of the South County Support Services Agency Piggyback Bid No. 2122-SC11-01-C, Public Transportation Equipment to Purchase Electric and/or Alternative Fuel Buses, for the Period of September 14, 2022, Through November 2, 2022 **2022-23.035**
- T. Adopt Resolution Authorizing Utilization of the Waterford Unified School District's Bid No. 01/22 School Buses to Purchase Three Compressed Natural Gas Low Nitrogen Oxide Buses, for the Period of September 14, 2022, Through December 31, 2022 **2022-23.036**
- U. (1) Approve Retention Release for Bid Packages Nos. 1, 2, 4, 7, 14, and 16 for Fahari L. Jeffers Elementary School;
- (2) Approve Change Order for Multiple Prime Contractors for an Increase in the Amount of \$69,475; and
- (3) Approve Notice of Completion for Bid Packages Nos. 1, 2, 4, 7, 14, and 16
- V. Ratify Purchase Orders, Warrants, and Checks Written/Issued Through August 31, 2022 **2022-23.027**
- W. Approve and/or Ratify Inservice/Travel Requests **2022-23.028**

## **12. PUBLIC HEARINGS**

## *Public Hearings*

The Public Hearings section provides the public with an opportunity to address the Board on specific items. Persons wishing to address the

Board on any public hearing items must complete a “Request to Be Heard” card and submit it to the Recording Secretary before the start of the meeting or call 619-679-9001 prior to the start of the meeting. Speakers are requested to limit their remarks to three minutes and speak in a respectful and professional manner. The Board shall limit the total time for input on each public hearing item to 20 minutes. With Board consent, the President may increase or decrease the time allowed for public comments on each public hearing item depending on the topic and the number of persons wishing to be heard.

- A. (1) Conduct Public Hearing Regarding Sufficiency of Instructional Materials and the Williams Class Action Settlement; and

(2) Adopt Resolution for the 2022-23 School Year Regarding Sufficiency of Instructional Materials and the Williams Class Action Settlement with the State of California.

**2022-23.029**

Dr. Matthew Tessier stated that the lawsuit originated in San Francisco 2000 and settlement reached in 2004. It stipulated that lower income community schools had decrepit buildings, insufficient instructional materials, and unqualified teachers. As a result, State brought teams around to make sure that the aforementioned issues were corrected.

*Motion: FERNANDEZ, Second: BISHOP*

*Vote: Ayes: BISHOP, BUNKER, FERNANDEZ, TAMAYO, UGARTE*

- B. (1) Conduct Public Hearing to Evaluate School Site Located in Otay Ranch Village 2 Based on California Department Education Title 5 Standards; and

(2) Adopt Resolution Making Certain Environmental and Title 5 Site Selection Standard Findings Relative to the Approved Site for Otay Ranch Village 2, Site 2 School and Authorizing Staff to Take Certain Related Actions.

**2022-23.030**

Mr. Oscar Esquivel shared the District is in the process of the acquisition of the new school site in the Otay Ranch Community. As part of that process, the District must perform a public hearing and provide certain findings as stated on the resolution to the California Department of Education with the signature of approval.

*Motion: BUNKER, Second: BISHOP*

*Vote: Ayes: BISHOP, BUNKER, FERNANDEZ, TAMAYO, UGARTE*

### 13. ADMINISTRATIVE ACTION ITEMS

#### *Administrative Action Items*

- A. Approve Submittal of 2021-22 Year-End Summary of Revenues, Expenditures, and Changes in Fund Balances

Mr. Oscar Esquivel presented a report on the 2021-2022 unaudited actuals financials where the District closed the books. He provided information on the changes in the General Fund, including estimated actuals budget, unaudited actuals, increases/decreases, restricted designations, reserve for economic uncertainties, unrestrictive revenue and expenditures, contribution changes, and unrestricted designation changes.

Board Members had the opportunity to comment and ask questions.

Member Bishop asked how it was decided to spend ELOP funds. Dr. Tessier shared that funds were used for support services during break, such as Crickets, DASH, and STETCH, and computers for five schools for students learning to code.

*Motion: BISHOP, Second: FERNANDEZ*

*Vote: Ayes: BISHOP, BUNKER, FERNANDEZ, TAMAYO, UGARTE*

- B. Adopt Resolution Approving an Agreement for Purchase of a Second School Site within Village 2 of Otay Ranch and Delegating Authority to Complete the Purchase

**2022-23.031**

Mr. Oscar Esquivel shared the District agreed on purchase of the Otay Ranch Community school site. The purchase agreement is the finalization of the purchase of 9.4 acres, approximately \$1.165 million per acre, construction to be completed by June 2024.

*Motion: TAMAYO, Second: BUNKER*

*Vote: Ayes: BISHOP, BUNKER, FERNANDEZ, TAMAYO, UGARTE*

### 14. FIRST AND SECOND READINGS, BOARD POLICIES, ADMINISTRATIVE REGULATIONS, AND BOARD BYLAWS

#### *First and Second Readings*

None.

### 15. GENERAL INFORMATION ITEMS/REPORTS

#### *Information Items/Reports*

- A. Report Calendar to Board of Education

Board Member Bishop requested a follow up on the City of Chula Vista traffic study, a specific MTSS report, and a unified calendar for school events. Dr. Reyes stated that the unified calendar of events is currently in progress.

**16. RECESS TO CHULA VISTA ELEMENTARY SCHOOL DISTRICT  
PUBLIC FACILITIES FINANCING CORPORATION**

*Public Facilities  
Financing  
Corporation*

President Ugarte adjourned to the Chula Vista Elementary School District  
Public Facilities Financing Corporation meeting at 9:34 P.M.

**CHULA VISTA ELEMENTARY SCHOOL DISTRICT  
PUBLIC FACILITIES FINANCING CORPORATION**

**AGENDA**

**BOARD OF DIRECTORS MEETING**

**1. OPENING PROCEDURES**

*Opening  
Procedures*

**A. Call to Order**

Chairperson Ugarte called the Board of Directors meeting to  
order at 9:34 P.M.

**B. Roll Call**

Ms. Lucy Ugarte, Chairperson  
Ms. Leslie Ray Bunker, Vice Chairperson  
Mr. Oscar Esquivel, President  
Dr. Eduardo Reyes, Secretary  
Mrs. Kristen Armatis, Chief Financial Officer

Members Absent: None

Others Present:

Mr. Cesar Fernandez  
Mr. Francisco Tamayo  
Dr. Matthew Tessier, Asst. Supt., Innovation and Instruction  
Mr. Jason Romero, Asst. Supt., Human Resources

**2. ADMINISTRATIVE ACTION ITEM**

*Administrative  
Action Item  
2022-23.001*

- A. Adopt Resolution of the Board of Directors of the Chula Vista  
Elementary School District Public Facilities Financing Corporation  
Appointing Officers and Taking Related Action in Connection  
Therewith**

Mr. Oscar Esquivel explained that as part of the financing process of the Certificates of Participation, the District has organized a Public Facilities Financing Corporation. Due to changes in District management, a resolution is needed to the appoint new officer. With the retirement of current Director of Fiscal Services Theresa Villanueva, effective September 30, 2022, the new Director of Fiscal Services is Kristin Armatis, who becomes the new Chief Financial Officer, effective October 1, 2022.

*Motion: BISHOP, Second: BUNKER*

*Vote: Ayes: BISHOP, BUNKER, FERNANDEZ, TAMAYO, UGARTE*

**3. ADJOURNMENT OF CHULA VISTA ELEMENTARY SCHOOL DISTRICT PUBLIC FACILITIES FINANCING CORPORATION MEETING** *Adjournment*

Chairperson Ugarte adjourned the meeting at 9:35 P.M.

**17. RECONVENE TO CHULA VISTA ELEMENTARY SCHOOL DISTRICT BOARD OF EDUCATION MEETING** *Board of Education Meeting*

President Ugarte reconvened to the Chula Vista Elementary School District Board of Education meeting at 9:35 P.M.

**18. BOARD COMMUNICATIONS** *Board Communication*

Board Member Bishop gave a shout out to all staff for all the work in the first quarter.

Board Member Fernandez visited Rogers Elementary. He is impressed with the high level of work.

Clerk Tamayo wished everyone a well-deserved break.

Vice President Bunker shared that at every school she visited she saw students engaged and following school rules, was impressed with their behaviors, that campuses looked beautiful, and she felt very proud. She wished everyone a restful break.

President Ugarte said that it was a busy first quarter and got to visit sites. She and Dr. Reyes attended the Salute to Teachers and witnessed teachers being recognized. During her visit to Allen, she saw students picking up trash and keeping their campus beautiful. Also, she met with Communication Officer Giovanna Castro who shared the communications plan and goals similar to detailed lesson plans on social media, and District media in general.

## 19. SUPERINTENDENT'S COMMUNICATION

*Supt's  
Communication*

In talking to principals, staff, students, and parents, Dr. Reyes shared that this school year has been such a different feel for what we do. Since day one, the vibe has been positive and uplifting. It has been tough and challenging, yet there is excitement and hard work and it is really refreshing to witness. He sees what happens at every level, behind the scenes, and the results are outstanding. The heart is what we have at CVESD. He wished everyone an amazing break.

## 20. ADJOURNMENT

*Adjournment*

President Ugarte adjourned the meeting at 9:43 P.M.

*Motion: BISHOP, Second: UGARTE*

*Vote: Ayes: BISHOP, BUNKER, FERNANDEZ, TAMAYO, UGARTE*

THE NEXT REGULAR MEETING OF THE BOARD OF EDUCATION OF THE CHULA VISTA ELEMENTARY SCHOOL DISTRICT IS SCHEDULED ON WEDNESDAY, OCTOBER 19, 2022, AT 4 P.M. CLOSED SESSION, AND 6:00 P.M. OPEN SESSION.

CHULA VISTA ELEMENTARY SCHOOL DISTRICT

GOVERNING BOARD AGENDA ITEM

Prepared by: Human Resources  
Services and Support

**ITEM TITLE:**

Approve and/or Ratify Human Resources Items A Through N

    X     Action

           Information

**BACKGROUND INFORMATION:**

A. NEW EMPLOYMENT

Jeremy Abellar, Temporary Music Teacher (per Education Code Section 44920), 150 days, Class IV, Step 1, salary \$47,461.50, effective September 6, 2022, through June 5, 2023

Fabiola Aguirre, Student Attendant, 6.3 hours per day, 5 days per week, Range 22, Step 1, \$19.04 per hour, effective September 13, 2022

Emily Alva, Instructional Assistant Special Education, 5.8 hours per day, 5 days per week, Range 18, Step 1, \$17.38 per hour, plus 2 percent, effective September 8, 2022

Eleanor Arias, Noon Duty Supervisor, 3 hours per day, 5 days per week, Range 15, Step 1, \$16.24 per hour, effective September 12, 2022

Monique Bareno, Language, Speech, and Hearing Specialist (LSH), 136 days, LSH III, Step 1, salary \$60,020.88, effective October 10, 2022

Lacly Blanco Oleta, Student Attendant, 6.3 hours per day, 5 days per week, Range 22, Step 3, \$20.92 per hour, effective October 11, 2022

Samuel Bledsoe II, Instructional Assistant Special Education, 5.8 hours per day, 5 days per week, Range 18, Step 1, \$17.38 per hour, effective October 11, 2022

Megan Brutus, Resource Specialist Teacher, 152 days, Class III, Step 1, salary \$46,615.36, effective September 1, 2022

Lorena Camacho Patron, Student Attendant, 6.3 hours per day, 5 days per week, Range 22, Step 1, \$19.04 per hour, plus 4 percent, effective September 22, 2022

Lia Campos Avalos, Instructional Assistant (Preschool), 3.5 hours per day, 5 days per week, Range 18, Step 2, \$18.17 per hour, effective September 15, 2022

Betsabeth Careaga, Licensed Vocational Nurse, 6 hours per day, 5 days per week, Range 30, Step 4, \$27.77 per hour, effective October 11, 2022

Maria del Mar Cisneros Robledo, Instructional Assistant Special Education, 5.8 hours, 5 days per week, Range 18, Step 1, \$17.38 per hour, plus 4 percent, effective August 29, 2022

Roslyn Cruz, Noon Duty Supervisor, 2 hours per day, 5 days per week, Range 15, Step 1, \$16.24 per hour, effective October 11, 2022

Yvonne Cuevas, Noon Duty Supervisor, 2.25 hours per day, 5 days per week, Range 15, Step 1, \$16.24 per hour, effective September 8, 2022

Laura De La Torre, Child Nutrition Service I, 2 hours per day, 5 days per week, Range 15, Step 1, \$16.24 per hour, effective October 10, 2022

Jodi Delia, Instructional Assistant Special Education, 5.8 hours per day, 5 days per week, Range 18, Step 1, \$17.38 per hour, effective August 29, 2022

Melissa Diaz Cisneros, Impact Teacher, 136 days, Class V, Step 9, salary \$62,149.28, effective October 10, 2022

Emily Done, Language, Speech, and Hearing Specialist (LSH), 143 days, LSH III, Step 1, salary \$63,110.19, effective September 15, 2022

Esteban Edrozo, Special Day Class Teacher, 185 days, Class I, Step 1, salary \$55,353.00, effective July 18, 2022

Dana Eslick, Special Day Class Teacher, 136 days, Class III, Step 12, salary \$62,481.12, effective October 10, 2022

Tomasa Estrada, Noon Duty Supervisor, 3.65 hours per day, 5 days per week, Range 15, Step 1, \$16.24 per hour, effective September 6, 2022

Sharon Fajardo, Child Nutrition I, 2 hours per day, 5 days per week, Range 15, Step 1, \$16.24 per hour, effective September 12, 2022

Soraya Faya Cordero, Teacher, 185 days, Class II, Step 1, salary \$55,353.00, effective July 18, 2022

Rosella Ferrer, Instructional Assistant-Transitional Kindergarten, 6 hours per day, 5 days per week, Range 18, Step 7, effective July 20, 2022

Juan Fletes, Noon Duty Supervisor, 3.75 hours per day, 5 days per week, Range 15, Step 1, \$16.24 per hour, effective August 31, 2022

Jennifer Garcia, Student Attendant, 6.3 hours per day, 5 days per week, Range 22, Step 1, \$19.04 per hour, effective September 1, 2022

Luz Garcia, Student Attendant, 6.3 hours per day, 5 days per week, Range 22, Step 7, \$24.51 per hour, plus 2 percent, effective October 24, 2022

Silvia Garcia, Noon Duty Supervisor, 2.25 hours per day, 5 days per week, Range 15, Step 1, \$16.24 per hour, effective September 8, 2022

Jacquelyn Garlick, Noon Duty Supervisor, 3 hours per day, 5 days per week, Range 15, Step 1, \$16.24 per hour, effective September 20, 2022

Nahomy Godinez, Child Nutrition Service I, 3.75 hours per day, 5 days per week, Range 15, Step 1, \$16.24 per hour, effective September 20, 2022

Nicole Gulisano, Instructional Assistant Special Education, 5.8 hours per day, 5 days per week, Range 18, Step 1, \$17.38 per hour, effective October 11, 2022

Evangelina Gutierrez, Child Nutrition Services I, 2 hours per day, 5 days per week, Range 15, Step 1, \$16.24 per hour, effective September 8, 2022

Bradley Harrison, Computer Support Technician I, 8 hours per day, 5 days per week, Range 33, Step 2, \$25.92 per hour, effective September 12, 2022

Sarah Hart, Temporary Teacher (per Education Code Section 44920), 136 days, Class IV, Step 1, salary \$43,031.76, effective October 10, 2022, through June 5, 2023

Melanie Hermosura, Speech and Language Pathology Assistant, 6 hours per day, 5 days per week, Range 40, Step 6, \$36.97 per hour, plus 4 percent, effective September 12, 2022

Courtney Heuter, Resource Teacher – Visual Arts and Performing Arts, 152 days, Class V, Step 3, salary \$55,192.72, effective September 1, 2022

Faye Hunt, Library Media Technician, 5 hours per day, 3 days per week, Range 23, Step 4, \$22.53 per hour, plus 4 percent, effective September 9, 2022

Vivian Huaman, Instructional Assistant Special Education, 5.8 hours per day, 5 days per week, Range 18, Step 2, \$18.17 per hour, plus 4 percent, effective August 22, 2022

Jeanette Ibarra Luppert, Student Attendant, 6.3 hours per day, 5 days per week, Range 22, Step 1, plus 2 percent, effective August 19, 2022

Susana Iniguez, Student Attendant, 6.3 hours per day, 5 days per week, Range 22, Step 1, \$19.04 per hour, plus 4 percent, effective September 23, 2022

Dawn Jacome, Temporary Teacher (per Education Code Section 44920), 136 days, Class III, Step 1, salary \$41,708.48, effective October 12, 2022, through June 5, 2023

Vere Jaramillo, Instructional Assistant Special Education, 5.8 hours per day, 5 days per week, Range 18, Step 1, \$17.38 per hour, effective August 22, 2022

Diego Jasso, Van Driver, 5 hours per day, 5 days per week, Range 22, Step 1, \$19.04 per hour, plus 2 percent, effective September 9, 2022

Aldo Jimenez Bravo, Van Driver, 5 hours per day, 5 days per week, Range 22, Step 1, \$19.04 per hour, effective October 11, 2022

Ivonne Jimenez, School Attendance Secretary/Health Specialist, 8 hours per day, 5 days per week, Range 28, Step 2, \$23.01 per hour, effective October 10, 2022

Bertha Johnson, Instructional Assistant-Transitional Kindergarten, 6 hours per day, 5 days per week, Range 18, Step 7, \$22.28 per hour, plus 2 percent, effective August 22, 2022

Karyna Leon, Instructional Assistant Special Education, 5.8 hours per day, 5 days per week, Range 18, Step 1, \$17.38, per hour, effective August 4, 2022

Veronica Leon, Child Nutrition Services I, 2 hours per day, 5 days per week, \$16.24 per hour, \$16.25 per hour, effective October 11, 2022

Cristian Lomeli, Student Attendant, 6.3 hours per day, 5 days per week, Range 22, Step 5, \$24.09 per hour, effective August 22, 2022

Alejandro Lopez, Student Attendant, 6.3 hours per day, 5 days per week, Range 22, Step 3, \$20.92 per hour, effective October 11, 2022

Joshue Lopez, Student Attendant, 6.3 hours per day, 5 days per week, Range 22, Step 1, \$19.04 per hour, plus 4 percent, effective September 13, 2022

Ileane Malfavon, Special Day Class Teacher, 141 days, Class V, Step 2, salary \$49,066.69, effective September 19, 2022

Kharen Marcos, Student Attendant, 6.3 hours per day, 5 days per week, Range 22, Step 1, \$19.04 per hour, effective September 2, 2022

Monica Martinez, Temporary Teacher (per Education Code Section 44920), 136 days, Class III, Step 6, salary \$50,572.96, effective October 10, 2022, through June 5, 2023

Rosario Martinez, Student Attendant, 6.3 hours per day, 5 days per week, Range 22, Step 1, \$19.04 per hour, effective October 12, 2022

Kimberly Mathis, Occupational Therapist, 7 hours per week, 5 days per week, Range 55, Step 3, \$46.01 per hour, plus 4 percent, effective October 10, 2022

Kimberly McBride, Instructional Assistant, 3 hours per day, 5 days per week, Range 15, Step 1, \$16.24 per hour, effective September 13, 2022

Rosalva Medina, Special Day Class Teacher, 154 days, Class III, Step 1, salary \$47,228.72, effective August 30, 2022

Georgina Medina Hernandez, Instructional Assistant Special Education, 5.8 hours per day, 5 days per week, Range 18, Step 1, \$17.38 per hour, effective September 7, 2022

Dario Melendez Trevino, Custodian I, 3.75 hours per day, 5 days per week, Range 22, Step 1, \$19.04 per hour, effective October 11, 2022

Alison Mendoza, Special Day Class Teacher, 147 days, Class V, Step 1, salary \$49,043.61, effective September 9, 2022

Jessica Mercado, Noon Duty Supervisor, 2 hours per day, 5 days per week, Range 15, Step 1, \$16.24 per hour, effective August 25, 2022

Elizabeth Moran, Child Nutrition Services I, 2 hours per day, 5 days per week, Range 15, Step 1, \$16.24 per hour, effective September 1, 2022

Maria M. Moreles, Noon Duty Supervisor, 4 hours per day, 2 days per week, Range 15, Step 1, \$16.24 per hour, effective September 20, 2022

Osiris Murillo, Special Day Class Teacher, 152 days, Class III, Step I, salary \$46,615.36, effective September 1, 2022

Jillian Musa, Temporary Teacher (per Education Code Section 44920), 153 days, Class V, Step 6, salary \$62,743.77, effective August 31, 2022, through June 5, 2023

Joel Ordonez Herrera, Bus Driver, 5 hours per day, 5 days per week, Range 26, Step 1, \$20.92 per hour, effective September 6, 2022

Cynthia Palacio, Student Attendant, 6.3 hours per day, 5 days per week, Range 22, Step 5, \$23.01 per hour, effective September 1, 2022

Sylvia Pedroza, Payroll Specialist I, 8 hours per day, 5 days per week, Range 29, Step 2, \$23.61 per hour, plus 2 percent, effective October 4, 2022

Brenda Perez, Student Attendant, 6.3 hours per day, 5 days per week, Range 22, Step 1, \$19.04 per hour, effective October 11, 2022

Max Peyro, Library Media Technician, 3.5 hours per day, 5 days per week, Range 23, Step 6, \$24.73 per hour, plus 4 percent, effective October 11, 2022

Jessica Rahn-Campos, Instructional Assistant - English Language Learner, 4 hours per day, 5 days per week, Range 17, Step 1, \$17.03 per hour, plus 4 percent, effective October 12, 2022

Harsimran Ranouta, School Nurse, 84 days, Class V, Step 1, salary \$28,024.92, effective October 1, 2022

John Remley, Jr., Van Driver, 5 hours per day, 5 days per week, Range 22, Step 1, \$19.04 per hour, effective October 12, 2022

Monica Reyes, Student Attendant, 6.3 hours per day, 5 days per week, Range 22, Step 2, \$19.99 per hour, effective October 11, 2022

Cesar Salcedo, Custodian I, 8 hours per day, 5 days per week, Range 22, Step 1, \$19.04 per hour, effective September 1, 2022

Laureene Sardon, Noon Duty Supervisor, 3 hours per day, 5 days per week, Range 15, Step 1, \$16.24 per hour, effective October 11, 2022

Shea Thurston, Temporary Resource Teacher-Physical Education, (per Education Code Section 44920), Class V, Step 1, salary \$47,375.46, effective September 16, 2022, through June 5, 2023

Miriam Uriquiza Beltran, Noon Duty Supervisor, 2.5 hours per day, 5 days per week, Range 15, Step 1, \$16.24 per hour, effective September 12, 2022

Susana Valle, Noon Duty Supervisor, 2.5 hours per day, 5 days per week, Range 15, Step 1, \$16.24 per hour, effective September 14, 2022

Eva Velez, Noon Duty Supervisor, 3.25 hours per day, 5 days per week, Range 15, Step 1, \$16.24 per hour, effective July 20, 2022

Jing Wang, Child Nutrition Services I, 2 hours per day, 5 days per week, Range 15, Step 1, \$16.24 per hour, effective September 12, 2022

Jennifer Weck, School Social Worker, Temporary Social Worker (per Education Code Section 44920), Class V, Step 1, salary \$48,042.72, effective September 14, 2022, through June 5, 2023

Kaitlin Wiltjer, Resource Specialist (Special Education), Class I, Step 1, salary \$40,802.72, effective October 10, 2022

Gabriela Zenteno, Instructional Assistant Special Education, 5.8 hours per day, 5 days per week, Range 18, Step 6, \$21.90 per hour, effective August 29, 2022

**B. REEMPLOYMENT OF TEMPORARY CERTIFICATED EMPLOYEES PREVIOUSLY EMPLOYED UNDER EDUCATION CODE SECTIONS 44909, 44911, OR 44920 FOR THE 2022-23 SCHOOL YEAR**

Maria Gonzalez, Temporary Impact Teacher, (per Education Code Section 44920), 155 days, Class IV, Step 1, salary \$49,043.55, effective August 29, 2022, through June 5, 2023

**C. REEMPLOYMENT OF CLASSIFIED EMPLOYEES UNDER EDUCATION CODE SECTIONS 45114, 45298, AND 45308**

Adrianna Orozco, Instructional Assistant Special Education, 5.8 hours per day, 5 days per week, Range 18, Step 1, \$17.28 per hour, effective October 11, 2022

Tanya Zepeda-McClurg, School Health Clerk, 3.5 hours per day, 5 days per week, Range 22, Step 1, \$19.04 per hour, effective October 11, 2022

D. ADDITIONAL POSITIONS

Dominga Leon de Miyakawa, Health Clerk, 1 hour per day, 5 days per week, Range 22, Step 1, \$19.04 per hour, effective August 25, 2022

Marcia Montemayor, Noon Duty Supervisor, .5 hours per day, 5 days per week, Range 15, Step 1, plus 4 percent, \$16.24 per hour, effective September 1, 2022

Nathaly Sandoval Rodriguez, Library Technology Technician, 3 hours per day, 5 days per week, Range 26, Step 1, \$20.92 per hour, effective August 22, 2022

E. LEAVE OF ABSENCE

Alyssa Adams, Teacher, effective August 15, 2022

Colleen Aycock, Student Attendant, August 3, 2022

Brenda Christensen, Student Attendant, effective September 16, 2022

Jermaine Evans, Custodian I, effective September 26, 2022

Meghan Koos, School Counselor, effective September 21, 2022

Valerie Llamas, Student Placement Lead, effective October 3, 2022

Martha Lopez, Teacher, effective October 10, 2022

Teresa Morales, Student Attendant, effective July 25, 2022

Rachel Parker, Counselor, effective September 6, 2022

Julie Ramawtar, Teacher, effective September 12, 2022

Maria Rico, Teacher, effective October 11, 2022

Patricia Stennett, School Nurse, effective October 10, 2022

Vanessa Torres, Resource Specialist, effective September 22, 2022

F. EXHAUSTED ALL PAID LEAVE—PLACED ON 39-MONTH REEMPLOYMENT LIST

Employee Nos. 2011422092 and 2010622946

G. JOB DESCRIPTIONS

Benefits/Risk Management Senior Manager

Executive Director of Curriculum and Instruction Services and Support

Assistant Superintendent of Student Services

H. PROMOTIONS

Jennifer Diaz, from Instructional Assistant (Preschool) to Student Attendant, 6.3 hours per week, 5 days per week, Range 22, Step 5, \$23.01 per hour, effective September 6, 2022

Yannina Famoso, from Payroll Specialist to Accounting Technician II-Accounts Payable, 8 hours per day, 5 days per week, Range 31, Step 7, \$30.40 per hour, effective October 17, 2022

Paulinna Garcia, from Psychologist to Administrative District Psychologist (ADP), 205 days ADP Salary Schedule, Range H, Step 1, \$525.47 per day, effective October 10, 2022

Josefa Ortiz, Child Nutrition Service (CNS) II to CNS III, 8 hours per day, 5 days per week, Range 19, Step 7, \$22.93 per hour, effective September 1, 2022

Roxana Vargas-Ibarra, Child Nutrition Service (CNS) II to CNS III, 6.5 hours per day, 5 days per week, Range 19, Step 7, \$22.93 per hour, effective September 6, 2022

Lelani Velasco, from Instructional Assistant (Preschool) to Instructional Assistant Special Education, 5.8 hours per day, 5 days per week, Range 18, Step 7, \$22.28 per hour, effective October 11, 2022

I. RESIGNATIONS

Rosa Andrade, Child Nutrition Services III, effective December 17, 2022

Nicole Bugielski, Occupational Therapist, effective September 24, 2022

Alberto Canedo, Student Attendant, effective September 24, 2022

Yelizeth Contreras, Noon Duty Supervisor, effective September 24, 2022

Jamila Demby, Resource Teacher-Physical Education, effective October 22, 2022

Natalia Franco, Instructional Assistant-Transitional Kindergarten, effective September 24, 2022

Matthew Gaudet, Instructional Assistant Special Education, effective September 24, 2022

Saul Gonzalez-Rodriguez, Licensed Vocational Nurse, effective September 24, 2022

Max Herrera, Human Resources Technician IV (Sub Desk), effective October 8, 2022

Margarita Mendez, Child Nutrition Services I, effective October 15, 2022

Maddi Northcutt, Resource Specialist, effective October 15, 2022

Dolan Pruitt, Custodian I, effective September 13, 2022

Marisela Ramirez Guzman, Instructional Assistant-English Language Learner, effective September 16, 2022

Michelle Rina, Instructional Assistant-Immigrant Family/Student Support-Tagalog, effective September 10, 2022

Ana Roa, Instructional Assistant Special Education, effective September 10, 2022

Stephanie Roltsch, Occupational Therapist, effective September 17, 2022

Sandra Romo, Resource Specialist (Special Education), effective September 22, 2022

Alejandro Valencia, Instructional Assistant-Behavioral Specialist, effective September 24, 2022

Leonardo Valenzuela, Technology Equipment Technician, effective September 9, 2022

Alison Williams, Coordinator Instructional Services and Support, effective October 22, 2022

Regina Wilson, Occupational Therapist, effective October 15, 2022

Meilyn Zakaria, Student Attendant, effective September 24, 2022

J. BENEFITS

VSP Vision Care Plan, effective January 1, 2023

K. PRE-EMPLOYMENT PHYSICALS/DRUG SCREENINGS

Occupational Health Centers of California, effective June 1, 2022, through July 31, 2023

L. CONTRACT TERMINATION

Termination of Vision PPO Policy with Medical Eye Services, effective January 1, 2023

M. RELEASE

Employee Nos: 2011122923 and 2011722673

N. CONSULTANTS

Finney Educational Consultant will work in collaboration with all grade level teams on math lesson study and provide math professional development to staff at Fahari L. Jeffers. Services will be provided August 1, 2022, through June 30, 2023. The sum not to exceed \$6,000 will be paid from Site Local Control and Accountability Plan funds.

Geocon, Inc. will provide geotechnical services to prepare an updated report for the proposed Otay Ranch Village 2, Site 2 Elementary School project because an additional classroom building was added to the scope of the elementary school project requiring additional testing to satisfy the requirements of the State of California Department of Toxic Substance Control. The sum not to exceed \$13,500 will be paid from Community Facilities District and/or other Capital funds.

Geocon, Inc. will provide geotechnical services to prepare a report of findings based on comments dated January 5, 2022, from the City of Chula Vista requiring that the District conduct additional sampling prior to development of the site. The findings will be compared to the analytical results of the soil samples to the San Francisco Bay Regional Water Quality Control Board Environmental Screening Levels (ESLs), which are utilized by the County of San Diego Department of Environmental Health, through industry standard based testing practices for the proposed Maxwell Transportation Bus Yard in the amount not to exceed \$10,800. The proposed estimate does not include costs for preparing or submitting a Soil Management Plan (SMP). The additional costs for a SMP will be provided

if impacted soil is identified during the initial study. Costs will be paid from Measure VV General Obligation Bond funds.

Magic Entertainment provided performances incorporating an educational and motivational message with magic, science, and engineering at Juarez-Lincoln. Services were provided October 14, 2022. The sum not to exceed \$2,000 will be paid from Title I funds.

Juan Antonio Perez will provide original school bus driver training to District applicants, including pre-trip inspection training, brake inspection training, and behind the wheel training for the period of November 1, 2022, through June 30, 2023. Fees will be billed monthly at a rate of \$65 per hour, with a not to exceed cost of \$4,550 per month with a not-to-exceed amount of \$27,300. Costs will be paid from Transportation funds.

On June 16, 2021, the Board approved a contract with San Diego Center for Vision Care Optometry to provide developmental vision evaluations and therapy services, including progress reports for \$5,000. On December 15, 2021, the Board approved an amendment for \$5,000. On June 15, 2022, the Board approved an amendment for \$3,000. An amendment will increase the contract by \$2,000. The sum not to exceed \$15,000 will be paid from Special Education, Special Day Class-Moderate/Severe funds.

Scripps Media, Inc. d/b/a KGTV, is providing televised and digital advertisements regarding new enrollment, and open enrollment for new and returning students with our District. Televised ads will be aired on ABC 10 News and social media. Services will be provided July 1, 2022, through June 30, 2023. The sum not to exceed \$15,000 will be paid from General funds.

Silicon Valley Mathematics initiative will provide member benefits to include professional development opportunities which include online member resources and performance assessments to teachers. Services will be provided July 1, 2022, through June 30, 2023. The sum not to exceed \$6,300 will be paid from Title 1 funds.

Wilda's Writing Workshop will provide writing professional workshop development, teacher coaching, and classroom lesson modeling at Greg Rogers Elementary School. Services will be provided July 19, 2022, through June 30, 2023. The sum not to exceed \$12, 200 will be paid from Site Local Control and Accountability Plan funds.

Wilda's Writing Workshop will provide writing professional workshop development, teacher coaching, and classroom lesson modeling at Valle Lindo Elementary School. Services will be provided July 19, 2022, through June 30, 2023. The sum not to exceed \$12, 200 will be paid from Site Local Control and Accountability Plan funds.

**ADDITIONAL DATA:**

Additional information is available for review in the Office of the Assistant Superintendent for Human Resources Services and Support.

**STAFF RECOMMENDATION:**

Recommend approval and/or ratification.

## **MANAGEMENT JOB DESCRIPTION**

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### **BENEFITS/RISK MANAGEMENT SENIOR MANAGER**

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#### **JOB SUMMARY:**

Under administrative direction from the Assistant Superintendent for Human Resources Services and Support, plans, coordinates, and directs the Chula Vista Elementary School District's Risk Management Program including the areas of workers' compensation, fringe benefits, safety, and public liability.

#### **ESSENTIAL JOB FUNCTIONS:**

- Is responsible for the evaluation of all contracts for Information Technology, Instructional Services and Support, Risk Management, and other departments as needed.
- Research laws, regulations, legislation and policies for the purpose of assessing their potential impact on the District.
- Performs independent technical duties in the administration of the District's Risk Management programs.
- Oversees third party administration of workers' compensation claims, which includes interviewing injured workers as necessary, coordinating with administrators and lawyers, and counseling District personnel as respect to workers' compensation laws and procedures.
- Performs liaison functions between administrators, employees, lawyers, management personnel, service providers, and members of the public.
- Conducts investigations into public liability claims. Attends court proceedings on behalf of the District.
- Serves as District alternate representative on the Joint Powers Authority for property, liability, and the San Diego County Schools Benefits Consortium.
- Establishes, maintains, and inservices employees in safety-related programs; such as, Bloodborne Pathogens, and Injury & Illness Prevention.
- Directs all employee benefit programs, including accounting and technical data for all active and retired employees.
- Counsels employees/retirees and their dependents and/or beneficiaries relative to District insurance plans.
- Monitors all legislation affecting public liability, employee benefits, workers' compensation, and safety.
- Communicates with other District personnel and departments, attorneys, insurance representatives, consultants, and others for the purpose of coordinating activities, exchanging information, and facilitating contract implementation
- Develops policies and administrative regulations regarding employee benefits, safety, workers' compensation, and any other related issues.

- Recommends a wide variety of program-specific decisions (e.g., insurance vendors, plan specifications, claim settlements, etc.) for the purpose of providing required services to employees and dependents and ensuring efficient utilization of District financial resources.
- Supervises and evaluates Risk Management staff.
- Performs other duties as assigned.

#### **ESSENTIAL JOB REQUIREMENTS - QUALIFICATIONS:**

- Technical legal knowledge for review of multiple, highly complex, District contracts, and review/processing of court documents.
- Expertise in selecting, supervising, training, evaluating, commending, and, when appropriate, disciplining assigned staff.
- Ability to implement the use of computer software programs, hardware, and other technology pertinent to the areas of specialization.
- Knowledge of principles and practices of risk management; labor and education codes relating to school districts; familiarity with claims processing in all areas of risk management; knowledge of typical industrial illnesses, injuries, and accidents; general knowledge of the OSHA General Industrial Safety Orders; employee health and welfare benefit programs; employer-employee relations, including the collective bargaining process; and selection, supervision, training, and evaluating of assigned staff.
- Ability to communicate orally and in writing; ability to be effective when dealing with all people, including employees suffering from illnesses or injuries; ability to work independently and manage a large caseload; ability to present ideas and concepts persuasively; ability to interpret, apply, and explain laws, codes, regulations, policies, and procedures; and ability to establish and maintain cooperative professional working relationships in the performance of position responsibilities.
- Evidence of successful experience in performing the typical tasks enumerated for this position with increasing responsibility in the management and operation of a risk management program.
- Knowledge, skills, and abilities required for this strong classification would typically be acquired through graduation from a four-year college or university.
- An Associate in Risk Management and/or certification as an Employee Benefits Specialist is highly desirable
- Proficient in Microsoft Office Suite products.

#### **TRAINING AND EXPERIENCE:**

- Graduation from a recognized college or university with coursework in business, risk management, or related field. Evidence of increasingly responsible experience in the risk management/benefits field; superior presentation and analytical skills.

*Management Salary Schedule Range G*  
**BOARD APPROVED:**

## **EXECUTIVE DIRECTOR OF CURRICULUM AND INSTRUCTION SERVICES AND SUPPORT**

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### **JOB SUMMARY:**

Under the administrative direction of the Assistant Superintendent of Innovation and Instruction, provides leadership and coordination in the planning and development of curriculum and instruction, and staff development. Plays a key role in the development of programs that will affect student achievement and teacher effectiveness. Serves as liaison to schools, providing support and utilizing media, technology, and research and evaluation tools to positively impact the achievement of all students.

### **ESSENTIAL JOB FUNCTIONS:**

- Provides coaching, support, and professional development to principals, teachers, and staff.
- Coordinates staff development for school sites.
- Organizes Districtwide staff development to meet general, mandated, and target group needs.
- Facilitates curriculum adoption process.
- Facilitates report card revision process.
- Creates and revises Board Policies and Administrative Regulations that pertain to curriculum and instruction.
- Manages grants, reports, school services, and coaches.
- Ensures the funding for educational projects is purposeful and continually supports District goals and priorities.
- Serves on Peer Assistance and Review Board.
- Collaborates with the San Diego County Office of Education to comply with provisions of the Williams Settlement and offers guidance to schools on the settlement.
- Oversees Districtwide assessment and accountability systems, including monitoring of student progress.
- Oversees visual and performing arts, instructional content programs, textbook and library media services.
- Supervises assigned personnel.
- Performs other duties as assigned.

## **ESSENTIAL JOB REQUIREMENTS - QUALIFICATIONS:**

- **Applicable Credentials**

Standard Elementary, Multiple Subject, CLAD, Specialist credentials (e.g. Ryan), Tier I Administrative Credential.

- **Training and Experience**

Five years of progressively responsible experience in education administration including serving as site principal. Experience in managing state programs and/or grants preferred. Evidence of highly successful teaching experience.

*Management Salary Schedule Range C*  
*BOARD APPROVED: 05/31/05*  
*REVISION DATES: 08/15/06*  
*07/24/07*  
*07/13/16*

## **MANAGEMENT JOB DESCRIPTION**

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# **ASSISTANT SUPERINTENDENT OF STUDENT SERVICES**

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### **JOB SUMMARY:**

Under the direction of the Superintendent, the Assistant Superintendent of Student Services oversees the planning, development, implementation, evaluation and maintenance of programs for all aspects of student services including programs for students with exceptional needs, child welfare and attendance; provides training to special education staff, general education staff, administrators, classified staff and parents; monitors program compliance; manages due process cases and mediation; provides curricular resources to teachers and specialists; provides consultation and support to site administrators and staff in the areas of special education and related services and child welfare and attendance; assists in the supervision and evaluation of support staff and assigned personnel; ensures compliance with all local, county, state and federal regulations; and performs other duties as assigned.

### **DIRECTLY RESPONSIBLE TO:**

- Superintendent

### **IMMEDIATE SUBORDINATES:**

- Senior Director, Executive Directors, Directors, Coordinators and managerial staff of Student Services and Special Education.

### **ESSENTIAL JOB FUNCTIONS:**

- Serves as a member of the Superintendent's Cabinet.
- Manages and supervises the Special Education and Student Services Departments.
- Assists in the development and implementation of Board Policy and Administrative Regulations related to Special Education and Student Support Services.
- Develops and maintains budget for Special Education and Student Services based on assessed needs, District philosophy, and State and Federal law and regulations in consultation with the Superintendent and Deputy Superintendent, Business Services.
- Supervises and evaluates Director of Special Education.
- Serves as a resource person for Special Education and Student Support Services committees by facilitating communications, preparing reports, and compiling research.
- Attends Board meetings and prepares agenda items and reports and provides technical information to the Board as requested by the Superintendent or designee; reviews and presents Board items affecting Special Education and Student Services;

updates the Board in Closed Session regarding confidential student issues as needed.

- Communicates frequently with all District stakeholders and other agencies and organizations by coordinating and developing means of exchanging information to coordinate activities and programs, resolve issues and conflicts, and facilitate the efficient use of resources.
- Prepares and delivers oral and written reports, recommendations, and presentations regarding Special Education and Student Services to variety of audiences including: the Board, committees, parents, community, SELPA, County Office of Education, State agencies, etc.
- Performs other administrative duties as assigned by the Superintendent.
- Directs the operation, implementation, and compliance evaluation of the Chula Vista Elementary School District Special Education and Section 504, including Extended School Year (ESY), programs in accordance with state and federal laws, District regulations, employee contracts, and other specially funded program requirements.
- Develops and implements short and long-range plans to enhance existing programs and introduce new programs in alignment with the mission, strategic plan, goals, objectives, and policies of the Board of Education and District.
- Supervises, coordinates, and allocates special education staff, programs, resources, and budgets.
- Plans and directs Special Education professional development for Special Education staff, General education staff, and administrators.
- Works cooperatively with site and District administrators to ensure the effective integration of student support services within general and special education intervention programs.
- Coordinates and manages the District Individualized Education Plan (IEP) procedures, including monitoring compliance issues, meeting notification process, and District level IEP transfers.
- Participates in IEP development, monitoring, and computerized software use with respect to goals, objectives, and agreed upon services.
- Serves as district representative to the San Diego County Special Education Local Plan Area (SELPA); assumes responsibility for Regional Programs operated by the District and collaborates with other providers in the SELPA.
- Assists site administrators with the evaluation of special education personnel as needed.
- Coordinates, monitors, and recommends approval of services for students placed in nonpublic schools and/or agencies including monitoring educational services and preparation of master and individual contracts.
- Acts as a community liaison and approves and coordinates referrals with other agencies involved in special education including but not limited to the Department of Mental Health, Regional Center, and independent service providers.
- Prepares for and participates in due process resolution, mediation, and hearings.

- Supervises, coordinates, and allocates support services staff, programs, resources, and budgets including health services, child welfare and attendance, and SARB.
- Assures that site administration implements practices and legal requirements related to health, safety, welfare, and attendance of students.
- Directs the evaluation of the effectiveness of Student Services programs and prepares reports for a variety of audiences at the direction of the Superintendent.
- Implements inter/intra-district transfer process and appeals and maintains records of transfers in collaboration with the Business Services Department.
- Facilitates the resolution of parent complaints regarding student intervention programs and with non-compliance and due process investigations.
- Serves as District administrative coordinator for the implementation and maintenance of Title IX student issues, Section 504, Americans with Disabilities Act (ADA), and custodian of student records.
- Manages Medi-Cal services and billing.
- Attends and conducts meetings, State and regional conferences and workshops to remain current on all issues relating to student services issues.
- Maintains close and effective working relationships among Federal, State, and County agencies; other school districts; community and non-profit organizations; the community and public; and other organizations that work in conjunction with the District.
- Prepares consultant contracts.
- Supervises, reviews, and evaluates the District's independent study program, home hospital program, and individual independent study contracts.
- Performs other duties as assigned.

#### **ESSENTIAL JOB REQUIREMENTS - QUALIFICATIONS:**

- **Applicable Credentials**  
Standard Elementary, Multiple Subject, CLAD, Specialist credentials (e.g. Ryan), or PPS credential and a Tier I Administrative Credential.
- **Training and Experience**  
Advanced degree in appropriate field (M.S. or Ed.D.). Five years of progressively responsible experience in education administration. Experience in managing state programs and/or grants and site principal experience preferred. Evidence of highly successful teaching experience.

*Assistant Superintendent Salary Schedule:*  
**BOARD APPROVED:**

CHULA VISTA ELEMENTARY SCHOOL DISTRICT

GOVERNING BOARD AGENDA ITEM

Prepared by: Human Resources  
Services and Support

**ITEM TITLE:**

Ratify Memorandum of Understanding with Sweetwater Union High School District on Behalf of Arroyo Vista, Chula Vista Learning Community, Discovery, Mae L. Feaster, and Mueller Charter Schools for Participation in Middle School Sports League for the 2022-23 School Year

    X     Action

                     Information

**BACKGROUND INFORMATION:**

The District has been working with Sweetwater Union High School District (SUHSD) over the past five years to support dependent charter school participation in boys and girls sports. SUHSD has requested the District enter into a Memorandum of Understanding (MOU) for all the charter schools that wish to participate.

The MOU allows the five listed charter schools to participate in the SUHSD interscholastic Middle School Sports League.

**ADDITIONAL DATA:**

A copy of the MOU and additional information are available for review in the Office of the Human Resources and Support Services.

**FISCAL IMPACT/FUNDING SOURCE:**

None

**STAFF RECOMMENDATION:**

Recommend ratification.

CHULA VISTA ELEMENTARY SCHOOL DISTRICT

GOVERNING BOARD AGENDA ITEM

Prepared by: Human Resources  
Services and Support

**ITEM TITLE:**

Approve Employee Benefits Consulting Amendment 1 to the Agreement with Marsh & McLennan Agency, LLC, Effective April 1, 2022

    X     Action

           Information

**BACKGROUND INFORMATION:**

Beginning April 1, 2022, the Chula Vista Elementary School District will enter into Amendment 1 to our current Employee Benefits Consulting Agreement with Marsh & McLennan Agency, LLC (MMA) (formerly Barney and Barney). MMA is an insurance brokerage with a long history of supporting public agencies and consulting on employee benefits plans. Under the original agreement, MMA will assist the District by:

- Coordinating the marketing and renewal process to determine the most appropriate coverages and cost structures, supporting communication between medical providers and the District.
- Assisting in the review of billing, premium reconciliations, and claims appeal process.
- Providing support to ensure the District remains compliant with regulations regarding employee medical plans.

**ADDITIONAL DATA:**

The Consulting Agreement with Amendment 1 and additional information are available for review in the Office of the Assistant Superintendent for Human Resources Services and Support.

**FISCAL IMPACT/FUNDING SOURCE:**

The District currently compensates MMA through commissions on dental and vision and a fee on SISC health plans. The District will revise its compensation to MMA to \$95,000 annually from the General Fund. MMA will refund \$20,000 per year (\$5,000 per quarter) of MMA's consulting fee which will be used toward employee wellness. MMA will distribute the \$5,000 refund upon receipt of quarterly payments.

**STAFF RECOMMENDATION:**

Recommend approval.

CHULA VISTA ELEMENTARY SCHOOL DISTRICT

GOVERNING BOARD AGENDA ITEM

Prepared by: Instructional Services  
and Support

**ITEM TITLE:**

Review and Accept Quarterly Report to the San Diego County Office of Education on *Williams* Complaints for the Period of July Through September 2022

\_\_\_\_\_ **Action**

\_\_\_\_\_ **X** **Information**

**BACKGROUND INFORMATION:**

In May 2000, a lawsuit was filed against the State of California claiming that low-performing schools throughout the state were housed in facilities that were dirty, unsafe, and inadequate with further allegations that these schools were additionally burdened with unqualified teachers and insufficient instructional materials. A settlement in *Williams vs. California* was reached in August 2004 and subsequently enacted into law through Senate Bills 6 and 550 and Assembly Bills 1550, 2727, and 3001 (chaptered September 29, 2004).

The intent of the *Williams* settlement is to ensure that all students have equal access to:

- Instructional materials
- Qualified teachers
- Safe, clean, and adequate facilities

**ADDITIONAL DATA:**

A stipulation of the settlement is that all school districts must update Uniform Complaint Procedures to include:

- Instructional materials.
- Teacher vacancies and misassignments.
- Emergency or urgent facilities issues.

Notices are posted in each classroom in every District school informing parents/guardians that all classes in all California public schools must have sufficient instructional materials and that the facilities must be clean, safe, and in

“good repair.” The notices also provide information on how and where to file a complaint.

A quarterly summary report of complaints must be presented to the Board and to the San Diego County Office of Education. For the period of July through September 2022, no *Williams* complaints were filed in the District.

**FISCAL IMPACT/FUNDING SOURCE:**

None.

**STAFF RECOMMENDATION:**

Recommend review and acceptance.

***Chula Vista Elementary School District***

**QUARTERLY UNIFORM COMPLAINT REPORT SUMMARY**

**For submission to the Chula Vista Elementary School District  
Board of Education**

**and**

**San Diego County Office of Education**

District Name: Chula Vista Elementary School District

Quarter covered by this report: July – September 2022

|                                              | <b>Number of<br/>complaints<br/>received in<br/>quarter</b> | <b>Number of<br/>complaints<br/>resolved</b> | <b>Number of<br/>complaints<br/>unresolved</b> |
|----------------------------------------------|-------------------------------------------------------------|----------------------------------------------|------------------------------------------------|
| <b>Instructional Materials</b>               | <b>0</b>                                                    | <b>0</b>                                     | <b>0</b>                                       |
| <b>Facilities</b>                            | <b>0</b>                                                    | <b>0</b>                                     | <b>0</b>                                       |
| <b>Teacher Vacancy and<br/>Misassignment</b> | <b>0</b>                                                    | <b>0</b>                                     | <b>0</b>                                       |
| <b>Totals:</b>                               | <b>0</b>                                                    | <b>0</b>                                     | <b>0</b>                                       |

*Submitted by: Dr. Matthew Tessier*

*Title: Assistant Superintendent of Innovation and Instruction*

CHULA VISTA ELEMENTARY SCHOOL DISTRICT

GOVERNING BOARD AGENDA ITEM

Prepared by: Instructional Services  
and Support

**ITEM TITLE:**

Ratify Agreement Between Chula Vista Elementary School District and Scripps Health for Obstetrics/Mean Corpuscular Hemoglobin Services for the Period of September 1, 2022, Through June 30, 2023

    X     Action

                     Information

**BACKGROUND INFORMATION:**

The Chula Vista Community Collaborative (CVCC) oversees the management of five Family Resource Centers (FRCs). The FRCs assist individuals and families by providing referrals and support services to increase their ability to lead productive and self-sufficient lives.

CVCC works with community partners to enhance community capacity through increased awareness and education. CVCC and Scripps will be working together to identify women with high-risk pregnancy and chronic medical conditions to provide additional support and educational services and referrals.

**ADDITIONAL DATA:**

Additional information is available for review in the Office of the Senior Director of Student, Family, Community, and Instruction Services and Support.

**FISCAL IMPACT/FUNDING SOURCE:**

The District, as the fiscal agent for CVCC, will receive funds for use by the CVCC up to \$45,000 during the 2022-23 fiscal year.

**STAFF RECOMMENDATION:**

Recommend ratification.

CHULA VISTA ELEMENTARY SCHOOL

DISTRICT GOVERNING BOARD AGENDA ITEM

Prepared by: Instructional Services  
and Support

**ITEM TITLE:**

Ratify Memorandum of Understanding with Covina-Valley Unified School District and Chula Vista Elementary School District to Provide Geographic Technical Assistance Facilitator for the California Early Childhood Special Education Network for the Period of September 30, 2022, Through June 30, 2024

    X     Action

           Information

**BACKGROUND INFORMATION:**

The Special Education Department applied to be part of the California Early Childhood Special Education Network (CalECSE) to showcase the work the District does for the Special Education Preschool students. The District was awarded a grant and the opportunity to be a Geographic Technical Assistance (GTA) Facilitator.

The District will support other districts across California and will provide linkages between local educational agencies and other agencies within their region to the supports that exist within the CalECSE Network. The GTA Facilitators will participate in ongoing meetings with the CalECSE Leadership and Exemplar Leads, receiving specific training to assist them in responsibilities of building capacity, knowledge, collaboration, and implementation of evidence-based practices within their region.

**ADDITIONAL DATA:**

This Memorandum of Understanding (MOU) may be terminated by either party upon sixty days written notice to the other party in the event of a substantial failure of performance by such other party.

A copy of the MOU is available for review in the Office of the Executive Director of Special Education and Instruction Services and Support.

**FISCAL IMPACT/FUNDING SOURCE:**

Annually, the District will receive \$20,000, a \$4,000 stipend for the GTA Facilitator, and travel reimbursement of up to \$2,500.

**STAFF RECOMMENDATION:**

Recommend ratification.

CHULA VISTA ELEMENTARY SCHOOL DISTRICT

GOVERNING BOARD AGENDA ITEM

Prepared by: Instructional Services  
and Support

**ITEM TITLE:**

Ratify Agreement with K12 Insight for Customer Service and Sustained Stakeholder Engagement Solutions in the Amount of \$59,250, for the Period of September 1, 2022, Through August 31, 2025

    X     Action

                     Information

**BACKGROUND INFORMATION:**

The District is constantly seeking methods of enhancing and refining customer service and community engagement. With this goal in mind, the District wishes to utilize the services of K12 Insight, an education-focused technology company which provides digital tools that enhance District and site customer service, feedback, response, and workflow efficiency.

K12 Insight's Let's Talk!™ is a cloud-based system that helps manage feedback across multiple channels with a software platform that serves as a single, centralized, secure, cloud-based repository for questions, comments, concerns, suggestions, and compliments from stakeholders.

**ADDITIONAL DATA:**

The agreement will provide the District with continuous and ongoing support via a dedicated customer service team and access to dedicated engagement specialists. It includes a mobile app and customization of the Let's Talk!™ platform to automatically assign dialogues from multiple channels and issue alerts to administrators.

A copy of the agreement is available for review in the Office of the Executive Director of Special Education and Instruction Services and Support.

**FISCAL IMPACT/FUNDING SOURCE:**

The annual program cost of \$59,250 will be paid from the General Fund.

**STAFF RECOMMENDATION:**

Recommend ratification.

CHULA VISTA ELEMENTARY SCHOOL DISTRICT

GOVERNING BOARD AGENDA ITEM

Prepared by: Instructional Services  
and Support

**ITEM TITLE:**

Ratify Memorandum of Understanding with Centro de Salud de la Comunidad de San Ysidro, Inc., dba San Ysidro Health, for School-Based Dental Services for the 2022-23 School Year

    X     Action

           Information

**BACKGROUND INFORMATION:**

The District wishes to enter into a Memorandum of Understanding (MOU) with San Ysidro Health (SYH) to provide, through a licensed dentist, school-based dental services. Included in the services are dental screenings, topical fluoride varnish applications, oral health education, dental report cards, and dental referrals for procedures that need to be completed off-site. SYH shall provide all equipment and supplies that are necessary and proper to deliver services provided under this MOU.

**ADDITIONAL DATA:**

A copy of the MOU is available for review in the Office of the Executive Director of Special Education and Instruction Services and Support.

**FISCAL IMPACT/FUNDING SOURCE:**

Services provided to insured students will be billed to their dental insurance company, if agreed to by parents. Donated services will be available for uninsured students. In the event additional dental care is required, students will be referred to SYH's nearest dental facilities for follow-up.

**STAFF RECOMMENDATION:**

Recommend ratification.

CHULA VISTA ELEMENTARY SCHOOL DISTRICT

GOVERNING BOARD AGENDA ITEM

Prepared by: Instructional Services  
and Support

**ITEM TITLE:**

Ratify Memorandum of Understanding Between South Bay Community Services Corporation and Chula Vista Elementary School District to Provide Support Services to the Local Community for the Period of July 1, 2022, Through June 30, 2023

    X     Action

                     Information

**BACKGROUND INFORMATION:**

The District wishes to renew this partnership with South Bay Community Services (SBCS). SBCS will operate the social-emotional evidence-based early intervention program, (Incredible Years) including the hiring, training, and supervision of program staff. The program Incredible Years curriculum will be provided in classroom as well as in small groups setting with identified students and parents. SBCS will provide and share information with the District as a means to support youth/family participation, engagement, and progress under Health Insurance Portability and Accountability Act guidelines. SBCS will maintain regular communication with District representative regarding referrals, waitlist times, referral disposition, regional needs, and program updates.

**ADDITIONAL DATA:**

This Memorandum of Understanding (MOU) is also effective for any grant continuation for the following five years. A copy of the MOU and additional information is available for review in the Office of the Senior Director of Student, Family, Community, and Instruction Services and Support.

**FISCAL IMPACT/FUNDING SOURCE:**

None.

**STAFF RECOMMENDATION:**

Recommend ratification.

CHULA VISTA ELEMENTARY SCHOOL DISTRICT

GOVERNING BOARD AGENDA ITEM

Prepared by: Instructional Services  
and Support

**ITEM TITLE:**

Approve Memorandum of Understanding with the San Diego County Superintendent of Schools for a Multilingual California Project Led by the California Association for Bilingual Education for the Period of October 28, 2022, Through May 30, 2023

    X     Action

           Information

**BACKGROUND INFORMATION:**

The Multilingual California Project operates through a state grant and is led by the California Association for Bilingual Education in partnership with the San Diego County Office of Education (SDCOE). The program provides professional learning support for implementation of the English Learner (EL) Roadmap Policy. This policy is intended to welcome, understand, and educate the diverse population of students who are ELs attending California public schools.

This year, three participating site teams, consisting of the site leader and up to three teachers, will engage in Year-3 of their exploration of an innovation area of their choice. Professional learning innovation areas are designed to help address the gaps in EL opportunities and achievement.

**ADDITIONAL DATA:**

A Memorandum of Understanding was developed for the District to participate. The two participating sites include Enrique S. Camarena and J. Calvin Lauderbach.

Each team will select an innovation area, receive professional learning in that area, collaborate with a statewide network, and work on moving the site system forward. Following are the innovation areas:

- The Dual Language Teacher Academy;
- The WRITE Initiative (Writing Redesigned for Innovative Teaching and Equality);
- The Bilingual Teacher Pathway;

- Preschool GLAD®: Alive, Aloud, and A Lot of Language;
- OCDE Project GLAD® en español;
- Secondary GLAD®: Shifting Practices in Secondary Classrooms;
- Instructional Practices for Preschool Teachers of Dual Language Learners;
- Language Development through Science; and
- Special Education in Bilingual Settings

The MOU and additional information are available for review in the Office of the Executive Director of Language Development and Instruction Services and Support.

**FISCAL IMPACT/FUNDING SOURCE:**

There is no fiscal impact to the District. SDCOE will pay the District approximately \$10,000 to be used for teacher participant stipends and resources.

**STAFF RECOMMENDATION:**

Recommend approval.

CHULA VISTA ELEMENTARY SCHOOL DISTRICT

GOVERNING BOARD AGENDA ITEM

Prepared by: Instructional Services  
and Support

**ITEM TITLE:**

Ratify Memorandum of Understanding Between Cesar Chavez Service Clubs and Chula Vista Elementary School District for Leadership Development Programs for the 2022-23 and 2023-24 School Years

    X     Action

                     Information

**BACKGROUND INFORMATION:**

Cesar Chavez Service Clubs (CCSC) provide leadership development programs in public schools across San Diego County. Their leadership development programs build confidence, competence, and a sense of community. CCSC' curriculum is grounded in the ten values of Cesar Chavez: teach someone; sacrifice for others; help someone; determination; no violence; accepting of all people; respect for others; celebrating community; knowledge; and innovation.

CCSC work with local communities and provide service projects that benefit their communities.

**ADDITIONAL DATA:**

CCSC will work collaboratively with the District to establish after-school clubs comprised of up to 20 designated students in Grades 4-6 at Castle Park and Fahari L. Jeffers Schools.

Additional information is available for review in the Office of the Assistant Superintendent of Innovation and Instruction Services and Support.

**FISCAL IMPACT/FUNDING SOURCE:**

The total cost to the District shall not exceed \$50,000 (\$25,000 for the 2022-23 school year and \$25,000 for the 2023-24 school year) and will be paid from the General Fund.

**STAFF RECOMMENDATION:**

Recommend ratification.

CHULA VISTA ELEMENTARY SCHOOL DISTRICT

GOVERNING BOARD AGENDA ITEM

Prepared by: Business Services and  
Support

**ITEM TITLE:**

Adopt Resolution Requesting Temporary Transfer of Funds for Fiscal Year  
2022-23

    X     Action

           Information

**BACKGROUND INFORMATION:**

On May 18, 2022, the District approved a resolution requesting temporary transfer of funds from the County of San Diego for the 2022-23 fiscal year. Due to recent changes by the County of San Diego, in the event the District needs to request a temporary transfer of funds from the County of San Diego, the resolution must be adopted after the District's budget is adopted. The District was recently notified that borrowing may be needed to account for the updated Tentative Property Tax Apportionment Schedule for 2022-23. As a result, the District must have a current resolution requesting temporary transfer of funds from the County of San Diego based on the 2022-23 Adopted Budget.

The County of San Diego is currently projecting the December property tax distribution date of December 20, rather than December 14. Additionally, the County of San Diego is estimating the December allocation to be 25%, rather than 40%, with the difference being allocated in January 2023.

Based on previous property tax allocations, the District determined there was no need to participate in the the 2022-23 San Diego County Tax and Revenue Anticipation Notes (TRANS) Program to offset the irregular timing of property tax revenue receipts and State revenue apportionments during the year. Because of the recent change in the property tax allocation, the District seeks to have an additional option for cash borrowing. Adopting the attached Resolution will authorize the County Treasurer of San Diego to make a temporary transfer of funds available to the District in order to protect against cash deficits. The District may request funds in an amount not to exceed 85 percent of estimated secured taxes to be accrued for fiscal year 2022-23. The District has not requested funds from the County for many years, but we have determined it is prudent to have alternate cash options available.

**ADDITIONAL DATA:**

Supporting documentation is available for review in the Office of the Deputy Superintendent.

**FISCAL IMPACT/FUNDING SOURCE:**

This resolution will enable the District to protect against temporary cash deficits by requesting a temporary transfer of funds from the County Treasurer if all other funds are exhausted. If funds are accessed, interest will be charged on the temporary transfer at the current rate being earned by county funds.

**STAFF RECOMMENDATION:**

Recommend adoption.

CHULA VISTA ELEMENTARY SCHOOL DISTRICT

RESOLUTION NO. \_\_\_\_\_  
(PROPERTY TAX)

RESOLUTION OF GOVERNING BOARD OF CHULA VISTA ELEMENTARY  
SCHOOL DISTRICT  
REQUESTING TEMPORARY TRANSFER OF FUNDS

On motion of Member \_\_\_\_\_, seconded by Member  
\_\_\_\_\_, the following resolution is adopted:

WHEREAS, the California Constitution, Article XVI, Section 6, and Education Code Section 42620 or 85220 provide that the Treasurer of the County of San Diego (Treasurer) shall have the power and it shall be his duty to make such temporary transfer from the funds in his custody as may be necessary to provide funds for meeting the obligations incurred for maintenance purposes by any district whose funds are in his custody and are paid out solely through his office; such temporary transfer of funds shall be made only upon resolution adopted by the governing board of the County to make such temporary transfer; such temporary transfer of funds shall not exceed 85% of anticipated revenue accruing to the District, shall not be made prior to the first day of the fiscal year nor after the last Monday in April of the current fiscal year, and shall be replaced from the revenues accruing to such District before any other obligation of the District; and

WHEREAS, on June 15, 2022, the governing board has:

- \_\_\_ Adopt(ed) a tentative budget (community college only)
- \_\_\_ Adopt(ed) a final budget (community college only)
- x  Adopt(ed) an original budget (K-12 school district only)
- \_\_\_ Adopt(ed) a revised budget (community college or K-12 school district)

for this District for the fiscal year 2022-23 pursuant to the provisions of Education Code Section 42127 or 70901, and the revenue type(s) accruing to the District for said fiscal year and estimated to be as follows:

| <u>Revenue Type(s)</u>           | <u>Estimated Amount(s)</u>  |
|----------------------------------|-----------------------------|
| <u> x </u> Property Taxes        | \$ <u>122,147,875</u>       |
| ___ Principal Apportionment(s)   | \$ _____                    |
| ___ Education Protection Account | \$ _____                    |
|                                  | \$ <u>122,147,875</u> Total |

and

**RESOLUTION NO. \_\_\_\_\_**  
**(PROPERTY TAX)**

WHEREAS, the revenue type(s) and amount(s) accrued to the District during the 2021-22 fiscal were as follows:

| <u>Revenue Type(s)</u>                     | <u>Actual Amount(s)</u>        |
|--------------------------------------------|--------------------------------|
| <u>  x  </u> Property Taxes                | \$ <u>123,354,626.57</u>       |
| <u>      </u> Principal Apportionment(s)   | \$ <u>                    </u> |
| <u>      </u> Education Protection Account | \$ <u>                    </u> |
|                                            | \$ <u>123,354,626.57</u> Total |

and

WHEREAS, it is necessary to provide funds for meeting obligations incurred for maintenance purposes by this District; AND NOW THEREFORE

IT IS RESOLVED AND ORDERED pursuant to the provisions of the California Constitution, Article XVI, Section 6, and Education Code Section 42620 or 85220 as follows:

1. The Board of Supervisors of the County of San Diego is requested to direct the Treasurer to make a temporary transfer from the funds in his custody on or before the last Monday in April, 2023 to this District to meet obligations incurred for maintenance purposes in the amount of \$103,825,693.75, which does not exceed a total of 85% of remaining:

Revenue Type(s)

  x   Property Taxes  
       Principal Apportionment(s)  
       Education Protection Account

accruing to the District by June 30, 2023, as certified by the District Superintendent and verified by the County Audit and Controller.

**RESOLUTION NO. \_\_\_\_\_**  
**Property Tax**

2. Funds will be transferred to this District by the Treasurer in sums as requested by the District Superintendent and certified by him/her to be necessary to provide funds for meeting the obligations incurred for maintenance purposes by the District not to exceed the maximum amount herein specified, provided the Treasurer determines that funds in his custody are available for such transfers.
3. Repayment of the funds is anticipated to be made from the :

Revenue Type(s)

  x   Property Taxes  
      Principal Apportionment(s)  
      Education Protection Account

accruing to the District, however the District recognizes that the source of repayment may be from other revenues accruing to the District before any other obligation. Interest on any transferred funds will accrue and be payable by the District, at the greater of the same interest rate the County of San Diego Investment Pool is earning or a proxy TRAN cost as determined by the market until the entire amount transferred is repaid. Each month, the appropriate interest rate to be used will be identified, and the resulting calculated interest will be charged.

4. The Clerk/Secretary of this Board is directed to file a copy of this resolution with the Board of Supervisors, the County Superintendent of Schools, the County Auditor and Controller and the County Treasurer-Tax Collector.
5. Authorize the District Superintendent or designee to sign a Temporary Transfer Agreement consistent with the terms of this Resolution.

**RESOLUTION NO. \_\_\_\_\_**  
**Property Tax**

PASSED AND ADOPTED by the Governing Board of the Chula Vista Elementary School District, County of San Diego, State of California, this 19th day of October, 2022 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

-----

STATE OF CALIFORNIA )  
 ) ss  
COUNTY OF SAN DIEGO)

I, Eduardo Reyes, Secretary of the Governing Board of the Chula Vista Elementary School District, County of San Diego, State of California, do hereby certify that the foregoing is a true copy of a resolution adopted by said Board at a meeting thereof, at the time and by the vote therein stated, which original resolution is on file in the office of said Board.

Secretary of the Governing Board

CHULA VISTA ELEMENTARY SCHOOL DISTRICT

GOVERNING BOARD AGENDA ITEM

Prepared by: Business Services and  
Support

**ITEM TITLE:**

Approve Report on Annual Community Facilities Districts Activity for Fiscal  
Year 2021-22

    X     Action

           Information

**BACKGROUND INFORMATION:**

In September 2000, the Governor signed legislation known as Senate Bill 165, Chapter 535, Statute 2000. Chapter 535 adds Sections 50075.3 and 53411 to the Government Code and requires the filing of an annual report on all voter-approved special taxes and bonded indebtedness. Government Code Section 53343.1 also sets forth the required contents of the report that must be made available to any requesting individual who resides or owns property within a Community Facilities District. Annual reports must be filed with the Board of Education no later than October 31 of each year.

**ADDITIONAL DATA:**

The District's report for the year ending June 30, 2022, is attached. Detailed information is available for review in the Office of the Deputy Superintendent.

**FISCAL IMPACT/FUNDING SOURCE:**

None.

**STAFF RECOMMENDATION:**

Recommend approval.



## **Chula Vista Elementary School District**

# **Community Facilities Districts Nos. 1-6, 10-15, and 17-21**

## **Annual Report Fiscal Year 2021-22**

**Presented to the Board of Education  
October 19, 2022**

By Business Services and Support  
Oscar Esquivel, Deputy Superintendent  
Kristin Armatis, Director of Fiscal Services and Support  
Bernadette Faustino, Accounting Manager

On September 18, 2000, the Governor signed legislation known as Senate Bill 165, Chapter 535, Statute 2000. Chapter 535 adds Sections 50075.3 and 53411 to the Government Code. In effect, these two code sections require the filing of certain information and an annual report on all voter-approved special taxes and bonded indebtedness. Section 53343.1 of the Government Code also sets forth the required contents of an annual report that must be made available to any requesting individual who resides or owns property within a Community Facilities District (CFD). The reports are to be filed with the Board of Education no later than October 31 of each year.

### **General Description**

Since 1986, the Chula Vista Elementary School District (CVESD) has formed 17 Mello-Roos CFDs to finance certain school construction within CVESD. The following is a brief description identifying the location of each CFD.

### **Community Facilities District No. 1**

This CFD is located in the eastern portion of the City of Chula Vista (the “City”), east of Interstate 805, south of Bonita, and west of the Otay Lakes Reservoir (with part of the boundary outside City limits). It consists of 3,230 acres, and its boundaries are those of the Eastlake Master-Planned Community. It will contain approximately 9,557 residential dwelling units and athlete dormitories when fully developed. Of this number, approximately 9,551 have been completed or are currently under construction.

### **Community Facilities District No. 2**

This CFD is located in the southeastern portion of the City, east of Interstate 805, roughly between Otay Lakes Road and Corral Canyon Road. It consists of 365.5 acres, and its boundaries are those of Units Nos. 4 through 7 of a larger area known as the Bonita Long Canyon Development. This CFD is fully developed and consists of approximately 423 dwelling units. FY 2017-18 represented the last year for which taxes were authorized to be levied in this CFD and it is anticipated that FY 2022-23 will represent that last year for which revenues and/or expenditures will be allocated to CFD No. 2 and included in this report.

### **Community Facilities District No. 3**

This CFD is located in the eastern portion of the City, east of Interstate 805, roughly between Otay Lakes Road and Telegraph Canyon Road. It consists of 1,600 acres, and its boundaries are those of the Rancho del Rey Development. It will contain approximately 3,914 dwelling units at build out. Of this number, approximately 3,907 have been completed or are currently under construction.

### **Community Facilities District No. 4**

This CFD is located in the southeastern portion of the City, east of Interstate 805, and south of Telegraph Canyon Road. It consists of 704 acres, and its boundaries are those of the Sunbow (Rancho del Sur) Development. This CFD is largely developed and when fully developed is expected to consist of approximately 3,056 dwelling units. Currently there are 2,332 fully developed residential units in the CFD.

### **Community Facilities District No. 5**

CFD No. 5 was an annexable CFD with annexation boundaries coterminous with the boundaries of CVESD. This CFD was used to annex small developments and did not provide for the levy of special taxes on undeveloped property. The original formation included a 76-unit condo project. In addition, 10 additional projects were added to this CFD and these 11 projects represent

approximately 791 dwelling units at build out. Of this number, approximately 759 have been completed or are currently under construction.

#### **Community Facilities District No. 6**

This CFD is located south of Telegraph Canyon Road. It is represented by property initially owned by Baldwin Communities and is bisected by property being developed by McMillin Communities, which is within CFD No. 11. Specifically, this CFD consists of approximately 940 gross acres within the City and is bounded by Telegraph Canyon/Otay Lakes Road on the north, Olympic Parkway to the south, Paseo Ranchero to the west, and CFD No. 1 to the east. This CFD is fully developed and consists of approximately 4,272 dwelling units of which 247 dwelling units are age restricted.

#### **Community Facilities District No. 10**

CFD No. 10 is an annexable CFD with annexation boundaries coterminous with the boundaries of CVESD. This CFD is used to annex small developments and does not provide for the levy of special taxes on undeveloped property. It was initially formed to accommodate the Bella Nevona development, a 28 single-family detached project built by Western Pacific Housing. Since its formation, an additional nine projects have been added to this CFD representing approximately 2,253 dwelling units at build out. Of this number, approximately 2,149 have been completed leaving a single project identified as El Dorado Ridge as undeveloped.

#### **Community Facilities District No. 11**

This CFD is located south of Telegraph Canyon Road/Otay Lakes Road and is represented by property located in the development known as Lomas Verdes. The project is being developed by McMillin Communities. Specifically, this CFD consists of approximately 700 gross acres within the City and is bounded by Telegraph Canyon Road/Otay Lakes Road on the north, Olympic Parkway to the south, and CFD No. 6 to the east and west. This CFD is fully developed and consists approximately 2,979 dwelling units.

#### **Community Facilities District No. 12**

This CFD is located in Otay Ranch and is located more specifically in the area known as Village One West. It is bounded by Telegraph Canyon Road to the north, Olympic Parkway to the south, Paseo Ranchero to the east, and the easternmost portion of CFD No. 4 to the west. This CFD is fully developed and consists of approximately 909 single-family detached homes.

### **Community Facilities District No. 13**

This CFD is located to the northeast of Eastlake Hills and Eastlake Shores and east of CFD No. 2. It is represented by property located in the development known as San Miguel Ranch. The project is being developed by Trimark Homes. Specifically, this CFD is fully developed and consists of 357 gross acres and approximately 1,314 dwelling units. The project is bisected by a right-of-way for State Route 125.

### **Community Facilities District No. 14**

This CFD is located just south of Eastlake Greens and primarily will consist of residential neighborhoods located to the northwest of the southern extension of Hunte Parkway. This area is largely identified as Village 11 within the Otay Ranch Specific Plan and was developed through a joint venture of Brookfield Homes and Shea Homes. This CFD is fully developed and consists of approximately 662 gross acres containing 2,288 residential dwelling units.

### **Community Facilities District No. 15**

This CFD is located just south of Olympic Parkway and Otay Ranch Village One and west of the southern portion of CFD No. 11. This area is largely identified as Village 6 within the Otay Ranch Specific Plan and is being developed by The Otay Ranch Company. This CFD is fully developed and consists of approximately 184 gross acres and contains approximately 1,537 dwelling units.

### **Community Facilities District No. 17**

This CFD is located just south of Olympic Parkway and the southern portion of CFD No. 11 and is bisected by La Media Road. The Otay Ranch Company formed CFD No. 17 to mitigate the impact on school facilities of its development in Otay Ranch Villages 2 and 7. Recently, the southern and western portions of Village 2 were included in the District's newest CFD (CFD 19) and the portion of Villages 2 and 7 that still remain in CFD 17 will contain approximately 2,717 dwelling units at build out. Of this number, approximately 2,502 have been completed or are currently under construction.

### **Community Facilities District No. 18**

This CFD is located in eastern Chula Vista south of Birch Road and is bounded by Eastlake Parkway and State Route 125 to the east and west, respectively. CFD No. 18 was initially developed by McMillin Communities, but is now being developed by Meridian Communities. Once completed, CFD 18 will contain a mix of retail and commercial development, and approximately 2,818 small detached and attached dwelling units of which 2,593 are currently developed or under construction and of these units 123 units represent senior housing.

### **Community Facilities District No. 19**

This CFD was formed and incorporates developments located in two non-contiguous tax zones in eastern Chula Vista. Tax Zone 1 consists of a mixed-use development referred to as Planning Area 12 (Freeway commercial) which was formerly within CFD No. 1 and Tax Zone 2 represents the southern and western portions of Village 2 which were formerly within CFD No. 17. At buildout, this CFD is expected to consist of approximately 3,115 dwelling units at buildout of which 1,769 are currently developed or under construction.

### **Community Facilities District No. 20**

This CFD encompasses the residential development to be developed in Village 3 of the Otay Ranch with Heritage Road to the north and west and Main Street located to the south. At buildout, this CFD is expected to consist of approximately 1,026 single-family attached and detached dwelling units of which 948 are currently developed or under construction. Excluded from this figure are 272 apartment units which were excluded from the CFD. Additionally, there is some expectation that some additional attached product will be entitled and developed and may annex to the CFD at some point in the future.

### **Community Facilities District No. 21**

This CFD encompasses approximately 300 gross acres and includes the residential development Cota Vera to be developed in the western portion of Village 8 of the Otay Ranch with Santa Luna St to the north and Main Street located to the south and the development is largely bisected by the extension of La Media Rd. At buildout, this CFD is expected to consist of approximately 2,334 single-family attached and detached dwelling units as well as several hundred apartment units. Currently 829 dwelling units are developed or under construction.

### **Purpose of the Bonds and Authorized Facilities Funding**

In total, CVESD has issued approximately \$300 million in CFD Certificates of Participation (COPs) and bonds since 1988 to finance various authorized facilities. Generally, the facilities authorized to be acquired or constructed with the bond proceeds include the acquisition of elementary school sites and the design, construction, lease, equipping, and/or improvements thereon of elementary school facilities. The following table identifies the section in each respective resolution of formation that describes the authorized facilities for each CFD.

### **Authorized Facilities Reference**

| <b>CFD</b> | <b>Resolution Establishing CFD</b> | <b>Date of Establishment</b> | <b>Section Authorizing Facilities</b> |
|------------|------------------------------------|------------------------------|---------------------------------------|
| 1          | 86-87.07                           | July 8, 1986                 | Section 4                             |
| 2          | 87-88.56                           | January 5, 1988              | Section 4                             |
| 3          | 88-89.54                           | October 18, 1988             | Section 4                             |
| 4          | 88-89.59                           | October 18, 1988             | Section 4                             |
| 5          | 88-89.72                           | November 15, 1988            | Section 4                             |
| 6          | 98-99.29                           | August 21, 1998              | Section 6                             |
| 10         | 98-99.70                           | October 7, 1998              | Section 6                             |
| 11         | 98-99.73                           | October 7, 1998              | Section 6                             |
| 12         | 2000-01.60                         | November 17, 2000            | Section 6                             |
| 13         | 2001-02.07                         | July 17, 2001                | Section 6                             |
| 14         | 2002-03.66                         | January 14, 2003             | Section 6                             |
| 15         | 2002-03.68                         | January 14, 2003             | Section 6                             |
| 17         | 2005-06.46                         | October 18, 2005             | Section 6                             |
| 18         | 2012-13.93A                        | April 17, 2013               | Section 6                             |
| 19         | 2015-16.116                        | May 18, 2016                 | Section 6                             |
| 20         | 2016-17.145                        | May 3, 2017                  | Section 6                             |
| 21         | 2021-22.040                        | September 15, 2021           | Section 6                             |

### **CVESD Bonds and Authorized Funding**

The following chart summarizes debt issues currently outstanding for which the repayment is derived from special taxes levied within the District's CFDs.

| <b>Year of Issuance</b> | <b>Amount</b>                     | <b>Purpose</b>                                                                 | <b>School Site(s)</b>                                                                                                                                                                                                                           |
|-------------------------|-----------------------------------|--------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 2010                    | \$11.2 million<br>refunding COPs* | Refund outstanding<br>2000 COPs                                                | The 2000 COPs were issued to help finance construction of Corky McMillin Elementary.                                                                                                                                                            |
| 2013                    | \$41.6 million<br>refunding COPs* | Refund outstanding<br>2001, 2002, 2003<br>Series A, and 2003<br>Series B COPs. | The refunded COPs were issued to help finance the construction of Corky McMillin, Anne & William Hedenkamp, and Salt Creek Elementary Schools, and for the completion of expansion efforts at several schools serving various CFD developments. |
| 2014                    | \$42.4 million<br>refunding COPs* | Refund outstanding<br>2004 and 2006<br>COPs                                    | The 2004 and 2006 COPs were issued to help finance Veterans Elementary and Wolf Canyon Elementary.                                                                                                                                              |
| 2016                    | \$36.8 million<br>COPs            | Finance new school<br>construction                                             | Saburo Muraoka Elementary                                                                                                                                                                                                                       |

|      |                                  |                                                          |                                                                                                                                                          |
|------|----------------------------------|----------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|
| 2016 | \$6.6 million<br>refunding COPs* | Refund outstanding<br>1997 and 1999<br>special tax bonds | The 1997 and 1999 special tax bonds were issued to help finance the construction cost of Joseph Casillas Elementary and Arroyo Vista Charter Elementary. |
| 2020 | \$25 million COPs                | Finance new school<br>construction                       | Fahari L. Jeffers Elementary                                                                                                                             |
| 2021 | \$60 million COPs                | Finance new school<br>construction                       | Future school at Otay Ranch Village 2 Site 2.                                                                                                            |
| 2021 | \$16.4 million<br>COPs           | Refund outstanding<br>2011 COPs.                         | The 2011 COPs were issued to help finance Enrique S. Camarena Elementary.                                                                                |

\*Refunded bonds to reduce interest rate payments.

Thus, for the 2021-22 tax year, debt service payments to be paid with special tax funds are the amounts due for the outstanding four refunding COPs in 2010, 2013, 2014, 2016 and 2021; and the “new money” COPs issued in 2016, 2020 and 2021.

### **Application of Proceeds**

In December 2021, COPs were issued in the approximate aggregate amount of \$60,000,000 which yielded net proceeds available to finance the construction of a new elementary school at Otay Ranch Village 2 Site 2. U.S. Bank, as the trustee on behalf of CVESD, received and deposited proceeds from the COP.

In addition, COPs were issued in the approximate aggregate amount of \$16,475,000 to refund the 2011 COPs. Bank of New York Mellon, as the escrow agent of CVESD, received and deposited proceeds from the COP.

### **Account Activity**

During fiscal year 2021-22 funds collected and expended were as follows.

|                  |                                |                           |
|------------------|--------------------------------|---------------------------|
| <u>All Funds</u> | Beginning Balance July 1, 2021 | \$ 97,349,128             |
|                  | Income                         | 101,173,608               |
|                  | Expenditures                   | <u>&lt;75,392,497&gt;</u> |
|                  | Ending Balance June 30, 2022   | \$123,130,239             |

### **Status of Project Improvements**

During fiscal year 2021-22, the following expenditures occurred from the CVESD CFD Account:

- \$14,777,795 was used to pay the scheduled debt service on the outstanding COPs bonds.

- \$19,184,831 was used to redeem bonds in advance of its scheduled maturity as a result of refinancing of the 2011 COPs.
- \$39,806,586 was used for the new school construction expenditures for Fahari L. Jeffers Elementary School.
- \$298,518 was used for architect fees and geotechnical study for a proposed future school at Village 2 Site 2.
- \$993,516 was used to pay the cost of issuance for the 2021 COPs and 2021 Refunding COPs and to purchased additional surety insurance for the 2020 COP.
- \$330,250 was used for other projects and to pay the cost of collecting taxes and other administrative expense.

### **Summary of Annual Revenues and Expenditures**

On September 26, 2002, the Governor signed legislation known as Assembly Bill 2851, Chapter 960, an act to add Sections 53343.1 and 53344.4 to the Government Code relating to CFDs. This legislation requires that for CFDs formed after January 1, 1992, (a) an annual report be prepared identifying the amount of special taxes collected along with associated interest earnings and how such revenues are expended, and (b) a certification and explanation by the district of how the moneys described in subdivisions (d), (e), (f), and (g) comply with Section 53343 and that this annual report be made available to the public within 120 days of the end of the fiscal year. In order to comply with the requirements of AB 2851, incorporated in this annual report is a summary of annual revenues and expenditures (Attachment A) and a certification of compliance (Attachment B). An annual report for each of the CFDs in CVESD is on file in the Office of the Deputy Superintendent.

# ATTACHMENT A

Chula Vista Elementary School District  
Annual CFD Report FY 2021-22  
Worksheet for Preparation of CFD Annual Report  
(Pursuant to Section 53343.1 of the California Government Code)

|                                                                      | Percentage | Amount           |
|----------------------------------------------------------------------|------------|------------------|
| CFD Revenues for FY 2021-22                                          |            |                  |
| Special Tax Collections - Gov't Code 53343.1(a) (Oracle)             | 20.7       | \$ 20,948,569.82 |
| Interest Earnings - Gov't Code 53343.1(b) (Oracle & Treasurer)       | 0.4        | 440,470.43       |
| Other Sources - Gov't Code 53343.1(b)                                |            |                  |
| Delinquencies (Oracle)                                               | 0.2        | 244,419.25       |
| Loan Repayments                                                      | 0.0        | -                |
| Bond Proceeds                                                        | 79.4       | 80,308,987.95    |
| Mitigation Fees                                                      | 0.5        | 497,606.34       |
| Special Tax Prepayments                                              | 0.7        | 691,523.47       |
| Other - Reimbursements                                               | (1.9)      | (1,957,968.59)   |
| Total CFD Revenues                                                   | 100.0      | \$101,173,608.67 |
| CFD Expenses for FY 2021-22                                          |            |                  |
| Facilities Including Property -- Gov't Code 53343.1(d)(1):           |            |                  |
| Acquisition of Property:                                             |            |                  |
| Paid from Bond Proceeds -- Gov't Code 53343.1(e)                     | 12.9       | 9,721,930.65     |
| Paid from Special Taxes -- Gov't Code 53343.1(e)                     | 0.4        | 302,390.17       |
| New School Construction                                              |            |                  |
| Paid from Bond Proceeds -- Gov't Code 53343.1(e)                     | 12.0       | 9,042,343.29     |
| Paid from Special Taxes -- Gov't Code 53343.1(e)                     | 27.9       | 21,038,757.57    |
| Purchase or Lease of Relocatables                                    |            |                  |
| Paid from Bond Proceeds -- Gov't Code 53343.1(e)                     | 0.0        | -                |
| Paid from Special Taxes -- Gov't Code 53343.1(e)                     | 0.0        | -                |
| Other Facilities Expenditures                                        |            |                  |
| Paid from Bond Proceeds -- Gov't Code 53343.1(e)                     | 0.0        | -                |
| Paid from Special Taxes -- Gov't Code 53343.1(e)                     | 0.1        | 41,153.74        |
| Services - Gov't Code 53343.1(d)(2)                                  |            |                  |
| Paid from Bond Proceeds -- Gov't Code 53343.1(f)                     | 1.3        | 980,269.46       |
| Paid from Special Taxes -- Gov't Code 53343.1(f)                     | 0.2        | 135,923.61       |
| Costs of bonded indebtedness -- Gov't Code 53343.1(d)(3):            |            |                  |
| Principal Payments                                                   | 37.8       | 28,535,000.00    |
| Interest Payments                                                    | 7.2        | 5,427,626.51     |
| Costs of collecting Special Tax -- Gov't Code 53343.1(d)(4):         |            |                  |
| County Charges -- Gov't Code 53343.1(g)                              | 0.0        | -                |
| Annual Administration -- Gov't Code 53343.1(g)                       | 0.1        | 51,430.64        |
| Delinquency Monitoring -- Gov't Code 53343.1(g)                      | 0.0        | -                |
| Arbitrage Rebate -- Gov't Code 53343.1(g)                            | 0.0        | -                |
| Bank Fees (Trustee/Paying Agent) -- Gov't Code 53343.1(g)            | 0.0        | 7,340.00         |
| Other -- Gov't Code 53343.1(g)                                       | 0.0        | 2,219.45         |
| Other Administrative and Overhead costs -- Gov't Code 53343.1(d)(5): |            |                  |
| Agency Staff -- Gov't Code 53343.1(g)                                | 0.1        | 106,111.98       |
| Internal Auditing -- Gov't Code 53343.1(g)                           | 0.0        | -                |
| External Auditing -- Gov't Code 53343.1(g)                           | 0.0        | -                |
| Total CFD Expenditures                                               | 100.0      | 75,392,497.07    |

## **ATTACHMENT B**

**Chula Vista Elementary School District  
Community Facilities Districts  
Nos. 1-6, 10-15, and 17-21  
Annual Report  
Fiscal Year 2021-22**

This report has been prepared solely for the purpose of complying with the requirements pursuant to Government Code Section 53343.1(h), the special taxes collected, and expenditures reported.

A qualified representative of the Chula Vista Elementary School District has reviewed the contents of the report and certifies that to the best of his/her knowledge, the information contained herein is factually correct.

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Oscar Esquivel  
Deputy Superintendent

CHULA VISTA ELEMENTARY SCHOOL DISTRICT

GOVERNING BOARD AGENDA ITEM

Prepared by: Business Services and  
Support

**ITEM TITLE:**

Approve Annual Report on Statutory Fees and Mitigation Payments for Fiscal Year 2021-22, and Five-Year Report for Fiscal Years 2017-18 Through 2021-22

    X     Action

                     Information

**BACKGROUND INFORMATION:**

Government Code Section 66006 addresses the collection of developers' fees and requirements for agencies collecting those fees. The Board of Education is required to review this information annually at a regularly scheduled meeting. Section 66006 requires an annual report that includes:

- Description of the types of reportable fees.
- Amounts of reportable fees.
- Beginning and ending balances.
- Amount of reportable fees collected.
- Identification of improvements.
- Identification of incomplete projects.
- Description of inter-fund transfers.
- Refunds of reportable fees.

In addition, Government Code Section 66001 required a five-year report that includes:

- Identification of the purpose for which reportable fees are to be used.
- Demonstration of the reasonable relationship between reportable fees and the purpose for which they are charged.
- Identification of all sources and amounts of funding anticipated to complete financing of school facilities the District has identified in the District's reports and the designation of the approximate date on which this funding is expected to be deposited in the appropriate account.

**ADDITIONAL DATA:**

The District's report for the year ending June 30, 2022, is attached. Detailed financial information is available for review in the Office of the Deputy Superintendent.

**FISCAL IMPACT/FUNDING SOURCE:**

None.

**STAFF RECOMMENDATION:**

Recommend approval.

**CHULA VISTA ELEMENTARY SCHOOL DISTRICT  
STATUTORY FEES AND MITIGATION PAYMENTS REPORT  
FISCAL YEAR 2021-22**

Government Code Section 66006 provides that the District shall make available to the public certain information relative to statutory school fees ("Statutory School Fees") collected pursuant to Education Code Section 17620, et seq., and Government Code Section 65995, et seq., and mitigation payments specified or required by conditions of legislative land-use approvals, mitigation measures of environmental impact reports and negative declarations, or mitigation agreements entered into with the District ("Mitigation Payments"), collectively "Reportable Fees." The described information and findings relate to Reportable Fees received, expended, or to be expended in connection with school facilities ("School Facilities") to accommodate additional students from new development if funded or partially funded with Reportable Fees. The Reportable Fees do not include letters of credit, bonds, or other instruments to secure payment of Reportable Fees at a future date. The Reportable Fees have not been levied, collected, or imposed for general revenue purposes.

The District proposes to review and adopt the following information and findings in accordance with Government Code Section 66006.

**ANNUAL REPORT**

In accordance with Government Code Section 66006(b)(1) and (2), the District provides the following information for fiscal year 2021-22.

**A. DESCRIPTION OF THE TYPES OF REPORTABLE FEES IN THE ACCOUNTS OF THE DISTRICT**

The Reportable Fees consist of Statutory School Fees and Mitigation Payments.

**B. AMOUNT OF REPORTABLE FEES**

The Statutory School Fee in effect for the fiscal year ending June 30, 2022, applicable to new residential development was \$1.80 per square foot of assessable space for all residential dwelling units constructed within the District and for which alternative mitigation did not exist. This residential fee amount (Level I) has been in effect since July 27, 2020. The residential Statutory School Fee amount was adopted by the Board of Education ("Board") of the District on May 27, 2020, by Resolution No. 2019-20.106.

The current Statutory School Fee in effect for the fiscal year ending June 30, 2022, applicable to new commercial/industrial development was \$.29 per square foot of covered and enclosed, nonresidential space constructed within the District. This nonresidential fee amount (Level I) has been in effect since

July 27, 2020. The nonresidential Statutory School Fee amount was adopted by the Board on May 27, 2020, as set forth in Resolution No. 2019-20.106.

The Statutory School Fee amounts only partially mitigate the impacts to the District caused by new residential development because the Statutory School Fees do not adequately fund the school facility needs resulting from additional development within the District. Additional amounts collected in the form of Mitigation Payments are essential to help fund interim and permanent School Facilities to accommodate students from additional development within the District.

#### **C. BEGINNING AND ENDING BALANCES OF ACCOUNTS**

**Table 1**

| <b>FUND BALANCE</b>             | <b>REPORTABLE SCHOOL FEES</b> |
|---------------------------------|-------------------------------|
| Beginning Balance, July 1, 2021 | \$4,429,825                   |
| Ending Balance, June 30, 2022   | \$4,540,741                   |

#### **D. AMOUNTS OF REPORTABLE FEES COLLECTED AND INTEREST EARNED**

Table 2 below shows the amounts of Reportable Fees collected to accommodate students from additional development ("Project Students") and interest earned during fiscal year 2021-22

**Table 2**

| <b>SOURCE</b>                                                        | <b>AMOUNT COLLECTED</b> |
|----------------------------------------------------------------------|-------------------------|
| Residential Construction                                             | \$301,451               |
| Commercial Construction                                              | \$119,325               |
| Community Facilities District (CFD) No. 1<br>Fee Mitigation Payments | \$3,802                 |
| Interest Earned                                                      | \$55,998                |

#### **E. IDENTIFICATION OF EACH IMPROVEMENT ON WHICH REPORTABLE FEES WERE EXPENDED AND THE AMOUNT OF THE EXPENDITURES ON EACH IMPROVEMENT, INCLUDING THE TOTAL PERCENTAGE OF THE COST OF EACH PROJECT OF THE DISTRICT THAT WAS FUNDED WITH REPORTABLE FEES**

The statutory fees collected from new development projects are largely used to pay for the cost of expanding student capacity at many of the District's existing schools through the lease or purchase of relocatable classrooms. These additional facilities provide increased capacity that serves the student

population of the District. Some additional mitigation fee payments collected from development within CFD No. 1 are currently designated to pay for a portion of debt service due on outstanding bonds, which were issued to pay for the construction of new school facilities. Table 3 identifies the amount of Reportable Fees expended for School Facilities in fiscal year 2021-22 as well as the percentage of each improvement funded by Reportable Fees.

**Table 3**

| <b>Project</b>                                    | <b>Amount Expended and Percentage of the Project Funded by Reportable Fees</b> |     |
|---------------------------------------------------|--------------------------------------------------------------------------------|-----|
| School Facilities Expansion/Relocatable Buildings | \$68,072                                                                       | 95% |
| Long-Range Planning /Administrative Expenditures  | \$3,858                                                                        | 5%  |

**F. IDENTIFICATION OF INCOMPLETE PROJECTS**

The District will use some of the Reportable Fees in Fund 25-18 to pay for a portion of the relocatable classrooms at school sites as part of its expansion efforts.

**G. DESCRIPTION OF INTERFUND TRANSFERS OR LOANS MADE FROM THE ACCOUNT**

A portion of the Reportable Fees collected from CFD No. 1 accumulated from previous years may be used to pay a portion of debt service due on outstanding bonds and/or COPs issued, in part, to provide for new school facilities to serve the developments located within CFD No. 1.

**H. THE AMOUNT OF REFUNDS MADE OR REVENUES ALLOCATED FOR OTHER PURPOSES IF THE ADMINISTRATIVE COSTS OF REFUNDING UNEXPENDED REVENUES EXCEED THE AMOUNT TO BE REFUNDED**

No refunds of Reportable Fees were made in fiscal year 2021-22

## **FIVE-YEAR REPORT**

In accordance with Government Code Section 66001, the District provides the following information with respect to that portion of the account or sub-account(s) remaining unexpended, whether committed or uncommitted.

### **A. IDENTIFICATION OF THE PURPOSE TO WHICH THE REPORTABLE FEES ARE TO BE PUT:**

The purpose of the Reportable Fees imposed and collected on new residential, commercial and industrial development within the District is to fund additional School Facilities required to serve the students of the District generated by such new development. Specifically, the Reportable Fees will be used for the construction and/or acquisition of additional School Facilities, remodeling existing School Facilities to add additional classrooms and technology, as well as acquiring and installing additional relocatable classrooms.

### **B. DEMONSTRATION OF A REASONABLE RELATIONSHIP BETWEEN THE REPORTABLE FEES AND THE PURPOSES FOR WHICH THEY ARE CHARGED:**

There is a roughly proportional, reasonable relationship between the new development upon which the Reportable Fees are charged and the need for additional School Facilities by reason of the fact that additional students will be generated by additional development within the District and the District does not have student capacity in the existing School Facilities to accommodate these new students. Furthermore, the Reportable Fees charged on new development will be used to fund School Facilities, which will serve the students generated from new development, and the Reportable Fees do not exceed the costs of providing such School Facilities for new students.

### **C. IDENTIFICATION OF ALL SOURCES AND AMOUNTS OF FUNDING ANTICIPATED TO COMPLETE FINANCING OF THE SCHOOL FACILITIES THE DISTRICT HAS IDENTIFIED IN THE DISTRICT'S REPORTS:**

Table 4 identifies all funding received and allocated to capital facilities projects during the past five years. These revenues have been summarized to reflect funds received which may be classified as reportable fees as they are described in Government Code Section 66001 and 66006. These amounts include statutory fees (Level I and Level II fees) as well as monies received from redevelopment areas in accordance with the redevelopment agreement with the City of Chula Vista.

Revenues shown under “Other Funding Sources” include, but may not be limited to bond proceeds from the issuance of general obligation bonds, certificates of participation (COPs) proceeds, and interest from the qualified zone academy bonds (QZABs) guaranteed investment contract.

**Table 4**  
**Capital Facilities Revenue Received for Five-Year Period Ending June 30, 2022**

| <b>Revenue Source</b>                     | <b>Reportable Fees <sup>1)</sup></b> | <b>Other Funding Sources <sup>(2)</sup></b> | <b>Total</b>         |
|-------------------------------------------|--------------------------------------|---------------------------------------------|----------------------|
| Balance on June 30, 2017                  | \$2,716,926                          | \$52,355,993                                | \$55,072,919         |
| Fiscal Year 2017-18:                      |                                      |                                             |                      |
| Reportable Fees:                          |                                      |                                             |                      |
| Statutory Developer Fees                  | 690,135                              |                                             | 690,135              |
| Eastlake Mitigation Payments              | 4,625                                |                                             | 4,625                |
| Other Reportable Fees                     | 0                                    |                                             | 0                    |
| Other Funding Sources                     |                                      | 15,175,479                                  | 15,175,479           |
| Fiscal Year 2018-19:                      |                                      |                                             |                      |
| Reportable Fees:                          |                                      |                                             |                      |
| Statutory Developer Fees                  | 387,812                              |                                             | 387,812              |
| Eastlake Mitigation Payments              | 3,145                                |                                             | 3,145                |
| Other Reportable Fees                     | 0                                    |                                             | 0                    |
| Other Funding Sources                     |                                      | 2,249,864                                   | 2,249,864            |
| Fiscal Year 2019-20:                      |                                      |                                             |                      |
| Reportable Fees:                          |                                      |                                             |                      |
| Statutory Developer Fees                  | 415,657                              |                                             | 415,657              |
| Eastlake Mitigation Payments              | 1,617                                |                                             | 1,617                |
| Other Reportable Fees                     | 0                                    |                                             | 0                    |
| Other Funding Sources                     |                                      | 64,408,688                                  | 64,408,688           |
| Fiscal Year 2020-21:                      |                                      |                                             |                      |
| Reportable Fees:                          |                                      |                                             |                      |
| Statutory Developer Fees                  | 669,582                              |                                             | 669,582              |
| Eastlake Mitigation Payments              | 0                                    |                                             | 0                    |
| Other Reportable Fees                     | 0                                    |                                             | 0                    |
| Other Funding Sources                     |                                      | 73,141,594                                  | 73,141,594           |
| Fiscal Year 2021-22:                      |                                      |                                             |                      |
| Reportable Fees:                          |                                      |                                             |                      |
| Statutory Developer Fees                  | 182,846                              |                                             | 182,846              |
| Eastlake Mitigation Payments              | 3,803                                |                                             | 3,803                |
| Other Reportable Fees                     | 0                                    |                                             | 0                    |
| Other Funding Sources                     |                                      | 1,114,997                                   | 1,114,997            |
| <b>Total Five-Year Facilities Revenue</b> | <b>2,359,222</b>                     | <b>156,090,622</b>                          | <b>158,449,844</b>   |
| <b>Total Beg. Balance and Revenue</b>     | <b>\$5,076,148</b>                   | <b>\$208,446,615</b>                        | <b>\$213,522,763</b> |

Notes:

- (1) Includes Statutory Fees (Level I & II), Mitigation Payments from CFD No. 1 (Eastlake) and associated interest earnings.
- (2) Other Funding Sources includes General Obligation Bonds, QZAB Guaranteed Investment Contract interest, and redevelopment funds.

Table 5 identifies all capital facilities expenditures during the corresponding five-year period and also shows remaining funds available to be used for incomplete projects. This table also classifies the capital facilities expenditures based on whether or not such expenditures were from “reportable fees” or “other funding sources”.

**Table 5**  
**Capital Facilities Expenditures for Five-Year Period Ending June 30, 2022**

| <b>Facilities Item</b>             | <b>Reportable Fees</b> | <b>Other Funding Sources</b> | <b>Total</b>         |
|------------------------------------|------------------------|------------------------------|----------------------|
| Central Administration:            |                        |                              |                      |
| Salaries -Planning/Const. Mgr      | \$25,635               |                              | \$25,635             |
| Legal/Financial/Admin.             | 11,600                 | \$89,783                     | 101,383              |
| Other                              |                        |                              |                      |
| New Construction Projects:         |                        |                              |                      |
| Relocatables                       | 205,142                |                              | 205,142              |
| Modern./Expansion Projects:        |                        |                              |                      |
| Modernization Project              |                        | 75,505,555                   | 75,505,555           |
| Other Facilities Projects:         |                        |                              |                      |
| ESSC Remodel                       |                        | 245,193                      | 245,193              |
| School Equipment                   |                        | 1,032,272                    | 1,032,272            |
| Expansion/Replacement              | 279,840                | 36,475,588                   | 36,755,428           |
| Fencing                            |                        | 20,942                       | 20,942               |
| Irrigation and Landscape           |                        | 34,905                       | 34,905               |
| HVAC                               |                        | 12,995,079                   | 12,995,079           |
| Fire Alarm Replacement             |                        | 958,851                      | 958,851              |
| Charter Funded COP Debt Service    |                        | 2,842,691                    | 2,842,691            |
| QZAB Payoff                        |                        | 5,000,000                    | 5,000,000            |
| State Funding to CFD's             |                        | 32,912,188                   | 32,912,188           |
| Eastlake Mitigation to CFD Fund    | 13,190                 |                              | 13,190               |
| <b>Total Expenditure</b>           | <b>\$535,407</b>       | <b>\$168,113,047</b>         | <b>\$168,648,454</b> |
| <b>Balance as of June 30, 2022</b> | <b>\$4,540,741</b>     | <b>\$40,333,568</b>          | <b>\$44,874,309</b>  |

**D. DESIGNATION OF THE APPROXIMATE DATE ON WHICH THE FUNDING REFERRED TO IN PARAGRAPH “C” ABOVE IS EXPECTED TO BE DEPOSITED IN THE APPROPRIATE ACCOUNT:**

Table 6 below lists the approximate dates on which the funds are expected to be available for the School Facility projects identified by the District as of June 30, 2022 to be funded from reportable fees as well as from “other funding sources”. This does not represent a complete list of capital facilities projects to be funded during the next five years. Rather it demonstrates that all unexpended reportable fees are expected to be expended within the next 18 months. The remaining reportable fees will be used for construction, acquisition, and expansion of school facilities generated by new development upon which Reportable fees are charged.

**Table 6**  
**Incomplete and Possible Capital Facilities Projects and Expected Funding Dates**

| <b>Facilities Item</b>          | <b>Remaining<br/>Reportable Fee<br/>Funding<br/>Needs</b> | <b>Remaining<br/>"Other"<br/>Funding<br/>Needs</b> | <b>Expected<br/>Available<br/>Funding Date</b> |
|---------------------------------|-----------------------------------------------------------|----------------------------------------------------|------------------------------------------------|
| Transportation Center Expansion |                                                           | 14,300,000                                         | July 2022                                      |
| HVAC Replacement                |                                                           | 6,600,000                                          | July 2022                                      |
| Districtwide Solar Project      |                                                           | 8,500,000                                          | July 2022                                      |
| TK Program Expansion            | 7,000,000                                                 |                                                    | January 2023                                   |
| <b>Total</b>                    | <b>\$7,000,000</b>                                        | <b>\$29,400,000</b>                                |                                                |

CHULA VISTA ELEMENTARY SCHOOL DISTRICT

GOVERNING BOARD AGENDA ITEM

Prepared by: Business Services and  
Support

**ITEM TITLE:**

- (1) Waive Minor Irregularity in Low Bid and Reject Protest of Low Bid for Prime Bid Package No. 8 Roofing and Sheetmetal for the Construction of New School No. 48 at Otay Ranch Village 2, Site 2;
- (2) Reject All Bids for Prime Bid Package No. 7 for the Construction of New School No. 48 at Otay Ranch Village 2, Site 2, and Direct Staff to Re-advertise and Rebid a Modified Prime Bid Package No. 7; and
- (3) Approve Award of Contracts for Prime Bid Package Nos. 1 Through 6 and 8 Through 16 to Various Contractors in the Total Amount of \$52,304,774.50 for the Construction of New School No. 48 at Otay Ranch Village 2, Site 2, Contingent on Close of Escrow on Site 2

      X       Action

                     Information

**BACKGROUND INFORMATION:**

On October 16, 2019, the Board of Education authorized the District to enter into an agreement with Balfour Beatty Construction for preconstruction and construction management services in connection with the construction of a new elementary school within Village 2 of Otay Ranch (School No. 48).

On August 19, 2022, and August 26, 2022, Balfour Beatty Construction published public notices seeking bids for sixteen bid packages in The Star News and emailed it to the Construction Trade Journals. In addition, a notice was posted on the District website. A total of 43 bids were opened on September 22, 2022. The District intends that construction of School No. 48 will commence on November 1, 2022, and will be substantially complete by June 1, 2024.

At this time, the District has not yet closed escrow on the property that is the site for School No. 48. However, the District believes that close of escrow will occur within the next 90 days, and the bid documents for School No. 48 provide that bids may not be withdrawn for a period of 90 days. In order to expedite the

commencement of construction, the District is seeking approval for award of the contracts for construction of School No. 48 contingent upon close of escrow.

Following receipt of bids, the District received a protest by Letner Roofing Co. ("Letner") of the bid submitted by A. Preman Roofing, Inc., ("Preman") for Prime Bid Package No. 8, Roofing and Sheetmetal. Preman erroneously entered an amount for an allowance that was different from the amount "pre-specified" in the bid documents. Because Preman entered the same base bid amount (i.e., bid amount without allowance) in two separate places in its bid, and because Preman's total bid equaled its base bid amount plus the allowance "pre-specified" in the bid documents, the mistake did not make Preman's bid different from what Preman intended. Therefore, the District requests that the Board take action to waive the error in Preman's bid as a minor irregularity and, on that basis, deny the protest by Letner.

The District received two bids for Prime Bid Package No. 7 (Finish Carpentry) from responsive, responsible contractors. However, the District desires to modify Prime Bid Package No. 7 to provide for installation of metal casework consistent with the District's current standards. Because there will be a significant amount of time before the finish carpentry portion of the School No. 48 work can commence, the District does not anticipate any adverse impacts on the schedule for construction of School No. 48. Therefore, District staff requests that the Board reject all bids for Prime Bid Package No. 7 and thereafter direct and authorize staff to modify, re-advertise and re-bid Prime Bid Package No. 7.

Prior to the bid opening, it was determined the award of contracts would, in each case, be based on the lowest Total Bid Amount, which includes any additive or deductive items. Exhibit A attached hereto specifies the original engineering estimates and the bids received for each Prime Bid Package, as well as the responsible bidder with the lowest bid price. With respect to Prime Bid Packages 1 through 6 and 8 through 16, the District requests that the Board accept the bids from, in each case, the responsive, responsible bidder with the lowest bid price, as specified in Exhibit A hereto, and authorize District staff to award contracts to those bidders contingent upon close of escrow on the site for School No. 48.

#### **ADDITIONAL DATA:**

Bid documents are available for review in the Office of the Deputy Superintendent. In the event that a bid is deemed non-responsive or duly withdrawn by the respective contractor, the next lowest bid will be substituted.

**FISCAL IMPACT/FUNDING SOURCE:**

Funding will be provided from Community Facilities District (CFD) and/or Capital funds.

**STAFF RECOMMENDATION:**

Recommend approval.

**EXHIBIT "A"**  
**Recommended Contract Awards**  
**for Construction of School No. 48 at Otay Village Ranch, Site 2**

| <b>Bid<br/>Pkg.<br/>No.</b> | <b>DESCRIPTION</b>                                                                 | <b>PRIME<br/>CONTRACTOR</b>                                        | <b>TOTAL BID</b>       |
|-----------------------------|------------------------------------------------------------------------------------|--------------------------------------------------------------------|------------------------|
| <b>1</b>                    | <b>SURVEY AND STAKING</b>                                                          | <b>J&amp;B Engineers,<br/>Surveyors</b>                            | <b>\$126,792.50</b>    |
| <b>2</b>                    | <b>ASPHALT PAVING AND STRIPING,<br/>GRADING AND SWPPP</b>                          | <b>F.J. Willert<br/>Contracting<br/>Company, Inc.</b>              | <b>\$1,933,720.00</b>  |
| <b>3</b>                    | <b>LANDSCAPE AND IRRIGATION</b>                                                    | <b>Premier West<br/>Landscape, Inc.</b>                            | <b>\$1,088,000.00</b>  |
| <b>4</b>                    | <b>SITE UNDERGROUND UTILITIES &amp;<br/>PLUMBING</b>                               | <b>Strelic Plumbing,<br/>Inc. dba Advance<br/>Plumbing Company</b> | <b>\$3,170,700.00</b>  |
| <b>5</b>                    | <b>CONCRETE, MASONRY, FENCING, VAPOR<br/>CONTROL SYSTEM &amp; SITE FURNISHINGS</b> | <b>Hamel Concrete Inc.</b>                                         | <b>\$10,777,000.00</b> |
| <b>6</b>                    | <b>STRUCTURAL STEEL &amp; MISCELLANEOUS<br/>METALS</b>                             | <b>Canyon Steel<br/>Fabricators, Inc.</b>                          | <b>\$6,950,000.00</b>  |
| <b>8</b>                    | <b>ROOF &amp; SHEET METAL</b>                                                      | <b>A Preman Roofing,<br/>Inc.</b>                                  | <b>\$1,714,286.00</b>  |
| <b>9</b>                    | <b>FLOORING</b>                                                                    | <b>A&amp;A Flooring, Inc.<br/>dba A&amp;S Flooring</b>             | <b>\$2,705,000.00</b>  |
| <b>10</b>                   | <b>GLAZING, STOREFRONT, &amp; CURTAIN<br/>WALL</b>                                 | <b>Long Glazing &amp;<br/>Doors</b>                                | <b>\$1,627,160.00</b>  |
| <b>11</b>                   | <b>FINISHES, DOORS, FRAMES &amp;<br/>HARDWARE</b>                                  | <b>Brady SoCal, Inc.</b>                                           | <b>\$10,816,400.00</b> |
| <b>12</b>                   | <b>SPECIALTIES</b>                                                                 |                                                                    |                        |
| <b>13</b>                   | <b>FOOD SERVICE EQUIPMENT</b>                                                      | <b>Kitcor Corporation</b>                                          | <b>\$133,716.00</b>    |
| <b>14</b>                   | <b>MECHANICAL HVAC &amp; CONTROLS</b>                                              | <b>ACH Mechanical<br/>Contractors, Inc.</b>                        | <b>\$3,115,000.00</b>  |
| <b>15</b>                   | <b>FIRE SPRINKLERS</b>                                                             | <b>A-1 Fire Protection,<br/>Inc.</b>                               | <b>\$530,000.00</b>    |
| <b>16</b>                   | <b>ELECTRICAL AND LOW VOLTAGE</b>                                                  | <b>Southland<br/>Electrical, Inc.</b>                              | <b>\$7,617,000.00</b>  |
|                             | <b>SUBTOTAL CONSTRUCTION HARD COSTS</b>                                            |                                                                    | <b>\$52,304,774.50</b> |

CHULA VISTA ELEMENTARY SCHOOL DISTRICT

GOVERNING BOARD AGENDA ITEM

Prepared by: Business Services and  
Support

**ITEM TITLE:**

- (1) Approve Retention Release for Bid Packages Nos. 6 and 10 for Otay Ranch Village 3 Elementary School (Fahari L. Jeffers Elementary School) to Multiple Prime Contractors;
- (2) Approve Change Order for Multiple Prime Contractors for a Decrease in the Amount of <\$54,951>; and
- (3) Approve Notice of Completion for Bid Package Nos. 6 and 10

    X     **Action**

           **Information**

**BACKGROUND INFORMATION:**

On December 15, 2020, the Board approved the award of Prime Bid Package Nos. 1 Through 4, 6 Through 9, 11 Through 15, and 17, and on February 10, 2021, Prime Bid Package Nos. 5, 10 and 16 to various contractors for the construction of a new elementary school in Otay Ranch Village 3 (Fahari L. Jeffers Elementary).

On September 14, 2022, the Board approved Change Orders, the Retention Release and the Notice of Completion for Bid Packages Nos. 1, 2, 4, 7, 14, and 16 for Fahari L. Jeffers Elementary (Jeffers Elementary) for an increase of \$69,475 to the total contract amount.

Work commenced on Jeffers Elementary on March 1, 2021, and was substantially complete on July 19, 2022, and on July 20, 2022, Jeffers Elementary opened for students. Contractors for Bid Package Nos. 6 and 10 have satisfactorily completed their work sufficient to release the 5% retention held on their progress payments.

Per the direction of the District Architect and District staff, modifications of the scope occurred during the course of the work requiring adjustments to the prime bid package contract. The change order amount for Prime Bid Package Nos. 6 and 10 on the chart below represents the final reconciliation of the contractor allowance built into the contract for unforeseen conditions. Examples of the scope modifications include additional soffit modifications and other design upgrades and modifications.

| <b>Bid Pkg. No.</b> | <b>Description</b>                                      | <b>Contractor</b>                                    | <b>Contract Amount</b> | <b>Change Order Amount</b> |
|---------------------|---------------------------------------------------------|------------------------------------------------------|------------------------|----------------------------|
| 1*                  | Survey & Staking*                                       | J&B Engineers, Surveyors*                            | \$64,376*              | (\$2,077)*                 |
| 2*                  | Grading, Asphalt & Paving *                             | F.J. Willert Contracting Co.*                        | \$1,850,750*           | (\$103,669)*               |
| 4*                  | Site Utilities & Building Plumbing*                     | Strelic Plumbing Inc., dba Advance Plumbing Company* | \$2,368,028*           | \$31,094*                  |
| 6                   | <b>Structural Steel</b>                                 | <b>Columbia Steel Inc.</b>                           | <b>\$2,362,357</b>     | <b>(\$44,994)</b>          |
| 7*                  | Rough Carpentry*                                        | Core Contracting, Inc*                               | \$ 3,759,000*          | \$ 210,103*                |
| 10                  | <b>Flooring</b>                                         | <b>A&amp;A Flooring Inc. dba A&amp;S Flooring</b>    | <b>\$1,609,000</b>     | <b>(\$9,957)</b>           |
| 14*                 | Food Service Equipment*                                 | Kitcor Corporation*                                  | \$122,216*             | (\$50,000)*                |
| 16*                 | Fire Sprinklers*                                        | Bradshaw Engineering Corporation*                    | \$763,570*             | (\$15,976)*                |
|                     | Total Change Order Approved at 9/14/2022 Board Meeting* |                                                      |                        | \$69,475*                  |
|                     | <b>Total Change Order for BP # 6 and BP # 10</b>        |                                                      |                        | <b>(\$54,951)</b>          |
|                     | Total Overall Change Order                              |                                                      |                        | \$14,524                   |

\*Indicates approval at the 9/14/2022 Board Meeting

The District has inspected the work and found it to be substantially complete and satisfactory. The final payments of funds owed will be paid no later than 60 days after the Acceptance of Work and Notice of Completion have been filed.

An Acceptance of Work and Notice of Completion for remaining Prime Contractors on Bid Package Nos. 3, 5, 8 – 9, 11 – 13, 15 and 17 will be submitted to the Board for approval when all respective Change Orders are confirmed and finalized.

#### **ADDITIONAL DATA:**

A copy of the change order is available for review in the Office of the Deputy Superintendent. A copy of the Notices of Completion of Public Work are attached as Exhibits A and B.

#### **FISCAL IMPACT/FUNDING SOURCE:**

The change order for Bid Package Nos. 6 and 10 will result in an overall increase of \$14,524 to the total contract amount. The total contract sum will be adjusted from \$33,354,966 to \$33,369,490. Funding will be provided from Community Facilities District (CFD) and/or other Capital funds.

#### **STAFF RECOMMENDATION:**

Recommend approval.

**Recording Requested By and  
When Recorded Mail to:**

Chula Vista Elementary  
School District  
Attention: Facilities Department  
84 East "J" Street  
Chula Vista, CA 91910

**"EXHIBIT A"**

Space above for Recorder's use only.  
Exempt from recording fee pursuant to Government Code § 6103.

**NOTICE OF COMPLETION OF PUBLIC WORK**

**Project Owner:**

Chula Vista Elementary School District,  
84 East "J" Street, Chula Vista, CA 91910

**Project Site:**

Otay Ranch Village 3 Elementary School (Fahari L. Jeffers Elementary School)  
1145 Camino Prado, Chula Vista, CA 91913

**Project Owner Interest in Project Site(s):** Fee Simple Ownership

**Description of Public Work:**

Name/Bid Package(s): Bid Package No. 6 for Structural Steel & Miscellaneous  
Metals  
Direct Contractor: Columbia Steel, Inc.  
Date of Contract: December 16, 2020  
Name of Surety: United States Fire Insurance Company  
Nature of Work: Bid Package No. 6 for Structural Steel & Miscellaneous  
Metals for the construction of Otay Ranch Village 3  
Elementary School. (Fahari L. Jeffers Elementary School)

**Acceptance/Completion Date:** The Project Owner's Board of Education accepted the  
above-described public work as being complete on October 19, 2022.

**Verification:** The undersigned hereby declares subject to penalty for perjury that I am an  
officer of the Project Owner (i.e., Secretary to the Board of Education of the Chula Vista  
Elementary School District), I am authorized to make this verification on behalf of the  
Project Owner, I have read this notice and understand its contents, and I am informed and  
believe that the matters set forth herein are true and correct.

Executed in Chula Vista, California, on October 19, 2022.

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Dr. Eduardo Reyes  
Secretary to the Board of Education of the Chula  
Vista Elementary School District

**Recording Requested By and  
When Recorded Mail to:**

Chula Vista Elementary  
School District  
Attention: Facilities Department  
84 East "J" Street  
Chula Vista, CA 91910

**"EXHIBIT B"**

Space above for Recorder's use only.  
Exempt from recording fee pursuant to Government Code § 6103.

**NOTICE OF COMPLETION OF PUBLIC WORK**

**Project Owner:**

Chula Vista Elementary School District,  
84 East "J" Street, Chula Vista, CA 91910

**Project Site:**

Otay Ranch Village 3 Elementary School (Fahari L. Jeffers Elementary School)  
1145 Camino Prado, Chula Vista, CA 91913

**Project Owner Interest in Project Site(s):** Fee Simple Ownership

**Description of Public Work:**

Name/Bid Package(s): Bid Package No. 10 for Flooring  
Direct Contractor: A&A Flooring Inc. dba A&S Flooring  
Date of Contract: February 10, 2021  
Name of Surety: The Ohio Casualty Insurance Company  
Nature of Work: Bid Package No. 10 for Flooring for the construction of Otay  
Ranch Village 3 Elementary School. (Fahari L. Jeffers  
Elementary School)

**Acceptance/Completion Date:** The Project Owner's Board of Education accepted the  
above-described public work as being complete on October 19, 2022.

**Verification:** The undersigned hereby declares subject to penalty for perjury that I am an  
officer of the Project Owner (i.e., Secretary to the Board of Education of the Chula Vista  
Elementary School District), I am authorized to make this verification on behalf of the  
Project Owner, I have read this notice and understand its contents, and I am informed and  
believe that the matters set forth herein are true and correct.

Executed in Chula Vista, California, on October 19, 2022.

---

Dr. Eduardo Reyes  
Secretary to the Board of Education of the Chula  
Vista Elementary School District

CHULA VISTA ELEMENTARY SCHOOL DISTRICT

GOVERNING BOARD AGENDA ITEM

Prepared by: Business Services and  
Support

**ITEM TITLE:**

Approve Award of Bid No. 22/23-1 Transportation Service to HopSkipDrive for the Period of November 14, 2022, Through November 13, 2023

    X     Action

                     Information

**BACKGROUND INFORMATION:**

Bid No. 22/23-1 Transportation Services was advertised and distributed to seven (7) vendors. Only one bid was received at the bid opening held on October 3, 2022. The bid was issued to supply supplemental transportation services for the Chula Vista Elementary School District (District) for students requiring home-to-school transportation when services cannot be accommodated by the District Transportation Department.

HopSkipDrive is one of the Districts current providers. They have provided safe, consistent transportation services to our students.

**ADDITIONAL DATA:**

Detailed copies of bid documents and contractor rankings are available for review in the Office of the Deputy Superintendent.

**FISCAL IMPACT/FUNDING SOURCE:**

Services will be requested when the District's Transportation Department cannot accommodate the need. Funding for services provided will be paid through the District Transportation Department. Below is a recap of HopSkipDrives bid:

| <b>Trip Item Description</b>      | <b>Fees</b>                                 |
|-----------------------------------|---------------------------------------------|
| Trip Fee                          | \$30.00 per trip                            |
| Rate per Mile                     | \$2.75 per mile                             |
| Additional Rider Fee              | N/A for rider within same household         |
| No Show or Late Cancellation Fee: |                                             |
| Notice given 8 hours or more      | No charge.                                  |
| Notice given 1-8 hours notice     | 50% Base Rate + expected distance of ride.  |
| Notice given 0-1 hour notice      | 100% base rate + expected distance of ride. |

Due to the uncertainty of gasoline prices the vendor has requested a fuel surcharge when gasoline prices exceed \$5.00 per gallon. The per mile rate will be increased by calculating 30% of the price of gasoline that exceeds \$5.00 and adding it to the base mileage rate.

**STAFF RECOMMENDATION:**

Recommend approval.

CHULA VISTA ELEMENTARY SCHOOL DISTRICT

GOVERNING BOARD AGENDA ITEM

Prepared by: Business Services and  
Support

**ITEM TITLE:**

Approve Agreement with Viejas Band of Kumeyaay Indians for Cultural Resource Monitoring during Construction of New Elementary School in Otay Ranch Village 2

    X     Action

                     Information

**BACKGROUND INFORMATION:**

On October 16, 2019, the Board of Education authorized the Chula Vista Elementary School District to undertake efforts to plan, design, and construct a new elementary school at Otay Ranch Village 2, Site 2 (School No. 48). On September 14, 2022, the Board approved an agreement for purchase of a second site in Otay Ranch Village 2 for construction of School No. 48 (Site 2), and the District anticipates that it will close escrow on Site 2 in time for construction to commence in November 2022.

In connection with approval of Site 2 by the California Department of Toxic Substances Control ("DTSC"), the Viejas Band of Kumeyaay Indians ("Viejas") requested through DTSC that the District contract with Viejas for monitoring of the ground-disturbing activities associated with construction of School No. 48, in order to ensure appropriate treatment of Native American human remains, grave goods, ceremonial items, and other cultural artifacts that may be discovered during construction ("Cultural Resource Monitoring"). The Agreement for Cultural Resource Monitoring defines "ground-disturbing activities" generally as grading, excavating, trenching, scraping, tilling, and similar work, with certain limited exceptions for work in areas in which grading or similar work previously occurred. Upon discovery of human remains or cultural artifacts, the Viejas monitor will have the authority to temporarily halt construction in the area of the discovery, as necessary to implement statutory procedures for documentation and recovery of the remains or artifacts. The District presently anticipates that there will be 45 days during construction of School No. 48 on which ground-disturbing activities will occur, although that will be subject to change as the construction progresses and adjustments are made to the construction schedule.

**ADDITIONAL DATA:**

A copy of the Agreement for Cultural Resource Monitoring is available for review in the office of the Deputy Superintendent.

**FISCAL IMPACT/FUNDING SOURCE:**

The District will pay Viejas \$54.15 per hour for the Cultural Monitoring Services, plus mileage reimbursed at the then-current rate published by the U.S. General Services Administration (presently \$0.625 per mile for private automobiles), provided that: (i) there is a four hour minimum for each day that the tribal monitor is present during construction; and (ii) the hourly rate will be time-and-a-half for Cultural Monitoring Services in excess of 40 hours per work week. As an example, 45 days of Cultural Resource Monitoring at 8 hours per day, would cost approximately \$20,000 in hourly-rate charges. Funding will be provided from Community Facilities District and Capital funds.

**STAFF RECOMMENDATION:**

Recommend approval.

CHULA VISTA ELEMENTARY SCHOOL DISTRICT

GOVERNING BOARD AGENDA ITEM

Prepared by: Business Services and  
Support

**ITEM TITLE:**

Accept Donation

    X     Action

           Information

**BACKGROUND INFORMATION:**

On August 25, 2022, the Eastlake Educational Foundation donated \$15,000 to EastLake Elementary School. The funds will be used to support EastLake Elementary's 2022-23 Single Plan for Student Achievement Goals.

**ADDITIONAL DATA:**

District staff will write letter of appreciation for the above donation.

**FISCAL IMPACT/FUNDING SOURCE:**

None.

**STAFF RECOMMENDATION:**

Recommend acceptance.

CHULA VISTA ELEMENTARY SCHOOL DISTRICT

GOVERNING BOARD AGENDA ITEM

Prepared by: Business Services and  
Support

**ITEM TITLE:**

Ratify Purchase Orders, Warrants, and Checks Written/Issued Through  
September 30, 2022

    X     Action

                     Information

**BACKGROUND INFORMATION AND FISCAL IMPACT:**

The following purchase orders, warrants, and checks were written/issued through  
September 30, 2022

- |                                               |                 |
|-----------------------------------------------|-----------------|
| i. Purchase Orders: 23001851-23002729         | \$15,537,508.88 |
| ii. Alternative Revolving Cash: 001381-001382 | \$ 360.00       |
| iii. Commercial Warrants: 00340397-00341430   | \$ 6,496,655.98 |
| Cafeteria Warrants: 0009413-0009501           | \$ 1,439,662.45 |
| iv. Payroll Warrants: Series 10               | \$22,259,856.15 |
| 13371678-13383946; N-3437045-3520081          |                 |
| v. Revolving Cash Checks: 11074-11117         | \$ 13,153.83    |

**ADDITIONAL DATA:**

Additional information is available for review in the Office of the Deputy  
Superintendent in accordance with Board Policies 3310, 3314, and 3314.2.

**STAFF RECOMMENDATION:**

Recommend ratification.

CHULA VISTA ELEMENTARY SCHOOL DISTRICT

GOVERNING BOARD AGENDA ITEM

Prepared by: Business Services and  
Support

**ITEM TITLE:**

Approve and/or Ratify Inservice/Travel Requests

    X     Action

           Information

**BACKGROUND INFORMATION:**

See attached listing.

**ADDITIONAL DATA:**

Inservice/travel requests are available for review in the Office of the Deputy Superintendent in accordance with Board Policies 4133, 4233, and 4333.

**FISCAL IMPACT/FUNDING SOURCE:**

See attached listing.

**STAFF RECOMMENDATION:**

Recommend approval and/or ratification.

**INSERVICE/TRAVEL REQUESTS**

| Individual        | Event                                                                                 | Destination   | From     | To       | Est'd Cost  | Funding                | CVESD Location    |
|-------------------|---------------------------------------------------------------------------------------|---------------|----------|----------|-------------|------------------------|-------------------|
| Faustino, B       | 2023 Governor's Budget Workshop                                                       | Long Beach    | 01/19/23 | 01/19/23 | \$ 400.00   | District Admin         | Business Services |
| Esquivel, O       | 2023 Governor's Budget Workshop                                                       | Long Beach    | 01/19/23 | 01/19/23 | \$ 502.00   | District Admin         | Business Services |
| Sullivan, T       | 2023 Governor's Budget Workshop                                                       | Long Beach    | 01/19/23 | 01/19/23 | \$ 400.00   | District Admin         | Business Services |
| Magnan, A         | Learning in the Brain                                                                 | San Francisco | 02/06/22 | 02/20/22 | \$ 2,216.00 | LCAP                   | Chula Vista Hills |
| Landers, J        | CSNA - Child Nutrition Annual Conference                                              | Pasadena      | 10/20/22 | 10/22/22 | \$ 982.50   | CNS                    | CNS               |
| Stanko, J         | CSNA - Child Nutrition Annual Conference                                              | Pasadena      | 10/20/22 | 10/22/22 | \$ 983.00   | CNS                    | CNS               |
| Venters, S        | CSNA - Child Nutrition Annual Conference                                              | Pasadena      | 10/20/22 | 10/22/22 | \$ 983.00   | CNS                    | CNS               |
| Cockrum, J        | CSNA - Child Nutrition Annual Conference                                              | Pasadena      | 10/20/22 | 10/22/22 | \$ 983.00   | CNS                    | CNS               |
| Multiple          | IB Global Conference (approved 9/14/22, Revised to add Parking)                       | San Diego     | 07/16/22 | 07/19/22 | \$ 7,808.00 | LCAP                   | Cook              |
| Gabriels, S       | Design for Health Training Center (Asbestos Training)                                 | San Diego     | 11/07/22 | 11/11/22 | \$ 675.00   | Maintenance            | Facilities        |
| Guevara, A        | Design for Health Training Center (Asbestos Training)                                 | San Diego     | 11/07/22 | 11/11/22 | \$ 675.00   | Maintenance            | Facilities        |
| Turner, C         | CMCC Math Conference                                                                  | Palm Springs  | 11/04/22 | 11/06/22 | \$ 1,487.00 | LCAP                   | Finney            |
| Bruder, M         | 2022 DODEA Grant Program Annual Prof Learning Meeting                                 | San Diego     | 11/07/22 | 11/09/22 | \$ 689.00   | DOD Ed Grant           | ISS               |
| Castro, G         | 2022 DODEA Grant Program Annual Prof Learning Meeting                                 | San Diego     | 11/07/22 | 11/09/22 | \$ 689.00   | DOD Ed Grant           | ISS               |
| Freires, T        | 2022 DODEA Grant Program Annual Prof Learning Meeting                                 | San Diego     | 11/07/22 | 11/09/22 | \$ 689.00   | DOD Ed Grant           | ISS               |
| Sweet, M          | 2022 DODEA Grant Program Annual Prof Learning Meeting                                 | San Diego     | 11/07/22 | 11/09/22 | \$ 689.00   | DOD Ed Grant           | ISS               |
| Williams, A       | CMCC - Math Conference                                                                | Palm Springs  | 11/03/22 | 11/06/22 | \$ 333.00   | Instructional Admin    | ISS               |
| Pollack, R        | CMCC Math Conference                                                                  | Palm Springs  | 11/03/22 | 11/05/22 | \$ 986.00   | Title I                | Juarez-Lincoln    |
| Alvillar, J       | CMCC Math Conference                                                                  | Palm Springs  | 11/03/22 | 11/05/22 | \$ 690.00   | LCAP                   | Loma Verde        |
| Johnson, S        | CMCC Math Conference                                                                  | Palm Springs  | 11/03/22 | 11/05/22 | \$ 690.00   | LCAP                   | Loma Verde        |
| Navaroli, R       | CMCC Math Conference                                                                  | Palm Springs  | 11/03/22 | 11/05/22 | \$ 690.00   | LCAP                   | Loma Verde        |
| Rathcamp, B       | CMCC Math Conference                                                                  | Palm Springs  | 11/03/22 | 11/05/22 | \$ 690.00   | LCAP                   | Loma Verde        |
| Barajas Torres, C | La Cosecha Conference 2022                                                            | Santa Fe, NM  | 11/02/22 | 11/05/22 | \$ 1,402.00 | Title II and Title III | Mater Dei JDA     |
| Garcia, K         | La Cosecha Conference 2022                                                            | Santa Fe, NM  | 11/02/22 | 11/05/22 | \$ 1,402.00 | Title II and Title III | Mater Dei JDA     |
| Sanchez, M        | La Cosecha Conference 2022                                                            | Santa Fe, NM  | 11/02/22 | 11/05/22 | \$ 1,402.00 | Title II and Title III | Mater Dei JDA     |
| Saucedo, V        | La Cosecha Conference 2022                                                            | Santa Fe, NM  | 11/02/22 | 11/05/22 | \$ 1,402.00 | Title II and Title III | Mater Dei JDA     |
| Various           | Diocese of SD Professional Learning Workshop (Flat fee for school)                    | San Diego     | 10/21/22 | 10/21/22 | \$ 2,000.00 | Title II               | Mater Dei JDA     |
| Lopez, J          | NAEYC National Conference                                                             | Washington DC | 11/15/22 | 11/19/22 | \$ 2,578.00 | Child Development      | Preschool         |
| Munoz, E          | NAEYC National Conference                                                             | Washington DC | 11/15/22 | 11/19/22 | \$ 2,578.00 | Child Development      | Preschool         |
| Salas, N          | NAEYC National Conference                                                             | Washington DC | 11/15/22 | 11/19/22 | \$ 2,578.00 | Child Development      | Preschool         |
| Casey, S          | ADR Conference                                                                        | Riverside     | 03/15/23 | 03/17/23 | \$ 1,063.00 | Title II               | Special Ed.       |
| McKinney, S       | CAPTAIN (Autism Training)                                                             | Riverside     | 11/01/22 | 11/03/22 | \$ 882.00   | South County SELPA     | Special Ed.       |
| Castro, G         | CV Chamber First Friday Breakfast Sept-June (Est'd Cost is Monthly)                   | Chula Vista   | 09/01/22 | 06/03/22 | \$ 20.00    | District Admin         | Superintendent    |
| Various           | Southwest Administrator's Association Superintendent Breakfast                        | Chula Vista   | 10/18/22 | 10/18/22 | \$ 1,880.00 | District Admin         | Superintendent    |
| Various           | CABE Mini-Conference 2022                                                             | Chula Vista   | 11/05/22 | 11/05/22 | \$ 100.00   | Various                | Various           |
| Various           | Spanish-English Bilingual Transfer (SEBT) 3-Day Institute (12/19 and 20/2022; 1/7/23) | La Jolla      | 12/19/22 | 01/07/23 | \$ 400.00   | Various                | Various           |
| Mazeau, C         | CMCC Math Conference                                                                  | Palm Springs  | 11/04/22 | 11/05/22 | \$ 420.00   | LCAP                   | Wolf Canyon       |

\*Estimated cost per participant. Funds may vary by site for this event

NOTE: Actual Inservice/Travel costs may differ from estimated costs as shown above.

CHULA VISTA ELEMENTARY SCHOOL DISTRICT

GOVERNING BOARD AGENDA ITEM

Prepared by: Human Resources  
Services and Support

**ITEM TITLE:**

- (1) Conduct Public Hearing; and
- (2) Adopt Resolution Regarding Short-Term Classified Employees to Perform Specified Service between October 24, 2022, and June 30, 2023

  X   **Action**

           **Information**

**BACKGROUND INFORMATION:**

Education Code Section 45103, subdivision (d)(2), authorizes the District to employ short-term classified employees to provide service to the District that, upon the completion of that service or similar service, will not be extended or needed on a continuing basis. Prior to employing a short-term classified employee, the Board of Education, at a regularly scheduled meeting, must specify the service to be performed by the employee and certify the ending date of that service. The ending date may be shortened or extended by the Board but shall not exceed 75 percent (195 working days) of the school year.

The District has a need for four short-term classified Payroll Specialists to provide support to Payroll in the form of clerical support and salary reporting revisions based on CalPERS Audit spanning from 2015-16 fiscal year to present. All short-term classified employees are needed between October 24, 2022, and June 30, 2023. The services or similar services performed by the short-term employees will not be extended or needed on a continuing basis.

**ADDITIONAL DATA:**

Additional information is available for review in the Office of the Assistant Superintendent for Human Resources Services and Support.

**FISCAL IMPACT/FUNDING SOURCE:**

The amount not to exceed \$140,000.00 will be paid from the General Fund.

**STAFF RECOMMENDATION:**

Conduct public hearing and adoption.

**CHULA VISTA ELEMENTARY SCHOOL DISTRICT**

**RESOLUTION NO. \_\_\_\_\_**

Resolution Regarding Short-Term Classified )  
Employees to Perform Specified Service )  
for the Period of October 24, 2022, )  
Through June 30, 2023 )

On motion of Member \_\_\_\_\_, seconded by Member \_\_\_\_\_, the following resolution is adopted:

WHEREAS, pursuant to Education Code Section 45103, the Board of Education of the Chula Vista Elementary School District may employ short-term classified employees to provide service to the District that, upon the completion of that service or similar service, will not be extended or needed on a continuing basis. Prior to employing a short-term classified employee, the Board, at a regularly scheduled meeting, must specify the service to be performed by the employee and certify the ending date of that service. The ending date may be shortened or extended by the Board, but shall not exceed 75 percent (195 working days) of the school year; and

WHEREAS, the District has a need for four short-term classified Payroll Specialists to provide support to Payroll in the form of clerical support and salary reporting revisions between October 24, 2022, and June 30, 2023, as a result of a California Public Employees Retirement System audit and certain actions required as a result of that audit. This service or similar services will not be extended or needed on a continuing basis.

NOW, THEREFORE, BE IT RESOLVED that the above-described short-term classified employees shall be employed to provide the above-noted service between October 24, 2022, and June 30, 2023.

BE IT FURTHER RESOLVED and certified that the short-term classified employees described above shall be employed on or after October 24, 2022 and complete their assignments on June 30, 2023.

BE IT FURTHER RESOLVED that the Board hereby authorizes the Superintendent or designee to take such action necessary to implement this resolution.

PASSED AND ADOPTED by the Board of Education of the Chula Vista Elementary School District, County of San Diego, State of California, this 19 day of October, 2022, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

STATE OF CALIFORNIA )  
 ) ss  
COUNTY OF SAN DIEGO)

I, Eduardo Reyes, Secretary to the Board of Education of the Chula Vista Elementary School District of San Diego County, California, do hereby certify that the foregoing is a full, true, and correct copy of a resolution duly adopted by said Board at a regular meeting thereof on the date and by the vote above stated, which resolution is on file and of record in the Office of said Board.

Secretary to the Board of Education

CHULA VISTA ELEMENTARY SCHOOL DISTRICT

GOVERNING BOARD AGENDA ITEM

Prepared by: Instructional Services  
and Support

**ITEM TITLE:**

- (1) Conduct Public Hearing on a General Waiver Request to Provide a Reduced-Day Extended School Year Program from June 7 Through June 28, 2023; and
- (2) Authorize Application for the General Waiver Request

    X     Action

           Information

**BACKGROUND INFORMATION:**

The District wishes to apply for a General Waiver Request to the California Department of Education to modify the mandated 20-day extended school year (ESY) for students enrolled in special education. The waiver will allow the District to provide a 15-day program from June 7 through June 28, 2023. California Code of Regulations, Title 5, Section 3043(d) requires students in Kindergarten through Grade 6 to be provided a minimum of 80 instructional hours of ESY, and students in preschool to be provided a minimum of 60 instructional hours of ESY. Traditional ESY programs are 20 days long. Since the District operates a year-round school year calendar, the number of weeks available to offer an ESY program is limited. By offering a reduced program, the District has higher student participation. The 15-day program provides the required number of instructional hours over fewer instructional days.

**ADDITIONAL DATA:**

Additional Information is available for review in the Office of the Executive Director of Special Education and Instruction Services and Support.

**FISCAL IMPACT/FUNDING SOURCE:**

Funding will be provided from Special Education resources. Reduced expenses are anticipated due to decreased operational and transportation costs.

**RECOMMENDATION:**

Recommend conduct public hearing and authorization.

CHULA VISTA ELEMENTARY SCHOOL DISTRICT

GOVERNING BOARD AGENDA ITEM

Prepared by: Business Services and  
Support

**ITEM TITLE:**

Adopt Resolution Authorizing the Execution and Delivery of the Chula Vista Elementary School District 2022 Refunding Certificates of Participation, Series A, in an Aggregate Principal Amount Not to Exceed \$20,000,000, Authorizing the Distribution of an Official Statement in Connection Therewith, and Authorizing the Execution of Various Documents and Related Actions

    X     Action

           Information

**BACKGROUND INFORMATION:**

On January 23, 2013, the Board of Education (Board) authorized the execution and delivery of the Chula Vista Elementary School District 2013 Refunding Certificates of Participation, Series A ("Prior COPs"), which were subsequently issued on April 3, 2013. Based on analyses with District financial advisor Dale Scott & Company ("DS&C"), the Prior COPs are positioned for refunding. The District now seeks the Board's authorization for the execution and delivery of not to exceed \$20,000,000 of refunding COPs (the "Refunding COPs") (i) to refund all or a portion of the District's outstanding Prior COPs, and (ii) to pay costs of issuance of the Refunding COPs. It is expected that the Refunding COPs will be sold publicly through the use of an underwriter; however, if market conditions warrant, then the Resolution authorizes the District to privately place the Refunding COPs with one or more lenders instead.

**ADDITIONAL DATA:**

DS&C will provide financial advisory services, and Stradling Yocca Carlson & Rauth ("Stradling") will provide bond and disclosure counsel services. A three-year agreement with DS&C was approved by the Board on August 10, 2022, and a two-year agreement with Stradling was approved in 2021.

**FISCAL IMPACT/FUNDING SOURCE:**

This refunding is expected to generate an estimated savings of \$343,321, or percentage present value savings of 1.58%. The Refunding COPs are expected to be repaid through locally collected special taxes. This refunding will reduce aggregate debt service payments and will not increase the term of the outstanding Prior COPs. Though the present value savings are lower than what is recommended by the District's Debt Management Policy, staff recommends that the District proceed with the execution and delivery of the Refunding COPs because the present value savings will likely only decrease in the future. Given recent increases in market interest rates, this refunding may not be feasible at pricing time. However, the Board is being asked to approve issuance of the Refunding COPs with the understanding that market interest rates must return to a level in which the above stated savings can be achieved before this transaction can occur. DS&C will continue to monitor market conditions in order to determine when a feasible refunding may proceed. The District will incur no costs if the refunding does not proceed.

**STAFF RECOMMENDATION:**

Recommend adoption.

**CHULA VISTA ELEMENTARY SCHOOL DISTRICT**

**RESOLUTION NO. \_\_\_\_\_**

Resolution Authorizing the Execution and )  
Delivery of the Chula Vista Elementary )  
School District 2022 Refunding )  
Certificates of Participation, Series A, )  
in an Aggregate Principal Amount Not )  
to Exceed \$20,000,000, Authorizing )  
the Distribution of an Official Statement )  
in Connection Therewith, and )  
Authorizing the Execution of Various )  
Documents and Related Actions )

On motion of Member \_\_\_\_\_, seconded by Member \_\_\_\_\_, the following resolution is adopted:

WHEREAS, the Chula Vista Elementary School District (the "District") is a school district duly organized and existing under and pursuant to the Constitution and laws of the State of California (the "State");

WHEREAS, the District previously caused the execution and delivery of its \$41,650,000 Chula Vista Elementary School District 2013 Refunding Certificates of Participation, Series A (Elementary School Building Projects) (the "2013 Certificates") on April 3, 2013, for the purpose of prepaying certain certificates of participation of the District;

WHEREAS, to prepay the 2013 Certificates on a current basis, the District now desires to authorize the execution and delivery of the Chula Vista Elementary School District 2022 Refunding Certificates of Participation, Series A (the "Certificates") pursuant to a Trust Agreement (the "Trust Agreement"), by and among the District, the Chula Vista Elementary School District Public Facilities Financing Corporation (the "Corporation") and U.S. Bank Trust Company, National Association (the "Trustee");

WHEREAS, in order to accomplish the prepayment of the 2013 Certificates, the District will lease certain real property and the improvements described herein (the "Property") to the Chula Vista Elementary School District Public Facilities Financing Corporation (the "Corporation") pursuant to a Site Lease (the "Site Lease") to be entered into by and between the District and the Corporation, and will sublease the Property back from the Corporation pursuant to a Lease Agreement to be entered into by and between the District and the Corporation (the "Lease Agreement");

WHEREAS, the District and the Corporation have determined that it would be in the best interests of the District and the Corporation to provide the funds necessary to prepay the 2013 Certificates through the sale and delivery, pursuant to the Trust Agreement, of the Certificates;

WHEREAS, all rights to receive such lease payments will be assigned, without recourse, by the Corporation to the Trustee pursuant to an Assignment Agreement to be entered into by such parties;

WHEREAS, in consideration of such assignment and the execution of the Trust Agreement, the Trustee will execute and deliver the Certificates, each evidencing a direct, fractional undivided interest in the lease payments to be paid under the Lease Agreement;

WHEREAS, a form of Certificate Purchase Agreement (the "Purchase Agreement") relating to the Certificates has been prepared whereby the District will sell the Certificates to an underwriter that is selected by the Superintendent of the District (the "Underwriter"), in accordance with Section 7 below;

WHEREAS, Rule 15c2-12 promulgated under the Securities Exchange Act of 1934, as amended ("Rule 15c2-12"), requires that, in order to be able to purchase or sell the Certificates, the Underwriter thereof must have reasonably determined that the District has undertaken in a written agreement or contract for the benefit of the holders of the Certificates to provide disclosure of certain financial information and certain enumerated events on an ongoing basis;

WHEREAS, in order to allow the Underwriter to comply with Rule 15c2-12, the District proposes to enter into a Continuing Disclosure Certificate (the "Continuing Disclosure Certificate");

WHEREAS, a form of the Preliminary Official Statement (the "Preliminary Official Statement") to be distributed in connection with the public offering of the Certificates has been prepared;

WHEREAS, an Escrow Agreement (the "Escrow Agreement"), by and between the District and The Bank of New York Mellon Trust Company, N.A., as escrow bank (the "Escrow Bank"), has been prepared to effect the defeasance and prepayment of the 2013 Certificates;

WHEREAS, the Board of Education of the District (the "Board") has been presented with the form of each document referred to herein relating to the actions contemplated hereby, and the Board has examined and approved each document and desires to authorize and direct the execution of such documents and the consummation of such actions;

WHEREAS, the District has complied with Education Code Section 17150.1 in connection with the Lease Agreement and the related Certificates by providing the required notices and supporting information to the Auditor-Controller and Superintendent of Schools of the County of San Diego;

WHEREAS, in accordance with Government Code Section 5852.1, there has been presented to this Board and disclosed to the public certain good faith estimates provided to the District by Dale Scott & Company, Inc., its municipal advisor (the "Municipal Advisor") with respect to the Certificates, which are attached as Exhibit A hereto, and the requirements of Section 5852.1 have been satisfied; and

WHEREAS, all acts, conditions and things required by the Constitution and laws of the State of California 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, this Board hereby ORDERS, RESOLVES, and DETERMINES, as follows:

SECTION 1. Recitals. All of the recitals herein contained are true and correct and the Board so finds.

SECTION 2. Approval of Site Lease. The form of the Site Lease, on file with the Clerk of the Board, is hereby approved, and each of the President of the Board, and such other members of the Board as the President may designate, the Superintendent of the District, the Deputy Superintendent of the District, the Director of Fiscal Services of the District, and such other officers or employees of the District as the Superintendent may designate (collectively, the "Authorized Officers"), acting alone, is hereby authorized and directed, for and in the name and on behalf of the District, to execute and deliver the Site Lease in substantially said

form, with such changes therein as the Authorized Officer executing the same may require or approve, such approval to be conclusively evidenced by the execution and delivery thereof.

SECTION 3. Approval of Lease Agreement. The form of the Lease Agreement, on file with the Clerk of the Board, is hereby approved, and each of the Authorized Officers, acting alone, is hereby authorized and directed, for and in the name and on behalf of the District, to execute and deliver the Lease Agreement in substantially said form, with such changes 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 the aggregate amount of the principal components of the lease payments payable under the Lease Agreement shall not exceed \$20,000,000, the term of the Lease Agreement shall end on or before September 1, 2028 (provided that such term may be extended as provided therein), the prepayment of the 2013 Certificates being prepaid will result in positive net present value savings, as calculated by the District's Municipal Advisor, and the rate applicable to the interest components of the lease payments payable under the Lease Agreement shall not exceed 12% per annum. The Property to be leased under the Site Lease and the Lease Agreement shall consist of the Hedenkamp Elementary School and the Heritage Elementary School, and/or such other or additional school sites and facilities of the District as are selected by the Superintendent and are determined by such official to have an annual fair rental value at least equal to the annual lease payments to be made under the Lease Agreement. The Board hereby determines that the lease payments due under the Lease Agreement in each fiscal year are reasonable and will not exceed the fair rental value of the Property to the District in each fiscal year and that each individual lease payment will be accompanied by consideration received by the District corresponding to that payment.

SECTION 4. Approval of Trust Agreement. The form of Trust Agreement, on file with the Clerk of the Board, is hereby approved, and each of the Authorized Officers, acting alone, is hereby authorized and directed, for and in the name and on behalf of the District, to execute and deliver the Trust Agreement in substantially said form, with such changes therein as the Authorized Officer executing the same may require or approve, such approval to be conclusively evidenced by the execution and delivery thereof.

SECTION 5. Bond Insurance. Each of the Authorized Officers, acting alone, is hereby authorized (a) to solicit bids on a municipal bond insurance policy and a reserve fund surety policy, (b) to negotiate the terms of such policies, (c) to finalize the form of such policies with a municipal bond insurer (the "Insurer"), (d) to pay the insurance premium of such policies from the proceeds of the sale of the Certificates, and (e) to make any changes to the agreements approved herein as are necessary to satisfy the terms of the commitments for such policies provided by the Insurer.

SECTION 6. Approval of Execution and Delivery of Certificates of Participation. The execution and delivery of the Certificates by the Trustee evidencing principal in an aggregate amount not to exceed \$20,000,000, payable in the years and in the amounts, and evidencing interest as specified in the Trust Agreement as finally executed, are hereby authorized and approved.

SECTION 7. Terms and Conditions of Sale; Approval of Certificate Purchase Agreement. The Superintendent is hereby authorized to select the Underwriter and the Certificates shall be sold as a negotiated sale to the Underwriter once selected. The form of the Purchase Agreement on file with the Clerk of the Board, is hereby approved and each of the Authorized Officers, acting alone, is hereby authorized and directed to approve, execute and deliver such Purchase Agreement, in substantially said form, with such changes therein as the Authorized Officer executing the same may require or approve, with such approval to be conclusively evidenced by the execution and delivery thereof; provided, however, that the Underwriter's discount, excluding original issue discount or premium on the Certificates, shall not exceed 0.70% of the aggregate of principal amount of Certificates sold pursuant to the Purchase Agreement. Each Authorized Officer is further authorized to determine the principal amount of the Certificates to be sold pursuant to the Purchase Agreement, up to \$20,000,000.

SECTION 8. Approval of Continuing Disclosure Certificate. The form of Continuing Disclosure Certificate, on file with the Clerk of the Board, is hereby approved, and each of the Authorized Officers, acting alone, is hereby authorized and directed, for and in the name and on behalf of the District, to execute and deliver the Continuing Disclosure Certificate in substantially said form, with such changes therein as the Authorized Officer executing the same may require or approve, such approval to be conclusively evidenced by the execution and delivery thereof.

SECTION 9. Approval of Preliminary Official Statement. The form of Preliminary Official Statement, on file with the Clerk of the Board, with such changes therein as may be approved by an Authorized Officer as necessary to deem the Preliminary Official Statement final as of its date for purposes of Rule 15c2-12, is hereby approved, and the use of the Preliminary Official Statement in connection with the offering and sale of the Certificates is hereby authorized and approved. Each of the Authorized Officers, acting alone, is hereby authorized to certify on behalf of the District that the 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 10. Approval of Official Statement. The preparation and delivery of an Official Statement, and its use by the Underwriter in connection with the offering and sale of the Certificates, is hereby authorized and approved. The Official Statement shall be in substantially the form of the Preliminary Official Statement with such changes, insertions and omissions as may be approved by an Authorized Officer, such approval to be conclusively evidenced by the delivery thereof to the Underwriter. 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 and any amendment or supplement thereto deemed necessary by and Authorized Officer to make the Official Statement, as amended or supplemented, accurate and thereupon to cause the final Official Statement and any such amendment or supplement to be delivered to the Underwriter.

SECTION 11. Approval of Escrow Agreement. The form of the Escrow Agreement, on file with the Clerk of the Board, is hereby approved, and each of the Authorized Officers, acting alone, is hereby authorized and directed, for and in the name and on behalf of the District, to execute and deliver the Escrow Agreement in substantially said form, with such changes therein as the Authorized Officer executing the same may require or approve, such approval to be conclusively evidenced by the execution and delivery thereof.

SECTION 12. Potential for Private Placement. In the event that the Superintendent or Deputy Superintendent of the District determines that a direct placement of the Certificates with a lender, or a directly placed lease with a lender, would be more beneficial to the District than a negotiated sale of the Certificates to the Underwriter, then the Authorized Officers are authorized to take any actions and make any changes to the documents herein approved, and to execute any additional documents as needed, in order to effect such a direct placement. In the event that the District decides to proceed with a direct placement, each of the

Authorized Officers is hereby authorized to select a lender for such private placement and engage any professional services needed to effect such direct placement, in accordance with Section 15, below.

SECTION 13. Official Action. Each of the Authorized Officers, acting alone, is hereby authorized and directed to do any and all things and to execute any and all certificates and agreements not inconsistent with the provisions hereof 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, but not limited to, taking any actions and executing any documents necessary to unencumber the Property.

SECTION 14. Prior 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 15. Retention of Services. Each of the Authorized Officers is authorized to provide for all services necessary to effect the execution and delivery of the Certificates. Such services shall include, but are not limited to, obtaining legal services, municipal advisor services, trustee services and any other services deemed by an Authorized Officer to be appropriate and necessary to effect the execution and delivery of the Certificates. Any one of the Authorized Officers is authorized to pay for the cost of such services, together with other costs of issuance for the Certificates, from the proceeds of the Certificates, and to execute and any all agreements required to obtain such services.

SECTION 16. Waiver of Noncompliance with Debt Policy. Notwithstanding the fact that the execution and delivery of the Certificates is not expected to produce net present value savings of at least 5%, as required by Section 4(f)(i) of the District's Debt Management Policy, the Board hereby finds that the execution and delivery of the Certificates is in the best interests of the District because it will still produce positive net present value savings and it is likely that waiting to issue refunding certificates in the future will result in lower net present value savings. Therefore, in accordance with Section 6 of the District's Debt Management Policy, the Board hereby waives the minimum savings threshold requirement of the Debt Management Policy.

SECTION 17. Good Faith Estimates. In accordance with Government Code section 5852.1, good faith estimates of the following have been obtained from the Municipal Advisor and presented at the meeting at which this resolution is adopted: (a) the true interest cost of the Certificates, (b) the sum of all fees and

charges paid to third parties with respect to the Certificates, including an estimate of the costs of issuance, (c) the amount of proceeds of the Certificates expected to be received net of the fees and charges paid to third parties and any reserves or capitalized interest paid or funded with proceeds of the Certificates, and (d) the sum total of all debt service payments on the Certificates calculated to the final maturity of the Certificates plus the fees and charges paid to third parties not paid with the proceeds of the Certificates. The good faith estimates are set forth in Exhibit A hereto and incorporated herein by reference, and the Board finds and determines on the basis of the information set forth in Exhibit A that the provisions of Government Code section 5852.1 have been satisfied with respect to the authorization of the Certificates.

SECTION 18. Effective Date. This Resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED by the Board of Education of the Chula Vista Elementary School District, County of San Diego, State of California, this 19th day of October 2022 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

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## EXHIBIT A

### GOOD FAITH ESTIMATES

The good faith estimates set forth herein are provided with respect to the Certificates in accordance with California Government Code Section 5852.1. Such good faith estimates have been provided to the District by Dale Scott & Company, Inc. (the District's "Municipal Advisor").

*Principal Amount.* The Municipal Advisor has informed the District that, based on the District's financing plan and current market conditions, its good faith estimate of the aggregate principal amount of the Certificates to be sold is **\$18,455,000** (the "Estimated Principal Amount"), exclusive of net premium. Net premium is generated when, on a net aggregate basis for a single issuance of certificates, the price paid for the certificates is higher than the face value of such certificates.

*True Interest Cost of the Certificates.* The Municipal Advisor has informed the District that, assuming that the Estimated Principal Amount of the Certificates is sold, and based on market interest rates prevailing at the time of preparation of such estimate, its good faith estimate of the true interest cost of the Certificates, which means the rate necessary to discount the amounts payable on the respective principal and interest payment dates to the purchase price received for the Certificates, is **2.58%**.

*Finance Charge of the Certificates.* The Municipal Advisor has informed the District that, assuming that the Estimated Principal Amount of the Certificates is sold, and based on market interest rates prevailing at the time of preparation of such estimate, its good faith estimate of the finance charge for the Certificates, which means the sum of all fees and charges paid to third parties (including costs of issuance associated with the Certificates), is **\$326,628**.

*Amount of Proceeds to be Received.* The Municipal Advisor has informed the District that, assuming that the Estimated Principal Amount of the Certificates is sold, and based on market interest rates prevailing at the time of preparation of such estimate, its good faith estimate of the amount of proceeds expected to be received by the District for sale of the Certificates, less the finance charge of the Certificates, as estimated above, and any reserves or capitalized interest paid or funded with proceeds of the Certificates, is **\$19,338,811**.

*Total Payment Amount.* The Municipal Advisor has informed the District that, assuming that the Estimated Principal Amount of the Certificates is sold, and based on market interest rates prevailing at the time of preparation of such estimate, its good faith estimate of the total payment amount, which means the sum total of all payments the District will make to the principal and interest with respect to the Certificates, plus the finance charge, if any, for the Certificates, as described above, not paid with the proceeds of the Certificates, calculated to the final maturity of the Certificates, is **\$20,965,318**.

CHULA VISTA ELEMENTARY SCHOOL DISTRICT

GOVERNING BOARD AGENDA ITEM

Prepared by: Business Services and  
Support

**ITEM TITLE:**

Adopt Resolution Authorizing the Issuance of Chula Vista Elementary School District (San Diego County, California) 2022 General Obligation Refunding Bonds, Series A, in a Principal Amount Not to Exceed \$8,500,000, and Approving Certain Other Matters Related Thereto

    X     Action

                     Information

**BACKGROUND INFORMATION:**

On April 10, 2012, the Board of Education authorized the issuance of the Chula Vista Elementary School District 2012 General Obligation Refunding Bonds (Election of 1998) ("Prior Bonds"), which were subsequently issued on June 14, 2012. Based on analyses with District financial advisor Dale Scott & Company ("DS&C"), the Prior Bonds are well positioned for refunding. The District now seeks the Board's authorization for the issuance of not to exceed \$8,500,000 of refunding bonds (the "Refunding Bonds") (i) to refund all or a portion of the District's outstanding Prior Bonds, and (ii) to pay costs of issuance of the Refunding Bonds. It is expected that the Refunding Bonds will be sold publicly through the use of an underwriter; however, if market conditions warrant, then the Resolution authorizes the District to privately place the Refunding Bonds with one or more lenders instead.

**ADDITIONAL DATA:**

DS&C will provide financial advisory services, and Stradling Yocca Carlson & Rauth ("Stradling") will provide bond and disclosure counsel services. A three-year agreement with DS&C was approved by the Board on August 10, 2022, and a two-year agreement with Stradling was approved in 2021.

**FISCAL IMPACT/FUNDING SOURCE:**

This refunding is expected to generate an estimated savings of \$271,708, or percentage present value savings of 3.14% for the District's taxpayers. This refunding will reduce aggregate property taxes and will not increase the term of the outstanding Prior Bonds. Though the present value savings are lower than what is recommended by the District's Debt Management Policy, staff recommends that the District proceed with the issuance of the Refunding Bonds because the present value savings will likely only decrease in the future. Given recent increases in market interest rates, this refunding may not be feasible at pricing time. However, the Board is being asked to approve issuance of the Refunding Bonds with the understanding that market interest rates must return to a level in which the above stated savings can be achieved before this transaction can occur. DS&C will continue to monitor market conditions in order to determine when a feasible refunding may proceed. The District will incur no costs if the refunding does not proceed.

**STAFF RECOMMENDATION:**

Recommend adoption.

**CHULA VISTA ELEMENTARY SCHOOL DISTRICT**

**RESOLUTION NO. \_\_\_\_\_**

Resolution Authorizing the Issuance of )  
Chula Vista Elementary School District )  
(San Diego County, California) )  
2022 General Obligation Refunding )  
Bonds, Series A, in a Principal Amount )  
Not to Exceed \$8,500,000, and )  
Approving Certain Other Matters )  
Related Thereto )

On motion of Member \_\_\_\_\_, seconded by Member \_\_\_\_\_, the following resolution is adopted:

WHEREAS, a duly called election was held in the Chula Vista Elementary School District, San Diego County, State of California (hereinafter referred to as the "District"), on November 3, 1998 and thereafter canvassed pursuant to law; and

WHEREAS, at such election there was submitted to and approved by the requisite two-thirds of the qualified electors of the District a question as to the issuance and sale of general obligation bonds of the District for various purposes set forth in the ballot submitted to the voters, in the maximum principal amount of \$95,000,000 payable from the levy of an *ad valorem* tax against the taxable property in the District (the "1998 Authorization"); and

WHEREAS, pursuant to the 1998 Authorization, the County of San Diego (the "County") issued the \$12,000,000 Chula Vista Elementary School District General Obligation Bonds, 1998 Election, Series E (the "Series E Bonds") and \$19,000,000 Chula Vista Elementary School District (County of San Diego, California) General Obligation Bonds, 1998 Election, Series F (the "Series F Bonds"); and

WHEREAS, on June 14, 2012, the District issued its Chula Vista Elementary School District (County of San Diego, California) 2012 General Obligation Refunding Bonds (Election of 1998) (the "Prior Bonds") for the purpose of refunding the then outstanding Series E Bonds and Series F Bonds; and

WHEREAS, pursuant to Articles 9 and 11 of Chapter 3 of Part 1 of Division 2 of Title 5 of the California Government Code, the District is authorized to issue refunding bonds to refund all or a portion of the outstanding Prior Bonds; and

WHEREAS, in accordance with Government Code Section 5852.1, there has been presented to this Board of Education and disclosed to the public certain good faith estimates provided to the District by its municipal advisor with respect to the Refunding Bonds (as described below), as set forth in Exhibit A hereto, and the requirements of Section 5852.1 have been satisfied;

WHEREAS, all acts, conditions and things required by law to be done or performed have been done and performed in strict conformity with the laws authorizing the issuance of general obligation refunding bonds of the District, and the indebtedness of the District, including the proposed issue of refunding bonds, is within all limits prescribed by law;

NOW, THEREFORE, this Board hereby ORDERS, RESOLVES, and DETERMINES, as follows:

SECTION 1. Purpose of Bonds. To refund all or a portion of the outstanding Prior Bonds and to pay all necessary legal, financial, and contingent costs in connection therewith, the District authorizes the issuance of its 2022 General Obligation Refunding Bonds, Series A (the "Refunding Bonds"), in an amount not to exceed \$8,500,000. The designated costs of issuing the Refunding Bonds authorized to be paid from the proceeds of the Refunding Bonds are all of the authorized costs of issuance set forth in Section 53550(e) and Section 53587 of the Government Code.

SECTION 2. Paying Agent. The Board hereby appoints the Paying Agent (as defined herein) to act as paying agent, bond registrar, authentication agent and transfer agent for the Refunding Bonds on behalf of the District. The Board hereby authorizes the payment of the reasonable fees and expenses of the Paying Agent, as they shall become due and payable. The fees and expenses of the Paying Agent which are not paid as a cost of issuance of the Refunding Bonds may be paid in each year from *ad valorem* property taxes levied and collected for the payment thereof, insofar as permitted by law, including specifically Section 15232 of the Education Code.

SECTION 3. Terms and Conditions of Sale. Pursuant to Government Code Section 53583(c)(1) the Refunding Bonds shall be sold at a negotiated sale upon the direction of the District Superintendent or the Deputy Superintendent of the District. The Refunding Bonds shall be sold pursuant to the terms and conditions set forth in the Purchase Contract, as described below.

SECTION 4. Approval of Bond Purchase Contract. The Superintendent of the District (the "Superintendent") is hereby authorized to select an underwriter (the "Underwriter") to purchase the Refunding Bonds, and the form of the Purchase Contract (the "Purchase Contract") by and between the District and the Underwriter, substantially in the form on file with the Clerk of the Board is hereby approved, and each of the Superintendent, the Deputy Superintendent of the District and such other officers or employees of the District as the Superintendent may designate in writing (each an "Authorized Officer" and, collectively, the "Authorized Officers"), acting alone, is hereby authorized and requested to execute and deliver the Purchase Contract, with such changes therein, deletions therefrom and modifications thereto as the Authorized Officer executing the Purchase Contract may approve, such approval to be conclusively evidenced by the execution and delivery thereof by an Authorized Officer; provided, however, that the Underwriter's discount, excluding original issue discount or premium on the Refunding Bonds, shall not exceed 0.80% of the aggregate of principal amount of Refunding Bonds issued and the Refunding Bonds shall be issued only if the total net interest cost to maturity on the Refunding Bonds plus the principal amount of the Refunding Bonds does not exceed the total net interest cost to maturity plus the principal amount of the Refunded Bonds and no Refunding Bond shall have a maturity later than the latest maturity date of the Refunded Bonds. Each Authorized Officer is further authorized to determine the specific maturities of the Prior Bonds to be refunded, the principal amount of the Refunding Bonds to be sold pursuant to the Purchase Contract, up to \$8,500,000, and to enter into and execute the Purchase Contract with the Underwriter, if the conditions set forth in this Resolution are satisfied.

The Board hereby approves the sale of the Refunding Bonds at a negotiated sale, which is determined to provide more flexibility in the timing of the sale, an ability to implement the sale in a shorter time period, an increased ability to structure the Refunding Bonds to fit the needs of particular purchasers, and a greater opportunity for the Underwriter to pre-market the Refunding 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 and the maximum savings from the refunding.

The estimates of the costs associated with the issuance of the Refunding Bonds, excluding compensation to the Underwriter, are expected to equal approximately \$155,000 as set forth in Exhibit A. The Authorized Officers, acting alone, are further authorized to determine the principal amount of the Refunding Bonds to be specified in the Purchase Contract, provided that the aggregate principal amount of Refunding Bonds sold under this Resolution shall not exceed \$8,500,000. The Purchase Contract with the Underwriter shall be executed by an Authorized Officer only if the conditions set forth in this Resolution are satisfied.

The terms of the Purchase Contract shall recite the aggregate principal amount of the Refunding Bonds being sold thereunder, and shall recite the date thereof, the maturity dates, principal amounts and annual rates of interest of each maturity thereof, the initial and semiannual interest payment dates thereof, and any terms of optional and mandatory sinking fund redemption thereof.

SECTION 5. Certain Definitions. As used in this Resolution, the terms set forth below shall have the meanings ascribed to them, unless otherwise provided in the Purchase Contract:

(a) “*Act*” means Articles 9 and 11 of Chapter 3 of Part 1 of Division 2 of Title 5 of the California Government Code.

(b) “*Board*” means the Board of Education of the District.

(c) “*Bond Insurer*” means any insurance company which issues a municipal bond insurance policy insuring the payment of the Principal Amount of and interest on the Refunding Bonds.

(d) “*Bond Payment Date*” means (i) with respect to interest payments on the Refunding Bonds, the payment dates specified in the Purchase Contract, and (ii) with respect to Principal payments on the Refunding Bonds, the dates provided in the Purchase Contract.

(e) “*Bond Register*” means the listing of names and addresses of the current registered owners of the Refunding Bonds, as maintained by the Paying Agent in accordance with Section 8 hereof.

(f) “*Business Day*” means a day which is not a Saturday, Sunday or a day on which banking institutions in the State or the State of New York and the New York Stock Exchange are authorized or required to be closed.

(g) “*Continuing Disclosure Certificate*” means that certain Continuing Disclosure Certificate executed by the District and dated the date of issuance and delivery of the Refunding Bonds, as originally executed and as it may be amended from time to time in accordance with the terms thereof.

(h) “*Costs of Issuance*” means all of the costs of issuing the Refunding Bonds, including, but not limited to, all printing and document preparation expenses in connection with this Resolution, the Refunding Bonds and the Official Statement pertaining to the Refunding Bonds and any and all other agreements, instruments, certificates or other documents prepared in connection therewith; financial advisory fees; rating agency fees; auditor’s fees; CUSIP service bureau charges; legal fees and expenses of counsel with respect to the financing; the initial fees and expenses of the Paying Agent; fees for any credit enhancement relating to the Refunding Bonds; and other fees and expenses incurred in connection with the issuance of the Refunding Bonds, to the extent such fees and expenses are approved by the District.

(i) “*County*” means the County of San Diego, California.

(j) “*Date of Issuance*” means the date on which the Refunding Bonds are delivered to the Underwriter.

(k) “*Depository*” means the securities depository acting as Depository pursuant to Section 6(c) hereof.

(l) “*District*” means the Chula Vista Elementary School District.

(m) “*DTC*” means The Depository Trust Company, New York, New York, a limited purpose trust company organized under the laws of the State of New York in its capacity as securities depository for the Refunding Bonds.

(n) “*Escrow Agreement*” means the Escrow Agreement relating to the Refunded Bonds by and between the District and the Escrow Bank, or any successor escrow bank thereunder, and any supplements or amendments thereto.

(o) “*Escrow Bank*” means U.S. Bank Trust Company, National Association, or such other institution appointed by the District as set forth in a certificate of an Authorized Officer.

(p) “*Escrow Fund*” means the Escrow Fund established under the Escrow Agreement.

(q) “*Government Obligations*” shall have the meaning set forth in Section 19 hereof.

(r) “*Information Services*” means the Electronic Municipal Market Access System operated by the Municipal Securities Rulemaking Board; or, in accordance with then-current guidelines of the Securities and Exchange Commission, one or more other services providing information with respect to called bonds as the District or the Paying Agent may select.

(s) “*Nominee*” means the nominee of the Depository, or any Substitute Depository, as determined from time to time pursuant to Section 6(c) hereof.

(t) “*Outstanding*,” when used with reference to the Refunding Bonds, means, as of any date, Refunding Bonds theretofore issued or thereupon being issued under this Resolution except:

(i) Refunding Bonds canceled at or prior to such date;

(ii) Refunding Bonds in lieu of or in substitution for which other refunding bonds shall have been delivered pursuant to this Resolution; or

(iii) Refunding Bonds for the payment or redemption of which funds or Government Obligations in the necessary amount shall have been set aside (whether on or prior to the maturity or redemption date of such Refunding Bonds), in accordance with Section 19 of this Resolution.

(u) “*Owner*” means the registered owner of a Refunding Bond as set forth on the Bond Register maintained by the Paying Agent pursuant to Section 8 hereof.

(v) “*Participants*” means those broker-dealers, banks and other financial institutions from time to time for which the Depository holds book-entry certificates as securities depository.

(w) “*Paying Agent*” means U.S. Bank Trust Company, National Association, as authenticating agent, bond registrar, transfer agent and paying agent for the Refunding Bonds on behalf of the District, and any successor thereto appointed by the District.

(x) “*Principal*” or “*Principal Amount*” means, with respect to any Refunding Bond, the principal or principal amount thereof as set forth in the Bond Register maintained by the Paying Agent in accordance with Section 8 hereof or mandatory sinking fund payment due thereon, as applicable.

(y) “*Prior Bonds*” shall have the meaning set forth in the recitals hereto.

(z) “*Purchase Contract*” means the Purchase Contract by and between the District and the Underwriter relating to the Refunding Bonds.

(aa) “*Record Date*” means the fifteenth day of the month preceding each Bond Payment Date, whether or not such day is a business day.

(bb) “*Refunded Bonds*” means the outstanding Prior Bonds designated in the Escrow Agreement as the Prior Bonds to be refunded with proceeds of the Refunding Bonds.

(cc) “*Refunding Bonds*” means the 2022 General Obligation Refunding Bonds, Series A, issued pursuant to the terms of this Resolution.

(dd) “*Securities Depositories*” means The Depository Trust Company, 55 Water Street, New York, New York 10041, Attn: Redemption Area, Call Notification Department, Telephone: (212) 855-3274, Facsimile transmission: (212) 855-7232, (212) 855-7233, or one or more other securities depositories designated by the District from time to time and whose business is to perform the functions of a clearing agency with respect to exempted securities, as defined in Section 3(a)(12) of the Securities Exchange Act of 1934, and who is registered as a clearing agency under Section 17A of the Act.

(ee) “*Term Bonds*” means those Refunding Bonds for which mandatory sinking fund redemption dates and amounts have been established in the Purchase Contract.

(ff) “*Treasurer*” means the Treasurer and Tax Collector of the County of San Diego.

(gg) “*Underwriter*” shall have the meaning set forth in Section 4 above.

SECTION 6. Terms of the Refunding Bonds.

(a) Denomination, Interest, Dated Dates. The Refunding Bonds shall be issued in the denominations of \$5,000 Principal Amount or any integral multiple thereof.

Each Refunding Bond shall be dated its Date of Issuance (or such other date designated in the Purchase Contract) and shall bear interest from the Bond Payment Date next preceding the date of authentication thereof unless it is authenticated as of a day during the period from the 16th day of the month next preceding any Bond Payment Date to that Bond Payment Date, inclusive, in which event it shall bear interest from such Bond Payment Date, or unless it is authenticated on or before the first Record Date, in which event it shall bear interest from its Date of Issuance (or such other date designated in the Purchase Contract); provided, however, that, if at the time of registration of any Refunding Bond interest with respect thereto is in default, interest with respect thereto shall be payable from the Bond Payment Date to which interest has previously been paid or made available for payment.

The Refunding Bonds shall be issued in fully registered form and shall mature in the years, be issued in the amounts and bear interest at the rates set forth in the Purchase Contract. Interest on the Refunding Bonds shall be computed on the basis of a 360 day year consisting of twelve 30 day months.

Principal and interest on the Refunding Bonds shall be paid in accordance with Section 9 below.

The last maturity date of the Refunding Bonds shall be not later than the date of the last maturity of the Refunded Bonds.

(b) Redemption.

(i) Terms of Redemption. The Refunding Bonds shall be subject to optional redemption and mandatory sinking fund redemption prior to maturity as provided in the Purchase Contract.

(ii) Selection of Refunding Bonds for Redemption. Whenever provision is made in accordance with this Resolution for the optional redemption of Refunding Bonds and less than all Outstanding Refunding Bonds are to be redeemed, the Paying Agent, upon written instruction from the District, shall select one or more maturities of Refunding Bonds for redemption in accordance with such written instructions. Within a maturity, the Paying Agent

shall select Refunding Bonds for redemption by lot. Redemption by lot shall be in such manner as the Paying Agent shall determine; provided, however, that the portion of any Bond to be redeemed in part shall be in the Principal Amount of \$5,000 or any integral multiple thereof.

In the event that a portion of any Term Bond is optionally redeemed pursuant to Section 6(b)(i) hereof, the remaining sinking fund payments shall be reduced in an amount equal to the principal amount of Term Bonds optionally redeemed as directed by the District or, if no such direction is provided, as nearly as practicable, on a pro rata basis, in integral multiples of \$5,000.

(iii) Notice of Redemption. When redemption is authorized or required pursuant to Section 6(b)(i) hereof, the Paying Agent shall give notice (a "Redemption Notice") of the redemption of the Refunding Bonds at least 20 but not more than 60 days prior to the redemption date (a) so long as the Refunding Bonds are registered in the name of the Nominee, in such manner as complies with the requirements of the Depository, and (b) if the Refunding Bonds are no longer held in book-entry form, by first class mail, postage prepaid to each Owner of the Refunding Bonds at the addresses appearing on the Bond Register. In the case of any optional redemption, the Paying Agent shall send a notice of redemption only following receipt of written instructions from the District to send such notice and specifying the maturity or maturities to be redeemed. Each Redemption Notice shall specify: (a) the Refunding Bonds or designated portions thereof (in the case of redemption of the Refunding Bonds in part but not in whole) which are to be redeemed, (b) the date of redemption, (c) the place or places where the redemption will be made, including the name and address of the Paying Agent, (d) the redemption price, (e) the CUSIP numbers (if any) assigned to the Refunding Bonds to be redeemed, (f) the numbers of the Refunding Bonds to be redeemed in whole or in part and, in the case of any Refunding Bond to be redeemed in part only, the Principal Amount of such Refunding Bond to be redeemed, and (g) the original issue date, interest rate and stated maturity date of each Refunding Bond to be redeemed in whole or in part. Each Redemption Notice shall further state that on the specified date there shall become due and payable upon each Refunding Bond or portion thereof being redeemed the redemption price thereof, together with the interest accrued to the redemption date and that from and after such date, interest with respect thereto shall cease to accrue. Redemption Notices (and related notices) may state that no representation is made as to the accuracy or correctness of the CUSIP numbers printed thereon or on the Refunding Bonds.

In case of the redemption as permitted herein of all the Refunding Bonds of any one maturity then Outstanding, notice of redemption shall be given as herein provided, except that the Redemption Notice need not specify the serial numbers of the Refunding Bonds of such maturity.

Any Redemption Notice for an optional redemption of the Refunding Bonds delivered in accordance with this section may be conditional, and, if any condition stated in the Redemption Notice shall not have been satisfied on or prior to the redemption date: (i) the Redemption Notice shall be of no force and effect, (ii) the District shall not be required to redeem such Refunding Bonds, (iii) the redemption shall not be made, and (iv) the Paying Agent shall within a reasonable time thereafter give notice to the Owners in the manner in which the conditional Redemption Notice was given that such condition or conditions were not met and that the redemption was canceled.

Neither the failure to receive a Redemption Notice nor any defect in any such Redemption Notice so given shall affect the sufficiency of the proceedings for the redemption of the Refunding Bonds selected for redemption.

(iv) Additional Notice. In addition to the Redemption Notice given pursuant to Section 6(b)(iii), further notice shall be given by the Paying Agent as set out below, but no defect in said further notice nor any failure to give all or any portion of such further notice shall in any manner defeat the effectiveness of a call for redemption if a Redemption Notice has been given as above prescribed.

Each further notice of redemption shall be sent at least thirty (30) days before the redemption date by registered or certified mail or overnight delivery service, or in such other manner as is approved by the recipient of such notice, to the Securities Depositories and to the Information Services; provided that, if the Securities Depositories are other than DTC and the Information Services are other than the Municipal Securities Rulemaking Board, the District shall designate the recipients in a written notice to the Paying Agent.

(v) Partial Redemption of Refunding Bonds. Upon the surrender of any Refunding Bond redeemed in part only, the Paying Agent shall execute and deliver to the Owner thereof a new Refunding Bond or Refunding Bonds of like tenor and maturity and of authorized denominations equal in Principal Amount to the unredeemed portion of the Refunding Bond surrendered. Such partial redemption shall be valid upon payment of the amount required to be paid to such Owner, and the District shall be released and discharged thereupon from all liability to the extent of such payment.

(vi) Effect of Notice of Redemption. Notice having been given in accordance with Section 6(b)(iii), and the moneys for the redemption (including the interest to the applicable date of redemption) having been set aside in the District's Debt Service Fund (as defined in Section 12 below) or an escrow account as provided in Section 19 hereof, the Refunding Bonds to be redeemed shall become due and payable on such date of redemption.

If on such redemption date, money for the redemption of all the Refunding Bonds to be redeemed as provided in Section 6(b) hereof, together with interest to such redemption date, shall be held in the Debt Service Fund or in an escrow account as provided in Section 19 hereof so as to be available therefor on such redemption date, and if a Redemption Notice shall have been given as herein provided, then from and after such redemption date, interest with respect to the Refunding Bonds to be redeemed shall cease to accrue and become payable. All money held by or on behalf of the Paying Agent for the redemption of Refunding Bonds shall be held in trust for the account of the Owners of the Refunding Bonds so to be redeemed.

Upon the payment of the redemption price of Refunding Bonds being redeemed, each check or other transfer of funds issued for such purpose shall bear the CUSIP number identifying, by issue and maturity, the Refunding Bonds being redeemed with the proceeds of such check or other transfer.

All Refunding Bonds paid at maturity or redeemed prior to maturity pursuant to the provisions of this Section 6 shall be cancelled upon surrender thereof and be delivered to or upon the order of the District. All or any portion of a Refunding Bond purchased by the District shall be cancelled by the Paying Agent.

(vii) Refunding Bonds No Longer Outstanding. When any Refunding Bonds (or portions thereof), which have been duly called for redemption prior to maturity under the provisions of this Resolution, or with respect to which irrevocable instructions to call for redemption prior to maturity at the earliest redemption date have been given to the Paying Agent, in form satisfactory to it, and sufficient moneys shall be held by the Paying Agent or an escrow agent appointed by the District irrevocably in trust for the payment of the redemption price of such Refunding Bonds or portions thereof, and, accrued interest with respect thereto to the date fixed for redemption, all as provided in this Resolution, then such Refunding Bonds shall no longer be deemed Outstanding and shall be surrendered to the Paying Agent for cancellation on the applicable redemption date.

(c) Book-Entry System.

(i) Except as provided below, the registered owner of all of the Refunding Bonds shall be DTC, and the Refunding Bonds shall be registered in the name of Cede & Co., as nominee for DTC. The Refunding Bonds shall be initially executed and delivered in the form of a single, fully registered Refunding Bond (which may be typewritten) for each maturity date of such Refunding Bonds (or in the case of two or more interest rates within a maturity a single fully-registered Refunding Bond in the respective Principal Amount for each interest rate) in an authorized denomination (except for any odd denomination Refunding Bond). Upon initial execution and delivery, as provided for herein, the ownership of such Refunding Bond shall be registered in the Bond Register in the name of the Nominee identified below as nominee of DTC, and its successors and assigns. Except as hereinafter provided, all of the Outstanding Refunding Bonds shall be registered in the Bond Register in the name of the Nominee of the Depository, which may be the Depository, as determined from time to time pursuant to this Section. Each Refunding Bond certificate shall bear a legend substantially to the following effect: "UNLESS THIS BOND IS PRESENTED BY AN AUTHORIZED REPRESENTATIVE OF THE DEPOSITORY TO THE BOND REGISTRAR FOR REGISTRATION OF TRANSFER, EXCHANGE, OR PAYMENT, AND ANY BOND ISSUED IS REGISTERED IN THE NAME OF CEDE & CO. OR IN SUCH OTHER NAME AS IS REQUESTED BY AN AUTHORIZED REPRESENTATIVE OF THE DEPOSITORY (AND ANY PAYMENT IS MADE TO CEDE & CO. OR TO SUCH OTHER ENTITY AS IS REQUESTED BY AN AUTHORIZED REPRESENTATIVE OF THE DEPOSITORY), ANY TRANSFER, PLEDGE, OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL INASMUCH AS THE REGISTERED OWNER HEREOF, CEDE & CO. (OR IN SUCH OTHER NAME AS REQUESTED BY THE AUTHORIZED REPRESENTATIVE OF THE DEPOSITORY), HAS AN INTEREST HEREIN."

With respect to the Refunding Bonds registered in the Bond Register in the name of the Nominee, neither the District nor the Paying Agent shall have any responsibility or obligation to any broker-dealers, banks and other financial institutions from time to time for which the Depository holds Refunding Bonds as securities depository (the "Participant") or to any person on behalf of which such a Participant holds an interest in the Refunding Bonds. Without limiting the immediately preceding sentence, neither the District nor the Paying Agent shall have any responsibility or obligation (unless the District is at such time the Depository) with respect to (a) the accuracy of the records of the Depository, the Nominee, or any Participant with respect to any ownership interest in the Refunding Bonds, (b) the delivery to any Participant or any other person, other

than an Owner of a Refunding Bond as shown in the Bond Register, of any notice with respect to the Refunding Bonds, including any notice of redemption, (c) the selection by the Depository and its Participants of the beneficial interests in the Refunding Bonds to be redeemed in the event the District redeems the Refunding Bonds in part, or (d) the payment to any Participant or any other person, other than an Owner of a Refunding Bond as shown in the Bond Register, of any amount with respect to Principal of or interest on the Refunding Bonds. The District and the Paying Agent may treat and consider the person in whose name each Refunding Bond is registered in the Bond Register as the holder and absolute owner of such Refunding Bond for the purpose of payment of Principal and interest with respect to such Refunding Bond, for the purpose of giving notices of redemption, if applicable, and other matters with respect to such Refunding Bond, for the purpose of registering transfers with respect to such Refunding Bond, and for all other purposes whatsoever. The Paying Agent shall pay all Principal of and interest on the Refunding Bonds only to or upon the order of the respective Owner of the Refunding Bond, as shown in the Bond Register, or his respective attorney duly authorized in writing, and all such payments shall be valid and effective to fully satisfy and discharge the District's obligations with respect to payment of Principal of and interest on the Refunding Bonds to the extent of the sum or sums so paid. No person other than an Owner of a Refunding Bond, as shown in the Bond Register, shall receive a Refunding Bond evidencing the obligation of the District to make payments of Principal and interest. Upon delivery by the Depository to the Owners of the Refunding Bonds, and the District of written notice to the effect that the Depository has determined to substitute a new nominee in place of the Nominee, and subject to the provisions herein with respect to Record Dates, the word Nominee in this Resolution shall refer to such substitute nominee of the Depository.

(ii) In order to qualify the Refunding Bonds for the Depository's book-entry system, the District has executed and delivered to the Depository a Letter of Representations. The execution and delivery of the Letter of Representations shall not in any way limit the provisions of this Section or in any other way impose upon the District any obligation whatsoever with respect to persons having interests in the Refunding Bonds other than the Owners of the Refunding Bonds, as shown on the Bond Register. In addition, to the execution and delivery of the Letter of Representations, the District shall take such other actions, not inconsistent with this Resolution, as are reasonably necessary to qualify the Refunding Bonds for the Depository's book-entry program.

(iii) If at any time the Depository notifies the District that it is unwilling or unable to continue as Depository with respect to the Refunding Bonds or if at any time the Depository shall no longer be registered or in good standing under the Securities Exchange Act or other applicable statute or regulation and a successor Depository is not appointed by the District within 90 days after the District receives notice or becomes aware of such condition, as the case may be, subsection (a) hereof shall no longer be applicable and the District shall deliver new fully-registered book-entry securities with respect to the Refunding Bonds as provided below. In addition, the District may determine at any time that the Refunding Bonds shall no longer be represented by book-entry securities and that the provisions of subsection (a) hereof shall no longer apply to the Refunding Bonds. In any such event, the District shall execute and deliver certificates representing the Refunding Bonds as provided below. Refunding Bonds issued in exchange for book-entry securities pursuant to this subsection (c) shall be registered in such names and delivered in such denominations as the Depository shall instruct the District. The District shall deliver such bonds representing the Refunding Bonds to the persons in whose names such Bonds are so registered.

If the District determines to replace the Depository with another qualified securities depository, the District shall prepare or cause to be prepared new fully-registered book-entry securities for each of the maturities of the Refunding Bonds, registered in the name of such successor or substitute securities depository or its nominee, or make such other arrangements as are acceptable to the District and such securities depository and not inconsistent with the terms of this Resolution.

Notwithstanding any other provisions of this Resolution to the contrary, so long as any Refunding Bond is registered in the name of the Nominee, all payments with respect to Principal of, and interest on such Refunding Bond and all notices with respect to such Refunding Bond, including notices of redemption, shall be made and given, respectively, as provided in the Letter of Representations or as otherwise instructed by the Depository and agreed to by the District and the Paying Agent.

(iv) Transfer of Refunding Bonds to Substitute Depository. Registered ownership of the Refunding Bonds held in book-entry form, or any portions thereof, may not thereafter be transferred following their registration in the name of the Nominee except:

(A) To any successor of the Depository or its nominee, or of any substitute depository designated pursuant to Section 6(c)(iv)(B) ("Substitute Depository"); provided that any successor of the Depository or Substitute Depository shall be qualified under any applicable laws to provide the service proposed to be provided by it;

(B) To any Substitute Depository designated by the District, upon (1) the resignation of the Depository or its successor (or any Substitute Depository or its successor) from its functions as depository, or (2) a determination by the District that the 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

(C) to any person as provided below, upon (1) the resignation of the Depository or its successor (or any Substitute Depository or its successor) from its functions as depository, or (2) a determination by the District that the Depository or its successor (or Substitute Depository or its successor) is no longer able to carry out its functions as depository.

In the case of any transfer pursuant to Section 6(c)(iv)(A) or (B), upon receipt of all Outstanding Refunding Bonds by the Paying Agent, together with a written request of the District to the Paying Agent designating the Substitute Depository, a single new Refunding Bond, which the District shall prepare or cause to be prepared, shall be executed and delivered for each maturity of Refunding Bonds then Outstanding (or in the case of two or more interest rates within a maturity a single fully-registered Refunding Bond in the respective Principal Amount for each interest rate), 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 Section 6(c)(iv)(C), upon receipt of all Outstanding Refunding Bonds by the Paying Agent, together with a written request of the District to the Paying Agent, new Refunding Bonds, which the District shall prepare or cause to be prepared, shall be executed and delivered in such denominations and registered in the names of such persons as are requested in such written request of the District, provided that the Paying Agent shall not be required to deliver such new Refunding Bonds within a period of less than sixty (60) days from the date of receipt of such written request from the District.

In the case of a partial redemption or an advance refunding of any Refunding Bonds evidencing a portion of the Principal maturing in a particular year, the Depository or its successor (or any Substitute Depository or its successor) shall make an appropriate notation on such Refunding Bonds indicating the date and amounts of such reduction in the Principal, in form acceptable to the Paying Agent, all in accordance with the Letter of Representations. The Paying Agent shall not be liable for such Depository's failure to make such notations or errors in making such notations.

The District and the Paying Agent shall be entitled to treat the person in whose name any Refunding Bond is registered as the owner thereof for all purposes of this Resolution and any applicable laws, notwithstanding any notice to the contrary received by the Paying Agent or the District; and the District and the Paying Agent shall not have responsibility for transmitting payments to, communicating with, notifying, or otherwise dealing with any beneficial owners of the Refunding Bonds. Neither the District nor the Paying Agent shall have any responsibility or obligation, legal or otherwise, to any such beneficial owners or to any other party, including the Depository or its successor (or Substitute Depository or its successor), except to the Owner of any Refunding Bonds, and the Paying Agent may rely conclusively on its records as to the identity of the Owners of the Refunding Bonds.

(d) The initial Depository under this Section 6(c) shall be DTC. The initial Nominee shall be Cede & Co., as Nominee of DTC.

SECTION 7. Execution of Bonds. The Refunding Bonds shall be signed by the President of the Board, or if the President is unavailable, by any other member of the Board who is authorized to sign on behalf of the President, and the Clerk of the Board by their manual or facsimile signatures each in their official capacities. In case any one or more of the officers who shall have signed any of the Refunding Bonds shall cease to be such officer before the Refunding Bonds so signed shall have been issued by the District, such Refunding Bonds may, nevertheless, be issued, as herein provided, as if the persons who signed such Refunding Bonds had not ceased to hold such offices. No Refunding Bond shall be valid or obligatory for any purpose or shall be entitled to any security or benefit under this Resolution unless and until the certificate of authentication printed on the Refunding Bond is signed by the Paying Agent as authenticating agent. Authentication by the Paying Agent shall be conclusive evidence that the Refunding Bond so authenticated has been duly issued, signed and delivered under this Resolution and is entitled to the security and benefit of this Resolution.

SECTION 8. Paying Agent; Transfer and Exchange. So long as any of the Refunding Bonds remain unpaid, the District will cause the Paying Agent to maintain and keep at its principal office the Bond Register consisting of all books and records necessary for the registration, exchange and transfer of the Refunding Bonds as provided in this Section. Subject to the provisions of Section 9 below, the person in whose name a Refunding Bond is registered on the Bond Register shall be regarded as the absolute owner of that Refunding Bond for all purposes of this Resolution. Payment of or on account of the Principal of and interest on any Refunding Bond shall be made only to or upon the order of that person; neither the District nor the Paying Agent shall be affected by any notice to the contrary, but the registration may be changed as provided in this Section. All such payments shall be valid and effectual to satisfy and discharge the District's liability upon the Refunding Bonds, including interest, to the extent of the amount or amounts so paid.

The Paying Agent may at any time resign and be discharged of the duties and obligations created by this Resolution by giving at least 60 days' written notice to the District. Any Paying Agent may be removed by the District at any time by an instrument filed with such Paying Agent and signed by the District. A successor Paying Agent shall be appointed by the District which shall be, if other than the Treasurer-Tax Collector of the County of San Diego, a bank or trust company organized under the laws of any state of the United States, a national banking association or any other financial institution, having capital stock and surplus aggregating at least \$50,000,000 and doing business in the State of California and willing and able to accept the office on reasonable and customary terms and authorized by law to perform all the duties imposed upon it by this Resolution. Such Paying Agent shall signify the acceptance of its duties and obligations hereunder by executing and delivering to the District a written acceptance thereof. Resignation or removal of the Paying Agent shall be effective upon appointment and acceptance of a successor Paying Agent.

In the event of the resignation or removal of the Paying Agent, such Paying Agent shall pay over, assign and deliver any moneys held by it as Paying Agent to its successor, or, if there is no successor, to the Treasurer and Tax Collector of San Diego County. In the event that for any reason there shall be a vacancy in the office of the Paying Agent, the Treasurer and Tax Collector of San Diego County shall act as such Paying Agent. The District shall cause the new Paying Agent appointed to replace any resigned or removed Paying Agent to mail notice of its appointment and the address of its principal office to all registered Owners; provided, however, that if all Refunding Bonds are registered in the name of the

Depository, or its Nominee, notice shall be given in such manner as complies with the requirements of the Depository.

Any Refunding Bond may be exchanged for Refunding Bonds of like tenor, maturity and Principal Amount upon presentation and surrender at the principal office of the Paying Agent designated for such purpose, together with a request for exchange signed by the Owner or by a person legally empowered to do so in a form satisfactory to the Paying Agent. A Refunding Bond may be transferred on the Bond Register only upon presentation and surrender of the Refunding Bond at the principal office of the Paying Agent designated for such purpose together with an assignment executed by the Owner or by a person legally empowered to do so in a form satisfactory to the Paying Agent. Upon exchange or transfer, the Paying Agent shall complete, authenticate and deliver a new Refunding Bond or Refunding Bonds of like tenor and of any authorized denomination or denominations requested by the Owner equal to the Principal Amount of the Refunding Bond surrendered and bearing interest at the same rate and maturing on the same date.

If manual signatures on behalf of the District are required in connection with an exchange or transfer, the Paying Agent shall undertake the exchange or transfer of Refunding Bonds only after the new Refunding Bonds are signed by the authorized officers of the District. In all cases of exchanged or transferred Refunding Bonds, the District shall sign and the Paying Agent shall authenticate and deliver Refunding Bonds in accordance with the provisions of this Resolution. All fees and costs of transfer shall be paid by the requesting party. Those charges may be required to be paid before the procedure is begun for the exchange or transfer. All Refunding Bonds issued upon any exchange or transfer shall be valid obligations of the District, evidencing the same debt, and entitled to the same security and benefit under this Resolution as the Refunding Bonds surrendered upon that exchange or transfer.

Any Refunding Bond surrendered to the Paying Agent for payment, retirement, exchange, replacement or transfer shall be cancelled by the Paying Agent. The District may at any time deliver to the Paying Agent for cancellation any previously authenticated and delivered Refunding Bonds that the District may have acquired in any manner whatsoever, and those Refunding Bonds shall be promptly cancelled by the Paying Agent. Written reports of the surrender and cancellation of Refunding Bonds shall be made to the District by the Paying Agent at least twice each calendar year. The cancelled Refunding Bonds shall be retained for a period of time and then returned to the District or destroyed by the Paying Agent as directed by the District.

Neither the District nor the Paying Agent will be required (a) to issue or transfer any Refunding Bonds during a period beginning with the opening of business on the fifteenth day next preceding any date of selection of Refunding Bonds to be redeemed and ending with the close of business on the day on which the applicable notice of redemption is given, or (b) to transfer any Refunding Bonds which have been selected or called for redemption in whole or in part.

In case any Refunding Bond secured hereby shall become mutilated or destroyed, stolen or lost, the Paying Agent shall cause to be executed and authenticated a new Refunding Bond of like maturity date, interest rate, Principal Amount and tenor in exchange and substitution for and upon the cancellation of such mutilated Refunding Bond or in lieu of and in substitution for such Refunding Bond mutilated, destroyed, stolen or lost, upon the Owner's paying the reasonable expenses and charges in connection therewith, and, in the case of a Refunding Bond destroyed, stolen or lost, such Owner's filing with the Paying Agent and the District of evidence satisfactory to them that such Refunding Bond was destroyed, stolen or lost, and/or such Owner's ownership thereof in furnishing the Paying Agent and District with indemnity satisfactory to each of them.

Any new Refunding Bonds issued pursuant to this Section 8 in substitution for Refunding Bonds alleged to be destroyed, stolen or lost shall constitute original additional contractual obligations on the part of the District, whether or not the Refunding Bonds so alleged to be destroyed, stolen or lost are at any time enforceable by anyone, and shall be equally secured by and entitled to equal and proportionate benefits with all other Refunding Bonds issued under this Resolution in any moneys or securities held by the Paying Agent for the benefit of the Owners of the Refunding Bonds.

SECTION 9. Payment. Payment of interest on each Bond Payment Date shall be made to the person appearing on the Bond Register as the Owner thereof as of the Record Date immediately preceding such Bond Payment Date. The interest, Principal, and redemption premiums, if any, on the Refunding Bonds shall be payable in lawful money of the United States of America. With respect to all Refunding Bonds registered in the name of the Depository or its Nominee, all payments of interest, Principal and redemption premiums, if any, shall be made in accordance with the Letter of Representations or as otherwise instructed by the Depository and agreed to by the District and the Paying Agent. With respect to all Refunding Bonds not held in book-entry form by the Depository or its Nominee, interest shall be paid by check mailed to each Owner on the Bond Payment Date at such Owner's address as it appears on the registration books of the Paying Agent, or at such other address as such Owner may have filed with the Paying

Agent for that purpose on or before the Record Date; provided, however, the Owner of an aggregate Principal Amount of \$1,000,000 or more may request in writing to the Paying Agent that such Owner be paid interest by wire transfer to the bank and account number on file with the Paying Agent as of the Record Date. The Principal of and redemption premiums, if any, on Refunding Bonds not held in book-entry form by the Depository or its Nominee shall be payable upon maturity or redemption upon surrender at the principal office or other designated office of the Paying Agent. The Paying Agent is hereby authorized to pay the Refunding Bonds when duly presented for payment at maturity or redemption, and to cancel each Refunding Bond upon payment thereof.

The Refunding Bonds are general obligation bonds of the District, payable solely from the proceeds of *ad valorem* taxes levied on all property subject to such taxes within the District for the purpose of repaying the Refunding Bonds and from other amounts on deposit in the Debt Service Fund.

SECTION 10. Form of Refunding Bonds. The Refunding Bonds shall be in substantially the following form, allowing those officials executing the Refunding Bonds to make the insertions and deletions necessary to conform the Refunding Bonds to this Resolution, the Purchase Contract and the Official Statement for the Refunding Bonds, as applicable, and to correct any defect or inconsistent provision therein or to cure any ambiguity or omission therein.

(Form of Refunding Bond)

UNLESS THIS BOND IS PRESENTED BY AN AUTHORIZED REPRESENTATIVE OF THE DEPOSITORY TO THE BOND REGISTRAR FOR REGISTRATION OF TRANSFER, EXCHANGE, OR PAYMENT, AND ANY BOND ISSUED IS REGISTERED IN THE NAME OF CEDE & CO. OR IN SUCH OTHER NAME AS IS REQUESTED BY AN AUTHORIZED REPRESENTATIVE OF THE DEPOSITORY (AND ANY PAYMENT IS MADE TO CEDE & CO. OR TO SUCH OTHER ENTITY AS IS REQUESTED BY AN AUTHORIZED REPRESENTATIVE OF THE DEPOSITORY), ANY TRANSFER, PLEDGE, OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL INASMUCH AS THE REGISTERED OWNER HEREOF, CEDE & CO. (OR IN SUCH OTHER NAME AS IS REQUESTED BY AN AUTHORIZED REPRESENTATIVE OF THE DEPOSITORY), HAS AN INTEREST HEREIN.

REGISTERED  
NO.

REGISTERED  
\$

CHULA VISTA ELEMENTARY SCHOOL DISTRICT  
(SAN DIEGO COUNTY, CALIFORNIA)  
2022 GENERAL OBLIGATION REFUNDING BONDS, SERIES A

INTEREST RATE:      MATURITY DATE:      DATE OF ISSUANCE:      CUSIP:  
\_\_\_\_\_ %      August 1, 20\_\_      \_\_\_\_\_, 2022

REGISTERED OWNER: CEDE & CO.

PRINCIPAL AMOUNT:

The Chula Vista Elementary School District (the "District") in San Diego County, California (the "County"), for value received, promises to pay to the Registered Owner named above, or registered assigns, the Principal Amount on the Maturity Date, each as stated above, and interest thereon until the Principal Amount is paid or provided for at the Interest Rate stated above, or upon prior redemption hereof, on February 1 and August 1 of each year (the "Bond Payment Dates"), commencing February 1, 2023. This bond is a bond of the District and will bear interest from the Bond Payment Date next preceding the date of authentication hereof unless it is authenticated as of a day during the period from the 16th day of the month next preceding any Bond Payment Date to the Bond Payment Date, inclusive, in which event it shall bear interest from such Bond Payment Date, or unless it is authenticated on or before January 15, 2022, in which event it shall bear interest from the Date of Issuance. Interest on this bond shall be computed on the basis of a 360-day year of twelve 30-day months. Principal and interest are payable in lawful money of the United States of America, without deduction for the paying agent services, to the person in whose name this bond (or, if applicable, one or more predecessor bonds) is registered (the "Registered Owner") on the register (the "Register") maintained by U.S. Bank Trust Company, National Association (the "Paying Agent"). Interest is payable by the Paying Agent in the manner set forth in the Bond Resolution (defined below) on each Bond Payment Date to the Registered Owner of this bond (or one or more predecessor bonds) as shown and at the address appearing on the Register at the close of business on the fifteenth day of the calendar month next preceding that Bond Payment Date (the "Record Date"). The principal of, interest and redemption premium, if any, shall be paid to the Registered Owner in the manner set forth in the Bond Resolution

This bond is one of an authorization of bonds issued by the Chula Vista Elementary School District pursuant to Articles 9 and 11 of Chapter 3 of Part 1 of Division 2 of Title 5 of the California Government Code (the "Act") for the purpose of refunding certain outstanding bonds of the District, and to pay all necessary legal, financial, and contingent costs in connection therewith. The bonds are being issued under authority of and pursuant to the Act, the laws of the State of California, and the resolution of the Board of Education of the District adopted on \_\_\_\_\_, 2022 (the "Bond Resolution"). Any capitalized terms not defined herein shall have the meaning set forth in the Bond Resolution. This bond and the issue of which this bond is a part are general obligation bonds of the District payable as to both Principal and interest solely from the proceeds of the levy of *ad valorem* taxes on all property subject to such taxes in the District, which taxes are unlimited as to rate or amount. The bonds are secured by such *ad valorem* taxes on a parity with certain other general obligation bonds of the District that remain outstanding.

The bonds of this issue are being issued in the Principal Amount of \$\_\_\_\_\_.

This bond is exchangeable and transferable for bonds of like tenor, maturity and Principal Amount and in authorized denominations at the designated office of the Paying Agent, by the Registered Owner or by a person legally empowered to do so, upon presentation and surrender hereof to the Paying Agent, together with a request for exchange or an assignment signed by the Registered Owner or by a person legally empowered to do so, in a form satisfactory to the Paying Agent, all subject to the terms, limitations and conditions provided in the Bond Resolution. All fees and costs of transfer shall be paid by the transferor. The District and the Paying Agent may deem and treat the Registered Owner as the absolute owner of this bond for the purpose of receiving payment of or on account of Principal or interest and for all other purposes, and neither the District nor the Paying Agent shall be affected by any notice to the contrary.

Neither the District nor the Paying Agent will be required (a) to exchange or transfer any bond during a period beginning with the opening of business on the fifteenth day next preceding any date of selection of bonds to be redeemed and ending with the close of business on the day on which the applicable notice of redemption is given or (b) to transfer any bond which has been selected or called for redemption in whole or in part.

The bonds are not subject to optional redemption prior to maturity.

The bonds maturing on August 1, 20\_\_ are subject to redemption prior to maturity from mandatory sinking fund payments on August 1 of each year, on and after August 1, 20\_\_ at a redemption price equal to the principal amount thereof, together with accrued interest to the date fixed for redemption, without premium. The principal amount of such bonds to be so redeemed and the dates therefor and the final principal payment date are as indicated in the following table:

| <b><i>Redemption Date<br/>(August 1)</i></b> | <b><i>Principal<br/>Amount</i></b> |
|----------------------------------------------|------------------------------------|
|                                              | \$                                 |

The rights and obligations of the District and of the Owners of the bonds may be modified or amended at any time by a supplemental resolution adopted by the District in certain cases with the written consent of Owners of at least 60% in aggregate Principal Amount of the outstanding bonds issued under the Bond Resolution, exclusive of bonds, if any, owned by the District and in certain cases without the consent of the Owners as further specified in the Bond Resolution.

Reference is made to the Bond Resolution for a more complete description of the provisions, among others, with respect to the nature and extent of the security for the bonds of this series, the rights, duties and obligations of the District, the Paying Agent and the Registered Owners, and the terms and conditions upon which the bonds are issued and secured. The Registered Owner of this bond assents, by acceptance hereof, to all of the provisions of the Bond Resolution.

It is certified and recited that all acts and conditions required by the Constitution and laws of the State of California to exist, to occur and to be performed or to have been met precedent to and in the issuing of the bonds in order to make them legal, valid and binding general obligation bonds of the District, have been performed and have been met in regular and due form as required by law; that payment in full for the bonds has been received; that no statutory or constitutional limitation on indebtedness or taxation has been exceeded in issuing the bonds; and that due provision has been made for levying and collecting *ad valorem* property taxes on all of the taxable property within the District in an amount sufficient to pay Principal and interest on the bonds when due.

This bond shall not be valid or obligatory for any purpose and shall not be entitled to any security or benefit under the Bond Resolution until the Certificate of Authentication below has been signed.

IN WITNESS WHEREOF, the Chula Vista Elementary School District, San Diego County, California, has caused this bond to be executed by the manual or facsimile signature of the President of the Board of Education of the District and to be countersigned by manual or facsimile signature of the Clerk of the Board of Education of the District, all as of the date stated above.

CHULA VISTA ELEMENTARY  
SCHOOL DISTRICT

By: \_\_\_\_\_  
President of the Board of Education

COUNTERSIGNED:

\_\_\_\_\_  
Clerk of the Board of Education

CERTIFICATE OF AUTHENTICATION

This bond is one of the bonds described in the Bond Resolution referred to herein which has been authenticated and registered on \_\_\_\_\_.

U.S. BANK TRUST COMPANY,  
NATIONAL ASSOCIATION, as Paying  
Agent

By: \_\_\_\_\_  
Its: Authorized Signatory

ASSIGNMENT

For value received, the undersigned sells, assigns and transfers to (print or typewrite name, address and zip code of Transferee): \_\_\_\_\_ this bond and irrevocably constitutes and appoints attorney to transfer this bond on the books for registration thereof, with full power of substitution in the premises.

Dated: \_\_\_\_\_

Signature Guaranteed:

\_\_\_\_\_

Notice: The assignor's signature to this assignment must correspond with the name as it appears upon the face of the within bond in every particular, without alteration or any change whatever, and the signature(s) must be guaranteed by an eligible guarantor institution.

Social Security Number, Taxpayer Identification Number or other identifying number of Assignee: \_\_\_\_\_.

## LEGAL OPINION

The following is a true copy of the opinion rendered by Stradling Yocca Carlson & Rauth, a Professional Corporation in connection with the issuance of, and dated as of the date of the original delivery of, the bonds. A signed copy is on file in my office.

(Facsimile)

Clerk of the Board of Education

SECTION 11. Delivery of Refunding Bonds. The proper officials of the District shall cause the Refunding Bonds to be prepared and, following their sale, shall have the Refunding Bonds signed and delivered to the Repository for the account of the Underwriter upon payment of the purchase price therefor in immediately available funds.

SECTION 12. Application of Proceeds of Refunding Bonds. Proceeds from the sale of the Refunding Bonds received by the District shall be transferred to the Escrow Bank for deposit in the Escrow Fund established under the Escrow Agreement in an amount sufficient to defease the Refunded Bonds, all as set forth in a certificate of an Authorized Officer. Proceeds from the sale of the Refunding Bonds in an amount sufficient to pay all costs of issuing the Refunding Bonds shall be deposited in the fund of the District known as the "Chula Vista Elementary School District 2022 General Obligation Refunding Bond, Series A, Cost of Issuance Fund" (the "Cost of Issuance Fund") and shall be kept separate and distinct from all other District funds, and those proceeds shall be used solely for the purpose of paying costs of issuance of the Refunding Bonds. The Cost of Issuance Fund may at the discretion of the District be held by the Paying Agent or the County or at a bank selected by an Authorized Officer of the District for such purpose, and each Authorized Officer, acting alone, is authorized to enter into an agreement with the entity designated to hold the Cost of Issuance Fund.

Any accrued interest received by the District from the sale of the Refunding Bonds shall be kept separate and apart in the fund hereby created and established and to be designated as the "Chula Vista Elementary School District 2022 General Obligation Refunding Bond, Series A, Debt Service Fund" (the "Debt Service Fund") for the Refunding Bonds and used only for payments of Principal and interest on the Refunding Bonds. The Debt Service Fund may, at the discretion of the District, be held by the County or the Paying Agent. Any excess proceeds of the Refunding Bonds not needed for the authorized purposes set forth herein for

which the Refunding Bonds are being issued shall be transferred to the Debt Service Fund and applied to the payment of Principal and interest on the Refunding Bonds. If, after payment in full of the Refunding Bonds, there remain excess proceeds, any such excess amounts shall be transferred to the general fund of the District.

Money on deposit in the debt service funds established for the Refunded Bonds collected to make the debt service payments on the Refunded Bonds may either be used to pay the interest or principal due on the Refunded Bonds, may be transferred to one or more of the Escrow Fund and applied as set forth in the Escrow Agreement or may be used to pay principal and interest due on the Refunding Bonds as directed, in writing, by an Authorized Officer.

Notwithstanding any of the foregoing, the provisions of this Section 12 as they relate to the dispersal and allocation of moneys on deposit in the debt service funds established for the Refunded Bonds and the provisions of this Section 12 as they relate to the application of any proceeds from the sale of the Refunding Bonds may be amended by the Purchase Contract so long as the transactions contemplated by such amendment are in compliance with the provisions of the Act.

Interest earned on the investment of monies held in the Debt Service Fund shall be retained in the Debt Service Fund and used to pay Principal and interest on the Refunding Bonds when due.

#### SECTION 13. Rebate Fund.

(a) The District shall create and establish a special fund designated the "Chula Vista Elementary School District 2022 General Obligation Refunding Bonds, Series A, Rebate Fund" (the "Rebate Fund"). All amounts at any time on deposit in the Rebate Fund shall be held in trust, to the extent required to satisfy the requirement to make rebate payments to the United States (the "Rebate Requirement") pursuant to Section 148 of the Code, and the Treasury Regulations promulgated thereunder (the "Treasury Regulations"). Such amounts shall be free and clear of any lien hereunder and shall be governed by this Section and by the Tax Certificate to be executed by the District.

(i) Within forty-five (45) days of the end of each fifth Bond Year (as such term is defined in the Tax Certificate), (1) the District shall calculate or cause to be calculated with respect to the Bonds the amount that would be considered the "rebate amount" within the meaning of Section 1.148-3 of the Treasury Regulations, using as the "computation date" for this purpose the end of such Bond Year, and (2) the District shall deposit to the Rebate Fund from

amounts on deposit in the other funds established hereunder or from other District funds, if and to the extent required, amounts sufficient to cause the balance in the Rebate Fund to be equal to the “rebate amount” so calculated.

(ii) The District shall not be required to deposit any amount to the Rebate Fund in accordance with the preceding sentence, if the amount on deposit in the Rebate Fund prior to the deposit required to be made under this subsection (b) equals or exceeds the “rebate amount” calculated in accordance with the preceding sentence. Such excess may be withdrawn from the Rebate Fund to the extent permitted under subsection (g) of this Section.

(iii) The District shall not be required to calculate the “rebate amount” and shall not be required to deposit any amount to the Rebate Fund in accordance with this subsection (b), with respect to all or a portion of the proceeds of the Refunding Bonds (including amounts treated as proceeds of the Refunding Bonds) (1) to the extent such proceeds satisfy the expenditure requirements of Section 148(f)(4)(B) or Section 148(f)(4)(C) of the Code or Section 1.148-7(d) of the Treasury Regulations, whichever is applicable, and otherwise qualify for the exception to the Rebate Requirement pursuant to whichever of said sections is applicable, (2) to the extent such proceeds are subject to an election by the District under Section 148(f)(4)(C)(vii) of the Code to pay a one and one-half percent (1½%) penalty in lieu of arbitrage rebate in the event any of the percentage expenditure requirements of Section 148(f)(4)(C) are not satisfied, or (3) to the extent such proceeds qualify for the exception to arbitrage rebate under Section 148(f)(4)(A)(ii) of the Code for amounts in a “bona fide debt service fund.” In such event, and with respect to such amounts, the District shall not be required to deposit any amount to the Rebate Fund in accordance with this subsection (b).

(b) Any funds remaining in the Rebate Fund after the redemption or payment at maturity of all the Refunding Bonds and the payment of any amounts described in paragraph (2) of subsection (d) of this Section, or provision made therefor satisfactory to the District, shall be remitted to the District.

(c) Subject to the exceptions contained in subsection (b) of this Section to the requirement to calculate the “rebate amount” and make deposits to the Rebate Fund, the District shall pay to the United States, from amounts on deposit in the Rebate Fund.

(A) not later than sixty (60) days after the end of (i) the fifth (5th) Bond Year, and (ii) each fifth (5th) Bond Year thereafter, an amount that, together with all previous rebate payments, is equal to at least 90% of the “rebate amount” calculated as of the end of such Bond Year in accordance with Section 1.148-3 of the Treasury Regulations; and

(B) not later than sixty (60) days after the payment of all Refunding Bonds, an amount equal to one hundred percent (100%) of the “rebate amount” calculated as of the date of such payment (and any income attributable to the “rebate amount” determined to be due and payable) in accordance with Section 1.148-3 of the Treasury Regulations.

(d) In the event that, prior to the time any payment is required to be made from the Rebate Fund, the amount in the Rebate Fund is not sufficient to make such payment when such payment is due, the District shall calculate (or have calculated) the amount of such deficiency and deposit an amount equal to such deficiency into the Rebate Fund prior to the time such payment is due.

(e) Each payment required to be made pursuant to subsection (d) of this Section shall be made to the Internal Revenue Service Center, Ogden, Utah 84201, on or before the date on which such payment is due, and shall be accompanied by Internal Revenue Service Form 8038-T, such form to be prepared or caused to be prepared by the District.

(f) In the event that immediately following the calculation required by subsection (b) of this Section, but prior to any deposit made under said subsection, the amount on deposit in the Rebate Fund exceeds the “rebate amount” calculated in accordance with said subsection, the District may withdraw the excess from the Rebate Fund and credit such excess to the Debt Service Fund.

(g) The District shall retain records of all determinations made hereunder until six years after the complete retirement of the Refunding Bonds.

(h) Notwithstanding anything in this Resolution to the contrary, the Rebate Requirement shall survive the payment in full or defeasance of the Refunding Bonds.

(i) The provisions of this Section 13 may be modified in the Tax Certificate and in any supplement thereto issued from time to time.

SECTION 14. Security for the Refunding Bonds. There shall be levied on all the taxable property in the District, in addition to all other taxes, a continuing direct *ad valorem* tax annually during the period the Refunding Bonds are Outstanding in an amount sufficient, together with moneys on deposit in the Debt Service Fund available for such purpose, to pay the Principal of and interest on the Refunding Bonds when due. When collected the *ad valorem* taxes will be placed in the Debt Service Fund, which *ad valorem* taxes, together with the amounts on deposit in the Debt Service Fund, are irrevocably pledged pursuant to Government Code Sections 5450 and 5451 to the payment of the Principal of and interest on the Refunding Bonds when and as the same fall due. Pursuant to Government Code Section 53515, the Refunding Bonds shall be secured by a statutory lien on all revenues received pursuant to the levy and collection of *ad valorem* taxes for the payment thereof. The District covenants to cause the County to take all actions necessary to levy such *ad valorem* tax in accordance with Education Code Section 15250 *et seq.* and to cause the proceeds from such levy to be deposited to the Debt Service Fund to pay the Principal of and interest on the Refunding Bonds when due.

The moneys in the Debt Service Fund, to the extent necessary to pay the Principal of and interest on the Refunding Bonds as the same become due and payable, shall be transferred to the Paying Agent which, in turn, shall pay such moneys to the Owners to pay the Principal of and interest on the Refunding Bonds. Any moneys remaining in the Debt Service Fund after the Refunding Bonds and the interest thereon have been paid, or provision for such payment has been made, shall be transferred to the General Fund of the District, pursuant to the Education Code Section 15234.

SECTION 15. Waiver of Noncompliance with Debt Policy. Notwithstanding the fact that the issuance of the Refunding Bonds is not expected to produce net present value savings of at least 5%, as required by Section 4(f)(i) of the District's Debt Management Policy, the Board hereby finds that the issuance of the Refunding Bonds is in the best interests of the District because it will still produce positive net present value savings and it is likely that waiting to issue refunding bonds in the future will result in lower net present value savings. Therefore, in accordance with Section 6 of the District's Debt Management Policy, the Board hereby waives the minimum savings threshold requirement of the Debt Management Policy.

SECTION 16. Good Faith Estimates and Legislative Determinations. In accordance with Government Code section 5852.1, good faith estimates of the following have been obtained from the Municipal Advisor (as defined in Section 23 below) and are set forth on Exhibit A attached hereto: (a) the true interest cost of the Refunding Bonds, (b) the sum of all fees and charges paid to third parties with respect to the Refunding Bonds, including an estimate of the costs of issuance, (c) the amount of proceeds of the Refunding Bonds expected to be received net of the fees and charges paid to third parties and any reserves or capitalized interest paid or funded with proceeds of the Refunding Bonds, and (d) the sum total of all debt service payments on the Refunding Bonds calculated to the final maturity of the Refunding Bonds plus the fees and charges paid to third parties not paid with the proceeds of the Refunding Bonds. The Board finds and determines that the provisions of Government Code section 5852.1 have been satisfied with respect to the authorization of the Refunding Bonds.

This Board further finds and determines that all acts and conditions necessary to be performed by the Board or to have been met precedent to and in the issuing of the Refunding Bonds in order to make them legal, valid and binding general obligation bonds of the District have been performed and have been met, or will at the time of delivery of the Refunding Bonds have been performed and have been met, in regular and due form as required by law; and that no statutory or constitutional limitation of indebtedness or taxation will have been exceeded in the issuance of the Refunding Bonds. Furthermore, the Board finds and determines pursuant to Section 53552 of the Act that the prudent management of the fiscal affairs of the District requires that it issue the Refunding Bonds under the provisions of the Act without submitting the question of the issuance of the Refunding Bonds to a vote of the qualified electors of the District.

SECTION 17. Official Statement. The form of the Preliminary Official Statement (the "Preliminary Official Statement"), substantially in the form on file with the Clerk of the Board, is hereby approved. Each of the Authorized Officers, acting alone, is hereby authorized and directed, for and in the name and on behalf of the District, to make such changes therein as are necessary to make the Preliminary Official Statement accurate as of its date, to deem the Preliminary Official Statement "final" pursuant to Rule 15c2-12 of the Securities Exchange Act of 1934 prior to its distribution, and to make it available to the Underwriter. Each of the Authorized Officers, acting alone, is hereby authorized and directed to execute and deliver to the Underwriter a final Official Statement (the "Official Statement"), substantially in the form of the Preliminary Official Statement, with such changes therein, deletions therefrom and modifications thereto as the Authorized Officer executing the same shall approve. The Underwriter is hereby

authorized to distribute copies of the Preliminary Official Statement to persons who may be interested in the purchase of the Refunding Bonds and is directed to deliver copies of the Official Statement to the purchasers of the Refunding Bonds. Execution of the Official Statement by an Authorized Officer shall conclusively evidence the District's approval of such Official Statement.

SECTION 18. Insurance. Each of the Authorized Officers, acting alone, is hereby authorized to enter into negotiations to procure bond insurance for the Refunding Bonds and to purchase bond insurance if it will result in net debt service savings to the District. In the event the District purchases bond insurance for any or all of the Refunding Bonds, or in the event that the Underwriter elects to purchase bond insurance at its option, and to the extent that the Bond Insurer makes payment of the Principal of or interest on any Refunding Bonds, it shall be fully subrogated to all of the registered Owners' rights with respect to such Refunding Bonds, including the Owners' rights to payment of any of the Principal of or interest paid by the Bond Insurer. To evidence such subrogation: (i) in the case of subrogation as to claims that were past due interest payments, the Paying Agent shall note the Bond Insurer's rights as subrogee on the Bond Register maintained by the Paying Agent upon receipt of evidence satisfactory to the Paying Agent that the Bond Insurer has made the payment of such interest to the Owners of the Refunding Bonds, and (ii) in the case of subrogation as to claims for past due Principal, the Paying Agent shall note the Bond Insurer as subrogee on the registration books for the Refunding Bonds maintained by the Paying Agent upon surrender of the Refunding Bonds by the Owners thereof to the Bond Insurer or the insurance trustee for the Bond Insurer.

SECTION 19. Defeasance. All or any portion of the Refunding Bonds may be defeased prior to maturity in the following ways:

(a) Cash: by irrevocably depositing with the Paying Agent, or an independent escrow agent selected by the District, an amount of cash which together with amounts then on deposit in the Debt Service Fund, is sufficient to pay all Refunding Bonds designated for defeasance, including all Principal and interest and premium, if any, at or before their maturity date; or

(b) Government Obligations: by irrevocably depositing with the Paying Agent, or an independent escrow agent selected by the District, noncallable Government Obligations together with cash, if required, in such amount as will, in the opinion of an independent certified public accountant, together with interest to accrue thereon, and moneys then on deposit in the Debt Service Fund together with the interest to accrue thereon, be fully sufficient to pay and discharge all

Refunding Bonds designated for defeasance (including all Principal and interest represented thereby and redemption premium, if any) at or before their maturity date.

If either of the foregoing provisions have been satisfied with respect to all or a portion of the Refunding Bonds then, whether or not the Refunding Bonds so defeased shall have been surrendered for payment, such Refunding Bonds shall no longer be Outstanding hereunder and all obligations of the District with respect to the Refunding Bonds so defeased shall cease and terminate, except only the obligation of the District and the Paying Agent to pay or cause to be paid from funds deposited pursuant to paragraphs (a) or (b) of this Section, to the Owners of such Refunding Bonds all sums due with respect thereto.

For purposes of this Section, Government Obligations shall mean:

Direct and general obligations of the United States of America (which may consist of obligations of the Resolution Funding Corporation that constitute interest strips), or obligations that are unconditionally guaranteed as to principal and interest by the United States of America. In the case of direct and general obligations of the United States of America, Government Obligations shall include evidences of direct ownership of proportionate interests in future interest or principal payments of such obligations. Investments in such proportionate interests must be limited to circumstances where (i) a bank or trust company acts as custodian and holds the underlying direct and general obligations of the United States of America; (ii) the owner of the investment is the real party in interest and has the right to proceed directly and individually against the obligor of the underlying direct and general obligations of the United States of America; and (iii) the underlying direct and general obligations of the United States of America are held in a special account, segregated from the custodian's general assets, and are not available to satisfy any claim of the custodian, any person claiming through the custodian, or any person to whom the custodian may be obligated; provided that such obligations are rated by S&P Global Ratings and Moody's Investors Service in the same rating category as the underlying direct and general obligations of the United States of America.

SECTION 20. Potential for Private Placement. In the event that the Superintendent or the Deputy Superintendent determines that a direct placement of the Refunding Bonds with a lender would be more beneficial to the District than a negotiated sale of the Refunding Bonds to the Underwriter, then the Authorized Officers are authorized to take any actions and make any changes to the documents herein approved, or to the provisions hereof, and to execute any

additional documents as needed, in order to effect such a direct placement of the Refunding Bonds. In the event that the District decides to proceed with a direct placement of the Refunding Bonds, each of the Authorized Officers is hereby authorized to select a lender to whom the Refunding Bonds will be directly placed and engage any professional services needed to effect the direct placement of the Certificates, in accordance with Section 24, below.

SECTION 21. Other Actions, Determinations and Approvals.

(a) Officers of the Board and staff are hereby authorized and directed, jointly and severally, to do any and all things and to execute and deliver any and all documents which they may deem necessary or advisable in order to proceed with the issuance of the Refunding Bonds and otherwise carry out, give effect to and comply with the terms and intent of this Resolution. Such actions heretofore taken by such officers, officials and staff are hereby ratified, confirmed and approved.

(b) The Board hereby finds and determines that the total net interest cost to maturity on the Refunding Bonds plus the Principal amount of the Refunding Bonds will be less than the total net interest cost to maturity on the Refunded Bonds plus the principal amount of the Refunded Bonds.

(c) The Board anticipates that the Refunded Bonds will be paid on their earliest possible redemption dates.

(d) The Board hereby appoints U.S. Bank Trust Company, National Association, as escrow bank for the Refunded Bonds.

(e) Each of the Authorized Officers, acting alone, is hereby authorized to take any and all actions necessary or desirable to allow the Underwriter to comply with Rule 15c2-12 promulgated under the Securities and Exchange Act of 1934, as amended.

(f) The provisions of this Resolution may be amended by the Purchase Contract.

SECTION 22. Transmittal of Resolution to County Auditor and Treasurer and Tax Collector. The Clerk of this Board is hereby directed to provide a certified copy of this Resolution and the debt service schedule for the Refunding Bonds and the Refunded Bonds to the County Auditor and the Treasurer and Tax Collector of San Diego County in accordance with Education Code Section 15140(c).

SECTION 23. Continuing Disclosure. The form of Continuing Disclosure Certificate on file with the Clerk of the Board is hereby approved, and each Authorized Officer, acting alone, is hereby authorized to execute and deliver a Continuing Disclosure Certificate, but with such changes therein, deletions

SECTION 24. therefrom and modifications thereto as the Authorized Officer executing the same may approve, such approval to be conclusively evidenced by his or her execution and delivery thereof. The District hereby covenants and agrees that it will comply with and carry out all of the provisions of the Continuing Disclosure Certificate, as originally executed and as it may be amended from time to time in accordance with the terms thereof. Noncompliance with this Section shall not constitute a default hereunder, result in acceleration of the Refunding Bonds or create any monetary liability of the District to any Owner or Beneficial Owner (defined below). In the event of a failure by the District to comply with the Continuing Disclosure Certificate, the sole remedy available to any Owner or Beneficial Owner shall be an action to mandate or compel specific performance of the terms of the Continuing Disclosure Certificate. For purposes of this Section, "Beneficial Owner" means any person which has or shares the power, directly or indirectly, to make investment decisions concerning ownership of any Refunding Bonds (including persons holding Refunding Bonds through nominees, depositories or other intermediaries).

SECTION 25. Engagement of Professional Services. The Board hereby approves the engagement of the firm of Dale Scott & Company, Inc. (the "Municipal Advisor") to act as municipal advisor to the District in connection with the issuance of the Refunding Bonds. Stradling, Yocca, Carlson & Rauth, a Professional Corporation, is hereby retained by the District as bond counsel and disclosure counsel ("Bond Counsel") in connection with the issuance of the Refunding Bonds. The Superintendent or the Deputy Superintendent is hereby authorized to enter into contracts, or to amend existing contracts, with each of said firms in order to provide services with respect to the Refunding Bonds. All fees and expenses payable to such firms shall be contingent upon and be payable only from proceeds of the Refunding Bonds. In addition, each of the Authorized Officers is authorized to provide for all additional services necessary to effect the issuance of the Refunding Bonds. Such services shall include any other services deemed by an Authorized Officer to be appropriate and necessary to effect the issuance of the Refunding Bonds. Any one of the Authorized Officers is authorized to pay for the cost of such services, together with other costs of issuance for the Refunding Bonds, from the proceeds of the Refunding Bonds, and to execute and any all agreements required to obtain such services.

SECTION 26. Escrow Agreement. The form of the Escrow Agreement on file with the Clerk of the Board is hereby approved, and each of the Authorized Officers, acting alone, is authorized and directed, for and in the name and on behalf of the District, to execute and deliver an Escrow Agreement for the Refunded Bonds in substantially the form approved, with such changes therein as the Authorized Officer executing the Escrow Agreement may require or approve, such approval to be conclusively evidenced by the execution and delivery thereof by an Authorized Officer.

SECTION 27. Supplemental Resolutions.

(a) This Resolution, and the rights and obligations of the District and of the Owners of the Refunding Bonds issued hereunder, may be modified or amended at any time by a supplemental resolution adopted by the District with the written consent of the Owners owning at least 60% in aggregate Principal Amount of the Outstanding Refunding Bonds, exclusive of Refunding Bonds, if any, owned by the District; provided, however, that no such modification or amendment shall, without the express consent of the Owner of each Refunding Bond affected, reduce the Principal Amount of any Refunding Bond, reduce the interest rate payable thereon, advance the earliest redemption date thereof, extend its maturity or the times for paying interest thereon or change the monetary medium in which Principal and interest is payable, nor shall any modification or amendment reduce the percentage of consents required for amendment or modification. No such supplemental resolution shall change or modify any of the rights or obligations of any Paying Agent without its written assent thereto.

(b) This Resolution, and the rights and obligations of the District and of the Owners of the Refunding Bonds issued hereunder, may be modified or amended at any time by a supplemental resolution adopted by the District without the written consent of the Owners:

(i) To add to the covenants and agreements of the District in this Resolution, other covenants and agreements to be observed by the District which are not contrary to or inconsistent with this Resolution as theretofore in effect;

(ii) To add to the limitations and restrictions in this Resolution, other limitations and restrictions to be observed by the District which are not contrary to or inconsistent with this Resolution as theretofore in effect;

(iii) To confirm or provide further assurance of any pledge hereunder, and to subject to any lien or pledge created or to be created by this Resolution any moneys, securities or funds, or to establish any additional funds or accounts to be held under this Resolution;

(iv) To cure any ambiguity, supply any omission, or to cure or correct any defect or inconsistent provision in this Resolution; or

(v) To amend or supplement this Resolution in any other respect, provided such supplemental resolution does not adversely affect the interests of the Owners.

(c) Any act done pursuant to a modification or amendment consented to as provided in (a) above shall be binding upon the Owners of all the Refunding Bonds and shall not be deemed an infringement of any of the provisions of this Resolution, whatever the character of such act may be, and may be done and performed as fully and freely as if expressly permitted by the terms of this Resolution, and after consent relating to such specified matters has been given, no Owner shall have any right or interest to object to such action or in any manner to question the propriety thereof or to enjoin or restrain the District or any officer or agent of either from taking any action pursuant thereto.

SECTION 28. Request to County to Levy Tax. The Board of Supervisors and officers of the County are obligated by statute to provide for the levy and collection of *ad valorem* property taxes in each year sufficient to pay all Principal and interest coming due on the Refunding Bonds in such year, and to pay from such taxes all amounts due on the Refunding Bonds. The District hereby requests the Board of Supervisors to levy annually a tax upon all taxable property in the District sufficient to pay the Principal of and interest on the Refunding Bonds as and when the same become due.

SECTION 29. Resolution to Constitute Contract. In consideration of the purchase and acceptance of any and all of the Refunding Bonds authorized to be issued hereunder by those who shall own the same from time to time, this Resolution shall be deemed to be and shall constitute a contract among the District and the Owners from time to time of the Refunding Bonds; and the pledge and covenants made in this Resolution shall be for the equal benefit, protection and security of the Owners of any and all of the Refunding Bonds, all of which, regardless of the time or times of their issuance or maturity, shall be of equal rank without preference, priority or distinction of any of the Refunding Bonds over any other thereof.

SECTION 30.        Unclaimed Moneys. Anything in this Resolution to the contrary notwithstanding, any moneys held by the Paying Agent in trust for the payment and discharge of any of the Refunding Bonds which remain unclaimed for one (1) year after the date when such Refunding Bonds have become due and payable, either at their stated maturity dates or by call for earlier redemption, if such moneys were held by the Paying Agent at such date, or for one (1) year after the date of deposit of such moneys if deposited with the Paying Agent after said date when such Refunding Bonds become due and payable, shall be repaid by the Paying Agent to the District, as its absolute property and free from trust, and the Paying Agent shall thereupon be released and discharged with respect thereto and the Owners of such Refunding Bonds shall look only to the District for the payment of such Refunding Bonds; provided, however, that before being required to make such payment to the District, the Paying Agent shall, at the expense of District, cause to be mailed to the Owners of all such Refunding Bonds, at their respective addresses appearing on the registration books, a notice that said moneys remain unclaimed and that, after a date in said notice, which date shall not be less than thirty (30) days after the date of mailing such notice, the balance of such moneys then unclaimed will be returned to the District.

SECTION 31.        Permitted Investments.

(a) All amounts held in the funds and accounts established hereunder and held by the Treasurer and Tax Collector of San Diego County shall be invested by the Treasurer and Tax Collector of San Diego County in any instrument which is a lawful investment for funds of the District, including the Treasurer's Pooled Investment Fund, the Local Agency Investment Fund of the State of California, any investment authorized pursuant to Sections 53601 and 53635 of the Government Code, or in investment agreements, including guaranteed investment contracts, float contracts or other investment products; provided that such agreements comply with the requirements of each rating agency then rating the Refunding Bonds necessary in order to maintain the then-current rating on the Refunding Bonds. Unless otherwise instructed by the District in writing, amounts held hereunder shall be invested in the County of San Diego Treasurer's Pooled Investment Fund. If invested in other than the Pooled Investment Fund or the Local Agency Investment Fund of the State of California, amounts in the Debt Service Fund shall be invested in investments maturing not later than the date on which such amounts will be needed to pay the Principal of and interest on the Refunding Bonds. Nothing in this Resolution shall prevent any investment securities acquired as investments of funds held hereunder from being issued or held in book-entry form on the books of the Department of the Treasury of the United States.

(b) Obligations purchased as an investment of moneys in any fund or account shall be deemed at all times to be a part of such fund or account. Profits or losses attributable to any fund or account shall be credited or charged to such fund or account. In computing the amount in any fund or account created under the provisions of this Resolution for any purpose provided in this Resolution, obligations purchased as an investment of moneys therein shall be valued at cost, plus, where applicable, accrued interest.

SECTION 32. Tax Covenants. The District hereby covenants for the benefit of the Owners of the Refunding Bonds that it 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 for federal income tax purposes of interest on the Refunding Bonds and will restrict the use of the proceeds of the Refunding Bonds in such manner and to such extent, if any, as may be necessary, so that the Refunding Bonds will not constitute arbitrage bonds under Section 148 of the Code, and the applicable regulations prescribed under that section or any predecessor section.

SECTION 33. Creation of Additional Funds. If at any time it is deemed necessary or desirable by the District, upon the written direction of an Authorized Officer of the District, the Treasurer may establish additional funds under this Resolution and/or accounts within any of the funds or accounts established hereunder.

SECTION 34. Effective Date. This Resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED by the Board of Education of the Chula Vista Elementary School District, County of San Diego, State of California, this 19th day of October 2022 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

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STATE OF CALIFORNIA   )  
                                          ) ss  
COUNTY OF SAN DIEGO )

I, Eduardo Reyes, Secretary to the Board of Education of the Chula Vista Elementary School District of San Diego County, California, do hereby certify that the foregoing is a full, true, and correct copy of a resolution duly adopted by said Board at a regular meeting thereof on the date and by the vote above stated, which resolution is on file and of record in the Office of said Board.

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Secretary to the Board of Education

**EXHIBIT A**  
**GOOD FAITH ESTIMATES**

The good faith estimates set forth herein are provided with respect to the Refunding Bonds in accordance with California Government Code Section 5852.1. Such good faith estimates have been provided to the District by the Municipal Advisor.

*Principal Amount.* The Municipal Advisor has informed the District that, based on the District's financing plan and current market conditions, its good faith estimate of the aggregate principal amount of the Refunding Bonds to be sold is **\$7,505,000** (the "Estimated Principal Amount"). Based on the Estimated Principal Amount, the following good faith estimates are provided:

*True Interest Cost of the Refunding Bonds.* The Municipal Advisor has informed the District that, assuming that the Estimated Principal Amount of the Refunding Bonds is sold, and based on market interest rates prevailing at the time of preparation of such estimate, its good faith estimate of the true interest cost of the Refunding Bonds, which means the rate necessary to discount the amounts payable on the respective principal and interest payment dates to the purchase price received for the Refunding Bonds, is **2.15%**.

*Finance Charge of the Refunding Bonds.* The Municipal Advisor has informed the District that, assuming that the Estimated Principal Amount of the Refunding Bonds is sold, and based on market interest rates prevailing at the time of preparation of such estimate, its good faith estimate of the finance charge for the Refunding Bonds, which means the sum of all fees and charges paid to third parties, is **\$185,020** of which **\$155,000** is for costs of issuance to be paid from Refunding Bond proceeds and **\$30,020** is Underwriter's discount.

*Amount of Proceeds to be Received.* The Municipal Advisor has informed the District that, assuming that the Estimated Principal Amount of the Refunding Bonds is sold, and based on market interest rates prevailing at the time of preparation of such estimate, its good faith estimate of the amount of proceeds expected to be received by the District for sale of the Refunding Bonds, less the finance charge of the Refunding Bonds paid from Refunding Bond proceeds, which amount is estimated to be **\$7,951,522**.

*Total Payment Amount.* The Municipal Advisor has informed the District that, assuming that the Estimated Principal Amount of the Refunding Bonds is sold, and based on market interest rates prevailing at the time of preparation of such estimate, its good faith estimate of the total payment amount, which means the sum total of all payments the District will make to pay debt service on the Refunding Bonds, plus the finance charge for the Refunding Bonds as described in (b) above not paid with the proceeds of the Refunding Bonds, if any, calculated to the final maturity of the Refunding Bonds, is **\$8,614,256**.

The foregoing estimates constitute good faith estimates only. The actual principal amount of the Refunding Bonds issued and sold, the true interest cost thereof, the finance charges thereof, the amount of proceeds received therefrom and total payment amount with respect thereto may differ from such good faith estimates due to (a) the actual date of the sale of the Refunding Bonds being different than the date assumed for purposes of such estimates, (b) the actual principal amount of Refunding Bonds sold being different from the Estimated Principal Amount, (c) the actual amortization of the Refunding Bonds being different than the amortization assumed for purposes of such estimates, (d) the actual market interest rates at the time of sale of the Refunding Bonds being different than those estimated for purposes of such estimates, (e) other market conditions, or (f) alterations in the District's financing plan, or a combination of such factors. The actual date of sale of the Refunding Bonds and the actual principal amount of Refunding Bonds sold will be determined by the District based on the timing of the need for proceeds of the Refunding Bonds and other factors. The actual interest rates borne by the Refunding Bonds will depend on market interest rates at the time of sale thereof. The actual amortization of the Refunding Bonds will also depend, in part, on market interest rates at the time of sale thereof. Market interest rates are affected by economic and other factors beyond the control of the District.

CHULA VISTA ELEMENTARY SCHOOL DISTRICT

GOVERNING BOARD AGENDA ITEM

Prepared by: Superintendent's Office

**ITEM TITLE:**

First Reading/Revise: Board Bylaw E (B) 9270, Conflict of Interest

    X     Action

           Information

**BACKGROUND INFORMATION:**

Government Code Section 87306.5 requires every local government agency to review its Conflict of Interest Code biennially to determine if it is accurate or if the code must be amended. Once the determination has been made, a notice must be submitted to the code reviewing body no later than October 31, 2022.

The San Diego County Board of Supervisors notified this District, as the code reviewing body, of the requirements of Government Code Section 87306.5. In order to comply with these requirements, the Board is required to review its Conflict of Interest Code, including the list of designated employees to determine if amendments are necessary.

After review of the Conflict of Interest Code, a written notice will be submitted to the Board of Supervisors indicating that either amendments are required or that no amendments are necessary. If amendments are necessary, the amended code must be forwarded to the Board of Supervisors for approval no later than October 31, 2022. The amended code is not effective until the Board of Supervisors approves it.

**ADDITIONAL DATA:**

Attached is a copy of Board Bylaw E (B) 9270 with the proposed revisions.

**FISCAL IMPACT/FUNDING SOURCE:**

None.

**STAFF RECOMMENDATION:**

Recommend revision.

Bylaws of the Board

**CONFLICT OF INTEREST**

Designated Positions and Disclosure Requirements

1. Persons occupying the following positions are designated employees in Category 1:

Governing Board Members  
Superintendent of Schools  
Deputy Superintendent  
Assistant Superintendents

Designated persons in this category must report:

- a. Interests in real property located entirely or partly within District boundaries, or within two miles of District boundaries, or of any land owned or used by the District. Such interests include any leasehold, beneficial, or ownership interest or option to acquire such interest in real property.
  - b. Investments or business positions in or income from sources that:
    - (1) Are engaged in the acquisition or disposal of real property within the District.
    - (2) Are contractors or subcontractors that are or have been within the past two years engaged in work or services of the type regularly used by the District.
    - (3) Manufacture or sell supplies, books, machinery, or equipment of the types used by the District.
2. Persons occupying the following positions are designated employees in Category 2:

Executive Director of Special Education and Instruction **Services and Support**

**Executive Director of Curriculum and Instruction Services and Support**

~~Executive Director of Student, Family, Community, and Instruction~~

**Executive Director of Language Development**

~~Executive~~ **Senior Director, Curriculum and Instruction Services Support**

Senior Director of Student, Family, Community, and Instruction **Services and Support**

**Senior Director of Information Technology Services and Support**

Senior Director of Early Childhood Education

Bylaws of the Board

**CONFLICT OF INTEREST (continued)**

**Senior** Director of Human Resources  
Principal/Director

**Benefits/Risk Manager**

**Benefits/Risk Manager Senior Manager**

**Communications Officer**

~~Director of Benefits/Risk Management~~

Director of Child Nutrition Services

~~Director of Communications and Community Development~~

~~Director of Fiscal Services~~

**Director of Fiscal Services and Support**

~~Director of Human Resources~~

~~Director of Information Technology Services~~

Director of Leadership Development, Equity, and Access

~~Director of Professional Development and Academic Coaching~~

**Director of Multi-Tiered System of Supports**

Director of Maintenance and Operations

Director of Transportation

Associate Principal/Academy Director

Community Collaborative Director

Coordinator of Early Childhood Education Services

**Coordinator of Multi-Tiered System of Supports**

~~Coordinator for Instructional Technology~~

Coordinator of Physical Education, Health, and Wellness

~~Coordinator of Special Education and Pupil Services, Instruction and Support~~

**Coordinator of Student Support Services**

Coordinator of Visual and Performing Arts

~~Manager of Network Services, Computer Hardware Support, and Publishing  
Operations~~

Accounting Manager

Emergency Preparedness and Security Manager

Facilities Planning Manager

**Finance Director**

Grounds, Safety, and Maintenance Manager

Instructional Services Coordinator

Payroll Manager

Purchasing, Publications, and Warehouse Manager

Safety, Environmental, and Maintenance Manager

Student Placement Manager

Bylaws of the Board

**CONFLICT OF INTEREST (continued)**

Senior Grant Writer

**Superintendent and Board of Education Administrative Manager**

Designated persons in this category must report investments or business positions in or income from sources that:

- a. Are contractors or subcontractors engaged in work or services of the types used by the department that the designated person manages or directs.
  - b. Manufacture or sell supplies, books, machinery, or equipment of the types used by the department that the designated person manages or directs. For the purposes of this category, a Principal's department is his/her entire school.
3. Consultants are designated employees that must disclose financial interests as determined on a case-by-case basis by the Superintendent/designee. The Superintendent/designee's written determination shall include a description of the consultant's duties and a statement of the extent of disclosure requirements based upon that description. All such determinations are public records and shall be retained for public inspection along with this Conflict of Interest Code.

A consultant is an individual who, pursuant to a contract with the District, makes any of several specified governmental decisions whether to: (2 CCR 18701)

- a. Approve a rate, rule, or regulations.
- b. Adopt or enforce a law.
- c. Issue, deny, suspend, or revoke a permit, license, application, certificate, approval, order, or similar authorization or entitlement.
- d. Authorize the District to enter into, modify, or renew a contract that requires District approval.
- e. Grant District approval to a contract or contract specifications that require District approval and in which the District is a party.
- f. Grant District approval to a plan, design, report, study, or similar item.
- g. Adopt or grant District approval of District a policy, standard, or guideline.

Bylaws of the Board

**CONFLICT OF INTEREST (continued)**

A consultant is also an individual who, pursuant to a contract with the District, serves in a staff capacity with the District and in that capacity participates in making a governmental decision as defined in 2 CCR 18702.2 or performs the same or substantially all the same duties for the District that would otherwise be performed by an individual holding a position specified in the District's Conflict of Interest Code (2 CCR 18701).

Exhibit

Adopted: 09/27/94

Revised: 02/07/95

Revised: 08/31/98

Revised: 04/11/00

Revised: 02/20/01

Revised: 05/21/02

Revised: 09/14/04

Revised: 09/19/06

Revised: 09/16/08

Revised: 10/14/10

Revised: 09/09/20

**Revised:**

CHULA VISTA ELEMENTARY SCHOOL DISTRICT  
Chula Vista, California

CHULA VISTA ELEMENTARY SCHOOL DISTRICT

GOVERNING BOARD AGENDA ITEM

Prepared by: Human Resources  
Services and Support

**ITEM TITLE:**

First Reading/Revise: Proposed revisions to Board Policy 3290, Gifts, Grants, and Bequest

    X     Action

           Information

**BACKGROUND INFORMATION:**

BP 3260, Gifts, Grants, and Bequest is being presented to update and improve the District's processes and practices.

**ADDITIONAL DATA:**

Copies of the proposed revisions to the BP is attached. Additional information is available for review in the Office of the Human Resources Services and Support.

**FISCAL IMPACT/FUNDING SOURCE:**

None.

**STAFF RECOMMENDATION:**

Recommend revision.

Business and Noninstructional Operations

**GIFTS, GRANTS, AND BEQUESTS**

The Governing Board may accept any bequest or gift of money or property on behalf of the District. While greatly appreciating suitable donations, the Board discourages any gifts which may directly or indirectly impair its commitment to providing equal educational opportunities for all District students.

To be acceptable, a gift must satisfy the following criteria:

1. Not add to staff load.
2. Not begin a program which the Board would be unwilling to continue when the donated funds are exhausted.
3. Not entail undesirable or hidden costs.
4. Place no restrictions on the school program.
5. Not be inappropriate or harmful to the best education of students.
6. Not imply endorsement of any business or product.
7. Not conflict with any provision of the school code or public law.
8. Have a purpose consistent with those of the District.

Any gift of books and instructional materials shall be accepted only if they meet district criteria for selection of instructional materials.

*(cf. 6161.1 - Procedures and Criteria for Selection and Evaluation)*

All gifts, grants and bequests shall become District property. All gifts shall be given to the District, and not to a particular school, classroom, or teacher. At the Superintendent/designee's discretion, a gift may be used at a particular school **or** classroom.

Use of the gift shall not be impaired by restrictions or conditions imposed by the donor.

Business and Noninstructional Operations

**GIFTS, GRANTS, AND BEQUESTS (continued)**

The Board will try to follow the donor's wishes insofar as they do not conflict with District philosophy or operations.

**Nothing in this Board Policy prohibits any third party from issuing any gifts, grants, or bequests to any employee(s) so long as the gifts, grants, or bequests comply with any and all legal requirements including, but not limited to those reflected to conflicts of interest.**

*(cf. 3430 - Investing)*

Online Fundraising

Any person or entity who wishes to conduct an online fundraising campaign, including a crowdfunding campaign, for the benefit of the District, a school, or a classroom shall submit a written request for prior approval to the Superintendent/designee. Approval of requests shall take into consideration compatibility with the District's vision and goals, core beliefs, instructional priorities, and infrastructure; the manner in which donations are collected and distributed; equity of the use of funds; and any other factors deemed relevant or appropriate by the District.

Any person or entity approved to conduct an online fundraising campaign shall comply with relevant District policies and procedures, including ensuring financial transparency in describing the purpose and use of the funds and protecting student privacy as applicable. Such person or entity shall specify that the District, rather than a staff member, classroom, or school, will own the funded resources.

Funds raised by an online fundraising campaign and donated to the District shall be subject to the same terms, criteria for acceptance, and accountability measures as any other donation as specified in this policy.

Business and Noninstructional Operations

**GIFTS, GRANTS, AND BEQUESTS (continued)**

Appreciation

The Board may show appreciation for any donation to the District in any manner it deems appropriate. Such appreciation may take the form of letters of recognition or Board resolutions; plaques, commendations, or awards; planting of commemorative trees or gardens; or naming or renaming of buildings, grounds, or facilities. Conferment of any such honor shall be in accordance with applicable Board policy.

Legal References:

EDUCATION CODE

1834 Acquisition of materials and  
apparatus 35160 Powers and duties  
35162 Power to sue, be sued, hold and convey property  
41030 School district may invest surplus monies from bequest or  
gifts 41031 Special fund or account in county treasury  
41032 Authority of school board to accept gift or bequest; investments; gift of land  
requirements  
41035 Advisory committee  
41036 Function of advisory  
committee 41037 Rules and  
regulations  
41038 Applicability of other provisions of chapter

Management

Resources

WEB

SITES

California Consortium of Educational Foundations: <http://www.cceflink.org>

Policy

Adopted: 11/13/90

Revised: 11/13/19

**Revised:**

CHULA VISTA ELEMENTARY SCHOOL DISTRICT  
Chula Vista, California

CHULA VISTA ELEMENTARY SCHOOL DISTRICT

GOVERNING BOARD AGENDA ITEM

Prepared by: Instructional Services  
and Support

**ITEM TITLE:**

First Reading/Revise: Proposed Revisions to Instructional Programs and  
Reclassification Criteria Addressed in Board Policy and Administrative Regulation  
6174, Instruction, Education for English Learners

    X     Action

           Information

**BACKGROUND INFORMATION:**

Instructional Programs:

In the 2021-22 academic school year, through a process involving staff and  
community input, the Transitional/Developmental Bilingual instructional programs  
were discontinued. Board Policy (BP) and Administrative Regulation (AR) 6174  
will reflect current instructional programs offered to English Learners (ELs).

Summative English Language Proficiency Assessment for California (ELPAC) K-1  
Academic Criterion for Reclassification:

The updated version of the Smarty Ants Local Measure assessment identifies the  
following performances bands: Not Met/ Approaching/Met. As a result, the District  
proposes changing the existing academic criterion of Met/Exceeded to Met in order  
to align with this update. This academic criterion is reflected in AR 6174.

Summative Alternate ELPAC Criteria for Reclassification:

In 2021-22 the Summative Alternate ELPAC became operational for EL students  
with Individualized Education Programs that have the most cognitively severe  
disabilities. In May 2022 the State Board of Education recommended the use of  
the Summative Alternate ELPAC overall performance level 3 as a statewide  
standardized English language proficiency criterion pending State Board approval.  
As a result, the District has developed interim criteria for reclassification for this  
student group. This interim criteria is reflected in the proposed changes in  
AR 6174 and may require further revision pending State Board of Education  
approval in the Spring of the 2022-23 academic school year.

**ADDITIONAL DATA:**

Additional information is available for review in the Office of the Executive Director of Language Development and Instruction Services and Support.

**FISCAL IMPACT/FUNDING SOURCE:**

None.

**STAFF RECOMMENDATION:**

Recommend revision.

Instruction

**EDUCATION FOR ENGLISH LEARNERS**

The District is committed to providing an equal educational opportunity for all children regardless of race, national origin, sex, cultural affiliation, or linguistic background.

Each child is viewed as an individual of great worth who brings with him/her a uniqueness that is highly valued. We believe that celebrating and acknowledging a child's native language nurtures feelings of acceptance and valuing of self and family.

The District provides English Learners (ELs) with challenging curriculum and instruction that develop proficiency in English as rapidly and effectively as possible in order to assist students in accessing the full educational program and achieving the District's academic standards. The District's language acquisition programs and instructional services shall be based on research-based instructional strategies and shall be adequately supported so that ELs can achieve results at the same academic level as their English-proficient peers in the regular course of study.

The District shall identify in its Local Control and Accountability Plan (LCAP) goals and specific actions and services to enhance student engagement, academic achievement, and other outcomes for ELs.

*(cf. 3100 - Budget)*

In establishing the District's language acquisition instructional programs and services for ELs, the Superintendent/designee shall consult with parents/guardians and the community during the LCAP development process. He/she shall also consult with administrators, teachers, and other personnel with appropriate authorizations and experience in establishing a language acquisition instructional programs and services for ELs. (Education Code 305).

The Superintendent/designee shall maintain procedures which provide for the careful identification, assessment, and placement of ELs and for their reclassification based on criteria adopted by the Board and specified in administrative regulations.

The Superintendent/designee shall ensure that all staff employed to teach ELs possess the appropriate authorization from the Commission on Teacher Credentialing.

Instruction

**EDUCATION FOR ENGLISH LEARNERS (continued)**

The District shall provide effective professional development to teachers (including teachers in classroom settings that are not the settings of language instruction educational programs), administrators, and other school or community-based organization personnel to improve the instruction and assessment of ELs and enhance staff's ability to understand and use curricula, assessment, and instructional strategies for ELs. Such professional development shall be of sufficient intensity and duration to produce a positive and lasting impact on teachers' performance in the classroom. (20 USC 6825)

*(cf. 4131 - Professional Development)*

To evaluate program effectiveness, the Superintendent and designated staff shall regularly examine program results, including reports of the ELs' academic achievement, their progress towards proficiency in English, and the progress of students who have been reclassified fluent English proficient (R-FEP). The Superintendent and designated staff shall annually report these findings to the Board.

The District's reclassification procedures include a comprehensive set of specific criteria that the student must attain before being reclassified from an EL to an R-FEP student. Parental communication is an integral part of the reclassification process. The specific reclassification criteria can be found in Administrative Regulation 6174.

*(cf. 6190 – Evaluation of the Instructional Program)*

Language acquisition instructional services are educational programs that are designed to ensure English acquisition as rapidly and as effectively as possible and that provide instruction to students on the state-adopted academic content standards, including the English language development standards. The language acquisition instructional services provided to students shall be informed by research and shall lead to grade-level proficiency and academic achievement in both English and another language. (Education Code 306).

The District shall offer Structured English Immersion (SEI) instructional services to all ELs to ensure ELs have access to the core academic content standards, including the English language development standards, and become proficient in English. SEI services provide nearly all classroom instruction in English, but with curriculum and presentation designed for students who are learning English. (Education Code 305-306)

Instruction

**EDUCATION FOR ENGLISH LEARNERS (continued)**

The District may offer a Dual Language Immersion Instructional Program that provides integrated language learning and academic instruction for native speakers of English and native speakers of another language, with the goals of high academic achievement, first and second language proficiency, and cross-cultural understanding.

~~The District may offer a Transitional or Developmental Instructional Program for ELs that provides literacy and academic instruction in English and a student's native language and that enables an EL to achieve English proficiency and academic mastery of subject matter content and higher order thinking skills, including critical thinking, in order to meet state academic content standards.~~

Parents/guardians of ELs may choose a language acquisition instructional program that best suits their child. To the extent possible, any language acquisition instructional program requested by the parents/guardians of 30 or more students at the school or by the parents/guardians of 20 or more students at any grade level shall be offered by the school. (Education Code 310)

Parents/guardians of ELs shall be notified of the language instructional program and instructional services of their child on an annual basis and have a right to decline or opt their child out of EL services. Regardless of the language acquisition instructional program all ELs, at minimum, will receive daily Designated and Integrated English Language Development.

At the beginning of each school year or upon a student's enrollment, parents/guardians shall be provided information on language acquisition programs and instructional services for ELs available to students enrolled in the District, including, but not limited to, a description of each program. (Education Code 310).

Legal Reference:

EDUCATION CODE  
300-340 English language education, especially:  
305-310 Language acquisition programs  
313-313.5 Assessment of English proficiency  
430-446 English Learner and Immigrant Pupil Federal Conformity Act  
42238.02-42238.03 Local control funding formula  
44253.1-44253.11 Qualifications for teaching English Learners  
48980 Parental notifications  
48985 Notices to parents in language other than English  
52052 Numerically significant student subgroups  
52060-52077 Local Control and Accountability Plan  
52130-52135 Impacted Languages Act of 1984

Instruction

**EDUCATION FOR ENGLISH LEARNERS (continued)**

Legal Reference:

EDUCATION CODE

52160-52178 Bilingual Bicultural Act

56305 CDE manual on English Learners with Disabilities

60603 Definition, recently arrived English Learner

60605.87 Supplemental instructional materials, English language development

60640 California Assessment of Student Performance and Progress

60810-60812 Assessment of language development

62005.5 Continuation of advisory committee after program sunsets

CODE OF REGULATIONS, TITLE 5

853.5-853.7 Test administration; universal tools, designated supports, and accommodations

11300-11316 English Learner Education

11510-11517 California English Language Development Test

UNITED STATES CODE, TITLE 20

1412 Individuals with Disabilities Education Act; state eligibility

1701-1705 Equal Educational Opportunities Act

6311 Title I state plan

6312 Title I local education agency plans

6801-7014 Title III, Language instruction for English Learners and immigrant students

7801 Definitions

CODE OF FEDERAL REGULATIONS, TITLE 34

100.3 Discrimination prohibited

200.16 Assessment of English Learners

COURT DECISIONS

Valeria G. v. Wilson, (2002) 307 F.3d 1036

California Teachers Association v. State Board of Education et al., (9<sup>th</sup> Circuit, 2001) 271 F.3d 1141

McLaughlin v. State Board of Education, (1999) 75 Cal.App.4<sup>th</sup> 196

Teresa P. et al v. Berkeley Unified School District et al, (1989) 724 F.Supp. 698

ATTORNEY GENERAL OPINIONS

83 Ops.Cal.Atty.Gen. 40 (2000)

Management Resources

CSBA PUBLICATIONS

English Learners in Focus, Issue 1: Updated Demographic and Achievement Profile of California's English Learners, Governance Brief, rev. September 2016

English Learners in Focus, Issue 3: Ensuring High-Quality Staff for English Learners, Governance Brief, July 2016

English Learners in Focus, Issue 2: The Promise of Two-Way Immersion Programs, Governance Brief, September 2014

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Integrating the CA ELD Standards into K-12 Mathematics and Science Teaching and Learning, December 2015

Academic Criterion for Reclassification, CDE Correspondence, August 11, 2014

English-Language Arts/English Language Development Framework for California Public Schools: Transitional Kindergarten Through Grade Twelve, 2014

Common Core State Standards for Mathematics, rev. 2013

Instruction

**EDUCATION FOR ENGLISH LEARNERS (continued)**

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Next Generation Science Standards for California Public Schools, Kindergarten through Grade Twelve, 2013

English Language Development Standards for California Public Schools: Kindergarten Through Grade Twelve, 2012

Matrix of Test Variations, Accommodations, and Modifications for Administration of California Statewide Assessments

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

Accountability for English Learners Under the ESEA, Non-Regulatory Guidance, January 2017

English Learner Tool Kit for State and Local Educational Agencies (SEAs and LEAs), rev. November 2016

English Learners and Title III of the Elementary and Secondary Education Act (ESEA), as Amended by the Every Student Succeeds Act (ESSA), Non-Regulatory Guidance, September 23, 2016

Dear Colleague Letter: English Learner Students and Limited English Proficient Parents, January 7, 2015

Assessment and Accountability for Recently Arrived and Former Limited English Proficient (LEP) Students, May 2007

WEB SITES

CSBA: <http://www.csba.org>

California Association for Bilingual Education: <http://www.gocabe.org>

California Department of Education: <http://www.cde.ca.gov/sp/el>

National Clearinghouse for English Language Acquisition: <http://www.ncela.us>

U.S. Department of Education: <http://www.ed.gov>

Policy

Adopted: 11/13/90

Revised: 01/20/04

Revised: 10/11/17

Revised: 03/07/18

Revised: 09/12/18

**Revised:**

CHULA VISTA ELEMENTARY SCHOOL DISTRICT

Chula Vista, CA

Page 7 of 15

Agenda Item 14.C.

October 19, 2022

## Instruction

### **EDUCATION FOR ENGLISH LEARNERS**

#### Definition

English Learner (EL) means a student who is age 3-21 years, who is enrolled or is preparing to enroll in an elementary or secondary school, and whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the student the ability to meet state academic standards, the ability to successfully achieve in classrooms where the language of instruction is English, or the opportunity to participate fully in society. An EL may include a student who was not born in the United States or whose native language is a language other than English; a student who is Native American or Alaska Native, or a native resident of the outlying areas, who comes from an environment where a language other than English has had a significant impact on the individual's level of English language proficiency; or a student who is migratory, whose native language is a language other than English, and who comes from an environment where a language other than English is dominant. (Education Code 306; 20 USC 7801)

Native speaker of English means a student who has learned and used English in his/her home from early childhood and English has been his/her primary means of concept formation and communication. (Education Code 306)

The District shall offer the following language acquisition instructional programs and language acquisition services for ELs:

Structured English Immersion is an instructional service for ELs in which nearly all classroom instruction is provided in English, but with curriculum and a presentation designed for pupils who are learning English. (Education Code 306)

~~Transitional or Developmental Instructional Program for ELs provides instruction to pupils that utilizes English and a pupil's native language for literacy and academic instruction and enables an EL to achieve English proficiency and academic mastery of subject matter content and high order thinking skills, including critical thinking, in order to meet state adopted academic content standards. (Education Code 306)~~

The Dual Language Immersion Instructional Program provides integrated language learning and academic instruction for native speakers of English and native speakers of another language, with the goals of high academic

Instruction

**EDUCATION FOR ENGLISH LEARNERS** (continued)

achievement, first and second language proficiency, and cross-cultural understanding.

Identification and Assessment

Upon enrollment in the District, each student's primary language shall be determined through the use of a home language survey. (Education Code 52164.1; 5 CCR 11307)

Any student who is identified as having a primary language other than English, as determined by the home language survey, and who has not previously been identified as an EL by a California public school or for whom there is no record of results from an administration of an English language proficiency test, shall be assessed for English proficiency using the state's designated English language proficiency test for initial identification. (Education Code 313, 52164.1; 5 CCR 11511)

Each year after a student is identified as an EL and until he/she is reclassified as fluent English proficient (R-FEP), the summative assessment of the state's designated English language proficiency test shall be administered to the student during a four-month period after January 1 as determined by the California Department of Education. (Education Code 313)

The state assessment shall be administered in accordance with test publisher instructions and 5 CCR 11511-11516.6. Variations and accommodations in test administration may be provided to ELs pursuant to 5 CCR 11516-11516.6.

Any student with a disability who is identified as an EL shall be allowed to take the assessment with those accommodations for testing that the student has regularly used during instruction and classroom assessment as delineated in the student's Individualized Education Program (IEP) or Section 504 plan. If the student is unable to participate in the assessment or a portion of the assessment even with such accommodations, an alternate assessment for English language proficiency shall be administered to the student as set forth in his/her IEP. (5 CCR 11516 - 11516.7; 20 USC 1412)

*(cf. 6159 - IEP)*

*(cf. 6164.6 - Identification and Education Under Section 504)*

Instruction

**EDUCATION FOR ENGLISH LEARNERS** (continued)

The Superintendent/designee shall notify parents/guardians of their child's results on the state's English language proficiency assessment within 30 calendar days following receipt of the results from the test contractor. (Education Code 52164.1; 5 CCR 11511.5)

The parent/guardian of a student participating in, or identified for participation in, services for ELs as supported by federal Title I or Title III funds shall receive notification of the assessment of his/her child's English proficiency. Such notice shall be provided not later than 30 calendar days after the beginning of the school year. If the student is identified as EL during the school year, within two weeks of

the student's identification, parents shall be notified. The notice shall include all of the following: (Education Code 440; 20 USC 6312)

1. The reason for the identification of the student as an EL and the need for a language acquisition instructional program and EL services.
2. The level of English proficiency, how the level was assessed, and the status of the student's academic achievement.
3. A description of the language acquisition instructional program or services for ELs in which the student is, or will be, participating, including a description of all the following:
  - a. The methods of instruction used in addressing the language and academic needs of the student, including how such programs and services differ in content, instructional goals, and the use of English and a native language in instruction.
  - b. The manner in which the program and services will meet the educational strengths and needs of the student.
  - c. The manner in which the program and services will help the student develop his/her English proficiency and meet age-appropriate academic standards for grade promotion and graduation.
  - d. The specific exit requirements for reclassification and the expected rate of graduation from secondary school if applicable.

Instruction

**EDUCATION FOR ENGLISH LEARNERS** (continued)

- e. Where the student has been identified for special education, the manner in which the program and services meets the requirements of the student's IEP.
4. Information about the parent/guardian's right to have the student immediately removed from a program and/or services upon the parent/guardian's request.
5. Information regarding a parent/guardian's option to decline to enroll the student in the program and/or services or to choose another method of instruction, if available.
6. Information designed to assist a parent/guardian in selecting among available programs or services, if more than one program or method is offered.

Regardless of the language acquisition instructional program, all ELs will receive Structured English Immersion services through daily Integrated and Designated English Language Development.

Reclassification/Redesignation

The District shall continue to provide additional and appropriate educational services to ELs for the purposes of overcoming language barriers until the ELs have: (5 CCR 11302)

1. Demonstrated English language proficiency comparable to that of the District's average native English speakers.
2. Recouped any academic deficits which may have been incurred in other areas of the core curriculum as a result of language barriers.

ELs in Grades K-12 shall be R-FEP when they are able to comprehend, speak, read, and write English well enough to receive instruction in English and make academic progress at a level substantially equivalent to that of students of the same age or grade whose primary language is English and who are in the regular course of study. (Education Code 52164.6)

The measures used to determine whether an EL in Grades K-12 shall be R-FEP shall include, but not be limited to: (Education Code 313, 52164.6; 5 CCR 11303)

Instruction

**EDUCATION FOR ENGLISH LEARNERS (continued)**

1. Assessment of English language proficiency using the English Language Proficiency Assessments for California (ELPAC).

~~Kindergarten through Grade 12~~  
~~Overall Proficiency Level 4~~

**Summative ELPAC K-12: Overall Proficiency Level 4**

**Summative Alternate ELPAC K-12: Overall Proficiency Level 3**

2. Participation of the student's classroom teacher and any other certificated staff with direct responsibility for teaching decisions related to the student. ~~Teacher agrees that the student is performing successfully in all academic areas and is at the Bridging level on the English Language Development Report Card.~~

**Summative ELPAC: Teacher agrees that the student is performing successfully in all academic areas and is at the Bridging level on the English Language Development Report Card.**

**Summative Alternate ELPAC: The teacher has identified that the student has performed at least at an Overall Level 4 (substantial progress) out of the 5 possible levels of student progress towards their IEP goals.**

3. Parent/guardian opinion and consultation. Parent/guardian agrees that reclassification is appropriate. The Superintendent/designee shall provide the parent/guardian with notice and a description of the reclassification process and of his/her opportunity to participate in the process and shall encourage his/her involvement in the process.
4. Student performance on an objective assessment of basic skills in English that shows whether the student is performing at or near grade level. ~~The District shall use the California Assessment of Student Performance and Progress (CAASPP) and/or the District's Local Measure in Reading.~~

**Summative ELPAC:**

**The District shall use the California Assessment of Student Performance and Progress (CAASPP) and/or the District's Local Measure in Reading.**

~~Grade K Local Measure Reading-Smart Ants~~

Instruction

**EDUCATION FOR ENGLISH LEARNERS (continued)**

~~Performance Level Met/Exceeded~~

~~Grade 1 Local Measure Reading-Smart Ants  
Performance Level Met/Exceeded~~

**Grade K-1 Local Measure Reading-Smart Ants Performance Level-Met**

Grades 2-12 Local Measure/Level Set Reading  
Midpoint of Approaching and above for grade level

Grades 3-~~6~~**8 and 11** CAASPP – ELA  
Midpoint of Standard Nearly Met and above for grade level

**Summative Alternate ELPAC:**

**In grades K-2, the multidisciplinary IEP team identifies a local assessment to determine whether the student has reached the level of proficiency to meet the academic achievement goals. The performance range and/or level selected by the team corresponds to English only students with similar disabilities in the grade or grade span and shall be in alignment with the student's IEP goals.**

**In Grades 3-8 and 11, the multidisciplinary IEP team identifies a local assessment or state alternate assessment (California Alternate Assessment English Language Arts) to determine whether the student has reached the level of proficiency to meet the academic achievement goals. The performance range and/or level selected by the team corresponds to English only students with similar disabilities in the grade or grade span and shall be in alignment with the student's IEP goals.**

The Superintendent/designee shall monitor the language and academic progress of reclassified students. (5 CCR 11304)

The Superintendent/designee shall monitor students for a period of four years following their reclassification to determine whether the student needs any additional academic support to ensure his/her language and academic success.

Instruction

**EDUCATION FOR ENGLISH LEARNERS** (continued)

The Superintendent/designee shall develop a process to monitor the effectiveness of the District's programs and services for ELs. The District's programs and services shall be modified as needed to help ensure language and academic success for each EL.

Advisory Committees

A parent/guardian advisory committee shall be established at the District level when there are more than 50 ELs in the District and at the school level when there are more than 20 ELs at the school, site EL Advisory Committee and the District EL Advisory Committee shall be maintained to serve the advisory functions specified in law.

Parents/guardians of ELs shall constitute committee membership in at least the same percentage as ELs represent of the total number of students in the school. (Education Code 52176; 5 CCR 11308)

The District's English Language Advisory Committee shall advise the Governing Board on at least the following tasks: (5 CCR 11308)

1. The development of a District EL Roadmap **Multilingual EL Master Plan** of education programs and services for ELs, taking into consideration the school site plans for ELs.
2. The Districtwide needs assessment on a school-by-school basis.
3. Establishment of District programs, services, goals, and objectives for programs and services for ELs.
4. Development of a plan to ensure compliance with applicable teacher or aide requirements.
5. Administration of the annual language census.
6. Review of and comment on the District's reclassification procedures.

*(cf. 0420 - School Plans/Site Councils)*

*(cf. 1220 - Citizen Advisory Committees)*

*(cf. 5020 - Parent-Guardian Rights and Responsibilities)*

Instruction

**EDUCATION FOR ENGLISH LEARNERS** (continued)

*(cf. 6020 - Parent-Guardian Involvement)*

In order to assist the advisory committee in carrying out its responsibilities, the Superintendent/designee shall ensure that committee members receive appropriate training and materials. This training shall be planned in full consultation with the members. (5 CCR 11308)

Local Control and Accountability Plan Advisory (LCAP) Committee

When there are at least 15 percent ELs in the District, with at least 50 students who are ELs, a District-level EL Parent Advisory Committee shall be established to review and comment on the District's LCAP in accordance with BP 0460 LCAP.

The committee shall be composed of a majority of parents/guardians of ELs. (Education Code 52063; 5 CCR 15495)

The advisory committee established pursuant to 5 CCR 11308, as described in the section "Advisory Committee" above, could serve as the LCAP EL Advisory Committee if its composition includes a majority of parents/guardians of ELs.

Regulation

Reviewed: 11/18/03

Reviewed: 10/11/17

Reviewed: 03/07/18

Reviewed: 09/12/18

Reviewed: 04/17/19

Reviewed: 08/11/21

**Reviewed:**

CHULA VISTA ELEMENTARY SCHOOL DISTRICT  
Chula Vista, California

CHULA VISTA ELEMENTARY SCHOOL DISTRICT

GOVERNING BOARD AGENDA ITEM

Prepared by: Superintendent's Office

**ITEM TITLE:**

Report Calendar to Board of Education

                 **Action**

          X           **Information**

**BACKGROUND INFORMATION:**

| <u>TOPIC</u>                                       | <u>REPORT BY</u>       | <u>TENTATIVE<br/>DATE</u> |
|----------------------------------------------------|------------------------|---------------------------|
| Report on District Impact Teacher Support Efforts  | Instructional Services | October 2022              |
| Report on Parent Implementation Program            | Instructional Services | November 2022             |
| Report on Single Plan for Student Achievement      | Instructional Services | November 2022             |
| Report on Safety Plan Approvals                    | Instructional Services | November 2022             |
| Report on District Equity Efforts                  | Instructional Services | December 2022             |
| Report on Student Study Team (SST) Process Efforts | Instructional Services | December 2022             |

**ADDITIONAL DATA:**

None.

**FISCAL IMPACT/FUNDING SOURCE:**

None.

**STAFF RECOMMENDATION:**

This is an information item.

CHULA VISTA ELEMENTARY SCHOOL DISTRICT  
PUBLIC FACILITIES FINANCING CORPORATION

BOARD OF DIRECTORS AGENDA ITEM

Prepared by: Business Services and  
Support

**ITEM TITLE:**

Adopt Resolution of the Board of Directors of the Chula Vista Elementary School District Public Facilities Financing Corporation Authorizing the Execution by the Corporation of Various Documents with Respect to the Chula Vista Elementary School District 2022 Refunding Certificates of Participation, Series A in an Aggregate Principal Amount Not to Exceed \$20,000,000 and Authorizing Related Action Therewith

    X     Action

           Information

**BACKGROUND INFORMATION:**

The Chula Vista Elementary School District Public Facilities Financing Corporation, a nonprofit public benefit corporation organized under the laws of the State of California, (the "Corporation") is authorized pursuant to the Articles of Incorporation to assist in financing and refinancing public capital improvements that benefit the Chula Vista Elementary School District ("District").

In order to provide funding for school facilities in the Mello-Roos/Community Facilities District (CFD) development areas, the District has issued debt through Certificates of Participation (COPs) or special tax bonds that are then paid from the Mello-Roos tax assessments. Since 2001, the District has issued 18 COPs payable through special taxes and has refunded (refinanced) seven. Based on analyses with District financial advisor Dale Scott & Company (DS&C), the 2013 Refunding Certificates of Participation, Series A, (the "Prior COPs") are well positioned for a refunding. The Prior COPs were used to prepay various COPs issued in 2001, 2002 and 2003. An initial review estimates a potential 1.58% percent net savings or approximately \$343,321 in reduced debt service.

**ADDITIONAL DATA:**

DS&C will provide financial advisory services, and Stradling Yocca Carlson & Rauth ("Stradling") will provide bond and disclosure counsel services. A three-year agreement with DS&C was approved by the District on August 10, 2022, and a two-year agreement with Stradling was approved in 2021.

**FISCAL IMPACT/FUNDING SOURCE:**

This refunding is expected to generate an estimated savings of \$343,321, or percentage present value savings of 1.58%. The Refunding COPs are expected to be repaid through locally collected special taxes. This refunding will reduce aggregate debt service payments and will not increase the term of the outstanding Prior COPs. Though the present value savings are lower than what is recommended by the District's Debt Management Policy, staff recommends that the District and the Corporation proceed with the execution and delivery of the Refunding COPs because the present value savings will likely only decrease in the future. Given recent increases in market interest rates, this refunding may not be feasible at pricing time. However, the District and the Corporation are being asked to approve issuance of the Refunding COPs with the understanding that market interest rates must return to a level in which the above stated savings can be achieved before this transaction can occur. DS&C will continue to monitor market conditions in order to determine when a feasible refunding may proceed. The District will incur no costs if the refunding does not proceed.

**STAFF RECOMMENDATION:**

Recommend adoption.

**CHULA VISTA ELEMENTARY SCHOOL DISTRICT  
PUBLIC FACILITIES FINANCING CORPORATION**

**RESOLUTION NO. \_\_\_\_\_**

Resolution of the Board of )  
Directors of the Chula Vista )  
Elementary School District Public )  
Facilities Financing Corporation )  
Authorizing the Execution by the )  
Corporation of Various Documents )  
with Respect to the Chula Vista )  
Elementary School District 2022 )  
Refunding Certificates of Participation, )  
Series A in an Aggregate Principal )  
Amount Not to Exceed \$20,000,000, )  
and Authorizing Related Action in )  
Connection Therewith )

On motion of Member \_\_\_\_\_, seconded by Member \_\_\_\_\_, the following resolution is adopted:

WHEREAS, the Chula Vista Elementary School District Public Facilities Financing Corporation is a nonprofit public benefit corporation organized and existing under the laws of the State of California (the "Corporation") with the authority to assist in the financing and refinancing of the acquisition, construction, installation and equipping of certain capital improvements on behalf of the Chula Vista Elementary School District (the "District");

WHEREAS, the District previously caused the execution and delivery of its \$41,650,000 Chula Vista Elementary School District 2013 Certificates of Participation, Series A (Elementary School Building Projects) (the "2013 Certificates") on April 3, 2013, for the purpose of prepaying certain certificates of participation of the District;

WHEREAS, the District now desires to authorize the execution and delivery of the Chula Vista Elementary School District 2022 Refunding Certificates of Participation, Series A (the "Certificates") in order to prepay the 2013 Certificates on a current basis;

WHEREAS, in order to accomplish the prepayment of the 2013 Certificates, the District will lease certain real property and the improvements as described herein (the "Property") to the Corporation pursuant to a Site Lease (the "Site Lease") to be entered into by and between the District and the Corporation, and will sublease the Property back from the Corporation

Pursuant to a Lease Agreement (the "Lease Agreement") to be entered into by and between the District and the Corporation;

WHEREAS, the District and the Corporation have determined that it would be in the best interests of the District and the Corporation to provide the funds necessary to prepay the 2013 Certificates through the sale and delivery of the Certificates, pursuant to a Trust Agreement (the "Trust Agreement") to be entered into by and among U.S. Bank Trust Company, National Association (the "Trustee"), the Corporation and the District;

WHEREAS, all rights to receive such lease payments will be assigned, without recourse, by the Corporation to the Trustee pursuant to an Assignment Agreement (the "Assignment Agreement") to be entered into by and between the Corporation and the Trustee;

WHEREAS, in consideration of such assignment and the execution of the Trust Agreement, the Trustee will execute and deliver the Certificates, each evidencing a direct, fractional undivided interest in the lease payments to be paid by the District under the Lease Agreement;

WHEREAS, a form of Certificate Purchase Agreement (the "Purchase Agreement") relating to the Certificates has been prepared whereby the District will sell the Certificates to an underwriter that is selected by the Superintendent of the District (the "Underwriter");

WHEREAS, the District expects to enter into an Escrow Agreement with The Bank of New York Mellon Trust Company, N.A., as escrow agent, in order to effect the defeasance and prepayment of the 2013 Certificates;

WHEREAS, the Board of Directors of the Corporation (the "Board") has been presented with the form of each document referred to herein relating to the actions contemplated hereby, and the Board has examined and approved each document and desires to authorize and direct the execution of such documents and the consummation of such actions;

WHEREAS, all acts, conditions and things required by the laws of the State of California 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 Corporation 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, this Board of Directors hereby ORDERS, RESOLVES and DETERMINES, as follows:

SECTION 1. All of the recitals herein contained are true and correct and the Board so finds.

SECTION 2. The form of the Site Lease, on file with the Secretary of the Corporation, is hereby approved, and each of the President of the Corporation, the Vice President of the Corporation, the Secretary of the Corporation and Chief Financial Officer of the Corporation, or their designees and such other officers of the Corporation as the President of the Corporation may designate (collectively, the "Authorized Officers"), acting alone, is hereby authorized and directed, for and in the name and on behalf of the Corporation, to execute and deliver the Site Lease in substantially said form, with such changes therein as the Authorized Officer executing the same may require or approve, such approval to be conclusively evidenced by the execution and delivery thereof. The Property to be leased under the Site Lease shall consist of all or a portion of the Hedenkamp Elementary School and the Heritage Elementary School, and/or one or more other school sites or school facilities selected by the District and determined by the District to have an annual fair market rental value at least equal to the annual lease payments to be made under the Lease Agreement.

SECTION 3. The form of the Lease Agreement, on file with the Secretary of the Corporation, is hereby approved, and each of the Authorized Officers, acting alone, is hereby authorized and directed, for and in the name and on behalf of the Corporation, to execute and deliver the Lease Agreement in substantially said form, with such changes 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 the aggregate amount of principal components of the lease payments payable under the Lease Agreement shall not exceed \$20,000,000, the term of the Lease Agreement shall end on or before September 1, 2028 (provided that such term may be extended as provided therein), the prepayment of the 2013 Certificates being prepaid will result in positive net present value savings, as calculated by the District's Municipal Advisor, and the rate applicable to the interest components of the lease payments payable under the Lease Agreement shall not exceed 12% per annum.

SECTION 4. The form of Trust Agreement, on file with the Secretary of the Corporation, is hereby approved, and each of the Authorized Officers, acting alone, is hereby authorized and directed, for and in the name and on behalf of the Corporation, to execute and deliver the Trust Agreement in substantially said form, with such changes therein as the Authorized Officer executing the same may require or approve, such approval to be conclusively evidenced by the execution and delivery thereof.

SECTION 5. The form of Assignment Agreement, on file with the Secretary of the Corporation, is hereby approved, and each of the Authorized Officers, acting alone, is hereby authorized and directed, for and in the name and on behalf of the Corporation, to execute and deliver the Assignment Agreement in substantially said form, with such changes therein as the Authorized Officer executing the same may require or approve, such approval to be conclusively evidenced by the execution and delivery thereof.

SECTION 6. This Board hereby approves the sale of the Certificates by negotiated sale to the Underwriter. The Authorized Officers are authorized and directed to execute any and all agreements and certificates necessary to cause such sale on a negotiated basis.

SECTION 7. The execution and delivery of the Certificates evidencing principal in an amount not to exceed \$20,000,000, payable in the years and in the amounts, and evidencing interest as specified in the Trust Agreement as finally executed, are hereby authorized and approved.

SECTION 8. In the event that the Superintendent of the District determines that a direct placement of the Certificates with a lender, or the entry of a directly placed lease with a lender, would be more beneficial to the District than a negotiated sale of the Certificates to the Underwriter, then the Authorized Officers are authorized to take any actions and make any changes to the documents herein approved, and to execute any additional documents as needed, in order to effect such a direct placement.

SECTION 9. The officers of the Corporation 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 making the necessary filings for the Corporation to obtain and maintain its tax exempt status and executing any and all documents necessary to unencumber the Property.

SECTION 10. All actions heretofore taken by the officers and agents of the Corporation with respect to the transactions set forth above are hereby approved, confirmed and ratified.

SECTION 11. This Resolution shall take effect from and after its adoption.

PASSED AND ADOPTED by the Board of Directors of the Chula Vista Elementary School District Public Facilities Financing Corporation, County of San Diego, State of California, this 19th day of October 2022, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

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STATE OF CALIFORNIA    )  
                                          ) ss  
COUNTY OF SAN DIEGO    )

I, Eduardo Reyes, Secretary to the Board of Directors of the Chula Vista Elementary School District Public Facilities Financing Corporation of San Diego County, California, do hereby certify that the foregoing is a full, true, and correct copy of a resolution duly adopted by said Board at a regular meeting thereof on the date and by the vote above stated, which resolution is on file and of record in the Office of said Board.

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Secretary to the Board of Directors