

SAN MATEO-FOSTER CITY ELEMENTARY SCHOOL DISTRICT

RESOLUTION NO. 01/15-16 OF THE BOARD OF TRUSTEES OF SAN MATEO-FOSTER CITY ELEMENTARY SCHOOL DISTRICT ORDERING AN ELECTION, AND ESTABLISHING SPECIFICATIONS OF THE ELECTION ORDER

WHEREAS, the Board of Trustees (the "Board") has determined that local neighborhood schools within the San Mateo-Foster City Elementary School District (the "District") need to be upgraded, repaired, improved and better equipped to enable the District to continue strong student achievement of all students in the District; and

WHEREAS, the District has experienced District-wide enrollment growth since 2008-09 and expects growth to continue through 2023, and relieving overcrowding is a top priority; and

WHEREAS, the District has both prepared an Enrollment Management Plan and created a Next Steps Advisory Committee ("Next Steps Committee") composed of a broad array of community and school stakeholders to examine the facility use alternatives necessary to accommodate growing student enrollment; and

WHEREAS, the Next Steps Committee invested nearly two years engaging the community, including soliciting input from thousands of local residents through on-line and mail surveys, scores of Town Hall meetings and district-wide forums, and more, to receive and evaluate the best options available to the District; and

WHEREAS, the Next Steps Committee delivered their Report to the Board of Trustees on June 4, 2015 (the "Report"); and

WHEREAS, the Report concluded that the District requires over 50 new classrooms throughout the District to relieve overcrowding, reduce class sizes, and update learning environments in San Mateo and Foster City; and

WHEREAS, the Board is committed to expanding school facilities, improving access to students with disabilities and ensuring that all families have equal access to its quality schools in both San Mateo and Foster City; and

WHEREAS, the Board has further considered the Report in the context of the District's Strategic Plan 2014 and the District's vision of supporting academic achievement, twenty-first century learning, and citizenship and character education; and

WHEREAS, as part of the District's facilities deployment, the Board is also committed to replacing aging portable classrooms; and

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

WHEREAS, in the considered judgment of the Board, it is in the best interest of the District residents to provide additional facility and site improvement funding to meet such needs now by means of a general obligation bond; and

WHEREAS, the Board has determined that every penny from a local general obligation bond must benefit local San Mateo and Foster City schools, be controlled locally and cannot be taken away by the State of California; and

WHEREAS, Proposition 46, approved by the voters of the State on June 3, 1986 ("Proposition 46"), amended Section 1(b) of Article XIII A of the California Constitution by adding a provision that exempts from the 1% of full cash value limitation, those *ad valorem* taxes used to pay for debt service of any bonded indebtedness for the acquisition or improvement of real property approved on or after July 1, 1978, by two-thirds of the votes cast by voters voting on the proposition; and

WHEREAS, on November 7, 2000, the voters of California approved the Smaller Classes, Safer Schools and Financial Accountability Act ("Proposition 39") which reduced the voter threshold for *ad valorem* tax levies used to pay for debt service or bonded indebtedness to 55% of the votes cast on a school district general obligation bond; and

WHEREAS, concurrent with the passage of Proposition 39, Chapter 1.5, Part 10, Division 1, Title 1 (commencing with Section 15264) of the Education Code (the "Act") became operative and established requirements associated with the implementation of Proposition 39; and

WHEREAS, the Board desires to make certain findings herein to be applicable to this election order and to establish certain performance audits, standards of financial accountability and citizen oversight that are contained in Proposition 39 and the Act; and

WHEREAS, the Board desires to authorize the submission of a proposition to the District's voters at an election to authorize the issuance of bonds to pay for certain necessary improvements and enhancements to District educational facilities; and

WHEREAS, the Board hereby determines that, in accordance with Opinion No. 04-110 of the Attorney General of the State of California, the restrictions in Proposition 39 which prohibit any bond money from being wasted or used for inappropriate administrative salaries or other operating expenses of the District shall be enforced strictly by the District's Citizens' Oversight Committee; and

WHEREAS, pursuant to Education Code Section 15270, based upon a projection of assessed property valuation, the Board has determined that, if approved by voters, the tax rate levied to meet the debt service requirements of the bonds proposed to be issued will not exceed the Proposition 39 limits per year per \$100,000 of assessed valuation of taxable property; and

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

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

WHEREAS, pursuant to the California Elections Code, it is appropriate for the Board to request consolidation of the election with any and all other elections to be held on Tuesday, November 3, 2015, and to request the San Mateo County Registrar of Voters to perform certain election services for the District; and

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WHEREAS, as a consequence of the passage of Assembly Bill No. 2028, enacted into law on August 15, 2014 and codified as Elections Code Section 4001, the District desires to conduct an all-mail ballot election under San Mateo County's All-Mail Ballot Pilot Program;

NOW THEREFORE, THE BOARD OF THE SAN MATEO-FOSTER CITY ELEMENTARY SCHOOL DISTRICT DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:

Section 1. That the Board, pursuant to Education Code Sections 15100 *et seq.*, 15264 *et seq.*, Government Code Section 53506, and Elections Code Section 4001 hereby requests the San Mateo County Registrar of Voters to conduct an election under the provisions of Proposition 39 and the Act and submit to the electors of the District the question of whether bonds of the District in the aggregate principal amount not-to-exceed \$148,000,000 (the "Bonds") shall be issued and sold for the purpose of raising money for the projects described in Exhibits "A" and "B" hereto. Both exhibits are directed to be printed in the voter pamphlet.

Section 2. That the date of the all-mail ballot election shall be November 3, 2015.

Section 3. That the purpose of the election shall be for the voters in the District to vote on a proposition, a copy of which is attached hereto and marked Exhibit "A", incorporated by reference herein, and containing the question of whether the District shall issue the Bonds to pay for improvements to the extent permitted by such proposition. In compliance with Proposition 39 and the Act, the ballot propositions in Exhibit "A" and "B" are subject to the following requirements and determinations:

(a) the proceeds of the sale of the Bonds shall be used only for the purposes set forth in the ballot measure and not for any other purpose, including teacher or administrator salaries or other school operating expenses;

(b) that the Board, in establishing the projects set forth in Exhibit "B", evaluated the capacity, safety, class size reduction, educational and information technology needs of the District as well as the importance of the projects to student achievement and high quality instruction;

(c) that the Board shall cause an annual, independent performance audit to be conducted to ensure that the Bond monies get spent only for the projects identified in Exhibit "B" hereto;

(d) that the Board shall cause an annual, independent financial audit of the proceeds from the sale of Bonds to be conducted until all of the Bond proceeds have been expended;

(e) that the Board shall appoint a Citizens' Oversight Committee in compliance with Education Code Section 15278 no later than 60 days after the Board enters the election results in its minutes pursuant to Elections Code Section 15274; and

(f) that the tax levy authorized to secure the Bonds of this election shall not exceed the Proposition 39 limits per \$100,000 of taxable property in the District when assessed valuation is projected by the District to increase in accordance with Article XIII A of the California Constitution.

Section 4. That the authority for ordering the election is contained in Education Code Sections 15100 *et seq.*, 15264 *et seq.*, Government Code Section 53506 and Elections Code Section 4001.

Section 5. That the authority for the specifications of this election order is contained in Sections 5322 of the Education Code and Section 4001 of the Elections Code.

Section 6. That the San Mateo County Registrar of Voters and the San Mateo County Board of Supervisors are hereby requested to consolidate the election ordered hereby with any and all other elections to be held on November 3, 2015, within the District.

Section 7. That the Secretary of the Board is hereby directed to deliver a certified copy of this Resolution to the San Mateo County Registrar of Voters no later than August 7, 2015.

Section 8. That any Bonds issued pursuant to Section 15264 *et seq.* of the Education Code hereto shall have a maturity not exceeding twenty-five (25) years, and Bonds issued pursuant to Section 53506 of the Government Code shall have a maturity not exceeding forty (40) years. The maximum rate of interest on any Bond shall not exceed the maximum rate allowed by Education Code Sections 15140 to 15143, as modified by Government Code Section 53531.

Section 9. That the Board requests the governing body of any such other political subdivision, or any officer otherwise authorized by law, to partially or completely consolidate such election and to further provide that the canvass of the returns of the election be made by any body or official authorized by law to canvass such returns, and that the Board consents to such consolidation. The Board further authorizes the submission of a tax rate statement and primary and rebuttal arguments, as appropriate, to be filed with the San Mateo County Registrar of Voters by the established deadlines.

Section 10. Pursuant to Section 5303 of the Education Code and Section 10002 of the Elections Code, the Board of Supervisors of San Mateo County is requested to permit the Registrar of Voters to render all services specified by Section 10418 of the Elections Code relating to the election, for which services the District agrees to reimburse San Mateo County, such services to include the publication of a Formal Notice of School Bond Election and the mailing of the sample ballot and tax rate statement (described in Section 9401 of the Elections Code) pursuant to the terms of Section 5363 of the Education Code and Section 12112 of the Elections Code.

ADOPTED, SIGNED AND APPROVED this 6th day of August, 2015.

BOARD OF TRUSTEES OF THE SAN MATEO-
FOSTER CITY ELEMENTARY SCHOOL
DISTRICT

By  resident

Attest: 

STATE OF CALIFORNIA)
)ss
SAN MATEO COUNTY)

I, Joan Rosas, do hereby certify that the foregoing is a true and correct copy of Resolution No. 01/15-16, which was duly adopted by the Board of Trustees of the San Mateo-Foster City Elementary School District at the meeting thereof, held on the 6th day of August 2015, and that it was so adopted by the following vote:

AYES: Audrey Ng, Ed Coady, Chelsea Bonini, Lory Lorimer Lawson, Colleen Sullivan

NOES: 0

ABSENT: 0

ABSTENTIONS:

By

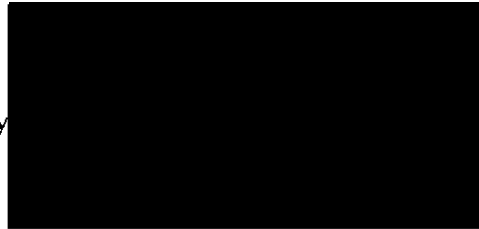


EXHIBIT A

BQ

“To provide additional classrooms, relieve overcrowding and address increasing enrollment at San Mateo and Foster City schools, with funding that cannot be taken by the State, shall San Mateo-Foster City Elementary School District replace aging portable classrooms, update and add new classrooms, provide modern classrooms, reduce class size, improve handicapped access, repair, construct, acquire equipment, classrooms, sites/ facilities, by issuing \$148,000,000 of bonds at legal rates, with citizen oversight, no money for administrators’ salaries, and all funds benefiting San Mateo and Foster City schools?” >S

Bonds – Yes

Bonds – No

EXHIBIT B

FULL TEXT BALLOT PROPOSITION OF THE SAN MATEO-FOSTER CITY ELEMENTARY SCHOOL DISTRICT BOND MEASURE ELECTION NOVEMBER 3, 2015

The following is the full proposition presented to the voters by the San Mateo-Foster City Elementary School District.

“To provide additional classrooms, relieve overcrowding and address increasing enrollment at San Mateo and Foster City schools, with funding that cannot be taken by the State, shall San Mateo-Foster City Elementary School District replace aging portable classrooms, update and add new classrooms, provide modern classrooms, reduce class size, improve handicapped access, repair, construct, acquire equipment, classrooms, sites/ facilities, by issuing \$148,000,000 of bonds at legal rates, with citizen oversight, no money for administrators’ salaries, and all funds benefiting San Mateo and Foster City schools?”

PROJECT LIST

The Board of Trustees of the San Mateo-Foster City Elementary School District evaluated the District’s urgent and critical facility needs, including safety issues, enrollment growth, neighborhood schools, class size, and computer and information technology, in developing the scope of projects to be funded. The District conducted both an enrollment evaluation and a facilities evaluation and established a Next Steps Advisory Committee which has conducted numerous community forums on the urgent need to provide additional classrooms and school facilities to address increasing student enrollment. Teachers, staff, community members and the Board have prioritized the key health, safety, and overcrowding needs so that the most critical facility needs are addressed. **The Board concluded that if these needs are not addressed now, the problems will only get worse and cost much more later.**

Therefore, in approving this Project List, the Board of Trustees determines that:

- (i) every penny from this measure must benefit local San Mateo and Foster City schools, be controlled locally and cannot be taken away by the State; and**
- (ii) remaining aging and unsafe portable buildings must be removed; and**
- (iii) additional classrooms in both San Mateo and Foster City are required to relieve overcrowding and address increasing student enrollment in both San Mateo and Foster City elementary and middle schools; and**
- (iv) all San Mateo and Foster City students must have access to similar safe, modern classrooms and technology; and**
- (v) students from low income families must have equal access to quality schools; and**
- (vi) expenditure of all bond funds must be subject to independent citizen oversight, annual audits and reports to the community to ensure that the District uses all of funds as promised; and**

The Project List includes the following types of projects:

**Address Increasing Student Enrollment by Providing
Additional Classrooms and School Facilities**

Goal and Purpose: Many of our local schools that serve San Mateo and Foster City are overcrowded and experiencing increased enrollment. To address increased student enrollment and provide all San Mateo and Foster City students access to the same safe and modern classrooms, schools would benefit from the improvement and/or expansion of facilities, such as:

- Construct and acquire new classrooms, classroom buildings and school facilities.
- Expand multi-purpose/assembly rooms, educational support facilities, art and music classrooms.
- Improve classroom and school access for students with disabilities.

* * *

The listed projects will be completed as needed. Each project is assumed to include its share of furniture, equipment, architectural, engineering, and similar planning costs, program management, staff training expenses and a customary contingency, and escalation for unforeseen design and construction costs. In addition to the listed projects stated above, the Project List also includes the payment of the costs of preparation of all facility planning, facility assessment reviews, site acquisition, site approvals, environmental studies, construction documentation, inspection and permit fees, and temporary housing of dislocated District activities caused by bond projects. The upgrading of technology infrastructure includes, but is not limited to, the acquisition of up-to-date technology, data and communication equipment, computers, LCD projectors, portable interface devices, servers, switches, routers, modules, sound projection systems, printers, digital white boards, document projectors, upgrade voice-over-IP, call manager and network security/firewall, hand-held mobile devices and other Common Core Standards requirements, and other miscellaneous equipment. The construction/repair of school facilities includes the expansion, upgrade and replacement of school site parking, aging portable classrooms; improvement of campus accessibility; upgrading of utilities and grounds, physical education facilities (including the construction of new gyms) and playground equipment, hard court surfaces, shade structures, libraries, school site administration and support facilities; acquire land; enhance signage; provide music, art, and performing arts classrooms; upgrade electrical wiring, tracks, gym flooring, lockers, athletic and play fields turf may be upgraded for safety and operational efficiency, and may include synthetic turf; construct new facilities and classrooms, including the construction of new schools; renovate and paint interior and exterior building surfaces to extend their useful life; improve ceilings, walls, flooring, security, safety and communication systems and equipment, window and floor coverings (including tiles and carpeting); and upgrade irrigation systems. The Project List also includes the refinancing of any bridge loans taken to initiate voter approved projects. The allocation of bond proceeds may be affected by the final costs of each project. The District may not be able to complete some of the projects listed above. The budget for each project is an estimate and may be affected by factors beyond the District's control. The final cost of each project will be determined as plans are finalized, construction bids are awarded and projects are completed. Based on the final costs of each project, certain of the projects described above may be delayed or may not be completed. Demolition of existing facilities and reconstruction of facilities scheduled for repair and upgrade may occur, if the Board determines that such an approach would be

more cost-effective in creating enhanced and operationally efficient campuses. Some projects may be undertaken as joint use projects in cooperation with other local public agencies or private persons. Necessary site preparation/restoration and landscaping, may occur in connection with new construction, renovation or remodeling, or installation or removal of relocatable classrooms, including ingress and egress, removing, replacing, or installing irrigation, utility lines, trees and landscaping, redirecting fire access, and acquiring any necessary easements, licenses, or rights of way to the property.

Bond proceeds shall be expended only for the specific purposes identified herein. Proceeds of the bonds may be used to pay or reimburse the District for the cost of District staff when performing work on or necessary and incidental to the bond projects. The District shall create an account into which proceeds of the bonds shall be deposited and comply with the reporting requirements of Government Code § 53410.

FISCAL ACCOUNTABILITY: IN ACCORDANCE WITH EDUCATION CODE SECTION 15272, THE BOARD OF TRUSTEES WILL APPOINT A CITIZENS' OVERSIGHT COMMITTEE AND CONDUCT ANNUAL INDEPENDENT AUDITS TO ASSURE THAT FUNDS ARE SPENT ONLY ON DISTRICT PROJECTS AND FOR NO OTHER PURPOSE. THE EXPENDITURE OF BOND MONEY ON THESE PROJECTS IS SUBJECT TO STRINGENT FINANCIAL ACCOUNTABILITY REQUIREMENTS. BY LAW, PERFORMANCE AND FINANCIAL AUDITS WILL BE PERFORMED ANNUALLY, AND ALL BOND EXPENDITURES WILL BE MONITORED BY AN INDEPENDENT CITIZENS' OVERSIGHT COMMITTEE TO ENSURE THAT FUNDS ARE SPENT AS PROMISED AND SPECIFIED. THE CITIZENS' OVERSIGHT COMMITTEE MUST INCLUDE, AMONG OTHERS, REPRESENTATION OF A BONA FIDE TAXPAYERS ASSOCIATION, A BUSINESS ORGANIZATION AND A SENIOR CITIZENS ORGANIZATION. NO DISTRICT EMPLOYEES OR VENDORS ARE ALLOWED TO SERVE ON THE CITIZENS' OVERSIGHT COMMITTEE.

NO ADMINISTRATOR SALARIES: PROCEEDS FROM THE SALE OF THE BONDS AUTHORIZED BY THIS PROPOSITION SHALL BE USED ONLY FOR THE ACQUISITION, CONSTRUCTION, RECONSTRUCTION, REHABILITATION, OR REPLACEMENT OF SCHOOL FACILITIES, INCLUDING THE FURNISHING AND EQUIPPING OF SCHOOL FACILITIES, AND NOT FOR ANY OTHER PURPOSE, INCLUDING TEACHER AND SCHOOL ADMINISTRATOR SALARIES AND OTHER OPERATING EXPENSES.

Full text
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TAX RATE STATEMENT CONCERNING MEASURE __

TAX RATE STATEMENT
REGARDING PROPOSED

\$148,000,000

SAN MATEO-FOSTER CITY ELEMENTARY SCHOOL DISTRICT
GENERAL OBLIGATION BONDS

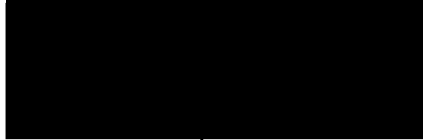
An election will be held in the San Mateo-Foster City Elementary School District (the "District") on November 3, 2015, to authorize the sale of up to \$148,000,000 in bonds of the District to finance school facilities as described in the measure. If such bonds are authorized and sold, principal and interest on the bonds will be payable only from the proceeds of tax levies made upon the taxable property in the District. The following information is provided in compliance with Sections 9400-9404 of the Elections Code of the State of California. Such information is based upon the best estimates and projections presently available from official sources, upon experience within the District, and other demonstrable factors. Based upon the foregoing and projections of the District's assessed valuation, the following information is provided:

1. The best estimate of the tax rate which would be required to be levied to fund this bond issue during the first fiscal year after the sale of the first series of bonds, based on a projection of assessed valuations available at the time of filing of this statement, is \$0.0148 per \$100 of assessed valuation (or \$14.80 per \$100,000 of assessed value) for fiscal year 2016-17.
2. The best estimate of the tax rate which would be required to be levied to fund this bond issue during the first fiscal year after the sale of the last series of bonds, based on a projection of assessed valuations available at the time of filing of this statement, is \$0.0148 per \$100 of assessed valuation (or \$14.80 per \$100,000 of assessed value) for fiscal year 2024-25.
3. The best estimate of the highest tax rate which would be required to be levied to fund this bond issue, based on a projection of assessed valuations available at the time of filing of this statement, is \$0.0148 per \$100 of assessed valuation (or \$14.80 per \$100,000 of assessed value), which is projected to be the same in every fiscal year that the bonds remain outstanding.
4. The best estimate of the total debt service, including the principal and interest, that would be required to be repaid if all the bonds are issued and sold is approximately \$306,500,000.

Voters should note the estimated tax rate is based on the ASSESSED VALUE of taxable property on the County's official tax rolls, *not* on the property's market value. In addition, taxpayers eligible for a property tax exemption, such as the homeowner's exemption, will be taxed at a lower effective tax rate than described above. Property

owners should consult their own property tax bills and tax advisors to determine their property's assessed value and any applicable tax exemptions.

The attention of all voters is directed to the fact that the foregoing information is based upon projections and estimates only, which are not binding upon the District. The actual debt service, the tax rates and the years in which they will apply may vary from those presently estimated, due to variations from these estimates in the timing of bond sales, the amount of bonds sold and market interest rates at the time of each sale, and actual assessed valuations over the term of repayment of the bonds. The date of sale and the amount of bonds sold at any given time will be determined by the District based on the need for project funds and other factors. The actual interest rates at which the bonds will be sold will depend on the bond market at the time of sale. Actual future assessed valuations will depend upon the amount and value of taxable property within the District as determined by the County Assessor in the annual assessment and the equalization process.



Dr. Joan Rosas
Superintendent
San Mateo-Foster City Elementary School District

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Tax rate end