

MAR 09 2012

MARK CHURCH, Chief Elections Officer
By: 
DEPUTY CLERK

RESOLUTION #07-12

RESOLUTION OF THE BOARD OF EDUCATION OF THE CABRILLO UNIFIED SCHOOL DISTRICT ORDERING A SCHOOL BOND ELECTION FOR JUNE 5, 2012, AND AUTHORIZING NECESSARY ACTIONS IN CONNECTION THEREWITH

WHEREAS, the Board of Education (the "Board") of the Cabrillo Unified School District (the "District"), within the County of San Mateo, believes that a bond measure will help ensure that all schools in the District have up-to-date science labs, computers and learning technology so that District students are prepared to excel in the twenty-first century economy and high quality teachers and staff are attracted and retained;

WHEREAS, in order to continue improving education in all of the District's schools, it is the Board's priority to complete repairs and upgrades that will benefit all of the District's schools—Farallone View Elementary, Alvin S. Hatch Elementary, Kings Mountain Elementary, El Granada Elementary, Cunha Intermediate, Pilarcitos High School, and Half Moon Bay High School--including:

- (i) complete basic and necessary repairs and upgrades to District schools to provide a safe, healthful learning environment for students by means of a general obligation bond;
- (ii) equip all schools in the district with up-to-date computers, learning technology and science labs so that students are prepared to excel in the 21st century economy;
- (iii) provide a source of local revenue—that cannot be taken by the state—to make repairs so that all schools are safe and up to date;
- (iv) upgrade classrooms and make repairs now to save money that can be used to maintain quality academic programs and retain teachers;
- (v) ensure that facilities are up to date and safe so that qualified teachers continue to want to teach in our schools;
- (vi) reduce operating costs by improving and installing more cost efficient energy systems and making other improvements to reduce operating costs.

WHEREAS, the Board is authorized to order elections within the District and to designate the specifications thereof, pursuant to sections 5304 and 5322 of the California Education Code (the "Education Code");

WHEREAS, the Board is specifically authorized to order elections for the purpose of submitting to the electors the question of whether bonds of the District shall be issued and sold for the purpose of raising money for the purposes hereinafter specified, pursuant to section 15100 *et seq.* of the California Education Code;

WHEREAS, pursuant to section 18 of Article XVI and section 1 of Article XIII A of the California Constitution, and section 15266 of the California Education Code, school districts may seek approval of general obligation bonds and levy an *ad valorem* tax to repay those bonds upon a 55% vote of those voting on a proposition for that purpose, provided certain accountability measures are included in the proposition;

WHEREAS, the Board deems it necessary and advisable to submit such a bond proposition to the electors to be approved by fifty-five percent (55%) of the votes cast;

WHEREAS, such a bond election must be conducted concurrently with a statewide primary election, general election or special election, or at a regularly scheduled local election, as required by section 15266 of the California Education Code, and on June 5, 2012, an election is scheduled to occur throughout the District;

WHEREAS, pursuant to section 15270 of the California Education Code, 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 limit set by Proposition 39 per \$100,000 of assessed valuation of taxable property;

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

WHEREAS, in the judgment of the Board, it is advisable to request that the San Mateo County Registrar of Voters (the "County Registrar") act as the election official and call an election and submit to the registered voters of the District the full ballot proposition as detailed below, in coordination with the District as necessary;

WHEREAS, it is the recommendation of District staff that the District retain bond counsel and a financial advisor to assist the District with the process of calling a bond election and, if the bond election is successful, with the subsequent structuring and documenting of one or more bond issuances for the purposes set forth herein;

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

NOW, THEREFORE, be it resolved, determined and ordered by the Board of Education of the Cabrillo Unified School District as follows:

Section 1. Specifications of Election Order. Pursuant to sections 5304, 5322, 15100 *et seq.*, and section 15266 of the California Education Code, an election shall be held within the District on June 5, 2012, for the purpose of submitting to the registered voters of the District the full ballot proposition contained in **Exhibit B** ("Full Ballot Text"). The County Registrar shall by mutual agreement provide for the performance of their duties in accordance with Education Code section 5303.

Section 2. Abbreviation of Proposition. Pursuant to section 13247 of the California Elections Code and section 15122 of the California Education Code, the Board hereby directs the County Registrar to use the abbreviation of the Full Ballot Text that is attached hereto as **Exhibit A**.

Section 3. Voter Pamphlet. The County Registrar is hereby requested to reprint the Full Ballot Text in its entirety in the voter information pamphlet to be distributed to voters pursuant to section 13307 of the California Elections Code. In the event the Full Ballot Text is not reprinted in the voter information pamphlet in its entirety, the County Registrar is hereby requested to print, immediately below the impartial analysis of the bond proposition, in no less than 10-point boldface type, a legend substantially as follows:

"The above statement is an impartial analysis of Measure _____. If you desire a copy of the measure, please call the San Mateo County Registrar of Voters at _____ and a copy will be mailed at no cost to you."

Section 4. Required Vote. Pursuant to section 18 of Article XVI and section 1 of Article XIII A of the State Constitution, the above proposition shall become effective upon the affirmative vote of at least fifty-five percent (55%) of those voters voting on the proposition.

Section 5. Request to County Officers to Conduct Election. The County Registrar is hereby requested, pursuant to section 5322 of the California Education Code, to take all steps to call and hold the election in accordance with law and these specifications.

Section 6. Consolidation of Election and Canvass of Vote.

(a) Pursuant to section 15266(a) of the California Education Code, the election shall be consolidated with the election on June 5, 2012.

(b) The Board of Supervisors of San Mateo County is authorized and requested to canvass the returns of the election, as necessary, pursuant to section 10411 of the California Elections Code.

Section 7. Delivery of Order of Election to County Officers. The Clerk of the Board is hereby directed to deliver or cause to be delivered, no later than March 9, 2012, (which date is 88 days prior to the date set for the election), one copy of this Resolution to the County Registrar with the completed Tax Rate Statement (in substantially the form attached hereto as **Exhibit C**), completed and signed by the Superintendent or his designee, and shall file a copy of this Resolution with the Clerk of the Board of Supervisors of San Mateo County.

Section 8. Ballot Arguments. The members of the Board are hereby authorized, but not directed, to prepare and file with the County Registrar a ballot argument in favor of the proposition contained in Section 1 hereof, within the time established by the County Registrar.

Section 9. Consultants. The District hereby retains the law firm of Dannis Woliver Kelley to serve as District bond counsel, Piper Jaffray & Co. to provide bond underwriting services and Isom Advisors, a Division of Urban Futures Inc., is hereby retained as the financial advisor to the District in connection with the bond election and potential bond issuance pursuant to the terms and conditions as described in the proposals and contracts on file with the Superintendent.

Section 10. Further Authorization. The members of this Board, the Superintendent, and all other officers of the District are hereby authorized and directed, individually and collectively, to do any and all things that they deem necessary or advisable in order to effectuate the purposes of this Resolution, including amendments to the ballot measure text and Exhibits attached to this Resolution.

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Section 11. Effective Date. This Resolution shall take effect upon its adoption.

PASSED AND ADOPTED this day, March 8, 2012, by the following vote:

AYES: Kirk Riemer, Freya McCamant, John Moseley, Mario Vazquez, Rob Pappalardo

NAYS:

ABSTAIN:

ABSENT:

APPROVED:



Dr. Kirk Riemer, President of the Board of
Education of the
Cabrillo Unified School District

Attest:



Rob Pappalardo, Clerk of the Board of
Education of the
Cabrillo Unified School District