

[CO-CURRICULAR FACILITY REPAIR AND CONSTRUCTION BOND OF 2005]

RESOLUTION NO. 05 – 2005/06

RESOLUTION OF THE BOARD OF EDUCATION OF THE PALOS VERDES PENINSULA UNIFIED SCHOOL DISTRICT ORDERING SCHOOL BOND ELECTION, AND AUTHORIZING NECESSARY ACTIONS IN CONNECTION THEREWITH

WHEREAS, an election was duly called and regularly held in the Palos Verdes Peninsula Unified School District (the “District”), County of Los Angeles, California (the “County”), on June 6, 2000, at which the following proposition was submitted to the electors of the District (“Measure K”):

“To improve safety and educational facilities in our neighborhood schools by repairing and rehabilitating aging schools, including repairing roofs, upgrading fire alarms, replacing inadequate plumbing and sewer systems, upgrading electrical systems to safely accommodate technology, and renovating classrooms and restrooms by funding only the specific projects included in Palos Verdes Peninsula Unified School District’s facilities bond plan, shall Palos Verdes Peninsula Unified School District issue \$46,000,000 of bonds at interest rates within legal limits, conduct annual audits, and establish an independent citizens’ oversight committee?”

WHEREAS, at least two-thirds of the votes cast on Measure K were in favor of issuing the bonds; and

WHEREAS, the Measure K funds gave the District access to an additional \$24.3 million in State of California (the “State”) matching funds; and

WHEREAS, the projects financed by Measure K and the State matching funds were successfully completed on budget and on time; and

WHEREAS, the Measure K and the State matching funds did not finance all of the facility needs of the District and there is further need to rehabilitate, repair, renovate, and improve school facilities within in the District; and

WHEREAS, the Board of Education (the “Board”) of the District 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”); and

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 pursuant to Education Code Sections 15100 *et seq.*; and

WHEREAS, on the date hereof, the Board has ordered an election 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 certain core academic facility improvements; and

WHEREAS, the Board also desires to order an election 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 certain co-curricular facility improvements hereinafter specified; and

WHEREAS, pursuant to Section 18 of Article XVI and Section 1 of Article XIII A of the California Constitution, and Section 15266 of the 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 the purpose, provided certain accountability measures are included in the proposition; and

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

WHEREAS, such a bond election must be conducted concurrent with a statewide primary election, general election, or special election, or at a regularly scheduled local election, as required by Section 15266 of the Education Code; and

WHEREAS, on November 8, 2005, a regularly scheduled local election is scheduled to occur throughout the District; and

WHEREAS, the Board has determined that, based upon a projection of assessed property valuation, 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 maximum tax rate permitted by Section 15270 of the Education Code; and

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

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

WHEREAS, if a project to be funded by the bonds will require State of California matching funds for any phase, the sample ballot must contain a statement, in form prescribed by law, advising the voters of that fact, and the Board finds that completion of all or a portion of certain of the projects listed in Section 1 of this Resolution will require State matching funds not yet received by the District;

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

Section 1. **Recitals.** All of the above recitals are true and correct.

Section 2. Specifications of Election Order. Pursuant to Education Code Sections 5304, 5322, 15100 *et seq.*, and 15266, a special election shall be held within the boundaries of the District on November 8, 2005, for the purpose of submitting to the registered voters of the District the following proposition:

**PALOS VERDES PENINSULA UNIFIED SCHOOL DISTRICT
CO-CURRICULAR FACILITY REPAIR AND CONSTRUCTION BOND OF 2005**

This proposition may be known and referred to as the “Palos Verdes Peninsula Unified School District Co-Curricular Facility Repair and Construction Bond of 2005” or as “Measure ___”. *[designation to be assigned by County Registrar of Voters]*

BOND AUTHORIZATION

By approval of this proposition by at least 55% of the registered voters voting on the proposition, the Palos Verdes Peninsula Unified School District (the “District”) shall be authorized to issue and sell bonds of up to ten million dollars (\$10,000,000) in aggregate principal amount to provide financing for the specific school facilities projects listed in the Bond Project List attached hereto as Exhibit A (the “Bond Project List”), subject to all of the accountability safeguards specified below.

ACCOUNTABILITY SAFEGUARDS

The provisions in this section are specifically included in this proposition in order that the voters and taxpayers of the District may be assured that their money will be spent to address specific facilities needs of the District, all in compliance with the requirements of Article XIII A, Section 1(b)(3) of the California Constitution, and the Strict Accountability in Local School Construction Bonds Act of 2000 (codified at California Education Code (the “Education Code”) Sections 15264 and following).

Evaluation of Needs. The Board of Education of the District (the “Board”) has prepared an updated facilities plan in order to evaluate and address all of the facilities needs of the District at each campus and facility, and to determine which projects to finance from a local bond at this time. The Board hereby certifies that it has evaluated safety, class size reduction and information technology needs in developing the Bond Project List.

Limitations on Use of Bonds. Proceeds from the sale of bonds authorized by this proposition shall be used only for the construction, reconstruction, rehabilitation, or replacement of school facilities, including the furnishing and equipping of school facilities, or the acquisition or lease of real property for school facilities, including, to the extent permitted by law, the acquisition or lease of real property in connection with an existing financing of the specific school facilities projects listed in the Bond Project List, including the

prepayment of an existing lease or certificates of participation financing, and not for any other purpose, including teacher and administrator salaries and other school operating expenses.

Independent Citizens' Oversight Committee. The Board shall establish an independent Citizens' Oversight Committee (pursuant to Education Code Section 15278 and following), to ensure bond proceeds are expended only for the school facilities projects listed in the Bond Project List. The committee shall be established within 60 days of the date when the results of the election appear in the minutes of the Board. In accordance with Section 15282 of the Education Code, the citizens' oversight committee shall consist of at least seven members and shall include a member active in a business organization representing the business community located within the District, a member active in a senior citizens' organization, a member active in a bona fide taxpayers' organization, a member that is a parent or guardian of a child enrolled in the District, and a member that is both a parent or guardian of a child enrolled in the District and active in a parent-teacher organization.

Annual Performance Audits. The Board shall conduct an annual, independent performance audit to ensure that the bond proceeds have been expended only on the school facilities projects listed in the Bond Project List.

Annual Financial Audits. The Board shall conduct an annual, independent financial audit of the bond proceeds until all of those proceeds have been spent for the school facilities projects listed in the Bond Project List.

Special Bond Proceeds Account; Annual Report to Board. Upon approval of this proposition and the sale of any bonds approved, the Board shall take actions necessary to establish an account in which proceeds of the sale of bonds will be deposited. As long as any proceeds of the bonds remain unexpended, the Superintendent of the District shall cause a report to be filed with the Board no later than January 1 of each year, commencing January 1, 2007, stating (a) the amount of bond proceeds received and expended in that year, and (b) the status of any project funded or to be funded from bond proceeds. The report may relate to the calendar year, fiscal year, or other appropriate annual period as the Superintendent of the District shall determine, and may be incorporated into the annual budget, audit, or other appropriate routine report to the Board.

BOND PROJECT LIST

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

The Bond Project List, which is an integral part of this proposition, lists the specific projects the District proposes to finance with proceeds of the bonds.

Listed construction projects, repairs, rehabilitation projects and upgrades will be completed as needed at a particular school or facility site according to Board-established priorities. Each project is assumed to include its share of costs of the election and bond issuance, architectural, engineering, inspection, and similar planning and testing costs, construction management, demolition and interim housing costs, and a contingency for unforeseen design and construction costs. The final cost of each project will be determined as plans are finalized, construction bids are awarded, and projects are completed. In addition, certain construction funds expected from non-bond sources, including State of California grant funds for eligible projects, have not yet been secured. Therefore, the Board cannot guarantee that the bonds will provide sufficient funds to allow completion of all listed projects.

Some projects may be subject to further government approvals, including by State officials and boards and local environmental approval. Inclusion of a project on the bond project list is not a guarantee that the project will be completed.

FURTHER SPECIFICATIONS

Single Purpose. All of the purposes enumerated in this proposition shall be united and voted upon as one single proposition, pursuant to Education Code Section 15100, and all the enumerated purposes shall constitute the specific single purpose of the bonds, and proceeds of the bonds shall be spent only for such purpose, pursuant to California Government Code Section 53410.

Other Terms of the Bonds. When sold, the bonds shall bear interest at an annual rate not exceeding the statutory maximum, and that interest shall be made payable at the time or times permitted by law. The bonds may be issued and sold in several series, and no bond shall be made to mature more than 40 years from the date borne by that bond.

Section 3. Abbreviation of Proposition. Pursuant to Section 13247 of the Elections Code and Section 15122 of the Education Code, the Board hereby directs the Registrar of Voters of the County (the "Registrar of Voters") to use the following abbreviation of the bond proposition on the ballot:

"Shall Palos Verdes Peninsula Unified School District also issue \$10,000,000 in bonds at legal interest rates to improve school grounds and facilities including replacing deteriorating school fencing to establish a safe school perimeter, renovating playfields and play courts, repairing unsafe bleachers, replacing aging gym floors that can no longer be resurfaced, adding physical education facilities to accommodate growing enrollment and completing other projects in the co-curricular school facilities plan with mandatory audits and independent citizen oversight?"

Section 4. Accountability Safeguards. Pursuant to Section 15272 of the Education Code, the Board hereby directs the Registrar of Voters to include the following statement in the ballot:

“If Measure ___ is approved, the Board of Education of the Palos Verdes Peninsula Unified School District will appoint a citizens’ oversight committee and conduct annual independent audits to assure that bond funds are spent only on the construction, reconstruction, rehabilitation, or replacement of school facilities, including the furnishing and equipping of school facilities, or the acquisition or lease of real property for school facilities, and for no other purposes.”

Section 5. Voter Pamphlet. The Registrar of Voters is hereby requested to reprint Section 2 hereof (including Exhibit A hereto) in its entirety in the voter information pamphlet to be distributed to voters pursuant to Section 13307 of the Elections Code. In the event Section 2 is not reprinted in the voter information pamphlet in its entirety, the Registrar of Voters 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 Los Angeles County Registrar of Voters at (____) ____ - ____ or the Palos Verdes Peninsula Unified School District at (310) 378-9966 and a copy will be mailed at no cost to you. Measure ___ is also available on the Internet at <http://www.pvpusd.k12.ca.us>.”

Section 6. State Matching Funds. The District hereby requests that the Registrar of Voters include the following statement in the ballot pamphlet, pursuant to Section 15122.5 of the Education Code:

“Approval of Measure ___ does not guarantee that the proposed project or projects in the Palos Verdes Peninsula Unified School District that are the subject of bonds under Measure ___ will be funded beyond the local revenues generated by Measure ___. The District’s proposal for the project or projects assumes the receipt of matching State funds, which could be subject to appropriation by the Legislature or approval of a statewide bond measure.”

Section 7. Required Vote. Pursuant to Section 18 of Article XVI and Section 1 of Article XIII A of the California Constitution, the above proposition shall become effective upon the affirmative vote of at least 55% of those voters voting on the proposition.

Section 8. Request to County Officers to Conduct Election. The Registrar of Voters is hereby requested, pursuant to Section 5322 of the Education Code, to take all steps to call and hold the election in accordance with law and these specifications.

Section 9. Consolidation Requirement; Canvass. (a) Pursuant to Section 15266(a) of the Education Code, the election shall be consolidated with the regularly scheduled local election to elect members of the Board on November 8, 2005, and pursuant to Part 3 (commencing with Section 10400) of Division 10 of the Elections Code, the Registrar of Voters and the Board of Supervisors of the County are hereby requested to order consolidation of the election with such other elections as may be held on the same day in the same territory or in territory that is in part the same.

(b) The Board of Supervisors of the County is authorized and requested to canvass the returns of the election, pursuant to Section 10411 of the Elections Code.

Section 10. Delivery of Order of Election to County Officers. The Clerk of the Board of the District is hereby directed to deliver, no later than August 12, 2005 (which date is not fewer than 88 days prior to the date set for the election), one copy of this Resolution to the Registrar of Voters together with a tax rate statement containing the information required by Elections Code Section 9400 *et seq.*, completed and signed by the Superintendent of the District, and shall file a copy of this Resolution with the Clerk of the Board of Supervisors of the County.

Section 11. Ballot Arguments. The President of the Board, or any member or members of this Board as the President shall designate, are hereby authorized, but not directed, to prepare and file with the Registrar of Voters a ballot argument in favor of the proposition contained in Section 2 hereof, within the time established by the Registrar of Voters.

Section 12. Further Authorization. The members of the Board, the Superintendent of the District, 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.

Section 13. Effective Date. This Resolution shall take effect upon its adoption.

PASSED AND ADOPTED this day, July 28, 2005, by the following vote:


AYES: 5

NOES: 0

ABSTAIN: 0

ABSENT: 0

APPROVED:



Dora M. de la Rosa
President of the Board of Education of the
Palos Verdes Peninsula Unified School District

Attest:



Ellen Perkins
Clerk of the Board of Education of the
Palos Verdes Peninsula Unified School District

CLERK'S CERTIFICATE

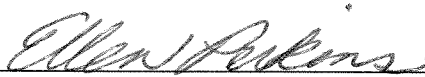
I, Ellen Perkins, Clerk of the Board of Education of the Palos Verdes Peninsula Unified School District, of the County of Los Angeles, California, hereby certify as follows:

The attached is a full, true and correct copy of a resolution duly adopted at a regular meeting of the Board of Education of the District duly and regularly held at the regular meeting place thereof on July 28, 2005, and entered in the minutes thereof, of which meeting all of the members of the Board of Education had due notice and at which a quorum thereof was present. The resolution was adopted by the following vote:

AYES:	5
NOES:	0
ABSTAIN:	0
ABSENT:	0

An agenda of the meeting was posted at least 72 hours beforehand at 3801 Via La Selva, Palos Verdes Estates, California, a location freely accessible to members of the public, and a brief description of the adopted resolution appeared on the agenda. A copy of the agenda is attached hereto. The resolution has not been amended, modified or rescinded since the date of its adoption, and the same is now in full force and effect.

WITNESS my hand this 28 day of July, 2005.



Ellen Perkins, Clerk of the Board of Education
Palos Verdes Peninsula Unified School District

EXHIBIT A

PALOS VERDES PENINSULA UNIFIED SCHOOL DISTRICT BOND PROJECT LIST

The following projects are the priorities that have been identified by the Board of Education of the Palos Verdes Peninsula Unified School District, and are proposed to be financed at the following schools:

CO-CURRICULAR FACILITY IMPROVEMENTS		
The following improvement, modernization, and renovation projects are proposed to be financed at the following schools and sites:		
Cornerstone @ Pedregal Mira Catalina Elementary Point Vincente Elementary Soleado Elementary Miraleste Intermediate Palos Verdes Peninsula High	Dapplegray Elementary Miraleste Elementary Malaga Cove Site Rancho Vista Elementary Vista Grande Elementary Palos Verdes Intermediate Rancho Del Mar High	Lunada Bay Elementary Montemalaga Elementary Silver Spur Elementary Valmonte Site Ridgcrest Intermediate Palos Verdes High
Improvement, Modernization, and Renovation Projects		
<ul style="list-style-type: none"> • Renovate and equip playfields as needed for student safety. • Replace deteriorating fencing as needed to establish a safe school perimeter. • Improve road ingress/egress as needed for emergency access. • Resurface deteriorating school parking lot surfaces as needed. • Repair old bleachers for safety and to improve access for students with disabilities at Miraleste Intermediate School, Palos Verdes High School and Palos Verdes Peninsula High School. • Repair/renovate and equip aging paved surfaces and play areas, and other hard surface areas as needed. • Upgrade sound systems in performing arts classrooms at Miraleste Intermediate School. • Replace old gym floors that can no longer be repaired/maintained at Miraleste Intermediate School and Palos Verdes High School. • Replace deteriorating outdoor student lockers as needed. • Repair/replace plumbing systems to meet health and safety codes and aged electrical systems of 40 year-old pool at Palos Verdes High School. • Expand, equip, and furnish student lunch area to accommodate growth at Palos Verdes Intermediate School. • Replace aging backstops and fencing on playfields as needed. • Construct a practice gym facility to meet demand of students at Palos Verdes Peninsula High. 		