

RESOLUTION NO. 01/20-21

RESOLUTION OF THE BOARD OF TRUSTEES OF SAN
MATEO-FOSTER CITY SCHOOL DISTRICT ORDERING AN
ELECTION, AND ESTABLISHING SPECIFICATIONS OF THE
ELECTION ORDER

WHEREAS, the Board of Trustees (the “Board”) of the San Mateo-Foster City School District (the “District”) is devoted to improving the quality of education by improving our local public schools and supporting high-quality instruction in core subjects like science, technology, engineering, math, art and music; and

WHEREAS, the Board has determined that schools within the District need to be upgraded, repaired, expanded, improved and better equipped in a fiscally prudent manner to enable the District to also improve hands-on instruction in a healthy and safe environment; and

WHEREAS, as a consequence of the coronavirus the District is required to upgrade its internet technology capabilities to both improve distance learning and to equitably provide students with up-to-date computers, devices and instructional technology; and

WHEREAS, in further consequence of the coronavirus, to ensure a safe classroom learning environment, the Board desires that handwashing stations be installed in every classroom throughout all schools for student and staff hygiene; and

WHEREAS, additional resources are necessary to make basic improvements, including repairing plumbing, sewer, electrical and heating, cooling and ventilation systems; and

WHEREAS, the Board believes that since academic standards are rising for what it takes to compete in the 21st Century, it is in the best interest of the District to address facility improvements now and provide classrooms, labs and technology needed to ensure local students have access to education, facilities and classroom technology necessary to succeed; and

WHEREAS, all residents benefit from living in a community with good schools and whether or not residents have school-age children, protecting the quality of our schools, the quality of life in our community, and the value of our homes, is a good long-term investment; and

WHEREAS, with interest rates at all-time lows, now is the time to invest in our schools at the lowest possible costs to taxpayers; and

WHEREAS, the State of California (the “State”) does not provide the District with enough money for the District to adequately construct and repair schools to provide an optimal learning environment for all students and which keep pace with other top-performing districts; and

WHEREAS, the District conducted a facilities assessment and identified the most pressing needs in each of the District schools required to provide safe and modern classroom environments for all students; and

WHEREAS, the Board has received information regarding the possibility of a local bond measure and its bonding capacity; and

WHEREAS, a local measure will help provide funds that cannot be taken away by the State to upgrade aging local schools, and protect student safety; and

WHEREAS, such measure will include mandatory taxpayer protections, including an independent citizens' oversight committee and mandatory audits to ensure funds are spent as promised; 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* property tax levies used to pay for debt service on 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 owned educational facilities which will improve the health, safety and quality of education for students in the District; 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, Elections Code Section 9400 *et seq.* 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 tax rate statement and a ballot argument in favor of the proposition to be submitted to the voters at the election; and

WHEREAS, pursuant to the 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, 2020, and to request the San Mateo County Registrar of Voters to perform certain election services for the District.

NOW THEREFORE, THE BOARD OF TRUSTEES OF THE SAN MATEO-FOSTER CITY 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.*, and Government Code Section 53506, 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 of \$409,000,000 (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. The District's Superintendent, or designee, is hereby authorized and directed to make any changes to the text of the measure, or to the abbreviated form of the measure, as may be convenient or necessary to comply with the intent of this Resolution, the requirements of election officials, and requirements of law.

Section 2. That the date of the election shall be November 3, 2020.

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 policies of the Board and the Act, the ballot propositions in Exhibits “A” and “B” are subject to the following requirements and determinations:

(a) that 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 health, safety, class size reduction, classroom, educational and information technology needs of the District as well as the importance of the projects to improve student learning in core subjects like math, science, engineering, the arts, music and technology;

(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 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 Education 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.*, and Government Code Section 53506.

Section 5. That the authority for the specifications of this election order is contained in Education Code Section 5322. In connection with ordering the election pursuant to the provisions mentioned above, the District has obtained reasonable and informal projections or assessed property valuations that take into consideration projections of assessed property valuations made by the county assessor that are available to the District.

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, 2020 within the District. As provided in Elections Code Section 10403, the District acknowledges that the consolidation election will be conducted in the manner described in Elections Code Section 10418.

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, 2020.

Section 8. That the Bonds may be issued pursuant to Education Code Section 15264 *et seq.* or Government Code Section 53506. 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. That the Board authorizes the Superintendent or his designee to enter into professional services agreements with Keygent LLC, as municipal advisor and Stradling Yocca Carlson & Rauth, as bond counsel in connection with the matters authorized by this resolution.

Section 11. Pursuant to Education Code Section 5303 and Elections Code Section 10002, the Board of Supervisors of San Mateo County is requested to permit the Registrar of Voters to render all services specified by Elections Code Section 10418 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 Elections Code Section 9401) pursuant to the terms of Education Code Section 5363 and Elections Code Section 12112.

ADOPTED, SIGNED AND APPROVED this 6th day of August, 2020.

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

By _____
President

Attest:

Secretary

STATE OF CALIFORNIA)
)ss
SAN MATEO COUNTY)

I, Dr. Joan Rosas, do hereby certify that the foregoing is a true and correct copy of Resolution No. 01/2020-21, which was duly adopted by the Board of Trustees of the San Mateo-Foster City School District at the meeting thereof held on the 6th day of August, 2020, and that it was so adopted by the following vote:

AYES: 5

NOES: 0

ABSENT: 0

ABSTENTIONS: 0

By _____
Secretary

EXHIBIT A

“To upgrade classrooms for science, technology, engineering, math, art and music instruction; repair deteriorating bathrooms, roofs, plumbing, sewer, electrical, heating and cooling systems; provide computers/technology for distance learning, healthy and safe learning environments, including handwashing stations; acquire, construct, repair sites, facilities, equipment; shall San Mateo-Foster City School District’s measure authorizing \$409,000,000 in locally controlled bonds at legal rates, levying on average 3¢/\$100 assessed value (\$26,600,000 annually) while bonds are outstanding, be adopted, with independent citizen oversight/audits?

Bonds – Yes

Bonds – No

EXHIBIT B

FULL TEXT BALLOT PROPOSITION OF THE SAN MATEO-FOSTER CITY SCHOOL DISTRICT BOND MEASURE ELECTION NOVEMBER 3, 2020

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

“To upgrade classrooms for science, technology, engineering, math, art and music instruction; repair deteriorating bathrooms, roofs, plumbing, sewer, electrical, heating and cooling systems; provide computers/technology for distance learning, healthy and safe learning environments, including handwashing stations; acquire, construct, repair sites, facilities, equipment; shall San Mateo-Foster City School District’s measure authorizing \$409,000,000 in locally controlled bonds at legal rates, levying on average 3¢/\$100 assessed value (\$26,600,000 annually) while bonds are outstanding, be adopted, with independent citizen oversight/audits?

PROJECT LIST

The Board of Trustees of the San Mateo-Foster City School District is committed to quality education in local public schools by providing safe, secure, upgraded classrooms, labs and technology needed to support high quality instruction in science, engineering, technology, engineering, math, art and music. To that end, the Board evaluated the District’s urgent and critical technology and facility needs, including safety issues, class size reduction, basic repairs, computer and information technology in developing the types of projects to be funded by this measure as described below. The District conducted a facilities evaluation in developing this Project List. The Board has prioritized the key health and safety needs so that the most critical facility needs are addressed.

In approving this Project List, the Board of Trustees determines that the District **must**:

- (i) **Modernize our schools so they support the high demand for science, technology, engineering, math, art and music instruction; and**
- (ii) **Support updated computer technology to allow students to more effectively work from home when health and safety requires it; and**
- (iii) **Repair, replace and add heating and air conditioning systems which will ensure that classroom air is filtered to reduce viruses, smoke and other pollutants; and**
- (iv) **Adhere to specific fiscal accountability safeguards:**
 - (a) **All expenditures subject to annual independent financial audits.**
 - (b) **No money taken by the State. All funds will be locally controlled.**
 - (c) **All expenditures reviewed by an independent citizen oversight committee to ensure that funds are spent only as authorized.**
 - (d) **No money used for administrators salaries.**

The Project List includes the following types of upgrades and improvements at District schools, facilities and sites:

School Repair and Upgrade Projects Funded By Locally Controlled Money That Cannot Be Taken By the State

This measure will allow heating and air conditioning systems to be repaired, replaced or added so that classroom air is filtered to reduce viruses, smoke, and other pollutants, so students can learn in safe and healthy classrooms.

Even if you do not have school-age children, supporting quality education is a wise investment, since good schools maintain the quality of life in our community and protect the value of our homes.

- Repair deteriorating bathrooms, plumbing, electrical, heating and cooling systems.
- Upgrade schools to meet current earthquake, fire and health safety requirements.
- Install handwashing stations in every classroom and throughout all schools for student and staff hygiene.
- **Provide and upgrade classrooms, labs and technology to support high quality instructions in science, technology, engineering, math, art, and music.**
- Provide safe and healthy learning environments.
- Repair or replace aging and leaking sewer pipes and systems.
- Install or upgrade air conditioning and ventilation systems.
- Upgrade or replace drinking fountains and add bottle filling stations to prevent disease transmission.
- Install and replace windows in classrooms for better ventilation.

Projects That Improve Student Safety and Success

This measure will support updated computer technology to allow students to more efficiently work from home when health and safety requires it.

This measure will modernize our schools to meet the high demand for science, technology, engineering and math education.

- Upgrade classrooms for science, technology, engineering, math, art and music instruction.

- Provide modern science labs for hands-on instruction needed in the 21st Century.
- Provide computers, classroom and school technology to support distance learning.
- Upgrade classrooms and school libraries.
- Improve student safety and security.

In addition to the projects listed above, the repair and renovation of each of the District's existing schools and facilities, may include, but not be limited to, some or all of the following: add or renovate student and staff restrooms; repair and replace electrical, plumbing, storm drain, heating, ventilation and air conditioning systems; upgrade of facilities for energy efficiencies, including solar panels; repair and replace worn-out and deteriorated roofs, gutters, windows, walls, floors, sinks, doors, drinking fountains, hydration stations, and portable classrooms; construct or renovate offices and facilities for professional development of teachers, more efficient administration and multi-purpose learning spaces; install wiring and electrical systems to safely accommodate computers, technology and other electrical devices; upgrade or construct support facilities including central plants, boilers, administrative, physical education, music, art, visual, performing and fine arts classrooms or facilities, amphitheaters, science, computer labs/classrooms, multi-purpose rooms, auditoriums, libraries and buildings, swing space, covered eating areas, maintenance and operations facilities and yards; repair and replace fire alarms, emergency communications and security systems; improve facilities to satisfy ADA requirements; resurface or replace asphalt, broken concrete and improve walkways, hard courts, play area surfaces, turf and irrigation/drainage systems and campus landscaping; install signage, and fencing; expand or improve parking and pick-up/drop-off areas; improve all site utilities; acquire land; construct or acquire new school classrooms and buildings; upgrade or replace interior and exterior painting, floor covering (including carpets), portable classrooms and school facades; demolition; upgrade kitchens, food service, and school cafeterias; construct various forms of storage, cabinets and support spaces and classrooms; improve outdoor learning environments and quads; repair, upgrade and install interior and exterior lighting systems; construct, acquire or improve playgrounds, playground equipment, play structures, athletic fields, gymnasiums, tracks and facilities to support student health, fitness and safety, and other facilities serving District students; replace or repair outdated security fences and security systems (including access control systems), provide lunch shelters, canopies, upgrade or add multi-purpose rooms, learning centers and media centers; plan, construct, acquire or contribute to teacher and staff housing; add or upgrade parking lots. In addition to the listed projects stated above, the Project List also includes the acquisition of a variety of instructional, maintenance and operational equipment, including the reduction or retirement of outstanding lease obligations and interim funding incurred to advance fund projects from the Project List; payment of the costs of preparation of all facility planning, facility studies, assessment reviews, facility master plan preparation and updates, environmental studies (including environmental investigation, remediation and monitoring), design and construction documentation, and temporary housing of dislocated District activities caused by construction projects.

The upgrading of technology infrastructure includes, but is not limited to, network rewiring, cabling, computers, mobile interface devices, data centers, switches, routers, modules, sound/audio projection systems, laser printers, digital white boards, document projectors, upgrade voice-over-IP, clock/telephone/ intercom systems, call manager and IT security, wireless technology systems, refresh classroom technology, acquire necessary software and miscellaneous IT, provide Wi-Fi in

underserved areas so students can access the internet for distance learning, and acquire instructional equipment, data storage, phones, identity cards and the construction and installation of a data center in the cloud for the District enterprise systems, such as resource planning, websites, domain name systems, cloud applications and information security.

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 and construction documents are finalized, construction bids are received, construction contracts 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 portable classrooms and 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 more enhanced and operationally efficient campuses. Necessary on-site and off-site improvements, site preparation and restoration 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 or drainage systems, traffic signals, sewer or utility lines, trees and landscaping, relocating fire access roads, road widening, and acquiring any necessary easements, licenses, permits or rights of way to the property. The listed projects will be completed as needed. Each project is assumed to include its share of furniture, equipment, architectural, engineering, legal fees and similar planning costs, connection fees, permit fees, program/project management, staff training expenses and a customary contingency for unforeseen design and construction costs. 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 bond projects. Bond proceeds shall only be expended for the types of projects and purposes identified herein. 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: THIS MEASURE REQUIRES A CLEAR SYSTEM OF ACCOUNTABILITY, INCLUDING A PROJECT LIST DETAILING HOW THE MONEY WILL BE USED, A CITIZENS' OVERSIGHT COMMITTEE, AND INDEPENDENT AUDITS TO ENSURE MONEY IS SPENT PROPERLY.

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.