

RESOLUTION NO. 2009/10-58

**RESOLUTION OF THE BOARD OF EDUCATION OF THE
SANTA BARBARA ELEMENTARY SCHOOL DISTRICT
ORDERING A SCHOOL BOND ELECTION,
ESTABLISHING SPECIFICATIONS OF THE ELECTION ORDER,
AND REQUESTING CONSOLIDATION WITH OTHER ELECTIONS**

WHEREAS, the Board of Education (the “Board”) of the Santa Barbara Elementary School District (the “District”) is generally authorized to order elections within the District and to designate the specifications thereof, pursuant to Education Code Sections 5304 and 5322;

WHEREAS, the Board is specifically authorized to order elections, pursuant to Education Code Sections 15264 *et seq.*, for the purpose of submitting to the electors the question of whether the bonds of the District (“Bonds”) shall be issued and sold for specified purposes;

WHEREAS, the Board deems it necessary and advisable to submit a bond measure to the electors that, if approved by the requisite number of electors voting on the measure, would permit the District to issue the Bonds; and

WHEREAS, it is desirable that the election to determine whether the Bonds shall be issued and sold be consolidated with such other election or elections as may be held on the same day in the same territory or in territory that is in part the same.

NOW, THEREFORE, the Board of Education of the Santa Barbara Elementary School District does hereby resolve, determine, and order as follows:

Section 1. Election Order; Ballot Measure. Pursuant to Education Code Sections 5304, 5322 and 15264 *et seq.*, and Article XVI, Section 18(b) of the California Constitution, an election shall be held within the boundaries of the Santa Barbara Elementary School District on November 2, 2010, submitting to the voters of the District the question of whether Bonds of the District, in the amount of \$35,000,000, shall be issued and sold for the purposes described herein, including but not limited to, modernizing, renovating, installing, updating, replacing and repairing school facilities, infrastructure, and grounds as specifically set forth in Exhibit A attached hereto. The Bonds proposed to be issued and sold shall bear interest at a rate not exceeding the statutory limit, and the number of years any Bonds are to run shall not exceed twenty-five (25) years from the date of the Bonds or the date of any series thereof in the event the Bonds are issued pursuant to Education Code Section 15144, and shall not exceed forty (40) years from the date of the Bonds or the date of any series thereof in the event the Bonds are issued pursuant to Government Code Section 54400.

Section 2. Use of Bond Proceeds, Facilities Specifications and Audit Requirements.

(a) **Use of Bond Proceeds.** Proceeds from the sale of the Bonds may be used only for the purposes specified in Article XIII A, Section 1(b)(3), of the California Constitution.

(b) Specification of Facilities. The specific school facilities projects to be funded are listed in Exhibit A. The Board hereby certifies that it evaluated safety, class size reduction, and information technology needs in developing the list.

(c) Performance Audit. The Board shall conduct an annual, independent performance audit to ensure that the Bond funds have been expended only on the specific projects listed.

(d) Financial Audit. The Board shall conduct an annual, independent financial audit of the proceeds from the sale of the Bonds until all of the proceeds have been expended for the school facilities projects.

Section 3. Government Code Accountability Requirements. Pursuant to Government Code Sections 53410 and 53411, the District hereby finds or directs that:

(a) the purpose of the Bonds is to fund the facility needs as listed in Exhibit A;

(b) the bond proceeds shall only be used on the projects listed in Exhibit A;

(c) all proceeds of the Bonds shall be placed in a separate account; and

(d) the chief business official of the District shall issue an annual report to the Board containing the amount of funds collected and expended as well as the status of the projects listed in Exhibit A.

Section 4. Vote Required. Pursuant to Section 18(b) of Article XVI and Section 1 of Article XIII A of the California Constitution, the bond measure shall become effective only upon the affirmative vote of fifty-five (55%) percent of those voters voting on the measure.

Section 5. County Registrar of Voters to Conduct Election. Pursuant to Education Code Section 5303, the Santa Barbara County Registrar of Voters (the “Registrar of Voters”), is hereby requested to take all steps to prepare for and hold the election within the boundaries of the District in accordance with law and these specifications.

Section 6. Consolidation with Other Elections. Pursuant to Education Code Sections 5342, 15266, and 15121 and Part 3 (commencing with Section 10400) of Division 10 of the Elections Code, the Santa Barbara County Board of Supervisors (the “Board of Supervisors”) is requested to order consolidation of the school bond election with the other elections to be held on the same day in the same territory or in territory that is in part the same.

Section 7. Canvass of Returns. The Board of Supervisors is authorized to canvass the returns of the election pursuant to Section 10411 of the Elections Code.

Section 8. Services of Registrar of Voters. Pursuant to Section 5303 of the Education Code and Section 10002 of the Elections Code, the Board of Supervisors is requested to permit the Registrar of Voters to render all services incident to the preparation for and holding of the election, for which services the District agrees to reimburse the Registrar of Voters with

such services to include the mailing of the sample ballot and tax rate statement pursuant to the terms of Sections 9401 and 13300 of the Elections Code.

Section 9. Abbreviated Statement of the Bond Measure. Pursuant to the requirements of Education Code Section 5322 and Elections Code Section 13247, the abbreviated statement of the bond measure is set forth below. The District hereby requests the Registrar of Voters to designate the measure on the ballot by a letter printed on the left margin of the square containing the abbreviated statement of the measure as provided in Section 13116 of the Elections Code:

MEASURE ___: To improve the quality of local education, shall the Santa Barbara Elementary School District provide adequate classrooms, science labs, technology, and libraries at all schools; repair/replace outdated electrical, plumbing, heating/ventilation, infrastructure systems and deteriorated portable classrooms; fix leaking roofs; and improve disabled student access by issuing \$35,000,000 in bonds at legal interest rates, with no money for administrator salaries and with oversight by a citizens' committee to ensure funds are spent only on local school improvements?

Section 10. Full Text of the Measure. The District hereby requests the Registrar of Voters to publish the full text of the measure, which is set forth in Exhibit B, in the ballot pamphlet materials as appropriate.

Section 11. Specifications of the Election Order. The foregoing specifications of the election order are made pursuant to Section 5322 of the Education Code.

Section 12. Delivery of Specifications of the Election Order. The Superintendent is hereby directed to deliver, not later than August 6, 2010 (i.e., 88 days prior to the date set for the election), a copy of this resolution and the tax rate statement to the Registrar of Voters and a copy of this resolution to the Board of Supervisors.

Section 13. General Authorization with Respect to the Bond Election. The members of the Board, the Superintendent, and the other officers of the District are hereby authorized and directed, individually and collectively, to do any and all things and to execute, deliver, and perform any and all agreements and documents that they deem necessary or advisable in order to effectuate the purposes of this Resolution, including, without limitation, to prepare and submit for inclusion in the voter information pamphlet a tax rate statement and an argument in favor of passage of the ballot measure. All actions heretofore taken by the officers and agents of the District that are in conformity with the purposes and intent of this Resolution are hereby ratified, confirmed, and approved in all respects.

Section 14. Encumbrance of Bond Funds. For the purpose of making bond funds unavailable as rent within the meaning of Education Code Section 17032, the Board hereby

encumbers all funds to be generated by the sale of the bonds in order to pay for the acquisition and construction of the school facilities and equipment authorized by the ballot measure.

Section 15. Official Intent to Reimburse Expenditures.

(a) The District intends to undertake the modernization, renovation, installation, updating, replacement and repair of school facilities, infrastructure, and grounds as described in Exhibit A (the “Improvements”). The District intends to use the proceeds of its general obligation bonds described in this resolution to finance the Improvements. The District expects to pay certain capital expenditures (the “Reimbursement Expenditures”) in connection with the Improvements prior to the issuance by it of the indebtedness for the purpose of financing the costs of the Improvements on a long-term basis. The District reasonably expects that debt obligations in an amount not expected to exceed \$35,000,000 will be issued by it for the purpose of financing the cost of the Improvements on a long-term basis and that certain of the proceeds of such debt obligations will be used to reimburse the District for the Reimbursement Expenditures.

(b) The Board hereby declares the District’s official intent to use a portion of the proceeds of the proposed indebtedness to reimburse the District for the Reimbursement Expenditures. The foregoing statement is a declaration of official intent that is made under and only for the purpose of establishing compliance with the requirements of Treasury Regulations Section 1.150-2.

Section 16. Tax Rate Statement. The Board hereby approves the form of the tax rate statement attached hereto as Exhibit C and incorporated herein by reference.

Section 17. Effective Date. This resolution shall take effect immediately upon its adoption.

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APPROVED, PASSED, AND ADOPTED on June 29, 2010, by the Santa Barbara Elementary School District Board of Education by the following vote:

AYES: 5

NOES: 0


ABSTAIN:

ABSENT:



President of the Board of Education

ATTEST:



Clerk of the Board of Education

EXHIBIT A

Specific School Facilities Projects to Be Funded:

Modernize, renovate, install, update, replace, and repair school facilities, infrastructure, and grounds of the following elementary schools:

- Adams
- Cleveland
- Adelante Charter School
- Franklin
- Harding
- McKinley
- Monroe
- Open Alternative Elementary School Program
- Peabody Charter School
- Roosevelt
- Santa Barbara Charter Elementary School
- Santa Barbara Community Academy
- Washington

EXHIBIT B

Full Text of the Measure

Upon the passage of Measure __, the Santa Barbara Elementary School District shall be authorized to issue bonds in the aggregate amount of \$35,000,000, bearing interest at rates not exceeding the statutory limit, for the purpose of funding the following school facilities projects:

- Repair or replace leaking and aging roofs.
- Provide adequate libraries at all elementary schools.
- Upgrade science classrooms and labs.
- Upgrade classrooms and restrooms to provide access for students with disabilities.
- Replace outdated electrical, plumbing, and heating and ventilation systems.
- Improve energy efficiency.
- Improve security and safety systems including modern fire detection, alarms, and emergency communications systems at all schools.
- Provide modern classroom technology, computers and wireless connections at all schools.
- Repair, replace or construct restroom facilities.
- Repair, update, and replace aging school infrastructure.
- Modernize classrooms at all schools.
- Renovate or replace aging portable classrooms.
- Provide safe playground surfaces and equipment at all schools.
- Repair, replace or construct aging drainage systems, walkways and playgrounds.
- Install solar energy systems.
- Repair, replace or construct maintenance and operations facility.

The abbreviated ballot measure reads as follows:

MEASURE ____: To improve the quality of local education, shall the Santa Barbara Elementary School District provide adequate classrooms, science labs, technology, and libraries at all schools; repair/replace outdated electrical, plumbing, heating/ventilation, infrastructure systems and deteriorated portable classrooms; fix leaking roofs; and improve disabled student access by issuing \$35,000,000 in bonds at legal interest rates, with no money for administrator salaries and with oversight by a citizens' committee to ensure funds are spent only on local school improvements?

Approval of the District's bond measure does not guarantee that the projects that are the subject of the measure will be funded beyond the local revenues generated by the bond measure. The District's proposed projects may assume the receipt of state funds, which could be subject to appropriation by the Legislature or approval of a statewide bond measure.

Additionally, the District Board of Education ("Board") will appoint a citizen's oversight committee having a minimum of seven members and including at least one member active in a business organization representing the business community located within the District, one member active in a senior citizens' organization, one member active in a bona fide taxpayers' organization, one member who is the parent or guardian of a child enrolled in the District, and one member who is both a parent or guardian of a child enrolled in the District and active in a parent-teacher organization.

The District will deposit the proceeds of the bonds in a separate account. The Board is bound to conduct financial and performance audits annually to account for the bond funds and to assure that funds have only been expended on the specific projects authorized.

EXHIBIT C

**Tax Rate Statement
Santa Barbara Elementary School District**

An election will be held in the Santa Barbara Elementary School District (the "District") on November 2, 2010, to authorize the sale of up to \$35,000,000 in bonds of the District to finance school facilities as described in the proposition. If the bonds are approved, the District plans to issue the bonds in a number of series over a period of time. Principal and interest on the bonds will be payable from the proceeds of tax levies made upon the taxable property in the District. The information presented in numbered paragraphs 1-3 below is provided in compliance with Sections 9400-9404 of the Elections Code of the State of California.

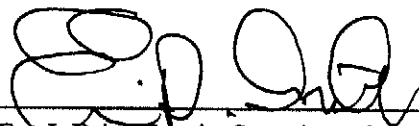
1. The best estimate of the tax which would be required to be levied to fund this bond issue during the first fiscal year after the sale of the first series of bonds, based on estimated assessed valuations available at the time of filing of this statement, is 0.005 cents per \$100 (\$0.05 per \$100,000) of assessed valuation in fiscal year 2011-12.
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 estimated assessed valuations available at the time of filing of this statement, is 0.196 cents per \$100 (\$1.96 per \$100,000) of assessed valuation in fiscal year 2017-18.
3. The best estimate of the highest tax rate which would be required to be levied to fund this bond issue, based on estimated assessed valuations available at the time of filing of this statement, 1.398 cents per \$100 (\$13.98 per \$100,000) of assessed valuation in fiscal year 2029-30.

The District intends to structure the proposed bonds so that the estimated combined tax rate needed to repay all of the District's bonds, including the District's outstanding Bonds which rate is approximately \$13.98/\$100,000 of assessed valuation in the 2009-10 fiscal year, will not increase as a result of the issuance of the proposed bonds.

The tax rate estimates in this statement reflect the District's current projection of future assessed values and of future debt service payments, which are based on certain assumptions. Approval of the ballot measure authorizes the issuance of bonds under certain conditions and for certain purposes, and is not approval of a specific tax rate or a specific plan of bond issuance. The actual 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 and repayment structure of bonds sold, market interest rates at the time of each sale, and actual assessed valuations over the term of repayment of the bonds. The dates of sale and the amount and repayment structure of bonds sold at any given time will be determined by the District based on its need for construction funds, its intention to meet the tax rate targets stated above, the legal limitations on bonds approved by a 55% vote and other factors. The actual interest rates at which the bonds will be sold will depend on the bond market at the time of each sale. Actual future assessed valuation 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.

Voters should note that the estimated tax rates are based on the ASSESSED VALUE of taxable property in the District as shown on the County's official tax rolls, not on the property's market value. Property owners should consult their own property tax bills to determine their property's assessed value and any applicable tax exemptions.

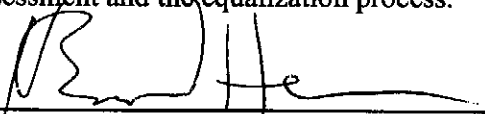
Dated: 6/30 2010.



For J. Brian Sarvis, Superintendent
By Eric D. Smith, Deputy Superintendent
Santa Barbara Elementary School District

Attention of all voters is directed to the fact that the foregoing information is based upon the District's projections and estimates only, which are not binding upon the District. The actual 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 dates of sale and the amount of bonds sold at any given time will be determined by the District based on the need for construction funds and other factors, including the legal limitations on bonds approved by a 55% vote. The actual interest rates at which the bonds will be sold will depend on the bond market at the time of each sale. Actual future assessed valuation will depend upon the amount and value of taxable property within the District as determined by the Santa Barbara County Assessor in the annual assessment and the equalization process.

Dated: 6/29, 2010

/s/ 

President, Board of Education
Santa Barbara Elementary School District

CERTIFICATION

I, J Brian Sarvis, Clerk of the Board of Education of the Santa Barbara Elementary School District, Santa Barbara County, California, do hereby certify that the foregoing is a full, true, and correct copy of a resolution duly approved and adopted by the Board of Education of the District at a regular meeting held on 6/29, 2010, of which meeting all the members of the Board of Education had due notice and at which a majority thereof were present, and that at the meeting the resolution was adopted by the following vote:

AYES: 5

NOES: 0

ABSENT:

ABSTAIN:

An agenda for the meeting was posted at least seventy-two (72) hours before the meeting at the main entrance of the District's Administration Office, 720 Santa Barbara Street, Santa Barbara, CA 93101, a location freely accessible to members of the public, and a brief description of the resolution appeared on the agenda.

I have carefully compared the foregoing resolution with the original minutes of the meeting on file and of record in my office, and the foregoing is a full, true, and correct copy of the original resolution adopted at the meeting and entered in the minutes.

Dated: 6/29, 2010.



Clerk of the Board of Education
Santa Barbara Elementary School District