

**FILED**

Resolution Ordering Election

NOV 22 2019

**RESOLUTION NO. 2019-2020-12**

BY TL DEPUTY  
REGISTRAR OF VOTERS

**RESOLUTION OF THE BOARD OF TRUSTEES OF MOUNTAIN VIEW SCHOOL DISTRICT ORDERING A STUDENT HEALTH, SAFETY AND CLASSROOM REPAIR MEASURE ELECTION, AND ESTABLISHING SPECIFICATIONS OF THE ELECTION ORDER WITH RESPECT TO SCHOOL FACILITIES IMPROVEMENT DISTRICT NO. 3 OF THE MOUNTAIN VIEW SCHOOL DISTRICT**

WHEREAS, the Board of Trustees (the "Board") of the Mountain View School District (the "District") is devoted to improving the quality of education in our local public schools by upgrading technology to support instruction in core subjects like math, science, engineering, and technology, 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 student safety and campus security by installing fencing, security cameras, emergency communications systems, and access control systems; and

WHEREAS, since some District schools were built more than 50 years ago, additional resources are necessary to make basic improvements, including upgrading deteriorating roofs, plumbing, heating, ventilation, and air conditioning systems, and electrical systems; and

WHEREAS, the Board believes the District must maintain and repair classrooms, facilities and equipment, as needed, and upgrade fire safety, classroom locks, security lighting, emergency communication and camera systems so that all facilities and campuses meet current standards required to keep students safe; 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 wise investment; and

WHEREAS, the State of California (the "State") does not provide the District adequate funding to maintain its educational facilities and academic programs; and

WHEREAS, the Board has concluded that the District's only remedy to avoid undermining its educational programs is to secure local funding that the State cannot take away; and

WHEREAS, the Board has received information regarding the possibility of a local bond measure and its impact on protecting student safety, upgrading technology infrastructure, improving and modernizing schools and making basic repairs to aging facilities; and

WHEREAS, such a bond measure also can provide funds that cannot be taken away by the State or be used to increase salaries, benefits or pensions for administrators, teachers or other school employees; and

WHEREAS, such a measure must include mandatory taxpayer protections, including an independent citizens' oversight committee, mandatory audits and reports to the community to ensure funds are spent properly; 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 District has formed its School Facilities Improvement District No. 3 (the “Improvement District”); and

WHEREAS, the Board desires to authorize the submission of a proposition to the District’s voters within the Improvement District 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 monitored 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 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, March 3, 2020, and to request the San Bernardino County Registrar of Voters to perform certain election services for the District.

NOW THEREFORE, THE BOARD OF TRUSTEES OF THE MOUNTAIN VIEW 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 15300 *et seq.*, and Government Code Section 53506, hereby requests the San Bernardino County Registrar of Voters to conduct an election within the Improvement District under the

provisions of Proposition 39 and the Act and submit to the electors of the Improvement District the question of whether bonds of the District in the aggregate principal amount of up to \$33,000,000 (the "Bonds") shall be issued and sold to raise money for the types of projects described in Exhibits "A" and "B" hereto. Both exhibits are directed to be printed in the voter pamphlet mailed to all voters. 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 March 3, 2020.

Section 3. That the purpose of the election shall be for the voters in the Improvement 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 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 student safety and security, class size reduction, and educational and information technology needs of the District;

(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 will cause the appointment of 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. The Citizens' Oversight Committee shall initially consist of at least seven (7) members and at no time consist of less than seven (7) members, with the possible exception of brief periods to fill any unexpected vacancies. The Citizens' Oversight Committee may not include any employee or official of the District or any vendor, contractor or consultant of the District. The Citizens' Oversight Committee shall include all of the following: One (1) member who is active in a business organization representing the business community located within the District; One (1) member who is active in a senior citizens' organization; One member who is active in a bona fide taxpayer association; One (1) member who is a parent of a child in the District schools; One (1) member is both a parent of a child in the District schools and active in a school site council or PTA. In furtherance of its specifically enumerated purposes, the Citizens' Oversight Committee may engage in any of the following activities relating solely and exclusively to the expenditure of the Proposition 39 bond proceeds:

(i) Receive and review copies of the annual, independent financial and performance audits performed by independent consultant(s);

(ii) Inspect District facilities and grounds to ensure that Proposition 39 bond revenues are expended in compliance with applicable law;

(iii) Receive and review copies of all deferred maintenance proposals or plans developed by the District;

(iv) Review efforts of the District to maximize Proposition 39 bond revenues by implementing cost-saving programs;

(v) Receive from the Board, within three months of the District receiving the above-referenced audits, responses to any and all findings, recommendations, and concerns addressed in said audits, and review said responses; 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 Improvement 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 15300 *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.

Section 6. That the San Bernardino County Registrar of Voters and the San Bernardino County Board of Supervisors are hereby requested to consolidate the election ordered hereby with any and all other elections to be held on March 3, 2020 within the District. Pursuant to Elections Code Section 10403, the Board acknowledges that the consolidation election will be held and conducted in the manner described in Elections Code Section 10418.

Section 7. That the Secretary to the Board is hereby directed to deliver a certified copy of this Resolution to the San Bernardino County Registrar of Voters no later than December 6, 2019.

Section 8. The Bonds shall be issued pursuant to Section 15264 *et seq.* of the Education Code or pursuant to 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 anybody 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 Bernardino County Registrar of Voters by the established deadlines.

Section 10. Pursuant to Education Code Section 5303 and Elections Code Section 10002, the Board of Supervisors of San Bernardino 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 Bernardino 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 Section 5363 of the Education Code and Elections Code Section 12112.

ADOPTED, SIGNED AND APPROVED this 12th day of November, 2019.

BOARD OF TRUSTEES OF THE MOUNTAIN VIEW SCHOOL DISTRICT

By   
President

Attest:

  
Secretary

STATE OF CALIFORNIA            )  
  )ss  
SAN BERNARDINO COUNTY        )

I, Dr. Douglass Moss, do hereby certify that the foregoing is a true and correct copy of Resolution No. 2019-2020-12, which was duly adopted by the Board of Trustees of Mountain View School District at the meeting thereof held on the 12th day of November, 2019, and that it was so adopted by the following vote:

AYES:     5  
NOES:     0  
ABSENT:   0  
ABSTENTIONS: 0

By           D. Moss            
  Secretary to the Board of Trustees

EXHIBIT A

**“Mountain View School District Student Safety and School Repair Measure.** To update science, technology, engineering, art, math classrooms; upgrade air conditioning, electrical, fire safety, security, lighting, communications/camera systems, classroom locks; construct, acquire, repair, equip classrooms, facilities, sites, shall Mountain View School District’s measure authorizing \$33,000,000 in bonds for School Facilities Improvement District No. 3 at legal rates, levying 2 cents/\$100 assessed value, averaging \$1,800,000 annually while bonds are outstanding, be adopted, with citizen oversight, annual audits, no administrator salaries, all funds for local schools?”

Bonds:            Yes \_\_\_\_

No \_\_\_\_