

RESOLUTION NO. 01-18/19

RESOLUTION OF THE BOARD OF TRUSTEES OF EL MONTE
UNION HIGH SCHOOL DISTRICT ORDERING AN ELECTION,
AND ESTABLISHING SPECIFICATIONS OF THE ELECTION
ORDER

WHEREAS, the Board of Trustees (the "Board") of the El Monte Union High School District (the "District") is devoted to improving the quality of education in our local public schools by attracting and retaining qualified teachers, upgrading technology and expanding science, engineering and computer labs; 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 security cameras, emergency communications systems, fire safety systems including safety doors, smoke alarms and smoke detectors; and

WHEREAS, since some District schools were originally built more than 80 years ago, additional resources are necessary to make basic improvements, including replacing leaky roofs, old plumbing, faulty electrical systems and providing safe drinking water for students; 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 quality teachers, facilities and technology necessary to succeed; and

WHEREAS, all residents benefit from living in a community with good local schools and whether or not residents have school-age children, protecting the quality of our schools will keep our neighborhoods desirable places to live, and protect everyone's property values; and

WHEREAS, all students throughout the District should have their schools repaired and upgraded so that all local high schools meet the needs of our students and teachers with safe classrooms that are in good condition and have the up-to-date technology necessary to provide a quality education; and

WHEREAS, the State of California (the "State") has been unable to provide the District with enough money for the District to adequately construct, maintain and repair schools to provide an optimal learning environment for all students; and

WHEREAS, the District has completed an update to its facilities assessment after community engagement to identify the most pressing needs in each of the District's schools 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 schools, protect student safety and help the District attract and retain quality teachers; 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* 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 and District has solicited stakeholder and community input on school priorities from parents, teachers, staff, the community and civic leaders; 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 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 increase the current tax rates for school facilities and not exceed the Proposition 39 limits per year per \$100,000 of assessed valuation of taxable property; and

WHEREAS, Section 9400 *et seq.* of the Elections Code of the State of California (the "Elections Code") 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 California 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 6, 2018, and to request the Los Angeles County Registrar of Voters to perform certain election services for the District.

NOW THEREFORE, THE BOARD OF TRUSTEES OF THE EL MONTE UNION HIGH 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 Los Angeles 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 \$190,000,000 (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 6, 2018.

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 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, 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.

Section 6. That the Los Angeles County Registrar of Voters and the Los Angeles County Board of Supervisors are hereby requested to consolidate the election ordered hereby with any and all other elections to be held on November 6, 2018 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 Los Angeles County Registrar of Voters no later than August 10, 2018.

Section 8. That Bonds may be issued pursuant to Education Code Section 15264 *et seq.* or Government Code Section 53506 of the Government Code. 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 Los Angeles County Registrar of Voters by the established deadlines.

Section 10. Pursuant to Section 5303 of the Education Code and Section 10002 of the Elections Code, the Board of Supervisors of Los Angeles 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 Los Angeles 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 1st day of August, 2018.

BOARD OF TRUSTEES OF THE EL MONTE
UNION HIGH SCHOOL DISTRICT

By Maria Morgan
President

Attest:

[Signature]
Secretary

STATE OF CALIFORNIA)
)ss
LOS ANGELES COUNTY)

I, Edward Zuniga, do hereby certify that the foregoing is a true and correct copy of Resolution No. 01-18/19, which was duly adopted by the Board of Trustees of the El Monte Union High School District at the meeting thereof held on the 1st day of August, 2018, and that it was so adopted by the following vote:

AYES: 4
NOES: 1
ABSENT: 0
ABSTENTIONS: 0

By 
Secretary

EXHIBIT A

“EL MONTE UNION HIGH SCHOOL DISTRICT REPAIR, STUDENT SAFETY, QUALITY TEACHING MEASURE. To upgrade all neighborhood high schools, attract quality teachers by improving school security, emergency communications/fire safety, classrooms, science, engineering/computer labs; repairing leaky roofs; providing safe drinking water; acquiring, constructing, repairing sites, facilities, equipment, shall El Monte Union High School District’s measure authorizing \$190,000,000 in bonds at legal rates, levying 3 cents/\$100 assessed value, \$9,700,000 annually for local high schools while bonds are outstanding, be approved, requiring independent audits/citizen oversight?”

Bonds – Yes

Bonds – No

EXHIBIT B

FULL TEXT BALLOT PROPOSITION

EL MONTE UNION HIGH SCHOOL DISTRICT REPAIR AND STUDENT SAFETY MEASURE

ELECTION NOVEMBER 6, 2018

The following is the full proposition presented to the voters by the El Monte Union High School District.

“EL MONTE UNION HIGH SCHOOL DISTRICT REPAIR, STUDENT SAFETY, QUALITY TEACHING MEASURE. To upgrade all neighborhood high schools, attract quality teachers by improving school security, emergency communications/fire safety, classrooms, science, engineering/computer labs; repairing leaky roofs; providing safe drinking water; acquiring, constructing, repairing sites, facilities, equipment, shall El Monte Union High School District’s measure authorizing \$190,000,000 in bonds at legal rates, levying 3 cents/\$100 assessed value, \$9,700,000 annually for local high schools while bonds are outstanding, be approved, requiring independent audits/citizen oversight?”

PROJECT LIST

The Board of Trustees of the El Monte Union High School District is committed to improving the quality of education in local schools by attracting and retaining quality teachers and by providing safe, secure, upgraded classrooms, facilities and technology needed to support high quality instruction in core subjects like math, science, and technology. To that end, the Board evaluated the District’s urgent and critical facility needs, including safety issues, class size, computer and information technology in developing the types of projects to be funded by this measure as described below and also as outlined in the District’s Facilities Update, presented to the Board in January, 2018, which is incorporated herein in its entirety. The District conducted a facilities evaluation and received public input in developing this Project List. Teachers, staff, community members and the Board have prioritized the key health and safety needs so that the most critical facility needs are addressed. **The Board concluded that it is more important than ever for each of our local schools have safety and security protections in place, that students have access to computers and instructional technology to promote an education with a strong foundation in science, technology, engineering and math, and that all schools benefit from basic repairs, like fixing old roofs, plumbing, electrical wiring and access for the disabled.**

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

- (i) **Repair or replace leaky roofs; and**
- (ii) **Improve school safety and security; and**
- (iii) **Provide safe drinking water for students; and**
- (iv) **Upgrade fire safety systems, including safety doors, smoke alarms and smoke detectors; and**

- (v) **Expand or upgrade science, engineering and computer labs; and**
- (vi) **Adhere to specific fiscal accountability safeguards:**
 - (a) **All expenditures subject to annual independent financial audits.**
 - (b) **No money taken by the State. All funds stay local.**
 - (c) **All expenditures reviewed by an independent taxpayer oversight committee to ensure that funds are spent only as authorized.**

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

ATTRACT AND RETAIN QUALITY TEACHERS

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

Goals and Purposes: Some El Monte Union High School District Schools were built over 80 years ago and are in urgent need of basic repairs like fixing leaking roofs and decaying walls, broken plumbing and bathrooms, upgrading electrical systems and wiring for computer technology, and improving access for the disabled.

This measure will ensure that all students have access to computers and instructional technology to promote an education with a strong foundation in science, technology, engineering and math. It will fix outdated electrical wiring, improve computer and science and engineering labs. These investments will ensure our students will have a better opportunity to compete for 21st century careers.

- **Repair or replace deteriorating roofs, aging plumbing and faulty electrical systems.**
- **Provide safe drinking water for students.**
- **Improve access to school facilities for students with disabilities.**
- **Expand or upgrade science, engineering and computer labs.**
- **Remove hazardous asbestos, lead paint and mold.**
- **Improve heating, ventilation and air conditioning systems.**
- **Create flexible, multi-use classrooms to support hands-on instruction and learning-by-doing.**
- **Repair deteriorating bathrooms, school buildings and classrooms.**
- **Provide 21st century learning at each high school.**
- **Expand vocational and career education classrooms.**
- **Expand instructional technology.**

KEEP STUDENTS SAFE

Student Safety and Campus Security Projects

Goal and Purpose: In today's environment, it is more important than ever for our local schools to have safety and security protections in place, such as emergency communications systems, cameras, and door locks, as well as fire and earthquake safety systems. This ballot measure will make sure that our local high school students and teachers are safe at school.

- Upgrade school safety and security.
- Upgrade emergency communications systems.
- Upgrade fire safety.
- Upgrade fire safety systems, including safety doors, smoke alarms and smoke detectors.
- Install security cameras and other monitoring systems.
- Install security door locks in classrooms and school buildings.
- Improve access for disabled students.

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. In addition to the projects listed above, the construction, repair and renovation of school facilities may include, but not be limited to, some or all of the following: add or renovate student and staff restrooms, classrooms and common areas; repair and replace electrical, plumbing, heating and ventilation systems; upgrade of facilities for energy efficiencies; repair and replace worn-out and deteriorated roofs, windows, walls, floors, doors and drinking fountains; construct or renovate facilities for professional development of teachers, more efficient administration and multi-purpose learning spaces; replace aging portable classrooms, restrooms and multi-purpose buildings with new or upgraded buildings; install wiring and electrical systems to safely accommodate computers, technology and other electrical devices; install adequate lighting on athletic fields for after school use; upgrade or construct support facilities including administrative, physical education, music, art, performing and fine arts classrooms or facilities, science, computer labs/classrooms, libraries and buildings, dedicated eating areas, maintenance facilities and yards; install, repair and replace fire alarms, emergency communications and security systems and metal detectors; improve facilities to satisfy ADA requirements; resurface or replace asphalt and hard courts, turf and irrigation/drainage systems and campus landscaping; install signage, fencing and lighting in parking lots and common areas; expand parking and drop-off areas; improve all site utilities; upgrade interior and exterior painting, floor covering, and school facades; demolition; upgrade kitchens, food service, and school cafeterias; construct various forms of storage and support spaces and classrooms; improve outdoor learning environments and quads; repair, upgrade and install interior and exterior lighting systems; replace, upgrade or improve inadequate playfields, athletic fields and buildings including concession stands and field houses; construct a new high school; replace

outdated security fences and security systems (including access control systems and single points of entry), provide lunch shelters, indoor space for assemblies or for rainy day lunch; upgrade music labs, auditoriums, multi-purpose rooms, learning centers and gyms; add new parking lots and/or parking structures; resurface or replace asphalt and hard courts, turf and irrigation/drainage systems and campus landscaping including athletic fields. The upgrading of technology infrastructure includes, but is not limited to, network rewiring, cabling, computers, portable interface devices, servers, switches, routers, modules, sound projection systems, laser printers, digital white boards, document projectors, upgrade voice-over-IP, clock/telephone/ intercom systems, call manager and network security/firewall, wireless technology systems, refresh classroom technology and other miscellaneous equipment. 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, some 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 site preparation/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, utility lines, trees and landscaping, relocating fire access roads, and acquiring any necessary easements, licenses, 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, and similar planning costs, program/project/construction 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: 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.