

ALAMEDA UNIFIED SCHOOL DISTRICT
Alameda, California
Resolution

February 17, 2022

Resolution No. 2021-2022.41

**Resolution of the Board of Education of Alameda Unified School
District Ordering an Election, and Establishing Specifications of
the Election Order**

WHEREAS, the Board of Education (the “Board”) of the Alameda Unified School District (the “District”) is devoted to supporting high-quality academic programs by providing classrooms, facilities and upgraded technology to support quality instruction in core subjects like math, science, technology, reading and writing; and

WHEREAS, while many District classrooms and labs were updated with Measure I, many students are still learning in old and outdated classrooms and facilities that do not provide the infrastructure and opportunities needed for 21st-century teaching and learning; and

WHEREAS, the Board has determined that schools within the District need to be upgraded, repaired, expanded, improved, modernized and better equipped to enable the District to improve student health, safety and security by improving air and water quality, earthquake safety and campus security 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 and science labs needed to ensure local students are prepared for high school, college and in-demand careers; and

WHEREAS, the Board believes keeping schools clean, well-maintained and in good condition improves student performance; and

WHEREAS, since good schools are part of what makes Alameda a great place to live, whether or not you have school-aged children, supporting local schools is a wise investment in keeping our local schools and community strong; and

WHEREAS, the District has completed an updated facilities assessment, with community engagement, and identified the most pressing improvements in each of the District’s 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 are locally controlled and cannot be redirected by the State to upgrade District schools, protect student safety and help the District qualify for State matching funds; and

WHEREAS, such measure will include mandatory taxpayer protections, including an independent citizens' oversight committee and mandatory audits to ensure funds are spent as voters' authorized; 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 have 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 approve the issuance of bonds to pay for certain necessary improvements and enhancements to District educational facilities which will improve the safety, health, 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 strictly enforced 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, June 7, 2022, and to request the Alameda County Registrar of Voters to perform certain election services for the District.

NOW, THEREFORE, THE BOARD OF EDUCATION OF THE ALAMEDA UNIFIED 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 Alameda 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 \$298,000,000 (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 June 7, 2022.

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, technology, reading and writing;

(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 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 cited above, the District has obtained reasonable and informed projections of assessed property valuations that take into consideration projections of assessed property valuations made by the Alameda County Assessor that are available to the District.

Section 6. That the Alameda County Registrar of Voters and the Alameda County Board of Supervisors are hereby requested to consolidate the election ordered hereby with any and all other elections to be held on June 7, 2022 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 Alameda County Registrar of Voters no later than March 11, 2022.

Section 8. That 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 Alameda 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 Alameda 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 Alameda 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.

PASSED AND ADOPTED by the following vote this 17th day of February, 2022:

AYES: _____ MEMBERS: _____

NOES: _____ MEMBERS: _____

ABSTAIN: _____ MEMBERS: _____

Jennifer Williams,
President
Board of Education
Alameda Unified School District

ATTEST:

By: _____
Pasquale Scuderi, Secretary
Board of Education
Alameda Unified School District

STATE OF CALIFORNIA)
)ss

ALAMEDA COUNTY)

I, Pasquale Scuderi, do hereby certify that the foregoing is a true and correct copy of Resolution No. 2021-2022.41, which was duly adopted by the Board of Education of the Alameda Unified School District at the meeting thereof held on the 17th day of February, 2022, and that it was so adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

By _____
Secretary

EXHIBIT A

“To upgrade local classrooms, math/science labs, technology, college/career training facilities for high quality academic education; improve accessibility, earthquake safety, school security, water quality/ plumbing systems; renovate, acquire, construct, classrooms, sites, facilities/ equipment; shall Alameda Unified School District’s measure authorizing \$298,000,000 in bonds at legal rates, raising approximately \$14.7 million annually by levying, on average, \$45 per \$100,000 assessed value while bonds are outstanding, be adopted, with audits, independent oversight, no money for administrators, and all funds used locally?”

Bonds – Yes

Bonds – No

EXHIBIT B

FULL TEXT BALLOT PROPOSITION OF THE ALAMEDA UNIFIED SCHOOL DISTRICT BOND MEASURE ELECTION JUNE 7, 2022

The following is the full proposition presented to the voters by the Alameda Unified School District.

“To upgrade local classrooms, math/science labs, technology, college/career training facilities for high quality academic education; improve accessibility, earthquake safety, school security, water quality/ plumbing systems; renovate, acquire, construct, classrooms, sites, facilities/ equipment; shall Alameda Unified School District’s measure authorizing \$298,000,000 in bonds at legal rates, raising approximately \$14.7 million annually by levying, on average, \$45 per \$100,000 assessed value while bonds are outstanding, be adopted, with audits, independent oversight, no money for administrators, and all funds used locally?”

PROJECT LIST

The Board of Education of the Alameda Unified School District is committed to **improving the quality of education** in our local public schools by **upgrading** classrooms and science labs to support **high-quality academic programs in science, technology, reading, writing and math**. To that end, the Board evaluated the District’s urgent and critical 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 also approved an update to its Facilities Master Plan on January 25, 2022, which is incorporated herein in its entirety.

Teachers, staff, community members and the Board have prioritized the key health and safety needs so that the most critical facility needs are addressed.

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

- (i) **Provide classrooms, sites, facilities and technology to support high-quality academic programs in science, technology, reading, writing and math; and**
- (ii) **Keep schools clean, well maintained and in good condition; and**
- (iii) **Replace out-of-date plumbing to save water and improve water quality, and outdated heating/cooling systems for energy efficiency and safe air quality; and**
- (iv) **Make essential upgrades to earthquake safety, school security and school accessibility, including improved lighting, electrical and security systems; and**
- (vi) **Adhere to specific fiscal accountability safeguards:**
 - (a) **All expenditures subject to annual independent financial audits.**
 - (b) **All funds stay local – in Alameda. The State cannot redirect or take away any monies.**
 - (c) **All expenditures reviewed by an independent citizen 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:

KEEPING SCHOOLS CLEAN, WELL MAINTAINED AND IN GOOD CONDITION

School Repair and Upgrade Projects Needed To Keep School Buildings Safe and Functioning

Goals and Purposes:

Good schools are part of what makes Alameda a great place to live, whether or not you have school-aged children. Supporting local schools is a wise investment in keeping our local schools and community strong.

This measure will complete the basic repairs needed to keep school buildings safe and functioning, including improving school security, updating electrical, ventilation and fire systems, improving lighting, security, and disability access, and repairing broken and damaged windows and doors.

- Keep schools clean, well maintained and in good condition.
- **Repair or replace out-of-date plumbing to save water and improve water quality.**
- Repair or replace outdated heating and cooling systems for energy efficiency and safe air quality.
- Improve access to school facilities for students, teachers, and staff with disabilities.
- Make essential upgrades to earthquake safety and school security, with improved lighting, electrical and security systems.

UPGRADING CLASSROOMS AND LABS TO SUPPORT HIGH-QUALITY ACADEMIC PROGRAMS IN SCIENCE, TECHNOLOGY, READING, WRITING AND MATH

Projects That Improve Student Safety and Success

Goals and Purposes:

Annual audits, independent citizen oversight, and a published project list will ensure that all funds are spent in Alameda schools and cannot be taken by the State.

If we want our kids to succeed in college and in-demand careers, this measure will update classrooms, technology and science labs to prepare students to compete at top colleges and for careers in today's competitive global economy, in fields like computer science, medicine, bio-tech, and media.

Schools will benefit from a variety of student achievement projects, such as:

- **Upgrade classrooms, science labs and career training facilities to support high-quality academic programs in science, technology, reading, writing and math.**
- Build new classroom buildings to replace deteriorating portable structures.
- Modernize outdated middle school science labs to better prepare students for high school and college.
- Improve performance spaces, athletic facilities, gymnasiums and outdoor learning spaces.
- Update career training facilities and equipment for careers in science, technology and media.

In addition to the projects listed above, the type of improvements authorized for funding include: add or renovate student and staff restrooms; repair and upgrade electrical, plumbing, heating, ventilation and air conditioning systems; upgrade of facilities for energy efficiencies; repair and replace worn-out and deteriorated roofs, windows, walls, floors, doors and drinking fountains/hydration stations; construct or renovate offices and facilities for multipurpose and indoor/outdoor learning spaces, more efficient areas for administration and for the safety of students on campuses; install wiring and electrical systems to safely accommodate computers, technology and other electrical devices; upgrade or construct support facilities including administrative, physical education, music, art, drama, performing and fine arts classrooms or facilities, science, computer labs/classrooms, career technical facilities, health clinics, media centers/libraries and buildings, covered eating areas, shade and rain shelters; acquire modular/portable classrooms; repair and replace fire alarms, emergency communications, public address and security systems; improve facilities to satisfy ADA and seismic requirements; as needed, removal of hazardous materials like asbestos and lead paint from older school; resurface or replace asphalt, broken concrete and improve hard courts, turf, tracks, walkways, irrigation, and downspout drainage systems and campus landscaping; install signage, solar panels and fencing; expand parking and drop-off areas; improve all site utilities; acquire land; construct new school buildings; upgrade or replace interior and exterior painting, floor covering, including carpets, 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 and back-up power generators; build new or improve playgrounds, play structures, gyms, athletic fields, lockers, weight rooms, bleachers, swimming pools and facilities to support student health, fitness and safety; install synthetic turf and field lighting; replace outdated security fences and security systems (including access control systems), provide lunch shelters, indoor space for assemblies or for rainy day lunch; upgrade music labs, multi-purpose rooms, learning centers; 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, DSA oversight, 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, portable interface devices, servers, switches, routers, modules, sound projection systems, laser printers, scanners and copiers, 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, miscellaneous IT and instructional equipment, data storage, archiving and preservation, phones, and identity cards.

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 site preparation/restoration may occur in connection with new construction, renovation or remodeling, or installation or removal of relocatable or modular 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, connection fees, program and 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 bond audits and 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 CITIZENS' OVERSIGHT COMMITTEE, AND INDEPENDENT AUDITS TO ENSURE MONEY IS SPENT PROPERLY.

In accordance with Education Code Section 15272, the Board of Education 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, parent or guardian of a student, and a parent or guardian of student and active in a school site 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.