

**THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
BOARD ACTION SUMMARY**

DEPT: Clerk of the Board

BOARD AGENDA:4.A.3
AGENDA DATE: February 13, 2018

SUBJECT:

Approval of the Request to Consolidate the Patterson Joint Unified School District's Bond Measure with the Statewide Direct Primary Election on June 5, 2018

BOARD ACTION AS FOLLOWS:

RESOLUTION NO. 2018-0071

On motion of Supervisor Monteith , Seconded by Supervisor Olsen
and approved by the following vote,

Ayes: Supervisors: Olsen, Chiesa, Withrow, Monteith, and Chairman DeMartini

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) Approved as recommended

2) Denied

3) Approved as amended

4) Other:

MOTION:

ATTEST:


ELIZABETH A. KING, Clerk of the Board of Supervisors

File No.

**THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
AGENDA ITEM**

DEPT: Clerk of the Board

BOARD AGENDA:4.A.3
AGENDA DATE: February 13, 2018

CONSENT:

CEO CONCURRENCE: YES

4/5 Vote Required: No

SUBJECT:

Approval of the Request to Consolidate the Patterson Joint Unified School District's Bond Measure with the Statewide Direct Primary Election on June 5, 2018

STAFF RECOMMENDATION:

1. Approve the consolidation of the Patterson Joint Unified School District's Bond Measure with the Statewide Direct Primary Election on June 5, 2018.

CONTACT PERSON:

Elizabeth King, Clerk of the Board

Phone number: 209-525-4494

ATTACHMENT(S):

1. PattersonUnified School Resolution



"OUR STUDENTS, OUR COMMUNITY, OUR FUTURE"



510 Keystone Boulevard
Patterson, CA 95363
(209) 895-7700
Fax: (209) 892-5803

February 7, 2018

PHILIP M. ALFANO
Superintendent

Lee Lundrigan, Registrar of Voters
Elections Office
Stanislaus County Elections
1021 I St #101,
Modesto, CA 95354

Elizabeth King, Clerk of the Board
Board of Supervisors, Stanislaus County
1010 -10th Street, Suite 6700
Modesto, CA 95354

JEFFREY MENGE
Assistant Superintendent
Administrative Services

Re: Patterson Joint Unified School District June 5, 2018 Bond Measure Election

Enclosed please find the Patterson Joint Union School District Board of Trustees RESOLUTION NO. 01222018-A "RESOLUTION OF THE BOARD OF TRUSTEES OF PATTERSON JOINT UNIFIED SCHOOL DISTRICT ORDERING AN ELECTION, AND ESTABLISHING SPECIFICATIONS OF THE ELECTION ORDER" adopted on January 22, 2018 calling for a June, 2018 local bond election.

VERONICA MIRANDA
Assistant Superintendent
Educational Services

Also enclosed is our Tax Rate Statement.

We request that the Tax Rate Statement and Exhibit B to the Resolution be printed in its entirety in each sample ballot/voter pamphlet.

SHAWN POSEY
Assistant Superintendent
Human Resources/CWA

By this letter we are formally requesting to review a proof of the ballot statement language, the full text of the ballot proposition, impartial analysis and ballot arguments that would appear in the voter pamphlet prior to publishing. Please direct this proof to the undersigned as soon as it is available.

DAVID HODGE
Executive Director
Student Services

We believe that Education Code Section 15122.5 is not applicable and we request that the County not include the following "State Matching Funds" language in the ballot or voter pamphlet:

TRACY MANZONI
Executive Director
Special Education

"Approval of Measure ____ does not guarantee that the proposed project or projects in the Patterson Joint Unified School District that are the subject of bonds under Measure ____ will be funded beyond the local revenues generated by Measure _____. The district's proposal for the project or projects may assume the receipt of matching state funds, which could be subject to appropriation by the Legislature or approval of a statewide bond measure."

If possible, the District would like to request the measure letter designation of "____". If not possible, the District requests that we not be assigned the letters "F, N or O".

JEFFREY ROWE
Executive Director
Career & Technical
Education

We would be more than happy to provide you with the resolution electronically in order to facilitate your work, or to assist with this process in any other manner.

This letter also authorizes you to contact David Casnocha of Stradling Yocca Carlson & Rauth, our bond counsel, at (415) 283-2241 if you have any questions.

Sincerely,

Philip M. Alfano, Ed.D.,
Superintendent

Enclosure
cc: David G. Casnocha
Jeff Menge

BOARD OF TRUSTEES

•Michele Bays •Carlos Fierros •Alyssa Homen •James Leonard •Grace McCord •Michael McLaughlin •Jose Reynoso

February __, 2018

Acknowledgement:

I, _____, of the Stanislaus County Registrar of Voters Office acknowledge receipt of the Patterson Joint Unified School District Board of Trustees RESOLUTION NO. 01222018-A "RESOLUTION OF THE BOARD OF TRUSTEES OF PATTERSON JOINT UNIFIED SCHOOL DISTRICT ORDERING AN ELECTION, AND ESTABLISHING SPECIFICATIONS OF THE ELECTION ORDER" adopted on January 22, 2018 calling for a June 5, 2018 election.

Signature

Date

Time

RESOLUTION NO. 01222018-A

RESOLUTION OF THE BOARD OF TRUSTEES OF PATTERSON
JOINT UNIFIED SCHOOL DISTRICT ORDERING AN
ELECTION, AND ESTABLISHING SPECIFICATIONS OF THE
ELECTION ORDER

WHEREAS, the Board of Trustees (the "Board") of the Patterson Joint Unified School District (the "District") is committed to providing equal access to a quality education in local public schools by updating classroom technology, improving school safety, and making basic repairs to all schools to keep pace with 21st Century learning; and

WHEREAS, since the District wants our students prepared to succeed in a 21st Century competitive economy, children need updated full-service schools which are accessible, clean and safe learning environments; and

WHEREAS, the Board believes that to achieve that goal the District must maintain and repair classrooms, facilities and equipment, as needed, so that all facilities provide up-to-date science, technology, engineering, arts and math classrooms; and

WHEREAS, the State of California (the "State") does not provide the District with enough money for the District to adequately upgrade 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 schools to improve technical education and workforce training, and making basic repairs to aging facilities; and

WHEREAS, such a bond measure must include mandatory taxpayer protections, including an independent taxpayers' oversight committee and mandatory audits 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* 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, on November 4, 2008, the District's voter approved Measure V, a \$50,000,000 bond measure ("Measure V") under the provisions of Proposition 39; and

WHEREAS, the District issued \$16,147,941.90 of bonds under Measure V and has determined that it cannot access the remaining authorization on terms that are acceptable to the District and advantageous to the taxpayers of the District; and

WHEREAS, the Board desires to authorize the submission of a proposition to the District's voters at an election to reapprove the issuance of Measure V bonds, as new bonds without increasing the total amount of authorized District debt 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, the District has obtained reasonable and informed projections of assessed valuations in compliance with Education Code Section 15100(c); 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 5, 2018, and to request each of Stanislaus County and the Santa Clara County Registrars of Voters to perform certain election services for the District.

NOW THEREFORE, THE BOARD OF TRUSTEES OF THE PATTERSON JOINT 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 Stanislaus County Registrar of Voters and the Santa Clara 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 up to \$33,852,058.10 (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. If the Bonds are approved and issued, the Board covenants that it will cancel and shall not authorize the issuance of Measure V bonds in a like amount.

Section 2. That the date of the election shall be June 5, 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 and the Act, the ballot propositions in Exhibits "A" and "B" are subject to the following requirements and determinations:

(a) 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 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 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 Sections 5322.

Section 6. That the Stanislaus County Registrar of Voters, the Stanislaus County Board of Supervisors, the Santa Clara County Registrar of Voters and the Santa Clara County Board of Supervisors are hereby requested to consolidate the election ordered hereby with any and all other elections to be held on June 5, 2018 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 10408.

Section 7. That the Secretary of the Board is hereby directed to deliver a certified copy of this Resolution to each of the Stanislaus County Registrar of Voters and the Santa Clara County Registrar of Voters no later than February 5, 2018.

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 each of the Stanislaus County Registrar of Voters and the Santa Clara County Registrar of Voters, by the established deadlines.

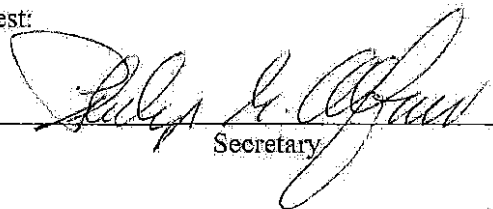
Section 10. Pursuant to Education Code Section 5303 and Elections Code Section 10002, the Board of Supervisors of each of Stanislaus County and Santa Clara County are requested to permit the applicable Registrar of Voters to render all services specified by Elections Code Section 10418 relating to the election, for which services the District agrees to reimburse both Stanislaus County and Santa Clara 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 22nd day of January, 2018.

BOARD OF TRUSTEES OF THE PATTERSON
JOINT UNIFIED SCHOOL DISTRICT

By 
President

Attest:


Secretary

STATE OF CALIFORNIA)
)ss.
STANISLAUS COUNTY)

I, Dr. Philip Alfano, do hereby certify that the foregoing is a true and correct copy of Resolution No. 01222018-A, which was duly adopted by the Board of Trustees of Patterson Joint Unified School District at the meeting thereof held on the 22nd day of January, 2018, and that it was so adopted by the following vote:

AYES: 5

NOES: 0

ABSENT:

ABSTENTIONS: 0

VACANCIES: 2

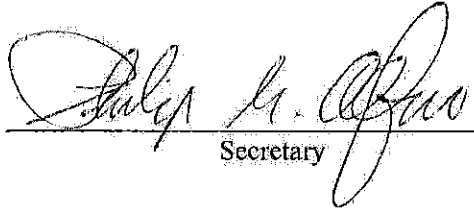
By  _____
Secretary

EXHIBIT A

"To repair Patterson's classrooms, construct classrooms for 21st Century learning/reduce overcrowding, make fire safety/security improvements, replace aging plumbing/sewer/electrical systems, acquire, construct/repair classrooms, sites, facilities/equipment, shall the measure be adopted to reauthorize the \$33,852,058.10 Patterson Joint Unified School District bonds approved in 2008 as new bonds, at legal rates, levy on average 6 cents/\$100 assessed value (\$2,600,000 annually) while bonds are outstanding, with taxpayer oversight, audits, no increase in total authorized District debt?"

Shall the Measure be adopted:

Yes

No

EXHIBIT B

FULL TEXT BALLOT PROPOSITION OF THE PATTERSON JOINT UNIFIED SCHOOL DISTRICT BOND MEASURE ELECTION JUNE 5, 2018

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

"To repair Patterson's classrooms, construct classrooms for 21st Century learning/reduce overcrowding, make fire safety/security improvements, replace aging plumbing/sewer/electrical systems, acquire, construct/repair classrooms, sites, facilities/equipment, shall the measure be adopted to reauthorize the \$33,852,058.10 Patterson Joint Unified School District bonds approved in 2008 as new bonds, at legal rates, levy on average 6 cents/\$100 assessed value (\$2,600,000 annually) while bonds are outstanding, with taxpayer oversight, audits, no increase in total authorized District debt?"

PROJECT LIST

The Board of Trustees ("Board") of the Patterson Joint Unified School District is committed to repairing old schools, relieving classroom overcrowding, and insuring the safety of all students. To that end, the Board received input from teachers, staff and the community and evaluated the District's urgent and critical facility needs, including the need for up-to-date technology, safety, class size reduction, computer and information technology, and prepared a draft Facilities Master Plan dated October 2017 and presented to the Board in February 2018, which Plan is incorporated herein in its entirety, in developing the scope of projects to be funded. Therefore, in approving this Project List, the Board of Trustees determines that the District must:

- (i) **Construct classrooms and labs to reduce overcrowding; and**
- (ii) **Upgrade fire safety and emergency communication systems; and**
- (iii) **Provide up-to-date science, technology, engineering, arts and math classrooms; and**
- (iv) **Replace aging roofs, plumbing, gas, sewer and electrical systems; and**
- (v) **Repair and update classrooms, labs, athletic and other school facilities to keep pace with 21st Century learning; and**
- (vi) **Adhere to specific fiscal accountability safeguards such as:**
 - (a) **ENSURE ALL FUNDS ARE ONLY USED LOCALLY,**
 - (b) **Prohibited the State from taking any of the funds raised,**
 - (c) **REQUIRE THAT EXPENDITURES MUST BE SUBJECT TO ANNUAL INDEPENDENT FINANCIAL AUDITS, AND**
 - (d) **Require independent citizens' and taxpayer oversight of bond funds.**

**TAX RATE STATEMENT
REGARDING PROPOSED**

\$33,852,058

**PATTERSON JOINT UNIFIED SCHOOL DISTRICT
GENERAL OBLIGATION BONDS**

An election will be held in the Patterson Joint Unified School District (the "District") on June 5, 2018, to authorize the sale of up to \$33,852,058.10 in bonds of the District to finance improvements to educational facilities as described in the measure. If such bonds are authorized and sold, principal and interest on the bonds will be payable only from the proceeds of *ad valorem* tax levies made upon the taxable property in the District. The following information is provided in compliance with Sections 9400-9404 of the Elections Code of the State of California. Such information is based upon the best estimates and projections presently available from official sources, upon experience within the District, and other demonstrable factors.

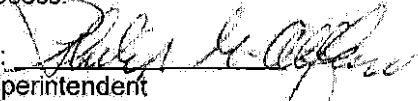
Based upon the foregoing and projections of the District's assessed valuation, the following information is provided:

1. The best estimate of the average annual tax rate which would be required to be levied to fund this bond issue over the entire duration of the bond debt service, based on a projection of assessed valuations available at the time of filing of this statement, is 5.9 cents per \$100 of assessed valuation (or \$59.00 per \$100,000 of assessed value). The final fiscal year in which it is anticipated that the tax will be collected is 2040-41.
2. The best estimate of the highest tax rate which would be required to be levied to fund this bond issue, based on a projection of assessed valuations available at the time of filing of this statement, is 6 cents per \$100 of assessed valuation (or \$60.00 per \$100,000 of assessed value). It is estimated that such rate would be levied starting in fiscal year 2018-19.
3. The best estimate of the total debt service, including the principal and interest that would be required to be repaid if all the bonds are issued and sold is approximately \$59 million.

Voters should note the estimated tax rate is based on the assessed value (not market value) of taxable property on the County's official tax rolls. In accordance with Education Code Section 15100 subparagraph (c), the Board has obtained reasonable and informed projections of assessed property valuations that take into consideration projections (if any) of assessed property valuations made by the County Assessor. In addition, taxpayers eligible for a property tax exemption, such as the homeowner's exemption, will be taxed at a lower effective tax rate than described above. Property owners should consult their own property tax bills and tax advisors to determine their property's assessed value and any applicable tax exemptions.

The attention of all voters is directed to the fact that the foregoing information is based upon projections and estimates only, which amounts are not maximum amounts and are not binding upon the District. The actual debt service, tax rates and the years in which they will apply may vary from those used to provide the estimates set forth above, due to factors such as variations in the timing of bond sales, the par amount of bonds sold and market interest rates available at the time of each sale, actual assessed valuations over the term of the bonds, and other factors. The date and amount of bonds sold at any given time will be determined by the District based on the need for project funds and other considerations. The actual interest rates at which the bonds will be sold will depend on conditions in the bond market at the time of sale. Actual future assessed valuations 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.

By: 
Superintendent
Patterson Joint Unified School District