

**BOARD OF TRUSTEES  
SCOTTS VALLEY UNIFIED SCHOOL DISTRICT**

RESOLUTION OF THE BOARD OF TRUSTEES OF THE SCOTTS VALLEY  
UNIFIED SCHOOL DISTRICT ORDERING AN ELECTION TO  
AUTHORIZE THE ISSUANCE OF SCHOOL BONDS, ESTABLISHING  
SPECIFICATIONS OF THE ELECTION ORDER, AND REQUESTING  
CONSOLIDATION WITH OTHER ELECTIONS OCCURRING ON  
JUNE 3, 2008

RESOLUTION NO. 08-006

**WHEREAS**, in the judgment of the Board of Trustees (the "Board") of the Scotts Valley Unified School District (the "District"), it is advisable to call an election to submit to the electors of the District the question whether bonds of the District shall be issued and sold for the purpose of raising money for the acquisition and improvement of real property, and the furnishing and equipping of school facilities; and

**WHEREAS**, as a result of the approval of Proposition 39 on November 7, 2000, Article XIII A Section 1 paragraph (b) of the California Constitution ("Article XIII A") provides an exception to the limit on *ad valorem* property taxes on real property for bonded indebtedness incurred by a school district approved by fifty-five percent (55%) of the voters of the district voting on the proposition; and

**WHEREAS**, the Board is specifically authorized, upon approval by a two-thirds vote of the Board, to pursue the authorization and issuance of bonds by a fifty-five percent (55%) vote of the electorate on the question whether bonds of the District shall be issued and sold for specified purposes, pursuant to Education Code Section 15264 *et seq.* (the "Act"); and

**WHEREAS**, pursuant to Section 10403 *et seq.* of 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, June 3, 2008, and to request the Santa Cruz County Registrar of Voters (the "Registrar") to perform certain election services for the District;

NOW, THEREFORE, THE BOARD OF TRUSTEES OF THE SCOTTS VALLEY UNIFIED SCHOOL DISTRICT DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:

**Section 1. Call for Election.** The Board hereby orders an election and submits to the electors of the District the question of whether general obligation bonds of the District shall be issued and sold in the maximum principal amount of \$55,000,000 for the purpose of raising money to finance school facilities and property of the District, and paying costs incident thereto, as set forth more fully in the ballot proposition approved pursuant to Section 3. This Resolution constitutes the order of the District to call such election.

**Section 2. Election Date.** The date of the election shall be June 3, 2008, and the election shall be held solely within the boundaries of the District.

**Section 3. Purpose of Election; Ballot Proposition.** The purpose of the election shall be for the voters in the District to vote on a proposition, a full copy of which is attached hereto and marked Exhibit "A", containing the question of whether the District shall issue the Bonds for the purposes stated therein, together with the accountability requirements of Article XIII A and the requirements of Section 15272 of the Act. As required by Elections Code Section 13247, the abbreviated form of the measure to appear on the ballot is attached hereto and marked as Exhibit "B". The Superintendent or her designee is hereby authorized and directed to make any changes to the text of the proposition as required to conform to any requirements of Article XIII A, the Act or the Registrar.

**Section 4. Authority for Election.** The authority for ordering the election is contained in Section 15264 *et. seq.* of the Education Code and Section 1, paragraph (b), subsection (3) of Article XIII A. The authority for the specification of this election order is contained in Section 5322 of the Education Code.

**Section 5. School Facilities Projects.** As required by Article XIII A, the Board hereby certifies that it has evaluated safety, class size reduction and information technology needs in developing the list of school facilities projects set forth on Exhibit A.

**Section 6. Covenants of the Board upon Approval of the Bonds by the Electorate.** As required by Article XIII A and Section 15278 of the Act, in the event fifty-five percent (55%) of the voters in the District approve the issuance of the Bonds, the Board shall:

- (1) conduct an annual, independent performance audit to ensure that the Bond proceeds have been expended only on the projects listed in Exhibit A;
- (2) conduct an annual, independent financial audit of the proceeds from the sale of the Bonds until all of those proceeds have been expended for the school facilities projects listed in Exhibit A; and
- (3) establish and appoint members to an independent citizens' oversight committee in accordance with Sections 15278, 15280 and 15282 of the Act.

**Section 7. Delivery of this Resolution.** The Clerk of the Board is hereby directed to send a copy of this Resolution to the Santa Cruz County Superintendent of Schools, the Registrar, and the Santa Cruz County Clerk of the Board of Supervisors.

**Section 8. State Matching Funds.** The District hereby requests that the Registrar include the following statement in the ballot pamphlet, pursuant to Section 15122.5 of the Education Code:

"Approval of Measure \_\_\_ does not guarantee that the proposed project or projects in the Scotts Valley 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 assumes the receipt

of matching state funds, which could be subject to appropriation by the Legislature or approval of a statewide bond measure.”

**Section 9. Consolidation of Election.** The Registrar and the Santa Cruz County Board of Supervisors are hereby requested to consolidate the election ordered hereby with any and all other elections to be held on June 3, 2008, within the District.

**Section 10. Ballot Arguments; Tax Rate Statement.** Any and all members of this Board are hereby authorized to act as an author of any ballot argument prepared in connection with the election, including a rebuttal argument. The Superintendent, President of the Board, or their designees, are hereby authorized to execute any Tax Rate Statement or other document and to perform all acts necessary to place the bond measure on the ballot.

**Section 11. Accountability Measures.** As required by Section 53410 of the Government Code, a statement in substantially the following form shall be included on the ballot for the Bonds, and the Board covenants to comply with the reporting requirements contained in Section 53411 of the Government Code:

#### **Accountability Measures**

As required by Section 53410 of the Government Code, the following accountability measures are hereby made a part of the District’s Bond Measure \_\_ (the “Measure”):

a) The specific purpose of the bonds is set forth in the Full Text of the Measure;

b) The proceeds from the sale of the District’s bonds will be used only for the purposes specified in the Measure, and not for any other purpose;

c) The proceeds of the Bonds will be deposited into a Building Fund to be held by the Santa Cruz County Treasurer, as required by the California Education Code; and

d) The Superintendent of the District shall file an annual report with the Board of Trustees of the District, commencing not later than June 3, 2009, and annually thereafter, which report shall contain pertinent information regarding the amount of funds collected and expended, as well as the status of the projects listed in the Measure.

**Section 12. Term of the Bonds.** The Bonds shall mature not more than 40 years from their issue date.

**Section 13. Effective Date.** This resolution shall take effect on and after its adoption.

PASSED AND ADOPTED this \_\_\_\_ day of February, 2008, by the following vote:

AYES:

NOES:

ABSENT:

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President of the Board of Trustees  
Scotts Valley Unified School District

ATTEST:

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Clerk of the Board of Trustees  
Scotts Valley Unified School District

I, \_\_\_\_\_, Clerk of the Board of Trustees of Scotts Valley Unified School District, Santa Cruz County, California, do hereby certify that the foregoing is a full, true and correct copy of the Resolution passed and adopted by said Board of Trustees at a regular meeting on the \_\_ day of \_\_\_\_, 2008, and that the minutes of said Board of Trustees shows that \_\_\_\_\_(\_\_\_\_) members of said Board voted for and \_\_\_\_\_(\_\_\_\_) members of said Board voted against the adoption of said Resolution and the said Resolution is now spread upon the minutes of said Board.

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Clerk of the Board of Trustees  
Scotts Valley Unified School District

## EXHIBIT A

### BALLOT MEASURE FULL TEXT OF MEASURE

“To provide safe and modern school facilities, improve student learning, and qualify for matching funds, shall the Scotts Valley Unified School District issue \$55 million in bonds at legal interest rates to replace our 65-year old middle school with modern classrooms and facilities, replace deteriorating portables with permanent classrooms, and add/improve classrooms, libraries, multi-purpose rooms, and other school facilities, with independent citizen oversight, mandatory annual audits, no money for administrator salaries and all funds benefiting Scotts Valley schools?”

As required by the California Constitution, the proceeds from the sale of the bonds will be used only for the construction, reconstruction, rehabilitation or replacement of school facilities, including the furnishing and equipping of school facilities, or the lease of real property for school facilities, and not for any other purpose, such as teacher and administrator salaries and other school operating expenses.

#### **Scotts Valley Unified School District Bond Project List**

The District intends to complete the following projects, using a combination of bond funding and other anticipated sources, including State matching funds. The Board of Trustees of the District has determined that the District does not intend to purchase land with the proceeds of the Bonds.

The Scotts Valley Unified School District will use bond funds for the following school facility projects:

#### **Scotts Valley Middle School**

The 1940 Scotts Valley Middle School will be demolished, and a new middle school will be built in the same location, with new furniture, equipment and grounds, as needed. The Board of Trustees of the District has determined that the Scotts Valley Middle School is a priority project.

#### **Vine Hill Elementary School**

- (1) Current portables will be replaced by permanent buildings.
- (2) A multi-purpose building will be constructed, including an area for food services, physical education, performing arts and other instruction.
- (3) Student play areas will be improved and increased.

#### **Brook Knoll Elementary School**

- (1) Current portables will be replaced by permanent buildings.
- (2) A multi-purpose building will be constructed, including an area for food services, physical education, performing arts and other instruction.
- (3) Student play areas will be improved and increased.

**Scotts Valley High School**

A library/media center will be constructed, furnished and equipped.

**District-Wide Facilities**

In addition, the following facilities may be financed with proceeds of the Bonds:

- The District may construct or improve facilities or grounds in order to qualify for matching funds.
- Where possible and cost effective, facilities built with the proceeds of the Bonds may be built in a manner consistent with green building standards.

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The District’s Board of Trustees has evaluated safety, class size reduction and information technology needs in developing the foregoing list.

The District’s Board of Trustees will conduct an annual, independent performance audit to ensure that the funds have been expended only on the project list set forth above.

The District’s Board of Trustees will conduct an annual, independent financial audit of the proceeds from the sale of the Bonds until all of those proceeds have been expended for the school facilities projects.

Pursuant to Section 15772 of the Education Code, the District’s Board of Trustees will appoint a citizens’ oversight committee and conduct annual independent audits to assure that funds are spent only on school and classroom improvements and for no other purposes.

**EXHIBIT B**

**BALLOT MEASURE  
(ABBREVIATED FORM)\***

“To provide safe and modern school facilities, improve student learning, and qualify for matching funds, shall the Scotts Valley Unified School District issue \$55 million in bonds at legal interest rates to replace our 65-year old middle school with modern classrooms and facilities, replace deteriorating portables with permanent classrooms, and add/improve classrooms, libraries, multi-purpose rooms, and other school facilities, with independent citizen oversight, mandatory annual audits, no money for administrator salaries and all funds benefiting Scotts Valley schools?”

\*Limited to 75 words