



RESOLUTION NO. 072108-D

A RESOLUTION OF THE GOVERNING BOARD OF EDUCATION OF THE LONG BEACH UNIFIED SCHOOL DISTRICT ORDERING AN ELECTION, AND ESTABLISHING SPECIFICATIONS OF THE ELECTION ORDER

WHEREAS, the Long Beach Unified School District (the "District") wishes to keep our schools safe, drug-free and gang free by creating smaller learning communities where teachers and principals can better monitor students, provide more individualized attention, and instill discipline and respect; and

WHEREAS, the District wishes to increase opportunities for career education and technical job training programs to ensure that local students have the opportunity to learn valuable job skills and provide more students with rewarding, high paying jobs; and

WHEREAS, the Board of Education (the "Board") has determined that the District needs to build more permanent classrooms since more than 28,000 students attend class every day in portable classrooms, many of which are outdated and deteriorating; and

WHEREAS, the District must ensure that local students learn in high quality classrooms, with access to computer and technology; and

WHEREAS, upgrades and repairs to science labs, classrooms, learning centers, libraries restrooms, plumbing, and roofs are needed for the health and safety of students, as is removing lead paint and asbestos; and

WHEREAS, schools must be repaired to meet newer seismic standards as well as new accessibility requirements; and

WHEREAS, the District has undertaken significant stakeholder and community outreach efforts involving hundreds of stakeholders, to gather the opinions of parents, teachers, principals, staff, students and community members as to their assessment of the District's facility needs as summarized in published newsletters and at www.lbschools.net (click on School Building Plan); and

WHEREAS, the Board has adopted a Facility Master Plan and has received several recommendations from committees among which were the recognition that the most critical and immediate facility needs vary from school to school and that the projects identified in the Facility Master Plan should be phased in over time; and

WHEREAS, notwithstanding concerted and ongoing efforts by the District to obtain sufficient facility money from the State of California (the "State"), the State has been unable to provide the District with enough money for the District to adequately maintain, construct, repair, and equip our schools to provide an optimal learning environment for all students; and

WHEREAS, the District may qualify for significant State matching facility improvement money if it were able to contribute to the cost of upgrading its schools and constructing new classrooms; and

WHEREAS, in the judgment of the Board, it is advisable to provide additional facility funding to both repair and upgrade District schools and qualify for additional State money by means of a general obligation bond; and

WHEREAS, as the Board identifies critical need school improvements to be funded with a local general obligation bond, the Board intends to consider incorporating into each such project, regardless of whether it is a new construction or a repair and upgrade project, Collaborative for High Performance Schools (“CHPS”) and/or Leadership in Energy and Environmental Design (“LEED”) sustainability design guidelines and criteria to the extent feasible, such as:

- a. improve student performance, through measures such as daylighting, use of non toxic-emitting materials and sound insulation or isolation to minimize noise and enhance acoustical quality in the classroom; and
- b. minimize both operating costs through energy and water efficiency, as well as the impact of District operations on the environment.

WHEREAS, Proposition 46, approved by the voters of the State on June 3, 1986 (“Proposition 46”), amended Section 1(b) of Article XIII A of the California Constitution by adding a provision which exempts from the 1% of full cash value limitation, those ad valorem taxes used to pay for debt service of any bonded indebtedness for the acquisition or improvement of real property approved on or after July 1, 1978, by two-thirds of the votes cast by voters voting on the proposition; and

WHEREAS, on November 7, 2000 the voters of California approved the Smaller Classes, Safer Schools and Financial Accountability Act (“Proposition 39”) which, as of its effective date, reduced the voter threshold for ad valorem tax levies used to pay for debt service or 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 which are contained in Proposition 39 and the Act; and

WHEREAS, the Board hereby determines, in accordance with the opinion of the Attorney General of the State of California, that the restrictions in Proposition 39 which prohibit any bond money from being wasted or used for administrative salaries or other operating expenses of the District shall be strictly monitored by the 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, 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, including any ballot pamphlet prepared, sponsored or distributed by the District, relating to the election; and

WHEREAS, the Board now desires to authorize the filing of 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 4, 2008, and to request that the Los Angeles County Registrar of Voters perform certain election services for the District;

NOW THEREFORE, THE BOARD OF EDUCATION OF THE LONG BEACH 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 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 not to exceed \$1.2 billion (the "Bonds") shall be issued and sold for the purpose of raising money for the purposes described in Exhibits "A" and "B" hereto. Both exhibits are directed to be printed in the voter pamphlet.

Section 2. That the date of the election shall be November 4, 2008.

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" and incorporated by reference herein, 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 proposition in Exhibit "A" is subject to the following requirements and determinations:

(a) the proceeds of the sale of the Bonds shall only be used for the purposes set forth in the ballot measure and not for any other purpose, including teacher and administrator salaries and other operating expenses;

(b) that the Board, in establishing the projects set forth in Exhibit "B," evaluated the safety, enrollment trends, capacity, class size reduction and information technology needs of the District as well as the importance of the projects to student achievement and enhanced instruction;

(c) that the Board will cause to be conducted an annual, independent performance audit to ensure that the Bond moneys get expended for the projects identified in Exhibit "B" hereto;

(d) that the Board will 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 Elections Code Section 15274; and

(f) that the tax levy authorized to secure the Bonds of this election shall not exceed the Proposition 39 limit 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 Sections 5322 of the Education Code.

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 4, 2008 within the District.

Section 7. That the Secretary of the Board is hereby directed to send a certified copy of this Resolution to the Los Angeles County Registrar of Voters no later than August 8, 2008.

Section 8. That the maturity of any Bonds issued pursuant to Section 15264 *et seq.* of the Education Code hereto shall have a maturity not exceeding twenty-five (25) years, and Bonds issued pursuant to Section 53506 of the Government Code shall have a maturity of not exceeding forty (40) years. 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 be made by any body or official authorized by law to canvass the returns of the election, and that the Board consents to such consolidation.

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 Section 10418 of the Elections Code relating to the election, for which services the District agrees to reimburse Los Angeles County, such services to include the printing of the Full Text Ballot Proposition in the voter pamphlet, the publication of a Formal Notice of School Bond Election and the mailing of the sample ballot and tax rate statement (described in Section 9401 of the Elections Code) pursuant to the terms of Section 5363 of the Education Code and Section 12112 of the Elections Code.

ADOPTED, SIGNED AND APPROVED this 21st day of July, 2008.

BOARD OF EDUCATION OF THE LONG BEACH
UNIFIED SCHOOL DISTRICT

By _____
President

Attest:

Secretary

STATE OF CALIFORNIA)
)
LOS ANGELES COUNTY)

I, _____, do hereby certify that the foregoing is a true and correct copy of Resolution No. _____, which was duly adopted by the Board of Education of the Long Beach Unified School District at meeting thereof held on the 21st day of July, 2008, and that it was so adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

By _____
Secretary

EXHIBIT A

“NEIGHBORHOOD SCHOOLS CLASSROOM REPAIR, STUDENT SAFETY AND EDUCATION IMPROVEMENT MEASURE. To make essential health/safety repairs, retain teachers, qualify for matching grants, shall Long Beach Unified School District retrofit schools for earthquake safety/handicap accessibility, repair restrooms/plumbing/roofs/fire safety systems, remove lead paint/asbestos, upgrade vocational classrooms/technology/energy efficiency, expand supervised after-school programs/reduce overcrowding, by acquiring, repairing, constructing, equipping sites, facilities, joint-use buildings, and issuing \$1.2 billion in bonds at legal rates with independent audits, citizen’s oversight, and no money for administrators’ salaries?”

Bonds - Yes

Bonds – No

EXHIBIT B

FULL TEXT BALLOT PROPOSITION OF THE LONG BEACH UNIFIED SCHOOL DISTRICT BOND MEASURE ELECTION NOVEMBER 4, 2008

“NEIGHBORHOOD SCHOOLS CLASSROOM REPAIR, STUDENT SAFETY AND EDUCATION IMPROVEMENT MEASURE. To make essential health/safety repairs, retain teachers, qualify for matching grants, shall Long Beach Unified School District retrofit schools for earthquake safety/handicap accessibility, repair restrooms/plumbing/roofs/fire safety systems, remove lead paint/asbestos, upgrade vocational classrooms/technology/energy efficiency, expand supervised after-school programs/reduce overcrowding, by acquiring, repairing, constructing, equipping sites, facilities, joint-use buildings, and issuing \$1.2 billion in bonds at legal rates with independent audits, citizen’s oversight, and no money for administrators’ salaries?”

PRIORITY SCHOOL PROJECT LISTS

The Board of Education of the Long Beach Unified School District evaluated the District’s urgent and critical school needs, including school and student safety issues, enrollment trends, class size, high school overcrowding, energy efficiency and computer technology, seismic safety requirements, and aging, outdated or deteriorating school buildings in developing the scope of projects to be funded, as outlined in the Long Beach Unified School District Facility Master (School Safety and Improvement) Plan (www.lbschools.net) recommended by the Community Advisory Committee and approved by the Board of Education on January 22, 2008, incorporated herein, and as shall be further amended from time to time. In developing the scope of projects, hundreds of parents, teachers, staff, students and community members have prioritized the key health and safety and sustainability needs so that the most critical school site needs are addressed. The Board conducted a thorough evaluation at all school sites and received public input and review in developing the scope of school projects to be funded, as listed in the Facility Master (School Safety and Improvement) Plan. This input concluded that if these needs were not addressed now, the problem would only get worse and more expensive to address in the future. **In approving this Priority School Projects List, the Board of Education determines that:**

- (i) all of its schools must be healthy and safe from earthquake risks, hazardous materials such as asbestos, mold and fire dangers; and**
- (ii) in repairing aging schools, priority shall be given to basic repairs, such as leaky roofs, plumbing, electrical and utility systems; and**
- (iii) all of its schools should be safe learning environments, free from gang or drug influence; and**
- (iv) among the communities that constitute the District, including Long Beach, Signal Hill, Lakewood and Catalina Island, the District must allocate proceeds of the Bonds so that each community obtains its fair share of the benefits of any bond money; and**
- (v) the District must manage class size by repairing existing classrooms and building new classrooms, particularly so that students can improve their**

academic performance, job training skills and the District can have smaller high schools; and

- (vi) the District must install and upgrade fire detection systems, security and emergency response systems at every school so that all students are safe, as well as make repairs in compliance with energy saving and sustainability standards; and
- (vii) that, when advisable, bond projects should be managed by a professional program/construction management firm with a proven track record of delivering school construction projects on-time and on-budget; and
- (viii) the District must aggressively apply for State matching funds and spend any local bond money exclusively on schools and facilities within the District and shall not allow bond monies to be transferred to the State.

The Facility Master Plan is on file at the District Office of Facility Development and Planning and includes the following types of projects:

School Renovation, Repair and Upgrade Projects

Goal and Purpose: Schools will benefit from the renovation, repair and upgrade of deteriorating, outdated school buildings, science labs, classrooms, computer learning centers and school libraries and equipment, allowing all children have the resources they need to learn and excel:

- Repair, upgrade and replace worn-out leaking roofs.
- Replace existing wiring systems to meet current electrical and accessibility codes and increased capacity.
- Additional electrical service capacity to relieve currently overloaded electrical systems.
- Replace existing water, sewer and plumbing systems to meet current codes, including the elimination of lead-containing fixtures.
- Upgrade aging and deteriorating school restrooms.
- Replace older ceilings, heating, ventilation, air conditioning and lighting systems with building code compliant, energy efficient systems.
- Install code-compliant ventilating systems in restrooms.
- Provide improved, upgraded computer labs.
- Upgrade and equip classrooms, science labs, multipurpose rooms, physical education facilities, kitchens, auditoriums, libraries, arts and music rooms, childcare, preschool, adult education and educational support spaces.
- Classroom interiors will receive new paint, carpet/vinyl tile/asbestos abatement, white markerboards, tackable surfaces, storage-for instructional materials and equipment.
- Federal and State-mandated Americans with Disabilities Act (ADA) accessibility upgrades including site access, parking, staff and student restrooms, relocation of some existing electrical devices, drinking fountains, playground equipment, etc.

- Replace old, portable classrooms.
- Repair aging schools.

School Health and Safety, Earthquake Safety and Energy Efficiency School Projects

Goal and Purpose: To ensure that the learning process is not interrupted by gangs and drugs or juvenile crime and to help attract and retain excellent teachers, schools and school sites will benefit from a variety of health and safety projects, such as:

- Remove or abate asbestos, lead paint, mold and hazardous materials.
- Fire alarm systems upgraded to automatic systems, repair fire safety equipment, add sprinklers and fire safety doors.
- Upgrade to schools to meet handicap accessibility requirements.
- Inspect for/repair gas pipe leaks.
- Replace/upgrade existing signage, bells and clocks.
- Install/replace/upgrade security fencing.
- Replace/upgrade existing security and irrigation systems.
- Install energy efficient systems.
- Replace existing window systems with energy efficient systems.
- Install new security systems, such as security (surveillance) cameras, outdoor lighting, fencing, gates and classroom door locks.
- Upgrade emergency communication systems.
- Upgrade site playground equipment replacement to meet current safety standards.
- Relocate or improve student drop-off areas for safety, including a separate area for buses.
- Inspect and improve play area fields for safety and drainage.
- Replace existing doors, doorframes and ceilings.
- Add emergency exits for faster evacuation in an emergency.
- Upgrade school site parking, utilities and grounds.
- Repair termite damage to structures and doors/doorframes.
- Strengthen and repair schools and classrooms vulnerable to serious damage in a major earthquake, as required by State law.

District-Wide Wiring and Instructional Technology For Effective Learning Environment Projects

Goal and Purpose: To improve both current instruction methods and to expand job training programs by applying modern technology infrastructure:

- Provide and maintain upgraded technology, data and communication equipment.
- Upgrade and expand wireless systems, telecommunications, Internet and network connections.
- Upgrade and replace computers, hardware and software systems.
- Upgrade and replace classroom furniture, equipment and instructional aids.
- Upgrade media and audio/visual equipment.

Classroom Improvements to Enhance Job Training

Goal and Purpose: To increase opportunities for career training and technical and job training, as well as to establish after school programs that keep kids off the street and out of trouble:

- Establish small career high schools focused on training students for jobs in health, engineering and other professions.
- Remodel and improve existing childcare and after-school recreation facilities.
- Upgrade technology and equipment used in job training programs.

New Construction Education Enhancement/Class Size Reduction Projects at School Sites

Goal and Purpose: To reduce the severe and unsafe overcrowding at neighborhood high schools and to reduce the risk of violence and injury in the event of emergency evacuation, some schools would benefit from the construction and expansion of additional earthquake and accessibility code compliant facilities, such as:

- Multi-Purpose rooms, including the cafeteria, serving kitchen, staff and student bathrooms, storage, educational support spaces, and classrooms.
- New classrooms/classroom buildings, which will reduce dependency on portable classrooms.
- Lunch shelters, playground equipment and playground storage for outdoor activities.
- ADA accessibility upgrades as mandated by the Division of the State Architect (DSA).
- Additional electrical service capacity.
- Additional staff and student restrooms.
- Additional staff, visitor and student parking/drop-off areas.

Listed building, repair and rehabilitation projects and upgrades will be completed as needed. Each project is assumed to include its share of furniture, equipment, architectural, engineering, and similar planning costs, program/project management, staff training expenses and a customary contingency for unforeseen design and construction costs. In addition to the listed repair and construction projects stated above, the Priority School Project Lists and Facility Master Plan, also include the acquisition of a variety of instructional, maintenance and operational equipment, including school buses, the reduction or retirement of outstanding lease or capital facility note obligations, or the reimbursement of the District for such reduction, the

construction of new schools, if necessary to serve students, the acquisition of land, the remodeling of administrative support spaces, installation of signage and fencing, the payment of the costs of preparation of all facility planning, facility assessment reviews, facility master plan updates, environmental studies (including environmental investigation, remediation and monitoring) and construction documentation, the acquisition of outstanding ground leases, temporary housing of dislocated District activities caused by bond projects and the leasing or acquisition of a transportation lot for school buses. The allocation of bond proceeds will be affected by the District's receipt of State matching funds and the final costs of each project. In the absence of State matching funds, which the District will aggressively pursue to reduce the District's share of the costs of the projects, the District will not be able to complete some of the projects listed above. Certain projects may be undertaken as joint use projects in cooperation with other local public or non-profit agencies. Possible Joint-use type projects could include any of the following at various school sites identified in the Facility Master Plan: gymnasiums, natatoriums, libraries, multi-purpose rooms, media centers/or labs, health clinics, parking, art and athletic facilities, assembly rooms, science labs, career technical facilities, classrooms, computer or technical labs, community meeting facilities, energy-efficient, renewable and/or sustainable facility projects. 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 are finalized, construction bids are awarded and projects are completed. Based on the final costs of each project, certain projects described above may be delayed or may not be completed. Demolition of 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, utility lines, trees and landscaping, relocating fire access roads, and acquiring any necessary easements, licenses, or rights of way to the property. 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 specific 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.

PROJECT CONSTRUCTION ACCOUNTABILITY AND SAFEGUARDS. APPROPRIATE PROJECTS PAID FOR WITH BOND MONEY WILL BE SUBJECT TO OVERSIGHT OF A PROFESSIONAL CONSTRUCTION/PROGRAM MANAGEMENT FIRM WITH A PROVEN TRACK RECORD OF DELIVERING SCHOOL CONSTRUCTION PROJECTS ON-TIME AND ON-BUDGET TO SAVE TAXPAYER DOLLARS.

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.

FISCAL ACCOUNTABILITY. 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.