

**RESOLUTION NO. \_\_\_\_\_**

**RESOLUTION OF THE BOARD OF TRUSTEES OF THE SAUSALITO MARIN CITY SCHOOL DISTRICT ORDERING AN ELECTION, AND ESTABLISHING SPECIFICATIONS OF THE ELECTION ORDER**

**WHEREAS**, the gap in the quality of education and the quality of school facilities in wealthier and less wealthy communities is a critical social justice issue, and ensuring that all students of the Sausalito Marin City School District (the “District”) have equal access to quality education will help combat these inequalities;

**WHEREAS**, the unification and integration of Willow Creek Academy and Bayside Martin Luther King Jr. Academy will beneficially impact our students if the facilities and programs at both campuses are comparably upgraded and improved and allow all students to benefit from such improvements;

**WHEREAS**, as improved, our schools will forge a strong community of global citizens who find strength in diversity, affirm and value difference, who are prepared for college, a career, and a life which empowers all people to overcome systemic barriers, and create social and climate justice;

**WHEREAS**, the Board of Trustees (the “Board”) of the District is devoted to improving the quality of education in our local public schools by both providing educational programs that serve as a model of equity, excellence and integration, as well as by attracting and retaining quality teachers to support instruction in core subjects and improve career and college preparation; and

**WHEREAS**, the District currently has outdated buildings that were built as far back as 1945 during World War II and have outlived their useful life, and are thus in urgent need of basic health and safety repairs, including removing any hazardous materials, providing safe drinking water and repairing leaky or deteriorating roofs, plumbing and gas lines; 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 keep schools clean and to enable the District to improve student safety and campus security by improving fire safety systems, preparing schools for health emergencies, replacing outdated and deteriorating electrical systems, and ensuring accessibility for disable students;

**WHEREAS**, the Board believes it is in the best interest of the District to provide classrooms equipped for 21<sup>st</sup> century learning in all schools by improving instructional technology and upgrading computer, engineering and science labs;

**WHEREAS**, all residents benefit from living in a community with good schools, and whether or not residents have school-age children, investing in every local school will not only support child learning, but also enhance property values; and

**WHEREAS**, the State of California (the “State”) does not provide the District with sufficient funds for the District to adequately construct and repair schools to provide an optimal learning environment 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 local schools, protect student safety, improve the quality of instruction 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 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* property 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 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 owned 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 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, November 3, 2020, and to request the Marin County Registrar of Voters to perform certain election services for the District.

**NOW THEREFORE, THE BOARD OF TRUSTEES OF THE SAUSALITO MARIN CITY 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 Marin 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 \$41,600,000 (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 Superintendent, or the designee thereof, 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 3, 2020.

**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 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;

(c) that the District 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 District 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 the minutes of the Board 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 mentioned above, the District has obtained reasonable and informal projections or assessed property valuations that take into consideration projections of assessed property valuations made by the county assessor that are available to the District.

**Section 6.** That the Marin County Registrar of Voters and the Marin County Board of Supervisors are hereby requested to consolidate the election ordered hereby with any and all other elections to be held on November 3, 2020 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 Superintendent, or the designee thereof, is hereby directed to deliver a certified copy of this Resolution to the Marin County Registrar of Voters no later than August 7, 2020.

**Section 8.** That the 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 Marin 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 Marin 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 Marin 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 5th day of August, 2020.

BOARD OF TRUSTEES OF THE  
SAUSALITO MARIN CITY SCHOOL  
DISTRICT

By \_\_\_\_\_

Attest: \_\_\_\_\_

STATE OF CALIFORNIA    )  
                                          )ss  
MARIN COUNTY            )

I, Dr. Ito Garcia, do hereby certify that the foregoing is a true and correct copy of Resolution No. \_\_\_\_\_, which was duly adopted by the Board of Trustees of the Sausalito Marin City School District at the meeting thereof held on the 5th day of August, 2020, and that it was so adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

By \_\_\_\_\_  
                                          Superintendent

EXHIBIT A

“To replace older portable classrooms; construct new and modernize existing classrooms; upgrade libraries, science labs/ support facilities; make essential safety and security improvements; keep schools safe, clean and well-maintained; repair, construct, acquire classrooms, equipment, sites/ facilities; shall Sausalito Marin City School District’s measure authorizing \$41,600,000 in bonds, at legal rates, levying 3¢ per \$100 of assessed value (\$2,500,000 annually) while bonds are outstanding, be approved, with citizen oversight, audits, no funds for administrators, and all funds spent locally?”

Bonds – Yes

Bonds – No

## EXHIBIT B

### FULL TEXT BALLOT PROPOSITION OF THE SAUSALITO MARIN CITY SCHOOL DISTRICT BOND MEASURE ELECTION NOVEMBER 3, 2020

The following is the full proposition presented to the voters by the Sausalito Marin City School District.

“To replace older portable classrooms; construct new and modernize existing classrooms; upgrade libraries, science labs/ support facilities; make essential safety and security improvements; keep schools safe, clean and well-maintained; repair, construct, acquire classrooms, equipment, sites/ facilities; shall Sausalito Marin City School District’s measure authorizing \$41,600,000 in bonds, at legal rates, levying 3¢ per \$100 of assessed value (\$2,500,000 annually) while bonds are outstanding, be approved, with citizen oversight, audits, no funds for administrators, and all funds spent locally?”

### PROJECT LIST

The Board of Trustees of the Sausalito Marin City School District is committed to retaining and attracting quality teachers in local schools and keeping schools clean and safe by providing secure, upgraded classrooms, labs and technology needed to support high quality instruction. To that end, the Board evaluated the District’s urgent and critical technology and facility needs, including basic health and safety repairs, class size reduction, computer and information technology in developing the types of projects to be funded by this measure as described below. The District conducted a facilities evaluation and received public input in developing this Project List. Critical to this assessment was the desire to improve both school campuses equitably, so that all students have equal access to quality classrooms and improved facilities so that all students are prepared for college or good paying careers after high school.

In approving this Project List, the Board of Trustees determines that:

- (i) The District must improve the educational and social outcomes of all current and future students enrolled in our public schools with the support of all our educational stakeholders;**
- (ii) The gap in the quality of public education and the quality of educational facilities within the District is a crucial social justice issue; and**
- (iii) The District must ensure that all local students have access to a quality education to help combat inequality.**

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

**SCHOOL REPAIR AND UPGRADE PROJECTS FUNDED BY MONEY THAT CANNOT  
BE TAKEN BY STATE OR USED FOR OTHER PURPOSES**

**Goals and Purposes:** The District currently has outdated buildings that were built as far back as 1945 during World War II which have outlived their useful life and are in urgent need of basic health and safety repairs. Funds from this measure will be used to replace outdated portable classrooms with permanent facilities, repair broken plumbing, bathrooms, gas lines and leaky roofs; upgrade or replace heating, ventilation and air conditioning systems, deteriorating walls and floors and outdated electrical systems and wiring.

Our schools are the center of our community and offer the best opportunity for our children to succeed yet they have less facilities funding than schools in some other nearby communities. This measure will help fix this social justice problem by providing cleaner, safer, healthier and up-to-date schools, retaining and attracting quality teachers and providing 21<sup>st</sup> century education to our young people so they have access to the tools they need to be prepared for college and to compete for good-paying jobs.

- Repair deteriorating classrooms and build new classrooms.
- Ensure accessibility for disabled students.
- Repair plumbing and restrooms.
- Provide safe drinking water.
- Repair deteriorating gas lines.
- Replace deteriorating heating, ventilation and cooling systems.
- Repair leaky roofs.
- Upgrade schools to prepare students for high school, college and careers.
- Repair deteriorating pipes.
- Modernize or build new libraries, pre-kinder and kindergarten classrooms.

**PROJECTS THAT IMPROVE STUDENT SAFETY AND SUCCESS AND COMBAT  
INEQUALITIES IN FUNDING FOR SCHOOLS**

**Goals and Purposes:** In order for unification and integration of Willow Creek Academy and Bayside Martin Luther King Jr. Academy, it is important that we have equity in regard to school facilities on both campuses owned by the District. This measure will make that possible.

**The District intends to improve the educational and social outcomes of all current and future students enrolled in our public schools with the support of all of our educational stakeholders, as well as updated classrooms with improved educational technology and internet access.**

- Provide classroom technology for 21<sup>st</sup> century learning, including improved access to the internet.
- Repair outdated and deteriorating electrical systems and wiring.
- Upgrade science labs.
- Improve technology for improved distance learning.
- Upgrade emergency communication and fire safety systems and provide secure single points of entry to school campuses.
- Improve student safety and campus security systems, including security cameras, emergency communications systems, smoke detectors, fire alarms and sprinklers.
- Upgrade and construct enrichment classrooms for music, robotics, video, art and dance to promote equity at both campuses in the District.
- Retire outstanding lease obligation.
- Replace outdated portable classrooms with permanent facilities to improve instruction and reduce annual operating costs.

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In addition to the projects listed above, the repair and renovation of District schools and facilities may include, but not be limited to, some or all of the following: add or renovate student and staff restrooms; retrofit classrooms and school facilities for social distancing; repair and replace electrical, plumbing, heating, ventilation and air conditioning systems; install, improve and equip school nursing stations; upgrade of facilities for energy efficiencies, including the installation of solar panels and systems; repair and replace worn-out and deteriorated roofs, windows, walls, floors, doors and drinking fountains; construct or renovate offices and facilities for professional development of teachers, more efficient administration and multi-purpose learning spaces; install wiring and electrical systems to safely accommodate computers, technology and other electrical devices; upgrade/construct and equip support facilities including central plants, administrative, nursing and health, physical education, music, art, performing and fine arts classrooms or facilities, amphitheatres, science, computer labs/classrooms, auditoriums, libraries and buildings, swing space,

covered eating areas, single-point-of-entry facilities, maintenance and operations facilities and yards; remove hazardous materials; repair and replace fire alarms, emergency communications and security systems; improve facilities to satisfy ADA requirements; resurface or replace asphalt, broken concrete and improve hard courts, turf and irrigation/drainage systems and campus landscaping; install signage, 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), portable classrooms 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; repair, upgrade and install interior and exterior lighting systems; construct, acquire or improve playgrounds, play structures, athletic fields, stadiums, sport complexes, gymnasiums, tracks and facilities to support student health, fitness and safety, lockers, and other facilities serving District students; replace outdated security fences and security systems (including access control systems), provide lunch shelters, upgrade music and art classrooms, multi-purpose rooms, learning centers and media 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 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.

The upgrading of technology infrastructure includes, but is not limited to, network rewiring, cabling, computers, mobile interface devices, data centers, switches, routers, modules, sound projection systems, laser printers, digital white boards, document projectors, upgrade voice-over-IP, clock/telephone/ intercom systems, call manager and IT security, wireless technology systems, refresh classroom technology, upgrade school technology for distance learning, acquire necessary software and miscellaneous IT and instructional equipment, data storage, phones, identity cards and the construction and installation of a data center in the cloud for the District enterprise systems, such as resource planning, websites, domain name systems, cloud applications and information security.

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 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 District determines that such an approach would be more cost-effective in creating more enhanced and operationally efficient campuses. Necessary on-site and off-site improvements, site preparation and 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, traffic signals, sewer or utility lines, trees and landscaping, relocating fire access roads, road widening, and acquiring any necessary easements, licenses, permits 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, legal fees and similar planning costs, connection fees, permit fees, program/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 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 PROJECT LIST DETAILING HOW THE MONEY WILL BE USED, A CITIZEN'S OVERSIGHT COMMITTEE, AND INDEPENDENT AUDITS TO ENSURE MONEY IS SPENT PROPERLY.**

IN ACCORDANCE WITH EDUCATION CODE SECTION 15272, THE COUNTY ADMINISTRATOR 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.**