



Napa Valley Unified School District • 2425 Jefferson Street, Napa, CA 94558-6257

**Board of Education Meeting
Agenda Item Analysis**

Directions: Please submit agenda items using this form to Diane Mitchell no later than 7 days before Board Meeting date.

BOARD MEETING DATE: JULY 26, 2006

AGENDA ITEM: RESOLUTION ORDERING
SCHOOL BOND ELECTION

ACTION REQUESTED: (shade in box)

- Approval/Adoption
- Information Only
- Introduction
- Discussion Only

COMMUNICATION AND REPORTS:

Name of Presenter(s) -

Time Needed? Media Presentation?

for office use only

- Report
- Consent
- Old Business
- New Business
- Category # X-A
- Approved *[Signature]*

- Attachment? yes no later
(shade in box)
- Attachment Requires Board/Supt Signature?
 yes no
(shade in box)
- Administrator Submitting Request:
John Glaser, Superintendent
- Administrator's Signature:

[Signature]

ITEM DESCRIPTION/BACKGROUND INCLUDING INFORMATION IMPACTING STUDENTS, PERSONNEL, PROGRAMS, FISCAL OR OTHER AREAS:
(this description replaces the former system of sending a memo)

The Board of Education will be asked to authorize an order for elections for the purpose of submitting to the electors the question of whether bonds of the district shall be issued and sold for the purpose of raising money for the purposes hereinafter specified, pursuant to Education Code Sections 15100 es seq.

THE RESOLUTION CONTAINS:

- The Order of Election (Resolution)
- Findings
- Bond Authorization
- Accountability Safeguards
- Bond Project List
- Further Specifications
- Exhibit A – Bond Project List
- Exhibit B – Tax Rate Statement
- Clerk's Certificate

Resolution No. 06-005

**RESOLUTION OF THE BOARD OF EDUCATION OF THE
NAPA VALLEY UNIFIED SCHOOL DISTRICT
ORDERING SCHOOL BOND ELECTION, AND AUTHORIZING NECESSARY
ACTIONS IN CONNECTION THEREWITH**

WHEREAS, the Board of Education (the "Board") of the Napa Valley Unified School District (the "District"), within the County of Napa, California (the "County"), is authorized to order elections within the District and to designate the specifications thereof, pursuant to Sections 5304 and 5322 of the Education Code of the State of California (the "Education Code"); and

WHEREAS, the Board is specifically authorized to order elections for the purpose of submitting to the electors the question of whether bonds of the District shall be issued and sold for the purpose of raising money for the purposes hereinafter specified, pursuant to Education Code Sections 15100 et seq; and

WHEREAS, pursuant to Section 18 of Article XVI and Section 1 of Article XIII A of the California Constitution, and Section 15266 of the Education Code, school districts may seek approval of general obligation bonds and levy an ad valorem tax to repay those bonds upon a 55% vote of those voting on a proposition for the purpose, provided certain accountability measures are included in the proposition; and

WHEREAS, the Board deems it necessary and advisable to submit such a bond proposition to the electors, which, if approved by 55% of the votes cast, would permit the District to issue its bonds; and

WHEREAS, such a bond election must be conducted concurrent with a statewide primary election, general election, or special election, or at a regularly scheduled local election, as required by Section 15266 of the Education Code; and

WHEREAS, on November 7, 2006, a statewide general election is scheduled to be conducted throughout the District; and

WHEREAS, 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 statutory limit of \$60 per year per \$100,000 of assessed valuation of taxable property, pursuant to Education Code Section 15270;

WHEREAS, if the project to be funded by the bonds will require State matching funds for any phase, the sample ballot must contain a statement, in form prescribed by law, advising the voters of that fact, and the Board finds that certain projects listed in Exhibit A to this Resolution will require State matching funds not yet received by the District;

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;

NOW, THEREFORE, be it resolved, found, determined and ordered by the Board of Education of the Napa Valley Unified School District as follows:

Section 1. Recitals. All of the above recitals are true and correct.

Section 2. Specifications of Election Order: Pursuant to Education Code Sections 5304, 5322, 15100 et seq, and 15266, a special election shall be held within the boundaries of the Napa Valley Unified School District on November 7, 2006, for the purpose of submitting to the registered voters of the District the following proposition:

FINDINGS

Napa Valley high schools are currently overcrowded, and high-school-age enrollment is projected to continue increasing. The Napa Valley Unified School District Board of Education has determined that it will be necessary to build a new high school and additional classrooms at existing high schools.

Some existing athletic facilities are in need of seismic and earthquake upgrades.

Campus entryways, athletic and other facilities need to be improved in order to comply with accessibility requirements under the Americans with Disabilities Act.

Science and computer labs need improvements and equipment to meet today's standards for teaching those subjects.

The Board of Trustees has determined that a bond will be needed to provide the funding required to meet these needs.

BOND AUTHORIZATION

By approval of this proposition by at least 55% of the registered voters voting on the proposition, the Napa Valley Unified School District shall be authorized to issue and sell bonds of up to \$183,000,000 in aggregate principal amount to provide financing for the specific school facilities projects listed in the Bond Project List attached hereto as Exhibit A, and in order to qualify to receive State matching grant funds, subject to all of the accountability safeguards specified below.

Proceeds from the sale of bonds authorized by this proposition shall be used only for the construction, reconstruction, rehabilitation, or replacement of school facilities, including the furnishing and equipping of school facilities, or the acquisition or lease of real

property for school facilities, and not for any other purpose, including teacher and administrator salaries and other school operating expenses. 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 the bond projects.

ACCOUNTABILITY SAFEGUARDS

The provisions in this section are specifically included in this proposition in order that the Napa Valley Unified School District's voters and taxpayers may be assured that their money will be spent wisely to address specific facilities needs of the Napa Valley Unified School District, all in compliance with the requirements of Article XIII A, Section 1(b)(3) of the State Constitution, and the Strict Accountability in Local School Construction Bonds Act of 2000 (codified at Education Code Sections 15264 and following).

Evaluation of Needs. The Board of Education has prepared an updated facilities plan in order to evaluate and address all of the facilities needs of the Napa Valley Unified School District at each campus and facility, and to determine which projects to finance from a local bond at this time. The Board of Education hereby certifies that it has evaluated safety, class size reduction and information technology needs in developing the Bond Project List.

Independent Citizens' Oversight Committee. The Board of Education shall establish an independent Citizens' Oversight Committee (pursuant to Education Code Section 15278 and following), to ensure bond proceeds are spent only for the school facilities projects listed in the Bond Project List. The committee shall be established within 60 days of the date when the results of the election appear in the minutes of the Board of Education.

Annual Performance Audits. The Board of Education shall conduct an annual, independent performance audit to ensure that the bond proceeds have been expended only on the school facilities projects listed in the Bond Project List.

Annual Financial Audits. The Board of Education shall conduct an annual, independent financial audit of the bond proceeds until all of those proceeds have been spent for the school facilities projects listed in the Bond Project List.

Special Bond Proceeds Account; Annual Report to Board. Upon approval of this proposition and the sale of any bonds approved, the Board of Education shall take actions necessary pursuant to Government Code Section 53410 and following to establish an account in which proceeds of the sale of bonds will be deposited. As long as any proceeds of the bonds remain unexpended, the Assistant Superintendent-Business Services of the District shall cause a report to be filed with the Board no later than December 31 of each year, commencing December 31, 2007, stating (1) the amount of bond proceeds received and expended in that year, and (2) the status of any project funded or to be funded from bond proceeds. The report may relate to the calendar year, fiscal year, or other appropriate annual period as the Superintendent shall determine, and may be incorporated into the annual budget, audit, or other appropriate routine report to the Board.

BOND PROJECT LIST

The Bond Project List attached to this resolution as Exhibit A describes the specific projects the Napa Valley Unified School District proposes to finance with proceeds of the bonds. Listed construction projects, repairs, rehabilitation projects and upgrades will be completed as needed at a particular school site according to Board-established priorities and as may be described in the Bond Project List. The final cost of each project will be determined as plans are finalized, construction bids are awarded, and projects are completed. Certain construction funds expected from non-bond sources, including State grant funds for eligible projects, have not yet been secured. Until all project costs and funding sources are known, the Board of Education cannot determine the amount of bond proceeds available to be spent on each project, nor guarantee that the bonds will provide sufficient funds to allow completion of all listed projects. Completion of some projects may be subject to further government approvals by State officials and boards, and to local environmental review. For these reasons, inclusion of a project on the Bond Project List is not a guarantee that the project will be completed.

Each project is assumed to include its share of costs of the election and bond issuance, construction management, architectural, engineering, inspection and other planning costs, legal, accounting and similar fees, independent annual financial and performance audits, a customary contingency for unforeseen design and construction costs, and other costs incidental to and necessary for completion of the listed projects (whether work is performed by the District or by third parties).

The Bond Project List shall be considered a part of this ballot proposition, and shall be reproduced in any official document required to contain the full statement of the bond proposition.

FURTHER SPECIFICATIONS

Specific Purposes. All of the purposes enumerated in this proposition shall be united and voted upon as one single proposition, pursuant to Education Code Section 15100, and shall constitute the specific purposes of the bonds, and proceeds of the bonds shall be spent only for such purposes, pursuant to Government Code Section 53410.

Other Terms of the Bonds. When sold, the bonds shall bear interest at an annual rate not exceeding the statutory maximum, and that interest will be made payable at the time or times permitted by law. The bonds may be issued and sold in several series, and no bond shall be made to mature more than 40 years from the date borne by that bond.

Section 3. Abbreviation of Proposition: Pursuant to Section 13247 of the Elections Code and Education Code Sections 5322 and 15122, the Board hereby directs the Registrar of Voters to use the following abbreviation of the bond proposition on the ballot:

<p>“To improve school facilities and safety conditions, reduce school overcrowding, and qualify for state matching funds, shall Napa Valley Unified School District issue \$183,000,000 in bonds at interest rates within the legal limit, with annual financial audits and independent citizen’s oversight, for purposes including:</p> <ul style="list-style-type: none"> •constructing a new high school; •constructing new classrooms; •improving disabled access; •creating science classrooms and improving classroom technology; •expanding New Technology High School, including computer labs; •improving earthquake safety at athletic facilities; •enhancing school security?” 	BONDS – YES
	BONDS – NO

Section 4. Voter Pamphlet: The Registrar of Voters of the County is hereby requested to reprint the full text of the proposition, which is all of that portion of Section 2 hereof appearing in bold-face type, including Exhibit A hereto, in the voter information pamphlet to be distributed to voters pursuant to Section 13307 of the Elections Code. In the event the full text of the proposition is not reprinted in the voter information pamphlet, the Registrar of Voters is hereby requested to print, immediately below the impartial analysis of the bond proposition, in no less than 10-point boldface type, a legend substantially as follows:

“The above statement is an impartial analysis of Measure G. If you desire a copy of the measure, please call the Napa County Registrar of Voters at {phone number} and a copy will be mailed at no cost to you ”

Section 5. State Matching Funds The District hereby requests that the Registrar of Voters include the following statement in the ballot pamphlet, pursuant to Section 15122.5 of the Education Code:

“Approval of Measure G does not guarantee that the proposed project or projects in the Napa Valley Unified School District that are the subject of bonds under Measure G will be funded beyond the local revenues generated by Measure G. 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 6. Required Vote: Pursuant to Section 18 of Article XVI and Section 1 of Article XIII A of the State Constitution, the above proposition shall become effective upon the affirmative vote of at least 55% of those voters voting on the proposition.

Section 7. Request to County Officers to Conduct Election: The Registrar of Voters of the County is hereby requested, pursuant to Section 5322 of the Education Code, to take all steps to call and hold the election in accordance with law and these specifications.

Section 8. Consolidation Requirement; Canvass: (a) Pursuant to Education Code Section 15266(a), the election shall be consolidated with the statewide general election on November 7, 2006, and pursuant to Part 3 (commencing with Section 10400) of Division 10 of the Elections Code, the Registrar of Voters and the Board of Supervisors of the County are hereby requested to order consolidation of the election with such other elections as may be held on the same day in the same territory or in territory that is in part the same.

(b) The Board of Supervisors of the County is authorized and requested to canvass the returns of the election, pursuant to Section 10411 of the Elections Code

Section 9. Delivery of Order of Election to County Officers: The Clerk of the Board of Education of the District is hereby directed to cause to be filed as soon as practicable, and in any event no later than August 11, 2006 (which date is not fewer than 88 days prior to the date set for the election), (1) with the Registrar of Voters of the County, one true copy of this Resolution together with the Tax Rate Statement (in substantially the form attached hereto as Exhibit B), completed and signed by the Superintendent, and (2) one copy of this Resolution with the Clerk of the Board of Supervisors of the County.

Section 10. Ballot Arguments: The President of this Board, or any member or members of this Board as the President shall designate, are hereby authorized, but not directed, to prepare and file with the Registrar of Voters a ballot argument in favor of the proposition contained in Section 2 hereof, within the time established by the Registrar of Voters (August 18, 2006, at 5 p m), which shall be considered the official ballot argument of this Board as sponsor of the proposition.

Section 11. Further Authorization: The members of this Board, the Superintendent, the Assistant Superintendent-Business Services, and all other officers of the District are hereby authorized and directed, individually and collectively, to do any and all things that they deem necessary or advisable in order to effectuate the purposes of this resolution.

Section 12. Effective Date: This Resolution shall take effect upon its adoption

PASSED AND ADOPTED this day, July 26, 2006, by the following vote:


AYES: 6

NOES: 1

ABSTAIN: 0

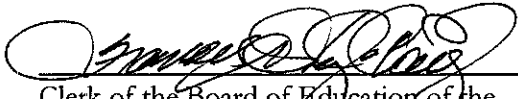
ABSENT: 0

APPROVED:



President of the Board of Education of the
Napa Valley Unified School District

Attest:



Clerk of the Board of Education of the
Napa Valley Unified School District

EXHIBIT A

NAPA VALLEY UNIFIED SCHOOL DISTRICT BOND PROJECT LIST

New High School – Newell Drive, American Canyon

Construct new fully equipped high school (on land owned by the District) to accommodate approximately 2,200 students in grades 9-12, to relieve overcrowding in Napa high schools

Napa High School - 2475 Jefferson Street, Napa

Rehabilitate/renovate original (built 1948) science classrooms to accommodate modern technology and state standards

Convert approximately 6 existing classrooms to up-to-date science classrooms/labs to accommodate growing enrollment and disabled access;

Replace original (built 1948) failing gym bleachers with seismically safe, disabled-accessible, electrically operated seating

Replace existing cinder track with all-weather track, providing a safer surface for users throughout the year

Improve school entryway for disabled access, dropoff/pickup safety, security, and parking.

Vintage High School - 1375 Trower Avenue, Napa

Convert approximately 4 existing classrooms to up-to-date science classrooms/labs to accommodate growing enrollment and disabled access;

Replace original (built 1972) failing gym bleachers with seismically safe, disabled-accessible, electrically operated seating

Replace existing cinder track with all-weather track, providing a safer surface for users throughout the year

Improve school entryway for disabled access, dropoff/pickup safety, security, and parking.

New Technology High School - 920 Yount Street, Napa

Repair/renovate old classrooms and school facilities, including replacing, repairing and upgrading fire safety/emergency systems; basic building systems, including outdated electrical, lighting, plumbing, heating/ventilation; walls, floors, ceilings; leaky roofs; communications;

Upgrade, refurbish student restrooms, including for disabled access

Other improvements to access for the disabled

Construct approximately 10 classrooms for expanded enrollment

Construct restrooms, school office, multi-use room

Middle School Facilities:

Replace original failing gym bleachers with seismically safe, disabled-accessible seating
- Redwood Middle School, Silverado Middle School

Replace existing cinder track with all-weather track

- American Canyon Middle School, Redwood Middle School, Silverado Middle School

American Canyon Middle School - 300 Benton Way, American Canyon
To accommodate student growth, install additional gym lockers as needed

Redwood Middle School - 3600 Oxford Street, Napa
Improve school entryway for disabled access, dropoff/pickup safety, security, and parking

Silverado Middle School - 1133 Coombsville Road, Napa
Improve school entryway for disabled access, dropoff/pickup safety, security, and parking.
Install irrigated turf fields including proper drainage, for site currently lacking playfields

Memorial Stadium - 1440 Menlo Avenue, Napa
Replace 55-year-old seating and related facilities with upgraded and additional seating, other facilities to include restrooms/dressing rooms, concessions, lighting, communications, field and entryway, primarily for improved seismic safety, security and disabled access.

District-wide (as needed)
Upgrade security systems at all campuses, as needed, including fencing, outdoor lighting, alarms, and surveillance cameras

In addition, the Board of Education intends to finance the following project, but only to the extent of matching grant funds received from the State for eligible projects listed above (which would make bond funds available for this purpose):

New Middle School for American Canyon
Construct new middle school in American Canyon, for approximately 700 students in grades 6-8, in order to relieve overcrowding at American Canyon Middle School

Other Necessary and Incidental Work (as needed, at any school site at which rehabilitation/renovation and/or new construction to be completed):
Remove and dispose of or otherwise remediate hazardous materials, such as asbestos, lead, etc., where necessary
Address unforeseen conditions revealed by construction/rehabilitation (e.g., plumbing or gas line breaks, dry rot, seismic, structural, etc.)
Other improvements required to comply with existing building codes, including the Field Act, and access requirements of the Americans with Disabilities Act.
Furnishing and equipping
– of newly constructed/rehabilitated classrooms and facilities
– replace worn/broken/out of date furniture and equipment
Necessary site preparation/restoration or demolition, in connection with new construction, renovation or rehabilitation, or installation or removal of temporary portables for classrooms and other purposes, including ingress and egress, removing, replacing, or installing irrigation, drainage, utility lines, trees and landscaping, relocating fire access roads, and acquiring any necessary easements, licenses, or rights of way to school site property
Rent/acquire security fencing as needed for construction
Rent or construct temporary storage facilities and other space, as needed to house construction materials, equipment, and personnel, and interim classrooms (including relocatables), for students or other storage for classroom materials displaced during construction

Acquisition of any of the facilities on the Bond Project List through temporary lease or lease-purchase arrangements, or execute purchase option under a lease for any of these authorized facilities, or prepay and redeem any lease obligations issued/entered into for purposes of financing any of these authorized facilities

EXHIBIT B
TAX RATE STATEMENT

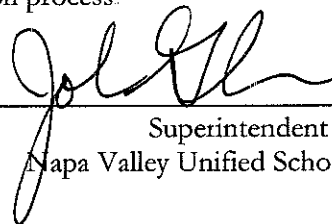
An election will be held in the Napa Valley Unified School District (the "District") on November 7, 2006, to authorize the sale of up to \$183,000,000 in bonds of the District to finance school facilities as described in the proposition. If the bonds are approved, the District expects to sell the bonds in four series over time. Principal and interest on the bonds will be payable from the proceeds of tax levies made upon the taxable property in the District. The information presented in numbered paragraphs 1-3 below is provided in compliance with Sections 9400-9404 of the Elections Code of the State of California

1. The best estimate of the tax which would be required to be levied to fund this bond issue during the first fiscal year after the sale of the first series of bonds, based on estimated assessed valuations available at the time of filing of this statement, is 3 9 cents per \$100 (\$39.00 per \$100,000) of assessed valuation in fiscal year 2007-08.
2. The best estimate of the tax rate which would be required to be levied to fund this bond issue during the first fiscal year after the sale of the last series of bonds, based on estimated assessed valuations available at the time of filing of this statement, is 3 9 cents per \$100 (\$39.00 per \$100,000) of assessed valuation in fiscal year 2010-11.
3. The best estimate of the highest tax rate which would be required to be levied to fund this bond issue, based on estimated assessed valuations available at the time of filing of this statement, is 3 9 cents per \$100 (\$39 00 per \$100,000) of assessed valuation. The tax rate is expected to remain the same in each year that the bonds are outstanding

Voters should note that the estimated tax rates are based on the *ASSESSED VALUE* of taxable property in the District as shown on the County's official tax rolls, *not* on the property's market value. Property owners should consult their own property tax bills to determine their property's assessed value and any applicable tax exemptions.

The foregoing information is based upon the District's projections and estimates only. The actual tax rates and the years in which they will apply may vary from those presently estimated, due to variations from these estimates in the timing of bond sales, the amount of bonds sold and market interest rates at the time of each sale, and actual assessed valuations over the term of repayment of the bonds. The dates of sale and the amount of bonds sold at any given time will be determined by the District based on its need for construction funds and other factors, including the legal limitations on bonds approved by a 55% vote. The actual interest rates at which the bonds will be sold will depend on the bond market at the time of each sale. Actual future assessed valuation 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.

Dated: July 26, 2006



Superintendent
Napa Valley Unified School District

CLERK'S CERTIFICATE

I, Frances Ortiz-Chavez, Clerk of the Board of Education of the Napa Valley Unified School District, of the County of Napa, California, hereby certify as follows:

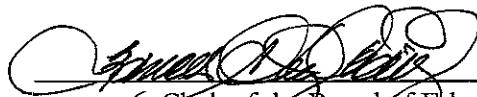
The attached is a full, true and correct copy of a resolution duly adopted at a special meeting of the Board of Education of the District duly and regularly held at the regular meeting place thereof on July 26, 2006, and entered in the minutes thereof, of which meeting all of the members of the Board of Education had due notice and at which a quorum thereof was present. The resolution was adopted by the following vote:

AYES: 6
NOES: 1
ABSTAIN: 0
ABSENT: 0

At least 24 hours before the time of the meeting, a written notice and agenda of the meeting was mailed and received by or personally delivered to each member of the Board of Education not having waived notice thereof, and to each local newspaper of general circulation, radio, and television station requesting such notice in writing, and was posted in a location freely accessible to members of the public, and a brief description of the resolution appeared on the agenda

I have carefully compared the same with the original minutes of the meeting on file and of record in my office. The resolution has not been amended, modified or rescinded since the date of its adoption, and the same is now in full force and effect.

WITNESS my hand this 26 day of July, 2006.



Clerk of the Board of Education
Napa Valley Unified School District