



Agenda Date: 8/8/2006
Agenda Placement: 6G

NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

TO: Board of Supervisors
FROM: Robert Westmeyer - County Counsel
County Counsel
REPORT BY: Brandi Periera, Paralegal, 251-1090
SUBJECT: Request to consolidate Napa Valley Unified School District bond election with the statewide general election to be held on November 7, 2006

RECOMMENDATION

County Counsel requests adoption of a resolution authorizing consolidation of the Napa Valley Unified School District bond election with the statewide general election to be held on November 7, 2006.

EXECUTIVE SUMMARY

The Napa Valley Unified School District ("District") desires to consolidate its bond election with the statewide general election to be held on November 7, 2006. The District has adopted Resolution No. 06-005, ordering the bond election and requesting the consolidation of the bond election with the statewide general election. The District has timely filed this resolution with the Board of Supervisors, as required by Elections Code section 10403.

Elections Code section 9401 requires that 88 days prior to the election a tax statement be filed with the Registrar of Voters. This tax statement is then required to be included in the official ballot materials that will be mailed to each voter prior to the November election. The District has timely filed this tax rate statement with the Registrar of Voters.

FISCAL IMPACT

Is there a Fiscal Impact?	Yes
Is it currently budgeted?	Yes
Where is it budgeted?	The estimated cost of the November election is appropriated in the Elections Department's FY 06/07 budget. Costs incurred by the Elections Department for the services performed will be fully reimbursed by the Napa Valley Unified

	School District.
Is it Mandatory or Discretionary?	Discretionary
Discretionary Justification:	It is unlikely that the District is in a position to conduct its own election. The California Education and Elections Codes authorize any school district to request the Registrar of Voters of the County in which the school district is located to conduct these types of elections.
Is the general fund affected?	No
Future fiscal impact:	None
Consequences if not approved:	School districts almost never conduct elections. They have neither the personnel nor expertise to do so. Nor can the District consolidate its bond election with the general election without the consent of the Board of Supervisors. For these reasons, the District would incur substantially higher costs if it were required to conduct this special bond election rather than having the Registrar of Voters do it for the District.
Additional Information:	None

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: General Rule. It can be seen with certainty that there is no possibility the proposed action may have a significant effect on the environment and therefore CEQA is not applicable. [See Guidelines For the Implementation of the California Environmental Quality Act, 14 CCR 15061(b)(3)].

BACKGROUND AND DISCUSSION

The Napa Valley Unified School District desires to consolidate its bond election with the statewide general election on November 7, 2006. The Board of Trustees of the Napa Valley Unified School District adopted Resolution No. 06-005 on July 26, 2006, a copy of which may be found as a Supporting Document, ordering an election on the question of whether bonds should be issued and sold pursuant to subdivision (b) of section 18 of Article XVI of the California Constitution. The question has been designated Measure "G" by the Register of Voters.

If this bond proposition is approved by at least 55% of the registered voters voting on the proposition, the District will be authorized to issue and sell bonds up to \$183,000,000 in aggregate principal amount to provide financing for the specific school facilities projects listed in Attachment "A" of Resolution No. 06-005. As a practical matter, approval of this bond proposition by the voters is needed if the District is to have any hope of receiving state matching grant funds for many of the projects identified in Attachment "A" of Resolution No. 06-005.

Proceeds from the sale of the bonds may only be used 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 (the "Bond Projects"). The California Constitution expressly prohibits the bond proceeds from being utilized for teacher or administrative salaries, school operating expenses or other purposes not directly related to the Bond Projects. However, proceeds of the bonds may be used to pay or reimburse the District for the cost of District staff when performing work on the Bond Projects.

Elections Code sections 10400 et seq., provide that district bond elections may be consolidated with a statewide general election if ordered by the Board of Supervisors. If a school district wishes to consolidate its

election with a statewide general election, Elections Code section 10403 requires the District to file with the Board of Supervisors and the Registrar of Voters, at least 88 days prior to the election, a resolution ordering the election and requesting consolidation. The resolution must also set forth the exact form of the question to be voted upon at the election. On July 27, 2006, the District timely filed the required resolution requesting consolidation of the bond election with the statewide general election to be held on November 7, 2006.

Elections Code section 9401 requires that a tax rate statement be mailed to the voters with the sample ballot for the bond election. This tax rate statement must be filed with the Registrar of Voters not later than the 88th day prior to the election which is August 11, 2006. The District filed the required tax rate statement with the Registrar of Voters on July 27, 2006. The District has agreed to reimburse the County in full for services performed in conducting the election.

Staff recommends the Board adopt the resolution authorizing consolidation of the Napa Valley Unified School District bond election with the statewide general election to be held on November 7, 2006.

SUPPORTING DOCUMENTS

- A . NVUSD Reso
- B . Resolution Consolidating Election

CEO Recommendation: Approve

Reviewed By: Maiko Klieman