

**NOV 21 2019**

**RESOLUTION NO. 2019-20-13**

**BY** TC **DEPUTY**  
**REGISTRAR OF VOTERS**

**RESOLUTION OF THE BOARD OF TRUSTEES OF BEAUMONT UNIFIED SCHOOL DISTRICT ORDERING AN ELECTION, AND ESTABLISHING SPECIFICATIONS OF THE ELECTION ORDER**

WHEREAS, it is the purpose of the Beaumont Unified School District (the "District") to deliver a high quality education to students attending its public schools in grades TK-12 by providing exceptional instruction that prepares students for success in college and/or careers for the global workforce; and

WHEREAS, the District's school facilities, technology and equipment are essential to providing the tools our students need to succeed in the global workforce; and

WHEREAS, to continue the District's commitment to protecting the local quality education, especially in light of California's status as 41st in the nation for school funding, this Board of Trustees (the "Board") proposes to call an election for the purpose of securing vital funding to improve student safety and security systems, completing needed facilities repairs and upgrades, adding classrooms and student support facilities to accommodate enrollment growth within District boundaries, and providing needed education technology, furnishings and equipment to support teaching and learning;

WHEREAS, the District's facilities are aging and in constant use, and the Board has identified a number of upgrades and enhancements needed at the District's existing schools, facilities and locations in order to upgrade security and safety infrastructure, implement energy saving measures and improve technology access in the District's school facilities, and to construct, reconstruct, rehabilitate, replace, acquire, equip and furnish facilities and classrooms; and

WHEREAS, the District has determined that a number of the schools within the District need to be upgraded, repaired, improved and better furnished and equipped to enable the District to maintain and enhance the quality of academic instruction at these schools and that new schools may need to be constructed to accommodate student growth in the District; and

WHEREAS, the State of California (the "State") is unable to provide the District with enough money for the District to adequately upgrade and construct school facilities within the District notwithstanding ongoing efforts by the District to obtain such monies; and

WHEREAS, the District has pursued all available sources of funding to improve local school facilities, including funding from Proposition 39 of 2012; the Clean Energy Jobs Act, as well as new construction, modernization and career technical education facilities funding programs under Proposition 51 of 2016; and

WHEREAS, in the judgment of the Board, additional funding by means of general obligation bonds is needed to improve the quality of facilities within the District and position the District to be eligible for potential state matching funds; and

WHEREAS, in the judgment of the Board, it is in the best interest of the students and residents of the District to provide funding to meet critical facility needs now by means of general obligation bonds to be issued by the District; and

WHEREAS, on November 7, 2000, the voters of California approved the Smaller Classes, Safer Schools and Financial Accountability Act (“Proposition 39”) which amended Section 18 of Article XVI to allow bonded indebtedness for the construction, reconstruction, rehabilitation or replacement of school facilities, including furnishing and equipping of school facilities or the acquisition or lease of real property for school facilities to be approved by 55 percent of the votes cast by voters voting on the proposition and amended Section 1(b) of Article XIII A of the California Constitution by adding a provision that exempts from the 1% of full cash value limitation on *ad valorem* taxes in Article XIII A those *ad valorem* taxes used to pay for debt service of any bonded indebtedness approved in accordance with the requirements of Proposition 39 ; 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 provide for certain performance audits, standards of financial accountability and citizen oversight which are required by Proposition 39 and the Act; and

WHEREAS, the Board desires to have the proposition that is submitted to the District’s voters at the election authorize the issuance of general obligation bonds to pay for upgrades to security and safety infrastructure, the implementation of energy saving measures and improvement of technology access in the District’s school facilities, and the construction, reconstruction, rehabilitation or replacement of school facilities, including furnishing and equipping of school facilities and the acquisition or lease of real property which the Board has determined are necessary improvements to be made to District school facilities; and

WHEREAS, the Board hereby determines that in order to comply with the restrictions in Proposition 39, which prohibit any bond money from being used for teacher or administrative salaries, all expenditures shall be reviewed by the District’s Citizens’ Oversight Committee to be established in accordance with the Act; and

WHEREAS, pursuant to Education Code Section 15268, based upon a projection of increases in assessed property valuations in accordance with Article XIII A of the California Constitution, 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 under the proposition described herein will not exceed the Proposition 39 limits of \$60 per year per \$100,000 of assessed valuation of taxable property;

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 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 ballot argument in favor of the proposition described herein to be submitted to the voters of the District at the election;

WHEREAS, pursuant to the California Elections Code, it is appropriate for the Board to request consolidation of the election on the proposition described herein with any and all other elections to be held on Tuesday, March 3, 2020, and to request the Riverside County Registrar of Voters and the San Bernardino County Registrar of Voters to perform certain election services for the District;

WHEREAS, in accordance with Education Code Section 5303, the District requests that the Riverside County Registrar of Voters and the San Bernardino County Registrar of Voters, by mutual agreement, provide for the performance of all duties related to the calling of the election within the District on the proposition to issue general obligation bonds of the District;

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

Section 1. That the Board, pursuant to Education Code Sections 5304, 5322, 15100 *et seq.* and 15264 *et seq.*, hereby requests the Riverside County Registrar of Voters and the San Bernardino 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 \$98,000,000 (the "Bonds") shall be issued and sold for the purpose of raising money for the projects described in Exhibits "A" and "B" hereto. Exhibit "B" contains the full text of the proposition to be submitted to the voters and is directed to be printed in the voter pamphlet published by the Registrar of Voters. In accordance with Education Code Section 5322 and Election Code Sections 13119 and 13247, Exhibit "A" is the abbreviated statement of the proposition to appear on the ballot to be submitted to voters. The Board hereby adopts each of the findings set forth in Exhibit B hereto. This resolution shall constitute the specifications of the election order as required by Education Code Section 5322.

Section 2. That the date of the election shall be March 3, 2020.

Section 3. That the purpose of the election shall be for the voters in the District to vote on the proposition, a copy of which is attached hereto and marked Exhibit "B", containing the question of whether the District shall issue the Bonds to pay for the construction, reconstruction, rehabilitation or replacement of school facilities, including furnishing and equipping of school facilities and the acquisition or lease of real property to the extent permitted by such proposition. In compliance with Proposition 39 and the Act, the ballot proposition 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 proposition and not for any other purpose, including teacher or administrator salaries;

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

(c) that the Board 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 Board shall 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 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 its minutes pursuant to Education Code Section 15274. The Citizens' Oversight Committee shall initially consist of at least seven (7) members meeting the qualifications set forth in Education Code Section 15282. The Citizens' Oversight Committee may not include any employee or official of the District or

any vendor, contractor or consultant of the District. The Citizens' Oversight Committee shall carry out the purposes enumerated in Education Code Section 15278 and may engage in any of the activities described therein relating to the expenditure of the Bond proceeds; and

(f) that the tax levy authorized to secure the Bonds of this election shall not exceed the Proposition 39 limit of \$60 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.* and 15264 *et seq.* and Government Code Sections 53506 *et seq.*

Section 5. That the authority for the specifications of this election order is contained in Sections 5322 of the Education Code.

Section 6. That in accordance with the provisions of Education Code Section 15266(a) and Elections Code Section 10400 *et. seq.*, the Riverside County Registrar of Voters and the Riverside County Board of Supervisors and the San Bernardino County Registrar of Voters and the San Bernardino County Board of Supervisors are hereby requested to consolidate the election ordered hereby with any and all other elections to be held on March 3, 2020 within the District and to canvass the returns of the election. The Board further requests the governing body of any other political subdivision, or any officer otherwise authorized by law, to consolidate the election on the Bonds with the election to be held on March 3, 2020 and to provide for the canvass of the returns of the election, and the Board consents to such consolidation.

Section 7. That the Secretary of the Board is hereby directed to deliver a certified copy of this Resolution to the Riverside County Registrar of Voters, the Riverside County Superintendent of Schools, the Riverside County Clerk of the Board of Supervisors, the San Bernardino County Registrar of Voters and the San Bernardino County Clerk of the Board of Supervisors no later than December 6, 2019.

Section 8. That at the discretion of the Board any Bonds may be issued either pursuant to the Act with a maturity not exceeding twenty-five (25) years, or pursuant to Sections 53506 *et. seq.* of the Government Code with a maturity 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, pursuant to Section 5303 of the Education Code and Section 10002 of the Elections Code, the Board of Supervisors of Riverside County and the Board of Supervisors of San Bernardino County are requested to permit the Registrar of Voters of Riverside County and the Registrar of Voters of San Bernardino County, respectively, to render all services specified by Section 10418 of the Elections Code relating to the election, for which services the District agrees to reimburse Riverside County and San Bernardino County. The requested services will include the preparation of the impartial analysis of the proposition by County Counsel in accordance with Elections Code Section 9500, the publication of a Formal Notice of School Bond Election pursuant to the terms of Section 5363 of the Education Code and Section 12112 of the Elections Code and the mailing of the sample ballot and tax rate statement as required by the Elections Code.

Section 10. That any and all members of this Board and the Superintendent are hereby authorized to act as an author of any ballot argument prepared in connection with the election, including


an argument in favor of the proposition and any rebuttal argument. The Superintendent, President of the Board, Deputy Superintendent, or their designees, are hereby authorized to execute any Tax Rate Statement or other document and to perform all acts necessary or required by the Registrar of Voters, including, but not limited to, reducing the word count or otherwise modifying the language in the ballot proposition in Exhibits “A,” and “B” in order to meet the requirements to place the bond proposition on the ballot.

Section 11. That this resolution shall take effect on and after its adoption by a two-thirds vote.

ADOPTED, SIGNED AND APPROVED this 12<sup>th</sup> day of November, 2019.

Susan M. Lara  
*Susan Lara* ~~Steve Hovey, President (Vice)~~  
Board of Trustees  
Beaumont Unified School District

ATTEST:

  
\_\_\_\_\_  
Brian Sylva, Clerk  
Board of Trustees  
Beaumont Unified School District

PASSED AND ADOPTED by the Board of Trustees of the Beaumont Unified School District,  
County of Riverside, State of California, this 12<sup>th</sup> day of November, 2019 by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

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STATE OF CALIFORNIA    )  
  ) ss  
COUNTY OF RIVERSIDE    )

I, Terrence Davis, Secretary to the Board of Trustees of the Beaumont Unified School District  
of Riverside County, California, do hereby certify that the foregoing is a full, true, and correct copy of  
a resolution duly adopted by said Board at a regular meeting thereof on the date and by the vote above  
stated, which resolution is on file and of record in the Office of said Board.

  
\_\_\_\_\_  
Secretary to the Board of Trustees

EXHIBIT A

To improve student safety and security systems, replace roofs, plumbing, electrical systems, construct, furnish and equip classrooms, science labs, school and career technical education facilities for Science, Technology, Engineering, Arts, and Math (STEAM) programs, and add facilities for growing enrollment, shall the Beaumont Unified School District measure be adopted authorizing \$98,000,000 in bonds at legal rates, and an estimated levy of \$50 per \$100,000 assessed value raising \$6,000,000 annually while bonds are outstanding, with citizen oversight, independent audits?

Yes

No