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Quint & Thimmig LLP

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REGISTRAR OF VOTERS  
COUNTY OF SANTA CLARA

By SP SUNNYVALE SCHOOL DISTRICT Clerk

Resolution No. 04/05-04

**RESOLUTION OF THE BOARD OF EDUCATION OF THE SUNNYVALE SCHOOL DISTRICT ORDERING A SCHOOL BOND ELECTION, AND AUTHORIZING NECESSARY ACTIONS IN CONNECTION THEREWITH**

WHEREAS, the Board of Education (the "Board") of the Sunnyvale School District (the "District"), within the County of Santa Clara, 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 California Education Code (the "Education Code");

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 section 15100 *et seq.* of the California Education Code;

WHEREAS, pursuant to section 18 of Article XVI and section 1 of Article XIII A of the California Constitution, and section 15266 of the California 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;

WHEREAS, the Board deems it necessary and advisable to submit such a bond proposition to the electors to be approved by 55% of the votes cast;

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 California Education Code;

WHEREAS, on November 2, 2004, a statewide election is scheduled to occur throughout the District;

WHEREAS, pursuant to section 15270 California Education Code, 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 \$30 per year per \$100,000 of assessed valuation of taxable property;

WHEREAS, section 9400 *et seq.* of the California 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;

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

NOW, THEREFORE, be it resolved, determined and ordered by the Board of Education of the Sunnyvale School District as follows:

*Section 1. Specifications of Election Order.* Pursuant to sections 5304, 5322, 15100 *et seq.*, and section 15266 of the California Education Code, an election shall be held within the

boundaries of the Sunnyvale School District on November 2, 2004, for the purpose of submitting to the registered voters of the District the following proposition:

**BOND AUTHORIZATION - BOLD**

"To maintain a safe learning environment at Sunnyvale's elementary and middle schools by replacing 40 year old gas, water and sewer lines; improving and expanding school libraries; installing energy efficient heating and cooling systems; replacing portables with permanent classrooms; expanding school facilities to relieve overcrowding; and making essential school improvements shall Sunnyvale School District issue \$120 million in bonds at legal rates, with citizen oversight, no money for administrators and all funds staying locally?"

By approval of this proposition by at least 55% of the registered voters voting on the proposition, the Sunnyvale School District shall be authorized to issue and sell bonds of up to \$120,000,000 in aggregate principal amount and to spend bond funds for the specific school facilities projects listed in the Bond Project List attached hereto as Exhibit A, subject to all of the accountability safeguards specified below.

**ACCOUNTABILITY SAFEGUARDS - BOLD**

The provisions in this section are specifically included in this proposition in order that the voters and taxpayers of the Sunnyvale School District may be assured that their money will be spent to address specific facilities needs of the Sunnyvale 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 section 15264 *et seq.* of the California Education Code).

*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 Sunnyvale School District, 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 contained in Exhibit A.

*Independent Citizens' Oversight Committee.* The Board of Education shall establish an independent Citizens' Oversight Committee (section 15278 *et seq.* of the California Education Code), to ensure bond proceeds are expended only for the school facilities projects listed in Exhibit A. 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 Exhibit A.

*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 Exhibit A.

*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 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 Superintendent shall cause a report to be filed with the Board no later than January 1 of each year, commencing January 1, 2005, stating (1) the amount of bond proceeds received and expended in that year, and (2) the

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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** - *BOLD*

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

The Bond Project List, which is an integral part of this proposition, lists the specific projects the Sunnyvale School District proposes to finance with proceeds of the Bonds. Listed repairs, rehabilitation projects and upgrades will be completed as needed. Each project is assumed to include its share of costs of the election and bond issuance, architectural, engineering, and similar consultant, planning and legal costs, construction management, and a customary contingency for unforeseen design and construction costs. The final cost of each project will be determined as plans are finalized, construction bids are awarded, and projects are completed. In addition, certain construction funds expected from non-bond sources, including State grant funds for eligible projects, have not yet been secured. Therefore, for that reason and others, the Board of Education cannot guarantee that the bonds will provide sufficient funds to allow completion of all listed projects.

**FURTHER SPECIFICATIONS** - *BOLD*

*No Administrator Salaries.* 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.

*Single Purpose.* All of the purposes enumerated in this proposition shall be united and voted upon as one single proposition, pursuant to section 15100 of the California Education Code, and all the enumerated purposes shall constitute the specific single purpose of the bonds, and proceeds of the bonds shall be spent only for such purpose, pursuant to section 53410 of the California Government Code.

*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 later than the maximum term permitted by law.

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*D.F.T.*  
*JR*  
Section 2. Abbreviation of Proposition. Pursuant to section 13247 of the California Elections Code and section 5322 of the California Education Code, the Board hereby directs the Registrar of Voters to use the following abbreviation of the bond proposition on the ballot:

"To maintain a safe learning environment at Sunnyvale's elementary and middle schools by replacing 40 year old gas, water and sewer lines; improving and expanding school libraries; installing energy efficient heating and cooling systems; replacing portables with permanent classrooms; expanding school facilities to relieve overcrowding; and making essential school improvements shall Sunnyvale School District issue \$120 million in bonds at legal rates, with citizen oversight, no money for administrators and all funds staying locally?"

35  
37  
72

*Section 3. Voter Pamphlet.* The Registrar of Voters of the County is hereby requested to reprint Section 1 hereof (including Exhibit A hereto) in its entirety in the voter information pamphlet to be distributed to voters pursuant to section 13307 of the California Elections Code. In the event Section 1 is not reprinted in the voter information pamphlet in its entirety, 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 \_\_\_\_\_. If you desire a copy of the measure, please call the Santa Clara County Registrar of Voters at 408-299-VOTE and a copy will be mailed at no cost to you.”

*Section 4. 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 5. Request to County Officers to Conduct Election.* The Registrar of Voters of the County is hereby requested, pursuant to section 5322 of the California Education Code, to take all steps to call and hold the election in accordance with law and these specifications.

*Section 6. Consolidation Requirement; Canvass.*

(a) Pursuant to section 15266(a) of the California Education Code, the election shall be consolidated with the statewide election on November 2, 2004, and any other election to be held on November 2, 2004, within the District.

(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 California Elections Code.

*Section 7. Delivery of Order of Election to County Officers.* The Clerk of the Board of Education of the District is hereby directed to deliver, no later than August 6, 2004 (which date is not fewer than 88 days prior to the date set for the election), one copy of this Resolution to the Registrar of Voters of the County together with the Tax Rate Statement (attached hereto as Exhibit B), completed and signed by the Superintendent, and shall file a copy of this Resolution with the Clerk of the Board of Supervisors of the County.

*Section 8. Ballot Arguments.* The members of the Board 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 1 hereof, within the time established by the Registrar of Voters. The Board President and any member of the Board of Trustees or other designee thereof is authorized to act as an author of any ballot argument prepared in connection with the election, including a rebuttal argument.

*Section 9. Further Authorization.* The members of this Board, the Superintendent, 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 10. Effective Date.* This Resolution shall take effect upon its adoption.

PASSED AND ADOPTED this day, July 29, 2004, by the following vote:

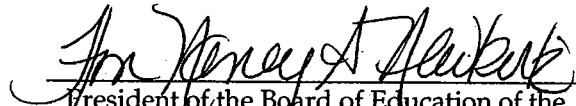
AYES: 5

NAYS: 0

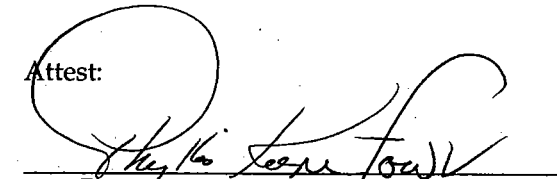
ABSTAIN: 0

ABSENT: 0

APPROVED:

  
President of the Board of Education of the  
Sunnyvale School District

Attest:

  
Clerk of the Board of Education of the  
Sunnyvale School District

**CLERK'S CERTIFICATE**

I, , Clerk of the Board of Education of the Sunnyvale School District, of the County of Santa Clara, 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 29, 2004, 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:

NOES:

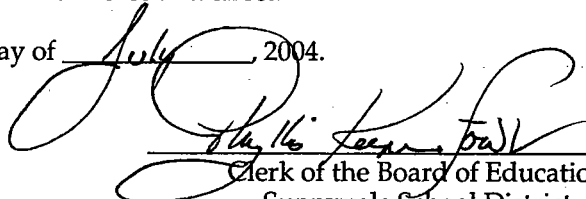
ABSTAIN:

ABSENT:

At least 24 hours before the time of said 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 said 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 29 day of July, 2004.

  
\_\_\_\_\_  
Clerk of the Board of Education  
Sunnyvale School District

2nd Part of Feb Begins

EXHIBIT A

SUNNYVALE SCHOOL DISTRICT

BOND PROJECT LIST

The Bond Project List shown below is a part of the ballot proposition and must be reproduced in any official document required to contain the full the full statement of the bond proposition.

DISTRICT-WIDE SUMMARY

*Existing Elementary School and Middle School Sites.* The primary use of bond proceeds will be to complete major facilities improvements and additions at the District's current school sites, including the eight elementary school sites and two middle school sites described below.

Bishop Elementary School  
Cherry Chase Elementary School  
Cumberland Elementary School  
Ellis Elementary School  
Fairwood Elementary School  
Lakewood Elementary School  
San Miguel Elementary School  
Vargas Elementary School  
Columbia Middle School  
Sunnyvale Middle School

*Other District Sites.* To a lesser degree, bond proceeds will also be used to complete facility improvements to the District Office and the District Operations Center and to complete repair and maintenance projects at three other sites currently owned by the District (the Adair, DeAnza, and Hollenbeck sites).

*District-Wide Standards.* The facilities improvements and additions are intended to bring all schools in the Sunnyvale School District to a common District-wide standard. The specific areas to be addressed in establishing such standard include infrastructure, educational program issues, and exterior appearance/landscape. Facilities improvements and additions will be designed to address each of these three areas.

*Infrastructure.* Infrastructure improvements will include the improvement, modernization, and expansion of core facilities (including restrooms), site utility improvements (water, sewer, and gas), roof replacement, the installation of energy management systems and other energy efficiency related projects, improvement and/or replacement of heating, ventilation, and air conditioning systems, window replacements (for energy efficiency), expansion of parking and drop-off areas (for student safety) and other paving related projects, installation or replacement of photo-voltaic panels (to reduce District-wide energy costs), and seismic upgrades.

*Educational Program Issues.* Improvements to address educational improvement issues will include the construction and/or acquisition and installation of new classrooms as needed, the acquisition of furniture and equipment for classrooms, the provision (through addition, expansion, or renovation) of expanded state-of-the-art library/media centers at all campuses, the replacement of selected relocatable classrooms with permanent construction classrooms, the expansion of multi-use rooms to accommodate increased enrollments, the acquisition and/or construction of new restrooms, the expansion of student support services areas, conference rooms, staff work rooms, and small group instructional areas, repairs and replacements necessary to keep play areas safe, and the provision of covered walkways to remaining relocatable classrooms.

*Exterior Appearance/Landscape.* Exterior appearance/landscape improvements will include certain projects designed to provide architectural features and landscaping improvements to update the look of older facilities and to make the facilities more pleasing to the neighborhoods where they reside.

## SITE SPECIFIC PROJECTS

*Bishop Elementary School.* Bond proceeds will be used at Bishop Elementary School for site utility improvements, window replacement, lighting replacement, seismic upgrades, and other infrastructure improvements as described above, for a new library/media center, new kindergarten classrooms, various classroom renovations, new restrooms, and other projects related to educational program issues as described above, and for certain exterior appearance/landscape improvements.

*Cherry Chase Elementary School.* Bond proceeds will be used at Cherry Chase Elementary School for window replacement, improvements to play areas, heating, ventilating, and air conditioning projects, and other infrastructure improvements as described above, for office expansion and renovation, and other projects related to educational program issues as described above, and for certain exterior appearance/landscape improvements.

*Cumberland Elementary School.* Bond proceeds will be used at Cumberland Elementary School for heating, ventilating, and air conditioning improvements, for site utility improvements, and for other infrastructure improvements as described above, for office expansion and renovation, for kindergarten renovation (through the conversion of the existing administrative offices), and other projects related to educational program issues as described above, and for certain exterior appearance/landscape improvements.

*Ellis Elementary School.* Bond proceeds will be used at Ellis Elementary School for heating, ventilating, and air conditioning improvements, window replacement, and other infrastructure improvements as described above, for the addition of new classrooms, the provision of a new library/media center, various other classroom renovations, and other projects related to educational program issues as described above, and for certain exterior appearance/landscape improvements.

*Fairwood Elementary School.* Bond proceeds will be used at Fairwood Elementary School for window replacement and other infrastructure improvements as described above, for the provision of a new library/media center, office expansion and renovation, and other projects related to educational program issues as described above, and for certain exterior appearance/landscape improvements.

*Lakewood Elementary School.* Bond proceeds will be used at Lakewood Elementary School for window replacement, heating, ventilation, and air conditioning improvements, site utility improvements, seismic upgrades, and other infrastructure improvements as described above, for the provision of a new library/media center, new kindergarten classrooms, and other projects related to educational program issues as described above, and for certain exterior appearance/landscape improvements.

*San Miguel Elementary School.* Bond proceeds will be used at San Miguel Elementary School for site utility improvements, improvements to play areas, and other infrastructure improvements as described above, for the construction of a new multi-use room, new kindergarten classrooms, various classroom renovations, library/media center renovations, and other projects related to educational program issues as described above, and for certain exterior appearance/landscape improvements.

*Vargas Elementary School.* Bond proceeds will be used at Vargas Elementary School for site utility improvements, roof replacement, and other infrastructure improvements as described above, for the construction and/or acquisition of new classrooms, renovations to the existing multi-use room, office expansion and renovation, and other projects related to educational program issues as described above, and for certain exterior appearance/landscape improvements.

*Columbia Middle School.* Bond proceeds will be used at Columbia Middle School for seismic upgrades, site utility improvements, window replacement, roof replacement, lighting replacement, the installation of photovoltaic panels, and other infrastructure improvements as described above, for the construction and/or acquisition of a new multi-use room, science classroom renovations, office expansion and renovation, new locker rooms and showers, construction of a new food service building, library/media center renovations, and other projects related to educational program issues as described above, and for certain exterior appearance/landscape improvements.



*Sunnyvale Middle School.* Bond proceeds will be used at Sunnyvale Middle School for site utility improvements, lighting replacement, the installation of photovoltaic panels, and other infrastructure improvements as described above, for new science classrooms, classroom renovations, new locker rooms and showers, and other projects related to educational program issues as described above, and for certain exterior appearance/landscape improvements.

*District Office.* Bond proceeds will be used at the District Office for various improvements and maintenance projects including parking lot paving, carpet replacement, interior and exterior painting, roofing, and energy management system improvements.

*District Operations Facility.* Bond proceeds will be used at the District Operations Facility for various improvements and maintenance projects including parking lot paving, carpet replacement, interior and exterior painting, roofing, and energy management system improvements.

*Adair Site.* Bond proceeds will be used at the Adair Site for various improvements and maintenance projects including roofing projects, mechanical systems projects, parking and paving projects, underground utility projects, exterior painting projects, hazardous materials abatement projects, and ADA upgrades, and for any renovations necessary to convert the Adair Site to an active school site if so required.

*DeAnza Site.* Bond proceeds will be used at the DeAnza Site for various improvements and maintenance projects including roofing projects, mechanical systems projects, parking and paving projects, underground utility projects, exterior painting projects, hazardous materials abatement projects, and ADA upgrades, and for any renovations necessary to convert the DeAnza Site to an active school site if so required.

*Hollenbeck Site.* Bond proceeds will be used at the ~~Adair~~ Site for various improvements and maintenance projects including roofing projects, mechanical systems projects, parking and paving projects, underground utility projects, exterior painting projects, hazardous materials abatement projects, and ADA upgrades, for the replacement of relocatable classrooms, and for any renovations necessary to convert the Hollenbeck Site to an active school site if so required.

Hollenbeck BWP 8/3/04

*Full Tax Text Begins*

*JD*

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AUG 03 2004

EXHIBIT B

REGISTRAR OF VOTERS  
COUNTY OF SANTA CLARA

By *SNB* Deputy

TAX RATE STATEMENT

An election will be held in the Sunnyvale School District (the "District") on November 2, 2004, to authorize the sale of up to \$120,000,000 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. Principal and interest on the bonds will be payable from the proceeds of tax levies made upon the taxable property in the District. The following information is provided in compliance with sections 9400-9404 of the California Elections Code.

1. 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 first series of bonds, based on estimated assessed valuations available at the time of filing of this statement, is 2.4 cents per \$100 (\$24.00 per \$100,000) of assessed valuation in fiscal year 2005-06.

2. The best estimate of the tax rate which would be required to be levied to fund this bond issue during the 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 3.0 cents per \$100 (\$30.00 per \$100,000) of assessed valuation in fiscal year 2011-12.

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, 3.0 cents per \$100 (\$30.00 per \$100,000) of assessed valuation in fiscal year 2011-12.

4. The best estimated of the average tax rate that will be required to be levied to fund the bond issue over its entire term (estimated at this time to be the period from tax year 2005-06 through tax year 2035-36) is 2.4 cents per \$100 assessed value (\$24.00 per \$100,000 of assessed value).

Voters should note that estimated tax rate is based on the ASSESSED VALUE of taxable property 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.

Attention of all voters is directed to the fact that the foregoing information is based upon the District's projections and estimates only, which are not binding upon the District. 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 need for construction funds and other factors. 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.

JOSEPH W. RUDNICKI

Dated: 8-2, 2004.

*J. Rudnicki*  
Superintendent  
Sunnyvale School District

*Text ends. JD*

~~Exhibit B~~