

FACILITIES

General Obligation Bonds

The Governing Board desires to provide adequate facilities in order to enhance curriculum and to help the District achieve its vision for educating District students. To that end, the Board may order an election on the question of whether bonds shall be issued for school facilities when in the Board's judgment it is advisable and in the best interest of District students.

The Board shall determine the appropriate size of the bond in accordance with law.

55% Majority Vote General Obligation Bonds (Proposition 39 and Related Legislation)

The Board may decide to pursue the authorization and issuance of bonds by approval of 55% majority of the voters pursuant to Article 13A, Section 1(b)(3) and Article 16, Section 18(b) of the California Constitution. If the Board determines to call such a 55% majority bond election, it shall do so by the adoption of a resolution. Such a resolution must be approved by a 2/3's majority of the Board pursuant to requirements of State law. (Education Code 15266)

A 55% majority bond election may only be ordered at a primary or general election, a regularly scheduled local election or a statewide special election. (Education Code 15266)

Bonded indebtedness incurred by the District pursuant to the aforementioned California Constitution provisions 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. (California Constitution Article 13A, Section 1(b)(3) and 1(b)(3)(A).

A 55% majority bond proposition submitted to the voters by the District shall include all of the following accountability requirements: (California Constitution Article 13A Section 1(b)(3).

1. A requirement that proceeds from the sale of the bonds be used only for the purposes specified above and not for any other purposes including teacher and administrative salaries and other school operating expenses.
2. A list of specific school facility projects to be funded and certification that the Board has evaluated safety, class size reduction and information technology needs in developing that list.
3. A requirement that the Board conduct an annual, independent performance audit to ensure that the bond funds have been expended only on the specific projects listed.
4. A requirement that the Board conduct an annual, independent financial audit of the proceeds from the sale of the bonds until all of those proceeds have been expended for the school facilities projects.

Bonds Requiring 66.67% Approval by Local Voters

As an alternative to calling a general obligation bond election as a 55% majority vote, the District's Board may elect to call an election for the authorization of general obligation bonds pursuant to California Constitution Article XIII A, Section 1(b) and Education Code Section 15100 et seq. Any such election shall be called pursuant to State law.

Bonds shall be sold for the purpose of raising money for the following purposes:

1. Purchasing school lots.
2. Building or purchasing school buildings.
3. Making of alterations or additions to school building(s) other than as may be necessary for current maintenance, operation or repairs.
4. Repairing, restoring or rebuilding of any school building damaged, injured or destroyed by fire or other public calamity.
5. Supplying of school buildings and grounds with furniture, equipment or necessary apparatus of a permanent nature.
6. Permanent improvement of school grounds.
7. Refunding of any outstanding valid indebtedness of the District, evidenced by bonds or of state school building aid loans.
8. Carrying out of sewer or drain projects or purposes authorized in Education Code 17577
9. Purchase of school buses with a useful life of at least 20 years.
10. Demolition or razing of any school building with the intent to replace it with another school building, whether in the same location or in any other location.

Except for refunding any outstanding indebtedness, any of the purposes listed above may be united and voted upon as a single proposition by order of the Board and entered into the minutes. (Education Code 15100)

(Legal Reference on Following Page)

Legal Reference: Education Code
15100-15254 Bonds for school districts and community college districts
15264-15288 Strict Accountability in Local School Construction Bonds Act of 2000
17577 Sewers and drains
47614 Charter school facilities

Education Code
324 General election
341 Primary election
356 Special election
357 Statewide election
1302 School district election

Government Code
1125-1129 Incompatible
53580-53595.55 Bonds

California Constitution
Article 13A, Section 1 Tax limitation
Article 16, Section 18 Debt limit

Management Resources:
WEB SITES
CSBA: <http://www.csba.org>
CDE: <http://www.cde.org>
Better Schools for CA: <http://www.betterschoolsforca.org>

Adopted: October 23, 2001