



RESOLUTION NO. 062316-E

LONG BEACH UNIFIED SCHOOL DISTRICT

A RESOLUTION OF THE BOARD OF EDUCATION OF THE LONG BEACH UNIFIED SCHOOL DISTRICT ORDERING AN ELECTION TO AUTHORIZE THE ISSUANCE OF GENERAL OBLIGATION BONDS, ESTABLISHING SPECIFICATIONS OF THE ELECTION ORDER, AND REQUESTING CONSOLIDATION WITH OTHER ELECTIONS OCCURRING ON NOVEMBER 8, 2016

WHEREAS, the Long Beach Unified School District (the “District”) wishes to keep our students safe and healthy by creating safe and healthful learning environments for each student at every school; and

WHEREAS, many schools in the District lack air conditioning, making classrooms extremely uncomfortable and difficult for children to learn on hot days, and interrupting instruction when schools must send students home due to overheated classrooms. The District has determined that installing energy efficient air conditioning systems will help improve learning by making sure classrooms are comfortable and ventilated on very hot days; and

WHEREAS, many schools in the District were built sixty to seventy years ago, and outdated buildings need important health and safety repairs; including installation of air conditioning, fixing deteriorating bathrooms and leaky roofs; upgrading fire alarms and security systems; improving plumbing and electrical wiring to increase water conservation and energy efficiency; and making upgrades to meet current handicap accessibility and earthquake safety laws; and

WHEREAS, gangs, drugs and juvenile crime are a major problem in our community, and increasing students’ access to safe, supervised indoor and outdoor recreational activities, which provide mentoring and counseling, will keep young people off the streets, out of trouble, and away from drugs and gangs, so they stay in school and graduate, and improving facilities, including fields, gyms and pools, will allow these critical after school programs to be expanded; and

WHEREAS, today’s competitive global economy requires students have a good education in technology, requiring an upgrade to science and computer labs, libraries, and classroom technology, so students can learn the vital skills needed to go to college or compete for good jobs; and

WHEREAS, education and health experts agree children need physical education programs to stay out of trouble, focus, perform well in school and prevent childhood obesity, and that to expand and maintain these programs, the District must make repairs and upgrades to aging and deteriorating pools, athletic fields and physical education resources that will improve student health and benefit academic performance; and

WHEREAS, improving school safety is a strong District priority, and the District requires additional funds to upgrade security features, including outdated emergency communications systems, lighting and fencing, and installation of up-to-date fire safety doors, sprinkler and alarm systems to keep students safe; and

WHEREAS, the proposed bond measure is subject to strict accountability requirements, including a public expenditure plan, independent annual audits, review of all spending by an Independent Citizens' Oversight Committee, a requirement that no money can be spent on administrator salaries, and that all funds must be used locally to improve our neighborhood schools; and

WHEREAS, the District has undertaken significant stakeholder and community outreach efforts to gather the opinions of parents, teachers, principals, staff, students and community members as to their assessment of the District's facility needs; and

WHEREAS, the Board has adopted a Facility Master Plan ("Facility Master Plan") and has received recommendations from committees and stakeholders, among which were the recognition that the unfunded facility needs should be prioritized as per the Facility Master Plan and phased in over time; and

WHEREAS, in the judgment of the Board of Education (the "Board") of the District, that to address the unfunded health and safety needs at the District's schools as described in the Facility Master Plan, it is advisable to call an election to submit to the electors of the District the question whether bonds of the District shall be issued and sold for the purpose of raising funds for 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

WHEREAS, the Board is specifically authorized, upon approval by a two-thirds vote of the Board, to pursue the authorization and issuance of bonds by a vote of not less than fifty-five percent (55%) of the voters of the District voting on the question of whether bonds of the District shall be issued and sold for specified purposes, pursuant to Section 15264 *et seq.* of the California Education Code (the "Education Code"); and

WHEREAS, pursuant to Section 10403 *et seq.* of the California Elections Code (the "Elections Code"), it is appropriate for the Board to request consolidation of the election with any and all other elections to be held on Tuesday, November 8, 2016, and to request the Los Angeles County Registrar of Voters to perform certain election services for the District:

NOW, THEREFORE, THE BOARD OF EDUCATION OF THE LONG BEACH UNIFIED SCHOOL DISTRICT DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:

Section 1. The Board hereby orders an election and submits to the electors of the District the question of whether general obligation bonds of the District in an aggregate principal amount not to exceed \$1,500,000,000 (the "Bonds") shall be issued and sold for the purpose of financing the school facilities and improvements of the District described in Exhibit A attached hereto and incorporated herein by reference, and paying costs incident thereto, as set forth more

fully in the ballot proposition approved pursuant to Section 3 hereof. This Resolution constitutes the order of the District to call such election.

Section 2. The date of the election shall be November 8, 2016, and the election shall be held solely within the boundaries of the District.

Section 3. The purpose of the election shall be for the voters in the District to vote on a proposition, substantially in the form attached hereto as Exhibit A, containing the question of whether the District shall issue the Bonds for the purposes stated therein, together with the accountability requirements of Article XIII A of the California Constitution (“Article XIII A”) and the requirements of Section 15272 of the Education Code. As required by Section 13247 of the Elections Code, the abbreviated form of the measure to appear on the ballot is attached hereto as Exhibit B. The Superintendent of the District, the Chief Business and Financial Officer, or their respective designees, are hereby authorized and directed to make any changes to the text of the proposition as required to conform to any requirements of Article XIII A, the Education Code and the Los Angeles County Registrar of Voters (the “County Registrar”). The identification of the projects set forth in Exhibit A hereto shall not be interpreted as and does not constitute an official approval of any listed project for the California Environmental Quality Act or any other purpose. Furthermore, the listing of school facilities projects in Exhibit A hereto does not imply any particular prioritization among such school facilities projects, which is to be determined by the Board.

Section 4. The authority for ordering the election is contained in Section 15264 *et seq.* of the Education Code and Section 1(b)(3) of Article XIII A. The authority for the specification of this election order is contained in Section 5322 of the Education Code.

Section 5. As required by Article XIII A, the Board hereby certifies that it has evaluated student health, safety, and information technology needs in developing the list of school facilities projects set forth in Exhibit A hereto.

Section 6. The Board hereby certifies that any Bonds issued pursuant to Section 15100 *et seq.* of the Education Code shall have a maturity not exceeding 25 years and that any Bonds issued pursuant to Section 53506 of the California Government Code (the “Government Code”) shall have a maturity not exceeding 40 years. The Bonds shall bear interest at a rate not exceeding the applicable legal limits and shall be sold as provided by applicable law.

Section 7 As required by Article XIII A and Section 15278 of the Education Code, if not less than fifty-five percent (55%) of the voters of the District voting on the proposition approve the issuance of the Bonds, the Board shall:

- (1) use the proceeds from the sale of the Bonds only for the purposes specified in Section 1(b)(3) of Article XIII A and not for any other purpose including teacher and administrator salaries and other school operating expenses;
- (2) conduct an annual, independent performance audit to ensure that the funds have been expended on the projects set forth in Exhibit A hereto;

- (3) 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 set forth in Exhibit A hereto;
- (4) establish and appoint an Independent Citizens' Oversight Committee within 60 days of the date that the Board enters the election results on its minutes pursuant to Section 15274 of the Education Code, all in accordance with Sections 15278, 15280 and 15282 of the Education Code;
- (5) cause the creation of accounts into which bond proceeds shall be deposited; and
- (6) cause the preparation of an annual report pursuant to Sections 53410 and 53411 of the Government Code.

Section 8. The Clerk of the Board is hereby directed to send a certified copy of this Resolution to the Los Angeles County Superintendent of Schools, the County Registrar and the Clerk of the Los Angeles County Board of Supervisors.

Section 9. The Los Angeles County Superintendent of Schools is hereby requested to prepare a Formal Notice of School Bond Election (the "Notice") containing the information specified in Section 5361 of the Education Code, in substantially the form attached hereto as Exhibit C.

Section 10. Pursuant to Sections 9316 and 9502 of the Elections Code, the Los Angeles County Superintendent of Schools is hereby requested to publish the Notice once in a newspaper of general circulation published in the District so as to provide a reasonable time in which to prepare and print the arguments and to permit a 10-calendar-day public examination. The Board requests that a copy of that published Notice be delivered to the Clerk of the Board pursuant to Section 12113 of the Elections Code.

Section 11. The Los Angeles County Superintendent of Schools is hereby requested to take all steps to call and hold the election in accordance with all applicable law, including Sections 5302, 5303, 5320 and 5322 of the Education Code.

Section 12. The Los Angeles County Board of Supervisors is hereby authorized to canvass the returns of the election pursuant to Section 10411 of the Elections Code.

Section 13. The Los Angeles County Board of Supervisors is hereby requested to permit the Los Angeles County Superintendent of Schools to render all services necessary, including the publication of the Notice (as described herein) and the mailing of the sample ballot and tax rate statement.

Section 14. The County Registrar and the Los Angeles County Board of Supervisors are hereby requested to consolidate the election ordered hereby with any and all other elections to be held on November 8, 2016 within the District.

Section 15. Pursuant to Section 9500 of the Elections Code, the County Registrar shall transmit a copy of the measure to the Los Angeles County Counsel, who shall prepare an

impartial analysis of the measure, showing the effect of the measure on existing law and the operation of the measure. The analysis shall include a statement indicating that the measure was placed on the ballot by the Board.

Section 16. In accordance with Article XIII A and Section 15264 *et. seq.* of the Education Code, the Board hereby confirms that no administrators' or teachers' salaries shall be paid or reimbursed, in whole or in part, from bond proceeds, nor shall such proceeds be used to pay any other operating expenses of the District. Notwithstanding the foregoing, costs of administering the bond election and costs of issuance of the Bonds shall be lawful charges against bond proceeds.

Section 17. The Board authorizes each of its members to file written arguments in favor or against the measure, and to change the argument until and including the date fixed by the County Registrar after which no arguments for or against the proposition may be submitted to the County Registrar. The President of the Board, the Superintendent of the District, the Chief Business and Financial Officer, or their respective designees, are hereby authorized to execute any tax rate statement or other document and to perform all acts necessary to place the bond measure on the ballot.

Section 18. That the members of the Board, the Superintendent of the District, the Chief Business and Financial Officer, their respective designees, and the other officers of the District are hereby authorized and directed, individually and collectively, to do any and all things and to execute, deliver, and perform any and all agreements and documents that they deem necessary or advisable in order to effectuate the purposes of this Resolution, including, without limitation, to prepare and submit for inclusion in the voter information pamphlet a tax rate statement (as described in Section 9401 of the Elections Code) and an argument in favor of passage of the ballot proposition. All actions heretofore taken by the officers and agents of the District that are in conformity with the purposes and intent of this Resolution are hereby ratified, confirmed, and approved in all respects.

Section 19. This Resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED this 23rd day of June, 2016, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

President, Board of Education
Long Beach Unified School District
Los Angeles County, California

ATTEST:

Secretary to the Board of Education

SECRETARY'S CERTIFICATE

I, _____, Secretary to the Board of Education of the Long Beach Unified School District, hereby certify:

The foregoing is a full, true and correct copy of a resolution duly adopted at a regular meeting of the Board of Education of said District duly and regularly and legally held at the regular meeting place thereof on June 23, 2016, of which meeting all of the members of the Board of said District had due notice and at which a quorum was present.

I have carefully compared the same with the original minutes of said meeting on file and of record in my office and the foregoing is a full, true and correct copy of the original resolution adopted at said meeting and entered in said minutes.

Said resolution has not been amended, modified or rescinded since the date of its adoption, and the same is now in full force and effect.

Dated: June 23, 2016

Secretary to the Board of Education

EXHIBIT A

BALLOT MEASURE

LONG BEACH UNIFIED SCHOOL DISTRICT REPAIR AND SAFETY MEASURE. To improve outdated classrooms/neighborhood schools by: improving technology/labs/career education classrooms/electrical systems/wiring; upgrading handicapped accessibility/earthquake safety; upgrading bathrooms, fire alarms/sprinklers/security cameras; removing lead paint/asbestos; installing air conditioning; improving student health/physical education; repairing/constructing/acquiring facilities/equipment, shall Long Beach Unified School District issue \$1,500,000,000 in bonds, at legal rates, requiring independent audits, citizens' oversight, no money for administrators' salaries/pensions; and all funds used locally?

PRIORITY SCHOOL PROJECTS LIST

The Board of Education (the "Board") of the Long Beach Unified School District (the "District") continually evaluates the District's urgent and critical school needs, including retention of quality teachers, student health and safety, competing in a global economy, school repair issues, seismic safety requirements, energy and water efficiency and aging, outdated or deteriorating school buildings, in developing the scope of projects to be funded, as provided in the Long Beach Unified School District Facility Master Plan, which was most recently updated by the Board on June 6, 2016 (www.lbschools.net) (as updated from time to time, the "Facility Master Plan"). In developing the scope of projects for the Facility Master Plan, parents, teachers, staff, students and community members were engaged to prioritize the key health and safety and repair needs so that the most critical school site needs are addressed. The Board continually conducts a thorough evaluation at all school sites in developing the scope of projects to be funded, as provided in the Facility Master Plan.

In approving the following Priority School Projects List, the Board has determined that:

- (i) all of its schools must be healthy and safe from excessive heat, earthquake risks and hazardous materials such as asbestos, mold and fire dangers; and
- (ii) in repairing aging schools, priority shall be given to basic repairs, such as leaky roofs, plumbing and electrical and utility systems; and
- (iii) all of its schools should be safe learning environments, free from gang or drug influence; and
- (iv) the District will allocate to the extent possible proceeds of the Bonds equitably among the communities that constitute the District, including Long Beach, Signal Hill, Lakewood and Catalina Island; and
- (v) priority will be given to installation and upgrading fire detection systems, providing security and emergency response systems at every school so that all students are safe, and making repairs in compliance with energy saving and sustainability standards; and

- (vi) Bond projects should be managed by professional program/construction managers with a proven track record of delivering school construction projects on time and on budget; and
- (vii) the District will apply for State matching funds and spend any local Bond money exclusively on schools and facilities within the District.

The following Priority School Projects List sets forth the specific projects the District proposes to finance with proceeds of the bonds. Each project may include a share of costs of the election and bond issuance, program planning and analysis, architectural, engineering and similar planning costs, construction management costs, relocation costs, legal costs and other costs ordinarily chargeable to capital accounts or otherwise permitted by law, the costs of furnishing and equipping new facilities, and a customary contingency for unforeseen site acquisition, design, construction, and other unforeseen costs. No bond money will be used for teacher or administrator salaries or for any other school operating expenses.

Approval of this bond measure does not guarantee that all of the projects proposed to be financed by the bonds and set forth herein will be funded. Any State matching funds which are available to the District will be used for and applied to pay the costs of projects on the Priority School Projects List. The District's proposal for the projects on the Priority School Projects List assumes the receipt of State matching funds, which is subject to appropriation by the State. The Board does not guarantee that the Bonds will provide sufficient funds to allow completion of all listed projects.

Proceeds of the bonds may also be used, to the extent permitted by law, to satisfy any portion of a legally required reserve fund for ongoing and major maintenance to school facilities to the extent such proceeds will be expended for projects included in the Priority School Projects List. Proceeds of the bonds may also be used to replace other sources of funding for projects included in the Priority School Projects List, including without limitation to refund certificates of participation and other obligations of the District which financed any such projects if such replacement or refunding is lawful and deemed by the District to be appropriate.

The Priority School Projects List describes work that the District may undertake, provided funds are sufficient to complete the work contemplated. The final cost of each project will be determined as plans are finalized, construction contracts are awarded, and projects are completed. The District commits that no funds obtained through bonds authorized by this bond measure will be spent except as provided in the Priority School Projects List. The Facility Master Plan is on file at the District's Facility Planning and Management Branch.

School Renovation; Repair and Upgrade Projects

Goal and Purpose: Schools will benefit from the renovation, repair and upgrade of deteriorating, outdated school buildings, science labs, classrooms, computer learning centers and school libraries and equipment, allowing all children to have the resources they need to learn and excel.

The following projects from the Priority School Projects List will be implemented to further the foregoing goal and purpose:

- Install energy efficient air-conditioning systems.
- Repair, upgrade and replace worn-out leaking roofs.
- Upgrade security features, including outdated emergency communications systems, lighting and fencing.
- Upgrade electrical systems and wiring for computer technology and internet access.
- Upgrade aging and deteriorating school bathrooms.
- Replace existing wiring systems to meet current electrical and accessibility codes and increase capacity.
- Replace existing water, sewer and plumbing systems to meet current codes, including the elimination of lead-containing fixtures.
- Replace older ceilings, heating, ventilation and lighting systems with building-code-compliant, energy efficient systems.
- Install code-compliant ventilating systems in bathrooms.
- Upgrade and repair classrooms, science labs, multipurpose rooms, indoor and outdoor physical education facilities, including pools, athletic fields and physical education resources, kitchens, auditoriums, libraries, arts and music rooms, and childcare, preschool, after-school recreational programming, adult education and educational support spaces.
- Improve facilities to comply with Federal and State-mandated Americans with Disabilities Act accessibility upgrades including site access, parking, staff and student bathrooms, relocation of some existing electrical devices, drinking fountains, playground equipment, and other similar items.
- Replace old, portable classrooms.
- Repair aging schools.

School, Teacher and Student Health and Safety,
Earthquake Safety and Energy Efficiency School Projects

Goal and Purpose: To attract and retain excellent teachers and provide a healthy and safe learning environment and to maintain existing childcare and after-school recreational programming in local schools.

The following projects from the Priority School Projects List will be implemented to further the foregoing goal and purpose:

- Install energy efficient air-conditioning systems.
- Improve emergency communications systems in neighborhood schools.
- Remove or abate asbestos, lead paint, mold and hazardous materials.

- Retrofit classrooms and schools to meet earthquake safety standards.
- Upgrade fire alarm systems, safety doors and sprinkler systems.
- Upgrade and repair schools to meet current handicap accessibility requirements.
- Upgrade gas pipe systems.
- Replace/upgrade existing signage, bells and clocks.
- Install/replace/upgrade security fencing.
- Replace/upgrade existing security and irrigation systems.
- Install energy efficient systems.
- Replace existing window systems with energy efficient systems.
- Install new security systems, such as security (surveillance) cameras, outdoor lighting, fencing, and gates.
- Upgrade emergency communication systems.
- Upgrade site playground equipment replacement to meet current safety standards.
- Replace and/or improve outdoor education facilities.
- Add or improve student drop-off areas for safety.
- Inspect and improve play area fields for safety and drainage.
- Replace aging and deteriorating doors, doorframes and ceilings.
- Upgrade school site parking, utilities and grounds.
- Retrofit and repair schools and classrooms to meet safety standards.

The foregoing building, repair and rehabilitation projects and upgrades will be completed as needed. Each project may include its share of furniture, equipment, architectural, engineering and similar planning costs, program/project management costs, staff training expenses and a customary contingency for unforeseen design and construction costs. In addition to the listed repair and construction projects stated above, this bond measure also authorizes the acquisition of a variety of instructional, maintenance and operational equipment, including the remodeling of administrative support spaces, installation of signage and fencing, the payment of the costs of preparation of all facility planning, computing devices, facility assessment reviews, Facility Master Plan updates, environmental studies (including environmental investigation, remediation and monitoring), construction documentation, and temporary facilities of dislocated District activities caused by bond projects. The allocation of bond proceeds will be affected by the District's receipt of State matching funds and the final costs of each project. In the absence of State matching funds, which the District will pursue to reduce the District's share of the costs of the projects, the District will not be able to complete some of the projects listed above. Certain projects may be undertaken as joint-use projects in cooperation with other local public or non-profit agencies. Possible joint-use type projects may include any of the following at various school sites identified in the Facility Master Plan: gymnasiums, auditoriums, libraries, multi-purpose rooms, media centers/or labs, health clinics, parking facilities, art and indoor and outdoor athletic facilities, assembly rooms, science labs, career technical facilities, classrooms, computer and technical labs, community meeting facilities, and energy-efficient, renewable and/or sustainable facility projects. The estimated cost for each project may be affected by factors beyond the District's control. The final cost of each project will be determined as plans

are finalized, construction contracts are awarded and projects are completed. Based on the final costs of each project, certain projects described above may be delayed or may not be completed. Demolition of existing facilities and reconstruction of facilities scheduled for repair and upgrade may occur if the Board determines that such an approach would be more cost-effective in creating more enhanced and operationally efficient campuses. Necessary site preparation/restoration may occur in connection with new construction, renovation or remodeling, or installation or removal of relocatable classrooms, including ingress and egress, removing, replacing, or installing irrigation, utility lines, trees and landscaping, relocating fire access roads, and acquiring any necessary easements, licenses, or rights of way to the property. 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 bond projects. Bond proceeds shall only be expended for the specific purposes identified herein. Upon approval of this bond measure and the sale of any bonds approved, the District shall take actions to create an account into which proceeds of the bonds shall be deposited and comply with the reporting requirements of Government Code § 53410.

Project construction accountability and safeguards. Projects paid for with bond funds will be subject to oversight of professional construction/program managers with a proven track record of delivering school construction projects on time and on budget to save taxpayer dollars.

No administrator salaries. Proceeds from the sale of the bonds authorized by this bond measure shall be used only for the projects described in this bond measure and not for teacher and school administrator salaries and other operating expenses.

Fiscal accountability. The expenditure of bond money on these projects is subject to the strict accountability requirements provided for by law. In accordance with existing law, performance and financial audits will be conducted annually and all bond expenditures will be monitored by an Independent Citizens' Oversight Committee to ensure that funds are spent as described in this bond measure. The Independent Citizens' Oversight Committee must include, among others, representation of a bona fide taxpayers' association, a business organization and a senior citizens' organization. No District employee or vendors are allowed to serve on the Independent Citizens' Oversight Committee.

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EXHIBIT B

BALLOT MEASURE

(ABBREVIATED FORM) *

LONG BEACH UNIFIED SCHOOL DISTRICT REPAIR AND SAFETY MEASURE. To improve outdated classrooms/neighborhood schools by: improving technology/labs/career education classrooms/electrical systems/wiring; upgrading handicapped accessibility/earthquake safety; upgrading bathrooms, fire alarms/sprinklers/security cameras; removing lead paint/asbestos; installing air conditioning; improving student health/physical education; repairing/constructing/acquiring facilities/equipment, shall Long Beach Unified School District issue \$1,500,000,000 in bonds, at legal rates, requiring independent audits, citizens' oversight, no money for administrators' salaries/pensions, and all funds used locally?

*75-word limit

Bonds - Yes	Bonds - No
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EXHIBIT C

BALLOT MEASURE

SCHOOL BOND ELECTION NOTICE

NOTICE IS HEREBY GIVEN to the qualified electors of Long Beach Unified School District (the "District") of the County of Los Angeles, State of California, that in accordance with the provisions of the Education Code of the State of California, an election will be held on TUESDAY, the 8th day of November 2016, in said District, at which election the following Measure shall be submitted to the qualified voters of the District and voted upon:

"LONG BEACH UNIFIED SCHOOL DISTRICT REPAIR AND SAFETY MEASURE. To improve outdated classrooms/neighborhood schools by: improving technology/labs/career education classrooms/electrical systems/wiring; upgrading handicapped accessibility/earthquake safety; upgrading bathrooms, fire alarms/sprinklers/security cameras; removing lead paint/asbestos; installing air conditioning; improving student health/physical education; repairing/constructing/acquiring facilities/equipment, shall Long Beach Unified School District issue \$1,500,000,000 in bonds, at legal rates, requiring independent audits, citizens' oversight, no money for administrators' salaries/pensions; and all funds used locally?"

Bonds – Yes

Bonds – No"

All of the purposes enumerated in the foregoing Measure shall be united and voted upon as one single Measure. Said bonds proposed to be issued and sold shall bear interest at a rate not to exceed applicable legal limits, payable at the time or times permitted by law, and the number of years the whole or any part of the bonds are to run shall not exceed applicable legal limits from the date of the bonds.