

RESOLUTION NO. 11-1448

RESOLUTION OF THE BOARD OF EDUCATION OF THE
DIXON UNIFIED SCHOOL DISTRICT
ORDERING A SCHOOL BOND ELECTION,
ESTABLISHING SPECIFICATIONS OF THE ELECTION ORDER,
AND REQUESTING CONSOLIDATION WITH OTHER ELECTIONS

WHEREAS, the Board of Education (the "Board") of the Dixon Unified School District (the "District") is generally authorized to order elections within the District and to designate the specifications thereof, pursuant to Education Code sections 5304 and 5322;

WHEREAS, the Board is specifically authorized to order elections, pursuant to Education Code sections 15264 *et seq.*, for the purpose of submitting to the electors the question of whether the bonds of the District ("Bonds") shall be issued and sold for specified purposes;

WHEREAS, the Board deems it necessary and advisable to submit a bond measure to the electors that, if approved by the requisite number of electors voting on the measure, would permit the District to issue the Bonds; and

WHEREAS, it is desirable that the election to determine whether the Bonds shall be issued and sold be consolidated with such other election or elections as may be held on the same day in the same territory or in territory that is in part the same.

NOW, THEREFORE, the Board of Education of the Dixon Unified School District does hereby resolve, determine, and order as follows:

Section 1. Election Order; Ballot Measure. Pursuant to Education Code sections 5304, 5322 and 15264 *et seq.*, and Article XVI, section 18(b) of the California Constitution, an election shall be held within the boundaries of the Dixon Unified School District on November 2, 2010, submitting to the voters of the District the question of whether Bonds of the District, in an amount not to exceed \$32,000,000 shall be issued and sold for the purposes described herein, including but not limited to, modernizing, renovating, installing, updating, replacing and repairing school facilities, infrastructure, and grounds as specifically set forth in Exhibit A attached hereto. The Bonds proposed to be issued and sold shall bear interest at a rate not exceeding the statutory limit, and the number of years any Bonds are to run shall not exceed twenty-five (25) years from the date of the Bonds or the date of any series thereof in the event the Bonds are issued pursuant to Education Code section 15144, and shall not exceed forty (40) years from the date of the Bonds or the date of any series thereof in the event the Bonds are issued pursuant to Government Code section 54400.

Section 2. Bond Proceeds, Facilities Specifications and Audit Requirements.

(a) **Use of Bond Proceeds.** Proceeds from the sale of the Bonds may be used only for the purposes specified in Article XIII A, section 1(b)(3), of the California Constitution.

(b) Specification of Facilities. The specific school facilities projects to be funded are listed in Exhibit A. The Board hereby certifies that it evaluated safety, class size reduction, and information technology needs in developing the list.

(c) Performance Audit. The Board shall conduct an annual, independent performance audit to ensure that the Bond funds have been expended only on the specific projects listed.

(d) Financial Audit. The Board shall conduct an annual, independent financial audit of the proceeds from the sale of the Bonds until all of the proceeds have been expended for the school facilities projects.

Section 3. Government Code Accountability Requirements. Pursuant to Government Code sections 53410 and 53411, the District hereby finds or directs that:

- (a) the purpose of the Bonds is to fund the facility needs as listed in Exhibit A;
- (b) the bond proceeds shall only be used on the projects listed in Exhibit A;
- (c) all proceeds of the Bonds shall be placed in a separate account; and
- (d) the chief business official of the District shall issue an annual report to the Board containing the amount of funds collected and expended as well as the status of the projects listed in Exhibit A.

Section 4. Vote Required. Pursuant to section 18(b) of Article XVI and section 1 of Article XIII A of the California Constitution, the bond measure shall become effective only upon the affirmative vote of fifty-five (55%) percent of those voters voting on the measure.

Section 5. County Registrar of Voters to Conduct Election. Pursuant to Education Code section 5303, the Solano County Registrar of Voters (the "Registrar of Voters"), is hereby requested to take all steps to prepare for and hold the election within the boundaries of the District in accordance with law and these specifications.

Section 6. Consolidation with Other Elections. Pursuant to Education Code sections 5342, 15266, and 15121 and Part 3 (commencing with Section 10400) of Division 10 of the Elections Code, the Solano County Board of Supervisors (the "Board of Supervisors") is requested to order consolidation of the school bond election with the other elections to be held on the same day in the same territory or in territory that is in part the same.

Section 7. Canvass of Returns. The Board of Supervisors is authorized to canvass the returns of the election pursuant to Section 10411 of the Elections Code.

Section 8. Services of Registrar of Voters. Pursuant to Section 5303 of the Education Code and Section 10002 of the Elections Code, the Board of Supervisors is requested to permit the Registrar of Voters to render all services incident to the preparation for and holding of the election, for which services, the District agrees to reimburse Solano County with such

services to include the mailing of the sample ballot and tax rate statement pursuant to the terms of Sections 9401 and 13300 of the Elections Code.

Section 9. Abbreviated Statement of the Bond Measure. Pursuant to the requirements of Education Code section 5322 and Elections Code section 13247, the abbreviated statement of the bond measure is set forth below. The District hereby requests the Registrar of Voters to designate the measure on the ballot by a letter printed on the left margin of the square containing the abbreviated statement of the measure as provided in Section 13116 of the Elections Code:

MEASURE D: **Dixon Unified School District Bond Measure**
To acquire, construct, repair, and improve classrooms and support facilities, including career technical and vocational facilities, increase student access to modern technology, provide utility and energy efficiency improvements, and purchase leased facilities to reduce operating costs and put more money in the classroom, shall the Dixon Unified School District be authorized to issue up to \$32,000,000 in bonds at legal interest rates, with an independent Citizens' Oversight Committee, annual audits, and no projected increase in overall tax rates?

Section 10. Full Text of the Measure. The District hereby requests the Registrar of Voters to publish the full text of the measure, which is set forth in Exhibit B, in the ballot pamphlet materials as appropriate.

Section 11. Specifications of the Election Order. The foregoing specifications of the election order are made pursuant to Section 5322 of the Education Code.

Section 12. Delivery of Specifications of the Election Order. The Superintendent is hereby directed to deliver, no later than August 6, 2010 (i.e., 88 days prior to the date set for the election), a copy of this resolution and the tax rate statement to the Registrar of Voters and a copy of this resolution to the Board of Supervisors.

Section 13. General Authorization with Respect to the Bond Election. The members of the Board, the Superintendent, 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 and an argument in favor of passage of the ballot measure. 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 14. Encumbrance of Bond Funds. For the purpose of making bond funds unavailable as rent within the meaning of Education Code section 17032, the Board hereby

encumbers all funds to be generated by the sale of the bonds in order to pay for the acquisition and construction of the school facilities and equipment authorized by the ballot measure.

Section 15. Official Intent to Reimburse Expenditures.

(a) The District intends to undertake the modernization, renovation, installation, updating, replacement and repair of school facilities, infrastructure, and grounds as described in Exhibit A (the "Improvements"). The District intends to use the proceeds of its general obligation bonds described in this resolution to finance the Improvements. The District expects to pay certain capital expenditures (the "Reimbursement Expenditures") in connection with the Improvements prior to the issuance by it of the indebtedness for the purpose of financing the costs of the Improvements on a long-term basis. The District reasonably expects that debt obligations in an amount not expected to exceed \$32,000,000 will be issued by it for the purpose of financing the cost of the Improvements on a long-term basis, and that certain of the proceeds of such debt obligations, will be used to reimburse the District for the Reimbursement Expenditures.

(b) The Board hereby declares the District's official intent to use a portion of the proceeds of the proposed indebtedness to reimburse the District for the Reimbursement Expenditures. The foregoing statement is a declaration of official intent that is made under and only for the purpose of establishing compliance with the requirements of Treasury Regulations Section 1.150-2.

Section 16. Tax Rate Statement. The Board hereby approves the form of the tax rate statement attached hereto as Exhibit C and incorporated herein by reference.

Section 17. State Matching Funds. Certain of the District Improvements may require state matching funds for the completion of any phase thereof.

Section 18. Effective Date. This resolution shall take effect immediately upon its adoption.

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APPROVED, PASSED, AND ADOPTED on 8-5, 2010, by the Dixon Unified School District Board of Education by the following vote:

AYES: 5

NOES: 0


ABSTAIN: 0

ABSENT: 0



President of the Board of Education

ATTEST:



Clerk of the Board of Education

EXHIBIT A

Specific School Facilities Projects To Be Funded:

Acquire, construct and improve classrooms and support facilities to meet District needs

Make library and security improvements

Replace and improve outdated technology, infrastructure and support facilities

Increase student access to computers and modern technology

Repair or replace outdated roofs and roofing systems

Provide energy efficiency and utility improvements

Modernize schools including improving plumbing and sewer systems

Expand multipurpose rooms and kitchen facilities

Provide career technical and vocational classrooms and facilities

Improve heating, ventilation and air conditioning systems

Purchase leased facilities to reduce operating costs and put more money back in the classroom

Make repairs pursuant to Ed. Code 17582 et. seq.

Additional Necessary, Incidental and Related Projects:

- Remove, dispose of, and otherwise remediate hazardous materials, including asbestos, lead, etc., where necessary
- Address unforeseen conditions revealed by construction/modernization (including plumbing or gas line breaks, dry rot, seismic, structural, etc.)
- Other improvements required to comply with existing building codes, including the Field Act, and access requirements of the Americans with Disabilities Act (ADA)
- Necessary site preparation and restoration in connection with new construction, renovation or remodeling, or installation or removal of portable classrooms, including demolition of existing structures; removing, replacing, or installing irrigation, drainage, utility lines (gas, water, sewer, electrical, data and voice, etc.), trees and landscaping; relocating fire access roads; and acquiring any necessary easements, licenses, or rights of way to the property
- Rental or construction of storage facilities and other space on an interim basis, as needed, to accommodate construction materials, equipment, personnel, and interim classrooms