

**PIEDMONT UNIFIED SCHOOL DISTRICT**  
**Piedmont, California 94611**

**RESOLUTION No. 09-2013-14**

**ORDERING AN ELECTION TO AUTHORIZE THE ISSUANCE OF SCHOOL BONDS  
ESTABLISHING SPECIFICATIONS OF THE ELECTION ORDER, AND REQUESTING  
CONSOLIDATION WITH OTHER ELECTIONS OCCURRING ON JUNE 3, 2014**

**WHEREAS**, the Alan Harvey Theater serves as the primary venue for the drama/acting classes, assemblies and performing arts at Piedmont and Millennium High schools, as well as providing space for the middle and elementary schools, broader educational, community and civic needs, it is one of the District's most heavily used facilities; and

**WHEREAS**, over four decades of steady use have taken their toll, and the facility is in need of significant repairs and upgrades; and

**WHEREAS**, the Board of Education (the "Board") of the Piedmont Unified School District (the "District") hired Quatrocchi Kwok Architects to examine the building's integrity, prepare preliminary drawings and estimate the costs to repair the building; and

**WHEREAS** the estimated budget for the overall project is fourteen million, five hundred thousand dollars (\$14,500,000), including estimated construction costs ("hard costs"); architectural, engineering and construction management fees, Division of State Architect review, permit, inspection, and utilities fees, relocation costs, and furnishings, fixtures and equipment ("soft costs"), and design and construction contingency funds; and

**WHEREAS**, community members, parent clubs and the Piedmont Educational Foundation have committed at least \$500,000 toward the project, and the Board has approved expending \$500,000 from the District's modernization funds toward the project;

**WHEREAS**, in the judgment of the Board of the District, 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 money for the improvement of school facilities, and the furnishing and equipping of school facilities; and

**WHEREAS**, as a result of the approval of Proposition 39 on November 7, 2000, Article XIII A, Section 1, paragraph (b), of the California Constitution ("Article XIII A") provides an exception to the limit on ad valorem property taxes on real property for bonded indebtedness incurred by a school district approved by 55 percent of the voters of the district voting on the proposition; 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 fifty-five percent (55%) vote of the electorate on the question whether bonds of the District shall be issued and sold for specified purposes, pursuant to Education Code Section 15264 *et seq.* (the "Act"); and,

**WHEREAS**, pursuant to the California 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, June 3, 2014, and to request the Alameda County Registrar of Voters to perform certain election services for the District.

**NOW, THEREFORE, BE IT RESOLVED**, the Governing Board resolves, determines and orders as follows:

- Section 1. Call for Election.** The Board hereby orders an election and submits to the electors of the District the question of whether general obligation bonds of the District shall be issued and sold in the maximum principal amount of \$13,500,000 for the purpose of raising money to finance school facilities and property of the District, and paying costs incident thereto, as set forth more fully in the ballot proposition approved pursuant to Section 3. This Resolution constitutes the order of the District to call such election.
- Section 2. Election Date.** The date of the election shall be June 3, 2014, and the election shall be held solely within the boundaries of the District.
- Section 3. Purpose of Election; Ballot Proposition.** The purpose of the election shall be for the voters in the District to vote on a proposition, a full copy of which is attached hereto and marked Exhibit A, containing the question of whether the District shall issue the Bonds for the purpose stated therein, together with the accountability requirements of Article XIII A and Government Code Section 53410 and the requirements of Section 15272 of the Act. As required by Elections Code Section 13247, the abbreviated form of the measure to appear on the ballot is attached hereto and marked as Exhibit B. The Superintendent or designee is hereby authorized and directed to make any changes to the text of the proposition or this resolution as required to conform to any requirements of Article XIII A, the Act, or the Alameda County Registrar of Voters.
- Section 4. Authority for Election.** The authority for ordering the election is contained in Section 15264 *et. seq.* of the Education Code and Section 1, paragraph (b), subsection (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. School Facilities Projects.** As required by Article XIII A, the Board hereby certifies that it has evaluated safety, class size reduction, enrollment growth, and information technology needs in developing the school facilities projects generally described and set forth in Exhibit A.
- Section 6. Covenants of the Board upon Approval of the Bonds by the Electorate.** As required by Article XIII, Section 15278 of the Act, and Government Code Section 53410, in the event 55 percent of the voters voting in the District approve of the Bonds, the Board shall:

1. conduct an annual, independent performance audit to ensure that the funds have been expended only on the school facilities projects as generally described and set forth in Exhibit A;
2. conduct an annual, independent financial audit of the proceeds from the sale of the Bonds until all of those proceeds have been expended for school facilities projects as generally described and set forth in Exhibit A;
3. establish and appoint members to an independent citizens' oversight committee in accordance with Sections 15278, 15280, and 15282 of the Act;
4. apply the bond proceeds only to the specific purposes stated in the ballot proposition;
5. cause creation of accounts into which bond proceeds shall be deposited; and
6. cause the preparation of an annual report pursuant to Government Code Sections 53410 and 53411.

**Section 7. Delivery of this Resolution.** The Secretary of the Board is hereby directed to send a copy of this Resolution to the Alameda County Superintendent of Schools, the Alameda County Registrar of Voters (the "County Registrar") and the Alameda County Clerk of the Board of Supervisors.

**Section 8. Consolidation of Election.** The County Registrar and the Alameda County Board of Supervisors are hereby requested to consolidate the election ordered hereby with any and all other elections to be held on June 3, 2014, within the District.

**Section 9. Ballot Arguments; Tax Rate Statement.** Any and all members of this Board are hereby authorized to act as an author of any ballot argument prepared in connection with the election, including a rebuttal argument. The Superintendent, President of the Board, or their 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 10. Elections Code.** Pursuant to Section 5303 of the Education Code and Section 10002 of the Elections Code, the Board of Supervisors of Alameda County is requested to permit the Registrar of Voters to render all services specified by Section 10418 of the Elections Code relating to the election, for which services the District agrees to reimburse Alameda County in full upon presentation of a bill, such services to include the

mailing of the sample ballot and tax rate statement (described in Section 9401 of the Elections Code). The Registrar of Voters is hereby requested to print the Full Text of Measure attached hereto as Exhibit A in the sample ballot booklet.

**Section 11. Effective Date.** This resolution shall take effect on and after its adoption.

PASSED AND ADOPTED THIS 22<sup>nd</sup> day of January 2014 by the Governing Board of the Piedmont Unified School District of Alameda County, California by the following vote:

AYES:

NOES:

ABSENT:

STATE OF CALIFORNIA  
COUNTY OF ALAMEDA

I, Constance Hubbard, Secretary of the Governing Board of the Piedmont Unified School District of Alameda County, California, do hereby certify that the foregoing is a full, true, and correct copy of a resolution adopted by the said Board at a Regular Meeting thereof held at its regular place of meeting at the time and by the vote above stated, which resolution is on file in the office of the said Board.

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Constance Hubbard, Secretary

CLERK'S CERTIFICATE

I, Constance Hubbard, Secretary of the Board of Education of the Piedmont Unified School District, hereby certify that the foregoing is a full, true, and correct copy of Resolution No. 09-2013-14 adopted at a regular meeting place thereof on the 22<sup>nd</sup> day of January, 2014 of which meeting all the members of said Board of Education had due notice and at which a majority thereof were present, and that at said meeting said resolution was adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

An agenda of said meeting was posted at least 72 hours before said meeting at and on the District Office, 760 Magnolia Ave, Piedmont, one at and on Piedmont High School, 800 Magnolia Ave, Piedmont, and one at and on Piedmont Middle School, 740 Magnolia Ave, Piedmont, locations freely accessible to members of the public, and a brief general description of said resolution appeared on said agenda.

I further certify that I have carefully compared the same with the original minutes of said meeting on file and of record in my office; that the foregoing resolution is a full, true and correct copy of the original resolution adopted at said board meeting and entered in said minutes; and that 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: \_\_\_\_\_, 2014.

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Secretary of the Board of Education of  
the Piedmont Unified School District

## **EXHIBIT A**

### **BALLOT MEASURE (FULL TEXT OF MEASURE)**

This proposition may be known and referred to as the Piedmont Unified School District General Obligation Bond of 2014, or Measure \_\_\_\_.

#### **FINDINGS**

The Piedmont Unified School District (the "District"), which provides educational services and opportunities to a diverse student population of over 2,500, is dedicated to high academic achievement, in a scholarly and supportive environment, ensuring that all students are prepared to accomplish their goals in life.

Academic achievements have been accrued by the District as a result of the long history of partnership among dedicated teachers, District staff, the Board of Education, parents, and concerned community leaders. During its long history, the District has benefited from a community which supports its educational institutions by establishing high standards for achievement, while at the same time providing the means required to meet and even to surpass those expectations.

An integral part of the District's achievements include the Piedmont High School's reputation as a performing arts school. The Alan Harvey Theater serves as the venue for the District's drama, music and choral programs, as well as assembly and instructional needs for the 780-student campus. The theater, now nearly forty years old, is in need of significant structural and accessibility improvements and overall modernization so that it may inspire and support artists and reflect the pride of the student and public communities in their efforts and abilities.

#### **BOND AUTHORIZATION**

By approval of this proposition by at least 55 percent of the registered voters voting on the proposition, the District shall be authorized to issue and sell bonds of up to \$13,500,000 in aggregate principal at interest rates below the legal limit, to provide finances for the repairs and improvements described in the Project Description, subject to all the accountability requirements specified below.

#### **PROJECT DESCRIPTION**

The Project consists of three categories for the Alan Harvey Theater modernization: (1) mandatory upgrades needed for structural stabilization and accessibility under the Americans with Disabilities Act ("ADA"); (2) necessary repairs to the building required for maintenance and preservation; and (3) desired improvements requested for both the instructional and performance programs. In addition to improving the existing

theater building, the addition of a separate instructional space is critical to supporting the District's goals.

Structural repairs include components such as life safety improvements to the exit lighting, fire alarm and fire water systems. Under the ADA, wheelchair spaces in the 400 seat theater must be dispersed throughout the theater to provide accessibility to seating, and there must be an accessible path of travel to such seating. Similarly, the restrooms, control room and orchestra pit require renovations to be ADA code-compliant.

Repairs to the building envelope, new roof framing and trellis replacement, as well as updates to the mechanical, electrical and utility infrastructure of the facility are necessary components of the Project. Similarly, light locks, interior finishes, improved controls, improved lighting, redesigned trash areas and new draperies are essential to the modernization of the facility in order to address theater-based curriculum standards.

In addition to the structural improvements proposed, the District desires to design new and improved instructional spaces, green room/storage, displacement ventilation, landscaping and irrigation, and doors for the facility.

Funds not expended on the above-described repairs and modernization will remain in a capital facilities fund, subject to annual review and audit, and expended at other school sites of the District for modernization, including accessibility, fire/life safety, repair, and replacement of school facilities.

Approval of this Bond Measure (the "Measure") does not guarantee that the proposed project or projects in the District that are the subject of bonds under the Measure will be funded beyond the local revenues generated by the Measure. If State matching funds become available they will be deposited in accordance with State guidelines and used as permitted by the Department of General Services.

## **ACCOUNTABILITY REQUIREMENTS**

The provisions in this section are specifically included in this proposition in order that the voters and taxpayers in the District may be assured that their money will be spent wisely to address specific facilities needs of the 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 Education Code Sections 15264 and following.)

**Study of Theater.** A study and evaluation of the Alan Harvey Theater was conducted by Quattrocchi Kwok Architects, assisted by a Committee comprised of District Board members, staff and parents. A Programming Manual was issued as a product of their efforts and is dated February 11, 2013 ("Report"). The Board affirms

that the Report adequately evaluates safety, information technology needs, class size reduction, modernization and repair, and energy management system needs in developing the Theater Project description.

**Independent Citizens' Oversight Committee.** The Board shall establish an Independent Citizens' Oversight Committee pursuant to Education Code Section 15278 and following to ensure bond proceeds are expended only on the Alan Harvey Theater project. The committee shall be established within 60 days of the date when the results of the election appear in the minutes of the Board.

**Performance Audits.** The Board shall conduct an annual, independent performance audit to ensure that the bond proceeds have been expended only on the Alan Harvey Theater project.

**Financial Audits.** The Board shall conduct an annual, independent financial audit of the bond proceeds until all of those proceeds have been spent only on the Alan Harvey Theater project.

**Special Bond Proceeds Account: Annual Report to Board.** Upon approval of this proposition and the sale of any bonds approved, the Board 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 of the District shall cause a report to be filed with the Board annually stating (1) the amount of bond proceeds received and expended in that year, and (2) the 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 in the annual budget, audit, or another appropriate routine report to the Board.

### **FURTHER SPECIFICATIONS**

**No Administrator Salaries.** Proceeds from the sale of bonds authorized by this proposition shall be used only for the construction, reconstruction and/or rehabilitation of school facilities including the furnishing and equipping of school facilities and construction and bond program management by district personnel, and not for any other purpose, including teacher and administrator salaries and other school operating expenses.

The proceeds of the bonds will be deposited into a Building Fund to be held by the Alameda County Treasurer, as required by the California Education Code.

**EXHIBIT B**

**BALLOT MEASURE  
(ABBREVIATED FORM)**

**Piedmont USD Safety and Repair Measure**

To provide Piedmont students and residents with a safe and accessible school theater facility, and to add and renovate classrooms, improve fire/life safety, energy efficiency, and ventilation, and repair/renovate aging structural, mechanical, electrical, and utility systems, shall Piedmont Unified School District issue no more than \$13,500,000 of bonds at legal rates, with mandatory audits, and citizen oversight?