

**BERKELEY UNIFIED SCHOOL DISTRICT**

**RESOLUTION #20-016**

**RESOLUTION OF THE BOARD OF EDUCATION OF THE BERKELEY UNIFIED SCHOOL DISTRICT ORDERING A SCHOOL BOND ELECTION ON MARCH 3, 2020 AND AUTHORIZING NECESSARY ACTIONS IN CONNECTION THEREWITH**

**ON MOTION** of Member \_\_\_\_\_, seconded by Member \_\_\_\_\_, the following Resolution is adopted:

WHEREAS, Berkeley Unified School District ("District") is committed to providing a quality education to local students and preparing them to succeed in today's competitive economy; and

WHEREAS, whether local students are planning to go on to college or directly into the workforce, they need skills to use today's technologies and a solid background in science, math and technology so they can excel in college and well-paying jobs; and

WHEREAS, many of our schools are 50-75 years old and deteriorating, and even schools 20 years old require upgrades; and

WHEREAS, removing or replacing aging portable classrooms that are expensive to repair and maintain with the right number of safe, modern classrooms needed for students is a high priority for the District; and

WHEREAS, it is time to make essential repairs and improvements so our schools can continue to serve our community well for decades to come; and

WHEREAS, the District is conducting a thorough Facilities Master Planning process with input from parents, teachers, staff, students, principals and members of the community to identify the upgrades needed at each school site in order to meet basic safety and accessibility standards, to continue supporting academic achievement, and to address specific priorities at individual school sites; and

WHEREAS, the District believes that completing the identified upgrades like repair or replacing deteriorating roofs, plumbing, sewer lines and electrical systems where needed will enable the District to ensure that all local students receive instruction in 21<sup>st</sup> century classrooms, labs, technology and school facilities that support modern curriculum, provide a well-rounded education, and give students the skills they need for college and the competitive global economy; and

WHEREAS, the District recognizes the need to transform classrooms, labs, instructional technology and educational facilities to support engaging, hands-on learning experiences in subjects including science, engineering and math; and

WHEREAS, making schools more energy efficient and reducing the use of electricity, water and other resources will improve environmental sustainability and reduce utility bills, thereby creating savings that can be used to protect the quality of core academic classroom programs like math, science, reading and writing; and

WHEREAS, the cost of identified upgrades and improvements is beyond the scope of the District's current operating budget and passing this bond measure provides a guaranteed source of local funding to maintain and improve this community's local school facilities; and

WHEREAS, a bond measure will benefit local schools and no funds can be taken away by the State or other school districts, and by law, no money can be used for teacher and administrator salaries and other school operating expenses, including raises or pensions; and

WHEREAS, a bond measure would qualify our schools for millions in state matching funds that would otherwise go to other school districts; and

WHEREAS, a bond measure requires strict fiscal accountability protections including mandatory annual audits and an independent citizens' bond oversight committee comprised of local residents to ensure funds are managed and spent properly; and

WHEREAS, the Board of Education ("Board") 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 ("Education Code"); and

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 Education Code; and

WHEREAS, pursuant to section 18 of Article XVI and section 1 of Article XIII A of the California Constitution (also known as "Proposition 39"), and Section 15266 of the Education Code, school districts may seek approval of general obligation bonds and levy an *ad valorem* tax to repay those bonds upon a fifty-five percent (55%) vote of those voting on a proposition for that purpose, provided certain accountability measures are included in the proposition; and

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

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 Education Code, and on March 3, 2020, a general election is scheduled to occur throughout the District; and

WHEREAS, pursuant to Section 15270 of the Education Code, if the proposition is approved by the voters, bonds may only be issued if the tax rate levied to meet the debt service requirements would not exceed statutory maximum dollar amounts per year per one hundred thousand dollars (\$100,000) of assessed value of taxable property, when assessed valuation is projected by the District to increase in accordance with Article XIII A of the California Constitution, and the current estimated and projected tax rate is well below said limits, as described in the Tax Rate Statement contained in **Exhibit C** hereto; and

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; and

WHEREAS, in the judgment of the Board, it is advisable to request that the Alameda County Registrar of Voters ("County Registrar") act as the election official and call an election and submit to the registered voters of the District the full ballot proposition as detailed below, in coordination with each other as necessary; and

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.

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

*Section 1. Specifications of Election Order.* Pursuant to Sections 5304, 5322, 15100 *et seq.*, and Section 15266 of the Education Code, an election shall be held within the District on March 3, 2020, for the purpose of submitting to the registered voters of the District the full ballot proposition contained in **Exhibit B** ("Full Ballot Text"), which Full Ballot Text is hereby approved. The County Registrar shall provide for the performance of its duties in accordance with Education Code section 5303.

*Section 2. Abbreviation of Proposition/Ballot Label.* Pursuant to Sections 13119 and 13247 of the California Elections Code and Section 15122 of the Education Code, the Board hereby directs the County Registrar to use the abbreviation of the Full Ballot Text ("Ballot Label") that is selected by the Superintendent of the District and filed herewith as **Exhibit A**. The Ballot Label shall function merely as an abbreviation of the Full Ballot Text and does not stand alone as a complete and binding statement of the proposition, nor is it possible for the Ballot Label to contain all of the project and financial information a voter might wish to consider in casting a vote. Voters are urged to review the Full Ballot Text and the Tax Rate Statement to obtain a complete understanding of the proposition, including all of the financial projections and estimates upon which the proposition is based.

*Section 3. Voter Pamphlet.* The County Registrar is hereby requested to reprint the Full Ballot Text in its entirety in the voter information pamphlet to be distributed to voters pursuant to Section 13307 of the Elections Code. In the event the Full Ballot Text is not reprinted in the voter information pamphlet in its entirety, the County Registrar 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 Alameda County Registrar of Voters at \_\_\_\_\_ and a copy will be mailed at no cost to you."

*Section 4. Accountability Measures.* Pursuant to legal requirements, and as specified in the Full Ballot Text, the Board certifies that the District:

- (a) Has evaluated the facilities needs of the District and has evaluated safety, class size reduction (including enrollment trends and classroom capacity) and information technology needs, among other needs, in developing the Bond Project List contained in the Full Ballot Text;
- (b) Will establish an independent Citizens' Bond Oversight Committee to ensure that bond proceeds are expended only for the school facilities projects described in the Bond Project List, in accordance with Education Code section 15278 *et seq.* and board resolutions, policies and procedures;

- (c) Will conduct or cause to be conducted an annual, independent performance audit to ensure that the bond proceeds have been expended only on the school facilities projects described in the Bond Project List;
- (d) Will conduct or cause to be conducted an annual independent financial audit of the bond proceeds until all of those proceeds have been spent for the school facilities projects described in the Bond Project List; and
- (e) Shall take all actions to establish an account in which proceeds of the sale of the bonds will be deposited, and to cause a report to be filed with the Board no later than each December 31 identifying proceeds received and expended in the past fiscal year and the status of any project funded or to be funded with bond proceeds. The first report shall be due no later than December 31 of the first year after which bonds have been issued and some proceeds spent.

*Section 5. 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 fifty-five percent (55%) of those voters voting on the proposition.

*Section 6. Request to County Officers to Conduct Election/Cost of Election.* The County Registrar 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. The District will reimburse the Registrar and the County for costs associated with the election as required by law.

*Section 7. Consolidation of Election and Canvass of Vote.*

(a) Pursuant to Section 15266(a) of the Education Code, the election shall be consolidated with the election on March 3, 2020.

(b) The Board of Supervisors of Alameda County is authorized and requested to canvass the returns of the election, as necessary, pursuant to Section 10411 of the California Elections Code.

*Section 8. Delivery of Order of Election to County Officers.* The Clerk of the Board is hereby directed to deliver or cause to be delivered, no later than December 6, 2019, (which date is 88 days prior to the date set for the election), one copy of this Resolution to the County Registrar with the completed Tax Rate Statement (in substantially the form attached hereto as **Exhibit C**), completed and signed by the Superintendent or her designee, and shall file a copy of this Resolution with the Clerk of the Board of Supervisors of Alameda County.

*Section 9. Ballot Arguments.* The members of the Board are hereby authorized to prepare and file with the County Registrar a ballot argument or rebuttal argument in favor of the proposition, within the time established by the County Registrar.

*Section 10. Intention to Reimburse.* The District may incur costs associated with bond-funded projects described in **Exhibit B** hereto prior to the issuance of bonds. For purposes of establishing compliance with the requirements of Section 1.150-2 of the regulations of the U.S. Treasury Department, the Board hereby declares its official intent to use proceeds of the bond to reimburse itself for lawful expenditures on capital projects described on the Bond Project List, up to a maximum principal amount of \$380 million.

*Section 11. Further Authorization.* The members of this Board, the Superintendent, and the Assistant Superintendent of Business Services of the District (each, a "District Representative") 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, including non-substantive modification of the Full Ballot Text, the Ballot Label, and Tax Rate Statement if he or she determines such modifications are necessary and in the District's best interests. This Resolution and all of its Exhibits that are filed with the County Registrar by a District Representative shall constitute the final, binding ballot proposition of the District and such submitted proposition shall be deemed ratified and approved by the Board.

*Section 12. Effective Date.* This Resolution shall take effect upon its adoption.

PASSED AND ADOPTED this day, November 20, 2019, by the following vote:

AYES:

NAYS:

ABSTAIN:

ABSENT:

APPROVED:

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President of the Board of Education of the  
Berkeley Unified School District

Attest:

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Clerk of the Board of Education of the  
Berkeley Unified School District

**EXHIBIT A**

**BALLOT LABEL**

To improve school facilities, construct/ modernize classrooms and campuses, complete seismic upgrades, construct science labs/ career technical education facilities, upgrade furnishings, equipment, technology, renovate playgrounds, improve energy efficiency, and qualify for State grants, shall the Berkeley Unified School District adopt a measure authorizing \$380,000,000 in bonds at legal rates, generating approximately \$21,347,300 annually at an average rate of 4.45 cents per \$100 while bonds are outstanding, with independent citizen and auditor oversight and all funds remaining local?

Bonds – Yes \_\_\_\_\_

Bonds – No \_\_\_\_\_

## **EXHIBIT B**

### **BERKELEY UNIFIED SCHOOL DISTRICT BOND PROPOSITION FULL BALLOT TEXT**

By approval of this proposition by at least 55% of the registered voters voting thereon, the Berkeley Unified School District shall be authorized to issue and sell bonds of up to \$380 million in aggregate principal amount to provide financing for the specific school facilities projects listed below in the Bond Project List, subject to all of the accountability safeguards specified herein.

#### **SECTION I: KEY FINDINGS**

- The Berkeley Unified School District (“District”) has served the community for well over a hundred years. The success of District students is a direct reflection of the great teachers, staff and leadership, challenging academics, and strong community support they receive.
- The District has made considerable progress in repairing, upgrading and improving our local schools over the past several years. The District is more accessible to all students and has upgraded instructional technology, improved student safety and repaired some of the aging school facilities.
- School safety and security is a high priority for the District and additional school improvements are needed in order to better prepare campuses to ensure the safety of students from natural disasters and other threats and risks.
- In order to ensure that students are ready for college and/ or career, provide additional facilities and modernizations to support opportunities for career technical education, as well as improved facilities to support science, technology and other aspects of 21<sup>st</sup> century learning.
- The District is committed to continuing a strong educational program for the students it serves, and to attracting and retaining quality staff by providing safe and secure schools that are equipped to support changing educational needs, methods and standards. The Board, acknowledging the significant benefit that the prior bond programs have provided for District students and the community, desires to build upon this success by raising additional funds to address the additional needs described herein.

#### **SECTION II: ACCOUNTABILITY MEASURES**

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

***Evaluation of Needs.*** The District’s Board of Education (“Board”) has prepared an updated facilities plan in order to evaluate and address all of the facilities needs of the District at each campus and facility, and to determine which projects to finance from a local bond at this time. The Board hereby certifies that it has evaluated safety, class size reduction and information technology needs in developing the Bond Project List.

**Independent Citizens' Bond Oversight Committee.** The Board shall establish or empower an existing independent Citizens' Oversight Committee (pursuant to Education Code Section 15278 *et seq.* of the California Education Code), to ensure bond proceeds are expended only for the school facilities projects listed in the Bond Project List. The committee shall be established or empowered within 60 days of the date when the Board enters the results of the election in its minutes.

**Annual Performance Audit.** The Board shall conduct or cause to be conducted an annual, independent performance audit to ensure that the bond proceeds have been expended only on the school facilities projects described in the Bond Project List.

**Annual Financial Audit.** The Board shall conduct or cause to be conducted an annual, independent financial audit of the bond proceeds until all of those proceeds have been spent for the school facilities projects described in the Bond Project List.

**Annual Report to Board.** Upon approval of this measure 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 shall cause a report to be filed with the Board no later than December 31 of each year, commencing on the first December 31 after bonds have been issued and proceeds spent, stating (1) the amount of bond proceeds received and expended in the past year, and (2) the status of any project funded or to be funded from bond proceeds. The report may relate to the 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.

### **SECTION III: BOND PROJECT LIST**

This Bond Project List, which is an integral part of this measure, describes the projects the District proposes to finance with proceeds of the bonds. All information contained within this "Section III: Bond Project List" (hereinafter "Bond Project List") comprises the list and description of permissible projects and expenses that may be paid from bond proceeds.

Proceeds from the sale of bonds authorized by this measure shall be used only for the construction, reconstruction, rehabilitation, or replacement of school facilities on the Bond Project List, including the furnishing and equipping of said school facilities, or the acquisition or lease of real property for said school facilities, and **not** for any other purpose, including teacher or administrator salaries and other school operating expenses.

In order to meet all identified facility needs, the District intends to complete the following projects using a combination of funding sources. Other anticipated sources may include joint-use funds, development impact fees, state funds, and other available funds. The District will pursue state matching funds if and when they become available, and if received, they will be used for and mainly applied to projects on the Bond Project List or other high priority capital outlay expenditures as permitted in Education Code section 17070.63(c) or as otherwise permitted by law and regulation.

Unless otherwise noted, the projects in the Bond Project List are authorized to be completed at each or any of the District's sites, as shall be approved by the Board:

- Berkeley Arts Magnet Elementary
- Cragmont Elementary
- Emerson Elementary

- Jefferson Elementary
- Malcolm X Elementary
- Thousand Oaks Elementary
- M.L. King Jr. Middle School
- Berkeley High School
- 1810 Hopkins Pre-school
- Plant Operations / Maintenance Facility
- John Muir Elementary
- Oxford Elementary
- Washington Elementary
- Longfellow Middle School
- B-Tech High School
- Franklin Pre-school
- West Campus Facility
- Transportation Facility
- Sylvia Mendez Elementary
- Rosa Parks Elementary
- Willard Middle School
- Berkeley Adult School
- King Pre-school
- Moellering Field

While the District has budgeted to complete specific projects, due to potential cost escalation, unforeseen conditions, and other factors, placement of a project on the Bond Project List is not a guarantee that every project listed will be completed. Furthermore, while no specific project is dependent on the receipt of state funding for completion, approval of this measure does not guarantee that all projects on this Bond Project List at all listed sites will be funded beyond the local revenues generated by this measure. The District's proposal for the projects assumes the receipt of some state matching funds, which could be subject to appropriation by the Legislature or approval of a statewide bond measure.

Specific projects to be funded by the bond measure may include, without limitation, and in no particular order, the following:

**A. BERKELEY HIGH SCHOOL IMPROVEMENTS**

- Complete the modernization of Berkeley High School Florence Schwimley Little Theater, including seismic upgrade and remove the accessibility barriers to meet Americans with Disabilities Act requirements and modernization.
- Replace antiquated Heating and Ventilation system in Building C. This project may include ancillary structural and finish upgrades to accommodate the new system
- Construct a parking structure on the existing parking lot/tennis courts located on Milvia Street. Parking structure to be multi-level and to accommodate staff parking and will include tennis courts on the roof to support the BUSD tennis program, physical education and community use when not in use by BUSD programs.

**B. CONSTRUCTION OF NEW PROJECTS AND ACQUISITION OF NEEDED EQUIPMENT**

- Construct new classrooms and classroom buildings to accommodate growth in enrollment, including elementary and pre-kindergarten enrollment growth.
- Construct new Career Technical Education center and technology training classrooms, classroom buildings, science labs and other facilities, and renovate, rehabilitate or reconstruct classrooms and facilities to accommodate career, technical and science education.
- Acquire and install or upgrade classroom technology equipment and fixtures, including computers, digital projectors, cameras and similar equipment.
- Upgrade, replace existing or acquire new school, office and District-wide computer and data, voice, and audio-visual communications systems, including computers and computer network equipment and electrical infrastructure to accommodate technology upgrades.
- Acquire and install solar electricity generation and distribution systems, including rooftop installation of solar panels, construction of parking lot shade structures and

other structures to support solar panels and related infrastructure, and electrical system enhancements to accommodate solar power. Rehabilitate and replace such systems and equipment as needed in the future.

- Acquire and install energy-saving improvements, including upgraded insulation, efficient lighting, windows and window coverings, shade canopies, energy management and conservation systems, and other passive technologies.
- Construct new or renovate existing kitchens and serving areas at school sites.
- Seismically renovate or replace District Maintenance, Food Service, and Warehouse buildings.
- Furnish and equip schools, classrooms, science and technology labs, gyms, school offices, and other District facilities, which may include desks, chairs and classroom furniture, computers and audio-video production equipment, science, lab and technical equipment, kitchens and culinary equipment, gymnasium and physical education equipment, school site maintenance equipment, moveable partitions, copy machines and other school office equipment. Furnishing and equipping shall include initial purchases, and scheduled and necessary replacements, upgrades and updating technology.
- Construct classrooms and classroom buildings, laboratories, libraries, lecture halls, multipurpose rooms, theaters, art and music instruction and recital rooms, and other educational facilities, gymnasiums and other physical education facilities, and maintenance and support facilities, to meet expanding and changing educational program needs at all grade levels.

**C. RENEWAL OF BUILDING SYSTEMS AND REPLACEMENT AND IMPROVEMENT OF EXTERIOR GROUNDS**

- Upgrade, replace and install improved building infrastructure systems and system components, including for plumbing, gas, electrical, lighting, heating, ventilation and air conditioning systems; water supply, sewer lines and storm drains, and connections to city systems.
- Upgrade, replace and install smoke and fire detection and suppression systems, and security systems, including cameras, intrusion detection, and alarm systems; doors and door locks, windows and window locks; public address, telephones, and emergency communications.
- Renovate, replace or construct classrooms that have not yet been modernized, including doors, windows, walls, ceilings and floors and finishes, carpets, drapes, window coverings, lighting, sinks, fixtures and equipment.
- Renovate, replace or construct and equip school kitchens, cafeterias, and teaching kitchens, including school gardens, food preparation, food storage, serving and dining areas.
- Renovate, replace or construct other educational support facilities.
- Construct or renovate restrooms as needed to support population size, remove accessibility barriers, and meet Americans with Disabilities Act requirements.
- Install, construct, renovate or rehabilitate site improvements, including pedestrian paths, sidewalks and walkways, exterior shade canopies and rain structures, outside gathering and eating areas, lawns, quads and courtyards, benches; landscape

improvements, irrigation and drainage; vehicle roads and parking, including reconfigured or new pickup/drop-off areas, ingress, egress, traffic lights and mitigation.

- Install or replace exterior safety lighting, fencing, security monitoring and alarm systems, signage, electronic message boards.
- Renovate, replace or construct physical education playgrounds and athletic fields and associated facilities, including all-weather tracks, natural or artificial turf fields, courts and stadiums, lighting, bleachers and restrooms. Provide storage for physical education, athletic and grounds maintenance equipment.
- Resurface, refurbish, repair and paint building exteriors.
- If and as opportunities become available, and to the extent the Board determines that bond funds are available for the purpose, acquire additional locations and construct, convert, renovate or improve such additional locations as the Board determines may be necessary and appropriate to serve designated educational purposes.

#### **D. PERFORMANCE OF ADDITIONAL NECESSARY AND INCIDENTAL PROJECTS**

- Remove, dispose of, and otherwise remediate hazardous materials, including asbestos, lead, etc.; address other unforeseen conditions revealed by construction or modernization (including plumbing or gas line breaks, dry rot, seismic and structural deficiencies, etc.). Acquire or construct other improvements required to comply with building codes, including seismic safety requirements, the Field Act, and access requirements of the Americans with Disabilities Act (ADA).
- Perform necessary site preparation or restoration in connection with new construction, renovation or remodeling, or installation or removal of relocatable classrooms, including demolition of 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.
- Acquire or construct storage facilities and other space on an interim basis, as needed to accommodate construction materials, equipment, and personnel, and interim classrooms (including relocatables) for students and school functions or other storage for classroom materials displaced during construction.
- Lease any of the facilities on the Bond Project List or acquire through lease-purchase or other appropriate financial arrangements; execute purchase option under a lease for any of these authorized facilities or other District facilities currently under lease.

Listed projects, repairs, improvements, rehabilitation projects and upgrades will be completed as needed. Projects may be done in phases, based on the Board's priorities. Decisions regarding the scope, timing, prioritization or other facets of project implementation will be made solely by the Board by subsequent action. Where terms such as "renovate," "modernize," "upgrade," and "improve" are used in the Bond Project List, the Board has the discretion to determine the best method for accomplishing the project's objective. For any listed project involving renovation or modernization of a building or the major portion of a building, the District may proceed with new replacement construction instead (including any necessary demolition and building relocation), if the District determines that replacement and new construction is more practical than renovation, considering the building's age, condition,

expected remaining life, comparative cost and other relevant factors. In addition, where feasible, projects may be completed in partnership with other public or private agencies on a joint use basis using bond proceeds, subject to federal tax rules and regulations.

Each project is assumed to include its share of costs of bond issuance, architectural, engineering, legal and similar planning costs, construction management, bond project staff and consultants, staff development and training expenses associated with learning construction techniques and approaches and new bond-funded equipment and systems, the furnishing and equipping of all projects, including equipment to maintain facilities in a safe and clean condition, and a customary contingency for unforeseen design and construction costs. Payment of the costs of preparation of facilities planning and project implementation studies, feasibility and assessment reviews, master planning, environmental studies, permit and inspection fees, Division of State Architect (DSA) - related requirements, studies and assessments, including ADA and seismic, and temporary housing and relocation costs for dislocated programs or activities caused or necessitated by projects on the Bond Project List are permissible bond expenditures.

The final cost of each project will be determined as plans are finalized and projects are completed. Based on the final costs of each project, certain of the projects described above may be delayed or may not be completed. Necessary site preparation, grading or restoration may occur in connection with acquisition of property, new construction, modernization, renovation or remodeling, or installation or removal of modular classrooms, including ingress and egress, removing, replacing or installing irrigation, utility lines, trees and landscaping, relocating fire access roads and acquiring any necessary easements, leases, licenses or rights of way to the property.

While no specific project is dependent on the receipt of state funding for completion, approval of this measure does not guarantee that all projects on this Bond Project List at all listed sites will be funded beyond the local revenues generated by this measure. The District's proposal for the projects assumes the receipt of some state matching funds, which could be subject to appropriation by the Legislature or approval of a statewide bond measure.

#### **SECTION IV: ADDITIONAL SPECIFICATIONS**

**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 on the Bond Project List, including the furnishing and equipping of said school facilities, or the acquisition or lease of real property for said school facilities, and not for any other purpose, including teacher and administrator salaries and other school operating expenses.

**Joint Use.** The District may enter into agreements with the City of Berkeley or other public agencies or nonprofit organizations for joint use of school facilities financed with the proceeds of the bonds in accordance with Education Code Section 17077.42 (or any successor provision). The District may seek State grant funds for eligible joint-use projects as permitted by law, and this proposition hereby specifies and acknowledges that bond funds will or may be used to fund all or a portion of the local share for any eligible joint-use projects identified in the Bond Project List or as otherwise permitted by California State regulations, as the Board shall determine.

**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.

**Other Terms of the Bonds.** The bonds may be issued and sold in several series, and in accordance with a financing plan determined by the Board of Education pursuant to requirements of law. When sold, the bonds shall bear interest at an annual rate and with a term not exceeding the statutory maximum. Furthermore, the weighted average maturity of each issue of bonds will not exceed 120 percent (120%) of the average reasonably expected economic life of the projects financed by the bonds, consistent with federal tax law. Bond funds may be used to reimburse the District for Bond Project List expenditures incurred prior to the election and bond issuance, in accordance with federal tax law.

The number of years the whole or any part of the bonds are to run shall not exceed 40 years from the date of the bonds or the date of any series thereof.

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, nor are the summary estimates, if any, provided in the Ballot Label. The actual tax rates, debt service 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.

In preparing this information, the District obtained reasonable and informed projections of assessed property valuations that took into consideration projections of assessed property valuations made by the County Assessor, if any, in accordance with Education Code Section 15100(c).

## **EXHIBIT C**

### **TAX RATE STATEMENT**

An election will be held within the boundaries of the Berkeley Unified School District ("District") on March 3, 2020 to authorize the sale of up to \$380,000,000 in general obligation bonds. If the bonds are approved, the District expects to sell the bonds in multiple series. Principal and interest on the bonds will be payable from the proceeds of tax levies made upon the taxable property located within the District. The following information is provided in compliance with Sections 9400 to 9404, inclusive, of the California Elections Code.

1. The best estimate from official sources of the average annual tax rate that would be required to be levied to fund this bond issue over the entire duration of the bond debt service, based on assessed valuations available at the time of the election or a projection based on experience within the same jurisdiction or other demonstrable factors, is estimated to be 4.5 cents per \$100 (\$45.00 per \$100,000). The final fiscal year in which the tax is anticipated to be collected is 2057/58.

2. The best estimate from official sources of the highest tax rate that would be required to be levied to fund this bond issue, based on assessed valuations available at the time of filing this statement or a projection based on experience within the same jurisdiction or other demonstrable factors, is estimated to be 5.9 cents per \$100 (\$59.00 per \$100,000) of assessed valuation, which is projected to occur in fiscal years 2025/26 through 2028/29.

3. The best estimate from official sources of the total debt service, including the principal and interest, that would be required to be repaid if all the bonds are issued and sold, will be approximately \$811,197,389, considering the assumptions set forth in sub-paragraphs (1) and (2) above. [This estimate results in a debt service ratio of 2.13 to 1, which is less than the maximum ratio of 4.0 to 1 allowed by Education Code Section 15144.1.]

If the bonds are approved, the duration of the tax levy shall continue until final payment of all bonds issued pursuant to the authorization. The tax shall be levied in an amount each year sufficient to pay the principal of and interest on all outstanding bonds issued pursuant to the authorization. Voters should note that the estimated tax rate is based on the ASSESSED VALUE of taxable property on the Alameda County 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 while the foregoing information includes conservative projections and estimates of assessed value, market interest rates, and the timing and amount of bonds issued in the future, the District will only issue bonds if the tax rate is at or below the maximum set forth above. The Alameda County Assessor is responsible for determining assessed value, the Alameda County Auditor-Controller is responsible for setting tax rates, and the Alameda County Treasurer-Tax Collector is responsible for the collection of taxes. The actual tax rates may vary over time based on changes in assessed value, and actual debt service may vary based on market interest rates and the timing of when the bonds are issued. 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 bond market conditions 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. The District is responsible for the timing and amount of bonds to be issued, which the District will only undertake if tax rates meet the parameters set forth in the above tax rate statement.

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Brent Stephens, Ed.D, Superintendent  
[Date]